LEGISLATIVE COUNCIL

Wednesday 29 April 2009

The PRESIDENT (Hon. R.K. Sneath) took the chair at 14:19 and read prayers.

LEGISLATIVE REVIEW COMMITTEE

The Hon. J.M. GAZZOLA (14:20): I bring up the 18th report of the committee 2008-09.

Report received.

WATER SECURITY

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:20): I table a copy of a ministerial statement relating to South Australia's High Court challenge made earlier today in another place by my colleague the Minister for Water Security.

SWINE FLU

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (14:20): I table a copy of a ministerial statement relating to an update on swine flu made earlier today in another place by my colleague the Hon. John Hill.

DRIVING RECORD

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (14:20): I table a copy of a ministerial statement relating to correction of driving history made earlier today in another place by my colleague the Hon. Tom Koutsantonis.

QUESTION TIME

SMALL BUSINESS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:22): I seek leave to make a brief explanation before asking the Minister for Small Business a question about small business closures.

Leave granted.

The Hon. D.W. RIDGWAY: On studying the government's State Strategic Plan I noted a number of targets, including targets T1.5, T4.7 and T4.11. Target T1.5 states:

> Business investment: exceed Australia's ratio of business investment as a percentage of the economy by 2014.

T4.7 states:

> Business innovation: the proportion of South Australian businesses innovating to exceed 50 per cent in 2010 and 60 per cent in 2014.

T4.11 states:

> Business expenditure: increase business expenditure on research and development to 1.5 per cent of GSP in 2010 and increase to 1.9 per cent by 2014.

We know that in the past decade this state has seen significant economic prosperity and employment growth. This government will claim that it is the result of its doing, but even it would be stretched to say that. It was under the stewardship of the former Howard government that we had such a wonderful economy—and, indeed, the whole world economy grew excessively.

The PRESIDENT: Order! The honourable member will refrain from opinion in his question.

The Hon. D.W. RIDGWAY: It is a very good opinion, I would think. However, on coming to office, the Labor government abandoned our food export program and it has not resourced the overseas trade offices, as was done under the former Liberal government. In fact, it closed a number of offices. In a *Sunday Mail* article of 8 March, Mr Max Baldock, President of the Small

Retailers Association, quoted some interesting figures. The article states that small business, in respect of the small retail sector, employs some 235,000 people and provides services often in competition with big business; it provides a wonderful service across our state. One of the alarming statistics is that Mr Baldock is quoted as saying that 26,000 small businesses operating in 2003 were not around in 2005. The article states:

> …there are now fears this attrition rate could double, with 42,000 shutting up shop between now and 2011.

My question is: will the minister explain why, given the best of economic times, record low interest rates and strong population growth, under the Labor government's watch 26,000 businesses ceased to exist in the first four years of this government?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:25): It will probably take me some time, but, first, I need to correct much of the misinformation in the preamble to the honourable member's question. I am pleased the honourable member has been reading the Strategic Plan, and I hope members opposite will be converts to the idea of having a plan which sets out the goals for the government. The honourable member talked about research and development. I note that in the statement released by the Economic Development Board in its recent report it emphasised the need to strengthen our effort in that regard. Yesterday, the Premier responded in a ministerial statement tabled in this chamber.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: Indeed, the seven years under this government has seen a strengthening and diversification of the economy in this state. We have seen the mining industry grow from $40 million a year in exploration with four mines to over $350 million a year with 11 mines and a number of others opening.

There has been a big expansion in our defence industry and we have diversified our economy. Against that we have, over the course of the past seven years in this state, been in the worst drought that this country has every recorded. One of the worst performing sectors of our economy in the past few years has been the rural economy, and the reason for that is simply the drought. When the irrigation industry, in particular, at the moment is down to 18 per cent of water allocations, clearly that has a huge impact on productivity in the rural economy. We can only hope that the rain that we have received in the past few days is a return to normal rainfall and that that sector of our economy, which inevitably has been performing badly because of the drought, will recover.

In his preamble the honourable member also claimed that we cut food export programs. During my time as minister for industry and trade we implemented a whole new—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: I will come to that in a minute because you are wrong on that as well. We actually increased trade through the Market Access Program (MAP), which has been helpful in assisting the economy in terms of exports. I know about those because I was in the portfolio at the time.

The honourable member claimed that we closed offices. Instead of spending, I think, $500,000 a year on the Hong Kong office, we were able to reach an agreement with Austrade whereby we could have an officer dedicated to South Australia within that organisation. Also, we added an office in Chennai in India, a rapidly growing market where this state had no representation. So, during that period of time we had additional representation in India, but we saved money in the process because we had done it by arrangement with Austrade.

Last week the Treasurer was in Vietnam. Vietnam recently joined the World Trade Organisation. It is one of the most rapidly growing economies and a country with great potential. We have a significant population of Vietnamese speaking people within our state, so the potential is great to develop our relations there and also in Chile. They were two extensions announced by the Deputy Premier and Minister for Industry and Trade last week.

So much of the preamble of the honourable member's question is completely incorrect. Small business is an important sector of the economy, and from time to time there will always be a significant downturn, particularly in the retail sector. I was at the function where Mr Brownsea made those comments and I was able, as I am sure the Leader of the Opposition was, to talk to many of the people from the retail trade group in relation to the current situation.

What we can say is that all the indicators are that this state is performing as well as, if not better, than other states in Australia and, indeed, most of the world. However, with a global crisis of this dimension, to pretend that somehow or other we could be immune from that—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: Well, you need to look at the net impact on small business. We know that a lot of people perhaps retire and go into a small retail business, and they find that it is not for them and they move on. However, what is important is the overall health of the sector, and we know that all of the statistics—whether you are looking at bankruptcies or a whole range of ABS statistics—indicate that business in this state is performing well.

There is no doubt that the global financial crisis is biting; we all know that unemployment is rising; and we all know that small business will face an increasingly difficult time in coming months. However, all those statistics also indicate that this state is performing as well, if not better, than other parts of Australia and, indeed, most of the world. To try to pretend, as the Leader of the Opposition in the other place does, that somehow or other we can be immune from the financial crisis is just nonsense.

KLEENMAID

The Hon. J.M.A. LENSINK (14:31): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs questions about Kleenmaid.

Leave granted.

The Hon. J.M.A. LENSINK: Kleenmaid is a white goods company with its headquarters based in Maroochydore in Queensland, with a number of franchises around Australia. On 9 April, Kleenmaid went into voluntary administration, and Deloittes was appointed as administrator. It has been reported that some $27 million worth of orders are outstanding nationwide. It has also been reported that unsecure creditors (those who have prepaid or paid deposits on Kleenmaid goods) will not be considered as having any form of payment return and that employees and the secured creditors will have the first call on funds.

I have been contacted by a constituent who has been affected by this fall over. On 26 July last year, he purchased goods to the value of some $7,500, as part of a package of other goods. He did not receive those particular goods to the value of $7,5000, and he has now been informed by Deloittes that, as an unsecured creditor, he will not receive the goods and nor will his $7,500 be repaid. Yet, when he was paying upfront, as he was advised by Kleenmaid to do last year, some nine months before Kleenmaid went into receivership, he was advised that the franchise had insurance if anything went wrong. My questions are:

1. Is the minister aware of how many South Australians have been affected, and what is the total amount of either stock owed or outstanding funds?

2. What is the Office of Consumer and Business Affairs doing to help customers in this situation?

3. Why is there no information available on the OCBA website?

4. Has the government had any contact with the Queensland Office of Fair Trade, the minister Peter Lawlor MP or, indeed, ASIC and, if not, why not?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (14:33): I thank the honourable member for her most important question. Indeed, it is always very disturbing and distressing to see companies such as Kleenmaid go into receivership. A number of my family members have had Kleenmaid washing machines for just about all their life. Kleenmaid is a household name, so it is very distressing to see this turn of events.

I am happy to seek clarification, but my understanding is that this type of business situation is covered under the Corporations Act and is therefore the responsibility of the Attorney-General. As I have said, I am happy to clarify that, but it is my understanding that the Attorney-General is dealing with it, because these matters are dealt with under the Corporations Act. I will seek clarification, though, and bring back a response if I need to.

DISCRIMINATION

The Hon. S.G. WADE (14:34): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about discrimination.

Leave granted.

The Hon. S.G. WADE: On 7 April 2009, this council passed the equal opportunities bill. Under the act and the bill, discrimination occurs when a person treats another person unfavourably on particular grounds, such as a disability.

Yet, within the month, on 26 April 2009 the *Sunday Mail* revealed that students with disabilities at the Mount Barker South Primary School are being dressed in fluoro vests and spending their breaks in a separate, fenced playground dubbed 'the cage'. Parents and disability advocates have expressed the concern that the practice of segregating children with disabilities promotes a mindset of segregation which undermines the principles of inclusion and community engagement.

I quote particularly from a comment by the mother of a child with a disability which was recorded on the *Adelaidenow* website:

> South Australia has a policy of inclusion for children with disabilities, including autism. This policy implies that children with special needs will be included into mainstream school settings, with their needs catered for by the Education Department. This is not happening. Teachers are being left to teach children with many disabilities without...training, and schools are not being provided with adequate funding to support these students, either in the form of support workers or infrastructure like adequate fencing. This means that 'inclusion' is just not possible, and exclusion, both social and physical, is the most common outcome for our kids.

My questions are:

1. How can the government claim to be focused on inclusion and removing discrimination when it is marking and segregating children with disabilities within the government's own schools?

2. What steps will the government take to ensure that schools and other government agencies appropriately and consistently apply principles of non-discrimination?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (14:36): I thank the honourable member for this most important question. The issue of disabilities or discrimination on the grounds of disability is again outside my ministerial responsibilities. It does go between both the education minister and also the Minister for Disability, Jennifer Rankine, but I understand that minister Jane Lomax-Smith has been taking the lead in relation to this issue at that particular primary school. I have been advised that she has put out a media release with respect to that, so I can direct the member to that. I am happy to pass on the question to the relevant minister in another place and bring back a response.

OPEN SPACE

The Hon. R.P. WORTLEY (14:37): Will the Minister for Urban Development and Planning provide details on how regional South Australia is sharing the benefits of the government's Open Space and Places for People initiatives?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:37): Yesterday I am sure the council will recall that following a question asked by the Hon. Carmel Zollo I gave some details about how urban South Australian councils are being supported by this government in their role of identifying grassroots projects which can help beautify this state and provide jobs to local contractors.

Many of these projects have been greatly assisted by the Open Space and Places for People grant schemes, but metropolitan councils are not the only ones to benefit from the more than $48 million invested in the—

The Hon. S.G. Wade interjecting:

The Hon. P. HOLLOWAY: Well, you just used the *Sunday Mail* for your questions. They are pretty lame ones, too. Metropolitan councils are not the only ones to benefit from the more than $48 million invested in these local projects during the past seven years. Regional councils recently

shared grants worth more than $2 million to improve and beautify public space in their corner of the state. These grants from the Planning and Development Fund will assist regional councils to invest in local projects worth a total of more than $3.6 million, ensuring that all South Australians share in the improvements made possible by the Open Space and Places for People initiatives.

The millions of dollars in grants will create work for tradespeople and labourers throughout South Australia at a time when regional communities are also facing challenging economic times. The investment in public infrastructure, while beautifying townships, also ensures that South Australian families in regional areas do not miss out on the high quality facilities, such as bikeways, picnic areas and play equipment, enjoyed by suburban communities in metropolitan Adelaide.

More than $9.3 million in Open Space and Places for People grants have been directed to regional South Australia and a further $3.48 million to outer metropolitan Adelaide councils since 2002, so I suggest that more than the population share has gone to regional areas, because the government does care about the regional parts of South Australia. The latest grants for regional South Australia from the Open Space and Places for People initiative are:

- $410,000 to the City of Mount Gambier to capitalise on the redevelopment to create a culturally rich urban space, incorporating water sensitive urban design by creating a biofiltration system within the public landscaping setting that connects an urban wetland. Revitalising the Civic Centre, Plaza and promenade space will also improve accessibility and public safety;
- $380,253 to the District Council of Lower Eyre Peninsula to develop a recreation area along the foreshore at Coffin Bay, which will include viewing platforms, a lookout, a children's play space, a toilet block and shelter, seats, picnic tables, barbecues and landscaping;
- $300,000 to the District Council of the Copper Coast to implement the detailed design plans for the promenade area at the Wallaroo foreshore. The development will encourage walking and cycling around the town and improve the visitor experience of the foreshore. The development adjacent to the ferry terminal will provide seating, viewing platforms and informative signs;
- $201,500 to the District Council of Robe to develop a new recreation reserve within the town of Robe. The project will comprise a new play space, flying fox, outdoor exercise equipment, walking and cycle tracks, park furniture, electric barbecues, lighting and shelters. This park will link existing trail networks, the main street and the foreshore;
- $186,500 to Alexandrina Council to redevelop the Horseshoe Bay foreshore that will provide the community with a rejuvenated and functional foreshore promenade. The project seeks to improve access to the beach, create links between key locations within the precinct using path and boardwalks, public art work, improved signs and revegetation and stabilisation of the dunes using native coastal flora;
- $117,000 to the District Council of Streaky Bay to develop a recreation precinct in Streaky Bay and to include an outdoor play space, trail links to the foreshore and other trail networks, landscaping and park furniture;
- $150,000 to Kangaroo Island Council as the first instalment. I have indicated that in the next year we will make another $100,000 available to undertake stage 2 of the Kangaroo Island town centre plan, comprising capital works and detailed design developments for streetscapes, coastal shared-use paths and entry statements within major towns;
- $90,000 to Renmark Paringa council to develop a modern outdoor adventure site, providing fun and challenging activities for children and youth. The playground will be disability friendly (both physical and intellectual disability) and easily accessible for the local community and visitors to the area. Shaded areas will also be included in this development;
- $64,500 to the District Council of Tumby Bay to implement stage 2 of the master plan developed for the foreshore. The grant will enable the relocation and upgrade of the toilet block, provide and install new shade structures along the foreshore, develop access points to the beach, install a linear walking trail along the foreshore and landscaping;
- $60,000 to the District Council of Streaky Bay to prepare an open space and township strategy to provide strategic direction and priorities for planning and development for the

town of Streaky Bay. This strategy will incorporate open space and trail opportunities, pedestrian and cyclist linkages, coastal foreshore development, streetscape and landscaping, as well as improved traffic management; and

- $30,000 to the District Council of Mount Barker to undertake detailed design documentation for the Mawson Road streetscape and the adjacent open space and creek areas in Meadows. The design documentation will include tree selection, street furniture, public art and the upgrade of Battunga Park.

It keeps rolling out, as follows:

- $30,000 to the District Council of Orroroo Carrieton to develop the main street and beautify the entry median strip using landscaping, paving and native plants;
- $20,000 to the District Council of Mallala to undertake design guidelines and desired future character statement for Two Wells. The project will also include designs for a market plaza to create a gateway for future retail, recreation and open space development; and, last but not least
- $15,000 to the Coorong District Council to undertake an urban design framework for the Meningie commercial precinct, which incorporates a retail strip, angle parking and public open space. The framework will spatially plan steps to revitalise and regenerate the local business precinct and adjacent public spaces to improve pedestrian safety and traffic management.

I look forward to considering the next round of grants recommended by the Public Space Advisory Committee and ensuring that regional South Australia, like our metropolitan areas, has the opportunity to share in some of these great projects that have provided such tangible benefits to its local communities in terms of jobs and the facilities they provide.

TRANSPORT POLICY

The Hon. R.L. BROKENSHIRE (14:45): I seek leave to make a relatively brief explanation before asking the Minister for Mineral Resources Development, representing the Premier, a question about South Australia's transport revolution.

Leave granted.

The Hon. R.L. BROKENSHIRE: Some months ago Family First asked several questions on notice and lodged a number of FOI requests regarding the $2 billion transport revolution announced in last year's budget. The announcement last year focused on providing rail links to several entertainment venues such as AAMI Stadium and the Entertainment Centre, rather than assisting commuters to get to and from work.

In essence, Family First asked for details about what options were considered other than the announced plans. We have just had two freedom of information requests returned, obviously with my request for information denied, as is usually the case. Nevertheless, as required by law, we were provided with the titles of the documents refused. It seems to me that no other plans were even considered, apart from the rail link to AAMI Stadium, the Entertainment Centre and Semaphore.

There is an impact and an urban and property impact study on the current extension; a contributory parcel evaluation; one report (by SKM) which seems to have dealt with the Glenelg tramline; another report by InfraPlan which, according to the website, was simply an urban regeneration and property impact analysis into light rail investment; and a UniSA study into the city tramline. Recent answers to our questions on notice seem to back up the argument that no plans other than the announced plans were even considered. There were no studies listed regarding proposals to provide better rail coverage to the northern, eastern or southern suburbs or even to the Barossa Valley, which already has an under-used freight line going to it.

In answer to those questions on notice, we were advised that 'no formal feasibility reports' were completed into restoring a rail service to the Adelaide Hills line, no plans of 'any level of detail' were prepared regarding a renewal of old rail lines to the southern suburbs and no feasibility studies detailing the full costs and benefits were ever prepared into allowing the Gawler train to continue to the Barossa Valley railway stations. Therefore, my questions to the minister are:

1. How much planning actually went into minister Conlon's $2 billion transport revolution?

2. Have we, in this parliament, been railroaded into a scheme that was drawn up on the back of an envelope?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:47): They are obviously matters for my colleague the Minister for Transport. However, what I can say is that this government's $2 billion transport revolution has two key components and one, of course, is the total revitalisation of our existing rail system. Before you can expand the rail system you have to make sure that the totally dilapidated system that we have had, where there was a complete lack of investment over many decades, has to be refurbished and, in the first instance, of course, electrified.

First of all, $2 billion is how much it is going to cost to resleeper those railway lines. Some of the sleepers, as I understand it, have been in place since the 1950s. So, to develop an effective public transport system we have to resleeper most of our rail system. I think the Port Adelaide line is the only line (if I recall correctly) which has been resleepered in recent times but the rest of the lines are to be done. I understand that the line up to Belair is currently being resleepered. Once that task is completed we have to electrify the rail line, which will mean the purchase of new rail stock.

When that is done and we have brought our transport system up from probably more like the mid 20th century to the 21st century, then we can move. I am not surprised that there would not be studies about making new extensions until this absolutely vital restructuring work is under way. There is not much point in extending the service if the lines and the rolling stock being used out to those destinations are totally inadequate. I think that is probably the explanation for the question. However, if there is anything my colleague the Minister for Transport wishes to add to that, I will refer the question to him.

COUNTRY HOSPITALS

The Hon. J.S.L. DAWKINS (14:50): I seek leave to make a brief explanation before asking the Leader of the Government questions about country hospital procurement contracts.

Leave granted.

The Hon. J.S.L. DAWKINS: In recent weeks the government has announced that it will introduce new procurement arrangements for stores, equipment and services for country hospitals, providing bulk acquisition and centralised distribution from the South Australian Distribution Centre at Camden Park.

The Minister for Health and his senior officers have repeatedly stated publicly that this will be more cost-effective. The opposition is now receiving correspondence and complaints from country small businesses whose equipment or services contracts have expired and will not be renewed.

An example of this is a small business in Port Lincoln that provides cleaning equipment and supplies, including chemicals, to hospitals throughout Eyre Peninsula. The loss of contract will have a devastating financial impact on the viability of this business and will result in a loss of employment and a loss of sponsorship for community groups around Eyre Peninsula. This example is replicated in many other communities, including Whyalla, Balaklava, Mount Gambier and the Riverland. My questions are:

1. Will the leader indicate whether a regional impact statement was prepared for and considered by cabinet before the decision to centralise procurement for country hospitals was made?

2. Was this policy referred to the Regional Communities Consultative Council for comment before being adopted?

3. In the leader's role as Minister for Small Business, was he consulted about the impact that this mad example of centralisation would have on regional small businesses?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:52): In relation to the detail of the first two questions, I will refer that to the Treasurer. In relation to the third question, obviously, these matters are discussed in cabinet. As Minister for Small Business, I have input at that level, but I am not proposing to breach the confidentiality rules of cabinet in relation to the details. Generally speaking, the honourable member needs to understand that, in the current

economic environment, we have seen revenues from GST alone dry up by several billions of dollars over the coming forward estimates period, and state revenue has also declined.

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: On the contrary, in this government's last budget there was a surplus of something over $500 million—the largest surplus, I believe, that the state has ever produced, and the first time in many years. It is somewhat of a contrast to the eight years between 1993 and 2001, when over $2 billion was added to debt outside of asset sales.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: Over $2 billion was added, while this government has had surpluses every year.

Members interjecting:

The Hon. P. HOLLOWAY: This is a line that the opposition has been coached to run, although it has not done too well with some of its lines in recent days. We had the Leader of the Opposition in the other place making some incredible claims about Scientology yesterday. One really wonders—

Members interjecting:

The Hon. P. HOLLOWAY: Yes; we hope the honourable member will tell you. Given it is a total set up, I would not be surprised if the Liberal opposition has been totally set up by—

The Hon. B.V. Finnigan: Probably Rob Lucas.

The Hon. P. HOLLOWAY: Yes; I must admit that the thought had crossed my mind. He is not here today to confirm that, so we will show some respect.

To get back to the question, we are facing a significant reduction in government revenues in the order of $1 billion or so a year according to the latest estimates. When you have that sort of revenue deficiency, clearly the government has to take hard decisions. This government has taken hard decisions in the past. That is how we turned the deficit budget we received into a surplus in our first year and, up until last year, we ran surplus budgets every year, including a record surplus in the budget last year.

Clearly, given the economic situation, we have to take hard decisions and that includes making sure that our government processes, including procurement, are as efficient as they possibly can be. It is all very well to say that jobs will be lost there but, if we do not have an efficient economy, experience and history show that we will lose even more jobs elsewhere.

COUNTRY HOSPITALS

The Hon. J.S.L. DAWKINS (14:55): I have a supplementary question. Is the minister aware that these regional small businesses provide vital items freight-free and on the same or next day to country hospitals around South Australia, something which will not be possible from Camden Park?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:56): Again, I make the point that one can always get arguments for and against but, at the end of the day, government is about taking hard decisions that are in the best long-term interests of the state. I think the strength of the economy, and the fact that we are performing better than other states—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: Yes, we are. It's GST, and a lot of that is because of New South Wales and because of the state of the economy in other states of the country, because we have to share obviously in the national economy. However, relatively speaking, the state has been performing well and that is because this government has been prepared to take tough decisions. We are mindful of these issues, and I will refer the specifics to my colleague in another place.

COUNTRY HOSPITALS

The Hon. T.J. STEPHENS (14:57): As a supplementary question, will the minister bring back to this council the proposed savings that these measures have brought into place given that our information is that there are no savings whatsoever with this measure?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:57): These are matters for my colleague. I will refer the question to him.

COUNTRY HOSPITALS

The Hon. J.S.L. DAWKINS (14:57): I have a further supplementary question. Will the minister concede that community groups and sporting organisations across regional South Australia rely heavily on sponsorship from regional small businesses such as those that I have mentioned here today?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:57): As Minister for Small Business, I am well aware of the important role that small businesses play in local communities in terms of sponsorship.

DROUGHT REACH PROGRAM

The Hon. B.V. FINNIGAN (14:58): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about the Women's Information Service.

Leave granted.

The Hon. B.V. FINNIGAN: Last year, I understand, the Women's Information Service initiated the Drought Reach program to respond to the needs of women living in drought-affected areas throughout South Australia. Will the minister inform the council about supports currently available to assist women in regional areas?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (14:58): I thank the honourable member for his very important question. As the member noted, Drought Reach was established by the Women's Information Service to ensure that women in rural communities are kept well informed of the range of government and non-government services that are currently available to support them during this very difficult time.

Twenty information sessions were arranged that provided women with up-to-date information on a wide range of different topics. Recognising that women in regional areas hold diverse roles and responsibilities, the Drought Reach sessions were created in such a way as to appeal to women in business and agriculture as well as residents of rural towns. As part of the broader Drought Reach program, a community grants component has now been made available. Known as the Rural Women's Community Grants, this initiative will fund projects targeted at women in rural and regional areas across the state.

Grants of up to $1,000 will be made available to new or existing women's groups and organisations that wish to provide support, information and education to women living in drought affected areas.

Three funding rounds will be offered throughout 2009, and the first round closed at the end of February. A diverse range of innovative programs and initiatives to support some of our most vulnerable communities across the state will now be able to go ahead, thanks to these grants. One of the first round grant recipients is Women in Horticulture, which will host a women's Looking after Yourself event in Kingston-on-Murray for up to 25 women. A dietician and speaker on stress management from Women's Health (Country Health SA) will be involved.

The Murray Mallee Communication Education Network will provide a 10 week workshop at Coonalpyn for women experiencing anxiety and depression. Women in Agriculture and Business Mallee Branch will host a bus trip, focusing on supporting local businesses and enhancing local networks. The bus tour will commence at Pinnaroo and travel to Banrock Station for a guided tour of its wetlands.

Applications are now being accepted for the second funding round which will close on 30 June. The rural women's community grants are jointly provided through a partnership between

government and non-government organisations, in particular Women in Agriculture and Business, Rural Solutions (which is part of Primary Industries and Resources SA) and the Women's Information Service.

Women in Agriculture and Business is a statewide support and communication network for rural women. The organisation has 31 branches and more than 500 members across South Australia. Each branch works to support local community projects, discuss issues relevant to rural women or attend workshops of an educational or cultural nature. Owing to its large network, Women in Agriculture and Business will be instrumental in promoting this opportunity amongst a broad sweep of community organisations, as well as ensuring resources are directed towards projects that have the greatest benefit for rural women.

I am pleased to inform the council of the involvement of the Women's Information Service in this initiative. As members are no doubt aware, the service relocated to Grenfell Street at the end of last year, and the city-based service continues to provide the full range of programs it offered at its previous location. However, there is a strong emphasis on expanding the provision of outreach support to women beyond the metropolitan area.

I am confident that rural women's community grants will be another useful way for the Women's Information Service to connect with women in regional locations across South Australia. Guidelines and application forms for the rural women's community grants are available on the Women's Information Service website, and more information can be obtained by telephoning the Women's Information Service.

WORKCOVER CORPORATION

The Hon. A. BRESSINGTON (15:03): I seek leave to make a brief explanation before asking the minister representing the Minister for Industrial Relations a question about WorkCover practice.

Leave granted.

The Hon. A. BRESSINGTON: Members will recall that last year in the WorkCover debate I raised the issue of the scheme critical list—a list that was apparently provided to magistrates in the tribunal. Names on the list were deemed significant, obviously. Basically, they would find it difficult to settle these cases because of the cost that could be incurred by the WorkCover Corporation. During my speech I mentioned that a person, who had previously worked for WorkCover, had said that the term 'scheme critical' had now changed to 'significant case'.

Last week I was provided with a WorkCover document from a file that was stamped '107B', which is the definition of a significant case. The definition says:

> Where a decision is made by the courts or tribunal that affects the management of the scheme and creates a fundamental risk to its viability, or where significant potential exists for such a decision to result, the matter is to be deemed a significant case. The corporation will endeavour to preserve the parliament's intention with regard to the application of the act. As a result, the corporation assumes full responsibility for that dispute and any other associated dispute, together with the costs thereof, until finalised.

This definition lays out quite clearly that decisions are being made about whether a case is a significant case or scheme critical before the evidence is even heard before the tribunal. I have a letter from the previous minister, the Hon. Michael Wright, stating that in fact the scheme critical list used to be passed on to the tribunal, but to his knowledge, as of this letter dated 2004, it no longer occurs. This document was found in a file heading to the WorkCover Tribunal, which no doubt would have seen the definition front up in the file. My questions to the minister are:

1. Who is authorised to make a determination that a case is either scheme critical or a significant case before any evidence has been heard before the tribunal?

2. When will the minister provide to the parliament the number of cases determined to be either scheme critical or a significant case throughout the past 20 years or since its inception? What has been the cost of litigating these cases?

3. Who by name and title was the architect behind the scheme critical list and significant cases list, and when was this practice approved by the minister, the parliament or the WorkCover Corporation in relation to any legislation passed in this place?

4. What remedy will the minister provide for those scheme critical or significant cases, especially where documents have been lost or removed from files to justify a scheme critical determination: in other words, 'no evidence, no case' is the final determination?

5. Finally, when will the minister refer this matter to the Anti-corruption Branch as a matter of great public interest?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:07): I will refer those questions to the Minister for Industrial Relations in another place and bring back a reply.

DEVELOPMENT POLICY

The Hon. R.D. LAWSON (15:07): I seek leave to make a brief explanation before asking the Leader of the Government in this place and Minister for Urban Development and Planning a question concerning development rules.

Leave granted.

The Hon. R.D. LAWSON: I have been consulted by constituents residing in Whiteleaf Crescent, Glengowrie, who for some considerable time have been concerned about a so-called four-row house development in their street. Application for planning approval was made to the Marion council and after that application had been made, at the suggestion of the council, the four-row houses, which would not be complying with the development plan, were separated notionally and turned into two semi-detached dwellings.

The residents in Whiteleaf Crescent were deeply concerned about the effect on their environment of this bulky development. They were also concerned by what appeared to them to be a number of serious variations between the proposal and the Marion development plan. These matters are as important as the site coverage, floor area ratios, parking provisions, garaging provisions, set backs from both the street and the side, provisions relating to natural light, on-site stormwater management and so on. These were very serious concerns. The council did not accept their concerns but rejected them out of hand, in effect, and appeared to the constituents to favour the developer in this proposal. The constituents actually wrote to the minister in July 2008.

The response they received from the minister was in the form of a letter, in respect of which the word processing machine seems to have gone berserk. However, the letter does say, in one of the several paragraphs that is repeated, that their only action would be to exercise their rights under section 85 of the Development Act and go to the great expense of applying to the Environment, Resources and Development Court. As they are ordinary citizens, that expense was not warranted. The council dismissed their concerns. The Ombudsman accepted the Marion council's assurances without actually undertaking an independent investigation. My questions are:

1. Is there any body, apart from the court, charged with responsibility for ensuring that councils do comply with the provisions of the Development Act and strictly comply with those provisions? The minister, from his own correspondence, suggests that he does not see that as his responsibility.

2. Does the minister believe that there ought to be some official established with that supervisory or monitoring role over councils, apart from the highly formal and expensive process of litigation?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:11): I am aware that a couple in Whiteleaf Crescent did write to me, as did their local member of parliament, Mr McFetridge. As the honourable member said, I did write back to them in July last year. I am also aware that the Ombudsman was investigating, and I will take the honourable member's word for it that he has completed that investigation. I also understand that a complaint has been made to OCBA in relation to that issue, but obviously I am unable to comment on that. I am not sure whether or not the issue has been resolved.

Essentially, of the 63,000 or so development applications that have been put before authorities this year, the vast majority of those (over 90 per cent) have been to local government; they are the principal authorities. I understand that, in this particular case, it was a merit application, and the council determined accordingly.

As the Minister for Urban Development and Planning, my role is as set out under the Development Act. The Environment, Resources and Development Court is the appropriate authority to appeal against planning decisions made by local government. Over the past couple of decades, various governments, through the Environment, Resources and Development Court as

the court of appeal, have attempted to make appeals against those decisions less burdensome than with other courts.

As the honourable member would be aware, I was asked a question yesterday by the Leader of the Opposition about part 12 of the Development Act, that part that particularly relates to private certification. In a lot of cases, private certifiers are the ones involved in certifying to the relevant authorities that a building has met the appropriate standards. As I indicated yesterday, clearly, there are issues that need to be addressed in relation to auditing those decisions, and that is one of the things I hope this new select committee will address.

I understand that the opposition has reservations about participating in the select committee. I hope that is not the case, because this is an important area of law. I hope the opposition does participate in that lower house committee, because I think there are some very important issues here in relation to what level of auditing and supervision is necessary in relation to building rule decisions.

The issues in this case are probably more planning than building decisions, although they may well overlap into the building area. To answer the honourable member's question, clearly in a little over four years now as Minister for Urban Development and Planning I have certainly become aware that there are some gaps in the planning and development laws and, as I said, some of those I hope will be addressed by that lower house committee.

Ultimately, for the vast majority of the 63,000 planning decisions we have in this state, local government is the appropriate authority, and this government does not wish to usurp that role. However, through our changes to the planning rules, in particular, the residential development code, we are hoping that, if up to 70 per cent of the building and planning decisions can be codified, that will enable councils to concentrate more of their planning efforts into the merit applications—the more complex decisions—and therefore we hope there will be better outcomes for local government in terms of their assessing development applications if their resources are better employed towards the more difficult cases rather than the more straightforward ones.

In this instance, given the nature of the building, it may well have been one of those more complex cases. Apart from that, I do not believe it would be appropriate for me to say much more about that particular case, given that I assume some legal action or action by OCBA may still be outstanding in relation to that case.

FORT LARGS

The PRESIDENT (15:17): I have a question for the minister representing the Minister for Police. Will the minister please ask the Minister for Police to go easy on the training schedule for our security people at Fort Largs?

SMALL BUSINESS

The Hon. I.K. HUNTER (15:17): My question is to the Minister for Small Business. How is the South Australian government assisting small business to better respond to the global financial crisis?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:17): The Department of Trade and Economic Development runs the Better Business series workshops to help existing small business operators improve their growth and profitability. Incorporating three hour workshops on a range of topics, this series has become a valuable source of information and insight for small business operators in this state. The panel presenters are all business operators, so they can speak from firsthand experience. Workshops are scheduled for a two to three month period, and topics are rotated throughout the financial year based on need.

Due to the popularity of these workshops, they have been growing in size every year, and topics are being revised and extended on a regular basis. About two new workshops are scheduled each month to maintain interest in the series and keep the topics up to date with current circumstances and trends.

There are currently more than 50 topics in the Better Business series program, including developing selling skills; customer relationship management; strategy marketing; how to effectively promote a service business; developing business plans; introduction to the marketing basics; developing your brand; getting your name out there; budgets for better business; selling products or services over the internet; winning government tenders; eight simple rules to create a promo

brochure in-house; accurate costing for profitable pricing, manufacturing or services; how to attract and keep good staff; setting up and managing your website; and systemising your business for a less stressed life.

South Australia's economy now faces the challenge presented by the fallout from the global financial crisis, an event that threatens to push most developed economies into recession. In response to this worldwide crisis, a new series of workshops called Doing Business in Difficult Times has been introduced to the series to help small businesses manage the impacts of economic change. The new workshops are specifically targeted to address timely topics covering overall business management as well as the specific aspects of business.

For example, the following workshops are included in the series. The first is managing business in economic downturn, which focuses on key areas of business that need to be addressed and managed in light of the new economic trends. Topics addressed within this workshop include strategies to generate sales in the current economic environment, the significance of effectively managing business financials and cash flow management, practical strategies for reducing input expenses, development of relevant performance measures, and development of new business and action plans and services that can help. The emphasis of these workshops is on leadership in tough times and holding the right team together.

'Survival tips in economic downturn' workshops provide participants with the information and tools they require to investigate further their business needs from the perspective of an uncertain marketplace. Participants are introduced to a range of diagnostic tools they can use to analyse their own businesses, and they are offered a free business diagnostic consultation after the workshop.

The 'How to survive and thrive tips for tough times' workshops address consumer buying habits and how they change in economically difficult times. This allows businesses to understand trends and adapt their approaches. The key topics focus on: how to change or develop new approaches, such as buying trends; pitfalls and how to avoid them; cost structures and spending; strengthening relationships with suppliers and stakeholders; streamlining processes; improving customer service; and using low cost direct response marketing techniques.

'Selecting the right projects in difficult times' workshops cover project evaluation and deciding between projects in times when setting priorities is increasingly important. 'Reducing risk with business continuity planning' workshops look at preparing for the unexpected during an economic downturn and reducing the impact on business through assessing risks, the impact that risks may have, the disruption to business products or services and risk planning.

'Boosting your trade business in hard economic times' workshops investigate the significance of small jobs and maximising your cash flow, maximising staff retention and investing in training. This government is confident that these workshops will assist small business owners and operators to understand the impact of the global financial crisis so that they will be able to develop strategies to enable them to prosper from this new and challenging business environment.

To ensure that small business operators are able to take advantage of the workshops, information can be found through the Department of Trade and Economic Development; a DTED information sheet, entitled 'Doing business in difficult times'; emails to DTED website subscribers and the customer relationship manager database; the Business Enterprise Centre and Regional Development Board network; and *The Advertiser*'s SA Business Journal section.

I urge all members to encourage small business owners and operators to take part in these workshops. By preparing small businesses to withstand the fallout from this worldwide economic challenge, this government is confident that South Australia will continue to weather this global storm and emerge with an economy that is stronger than it is today.

ANSWERS TO QUESTIONS

SA LOTTERIES

In reply to the **Hon. J.M.A. LENSINK** (5 March 2009).

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy): I am advised that:

1. SA Lotteries' corporate campaign production advertising cost is $597,000 during 2007-08 and 2008-09.

2. The South Australian community benefits from SA Lotteries with approximately 95 cents in every dollar being returned to the South Australian community in some form, i.e. prizes to players, distributions to the Hospitals Fund and Recreation and Sport Fund, commissions to agents (principally small business operators) and South Australian suppliers of goods and services.

3. SA Lotteries is a self-funded Statutory Authority and has not been asked to contribute to the budget savings of $9 million for advertising.

BAROSSA RAIL SERVICE

In reply to the **Hon. D.G.E. HOOD** (19 June 2008).

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy): The Minister for Transport has advised that:

1 TransAdelaide has advised that it has no knowledge of the report in question.

2 No.

3 Genesee Wyoming Australia (GWA) purchased the rail track and infrastructure assets of the former Australian National Railway Commission (ANRC) from the Federal Government when they sold ANRC in 1998.

I am advised that the old dilapidated station building at Nuriootpa, which is owned by GWA is in a dangerous condition due to vandalism. The building also contains asbestos. GWA has contacted the relevant council to arrange demolition.

MATTERS OF INTEREST

LIBERAL PARTY

The Hon. R.P. WORTLEY (15:22): I rise today to make some observations on a matter of considerable interest not only to those in this chamber but also to the people of South Australia—that is, the difficulty the Liberal Party has, in both the federal and state arenas, to persuade the electorate that it has any application whatsoever and any relevance whatsoever to current debate beyond an extraordinary level of negativity or the propounding of a number of ludicrous schemes intended to resuscitate its political future.

First, let us look briefly at the federal arena. I am hard pressed to think of just about any important legislative measure proposed by the Rudd government that has not been greeted by a chorus of negativity on a colossal scale. Despite carping about its size, the coalition eventually supported the initial economic stimulus package that was launched by the Prime Minister last October; since then, we have heard nothing but criticism ranging from the petulant to the vicious.

Frequently, we have heard outright antagonism to initiatives—acknowledged not only by the IMF but also by many Western democracies as one of the best stimulus packages in the world—to protect Australia from the full impact of the global economic crisis. These initiatives include the second stimulus package, subsidies for the car industry, bank guarantees to protect families' savings, employment and transition programs and the recently announced national broadband scheme.

The Hon. T.J. Stephens interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): The Hon. Terry Stephens will cease interjecting.

The Hon. R.P. WORTLEY: They hate hearing the truth, Mr Acting President. What is the result of all this negativity? Plummeting approval ratings. The last time I looked at Newspoll—

The Hon. T.J. Stephens interjecting:

The ACTING PRESIDENT: The Hon. Terry Stephens is out of order.

The Hon. R.P. WORTLEY: —the hapless Leader of the Opposition was languishing at 18 per cent because the people of Australia want action, not negativity. Let us turn now to the local guardians of the conservative tradition.

I spoke recently about the Liberal Party's extraordinary proposal, if it is elected at the next election, to jettison our proposal for a new hospital on the railway site and its plan to refurbish the Royal Adelaide Hospital. Not content to abandon the changing demographic of our city and our state to an ageing, cramped hospital with numerous and well-documented disadvantages going forward into the future, the Leader of the Opposition cannot explain how it is to be funded. The only expenditure outlined in his policy document is our commitment of $157 million for land works at the site. According to the ABC, he believes the money is irrelevant to the big picture. This is the leader of the party that wants to take over the budgetary reins of this state. 'Trust me,' he says—a very risky proposition, indeed.

But, wait, there is more! There is more of this. Now they want to build a sports stadium at the City West site instead of a hospital. The phrase 'bread and circuses' naturally springs to mind; not to mention the fact that, if elected in 2010, they will not begin work on their stadium until 2013, with the stadium not ready until 2018 or 2022; and not to mention the fact that no sports association wants to have anything to do with this stadium.

The Leader of the Opposition is of the view that Adelaide has lost its mojo. I can tell you that the only mojo that is missing is the Liberal Party's. I do not know where its priorities lie but, clearly, the health and wellbeing of our state is not high among them. Meanwhile, three events over the past few weeks lead us to really have some concerns about where the Liberal Party is going. First of all, a staff member of a previously senior member of this chamber, who is now a backbencher (I will not mention the member's name), has been caught using Twitter in a very inappropriate manner.

Members interjecting:

The ACTING PRESIDENT: Order!

The Hon. R.P. WORTLEY: Then, according to *Adelaidenow* and the ABC—

Members interjecting:

The ACTING PRESIDENT: Order! Members on my left will remain silent.

The Hon. R.P. WORTLEY: —your staffers are now manning a media—

Members interjecting:

The ACTING PRESIDENT: Order!

The Hon. R.P. WORTLEY: —unit to manipulate and skew media polls.

The Hon. T.J. Stephens interjecting:

The ACTING PRESIDENT: Order! The Hon. Terry Stephens will remain silent.

The Hon. R.P. WORTLEY: How desperate can you get—having staffers use government money and resources to manipulate media polls! It really indicates how sensitive they are to their plummeting ratings.

The last one is the disgraceful debacle in the lower house yesterday when the Leader of the Opposition produced forged emails accusing the Labor Party of being involved in some scheme with Scientologists. At the very best, that could be incompetence of a huge magnitude; and, at the worst, it is absolutely dishonest—basic decrepit politics. This is an indication of how desperate the Liberals are and how they have fallen from grace with the people of South Australia.

Time expired.

The Hon. T.J. Stephens: Can you come around, because I need some of that shit for my garden?

The ACTING PRESIDENT: Order! The Hon. Terry Stephens needs to consider his use of language in the chamber.

The Hon. T.J. STEPHENS: Sorry, Mr Acting President.

The Hon. C.V. Schaefer: Manure, he meant.

The Hon. T.J. Stephens: Manure; sorry. It was verbal diarrhoea. I need some for my garden.

The ACTING PRESIDENT: Order!

LAIDLAW, HON. D.H.

The Hon. R.D. LAWSON (15:28): I wish to speak today about the late Donald Laidlaw. I was unavoidably absent from parliament yesterday when the condolence motion for Mr Laidlaw was debated. I have read the contributions made by members, and they referred in some detail to Mr Laidlaw's life and, in particular, his distinguished service to South Australian industry, to the parliament, to the Liberal Party and to the community generally—and I will not repeat any of that material. However, I do wish to join in the public expression of sympathy to his widow and his daughters, Diana, Susan and Sonia, and to his wider family, including my former colleague the Hon. Michael Armitage.

I wish to make a few brief personal observations about Mr Laidlaw. Some might read the accounts of his distinguished service—his antecedents (his father having once been chairman of the Stock Exchange of Adelaide), his education (somewhat privileged) at Oxford University and other places, and his distinguished career in old established blue chip companies—and, having seen that, jump to the conclusion that Don Laidlaw was a conservative type who owed his various positions to his associations and not to his own abilities.

Nothing could be further from the truth. He was a truly intelligent and talented man, open-minded, progressive, but never trendy. He was quietly spoken, but strong in the expression of his views, which were always well founded. He was not a talkative person, but when he expressed his views they were worth listening to.

He was quite unpretentious and a very astute observer of events and people. Although he was 85 at the time of his death, Don was still active and forward-looking. I first came across him when I joined the legal firm of Fisher Jeffries in Epworth Building in the late 1960s. I was later a partner in that firm.

I worked with Bob Fisher QC, who later became Mr Justice Fisher of the Federal Court. Mr Fisher was a close friend and colleague of Don Laidlaw and had a great regard for his views. It was through Mr Fisher that I frequently heard Don's opinions and comments on various matters, especially commercial and economic issues. I came to admire his judgment and acuity. Mr Laidlaw himself had an office in Epworth Building, and I came to know him reasonably well. In 1970, he proposed that I join the State Council of the Liberal Party. I was honoured to take up that position at the time.

At lunch, shortly before Don Laidlaw's final operation, he said that he was prepared to undergo an operation, notwithstanding all of the risks, because the alternative was to take Ritalin for the rest of his life. He disdainfully described that drug as 'rat poison', and he said that it would adversely affect his enjoyment of life into the future. He wanted to continue to enjoy life. He was prepared to undertake the operation.

Unfortunately, he subsequently succumbed to complications following that operation. It is a great pity, because he still had much to contribute to his family and to the community. He was a tremendous South Australian, one of whom we should all be proud.

CHOCOLATE

The Hon. I.K. HUNTER (15:33): With Easter behind us, I would like to reflect a little on chocolate and fair trade. Just before Easter, the Hon. Mr Brokenshire gave us his heartfelt views on the true meaning of Easter, and his sincerely held religious beliefs associated with that holiday were movingly related to us all.

Some of us with no such faith also celebrate and embrace Easter. We take the opportunity to celebrate with our families and spend time together over the break. We also engage in the buying, giving and, yes, I must say, consumption of chocolate. This may be the consumerist side of Easter that the Hon. Mr Brokenshire seemed to be warning us about; and, if so, I must own up that I embrace it, and I do celebrate by giving small gifts of precious chocolates to those whom I love.

That divinely luscious substance has no peer in the world. I can say that I know of only one person in my wide acquaintance who dislikes chocolate, and that seems to stem not from an innate aversion but a learned one arising from an episode in early childhood of massive over consumption to the point of illness, which is the first lesson I wish to impart today.

In relation to chocolate, it is best to love it wisely and not too often. Associated with such an approach, I can recommend that, in the field of chocolate, quality is to be preferred over quantity. If

one keeps those two principles in mind—and I know too well it can be a difficult discipline to master—one can have an enjoyable relationship with this amazing substance.

There is a third rule that I would like to encourage members here to consider, which I will come to presently. However, chocolate does have a dark side.

In many countries of the world, chocolate is produced under slave labour conditions often by children. In cocoa-farming countries in recent years, more and more farmers have entered the cocoa market seduced by an industry where it appeared that on minimal land they could make a healthy return on the beans that would be processed into chocolate.

However, rather than securing a healthy return, cocoa farmers have found themselves living in poverty, barely able to sustain themselves or their families. In this reality, all hands on deck are required just to exist, and this means that all family members, children included, are required so that these farmers can eke out a living.

Children of eight or nine are working on cocoa farms wielding machetes and lugging massive loads so that their families will not starve, so that they will continue to have a place to live and so that we can continue to eat chocolate. While chocolate prices have remained relatively stable in countries like Australia, middlemen have become rich off the backs of these children. It is estimated that in the West African cocoa-growing region, where 70 per cent of the world's cocoa is grown, there are more than a quarter of a million children working on the cocoa farms in hazardous conditions.

However, it is not only the children of cocoa farmers who are being used on these farms. As farmers become more desperate to create profit, many of them are turning to human trafficking to supplement their workforce. It is suspected that more than 15,000 children have been sold into slavery in recent years to Ivory Coast plantations. Most of these children are under 14 and are involved in dangerous jobs. They do not receive education or health care and are often subjected to physical abuse. In just one year, police in the Ivory Coast liberated 200 children from slavery on cocoa farms.

The revenue that comes from cocoa production is critical for sustaining the economies of West African nations—economies that are already precarious. In fact, 33 per cent of Ghana's total export earnings comes from cocoa, as does 40 per cent of those of the Ivory Coast. I am not calling for a boycott of these products. A boycott would not have the desired effect; it would just punish those whom we seek to help. The large multinationals can absorb lost revenue, while the tiny primary producer, who is only just getting by at the moment, cannot.

Instead, I speak of this in the hope that, by focusing on this issue, we can awaken the consciousness of those in a position to change the situation. I am calling for ethical purchasing on the part of those living in First World countries whose dollars have the power to change practices in Third World nations. That is my third chocolate rule: check where your chocolate comes from and how it is produced.

I wrote to Haigh's Chocolates just before Easter and the response was very positive. That is a company that is doing the right thing by its Australian suppliers by buying Australian milk and sugar and its international suppliers by buying ethical cocoa. Confectionery Manufacturers of Australasia is working towards a certification process for Australian chocolate manufacturers, and Fair Trade Australia currently offers a certification process whereby consumers are able to buy products farmed and manufactured in fair conditions in developing countries. Fair work practices and a decent wage are a right that all people should enjoy, and chocolate lovers can do their bit to support better conditions for cocoa workers by supporting fair trade chocolate.

Time expired.

ROSEWORTHY CAMPUS

The Hon. C.V. SCHAEFER (15:38): The Roseworthy campus of Adelaide University has recently undergone yet another restructure, the end result of which seems to be the placement of some animal sciences and the veterinary school at Roseworthy, with all other courses to be shifted to the Waite campus. All courses now will be purely science based and, while I commend the university for at last attracting a veterinary course to South Australia, I am extremely concerned about the future of the Roseworthy campus and some of the unique qualities that that campus was able to provide.

Roseworthy College has a proud history of providing residential and practical training to those who intended to have a career in agribusiness as well as those who intended to have a career in science. The former Roseworthy oenology course is responsible for some of the world's best and most famous winemakers. As late as the 1980s, Roseworthy provided diploma courses for those who did not require a full degree course, and it also provided networks between the practical farmer, the business operator and the scientist which lasted a lifetime and were a great asset to all concerned and to all sectors of primary industries. Those networks provided practical advice to the farmers who had worked with the degree course people, and they provided areas where on-ground experimentation could take place all over South Australia.

Sadly, all that seems to have changed since the university took ownership of Roseworthy under a former Labor government. The focus is now concentrated on pure science. The residential area is largely falling into disrepair. Primary industries still provide the greatest percentage of income to this state, and many practitioners handle businesses worth millions of dollars, with turnovers in excess of $1 million per year; although, currently, those broadacre farmers, while they may handle businesses with a turnover in excess of $1 million a year, their profit margin, if any, would be narrow. Yet there seems to be a complete vacuum in post-secondary school training for practical farmers.

We have seen the creation of VET courses and apprenticeships in preparation for trained people for the mining industry—and I applaud these initiatives—but why has there been no similar development for primary producers? It saddens me that the working farm at Roseworthy campus, rather than being used as an excellent practical experience for those who wish to go home to the farm, is now relegated to nothing more than an income stream for Adelaide University—and, indeed, I would allege, the Adelaide campus.

It saddens me that what was a wonderful residential facility is now largely used, as I understand it, on a transitional basis for overseas students or others who may be here for a two or three month posting; and, even more so, for undergraduates who are working within the science faculties.

It saddens me also that at a time when primary industries is still vital to this state and this state's economy nothing seems to have been developed, other than by private providers, to fill the gap that has been left by the lack of any practical hands-on training for young people who wish to go back to their farms. Indeed, there is also a gap between those who wish to do agricultural economics courses and those who wish to do agricultural science courses because ne'er the twain appear to meet.

BROADBAND ACCESS

The Hon. DAVID WINDERLICH (15:43): Despite the hype, grand announcements and drawn-out tendering process, the Rudd government's national broadband network falls well short of its election promise to deliver broadband access to 98 per cent of Australians. In fact, more than 100 South Australian towns and communities will be neglected under the proposed plan. These communities, in order to survive and prosper, need to diversify their economies and provide a wide range of services—and broadband can help to do that.

I wish to direct the attention of members to the host of regional communities that have been entirely overlooked. They have been told that, in order to access broadband, they will need to sign up for a satellite internet package. However, these internet packages at current market rates cost consumers more than twice that which is charged for fibre optic network access, with around only one-tenth the speed.

The following towns will be completely ignored by Rudd's national broadband network. Many of them are towns with which members would be familiar. They are: Amata, Auburn, Blanchetown, Bute, Clarendon, Coonalpyn, Echunga, Eudunda, Gumeracha, Houghton, Kersbrook, Leigh Creek, McLaren Flat, Milang, Mount Burr, Nangwarry, One Tree Hill, Penneshaw, Port Germein, Port Wakefield, Silver Sands, Stansbury, Tarpeena, Uraidla, Wilmington, Yankalilla, American River, Balhannah, Blyth, Cadell, Cleve, Cowell, Edithburgh, Fisherman's Bay, Hamley Bridge, Indulkana, Kimba, Lucindale, Meadows, Mimili, Mount Compass, Napperby, Orroroo, Pinnaroo, Port McDonnell, Riverton, Snowtown, Summertown, Tintinara, Virginia, Wirrabara, Andamooka Opal Fields, Beachport, Booleroo Centre, Callington, Cobdogla, Cummins, Elliston, Gladstone, Hawker, Kalangadoo, Lameroo, Macclesfield, Meningie, Minlaton, Mount Pleasant, Normanville, Owen, Point Turton, Port Victoria, Roseworthy, Spalding, Swan Reach, Truro, Warooka, Woomera, Arno Bay, Birdwood, Burra, Carrickalinga, Coffin Bay, Dublin, Ernabella,

Greenock, Hindmarsh Island, Karoonda, Laura, Mallala, Middleton, Morgan, Mount Torrens, Oakbank, Paringa, Port Broughton, Port Vincent, Saddleworth, Springton, Tantanoola, Two Wells, Wasleys and Wudinna. If I have missed any, call them out!

As members can see, the Rudd government has failed to support regional communities when they need it most. We would expect the federal government to match words with action and provide the high speed network it promised to 98 per cent of Australians. They should either be connected to fibre broadband or the satellite cost should be subsidised. The Rann government, as the Hon. Caroline Schaefer pointed out yesterday, should take up this issue for rural South Australia with the federal government and lobby the federal government to get a fair deal for these communities.

WANGANEEN, MR A.

The Hon. T.J. STEPHENS (15:46): I rise today to talk about the passing of perhaps one of the great unsung South Australian heroes. Recently I was saddened to hear about the passing of Allan Wanganeen Sr. I knew Allan very well from my younger sporting days in Whyalla, playing with him both football and quite a bit of basketball. I fondly recall his key role in South Whyalla Football Club's 1981 premiership, sadly one I watched from the sidelines as a result of injury. He was the most amazing fellow and quite inspirational. Not only was Allan a talented sportsman but he was highly skilled and generally a great fellow to top it off, and he will be sorely missed by all who knew him.

Allan's obituary in the *Advertiser* of 11 April gave a great insight into his life and work as a much adored Aboriginal community elder, and I will share it with honourable members. It stated:

> Allan Wanganeen Sr was a respected and recognised community elder, whose death at 57 from a stroke has shocked the Aboriginal community. He had been a vigorous advocate for the rights of the Aboriginal people for more than 30 years.
>
> For the past two decades he worked for the Aboriginal Legal Rights Movement, mostly within the legal justice system working with troubled Aboriginal people. He was the ALRMs field operations manager, liaising with communities and South Australian police, and he educated youth in schools. Affectionately known as Allan Wanganeen Sr, 'Big Al' or 'Uncle Allan' to the many indigenous Australians in the justice system, he tried to help them all.
>
> He was born of Aboriginal parents Mona Darcy and Malcolm Sansbury, but it was his mother's partner, stepfather 'Uncle Banjo' Wanganeen (Mona's cousin) who brought him up.
>
> A humble and tireless Aboriginal community member, he played an integral role in youth mentoring and provided leadership to the community.
>
> Allan joined ALRM in 1987 as a trainee field officer, and by the late 1990s was manager and on the senior management team. More recently, his son Allan Wanganeen Jr worked happily for his father, assisting him in his field operation roles.
>
> As well as important work in the justice system, Allan Sr played a much wider mentoring role in the world of footy.
>
> Great AFL Aboriginal players, including Gavin Wanganeen (Power), Michael Long (Essendon), Allan's son-in-law Michael O'Loughlin (Sydney Swans) and Troy Bond (Crows) and many significant Aboriginal players all benefited from his mentorship over many years.
>
> Allan was quite a sportsman in his youth, playing for the South Whyalla and North Whyalla football clubs; and he played basketball for the Aztecs.

He also played for the Magpies and the Demons basketball club. It continues:

> He created an Aboriginal football club based at Mawson Lakes, which folded after his five year stint as president.
>
> Allan Sr had three major relationships: the first was a relationship with Norveen Turner; he married Kerry Green in Whyalla in 1976 before divorcing; and he married Sue Johnston on 5 March 1994.
>
> Allan was a strong family man. He kept his children from his different relationships linked and he was a dedicated husband and father.
>
> The board, management and staff of ALRM have said that 'our dear Allan Wanganeen' and 'much adored community elder' fell sick and had a severe attack on the afternoon of Friday 20 February.
>
> Allan is survived by his wife Sue and their children, Natasha and Jessica; children from his first marriage, Allan Jr and Fabian; and children from his first...relationship, Michael (Chooky) and Tania; stepchildren Jodie, Mathew, Lesley, Mark, Leslie and Michael; in-laws; four grandchildren; four step-grandchildren; and his mother, Mona.

I pay tribute to Allan Wanganeen Sr. He was an absolute gentleman. He was an inspirational team mate and friend. I was so pleased to see that, as an Aboriginal man, he went on to play quite a significant mentoring role within the Aboriginal community. May his family and friends find some peace and may Allan himself rest in peace.

NATURAL RESOURCES COMMITTEE: MURRAY-DARLING BASIN (VOLUME 1)

The Hon. R.P. WORTLEY (15:52): I move:

That the report of the committee, on water resources management in the Murray Darling Basin, Volume 1: 'The Fellowship of the River', be noted.

This is the first of three reports of the Natural Resources Committee relating to this inquiry. The Hon. Sandra Kanck, formerly a member of this council, brought this inquiry to the committee by way of a motion moved in the Legislative Council on 1 August 2007. Ms Kanck accompanied the committee on the Murray-Darling Basin fact-finding tours, and she was involved in questioning witnesses and collecting material for this first report although, as members would be aware, Ms Kanck retired from parliament in January 2009, ending her membership of the Natural Resources Committee.

The terms of reference for this inquiry required the committee to consider the uses of the Murray-Darling Basin waters and the impacts of this use on South Australia. Consideration was given to and opinions sought regarding forms of agriculture and crops and whether these were appropriate for the basin environment. Due to the broad nature of this inquiry and our desire to undertake thorough consultation, committee members resolved to produce a series of three reports to outline findings over the course of the inquiry.

Inquiries were made into the system of water entitlements, including water allocations and licensing, and the impact of water trading and the Australian government's water buyback, including the potential for profiteering. Further, more detailed investigations on these issues will inform subsequent committee reports.

Committee activities relating to this inquiry thus far have extended to four fact-finding tours and taking evidence from 93 witnesses, including recognised experts in their respective fields. The first fact-finding tour was to the Southern Murray-Darling Basin and included Mildura, Kerang, Shepparton, Deniliquin, Griffith and Coleambally. The second fact-finding tour was to the northern basin, and it included visits to Menindee Lakes, Moree, Goondiwindi, St George, Cubbie Station, and Bourke. The third fact-finding tour was a tour of South Australia's Lower Lakes, which members undertook in the company of interstate irrigators, who travelled down at short notice and at their own expense to meet with Lower Lakes landholders and others. A fourth fact-finding tour to South Australia's Riverland to visit Berri and Barmera was undertaken last week, with details to be included in the next report.

The 93 witnesses sought out for evidence included a wide range of irrigators, local environment groups, CSIRO scientists, the chief executive of the now defunct Murray-Darling Basin Commission, irrigation cooperatives, dairy farmers, small business owners, and well respected academics and water experts. So, you can see that we have travelled quite extensively around the basin for this inquiry and consulted quite widely with a lot of different sorts of people.

In particular, the committee was privileged to hear from the (sadly, now deceased) Professor Peter Cullen AO, esteemed founding member of the Wentworth Group of Concerned Scientists, ex Adelaide Thinker in Residence, national water commissioner, wetland ecologist and big man of water. Quotes from Professor Cullen are included in this report.

One further fact finding tour is planned for later this year to the Barmah Choke, Hume and Dartmouth dams and the Snowy Mountains Scheme. This final trip, together with evidence from additional expert witnesses, will provide the necessary material to complete this inquiry.

All up, this inquiry has been distressing to undertake, when we have seen and heard at first hand the magnitude of the crisis facing this once mighty river system and the suffering of the communities living along it. It also is distressing when we realise that this crisis is largely the result of human activity and, as such, could have been avoided.

The crisis playing out in the basin and witnessed by the committee stems from two main historical facts. The first fact is the history of disparate control of basin water resources, with four different state governments managing water as if there were four separate and independent basins rather than one interconnected system. This convoluted state of affairs resulted in widely

acknowledged over-allocation of water and culminated in an extraction cap set in the 1990s. While the cap was a good first step towards sustainable management, it was never intended or able to manage a long-term reduction in rainfall.

This brings us to the second historical fact which has inflamed the crisis, and that is the dramatic and unanticipated reduction in rainfall which has variously been attributed to the drought and climate change and which has resulted in record low inflows for the past three years. Committee members heard that, while most experts are hoping for rain, they are expecting drier basin conditions to continue into the foreseeable future, requiring significant changes to basin water management regimes.

We have been hearing from experts and lay people alike that their expectations are that things are likely to get much worse for the basin and its inhabitants before they get better. For example, on its trip to Bottle Bend in New South Wales the committee witnessed at firsthand a shocking example of acid sulphate soils. It is difficult to explain exactly what we saw there, and there are some particularly graphic photos in the report, should members wish to have a look.

Put simply, what is happening is that a billabong previously flooded as a consequence of river regulation and artificially high water levels has been allowed to dry out, which has exposed sulfidic elements to the air where they have oxidised. This means that, when they are re-wetted by flows or local rain, thousands of tonnes of sulphuric acid and other toxins, including heavy metals, are released, killing off wetland fish, trees and other vegetation.

In simple terms, this poisoned wetland now holds the equivalent of battery acid, a toxic pulse waiting ready to travel down the river whenever sizeable flows are reinstated. Of course, we hope that one day there will be another sizeable flow. If this same process is allowed to replicate at many other sites—and we are told that in New South Wales some 20 per cent of basin wetlands could be affected—the toxic acid and heavy metal pulse could be very damaging indeed.

As members would be aware, this is the same acidification process that scientists seek to prevent from happening in South Australia's Lower Lakes. Bottle Bend showed the committee very graphically the importance of taking steps to avoid this kind of acidification locally by ensuring the lake is not allowed to dry out.

Over the course of this inquiry the committee made a number of findings which may be of interest. The committee found, first, as I mentioned before, that basin resources are over-allocated, with problems made worse by reduced rainfall attributed to climate change. The general consensus was that, while we can hope for more improved rainfall, we should not anticipate a return to much wetter conditions, and unfortunately communities will have to adapt to less water.

Secondly, the committee found that annual crops such as cotton and rice are opportunistic users of water and, as such, particularly suited to the north Murray-Darling Basin, where flows and consequently irrigation are more boom and bust than in the south.

While cotton and rice are often targeted by critics for being excessively thirsty—and they are undoubtedly thirsty crops—the expert opinion of the Wentworth Group scientists, Professor Peter Cullen and Professor Mike Young, was that one-off, annual crops, such as rice and cotton, were a necessary part of the mix and likely to play a greater role in some regions as water supplies become less reliable overall. Both these well-respected experts emphasised that it was much more important to fix up the systems of water entitlements and water trading, rather than to consider banning any specific crop.

Thirdly, the committee heard that, while pain is expected to be felt by all communities in all parts of the basin, particular frustration and hardship were experienced by the often forgotten non-farming members of irrigation communities. For example, bakers, newsagents, hoteliers and hairdressers will suffer the flow-on effects of less water, less irrigation and less income into their communities overall.

Common themes raised by witnesses included the lack of interstate cooperation, the poorly functioning water trading regime, the water buyback and the number of river communities in apparently irreversible decline. A final matter I bring to the attention of the council is that the problems of the Murray-Darling Basin are not intractable but that we as a nation have to make some quite difficult decisions regarding its future.

Communities in the basin are already undergoing forced structural adjustment, with some people already going broke and selling up. It is up to residents and governments to develop a

vision for the future, and we have seen signs that this is already underway. We must manage and facilitate this ongoing process of restructure to minimise pain and suffering.

I thank all those who gave their time to assist the committee with this inquiry. I also commend the members of the committee for their contribution and support: the Presiding Member, Mr John Rau, and the Hons Graham Gunn, Sandra Kanck, Steph Key, Caroline Schaefer and Lea Stevens, who have worked cooperatively through the inquiry. Finally, I thank the committee staff, Knut and Patrick, for their assistance.

Debate adjourned on motion of Hon. J.M. Gazzola.

STATUTORY AUTHORITIES REVIEW COMMITTEE: INQUIRY INTO THE INDEPENDENT GAMBLING AUTHORITY

The Hon. CARMEL ZOLLO (16:04): I move:

That the report of the committee, on an inquiry into the Independent Gambling Authority, be noted.

I have tabled this report and now speak as the new presiding officer. However, I place on record that it was completed prior to my joining the committee and election as the presiding member. Consequently, I did not have the opportunity to take part in any of the deliberations.

The Statutory Authorities Review Committee adopted the terms of reference into its inquiry into the Independent Gambling Authority in September 2004. The committee received eight written submissions and heard evidence from 15 witnesses. The Independent Gambling Authority (IGA) is the senior South Australian regulator for commercial forms of gambling, including casino gambling, gaming machines in hotels and clubs, wagering on races and sports, and commercial lotteries. The IGA's regulatory and supervisory role is to ensure that an effective and efficient system of supervision is established and maintained over the operations of the licensed gambling industry in South Australia.

It is important to point out that the committee's inquiry into the IGA was not a broad-ranging inquiry into problem gambling and its effects; rather, the committee inquired into the functions and powers of the IGA and its effectiveness as a regulator. It would be remiss of me not to point out that five years has elapsed since the committee adopted the terms of reference. It is also important to note that, since the inquiry commenced, the presiding officer of the IGA has changed and that new codes of practice came into operation on 1 December 2008.

The committee also notes that the IGA is presently conducting an inquiry into the current barring arrangements and will report back to the government by 31 October 2009. Indeed, I requested that inquiry to be held, in my then capacity as Minister for Gambling. I am advised that the committee found it difficult to decide whether the authority had achieved a quantum reduction in the incidence of problem gambling due to the difficulty of defining a problem gambler. The committee received a great deal of then current evidence regarding potential definitions. A ministerial council on gambling, aimed at achieving a national approach to the challenge of problem gambling, released a report in 2005 recommending the following definition of problem gambling be adopted as the national definition:

Problem gambling is characterised by difficulties in limiting money and/or time spent on gambling which leads to adverse consequences for the gambler, others, or for the community.

The committee's first recommendation is that the IGA, along with any body it provides funding to, adopts this definition in order to give consistency to the authority and all bodies which receive state government funding in relation to gambling and problem gamblers.

The committee also examined the tendering of research contracts and believes the IGA should follow the general public sector guidelines for contract tenders in the future. Another recommendation in the report is for the IGA to develop a strategic and integrated research program with a focus on the priority areas adopted in the national framework. The committee also recommends that an amendment be made to the legislation governing the IGA in order to allow the IGA panel to hear evidence in camera and off the record if it deems it appropriate. The committee was concerned that individuals appearing and giving evidence before a large panel may feel intimidated and would not wish that concern to affect the person's decision to appear before the IGA.

Finally, the report recommends that the IGA maintain a central register of the list of names of barred persons who have entered premises when they have been barred. The committee heard evidence about the difficulty of policing bans, in that front line staff are required to look for

potentially hundreds of barred patrons in crowded venues. This can be unrealistic and, yet, venues can be fined for having barred gamblers gaming on their premises. The committee believed that the implementation of a central register would increase the ability for venues to enforce bans on barred persons. Again, I remind the chamber that an inquiry is being held now in relation to barring mechanisms.

I will speak briefly to a couple of the recommendations in a moment but I would like to mention that, whilst this inquiry, as we have heard, was not a broad-based inquiry into problem gambling and its effects, as a former minister for gambling it would be remiss of me not to mention that the South Australian government is committed to minimising the harm caused to the community through problem gambling. We have been taking active steps and an active role in introducing a full range of initiatives to curb problem gambling.

First, together with the Independent Gambling Authority, the government is moving towards a system of better educating people about all forms of gambling and ensuring that gaming venues better support their customers to gamble responsibly.

South Australia has also taken a national pioneering initiative to bring the industry together with the concerned sector to advise on measures to help people precommit to spending limits on their gambling.

The Responsible Gambling Working Party has been established to develop industry measures that support people using electronic gaming machines to set limits on their gambling. The working party is focusing on ways to assist customers who wish to make a commitment to limit their gambling on electronic gaming machines. Precommitment trials have commenced and, I understand, are well advanced.

As a government, we have also significantly boosted funding for the Gamblers Rehabilitation Fund. We have introduced a Problem Gambling Family Protection Order Scheme. We have introduced a Responsible Gambling Education Strategy to schools and established an Office for Problem Gambling. We have achieved a reduction of 2,200 poker machines in the state, and we have flagged the removal of the fixed price on gaming machines to assist us to reach the targeted reduction of 3,000 machines.

In relation to problem gambling in South Australia, we are continually reviewing and implementing new responsible gambling measures. As a former minister for gambling, I will mention a couple of issues that were discussed in the inquiry. First, in relation to the codes of practice, the Independent Gambling Authority, as the senior regulator for commercial forms of gambling in this state, is responsible for the approval of mandatory advertising and responsible gambling codes of practice.

The IGA released its final draft second stage amendments to the codes of practice for consultation in August 2008. The finalised codes of practice were circulated on 15 September and they subsequently came into operation on 1 December 2008. The second stage amendments to the codes are the result of the IGA's review of the advertising code of practice; the responsible gambling code of practice; the gaming machine licensing guidelines; and the game approval guidelines.

The gaming machines advertising code of practice, developed by the Independent Gambling Authority, specifically states that the underlying principle is that all gambling-related advertising is socially responsible. The gaming machines advertising code of practice also introduces a range of new measures, including removing all exterior gambling advertising; removing all interior advertising within the premises, except within the gaming area, and directional signage. It states that advertising does not refer to factors that may induce a person to engage in gambling activity, including but not limited to prizes or benefits other than those available on gaming machines.

Gaming venues are exempt from these three measures in the advertising code if the gaming venue is a party to, and compliant with, an approved intervention agency agreement. The gaming machines responsible gambling code of practice introduces a range of new measures, including screening all sights and sounds of gaming from all areas in the premises other than from the gaming area itself; removing all coin availability, except from a cashier or a coin dispensing machine, which is located as to enable a patron to be monitored; and not offering participation in a loyalty program other than one which includes a precommitment program approved by the IGA. Gaming venues are exempt from these three responsible gambling code measures if the gaming venue is a party to, and compliant with, an approved intervention agency agreement.

Other measures in the responsible gambling code of practice include: develop a relationship with the rehabilitation agency, which patrons can readily access; staff are sufficiently informed and management level contact is established; the establishment of the internal reporting of problem gamblers, including the identification of suspected problem gamblers by gaming staff; review of records by a gaming manager (at least fortnightly) of suspected problem gamblers; and document, as part of the record, any steps taken to intervene.

In relation to the approved intervention agencies, the IGA formally approved Gaming Care for hotels and Club Safe for clubs as approved intervention agencies on 18 November 2008. Approved intervention agencies are to assist all gaming licensees and not just those which have membership of the peak industry body. As the former minister for gambling, I caused the codes of practice to be laid before both houses of parliament on 24 September 2008. In relation to barring mechanisms, again as the former minister, in August 2008 I requested that the IGA conduct an inquiry into barring arrangements under all legislation.

At the moment, various barring-related mechanisms exist across the TAB, the casino and gaming venues in South Australia. The authority is to consider changes for a simpler and more consistent barring across the gambling sector. As is probably known, a public hearing into barring mechanisms was held on 24 February this year at the Adelaide Convention Centre. That is well advanced, and I know that I am joined by all in looking forward to the outcome of this inquiry which is to report to the government on 31 October 2009.

I should also place on record that Mr Stephen Howells completed his term as the presiding member of the IGA and retired judge Alan Moss is the current presiding member of the IGA. Clearly initiatives, processes and events have overtaken some of the recommendations of the committee. More recently, also, the liquor and gambling commissioner has retired and the position is to be filled in the near future.

Other issues were raised and discussed in the inquiry and recommendations made. As already mentioned, I did not join the committee until this inquiry was completed, so I did not have the opportunity to take part in any of the deliberations, but I am certain that other members will speak to other issues.

For example, I see that the issue of research was discussed. I know that the Independent Gambling Authority is very committed to gambling research, and the research undertaken is listed in the report, but those members who did deliberate on this inquiry believed it should be approached in a more strategic manner. The government, of course, will respond to all the recommendations.

I take this opportunity to acknowledge the contribution of previous members of the committee into this inquiry, including the committee's previous presiding member, the Hon. Bernard Finnigan MLC, and the other members of the committee: the Hon. Terry Stephens, the Hon. Rob Lucas, the Hon. Caroline Schaefer, the Hon. Ian Hunter, the Hon. Michelle Lensink, the Hon. Nick Xenophon—the inquiry did go for five years—and our President, the Hon. Bob Sneath, who was on the committee as well. Indeed, I should acknowledge half the chamber. The Hons Ann Bressington and Andrew Evans were also on the committee.

The committee also thanks its staff—Mr Gareth Hickery, the secretary, and Ms Jenny Cassidy, the former research officer—for their work throughout this inquiry. I should mention Ms Lisa Baxter who has since joined the committee as research officer, and I thank her for her recent assistance as well.

Debate adjourned on motion of Hon. T.J. Stephens.

RACING INDUSTRY

Adjourned debate on motion of Hon. J.M. Gazzola:

1. That a select committee of the Legislative Council be appointed to inquire into and report upon—

   (a) the sale of Cheltenham Park Racecourse;

   (b) the re-zoning of Cheltenham Park Racecourse;

   (c) the relationship of decisions made in connection with the sale of Cheltenham Park Racecourse with proposals for the redevelopment of Victoria Park;

   (d) matters of corporate governance within the South Australian Jockey Club up to and including March 2009;

(e) the role of Thoroughbred Racing SA in relation to the above matters; and

(f) any other relevant matter.

2. That standing order 389 be so far suspended as to enable the Chairperson of the committee to have a deliberative vote only.

3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.

4. That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

which the Hon. R. L. Brokenshire has moved to amend after paragraph (e) by inserting new subparagraph (ea) as follows—

(ea) matters of corporate governance within Thoroughbred Racing SA up to and including March 2009;

and which the Hon. J.S.L. Dawkins has moved to amend in paragraph 2 by inserting the words 'That the committee consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and' before 'That standing order 389'.

(Continued from 8 April 2009. Page 1934.)

The Hon. B.V. FINNIGAN (16:20): The government opposes this motion to establish a select committee into the SAJC and various matters, although it seems to have morphed into a select committee on Cheltenham so that the opposition could get the numbers.

There are two ways you can go about being in opposition in the Westminster system of government. One is to present yourself as the alternative government and to come up with policies that you would like to see implemented—responsible policies based on the best interests of the people you represent, financially responsible policies that will ensure the soundest budgetary position in the economic circumstances that prevail at the time. You can talk to people about those policies that will be the best for the state, and you put those to the people at the next election to try to get yourself elected as the administration.

The other way that you can run an opposition is simply the method that is being employed by honourable members opposite, which is to just try to cast your net as wide as possible in stirring up trouble whether or not there is any basis or anything to be gained by agitating certain issues in the hope that by causing embarrassment, a bit of a furore and a bit of media attention you can cast the government into disrepute.

That is the entire strategy. That is what this select committee is about. It has no raison d'être apart from the opposition saying, 'Let's go on a bit of a fishing expedition, see what we can find and hopefully embarrass the government and, if it doesn't really pan out and if the media don't pay much interest, well, we'll just stop turning up. We'll just forget about the committee because that is what we normally do.' That is the way in which members opposite are approaching this matter.

I note from the *Notice Paper* that in the parliament of South Australia there are 10 standing committees—four unpaid and six paid. The paid committees are established under the Parliamentary Committees Act and the act that establishes the Aboriginal Lands Standing Committee. I imagine that the administration of those committees costs some hundreds of thousand of dollars, if not millions of dollars, given that members are paid to serve on six of those committees; they have committee secretariats. The whole purpose of setting up the parliamentary committees system was to enable scrutiny of legislation and affairs of state and government administration.

What we have in this council is a determination to try to create some sort of media sensationalism by setting up a plethora of select committees. If this motion is successful, we will have 11 select committees of this council. Of course, that does not include some of those which have already wrapped up and reported since this parliament was convened after the last election.

Let us have a quick look at the select committees currently on the *Notice Paper*. There is the select committee on the collection of property taxes, which has been going since before 2006—so that is at least three years. There is the Select Committee on Unlawful Practices Raised in the Auditor-General's Report—which the opposition would like to refer to as 'stashed cash'. I do not know whether members opposite are trying to get into Erskine May as the longest running select

committee ever, but that has been going for about six years and they cannot get anyone interested in meeting. They want to call witnesses who are not interested in being there.

The Select Committee on the Atkinson/Ashbourne/Clarke Affair is still on the *Notice Paper*; and we all know about the farce with that. It was not until the government took the initiative on that issue that the opposition suddenly found it had a report that it had to quickly draft in order to pretend that it had a position on it. There is the Select Committee on Families SA. From memory, is that the one which members changed almost instantly after the committee was appointed because, assumedly, some members realised that all the hearings were going to be in camera? They were not going to be media events, so membership of the committee quickly changed.

The Hon. A. BRESSINGTON: I have a point of order, Mr President. The comments made by the Hon. Bernie Finnigan about why the committee on Families SA changed are simply not accurate. I would like him to withdraw that.

The PRESIDENT: The Hon. Mr Finnigan is entitled to his opinion.

The Hon. A. Bressington: To tell lies!

The PRESIDENT: Order! The Hon. Mr Finnigan is entitled to his opinion on the issue.

The Hon. A. Bressington: Then he should say 'in his opinion'; not that it is actual fact.

The PRESIDENT: Order! I can see on the *Notice Paper* that the Hon. Ms Bressington has an opportunity to speak after the Hon. Mr Finnigan.

The Hon. B.V. FINNIGAN: I did say that I assumed that to be the case. If the Hon. Ms Bressington says that I assumed wrongly, then she is free to correct the record.

The Hon. B.V. FINNIGAN: There is the Select Committee on SA Water. I am not quite sure what has happened with that one, but it has been around for a while. There is the Select Committee on Staffing, Resourcing and Efficiency of South Australia Police. I think it took six months for the committee to have its first meeting. Then we have the select committee on PIRSA about the mud cockles and pipis. There is the Select Committee on Taxpayer Funded Government Advertising Campaigns—I am not sure whether that has yet met—and the Select Committee on the Taxi Industry in South Australia has met once.

We should not forget the select committees that have wound up. The select committee into Glenside started off as one of the great injustices facing the state; we were going to abandon the mentally ill. Once members opposite realised that it was not going anywhere, it quickly ground to a halt. We had the select committee into the Elizabeth Vale Primary School. Again, the big bad government was rolling the interests of a local community because of this poor principal who had been victimised and made a scapegoat by the terrible government. They were out there holding press conferences and rallying the troops but, suddenly, when they realised that the evidence showed that the school had a record of mismanagement, poor management, failing standards and financial irregularities, they ran for cover. We could not see them for dust.

One can confidently predict that in this case, once the first two or three meetings of this committee (if it gets up) have been held, the media will lose interest and then members opposite will lose interest—particularly if they realise things are emerging that will embarrass the Liberal Party—and I can just imagine members opposite running for cover like nothing on earth. That is what we will see with this committee.

Again, it is bringing this chamber into disrepute. Members are not even acting like a student representative council, whose members tend to operate with more integrity and more attention to the welfare of those they represent than some honourable members in this place.

We have seen that it has quickly become the Cheltenham select committee, because they want to ensure they have the support of certain members who are more interested in Cheltenham than the events surrounding the SAJC, so they expanded it in order to ensure they are accommodated. Every player wins a prize when it comes to select committees in this chamber.

The Minister for Police in another place made a ministerial statement on Tuesday 24 March, and he provided details of the actions taken by him in relation to SAJC matters. What is extraordinary about the speech by the Hon. Mr Stephens in relation to this motion is that he spent the majority of his time reading media transcripts. We are not surprised because the only place where they get any of their questions or ideas is either from *The Advertiser* or ABC Radio. They do not seem to have any possibility of coming up with ideas of their own. As well they might, given the

events of the past 24 hours when the Leader of the Opposition in this state, along with a few other people in his party, has been humiliated beyond all reckoning by participating and indulging in and leading the charge on this extraordinary allegation about irregularities and all sorts of illegal activities.

It appears that there is no substantiation for those allegations—none whatsoever. The opposition is left entirely red-faced. It is little wonder that members opposite restrict themselves to reading out media transcripts. Coming in here and reading out what was said on 891 Radio and what has been written in *The Advertiser* is a much safer bet than relying on their own sources, particularly if those sources happen to come from the opposite side in their own party—which may well have been the case. It appears that twittering may not be the only skill that certain assistant staff to members have.

So, it was to be expected that the total flimsiness of the case advanced by the Hon. Mr Stephens was based entirely on speculation in the media. Back in 2005 the Liberals said that the sale of Cheltenham was a matter for the jockey club.

During the debate on the Adelaide Parklands Bill the Hon. Angus Redford, who I assume they have not disowned, even though that is the Liberal Party's way, said:

> In relation to Cheltenham the position of the Opposition is that it is a matter for the jockey club and its members and not a matter for this parliament or the government to determine what should or should not happen in relation to Cheltenham.

Back then it was hands off: the Liberal Party did not want to know, as it was a matter for the SAJC, but now, when it wants to make sure that the Hon. Mr Parnell and others are worried about what is going on with Cheltenham and would prefer to see the entire site left as open space or a wetland, suddenly it is its No.1 priority. The question must be asked: why has it changed its position? It is clear that it is nothing more than a political stunt by the opposition.

The racing industry was corporatised by the former Liberal government in 2000. The effect of that corporatisation was to hand control of the racing industry to three independent racing corporations representing each of the three codes of racing. As a result of corporatisation by the then Liberal government, the state government no longer has control or influence in the industry's management, allowing the companies to manage their business.

We, of course, recall the spectacular failure of the privatisation of the South Australian TAB by the former Liberal government in 2001, when it managed to let go of one of the jewels in the crown of state assets to interstate interests for a pitiful return. The Hon. Mr Stephens claimed in his speech that the review by Lipman Karas in relation to the SAJC went back to membership-based decisions taken since 2004, including the sale of Cheltenham. This is not correct. Thoroughbred Racing SA has made very clear that the decision to engage Lipman Karas to undertake the review into the SAJC was not initiated as a result of any concerns or issues in respect of the sale of Cheltenham or the SAJC's decision to vacate Victoria Park.

On the afternoon of Thursday 5 March, the Minister for Police was provided with a copy of the Lipman Karas report by Thoroughbred Racing SA on the basis that he formally agree to a number of conditions, including that he keep the contents of the report confidential and that he acknowledge that Thoroughbred Racing SA maintains its claim of legal professional privilege in relation to the entire report. Following the reading of the report, the minister sought Crown Law advice as to whether the full report or parts of the report should be referred to South Australia Police for consideration in order to determine whether there were any matters that warranted further investigation.

Acting on advise, the Minister for Police immediately referred the report the following day to South Australia Police. Furthermore, on 4 March the Independent Gambling Authority was provided with a copy of the Lipman Karas report by Thoroughbred Racing SA. The authority has inquiry powers that enable it to require people to come before it, to take an oath or affirmation and to answer all questions put to them. If the authority perceived that any integrity issues were at stake, it has the necessary powers to fully investigate those concerns.

In a minute to the Minister for Police dated 19 March 2009, acting deputy commissioner Mr Graeme Barton said the following:

> I advice that SAPOL is of the view that tabling in parliament of the Lipman Karas Report into the South Australian Jockey Club would potentially compromise current investigations being conducted by the joint task force, comprising SAPOL and the Office of Consumer and Business Affairs and any future prosecution proceedings. For these reasons it is recommended that the report not be tabled until the investigations are complete.

Given that the report is already with South Australia Police and the Independent Gambling Authority, the public interest in accountability of having appropriate bodies investigate or take action has been satisfied. The formation of the joint task force and the commencement of investigations is the most appropriate way of ensuring these allegations are fully and transparently investigated. Unlike the opposition, I have full confidence that SAPOL and the Office of Consumer and Business Affairs will carry out their investigations thoroughly and in a professional manner.

This government will not agree to the wasting of time in parliament by supporting another select committee. The matters raised in the Lipman Karas report are now the subject of police and Office of Consumer and Business Affairs investigations. The establishment of a select committee may prejudice those investigations and any proceedings that may flow from those investigations.

Avoiding comment on matters that are the subject of police investigations or matters that are before the courts is an important principle of our criminal justice system—a principle that largely has been respected by this parliament and one that is very practical in that it avoids these matters being tainted by inappropriate public comment. This select committee will serve no purpose and will simply create greater anxiety in the racing industry and may potentially compromise current investigations being conducted by the joint task force and any future prosecution proceedings.

For those reasons the government opposes this motion. We believe the appropriate investigations are in train and we do not want to jeopardise them by going down the track of having a select committee. The opposition is more interested in creating a sensation and trying to beat up as much whiff of scandal and impropriety as possible, rather than what is in the best interests of getting a just outcome and protecting the future of the racing industry in this state.

How extraordinary that the Hon. Mr Stephens, who I know is fond of racing and I imagine enjoys attending race meetings, should be involved in what is such a grave threat to the future of the racing industry in this state in potentially trying to turn these events into a political circus rather than letting the course of justice go through its usual process, in which we should all have confidence. The government opposes the motion.

The Hon. A. BRESSINGTON (16:36): I also rise to speak on this issue of a parliamentary select committee into the SAJC. Although I am not as opposed to select committees as the Hon. Bernie Finnigan appears to be, I believe they serve a useful purpose for this parliament.

The Hon. B.V. Finnigan interjecting:

The Hon. A. BRESSINGTON: Every one you read out you are opposed to, and that is about all we have had here. All that aside, parliament has select committees to get to serious issues that affect the general public where there is perceived to be misconduct or unfair decisions made by government departments or whatever.

I think they do have a place in this parliament; obviously, they do have a place, because we have them. However, I do not support this select committee inquiry into the SAJC, simply because I believe we are crossing a boundary. There are issues before the courts. In the Hon. Bernie Finnigan's contribution, we heard that it was stated by South Australia Police that having this select committee and having documents tabled might interfere with the judicial process.

I am not saying that there is not cause for concern, but I do believe that the police investigations and the judicial process should be allowed to go through their normal course and be completed. At that time, if there are still issues that we in this parliament have concerns about, by all means, I would support a select committee at that point in time. However, right now, I cannot in all good conscience say that I agree with the timing of this select committee. As I have indicated, I am not saying that I do not believe that there may be matters of concern, but there are police investigations and also court proceedings in train, and we need to be very careful. If we do not want the judiciary encroaching on our turf, I believe that we should not be encroaching on their turf, either. We need to have a healthy respect for that separation. It is our job in this place to make sure that we stick within our mandate, and I honestly do believe that this select committee is blurring the line. As I have said, I do not support this select committee.

I want to make one more comment about all the other matters, as the Hon. Bernie Finnigan did. We do not often agree on very much at all—I did not agree with the first bit of his contribution, but regarding the rest of it: credit where credit is due. There are all these other issues now encompassing thoroughbred racing and Cheltenham. All these things have now been dragged into this select committee on the SAJC.

I believe that every political party in this place will use this particular select committee to run their own agenda. I do not believe that anyone is too concerned about what is actually going on in the SAJC. I see this as being an opportunity for some to raise a red flag, for the Greens to wave their green flag about Cheltenham, and for the Hon. Robert Brokenshire to express his concern about thoroughbred racing—all in together this fine weather! In this particular case, I am voting against a select committee—not that I would do that often.

The Hon. R.P. Wortley: Very sensible.

The Hon. A. BRESSINGTON: I am a very sensible person, and I thank you for acknowledging that, again on the record—I have been overcome by this over the past two days. Anyway, I am not going to rave on. I just think that we need to be careful that we do not overdo these processes and that the general public do not become conditioned to parliamentary select committee inquiries. Once upon a time, I think select committees were held in awe.

The Hon. R.P. Wortley interjecting:

The Hon. A. BRESSINGTON: Well, they used to mean something. I think we are now getting to the point where some people are becoming more and more sceptical about that process. Rarely do they see that an outcome is actually achieved, and I believe that is a fault on both sides. When a select committee inquiry makes recommendations, I believe that those recommendations should at least be considered by the government and debated. However, that does not even happen. These reports seem to be put on a shelf to gather dust, never to be seen or heard of again, and I think that is a shame.

I believe that this select committee is politically motivated. I do not believe that it will do any good for any of the citizens we in this place are paid to serve. Of course, everyone else is jumping on board, including the minor parties, and bringing in their own particular issues. I think it has quite distorted the whole thing. I say: leave it alone and let the police and the judiciary do their job and then, if we have concerns, by all means we should step in.

The Hon. DAVID WINDERLICH (16:43): I think the Hon. Ann Bressington makes a number of very good points. This is an ad hoc, band-aid process. It brings to mind some of those old jokes about 'How many of whatever does it take to conduct an inquiry into corruption in South Australia?' However, I do support this select committee, because we are responding to a distortion. We are responding to a distortion of the means we have to find out the truth: the watchdogs we have are toothless; our freedom of information laws are blinkered and, as a result, we are left blind to find out—

An honourable member interjecting:

The Hon. DAVID WINDERLICH: Well, I am making a general point: the general point is about openness in South Australia. We have a number of connected threads here between the sale of Cheltenham Park, its rezoning and governance issues. There are a number of connected threads. I think most of the other processes in place will take a rather narrow approach, and they will not necessarily draw these threads together in a way in which this select committee could.

I will just come back to the general case which makes me inclined towards this particular select committee. We are severely limited in South Australia in terms of how we uncover the truth behind matters. We have an Anti-Corruption Branch, but it cannot compel people to appear. We have an Ombudsman, but the Ombudsman knocks back people who do not have a direct interest—who were not directly affected by a circumstance—and often those are the very people who cannot afford to complain. We have FOI laws, but the FOI laws have all sorts of strange exemptions, as we heard yesterday. So, our watchdogs are toothless, and we are left blind, and our FOI laws leave us blinkered.

So, I think a body such as this select committee, which can take a broad look and draw the threads together, is actually quite a useful initiative. I do not know exactly what it will find, but I am fairly certain it will find a number of things of public interest and, as I have said, it will be able to take a broader approach than the other separate inquiries in train, and for those reasons I support it.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (16:44): At the very least we should answer some of the points that were just raised by the honourable member when he talked about watchdogs and anti-corruption branches and so on. The honourable member should well know that the Lipman Karas report was referred to the anti-corruption branch of the police and, as I

understand it, apart from one issue, any issues of wrongdoing in relation to the SAJC were referred to OCBA, because they were breaches of the relevant act.

I think one of the issues that also needs to be pointed out is that some of these matters, including one involving myself (and therefore obviously it would be totally inappropriate for me to speak about it) relates to the rezoning of the Cheltenham Park racecourse. The residents association has exercised its right—and I have no problem with that—to challenge that decision. That is currently before the courts, so is it not completely inappropriate that a select committee of parliament should be investigating that matter?

The Hon. S.G. Wade: You don't need to be on the select committee.

The Hon. P. HOLLOWAY: But the fact is that the matter is before the courts; why should a select committee be looking into matters that are currently before the courts? It goes against all convention and good practice. It is not just that: it is also the case—so the media tell us—in relation to Mr Ploubidis taking the SAJC and I think Mr Bentley from Thoroughbred Racing before the courts. Surely it is completely inappropriate to be examining matters that are currently before the courts. Those matters may or may not be resolved, but how inappropriate it is to do that.

I do not want to contribute to this debate at any length, because it is quite inappropriate to talk about some of the matters when they are before the courts, but it should be pointed out, in view of the contribution we have just heard, that the decision to sell Cheltenham racecourse was made by the SAJC. I was sitting in parliament at the time when the then shadow minister for racing, the Hon. Angas Redford, supported that. I do not intend to criticise the Hon. Angas Redford's comments; in fact, I actually agree with the thrust of them, that is, that the matters concerning the future of racing should be in the hands of people in the racing industry themselves.

Surely, if we are interested in the outcome of racing, I suggest the action we should be taking is joining the SAJC in taking an active participation in it and voting for the board that we think will do the best for the industry. I would have thought that, at present, given that there is a board election on—and I think it is at a crucial stage—it is important for the future of racing in this state that the SAJC has a united and viable board that will best look after the interests of racing, but is that a role for the government or for the members of the SAJC and the members of the racing industry? I would suggest it is the latter.

The Hon. Mr Winderlich also talked about FOI laws and so on. Well, the SAJC is not a government body; it is made up of members of the industry. It was its decision to sell Cheltenham racecourse and I understand that, regardless of where one sits on the factionalised board of the SAJC, there appears to be general agreement (if I read the media correctly) that the racing industry should now move on, put the past behind it, try to get a united board and act in the best interests of racing. That is what I would like to see happen, as a very—

The Hon. S.G. Wade interjecting:

The Hon. P. HOLLOWAY: That sort of comment shows the sort of politicisation of this issue. The honourable member is talking about Bolkus. We have all heard who is running: we have had Bob Gerard making comments and we know that former deputy premier Graham Ingerson is running. Does that really help us? I am not really interested in the background of those people involved with racing. I actually think there are people from both sides of politics involved in racing, as there should be; it is a very important industry.

I am a very occasional racegoer; I was fortunate enough to go to, and very much enjoyed, the Saturday race meeting up at Oakbank, and if I go once or twice a year that is probably it for me. I actually enjoy the experience. I would like to see this industry thrive. I suggest it can best thrive by allowing these elections to proceed and allowing a new board, which hopefully will be representative of the industry and hopefully it will move forward, but in my view to continue through a select committee to keep dragging up, going over and regurgitating these issues which have been the cause of a factional division within the SAJC for so long cannot be in the best interests of racing in this state.

There are two good reasons to oppose the motion: one is that to look at it is not in the best interests of racing; secondly, and perhaps more importantly, there are issues that are currently before the courts. They should be settled at that level, and to have a parliamentary committee intruding on them and possibly therefore leading to some miscarriage of justice or some form of interference with the courts is inappropriate. For those reasons I support the view of the Hons Mr Finnigan and Ms Bressington that we should not support this select committee.

The Hon. R.D. LAWSON (16:50): I had not intended to make a contribution on this matter; however, having heard the last contributions from government members, I think it is incumbent upon me to make a response. In their desperation to ensure that this committee does not meet and that the truth in relation to these matters is not exposed to public scrutiny, it is suggested that the sub judice convention of parliament would prevent this select committee from sitting.

The sub judice convention is that, if there is a real and substantial danger of prejudice to proceedings before a court, parliament should not engage in any activity which might create a real and substantial danger of prejudice. There is no suggestion that a properly conducted select committee—and all of our select committees are properly conducted—could not honour that obligation. The suggestion that simply investigating these terms of reference will result in a real and substantial danger of prejudice to proceedings before a court is absolute nonsense.

I intend to serve on this committee, and I look forward to doing so. I am sure that its chair, whoever that might be, and the committee members will ensure that parliament meets its public obligations in relation to those matters.

The Hon. T.J. STEPHENS (16:52): I thank all honourable members for their contribution, their interest and, I think, generally their genuine concern about racing in this state. I know that I for one have no qualms whatsoever about instigating this motion in relation to this committee, and I sleep well at night knowing that I am interested in racing and its best interests.

When talking about the possibility of the select committee, the leader in the other place (Martin Hamilton-Smith) said that it was warranted and that sunshine is the best disinfectant. Quite frankly, if the government had played it in such a way that it consulted the opposition and the minor parties, perhaps it would not have come to this. However, typically, it said, 'We know best, and there is no point consulting with the opposition. We can be privy to information, but you can't be trusted with that information.' Of course, straightaway, a cloud of distrust hovered over the issue.

I was pleased to hear the Hon. Bernard Finnigan let us know that, once the police investigation and the OCBA investigations are completed, the Hon. Michael Wright will table the Lipman Karas report. That is a very kind gesture, but I wish that it had been made earlier.

The Hon. B.V. Finnigan interjecting:

The Hon. T.J. STEPHENS: I am sorry, but that is exactly what you indicated. The opposition looks forward to reading the report, as I am sure do the minor parties. It will be interesting to see why it was held back from us in the first instance.

We are looking for an open and transparent industry and, in my contribution to open this debate, I indicated how much money the people of South Australia contribute to the industry and so we have a genuine interest to make sure that it is open and transparent. I look forward to the support indicated by other members, and I understand why the government will not support this committee—because it has a policy never to support select committees. Heaven knows, it would not want to find the truth about an issue, would it?

I go on the record again to say that, in the forthcoming board elections, I wish all parties well. I have friends and associates on both tickets, and my advice to all parties has been, 'Elect your board, get on with it and make sure that it is as open and transparent as possible.' Certainly, in my role as opposition spokesman for racing, I would like to put behind us the scenario, when you attend the races on any given day, of people constantly telling you rumours and innuendos about who is doing what. It is time that we swept in, cleared the air and allowed racing to get on with what should be a very bright future. With those few remarks—

The Hon. I.K. Hunter interjecting:

The Hon. T.J. STEPHENS: I will respond to that interjection. I am not a member of the SAJC. I am quite happy about the fact that I can look at this from a totally independent point of view. I have invested in racing in the past, and I have a history in racing. The Hon. Ian Hunter probably would not know which end of the horse was going around. He should come along to the inquiry, and I look forward to his participating, should he be the government's representative. With those few words, I again thank honourable members for their contribution. I look forward to the vote, and I look forward to a positive future for racing when we sweep away the malaise that hangs over it.

The Hon. R.L. Brokenshire's amendment carried; the Hon. J.S.L. Dawkins' amendment carried.

The council divided on the motion as amended:

AYES (12)

Brokenshire, R.L.	Darley, J.A.	Dawkins, J.S.L.
Hood, D.G.E.	Lawson, R.D.	Lensink, J.M.A.
Parnell, M.	Ridgway, D.W.	Schaefer, C.V.
Stephens, T.J. (teller)	Wade, S.G.	Winderlich, D.N.

NOES (7)

Bressington, A.	Finnigan, B.V.	Gago, G.E.
Gazzola, J.M.	Holloway, P.	Hunter, I.K.
Wortley, R.P. (teller)		

Majority of 5 for the ayes.

Motion as amended thus carried.

The council appointed a select committee consisting of the Hons R.L. Brokenshire, J.A. Darley, R.D. Lawson, R.K. Sneath, T.J. Stephens and R.P. Wortley; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on Wednesday 17 June 2009.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (R 18+ FILMS) AMENDMENT BILL

The Hon. D.G.E. HOOD (17:05) Obtained leave and introduced a bill for an act to amend the Classification (Publications, Films and Computer Games) Act 1995. Read a first time.

The Hon. D.G.E. HOOD (17:05): I move:

That this bill be now read a second time.

Family First strongly believes that parents should be able to take their children to a video store without having them exposed to pornographic or very violent video covers. However, this is becoming increasingly difficult and, in a moment, I will relay a personal experience I have had.

Currently, there are no laws in South Australia to prohibit video stores from mixing pornographic and violent adult videos from other material, including children's videos—that is, they can be found on the same shelf in a video store in South Australia. You can have a highly pornographic video right next to the Wiggles or some other feature targeted at children (even animated features) and there is nothing anyone can do about it under law, apart from lodging a complaint with the owner of the store. However, the owner of the store, under current law, is not obliged to take any action.

Further, there is no prohibition on the advertising and screening of R rated, 18 plus trailers within video stores, whether or not children may be present in those stores. There is no restriction on trailers or, indeed, just running in a store a particular video that may be R rated. The impetus behind this bill is a recent trip that I took to my local video store with my young daughter, who has just turned two. I went with her to get a video and we were looking for the type of cartoon she enjoys. She likes the *Night Garden*, and others with young children might be familiar with that series.

We were in our video store looking for that title when I noticed that, right next to the video that we were interested in hiring (a children's animated feature rated G, targeted at very young children of her age and around about that age), there was a highly explicit sexual video. It had very suggestive pictures on the cover and was at about knee height roughly, so it was very low to the ground and at about the eye level of a very young child.

I thought that it was something that should not be allowed, so I approached the person behind the counter, who referred me to the manager. I was not angry; I just had a question to ask. I wanted to see whether that was maybe a mistake, or what the situation was. I approached him

politely and calmly and asked what the situation was. To his credit, he was also very polite and said that it was not normally the way they do things and that it was probably just a mistake.

He informed me that there was no formal legislation that he was aware of and, certainly, no directions from his particular chain of video stores that required him to keep either very violent videos or highly sexual videos in a particular section of the store. Specifically, there was no requirement to separate them from videos obviously targeted at children.

I decided to investigate the matter further. As I just indicated, I found out that there are no laws to govern that situation in South Australia. I was not aware that it was possible, but it is, upon looking at the lack of legislation. This bill specifies that R18+ (adult) videos must be kept in a separate marked area away from other general material, especially from children's viewing material. If that is not possible, and it may not be possible in every video store because some of them are quite small, the bill would then allow for the provision for highly sexual explicit or very violent videos to be presented within a blank cover.

The thrust of the bill is to place these videos quite separately from children's videos, in particular. It will also prohibit showing trailers or other promotional material with a rating of R18+ or greater; although, by law, one cannot show anything greater than that, but I am allowing for future changes that may come. Anything with an R18+ or higher cannot be shown within the store either as a trailer or a DVD running.

I have had the opportunity to write to all the major video chains about this proposal, and my office has also had some communication with the Commonwealth Classification Board. The board has confirmed that it also has concerns about this issue and noted that it apparently receives fairly regular complaints about it.

A representative from the Blockbuster chain, whom we contacted, noted that they suggested to all their franchisees that adult material should be kept in a separate section away from children's material but could not guarantee that their franchisees comply; that is, they make the recommendation, but compliance is not monitored. Family First is certainly appreciative of this guideline, but we also note the admission given to us by Blockbuster that it cannot control what its franchisees ultimately do.

We have had communications with the general manager of Civic Video, Mr Rod Laycock, who has written to me advising that in their stores they at least try to keep adult videos in a separate section. Further, they have a policy of not screening any trailers in their stores with a rating above M. He notes that they are mindful to do this because:

> ...our stores do attract family customers, and we do not wish to offend our younger customers with any excessive violence, sex scenes or language on a trailer display being played in our stores.

We are certainly appreciative of Civic Video's stand in this matter but, unfortunately, not all video stores will hold themselves to the same standard; indeed, I think my experience is proof of that. Family First has received several complaints about this matter during the time that I have been in this place, primarily about very explicit video covers being located literally right next to a children's video on the shelf and often at a height where children can see it, as was my experience.

The fact that we have had a number of these complaints and the fact that we have had communication with all the major chains and no-one is able to categorically rule out this practice occurring at the moment indicates that there is a problem and that, in our view, something should be done about it. It may be that, although most video stores used to be more inclined to do the right thing in keeping the adult videos separate from the children's videos, their compliance level at this time is not at the same level as it once was.

In any event, I believe it is appropriate that we set in place some guidelines; hence, this bill. I believe that most families will appreciate this initiative, particularly parents with young children, which will mean that they can go to a video store without having to be concerned about what their children will or will not see, whether it be on the video covers themselves or on the monitors within the video store running the DVDs.

A preliminary reaction that I got to this proposal is that classification is a federal issue. That is true; however, I am assured by parliamentary counsel and other advice that I have had and, indeed, via my office's discussions with the Commonwealth Classification Board, that, although classification is a national process carried out by the Commonwealth Classification Board, states and territories are responsible for enforcement and can impose local rules. The Northern Territory

and the ACT, for example, have their own rules allowing X-rated material, which is banned in all states of Australia.

Pornography has negative effects on children. It teaches them the wrong lessons about intimacy and sexuality and is not geared towards more beneficial long-term sexual intimacy. It is coupled with an obvious objectification of women. I for one believe that it causes tremendous damage to young people. Indeed, there has been a great deal of work to support that.

The Kaiser Family Foundation reports that 70 per cent of young children who view pornography have often stumbled across it perhaps while online researching for an assignment, but perhaps also when coming across it by accident at a local video store.

A Heritage Foundation study reports that the harm from overexposure to pornography in children includes: an overestimation of the prevalence of practices such as group sex, bestiality and sadomasochism; perceiving promiscuity as normal; developing cynical attitudes about relationships as a whole; and viewing the idea of raising children and having a family as unattractive prospects.

The report also noted that boys begin to view girls as nothing more than sex objects, in many cases. Girls begin to think that, in order to achieve their objectives romantically, they need to become a sex object; so the report states. No wonder that a recent survey found that body image is now the primary concern—not a primary concern but the primary concern—within some groups of even very young children.

A high prevalence of pornography was listed as a possible link to child abuse in some Aboriginal communities and has been banned in Northern Territory communities during the ongoing intervention.

I want to thank some members for the in principle support that they have already given to this proposal even before the introduction of the bill, and I thank in particular the Attorney-General for his comments on FIVEaa on 17 March this year, including the comment that 'Dennis Hood and Family First are right about this.' I would also like to thank the shadow attorney-general for her comment when she noted that some people '...think that politicians are forever arguing with each other, but there's a lot of times when we're actually singing from the same song sheet.' Of course, she was saying that in reference to the comments I had made on the air that day. I hope that we can sing from the same song sheet about this.

I am also grateful for the in principle support that the Hon. Mark Parnell gave on the radio on the same day. I will not for one moment indicate that he said that he will support the bill, but he did give in principle support to the concept on air. The honourable member confirmed the problem on radio by saying:

> I have gone into video shops with small kids and yes, the Gs, especially the new release section, they've often got them lumped all together—the Gs are next to the Rs. I've got no problem at all with keeping the R videos separate from the G videos.

I thank him for what appears to be in principle support, as I do other members who have privately intimated support for the idea to me. Of course, if there are any other proposals or comments that members would like to make, I would be very keen to hear those.

It is a very simple bill and what we are trying to do is ensure that, when young kids, particularly, go into video stores, they are not exposed to things that I think any parent (or even non-parent) would agree is not to their benefit. For that reason, if this bill passes, it will mean that video stores will have to have a separate section. They can still rent these videos; that is completely their right and their choice to do so, they just need to keep them away from children's videos. I commend the bill to members.

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

PARLIAMENTARY DEBATE

Adjourned debate on motion of Hon. D.G. Hood:

That this council notes that fair and accurate debate is important to the parliamentary process.

(Continued from 4 March 2009. Page 1503.)

The Hon. D.G.E. HOOD (17:18): I move:

That this order of the day be discharged.

Motion carried.

STATUTORY AUTHORITIES REVIEW COMMITTEE: ANNUAL REPORT

The Hon. B.V. FINNIGAN (17:20): I move:

That the report of the committee, 2007-08, be noted.

As members would be aware, I am no longer a member of the Statutory Authorities Review Committee, and I congratulate the Hon. Carmel Zollo on her election to the committee as presiding member. I thank all the honourable members with whom I had the pleasure to work on the committee over the period that I was a member. The current members are the Hon. Mr Hunter, who was there during the time that I was there from 2006, the Hon. Mr Stephens, the Hon. Mr Lucas and the Hon. Ms Bressington. I also thank the former members: the Hon. Michelle Lensink—

The Hon. Carmel Zollo interjecting:

The Hon. B.V. FINNIGAN: No; not in my time—and the Hon. Nick Xenophon with whom I also served on that committee. It has been a very interesting and challenging committee to be a member of, as you would know, Mr President. I have enjoyed the inquiries that we have undertaken. We had quite a number of meetings to receive oral evidence. In particular, in the past 12 months, we had a lot of hearings for the WorkCover inquiry and ongoing inquiries into land management.

The Hon. Mrs Zollo has, of course, tabled the inquiry into the Independent Gambling Authority and I will speak to that on another occasion. I again thank the honourable members with whom I worked on that committee. In particular, I thank the committee secretariat: Mr Hickery, the secretary; Mrs Baxter, the new research officer; Ms Cassidy, the former research officer; and Ms Gray who provides administrative assistance.

It has been a pleasure to serve on that committee, and I believe it has borne some fruit in its reports and investigations. Even if I do not always support the move to undertake certain inquiries, nonetheless it has been interesting to work on them. I hope the recommendations of the committee now and into the future will be of assistance. I commend the report to members.

Debate adjourned on motion of Hon. J.M. Gazzola.

WATER RESTRICTIONS

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

That this council—

1. Notes—

   (a) the increasing frustration of South Australians with the inequity of household water restrictions that limit outside use, whilst allowing unlimited use within the home;

   (b) the significant potential for abuse of water restriction rules and the reliance of householders dobbing in their neighbours as an enforcement strategy;

   (c) the increasing need to reduce water demand in the face of the declining health of the River Murray which supplies up to 90 per cent of Adelaide's potable water during dry years; and

   (d) that those with access to the quaternary aquifer that underlies the Adelaide Plains are able to extract unlimited amounts of water for domestic use; and

2. Calls on the government to—

   (a) replace the water restriction regime with a household allocation based on occupancy and quarterly meter readings to allow citizens to choose where and how they use their water;

   (b) prescribe the quaternary aquifer beneath Adelaide and include domestic bore extraction within the household allocation, whilst continuing to exclude water sourced from rainwater tanks to encourage the uptake of domestic rainwater collection systems; and

   (c) change the water pricing structure by increasing the volumetric costs and reducing other charges to provide more incentive for water users to reduce their demand.

(Continued from 8 April 2009. Page 1940.)

The Hon. I.K. HUNTER (17:24): I rise to indicate that the government will not be supporting the Hon. Mr Parnell's motion on water restrictions. That would come as no surprise to the Hon. Mr Parnell. I was advised a few seconds ago by the honourable member that we may be

facing an amendment to his motion. As I have not yet seen the amendment, I will proceed with the comments I was about to make.

As usual, I believe the Hon. Mr Parnell's intentions in this motion are laudable, but the very high costs of metering, monitoring and the creation of allocations for domestic bores and residential supplies provided by SA Water greatly exceed the relatively small benefit which may be achieved by that process. The Hon. Mr Parnell has not addressed the key financial implications of the proposal, which would require new activities by a government at a time when we are needing to apply expenditure restraint.

Times are still tough. Notwithstanding the excellent recent rainfall, we have had water restrictions since 2003 and the Murray-Darling Basin has been in drought since 2006. We have had to impose tougher water restrictions so that we can manage the reduced water supply. In 2002, Adelaide used more than 195 billion litres of water, and last year we consumed less than 137 billion litres.

Our community understands the need for water restrictions, and members should not underestimate the will of the community to pitch in when our state is in trouble. The government has also introduced other strategies that are having significant success. The $24 million three-year home rebate scheme has reached 83,000 approvals since it was announced in November 2007. There are now $15.8 million worth of water-saving devices in homes and gardens, thanks to that scheme.

Rainwater tanks make a real contribution to supplementing our water supply, and the government has mandated the installation of rainwater tanks or connections to a recycled water scheme in new homes or where major extensions are taking place. We are also leading the nation in the use of recycled water and are implementing projects to ensure that this continues. We are also building a $1.3 billion desalination project that will deliver a reliable supply of water for our future—a supply that does not force us to rely on rainfall.

The Hon. Mr Parnell's motion would result in significant additional costs to customers, while not yielding any significant improvements in water security or, importantly, the diversity of supply. First, it is proposed that the current water restrictions regime be replaced with a household allocation, based on occupancy and quarterly metre readings in order to allow citizens to choose where and how they use their water.

In moving the motion the honourable member cited examples of the Victorian and Queensland systems, but neither of the initiatives to which he referred in those states replace water restrictions. Neither state has established base per property water allocations, and in both cases the targets are just that—simply targets.

Furthermore, the proposal would require an elaborate and administratively complex and costly system for minimising domestic water use. The honourable member's proposal would require the creation of separate new water allocations for both domestic bores and for water supplied by SA Water for domestic purposes. The allocations would then be merged to form a base allocation per property—and already I do not understand the proposal.

While the honourable member's motion refers specifically to the Adelaide Plains, I think in the name of equity one would argue that such a system—if it were to be introduced—would need to be introduced statewide, and not just for those living in metropolitan Adelaide. That means up to 620,000 domestic properties currently supplied by SA Water would be affected.

The changes that the honourable member has suggested would be incredibly costly to implement and would require major upfront changes to the billing system. Of course, these costs would need to be recovered from SA Water customers—another expense for the community, with very little demonstrable additional value and minimal, if any, water savings.

The Hon. Mr Parnell also seeks to prescribe the quaternary aquifer beneath Adelaide. The aquifers, including the quaternary aquifer under the central Adelaide area, were prescribed in June 2007, and a water allocation plan for that area is being prepared by the Adelaide and Mount Lofty Ranges NRM board. However, stock and domestic wells are not covered by the prescription.

Various management options, including permanent water conservation measures for some non-mains water resources, have been investigated and some targeted consultation has been undertaken. As a consequence of the drought and other factors, on 7 December 2007 the then minister for the environment and conservation declared a temporary moratorium on the issuing of new well permits in the majority of the central Adelaide groundwater area in order to assist the

management of the groundwater resources of that area. During the period of the temporary moratorium, no further permits will be issued, other than for limited exceptional circumstances.

Finally, the honourable member calls on the government to change the water pricing structure in such a way as to provide more incentives to water users to cut down on their usage. The government is already doing that. In December 2007, the government announced changes to pricing for 2008-09 and 2009-10.

The government considers that the levels and scope of water restrictions currently in place minimise unnecessary and inappropriate water use. Restrictions form one part of the government's response to the current unprecedented drought, and the actions I have outlined here today are designed to ensure the delivery of ongoing water security for South Australians. The government opposes the motion.

The Hon. S.G. WADE (17:29): I rise to speak to the Hon. Mark Parnell's motion and indicate that I will be moving an amendment. Water security involves balancing supply and demand elements. Supply is a matter of finding, treating and distributing water, and the supply of water in South Australia is facing some of its greatest challenges, particularly as a result of the significant drought being experienced not only in our local area but also in the River Murray, a major source of water for this state.

At a time when the River Murray is under stress, we ask ourselves what has happened under the Rann government. When the Rann government was elected in 2001-02, 40 per cent of water provided was sourced from the River Murray. In 2007-08, the most recent year for which figures are available, that reliance has increased to 85 per cent. In spite of the Premier's assertions that he wants to reduce reliance on the River Murray, we are facing a real crisis in terms of the stress that is being placed on the river.

Secondly, water security involves managing demand for water. The Hon. Mark Parnell referred to the cost effectiveness of demand management in promoting security, which was identified in research he commissioned. It is worth noting in this context that some water industry regulators, such as IPART in New South Wales, set specific demand management obligations on water utilities. In this context, in spite of its obligations under the national competition policy, the South Australian government does not have independent economic regulation of its water utilities.

What has happened to water demand management under the Rann government? Water restrictions were introduced in 2002-03. In that year Adelaide metro use was 178 gigalitres. In the years since then there has been an average of 155 gigalitres of water use—a reduction of about 13 per cent. So, we have had an increase in the draw from the River Murray from 40 per cent to 85 per cent, and a reduction in demand by about 13 per cent.

The question arising is: how sustainable is that decrease? It was reported earlier this year that, from the beginning of this year to the end of March, 45.2 gigalitres of water has been used in Adelaide compared with 44.2 gigalitres in the same period last year. There seems to be a kick-up in the demand within the Adelaide market.

The Hon. Mark Parnell's motion focuses very much on the way the government's approach to water is impacting on South Australians in their daily lives. Water restrictions have caused a huge amount of frustration within the community. In time management terms, people have had to run their lives around the arbitrary regime put in place by the government. People are needing to come home mid-weekend to do the watering if they are in an even numbered house and people are needing to change regular commitments because they interfere with the 7am to 10am or 4pm to 7pm time slots. There is frustration in relation to the inconsistencies. For example, people with swimming pools are given more leniency and it encourages people to water just in case.

The Hon. Mark Parnell made the point, which is very valid, that people are going out and watering even when it is raining: they would not do so without water restrictions. People are so stressed by the fact that they just do not know what the next three or four days will bring that they need to take the water when it is available to them rather than having the flexibility to respond to need. The Hon. Mark Parnell also highlighted avoidance mechanisms. He highlighted one in relation to people running empty washing machines purely for the purpose of obtaining grey water.

The motion also highlights the lack of equity between indoor and outdoor use. The whole principle behind the government's water restrictions program and the fact that it excludes in-house use is that people's recreational choices are being given a moral quota by the government. For example, if you like long showers, jacuzzis and fish tanks, the government says, 'Go for your life:

you can use as much water as you like.' In relation to gardens, however, the government has imposed a very rigid, blunt water restriction regime.

In public comments and discussions I have been part of, people have felt that there is almost a geographical bias. If you drive through the western suburbs often they are looking significantly more stressed in terms of their gardens and lawns than are those in the eastern suburbs. In terms of this frustration, we are seeing it coming through with the lack of compliance. At the end of March the *Adelaidenow* site reported that new research shows that support for the water restrictions is fading. That is not surprising. People are feeling frustrated with an inflexible regime that unreasonably impacts on their lifestyle choices, so they will non-comply. It highlighted the fact that water usage was up and went on to report results from an SA Water market research, which showed that 76 per cent of respondents had reduced water usage in the home or garden in the previous year, compared with 90 per cent when the first survey was conducted in February 2007. That is a very telling result. After years of frustration under the current government's inflexible regime—

The Hon. P. Holloway interjecting:

The Hon. S.G. WADE: This is about customer compliance: if you like to read a brief and listen to a debate, that is fine, but try to keep track of where the argument is going. That figure shows that, if 90 per cent reduced their water use in the previous year and only 76 per cent this year, people are taking less responsibility for their water use because the frustration is becoming so high. There are a number of reasons for that: frustration is an element, but there is a tendency within water restrictions to say that what we need to do with water demand is put in these restrictions. People think that is their contribution, rather than households being provided with more flexibility, more incentives and more encouragement to make choices consistent with their household structure and their lifestyle choices, with people taking responsibility for managing down their water demand.

Adelaidenow also ran an online poll in the context of that story. In that poll, people were asked: are you breaking water restrictions? Only 30 per cent of people said that they were complying with the water restrictions. Fifty-five per cent said, 'Technically, but I don't carelessly waste water.' These are not necessarily people who are being reckless with water. They say that they are being careful, and I have no reason to think they are not being careful. However, it does show that the community is saying, 'We don't have confidence in this government's water restrictions regime as a tool to manage demand in a crisis.'

I am sure that the public does not deny the reality of the crisis. In fact, I think the history of South Australia would show that the South Australian public is a much earlier learner in terms of the emerging water crisis than the parliament and the government. That poll also showed that 15 per cent said that, yes, they break the restrictions because they think they are a joke.

I think there is a real risk with the current water regime structure because it is blunt and it encourages noncompliance, and it gives people a false sense of assurance that they are doing their bit to manage water demand. In a very crude sense, the poll also showed that 84 per cent of respondents supported water restrictions; in 2007, it was 86 per cent. So, it is a small decline in an overall sense, but in terms of compliance there has been a significant level of noncompliance.

The Hon. Mark Parnell's motion also refers to householders dobbing in their neighbours. It reminds me of the case of the then minister, the Hon. Mr Wright. It was highlighted that he did not have confidence in the government's water restrictions: he was watering all night. This week, we have had another example of Labor government hypocrisy in relation to ministerial responsibilities in the case of minister Koutsantonis. That is indicative of this government's arrogance and laziness in terms of the challenges that South Australia faces. That laziness has been very clear in terms of investment in water infrastructure. The Hon. Ian Hunter highlighted the fact that the drought has been with us for some years—I think he quoted since 2006. To me, that sounded a bit late; I suspect it was earlier. Certainly, water restrictions on Eyre Peninsula pre-date that significantly.

So, what has the state government's response been? During seven of the best years the state has ever had, the Rann government has plummeted to be one of the worst performing—

The Hon. P. Holloway interjecting:

The Hon. S.G. WADE: No; this is 2008 Engineering Australia. A new independent report has outlined that the Rann government has plummeted to be one of the worst performing state governments in the country in terms of the development of water infrastructure.

A report released today by Engineers Australia (the Engineering Construction South Australia 2009 report) highlights the fact that, while investment has increased by 200 per cent across Australia since 2005-06, over the same period South Australia has not had a clear increase. The Rann government has failed to respond to the 2005 assessment by Engineers Australia that points to the 'below the status' performance of South Australia compared to other states and territories, with a 'D' for stormwater infrastructure. The report findings are a damning indictment of the Rann government's inaction and lack of investment in water infrastructure. Since the Rann government was elected, South Australia has consistently been the lowest performing state in terms of investment in water infrastructure.

During 2006-07, other Australian states were investing in the construction of water and sewerage facilities, but the report states that South Australia's investment 'was much more muted'. The 2007-08 Australian Bureau of Statistics data supports the Engineering Construction SA report findings showing that South Australia had the lowest per capita investment in water storage, supply, sewerage and drainage in the country.

In the Liberal Party's view, it is time the Rann government conceded that, like the desalination plant, our $400 million plan to capture stormwater, which we announced earlier this year, is a project that needs to be invested in.

The Hon. Mark Parnell's motion also refers to the need to replace the water restriction regime with a household allocation based on occupancy and quarterly meter readings to allow citizens to choose where and when they use their water. This is an idea the opposition believes is worthy of consideration. The opposition spokesman at the time, Mitch Williams, issued a press release on 25 October entitled 'Let households decide on water use'. The press release states:

> Shadow Water Security Minister Mitch Williams said that, if the Rann government had any vision and was serious about responsible water use, it would monitor household water use via water meter readings and modify behaviour through a modern and well designed pricing system.
>
> Rather than continuing with its archaic system of dictating when people can water their gardens, householders should be trusted to use water responsibly...Eight months ago, the opposition suggested a meter based system for water restrictions, giving households a choice as to how much they consumed a limited amount of water, but the public was told that it was too complicated.

As indicated by Mr Williams' comments, the opposition is open to new ideas. We put forward desalination. The government was dismissive initially but became more supportive over time. We have gone out on stormwater, and we expect that, in due course, the government will see the wisdom of that proposal, just as it has been embraced by the South Australian community.

In relation to demand management initiatives, such as household-based allocations, we believe there is a need to do a lot more work and a lot more thinking. I think the member for MacKillop's comments reflect an openness by the opposition to look at all aspects of the chain, not just to use water restrictions as a blunt instrument to suppress demand but taking a multifaceted approach to demand management.

Over the next 12 months as shadow minister for water security I will have responsibility for bringing together the Liberal Party's policy on water security. Certainly, I will be seeking to continue the work of Mitch Williams and looking at a range of options, including water pricing and other demand management measures.

The Hon. Mark Parnell's motion also referred to aquifers in a couple of instances. The Hon. Mark Parnell indeed does the council a service by highlighting the need to manage the aquifers. The Liberal Party has a particular interest in the aquifers in the sense that we believe that one of the great opportunities to increase water supply into the Adelaide region is through stormwater management. Currently we pump about 80 gigalitres of water from the River Murray to supply Adelaide, while 160 gigalitres of stormwater flows out to the sea every year.

If we could utilise at least some of that stormwater, we could significantly offset our take from the River Murray. In fact, the Liberal Party has a plan to harvest stormwater from 13 catchment sites across metropolitan Adelaide from the Gawler River to the Willunga Basin, and we estimate that those sites could potentially yield 89 gigalitres of stormwater. The cost would be of the order of $350 million to $400 million. The Leader of the Opposition recently announced that the first step of a Liberal government will be to establish a water capture and reuse commission to fast-track and implement the Liberal stormwater plan.

To bring together my comments, the Liberal opposition believes that a number of issues are raised in the Hon. Mark Parnell's motion that deserve consideration. They need to be part of a

comprehensive plan, and they need further investigation. The opposition considers that these options could get appropriate consideration or, if you like, the next step in consideration of these matters would be for them to be referred to the SA Water select committee, so accordingly I move:

Paragraph 2—Leave out the words 'Calls on the government to' and insert—

'Refers the following matters to the Select Committee on SA Water for inquiry and report—'

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (17:47): I will make a contribution to the debate to address some of the issues that the Hon. Mr Wade has just raised, because it seems to be part of this new Liberal mythology that has been created around water that somehow or other they have some virtue on it. The reality is that, from the Liberal Party's perspective, it has been fortunate enough to be in opposition at a time when this state has been faced with by far the worst recorded drought in its history. Essentially, the only thing it has achieved in the past seven years is to actually be there in opposition while we have had this long running drought.

Of course people are frustrated at present with the water restrictions, because until we had the very welcome rain at the weekend we had a particularly dry period, and of course people hate to see gardens and trees dying all around the metropolitan area because of these very severe drought conditions. Nevertheless, under this government, these incredibly dry conditions have been managed in a way where, notwithstanding the fact that it is the worst drought that any state in this commonwealth has faced, this state has been able to get through that period with lighter water restrictions than have been seen in many parts of the country such as Queensland, for example, which have been much better endowed with water resources. I believe that is a tribute to this government and the minister.

It is interesting that from members opposite we have had no positive suggestions at all in relation to this subject. Yes; of course people are frustrated, and if one is introducing restrictions there are always practical difficulties in relation to that. It is always easy in theory to come up with a solution that would be fairer, but the question is whether it is possible or practicable to manage the changed system. Obviously, it is a bit like the taxation system: the more equitable one makes the system, the more complicated it inevitably becomes to achieve equity. It is just one of the facts of life and, just like taxation equity, with water restrictions the same principle really applies.

The Hon. Mr Wade just mentioned as one of his justifications for these issues the *Adelaidenow* poll. I find it rather extraordinary that anyone would use the *Adelaidenow* poll as some genuine indicator of public opinion. I think one consistently sees a huge divergence between that poll and reality and what people really think. One of the reasons for that might be that, as we know in recent times, some Liberal shadow ministers have been instructing their staff to ring up and use this poll to get an outcome. That was exposed on ABC Radio some time back. That is fine; we have these polls and I have no problem with them, but I do not think anyone in this council should seriously use the *Adelaidenow* poll as an indicator of anything whatsoever.

The Hon. Mr Wade also talked about the best years of the economy in the context of this water debate. Whatever the years might be in relation to the economy—and I would suggest that under this government there has been a golden economic period, particularly in areas such as the growth of the mining industry and defence and the like—this state's economy has been greatly diversified but, as I indicated in question time today, one of the negative impacts over the past seven years has been the rural economy. Why would it not be a drain on our economy when over the past few years we have not been able to adequately irrigate our crops because of the unprecedentedly low levels of water in the Murray-Darling Basin? In fact, rather than the best years in terms of water, these have been the worst years the state has ever faced.

The honourable member talked about investment in the water industry and accused this government of stormwater inaction. When this government came to office, I well recall that one of the very first things we did in the first budget was double (from $2 million to $4 million) the expenditure on stormwater because it had been so badly neglected under the previous government. So, to say that we have been in active on this issue is nonsense.

The Hon. Mr Wade talked about this brilliant stormwater harvesting plan released by the Liberal Party. I have never seen a more plagiarised document in my life—even all the graphs are government documents. All the references and all the information in this Liberal report have been taken from the state government's Water Proofing Adelaide Strategy 2005-2025. All the Liberal

Party has done is simply plagiarise all the work that has been carried out by this government over many years and put it into its policy. How extraordinary!

Using these government figures straight out of the government's report, the Liberal Party has compiled a list of stormwater run-off discharge to Gulf St Vincent and identified the 89 gigalitres of water that could be potentially harvested; one it looks at is the Salisbury system, where the potential is—

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

The Hon. P. HOLLOWAY: No; it is the Liberal Party. Read your own document! On page 10, it states, 'Here is a plan for action on stormwater,' and, 'The potential yield from the above sites is approximately 89 gigalitres. Catchment site 2, City of Salisbury and City of Playford, potential yield 18 gigalitres.' There it is—the 20 gigalitres the Salisbury council has set out to achieve by 2010 is part of the Liberal document. Who is taking credit for it? It is not the government; it is actually the Liberal Party.

What else is in here? Here is another interesting one, the potential yield from their catchment site No. 4, the Cheltenham racecourse site, 'potential yield 1.5 gigalitres'. Of course, this government is investing significant amounts of money into that site. We can go on. If we go down south, the Willunga basin potential yield is 2.2 gigalitres. If that is not bad enough, not only is the Liberal Party claiming things that have already been done by this government and by local government, not only is it a fraud in relation to that, but the other day the Leader of the Opposition said, 'Yes; altogether this will cost $400 million, and it will be pretty expensive.' Who will pay for it? The federal government. It was saying that the federal government would pay for it anyway.

What sort of fraud are members of the opposition trying to perpetrate on the people of South Australia by plagiarising this government's Water Proofing Adelaide Strategy and taking credit for what has already been done or, in a number of cases, is in the process of being done by this government and by local government? They come in here and say, 'In any case, whatever we do, the federal government will pay for it anyway,' and try to claim credit for it.

In relation to this motion, I support the position put by my colleague the Hon. Mr Hunter—that we do not support it. Of course people are frustrated with the current drought situation and by the fact that they face water restrictions. If the opposition were as opposed to them as it appears to be, would it not have made a single solitary suggestion about how it could deal with the situation? Of course, it will not because it knows that, whatever it does, it comes back to what I said before about the taxation system: to make it more equitable, it becomes more complicated and you start to get problems. The opposition knows that, as soon as it makes some tangible suggestions, there will be problems and it will not be quite so popular. It is much easier just to stand back, whinge and criticise.

The government does not support this motion, and whether or not this resolution is referred to a select committee is probably irrelevant, so we will not be dividing on it. I support the position of my colleague the Hon. Mr Hunter that this motion should not be supported.

The Hon. M. PARNELL (17:58): I will quickly wrap up the debate and commence by thanking honourable members who have made a contribution, namely, the Hon. Stephen Wade, the Hon. Ian Hunter and minister Holloway. At the outset, I say that the amendment proposed by the Hon. Stephen Wade in a very real way takes the pressure off the government right now because, as I moved it, the motion called on the government to move in this direction. Nevertheless, I think that he makes some very good points; that is, these are complex issues and would benefit from further investigation.

In its wisdom, the Legislative Council has set up a select committee to look into SA Water, so the effect of the honourable member's amendment, which I will be supporting, is that the select committee will take on the task of looking at whether water restrictions can be replaced by some other method of allocation and whether the aquifers beneath Adelaide require more regulation. For the Hon. Ian Hunter's benefit, I draw his attention to the difference between the quaternary aquifer and the tertiary aquifer because it was clear from his contribution that he did not understand the difference.

The Hon. Ian Hunter pointed out that many of the things called for in this motion are already being done by the government; for example, he mentioned reforms to pricing. There are two points to make: first, the government has not reformed pricing in the way this motion calls for, that is, for the fixed charges to make way for increased variable charges. The government made

some changes in relation to water pricing and got it terribly wrong, and we saw people having refunds because their bills were not accurate.

I also want to respond very quickly to something that minister Holloway said about *The Advertiser* opinion poll. I accept that that is not the best evidence; however, what the minister might have failed to realise is that the opinion poll occurred after the article appeared in *The Advertiser*. The first couple of sentences state:

> New SA Water research shows support for water restrictions in the state is fading as consumption rises. Water usage this year is one gigalitre or one billion litres more than during the same time last year. Research commissioned by SA Water shows a fall in the number of people who support, abide by or are aware of water restrictions…

I agree with the minister that the subsequent opinion poll is a self-selecting poll and probably not the best evidence. It was SA Water's own report that showed that water restriction support was fading. I appreciate the minister's comment that they will not be dividing on this. The motion before the council now is not whether we are calling on the government to adopt these measures: the motion is now quite simply to send these ideas away to the existing select committee (which is already looking at some of these issues) for a more comprehensive report.

If any people were thinking that maybe they would not support the motion because they were not ready to call on the government to do these things now, the motion is now quite simple: we are referring these matters to the select committee and when that committee reports back (hopefully, in the not too distant future) then these issues may come back either in this form or in a different form. Most likely they will be part of a more comprehensive set of recommendations. I would have thought there would be very little reason for anyone to oppose this motion now. It is simply calling for further investigation into these matters.

Amendment carried; motion as amended carried.

[Sitting suspended from 18:03 to 19:45]

PETROLEUM (MISCELLANEOUS) AMENDMENT BILL

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (19:46): Obtained leave and introduced a bill for an act to amend the Petroleum Act 2000 and to make related amendments to the Development Act 1993 and the Mining Act 1971. Read a first time.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (19:47): I move:

> That this bill be now read a second time.

The government is pleased to be introducing to parliament this important bill to amend the Petroleum Act 2000 (the act) for governing onshore petroleum exploration and development in South Australia. The proposed amendments seek to enhance the provisions of the act to address both administrative matters and emerging issues in the petroleum and geothermal industry sectors.

As has already been reported to parliament, the Productivity Commission Review on Regulatory Burden on the Upstream Petroleum Industry in Australia highlights South Australia's approach to regulation of the upstream petroleum sector, through administration of the act, as a working example of best practice regulation. This bill seeks to ensure that the act continues to be seen as a best practice regulatory framework.

In respect of public consultation on the bill, extensive industry and community consultation on act amendments has been carried out, initiated by the public release of a discussion paper in 2005, a green paper in 2006 and the Petroleum (Miscellaneous) Amendment Bill in 2008. During this time, PIRSA has received numerous submissions from interested stakeholders, all of which have been thoroughly reviewed and considered by PIRSA. This review process has involved numerous meetings with stakeholders to discuss the proposed amendments and submissions made.

Stakeholders consulted during the consultation process included all licensees operating in South Australia at the time, peak industry associations—namely, the Australian Petroleum Production and Exploration Association and the SA Chamber of Mines and Energy (SACOME)—as well as state government agencies including the Environment Protection Authority, the Department

for Environment and Heritage, PIRSA's Mineral Resources Group and Planning SA, Safe Work SA and the Department for Transport, Energy and Infrastructure. Non-industry groups involved in the consultation process included the Natural Resources Management Boards and the Aboriginal Legal Rights Movement (now South Australian Native Title Services) as well as various peak environmental groups.

In respect of the key features of the bill, the major improvements over the Petroleum Act 2000 which this bill achieves are:

- strengthening of provisions for gas storage, encouraging greenhouse gas abatement;
- greater security of tenure and flexibility in the licensing and activity approval provisions;
- providing for enhanced competition in relation to the processing of regulated substances;
- enhancement of landowner notice of entry and compensation provisions, giving greater confidence to landowners (including native title holders and claimants) that their interests are effectively protected;
- refinement of provisions for royalty payments to enhance certainty of royalty payment forecasts and improve the process for royalty collection;
- reinforcement of the one-window-to-government concept;
- streamlining of data submission requirements to reduce regulatory red tape.

More specifically, this bill makes these improvements through the following key amendments. In respect of gas storage provisions, such provisions have been strengthened through the introduction of compatible gas storage tenements. These tenements authorise exploration for gas storage resources and subsequent storage of greenhouse gases, as well as the temporary storage of regulated gases for production and use at a later date (to foster security of gas supplies).

No royalty will be payable for the storage of gas. These provisions ensure that the MCMPR Australian regulatory guiding principles for carbon dioxide capture and storage are explicitly addressed in South Australia and are consistent with the Environmental Guidelines for Carbon Dioxide Capture and Geological Storage 2008, the development of which was overseen by the Environment Protection and Heritage Council (EPHC) and the MCMPR Joint Officials Working Group. Transitional provisions have also been amended to ensure gas storage rights for licences granted under the Petroleum Act 1940 are preserved.

In respect of over-the-counter licence applications, the bill proposes modification to the act to reflect that, following the submission of a valid over-the-counter petroleum exploration licence application, either the grant or a process leading to grant will be offered to the applicant. Once the grant or a process leading to a grant has been offered for an application, that application will have primacy, and further applications will be held in abeyance pending determination of the application given primacy.

In terms of third party facility licensing, the bill introduces a special facilities licence to allow third parties, who are not primary licence holders under the act, to construct and operate facilities for the purpose of processing regulated substances. This new type of licence will encourage third party competition and can provide the necessary market to ensure existing facility tolls remain competitive.

In terms of land access and land owner notification provisions, the bill proposes the combining of current definitions for 'occupier' and 'owner' and replacing it with one definition, 'owner of land', covering all persons who may be directly affected by regulated activities. This new definition aims to ensure all such persons are provided with notification prior to the commencement of activities and may be entitled to compensation provisions.

This amendment has been strongly applauded by a number of native title claimant groups, as it enables the Aboriginal people most knowledgeable of heritage in various parts of the state to be informed of activities and, as a result, be included in land access notification actions.

Provisions for royalty payments have been refined to enhance certainty of royalty payment forecasts and to enhance the process for royalty collection. This amendment is made as a follow-up to the Auditor-General's 2007 Review of Petroleum Act Revenues.

To reflect existing consultation practice and reinforce the one-window-to-government concept adopted by PIRSA for the resources industries, both the Environment Protection Authority

and SafeWork SA are to be included as agencies that must be consulted under the relevant approval provisions of the act.

Regulation of the coal to liquids process is introduced by the bill through amendment to the definition of petroleum to include coal constituting the produce of coal gasification for the purposes of the production of synthetic petroleum. This amendment is made in response to comments from synthetic fuel companies seeking one-window-to-government. Amendments to a number of data and report submission requirements have been made to streamline and reduce unnecessary red tape.

In conclusion, the bill enhances existing provisions by addressing administrative matters as well as emerging issues in the petroleum and geothermal industry sectors. The bill is supported by industry and community stakeholders, who have been significantly involved in the review and amendment process since 2005. Through the enhancement and strengthening of provisions, the bill seeks to ensure that the South Australian Petroleum Act continues to be widely recognised as regulatory best practice. I commend the bill to members. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Petroleum Act 2000*

4—Amendment of short title

This clause changes the name of the current Act to the *Petroleum and Geothermal Energy Act 2000* which reflects the changes made by this measure.

5—Amendment of section 3—Objects of Act

This clause amends the objects clause to include geothermal resources and natural reservoirs suitable for storage within the regulatory system under the Act.

6—Amendment of section 4—Interpretation

The amendments in this clause are consequential to the amendments made by this measure. It amends the Interpretation section to replace the definition of *highly prospective region* with the concept of a *competitive tender region*. This clause also amends the definition of *licence* to reflect that under this measure, there will be different categories of an exploration licence, retention licence and petroleum production licence. Under this measure, an 'associated facility licence' is replaced by an 'associated activities licence' or a 'special facilities licence'. The definitions of 'occupier' and 'owner' under the current Act are combined in the definition of 'owner'. A product of coal gasification to produce synthetic petroleum is to be brought within the concept of 'petroleum' under the Act. Certain other matters relevant to the operation or application of the Act are to be clarified.

7—Amendment of section 5—Rights of the Crown

This amendment clarifies that the property rights in relation to a regulated substance that is stored in a natural reservoir after production or acquisition are not affected by that storage.

8—Amendment of section 10—Regulated activities

This amendment makes it clear that the storage of petroleum may also involve the storage of other naturally occurring substances.

9—Amendment of section 13—Licence classes

This clause amends section 13 to reflect that there will be 3 different categories of exploration licences, retention licences and petroleum production licences under the Act. An 'associated facility licence' is also replaced by an 'associated activities licence' or a 'special facilities licence'.

10—Amendment of section 14—Preliminary survey licence

This amendment allows the Minister to vary the area to which a preliminary survey licence relates on the application of the licensee.

11—Amendment of section 15—Term of preliminary survey licence

This amendment removes the current restriction on the renewal of preliminary survey licences for a maximum aggregate of 5 years.

12—Substitution of heading to Part 4 Division 1

The amendment of the heading is consequential to the amendments to Division 1.

13—Amendment of section 16—Competitive tender regions

The amendments to section 16 reflect the change in terminology from 'highly prospective region' to 'competitive tender region'.

14—Substitution of heading to Part 4 Division 3

The amendment of the heading is consequential.

15—Substitution of section 21

This clause amends the current section 21 by setting out that there will be 3 categories of exploration licences. These are a petroleum exploration licence, a geothermal exploration licence and a gas storage exploration licence. Depending on the category of licence, an exploration licence authorises the holder of the licence to carry out exploratory operations for relevant regulated resources and operations to establish the nature and extent of a discovery of regulated resources and to establish the feasibility of production and appropriate production techniques. The holder of an exploration licence is (subject to the Act) entitled to grant of a corresponding retention or production licence for a regulated resource discovered in the licence area.

16—Amendment of section 22—Call for tenders

These amendments to section 22 are consequential on the changes regarding the 3 categories of exploration licence and the change in terminology from 'highly prospective region' to 'competitive tender region'.

17—Amendment of section 24—Areas for which licence may be granted

This clause provides that the maximum licence area for a gas storage licence will be 2,500 km^2 and increases the licence area for a geothermal exploration licence from 500 km^2 to 3,000 km^2.

18—Amendment of section 25—Work program to be carried out by exploration licensee

This clause removes the requirement in section 25 for the Minister to approve an acceleration of the work to be carried out under an approved work program.

19—Amendment of section 26—Term and renewal of exploration licence

This clause removes the restriction that an exploration licence granted for a highly prospective region may only be renewed once. It also inserts a subclause that provides that subsections (3), (4) and (5) (which relate to the required excision of a certain amount of the licence area on renewal) do not apply to gas storage exploration licences. It also clarifies the status of any area that has become subject to a production licence or a retention licence.

20—Amendment of section 27—Production of regulated resource under exploration licence

This clause amends section 27 to reflect the change to the 3 categories of exploration licence.

21—Substitution of sections 28 and 29

The new clause 28 which replaces the current sections 28 and 29, provides for 3 categories of retention licence—a petroleum retention licence, a geothermal retention licence and a gas storage retention licence. As with the current section 28, this clause provides that a retention licence is to protect the interests of the licensee in a regulated resource to facilitate the evaluation of the productive potential of a discovery or to carry out work needed to bring the discovery to commercial production. It also provides that in the case of a gas storage retention licence the licence is also to facilitate the testing of the natural reservoir for the storage of petroleum or other regulated substance. It also provides a means by which the licensee may maintain an interest in a regulated resource until production is commercially feasible. Under the retention licence, a licensee is authorised to carry out operations to establish the nature and extent of a discovery and to establish the commercial feasibility of production and production techniques, in addition to other activities specified in the licence.

22—Amendment of section 30—Grant of retention licence

This clause makes consequential changes and inserts a new subclause in relation to the grant of a gas storage retention licence. A person will be entitled to the grant of the licence if the Minister is satisfied that it is reasonable to facilitate the testing of the natural reservoir for the storage of petroleum or other regulated substance, and/or that the use of the natural reservoir for the storage of petroleum or other regulated substance is not currently commercially feasible or reasonable.

23—Amendment of section 31—Area of retention licence

This clause limits the area of a petroleum retention licence to twice the area under which the discovery is likely to extend but not more than 100 km^2. The area of a geothermal retention licence or a gas storage retention licence is limited to 1,000 km^2.

24—Amendment of section 32—Term of retention licence

The current section 32 provides that a retention licence may be renewed from time to time, but only if the Minister is satisfied that although not currently commercially feasible, it is more likely that not that it will be within the next 15 years. This clause amends this section so that the 15 year period does not apply to a gas storage retention licence unless the Minister assesses or determines that the natural reservoir is more likely than not to be used in connection with the production of petroleum. This new subclause does not derogate from the operation of section 39 (requirement for licensee to apply for a production licence) or section 79 (access to natural reservoir).

25—Amendment of section 33—Work program to be carried out by retention licensee

This clause amends section 33 to make clear that Ministerial approval is not required to accelerate the work required under an approved work program.

26—Substitution of section 34

The new clause 34 sets out that there will be 3 categories of production licence: a petroleum production licence, a geothermal production licence, and a gas storage licence. Subject to the terms of the licence, a petroleum production licence authorises operations for the recovery of petroleum or other regulated substance from the ground, including operations that involve injecting petroleum or other substance into a natural reservoir for the recovery of petroleum or other regulated substance. The licence may also authorise the extraction of petroleum or other regulated substance by means such as in situ gasification or the techniques used to recover coal seam methane. It may also authorise operations for the processing of regulated substances. It is also made clear that a production licence authorises the storage or withdrawal of petroleum as part of ensuring its supply or delivery to market. A geothermal production licence authorises operations for the extraction or release of geothermal energy. A gas storage licence authorises operations for the use of a natural reservoir for the storage or petroleum or other regulated substance. A production licence may also authorise the licensee to carry out other regulated activities within the licence area.

27—Amendment of section 35—Grant of production licence

The amendments to section 35 under this clause are consequential.

28—Amendment of section 36—Power to require holder of exploration licence or retention licence to apply for production licence

This amendment is consequential to the changes regarding the 3 categories of production licence.

29—Amendment of section 37—Area of production licence

Section 37 is amended so that the current contents apply to the area of a petroleum production licence. This clause also inserts a provision limiting the area of a geothermal production licence or a gas storage licence to 1,000 km^2.

30—Amendment of section 38—Work program to be carried out by production licensee

This clause makes clear that Ministerial approval is not required for the acceleration of work required to be carried out under an approved work program.

31—Amendment of section 41—Cancellation or conversion of production licence if commercially productive operations in abeyance

This clause extends section 41 to also cover storage operations that have not been carried out on a commercial basis under a gas storage licence.

32—Amendment of section 42—Unitisation of production

This amendment is consequential.

33—Amendment of section 43—Royalty on regulated resources

This clause amends section 43 by inserting a new subclause that provides that the requirements that a licensee lodge a monthly return (setting out the quantity of the regulated substance or energy produced, the quantity sold or the amount realised on the sale and any other information required by the Minister), and that the return be accompanied by the royalty payable by the licensee, may not apply to a particular licensee or class of licence. The Minister may impose by notice to the particular licensee or by notice in the Gazette such other requirements on the licensees as may be appropriate in the circumstances. These requirements may be varied or revoked or added to by further notice.

34—Amendment of section 46—Rights conferred by pipeline licence

This amendment recognises that it may be appropriate for the Minister to authorise the holder of a pipeline licence to carry out a regulated activity on land that is adjacent to the pipeline.

35—Insertion of section 55A

This clause inserts a new section that exempts land that constitutes pipeline land from local government rates.

36—Substitution of heading to Part 9

The change to this heading is consequential to the change in terminology from associated facilities to associated activities.

37—Amendment of section 56—Associated activities licence

These amendments are consequential to the change in terminology from associated facilities to associated activities. This clause also authorises the licensee to carry out any type of associated regulated activity on land outside the area of the primary licence.

38—Amendment of section 57—Area of associated activities licence

This clause amends section 57 to provide that the area of an associated activities licence is limited to 5 km^2 in relation to facilities that the Minister considers to be permanent, and otherwise to 1,500 km^2.

39—Amendment of section 58—Term of associated activities licence

This clause inserts a new subsection that provides that the term of an associated activities licence that is granted for facilities that the Minister considers are of a temporary nature may be determined by the Minister. Such a term may take into account any decommissioning, rehabilitation or other action that may be required. The term of the licence may be renewed from time to time, as the Minister thinks fit.

40—Amendment of section 59—Relationship with other licences

This amendment is consequential to the change in terminology from associated facilities to associated activities.

41—Insertion of Part 9A

This clause inserts a new Part as follows:

Part 9A—Special facilities

59A—Application of Part

This clause provides that the Part applies to an area declared by the Minister to be a *declared area* in the Gazette.

59B—Special facilities licence

This clause establishes a special facilities licence which authorises the licensee to establish and operate facilities within a declared area in relation to searching for any regulated substance, the processing of any regulated substance, producing or generating energy from geothermal energy, or other activities that may be relevant or incidental to searching for, or processing, producing or storing, any regulated substance or product derived from a regulated substance. The licence may confer rights of access to and use of the land to which the licence relates, on terms and conditions specified in the licence. For example, a special facilities licence may be granted to authorise the establishment and operation of facilities such as a processing plant or an electricity generation facility. A person who holds a special facilities licence need not hold any other licence under the Act associated with the production or utilisation of a regulated resource. Nor must the area of a special facilities licence be near the area of any other licence under the Act.

59C—Area of special facilities licence

The maximum area of a special facilities licence is 5 km^2.

59D—Term of special facilities licence

A special facilities licence is for the term specified by the Minister. This term may be extended from time to time. The Minister may cancel the licence if he or she considers that it is no longer being used for the purposes for which it was granted.

59E—Relationship with other licences

A special facilities licence may be granted in relation to an area comprised within the area of another licence. The rights conferred by a special facilities licence will prevail over those of another licence in respect of the same area to the extent (if any) that the Minister determines to be reasonable and appropriate and specified in the licence. Before granting a special facilities licence for the same area as another licence, the Minister must consider the reasons for the licence, the legitimate business interests of the existing licensee, the effect of the operations under the special facilities licence on the operations carried out under the existing licence, the operational and technical requirements for the safe, efficient and reliable conduct of operations under both licences, and any other relevant matters. The Minister must also consult with the existing licensee about the conditions to be included in the special facilities licence. The holder of the existing licence may also be entitled to compensation for the diminution of the rights under that licence if a special facilities licence is granted in relation to the same area. The compensation may be agreed by both licensees, or determined by a relevant court. The holder of an existing licence may also apply to the Land and Valuation Court to review the terms and conditions of a special facilities licence within 2 months of being granted over the same area. The Court may vary the terms and conditions or relocate the area of the special facilities licence.

42—Amendment of section 61—Notice of entry on land

This clause inserts a new subsection that provides that an owner of land who is entitled to notice in relation to the entry of the land by a licensee, may reduce the required period of notice (of 21 days) by written notice to the licensee.

43—Amendment of section 62—Disputed entry

This amendment is consequential on the change to the definition of 'owner'.

44—Amendment of section 63—Landowner's right to compensation

This amendment inserts a new subsection that provides that the compensation that may be payable to an owner of land by a licensee who enters the land and carries out regulated activities may include an additional component to cover reasonable costs incurred by the landowner in connection with any negotiation or dispute related to the licensee gaining access to the land, activities to be carried out on the land and the compensation that may be paid under subsection (2). However, costs will not be recoverable during any period for which a reasonable offer of compensation is open. The amendments will also provide that, in assessing compensation, other relevant compensation that may have been paid or may be payable will be taken into account, insofar as to do so is fair, reasonable and appropriate.

45—Amendment of section 65—Application for licence

This clause amends section 65 of the Act to make provision for the precedence of exploration licence applications. Under the new subsection, an application for an exploration licence will rank ahead of any other application for an exploration licence for an overlapping area received by the Minister after the first application. This subsection will not apply where the application is in response to a call for tenders under section 22. Any ranking will also cease to apply if it is cancelled by the Minister on the grounds that the applicant failed to comply with a requirement under the Act within any specified time, the application is found to be invalid, or there is some other default, defect or circumstance the Minister considers is sufficiently significant to warrant cancellation of the ranking.

This clause also makes consequential amendments to this section in relation to the change in name of certain licences.

46—Amendment of section 68—Extent to which same area may be subject to different licences

This clause substitutes subsections (1) and (2) of section 68. The new subsection (1) is a consequential amendment due to the new categories of licences.

47—Amendment of section 69—Grant of compatible licence to area already under licence

A consultation process is to be included under section 69.

48—Amendment of section 74—Classification of activities to be conducted under licence

This clause substitutes the word 'supervision' with 'surveillance'.

49—Insertion of section 76A

It will now be possible for the Minister and a licensee to agree on the suspension of any condition of a licence. A suspension may, in an appropriate case, lead to an extension to a period of the licence by a period not exceeding the period of suspension.

50—Amendment of section 79—Access to natural reservoir

This amendment changes the reference to a 'regulated resource' to a 'regulated substance'.

51—Amendment of section 82—Consolidation of licence area

The concept of *adjacent licence areas* is to be expanded to include 2 or more areas within the vicinity of each other.

52—Amendment of section 83—Division of licence areas

These amendments make express provision for the Minister to determine the terms and conditions of a new licence granted on the division of an existing licence area and clarifies the status of relevant areas for the purposes of section 26 of the Act.

53—Amendment of section 85—Reporting of certain incidents

This clause amends section 85, which deals with the requirement for a licensee to report a serious incident to the Minister. The amendment extends the definition of a serious incident to include an event or circumstance that results in the incident falling within the classification of serious incidents under the regulations or a relevant statement of environmental objectives.

54—Amendment of section 86—Information to be provided by licensee

An amendment makes a minor change from referring to 'the other' information requested by the Minister to 'any other information' requested by the Minister and therefore distinguishes the further information required to be provided under the regulations. Another amendment makes it clear that information or reports must also be provided by a former licensee in an appropriate case.

55—Insertion of section 86A

This clause inserts a new section as follows:

86A—Fitness-for-purpose assessment

This section applies to prescribed licences, which means a retention licence, a production licence, a pipeline licence, an associated activities licence or a related activities licence. Subclause (2) requires that a licensee under a prescribed licence must carry out a fitness-for-purpose assessment of facilities operated on land within the area of the licence at intervals prescribed by the regulations in order to assess risks to public health and safety, the environment and the security of production or supply of natural gas (if relevant). The regulations may prescribe requirements for the assessment. A licensee must prepare and furnish the Minister with a report on the assessment in accordance with the regulations. A licensee must promptly carry out any remedial action that is necessary or appropriate in view of the report, and in particular must ensure that any identified risks are eliminated or reduced as far as reasonably practicable. Failing to comply with a requirement under this section is an offence with a maximum penalty of $120,000.

56—Amendment of section 100—Content of statement of environmental objectives

This clause makes a minor change to section 100 in relation to the content of a statement of environmental objectives. The statement 'may' include (instead of 'must' include) conditions and requirements to be complied with in order to achieve the stated objectives.

57—Amendment of section 105—Enforcement of requirements etc of statement of environmental objectives

This clause corrects an incorrect cross reference.

58—Amendment of section 111—Liability for damage causes by authorised activities

The liability of a licensee (or former licensee) for costs associated with serious environmental damage may extend to situations where costs are incurred as a result of the threat or potential of serious environmental damage.

59—Amendment of section 112—Registrable dealings

This amendment reflects the fact that resources may now be utilised for storage.

60—Amendment of section 123—Publication of results of investigation

This clause amends section 123 which deals with the publication of the results of an authorised investigation. The new provision provides that information on the authorised investigations carried out during the course of a year must be included in an annual report published by the department.

61—Amendment of section 130A—Avoidance of duplication of procedures etc

This clause amends section 130A to refer to 'surveillance' rather than 'supervision' of a activities under a licence.

62—Amendment of Schedule—Transitional provisions

This amendment clarifies the operation of an existing transitional provision.

Schedule 1—Transitional provisions

Related amendments are to be made to the *Development Act 1993* and the *Mining Act 1971*.

The amendments to the *Development Act 1993* will facilitate a practice by which a proposed statement of environmental objectives under the *Petroleum and Geothermal Energy Act 2000* may be (and must be in prescribed circumstances) referred to the Minister under the *Development Act 1993* for advice.

The amendment to the *Mining Act 1971* will ensure that the *production* of petroleum or another substance under the *Petroleum and Geothermal Energy Act 2000* is excluded from the operation of the *Mining Act 1971*, as is presently the case in relation to *recovery*.

Transitional provisions relate to the status of existing licences and applications under the new regime.

Debate adjourned on motion of Hon. D.W. Ridgway.

SOUTHERN STATE SUPERANNUATION BILL

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

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (19:56): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill deals with the Triple S contributory superannuation scheme for persons employed in the public sector.

The Bill proposes the replacement of the existing statute that establishes the Triple S scheme with a new Act that will continue the scheme.

The principal purpose of this Bill is to remove from the Act establishing the scheme the detailed prescriptive scheme rules, and provide for those rules to be prescribed in subordinate legislation.

The Triple S scheme is not being changed under this legislation. What is effectively occurring is that the enabling legislation is being simplified with the detailed prescriptive scheme rules to be transferred to regulations.

With superannuation rules and standards constantly changing, often to meet Commonwealth requirements, this restructuring of the enabling legislation will enable much quicker responses to required changes to scheme rules. Often changes to scheme rules need to be implemented at relatively short notice in order to meet new industry standards or Commonwealth requirements. Being able to change scheme rules quickly is often necessary to prevent inconvenience to members and prevent them from being disadvantaged by necessary changes to rules being delayed.

This restructuring of the enabling legislation will have no impact on members of the scheme, nor to their accrued entitlements. The scheme rules that are currently in the *Southern State Superannuation Act* are to be removed under the legislation contained in this Bill and prescribed in regulations under the new Act.

The restructure reflected in this Bill is strongly supported by the South Australian Superannuation Board, which is the body responsible for administering the Triple S scheme.

Notwithstanding that the aim of this restructure is the transfer of the prescriptive rules to subordinate legislation, there are a number of basic features of the scheme that the Government believes should remain in the Act. Accordingly, this Bill provides for those matters, features or principles to remain in the Act. These matters, features, or principles include; the feature and principle that where a member of the scheme makes personal after tax contributions to the scheme of at least 4.5 per cent of salary, the contribution by the employer shall be 10 per cent of salary; a continuation of the 'putative spouse' concept in the current statute; the power of the Board to require an employer, a workers compensation authority, a member or a spouse member to supply the Board with any information that it requires for the purposes of the Act; the important privacy and confidentiality provisions; and the power of the Board to resolve any doubts and difficulties that arise in the application of the Act or regulations to particular circumstances, or where the provisions of the Act or the regulations do not address particular circumstances that have arisen.

Since the main aim of this legislation is to have most of the prescriptive scheme rules provided in regulations, the regulation making provisions in the Bill are much more extensive than in the existing Act. Whilst the regulation making powers are more extensive, they are simply wide enough to cover those matters that need to be dealt with by having the detailed prescriptive rules in regulations. The regulation making provisions in the legislation will also make it a condition that any regulation may not reduce the amount of a person's accrued benefits unless the regulation is necessary to ensure compliance with a Commonwealth law, to rectify a mistake or error, or to facilitate the division under the Commonwealth's *Family Law Act*, of superannuation interests between spouses who have separated. This provision will re-assure members about this restructure.

The post retirement investment product arrangements whilst not strictly part of the Triple S scheme, are to be continued under this legislation. However, under the restructure, the prescriptive rules and terms and conditions for the post retirement product arrangements are to be also dealt with by subordinate legislation.

The Bill contains a number of amendments to other Acts that are related to the amendments contained in this legislation. A number of transitional provisions are also proposed with the majority of the provisions relating to the transfer of members of the former Police Lump Sum Scheme to Triple S on 1 July 2008. These transitional provisions relating to police officers maintain some of the transitional provisions legislated under the *Statutes Amendment (Police Superannuation) Act 2008*. Only those transitional provisions that will continue to serve a purpose are to be continued in this new legislation.

Whilst the Bill will continue the Triple S scheme with no change to the benefit structure and with no impact on members, the opportunity has been taken in this legislation to make two amendments to the current administrative arrangements. The Triple S scheme currently has two separate and distinct funds holding the assets of the scheme. There is the Southern State Superannuation Fund that holds the money contributed by members, the co-contribution money paid to members by the Commonwealth, the members' money rolled over from other funds, and the investment earnings on those funds. The second fund is the Southern State Superannuation (Employers) Fund that holds the money contributed by employers and the investment earnings on those funds. So the first administrative change contained in this Bill proposes that in the future there be only one fund formed from the amalgamation of the existing two funds. The ongoing fund will be the Southern State Superannuation Fund. There will be administrative benefits in having the assets backing the scheme held in one fund. Furthermore, there is no reason to continue holding the assets of the Triple S scheme in two separate funds.

The other change to the administrative arrangements deals with employers. Under the existing scheme, only those employers who are entities of the Crown are eligible to be participating employers and accordingly have employees as members of the scheme. Under this Bill, it is proposed to introduce an arrangement under which an 'approved employer' can enter into an arrangement with the Superannuation Board for the purposes of providing eligibility for employees of that employer to be members of Triple S. The 'approved employer' will of course be required to make the employer contributions necessary under the terms of the scheme. The legislation defines an 'approved employer' to be an instrumentality or agency of the Crown in right of the Commonwealth or any State or Territory; or any other authority, body or person. The proposed provision is similar to Section 5 of the *Superannuation Act 1988*. It is envisaged that only statutory bodies, or entities that receive the majority of their funding from government would be considered for approval by the Minister under this proposed new provision.

In preparing this Bill, the Government has consulted extensively with the Superannuation Board, the Superannuation Federation, the Public Service Association, the Australian Education Union and the Police Association.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The date for commencement of the measure will be fixed by proclamation.

3—Interpretation

This clause provides definitions of various terms used in the measure.

The *Board* is the South Australian Superannuation Board continued in existence by the *Superannuation Act 1988*. The *Fund* is the Southern State Superannuation Fund, which is continued in existence by the Act - see section 10. A *member* is a person who is a member of the Triple S scheme by virtue of section 19, which deals with membership. A *police member* is a police officer who is a police member of the Triple S scheme by virtue of regulations made under section 19. The term *spouse* includes a putative spouse, which is defined in section 7.

4—Continuation of Triple S scheme

The *Southern State Superannuation Act 2009* will continue the scheme of superannuation established by the *Southern State Superannuation Act 1995*. The scheme will continue to be known as the 'Southern State Superannuation Scheme' or the 'Triple S scheme'.

5—Employer contribution percentage

The employer contribution percentage applicable in respect of a member (that is, the percentage of the member's salary that is to be paid to the Treasurer by the member's employer and credited to his or her contribution account) is to be fixed by regulation. However, subsection (3) specifies that where an employer contribution percentage is not fixed by the regulations for a particular member, the relevant employer contribution percentage will be 9 per cent. If the member is making personal contributions at a rate of at least 4.5 per cent, the relevant employer contribution will be 10 per cent.

6—Participating employers

This clause permits the South Australian Superannuation Board to enter into arrangements with employers for the purpose of allowing employees to become eligible to be accepted as members of the scheme. The Board cannot enter into an arrangement with an employer unless the employer is an instrumentality or agency of the Crown in right of the Commonwealth or a State or Territory, or any other authority, body or person, that has been approved by the Minister.

7—Putative spouses

This clause sets out the procedure for determining whether or not a person is the putative spouse of another person for the purposes of the Act. A person may apply to the District Court for a declaration that he or she and another person were putative spouses on a particular date.

8—Restriction on publication of court proceedings

This clause imposes restrictions on the publication of information relating to proceedings before the District Court under proposed section 7.

Part 2—Administration

Division 1—The Board

9—Function of Board

The Board is responsible to the Minister for all aspects of the administration of the Act (other than the management and investment of the Southern State Superannuation Fund) and is to provide advice to the Minister.

Division 2—The Southern State Superannuation Fund

10—The Fund

This clause continues the Southern State Superannuation Fund, which is subject to the management and control of the Superannuation Funds Management Corporation of South Australia. The Treasurer is required to pay the following into the Fund:

- periodic contributions reflecting the contributions paid to the Treasurer by members and spouse members;
- the amount of co-contributions paid or transferred to the Board on behalf of a member or spouse member;
- an amount or amounts rolled over from another superannuation fund or scheme to the Triple S scheme;

- payments to the Treasurer by employers as required by proposed section 21;
- payments to the Treasurer by or on behalf of employers as required under the regulations.

The clause requires that all earnings arising from investment of the Fund be paid into the Fund.

11—Investment of Fund

The Fund is to be invested in a manner determined by the Superannuation Funds Management Corporation of South Australia.

Division 3—Accounts

12—Accounts

This clause requires the Board to maintain contribution accounts, rollover accounts and co-contribution accounts for members and spouse members. Accounts are to be maintained in accordance with requirements specified in the regulations. The clause operates subject to regulations that may make further provision in relation to the maintenance of accounts.

The Board is required to establish a scheme under which each member's or spouse member's beneficial interest in the Fund, as held in the accounts of the Board, is represented by 1 or more units, with each unit being an undivided beneficial interest in the Fund.

13—Accretions to accounts

Contribution accounts, rollover accounts and co-contribution accounts that have a credit balance are to be adjusted by the Board from time to time to reflect movements in the value of units allocated to accounts under the scheme established by the Board pursuant to proposed section 12. In determining movements in the value of each unit of beneficial interest held in the name of each member or spouse member, the Board must have regard to the earnings achieved on the class of investments in which the accounts of a member or spouse member are allocated.

If a member or spouse member has nominated a class of investments or combination of classes of investments under section 14, the Board is to have regard to the earnings achieved on the nominated class or combination of classes when determining movements in the value of each unit of beneficial interest held in the name of the member or spouse member.

14—Investment choice

This clause authorises the Board to permit members and spouse members, on such terms and conditions as the Board thinks fit, to nominate the class of investments, or the combination of classes of investments, for the purpose of determining adjustments to be made to accounts under proposed section 13. Where a member or spouse member has not made a nomination, the Board is to allocate the accounts of the member or spouse member to a class of investments according to a determination of the Board.

15—Other accounts to be kept by Board

The Board is required under this clause to maintain proper accounts of—

- receipts of members' contributions, spouse members' contributions and employer contributions; and
- payments to, on behalf of, or in respect of, members and spouse members; and
- payments made from members' contribution accounts to spouse accounts; and
- amounts transferred from spouse accounts to other accounts for the purpose of amalgamating accounts.

The Board is also required to prepare financial statements and to maintain other accounts as required by the regulations.

16—Reports

This clause requires the Board to submit an annual report to the Minister on the operation of the Act during the financial year ending on 30 June in each year. Copies of the report are to be laid before both Houses of Parliament.

17—Report as to cost and funding of insurance benefits

This clause requires the Minister to obtain an annual report on the cost and funding of insurance benefits (including disability pensions) provided through the scheme. Copies of the report are to be laid before both Houses of Parliament.

Division 4—Payment of benefits

18—Payment of benefits

Payments made under the Act are to be made by the Treasurer out of the Consolidated Account or out of a special deposit account (ie, a special deposit account established under section 8 of the *Public Finance and Audit Act 1987*) established by the Treasurer for the purpose.

If a payment includes an amount standing to the credit of a contribution account, a rollover account or a co-contribution account, an amount equal to the amount of the payment is to be charged against the appropriate

account. The Treasurer is required to reimburse the Consolidated Account or special deposit account by charging the Fund with that amount.

Part 3—Membership and contributions

19—Membership of scheme

This clause deals with membership of the Triple S scheme.

The following are members of the scheme:

persons in relation to whom the Crown, or an agency or instrumentality of the Crown, is liable to pay a superannuation guarantee charge under the *Superannuation Guarantee (Administration) Act 1992* of the Commonwealth;

- persons who—
  - are employed by a participating employer; and
  - have been accepted as members of the scheme;
  - persons who were members of the Triple S scheme immediately before the repeal of the *Southern State Superannuation Act 1994*.

The clause provides for the regulations to make further provision in relation to membership and spouse membership of the Triple S scheme. The regulations can, for example, provide—

- that particular persons, or particular classes of persons are, or are not, members of the scheme; or
- that a police officer who is a member of the scheme is, or is not, a police member of the scheme; or
- that a person who is or was the spouse of a member is, subject to conditions specified in the regulations, a spouse member of the scheme; or
- that a specified provision of the Act does not apply, or applies subject to prescribed modifications, to a member or a class of members, or to a spouse member or a class of spouse members.

20—Contributions

Under this clause, members may elect to make contributions to the Triple S scheme as a deduction from salary. Most police members are required to make contributions to the Treasurer as a deduction from salary at a rate that equals or exceeds the prescribed percentage. Members who are making contributions to the scheme as a deduction from salary may make additional monetary contributions.

Regulations made under this clause may provide that particular members, or particular classes of member, are not entitled to make contributions under the clause or must contribute at a specified rate. The regulations may also require specified members, or members of a specified class, to make contributions to the Treasurer as a deduction from salary at a prescribed rate.

21—Payments by employers

This clause requires an employer, within a specified period following the payment of salary to a member, to pay an amount to the Treasurer. The amount is to be determined by reference to the employer contribution percentage applicable in respect of the member and in accordance with the formula set out in subclause (1).

Part 4—Miscellaneous

22—Insurance benefits

Invalidity insurance, death insurance and a disability pension are to be provided through the scheme for members. Death insurance is to be provided for spouse members. The terms and conditions of insurance are to be prescribed by regulation.

23—Rollover of money from other funds or schemes

This clause provides for money rolled over to the Triple S scheme from another superannuation fund or scheme to be paid to the Treasurer.

24—Employer benefits and contributions if member on leave without pay

This clause provides that where a member is on leave without pay, the Minister may, at the request of the employing authority, direct that section 21 (relating to employer contributions) and any relevant provision of the regulations will apply in relation to the member as though he or she were not on leave without pay. The member will be taken, for that purpose, to be receiving the salary that he or she would have received if he or she were not on leave without pay.

25—Review of Board's decision

A person who is dissatisfied with a decision of the Board under this Act may, under this clause, appeal to the Administrative and Disciplinary Division of the District Court or to the Board against the decision.

26—Power to obtain information

This clause authorises the Board to require an employing authority, a workers compensation authority, a member or a spouse member to supply the Board with any information that it reasonably requires for the purposes of the Act.

27—Delegation by Board

This clause authorises the Board to delegate its powers under the Act. A delegation—

- must be by instrument in writing; and
- may be conditional or unconditional; and
- does not derogate from the power of the Board to act in any matter; and
- is revocable at will by the Board.

28—Confidentiality

This clause makes it an offence for a member or former member of the Board or the board of directors of the Superannuation Funds Management Corporation of South Australia, or a person employed or formerly employed in the administration of the Act, to divulge information of a personal or private nature, or information as to the entitlements or benefits of a person under the Act, except—

- as required by or under an Act of the State or the Commonwealth; or
- to, or with the consent of, the person; or
- to that person's employing authority; or
- to another person for purposes related to the administration of the Act; or
- as may be required by a court.

The clause also provides that a member or former member of the Board or the board of directors of the Superannuation Funds Management Corporation of South Australia, or a person employed or formerly employed in the administration of the Act, must not divulge information if to divulge the information is inconsistent with a requirement imposed on the trustee of an eligible superannuation plan under Part VIIIB of the *Family Law Act 1975* of the Commonwealth.

These provisions do not prevent the disclosure of statistical or other information related to members or spouse members generally or to a class of members or spouse members rather than to an individual member or spouse member.

29—Resolution of difficulties

If, in the opinion of the Board, a doubt or difficulty has arisen in the application of the Act or the regulations to particular circumstances or the provisions of the Act or the regulations do not address particular circumstances that have arisen, the Board may give directions reasonably necessary to resolve the doubt or difficulty or to address the circumstances. A direction will have effect according to its terms.

The clause also authorises the Board to extend a time limit or waive compliance with a procedural step if of the opinion that the extension or waiver is necessary.

30—Regulations

This clause authorises the making of such regulations as are contemplated by, or necessary or expedient for the purposes of, the Act.

Subclause (2) lists a number of matters in relation to which regulations may be made:

- administration of the scheme;
- contributions to be made to the Fund;
- charges to be made against the Fund;
- accounts and other records to be kept by the Board;
- benefits and how and when they are paid or dealt with;
- the division under the *Family Law Act 1975* of the Commonwealth of superannuation interests between spouses who have separated;
- provision by the Board of investment services and other products and services.

This clause provides that regulations under the Act may, in limited circumstances, modify the operation of a provision of the *Superannuation Act 1988* or the *Police Superannuation Act 1990*. It is necessary for the regulations to be able to modify the operation of the *Superannuation Act 1988* and the *Police Superannuation Act 1990* in their application to certain members because some members of the Triple S scheme will also be members of schemes of superannuation established by those other Acts and there may be the potential for such a member to be entitled to, for example, a disability pension under more than 1 superannuation scheme.

Regulations under the Act will ordinarily come into operation 4 months after the day on which they are made but may come into operation at an earlier time if—

- they revoke a regulation without making provision in substitution for that regulation; or
- they correct an error or inaccuracy in a regulation; or
- they are required to ensure that the scheme is consistent with an Act that comes into operation on assent or less than 4 months after assent; or
- they are required to ensure that the scheme complies with a provision of the *Superannuation Industry (Supervision) Act 1993* of the Commonwealth; or
- they confer a benefit or right on a person (other than the Board); or
- the Minister certifies that the Minister is satisfied that it is necessary or appropriate that the regulations come into operation on the specified day.

The regulations cannot reduce the amount of a person's accrued benefits unless the regulations are necessary—

- to ensure compliance with a law of the Commonwealth; or
- to rectify a mistake; or
- to facilitate the division under the *Family Law Act 1975* of the Commonwealth of superannuation interests between spouses who have separated.

Schedule 1—Related amendments, repeal and transitional provisions

Part 1—Preliminary

1—Amendment provisions

This clause is formal.

Part 2—Amendment of *Police Superannuation Act 1990*

2—Amendment of section 4—Interpretation

3—Amendment of section 13A—Investment option

4—Amendment of section 34—Resignation and preservation of benefits

5—Amendment of section 38G—Interpretation

The amendments made to the *Police Superannuation Act 1990* by these clauses are consequential on the enactment of the *Southern State Superannuation Act 2009*.

Part 3—Amendment of *Subordinate Legislation Act 1978*

6—Amendment of section 16A—Regulations to which this Part applies

Part 3A of the *Subordinate Legislation Act 1978* provides for the expiry of regulations on 1 September of the year following the tenth anniversary of the day on which the regulations were made. As a consequence of the amendment made by this clause to section 16A of that Act, Part 3A will not apply to regulations made under the *Southern State Superannuation Act 2009*.

Part 4—Amendment of *Superannuation Funds Management Corporation of South Australia Act 1995*

7—Amendment of section 3—Interpretation

The amendment made to the *Superannuation Funds Management Corporation of South Australia Act 1995* by this clause is consequential on the enactment of the *Southern State Superannuation Act 2009*.

Part 5—Repeal of *Southern State Superannuation Act 1994*

8—Repeal of Act

This clause repeals the *Southern State Superannuation Act 1994*.

Part 6—Transitional provisions

9—Interpretation

This clause provides definitions of a number of terms required for the purposes of the transitional provisions. The *new scheme* is the Southern State Superannuation Scheme continued in existence under the 2009 Act. The *old scheme* is the Southern State Superannuation Scheme under the 1994 Act.

The *relevant day* is the day on which the *Southern State Superannuation Act 1994* is repealed.

10—Southern State Superannuation (Employers) Fund

This clause dissolves the Southern State Superannuation (Employers) Fund and incorporates the money constituting that Fund immediately before the relevant day into the Southern State Superannuation Fund. The

balance of a member's employer contribution account immediately before the repeal of the *Southern State Superannuation Act 1994* will be credited to the member's contribution account.

11—Balances of accounts

Under this clause, an account maintained by the Board for the purposes of the old scheme immediately before the relevant day (other than an employer contribution account) is to be continued under the new scheme. The balance on the relevant day of an account continued under the new scheme is to be equivalent to the balance of the account immediately before that day.

12—Former members of Police Superannuation Scheme

This clause preserves the rights and entitlements of former members of the Police Superannuation Scheme who were transferred to the Triple S scheme on the enactment of the *Statutes Amendment (Police Superannuation) Act 2008*.

13—Children in receipt of pension under *Police Superannuation Act 1990*

This clause also relates to the enactment of the *Statutes Amendment (Police Superannuation) Act 2008*, which repealed section 26 of the *Police Superannuation Act 1990*. A pension paid to a child under that section will continue to be paid to the child as if the section had not been repealed.

14—Amounts preserved for certain contributors to Police Superannuation Scheme

This clause preserves the application of relevant provisions to certain rollover accounts established under the *Statutes Amendment (Police Superannuation) Act 2008* for members of the Police Superannuation Scheme.

15—Operation of nominations and elections under old scheme

The operation of nominations and election made by members and spouse members under the old scheme are preserved by this clause.

16—Insurance and disability pension

This clause ensures that insurance cover enjoyed by a person under the old scheme immediately before the relevant day will continue under the new scheme at the same level and, subject to the regulations, with the same terms and conditions.

17—Other provisions

This clause provides for the making by regulation of additional provisions of a saving or transitional nature consequent on the enactment of the Act or on the amendment of the Act by another Act.

Debate adjourned on motion of Hon. D.W. Ridgway.

STATUTES AMENDMENT (ENERGY EFFICIENCY SHORTFALLS) BILL

The House of Assembly disagreed to the amendments made by the Legislative Council.

MARITIME SERVICES (ACCESS) (MISCELLANEOUS) AMENDMENT BILL

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

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (19:57): I move:

That this bill be now read a second time.

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

Leave granted.

In February 2006 COAG signed the Competition and Infrastructure Reform Agreement (CIRA) to provide a simpler and consistent national system of economic regulation for nationally-significant infrastructure including ports, railways and other export related infrastructure. The agreed reforms aim to reduce regulatory uncertainty and compliance costs for owners, users and investors in significant infrastructure and to support the efficient use of national infrastructure.

The agreement commits South Australia to review the regulation of ports and to make certain amendments to the State access regime by providing consistent regulatory principles aimed at ensuring efficient and timely investment in infrastructure and effective competition in the provision of port services (CIRA, Clause 2).

In 2007 the Government directed the Essential Services Commission of South Australia to extend the scope of the review of the *Maritime Service (Access) Act 2000* to include provision of advice on:

- any amendments to the ports access regime that would be needed to comply with certain parts of clause 2 of the CIRA;
- any other changes to the access regime that may improve its overall effectiveness.

This review identified a number of areas where the *Maritime Service (Access) Act 2000* could be modified to provide both greater consistency with the CIRA and greater certainty to regulated operators and customers.

Amendments to achieve greater national consistency

The Bill provides for the adoption of regulatory principles consistent with those to be employed in all third party access regimes nationally. These principles include:

- An objects clause to promote economic efficiency and effective competition;
- Six month time limits for conciliation by the Commission and arbitration decisions made by the arbitrator to provide greater certainty to business and to reduce the time and costs associated with settling access disputes; and
- Pricing principles to be taken into account by an arbitrator.

Other improvements to the access regime

The regulatory period for the access regime and price regulation has been extended from 3 to 5 years. This will reduce regulatory costs and uncertainty to the port operators, provide a suitable timeframe to examine outcomes over a period and provide consistency with the regulation of other infrastructure businesses.

The Bill also makes improvements to the negotiation and arbitration processes set out in Part 3 of the *Act*. These amendments aim to improve the clarity and efficiency of these processes and to reduce the regulatory impact on business.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Maritime Services (Access) Act 2000*

4—Amendment of section 3—Objects

This amendment broadens the objects of the Act to provide for the facilitation of competitive markets in the provision of maritime services through the promotion of the economically efficient use and operation of, and investment in, those services.

5—Amendment of section 4—Interpretation

This amendment deletes the definition of *initial period of price regulation*. The deletion of the defined term is consequential and reflects the repeal of section 7.

6—Amendment of section 6—Certain maritime industries to be regulated industries

The amendments to this section are two-fold. They 'tidy' the section by repealing subsections that are spent (see also clause 7) and insert new subsections that are consistent with the amendments proposed to section 43 by clause 12. Proposed subsection (2) provides that the Commission may make a price determination under Part 3 of the *Essential Services Commission Act 2002* relating to essential maritime services. This power is currently provided for by a regulation made under the *Essential Services Commission Act 2002*. That regulation will be otiose following the enactment of this measure. Proposed subsection (3) provides that such a price determination must specify an expiry date that is not later than the date on which the prescribed period in which the determination takes effect ends.

7—Repeal of section 7

This clause repeals section 7. The operation of this section is spent.

8—Amendment of section 18—Power to refer dispute to arbitration

This clause provides that the Commission may refer the dispute to arbitration if the dispute is not resolved within 6 months after the referral of the dispute to the Commission under section 16.

9—Insertion of section 30A

This clause inserts new section 30A

30A—Time limit for arbitration

Proposed section 30A provides that an award must be made within the period of 6 months from the date on which the dispute is referred to arbitration (the *standard period*).

However, if after the commencement of the standard period the arbitrator exercises a power under this Part in relation to the provision of information or documents, any period between the date of the exercise of the power and the date of compliance is not to be taken into account when determining the end date of the standard period.

10—Amendment of section 32—Principles to be taken into account by arbitrator

This clause adds to the principles to be taken into account by the arbitrator by including reference to the following pricing principles relating to the price of access to a service:

(a) that access prices should allow multi-part pricing and price discrimination when it aids efficiency;

(b) that access prices should not allow a vertically integrated operator to set terms and conditions that would discriminate in favour of its downstream operations, except to the extent that the cost of providing access to others would be higher;

(c) that access prices should provide incentives to reduce costs or otherwise improve productivity.

11—Amendment of section 40—Appeal from award on question of law

This clause inserts new subsection (4), which provides that unless the Court specifically decides to suspend the operation of an award until the determination of an appeal, an appeal does not suspend the operation of an award.

12—Amendment of section 43—Review and expiry of Part

This clause amends section 43 to increase the period between each review conducted by the Commission under the section. The period between reviews is increased from 3 years to 5 years. This clause ensures that the next review will be conducted within the last year of the period ending 30 October 2012.

13—Amendment of section 46—Transitional provision

This clause deletes the note that follows subsection (3) of section 46 and inserts a new subsection that provides for the continuation of the price determination in force immediately before the commencement of that subsection until 30 October 2012.

Debate adjourned on motion of Hon. D.W. Ridgway.

PETROLEUM PRODUCTS SUBSIDY ACT REPEAL BILL

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

ROAD TRAFFIC (MISCELLANEOUS) AMENDMENT BILL

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

MENTAL HEALTH BILL

Adjourned debate on second reading.

(Continued from 8 April 2009. Page 1968.)

The Hon. A. BRESSINGTON (20:00): I will resume my comments on the Mental Health Bill, having sought leave to conclude my remarks on the last Wednesday of sitting. Just to recap briefly, the main point so far is that there are many viral causes that can mimic or show the signs and symptoms of schizophrenia and bipolar disorder. Many of the people in our mental health system at the moment who have been diagnosed with schizophrenia may well have fallen victim to these viral infections. They have been on medication quite some time, and it is a concern that perhaps they are not receiving the medical attention and medical examinations that they need prior to a diagnosis for those mental illnesses dictating their medications and treatment.

Proving a causative role for infectious agents in schizophrenia and bipolar disorder would open the door to new treatments and disease prevention strategies. With the support of the Stanley Medical Research Institute, several double-blind treatment trials are being conducted that involve the use of adjunctive antibiotics and anti-viral medications in persons with schizophrenia and bipolar illness.

To date, these medications show some promise in patients with recent onset disease. The results are less remarkable in persons with long-standing illness. In the future, it might even be possible to develop a vaccine to protect children against possible infections that contribute to these two mental illnesses. Early intervention and early detection seem to be the key.

Even with what is known today in clinical settings, some patients who present initially with symptoms suggestive of schizophrenia or bipolar disorder could instead be in the initial stages of viral encephalitis. Some physicians would argue that patients with first admission psychosis should have a lumbar puncture and a CSF analysis adding other studies, as appropriate, if indicated by an increase in CSF protein or lymphocytes. A small sample of the CSF could be frozen and stored for future analysis.

With further advances in research at the interface between psychiatry and infectious disease, these samples may eventually provide the key to proving the connection between

infection and mental disturbance and pave the way for pharmacological treatment specifically targeted to the causative infectious organism.

I have a paper that was written by Dr James Gottstein, who is a graduate of the Harvard Law School 1978 and Bachelor of Science at the University of Oregon. He is currently the president of the Law Project for Psychiatric Rights where he works on a pro bono basis. His paper is titled 'Involuntary Commitment and Forced Psychiatric Drugging in the Trial Courts: Rights Violations As a Matter Of Course'. I am not going to read out the entire study (for which, I am sure, members are all very grateful), but I would like to quote a small piece of this study. This is his opening statement:

> A commonly-held belief is that locking up and forcibly drugging people diagnosed with mental illness is in their best interests as well as society's as a whole. The truth is far different. Rather than protecting the public from harm, public safety is decreased. Rather than helping psychiatric respondents, many are greatly harmed. The evidence on this is clear. Constitutional, statutory, and judge-made law, if followed, would protect psychiatric respondents from being erroneously deprived of their freedom and right to decline psychiatric drugs.
>
> However, lawyers representing psychiatric respondents, and judges hearing these cases uncritically reflect society's beliefs and do not engage in legitimate legal processes when conducting involuntary commitment and forced drugging proceedings. By abandoning their core principle of zealous advocacy, lawyers representing psychiatric respondents interpose little, if any, defence and are not discovering and presenting to judges the evidence of the harm to their clients. By abandoning their core principle of being faithful to the law, judges have become instruments of oppression, rather than protectors of the rights of the downtrodden.

I am not suggesting for one moment that a person who is exhibiting behaviour that may be diagnosed as a mental illness should be allowed to commit crimes against society or themselves or involving property and that there would be no consequences or intervention, because I am not a bleeding heart do-gooder. I hold the firm view that every person who co-exists as a member of society must take personal responsibility for their actions and for the effect that their actions have on members of the wider community. However, just as the client I spoke of earlier was able to recover and has repaid his debt to society many times over, so too does any person who has a mental health issue have the right to try.

There are numerous causes for aberrant behaviours. Those causes are well listed and well researched, and I mentioned them earlier in my speech on this bill. Not all mental health issues are caused by substance abuse, as we all know, but could we not at least start with the process of elimination? By that, I mean getting the proper history of a person and, if substance abuse is an issue, dealing with that. If there are viral infections, we should test for them and deal with them and see how the person progresses. When a person is presenting and re-presenting and no progress is being made, would it not make sense to first of all take these precautionary measures and identify what could be the core issue with respect to the person exhibiting mental health problems, such as schizophrenia, bipolar or psychosis?

There is already sufficient legislation in place in the Controlled Substances Act 1984 to allow for a person to be put into mandatory treatment if substance abuse is an issue and, if anyone in this place believes that this is a violation of human rights, please spare me the platitudes, because what we are talking about here is being able to involuntarily commit people into the mental health system. I know that there are opinions that enforced treatment for substance abuse perhaps does not work, but the research from overseas shows a very different result, and I think it all depends on the kind of treatment a person is receiving as to whether the argument should be based around whether it is to be enforced treatment. I think the whole issue of enforced treatment for people with substance abuse issues comes down to the mental picture that we get in our head about the sorts of places people would attend to receive the treatment and perhaps even the counselling they need.

Human beings have committed the worst atrocities against their own kind while professing to be trying to deal with mental health issues. We have used the vulnerable as lab rats, in my opinion, and the human toll is at the extreme end. In 1888, Swiss asylum superintendent Gottlieb Burkhardt became the first known psycho-surgeon when he removed brain tissue from six patients. Although one died and others contracted epilepsy, paralysis and aphasia (a loss of ability to use or understand words), Burkhardt was pleased with his newly subdued charges and reported the results in glowing terms at the Berlin Medical Conference of 1890.

The year 1935 truly marked the true birth of psycho-surgery. Egas Moniz, a professor of neurology in Lisbon, Portugal, observed an experiment in which the frontal lobes of two chimpanzees were removed, leaving the animals docile and vacant. Moniz wasted no time in conducting the same operation on his own mental patients and pronounced the procedure a

stunning success. However, a 12 year follow-up study revealed that Moniz's patients suffered relapses, seizures and death.

In 1935, after hearing of operations that rendered monkeys docile and malleable, Egas Moniz conducted his own psycho-surgery on troublesome patients. His fellow psychiatrists lauded his work, and he was even awarded the Nobel Prize in 1949, but his victims viewed matters in an entirely different light. In 1939, Moniz was shot five times and paralysed by one of his leucotomised patients. In 1955, another patient attacked him, this time fatally. Some may say that indicates that they have a mental illness. I would say that it probably indicates they were pretty displeased with the way in which they had been treated, and it also shows that removing brain tissue from a person does not necessarily mean that they will remain docile and malleable for the rest of their life.

On 14 September 1936, an American psychiatrist, Walter Freeman, hammered an icepick through the eye socket of a patient and into the frontal lobes of the brain. Slashing the instrument from side to side, Freeman destroyed wide sections of tissue. Following Moniz's lead, Freeman described his lobotomy as 'mercy killing of the psyche' and widely promoted it. At the height of his fame, Freeman toured cities in a campervan called the lobotomobile, publicly lobotomising patients for the press corps and curious onlookers. The psychiatric community successfully convinced state governments that psychosurgery would reduce mental health budgets.

The superintendent at Delaware State Hospital, for example, was so taken in by the propaganda that he hoped to reduce the number of mental patients by 60 per cent. The combined total of anticipated deaths and discharges would provide savings of $351,000. By the time operation icepick ended in the 1960s, an estimated 113,000 people—40,000 of them Americans—had been lobotomised, with the death rate ranging from 10 to 20 per cent. At least 22,000 of those were fatalities.

In spite of the multitude of victims whose lives have been completely destroyed by psychosurgery, psychiatrists have never been forced to stop the butchery. Today, instead of icepicks, psychiatrists use a scalpel or electro implants to destroy healthy portions of the brain, crippling patients.

I give that historical account of psychosurgery, not to say that there may not have been some improvement in the way in which we do it—I know we do not use icepicks—but, rather, to show that psychiatry on the whole has a dubious history. They have done these types of experiments on human beings with little success and little long-term outcome—not very good outcomes for the patients—yet this particular modality is held up to be the be all and end all authority on mental illness.

Previously, I mentioned the increase in mental illnesses listed in DSM-IV over a period of decades. It now refers to disorders such as written expression disorder and, as I will address later, ADD and ADHD for children. For none of these is there a medical or genetic test that could be conducted to show that these mental illnesses exist on their own, that there is not some other sort of antagonist which is contributing to the signs and symptoms we are seeing. Although we talk often about no funding, not enough resources, and needing bigger and better facilities to house people, it seems we are somehow reluctant to look into what might be the primary cause of people suffering from hallucinations, and whatever else.

This has been a historical practice of psychiatry, and they have got it wrong many times in the past. In 2009, one would hope that we would be prepared to look at that history, rather than believe that it does not need to be acknowledged. We have done all this before. We have tried all this before and it has failed. We have not made people well. Very few people who are caught up in the mental health system recover well and get on with their life—yet we persist. We persist to do it in the same way in which they were doing it even in 1888. One has to ask the question: why do we do this?

It was always the belief that those with a mental illness were subject to certain psychopathology; that is, those who murder and maim without fear of conscience and those who were not able, for whatever reason, to live within the reasonable expectations of a civilised society. However, the higher the expectations of governments and bureaucracies to moderate people's behaviour and freedom of speech through the requirement to be politically correct, the more confusion there is about who is mentally ill and who is simply being their true authentic self. We are all known for eccentric behaviours and oddities, but more and more this is now being listed in DSM-IV and branded as a sign or a signal that someone has a mental illness.

I have also seen average citizens in search of nothing more than justice become labelled as belligerent, vexatious, unreliable, or even unhinged, because they dare to stand up to what they have been able to prove in the courts time and again and seek recourse. In fact, I would go so far as to say that the actions of this place and the other place at times can take and have taken some people to the brink of insanity through nothing more than refusing to admit that due process was set aside because certain powers simply wanted to win in order to deliver a profit or sometimes simply to save face.

There seems to be little acceptance that our actions and decisions in this place here affect many who would otherwise have been content to live their lives and to raise their children with as little interference as possible, but it seems that, once you invite the government into your life, you will struggle to regain any kind of normalcy from that point on—and I have literally seen hundreds of examples of this. We have now been convinced that depression is a mental illness. I am very much aware that people with depression can be absolutely immobilised by this condition, and I am also acutely aware that short-term use of re-uptake inhibitors can have a positive effect on their feeling of wellbeing, but I challenge depression being classified as a mental illness. Again, this will be seen as highly politically incorrect.

I believe that, at some time, most people in their lives have been depressed and that their lives have fallen in a hole for a period. It is also my experience that those who get to the reason why have a far greater chance of recovering and living well than those who rely solely on medication to take away the feeling of uncomfortableness and despair. Of course, in a medication focused society this may be hard to comprehend, but that is where we are today; that is, where anyone who does not feel 100 per cent all the time suffers episodes of mental illness and they need to be medicated for that.

I have read stories of teenagers presenting at a doctor's surgery who are stressed because of the expectations placed on them today, and rather than being told to take care of themselves and to cut back on their responsibilities, they are prescribed antidepressants such as Prozac. Now, governments are partly responsible for this because we gradually expected our teenage children to work, study for year 12 exams, and then told them they were old enough to make their own decisions about whether or not they wanted to live by the rules of their parents—all this, expecting them to be adults before they have even completed their adolescence.

We create the environment and then wonder why these days so many kids suffer from depression. My theory is that they are expected to grow up way before their time and they miss the fun, the real fun of growing up and being able to establish a healthy level of autonomy, a sense of worthiness and an opportunity to connect emotionally with family and to live their lives with reasonable expectations and limits. Today it is all or nothing. I believe this has been a social experiment that has failed our children dismally and created a market for mental illness to be invented and medications to be promoted. The quick fix has been created. It was not an accident: it was merely poor social policy and now we live with the consequences.

Our families have been under attack and we are creating a society where the need for families is minimised to the point where it is no longer important to so many. Our kids can leave home, if they do not like the rules, and set up house before they have any preparation time for adulthood or responsibility. If we are to have a revamped mental health act that is about true mental health, then we need to look at a social policy that has fragmented our families, our values and our responsibility to our children. Most families are trying desperately to create meaningful relationships with their children but, sadly, the external environment does not support those parents.

We really did not figure out where our kids fit in the scheme of things, I do not believe, and we still struggle with that. We are not sure any more of what the role of parents is. Just as corporations are losing that generational knowledge, I believe that, as a society, we are losing that generational knowledge of family, the hierarchy of family and how that all fits into the scheme of helping our kids to grow into well balanced adults who have a reasonable understanding of personal responsibility.

Family breakdown is a main concern for many communities. Rather than look back on what we have done differently that has not worked, we just seem to push forward with policies that put everybody under a great deal of distress, trauma sometimes and strain, and it seems to be nobody's responsibility to look, wind back the clock and admit that somewhere along the line we have thrown the baby out with the bath water. I also have a paper called 'An Epidemic of Depression' from the *Psychiatric Times*, volume 25, No.13. I will not read the entire study, which I

am sure members will be pleased about, but will table it so that members have access to it if they desire. I will quote a couple of paragraphs as follows:

Major depressive disorder (MDD) has become psychiatry's signature diagnosis. Depression is diagnosed in about 40 per cent of patients who see a psychiatrist. This percentage is double that of just 20 years ago and it is far higher than that of any other diagnosis. The World Health Organisation estimates that worldwide depression is the leading cause of disability for people in mid-life and for women all ages. Consumption of antidepressants has soared since 1990. Roughly 10 per cent of women and 4 per cent of men in the United States take antidepressant medication at any time. By 2000, antidepressants were the best selling prescription drugs of any type, yet epidemiological studies suggest that there are still vast numbers of untreated depressed individuals.

So, literally, we are all depressed! It continues:

To catch the problem early a presidential commission has recommended that every adolescent in the country should be screened for depression by the time he or she reaches the age of 18. Screening is proceeding in some schools. What accounts for this seeming epidemic of depression? Although depression has been part of the psychiatric canon since the earliest writing of the ancient Greeks, depression was a relatively insignificant diagnosis just 50 years ago.

In our recent book, *The Loss of Sadness: How Psychiatry Transformed Normal Misery into Depressive Disorder* (Oxford University Press), we argue that the recent pandemic of seeming depressive disorder is the result of changes in the psychiatric diagnostic system presented in the DSM-III in 1980, and that persists to the present. In many respects DSM-III and subsequent versions has been one of psychiatry's greatest accomplishments. It was the first to use observable symptoms rather than unobservable and undemonstrated etiological processes to define the various types of mental disorders.

Its clear definitions of discrete categories of disorder enhance diagnostic reliability, thus putting to rest anti-psychiatric arguments about the spuriousness of psychiatric diagnosis. These definitions allowed psychiatrists to communicate in a common theory-neutral language, irrespective of theoretical perspectives, that improve the cumulativeness of research, yet these undoubted achievements also entailed some important disadvantages. These drawbacks have become especially apparent in the definition of MDD and have had substantial social consequences.

A diagnosis of MDD is warranted, according to DSM, when a patient has at least five of nine specified symptoms for at least two weeks, and the five symptoms include either depressed mood or an inability to derive pleasure from life. The sole exception is that bereaved patients are not considered to have a disorder if they otherwise meet the criteria, as long as their symptoms are not unusually severe and last no longer than two months. The reason for the bereavement exclusion seems obvious: people who respond to the loss of an intimate with intense sadness, sleep and appetite difficulties, a loss of concentration on usual roles, and the like, do not have a mental disorder.

Rather, they are responding normally to a situation of intense loss. The distinction between sadness that is a normal result of painful losses and depressive disorder is a fundamental one that has been explicitly recognised throughout the 2,500 year history of psychiatric medicine.

Yet, the bereavement exclusion rate raises the question of whether people with enough symptoms to meet the MDD criteria—after, for example, the unexpected loss of a valued job, the collapse of a marriage, the failure to achieve a highly-valued goal or the diagnosis of a life-threatening illness in oneself or a loved one—are similarly reacting normally to situations of intense loss. For thousands of years, until DSM-III, physicians understood that these kinds of situational contexts were an important consideration in determining whether someone was experiencing normal—although intensely distressing—sadness or a depressive disorder in which something has gone wrong with mood processes, and the sadness symptoms are no longer linked to the situation or likely to remit over time. Unlike many other diagnoses in DSM, which contain qualifiers that require symptoms to be 'excessive' or 'unreasonable', no such qualifiers exist for MDD. Aside from the bereavement exclusion, the diagnostic criteria do not take into account the context in which symptoms arise.

Ample scientific evidence, ranging from infant and primate studies to cross-cultural studies of emotion, suggested that intense sadness and response to a variety of situations is a normal biologically-designed human response. Recent epidemiological analysis suggests that the consequences of stresses can be either normal or abnormal and similar to those for bereavement. In its quest for reliability via symptom-based definitions that minimise concern with the context in which the symptoms appeared, DSM unintentionally abandoned the well-recognised, scientifically supported, indeed, commonsensical distinction between normal sadness and depressive disorder.

The blurring of the distinction between normal intense sadness and depressive disorder has arguably had some salutary effects. For example, it has reduced the stigma of depression and created a cultural climate that is more accepting of seeking treatment for mental illness. Many people with normal sadness might benefit from medication that ameliorates their symptoms. However, the usefulness of medication for normal sadness and especially the trade-off between symptom reduction and adverse effects has not been carefully studied, partly because the necessary distinctions do not exist within the current diagnostic system.

We have seen that psychiatry is actually capable of blurring lines that used to be quite clear. I am not suggesting that anyone who has been diagnosed with depression should not seek some sort of medical intervention, but I was also told that these serotonin reuptake inhibitors were never designed for long-term use. They were actually designed for a period of about six weeks to help rebalance the central nervous system and the endorphins such as serotonin and dopamine which

help to balance our mood. At Drug Beat, for example, I have seen people who have been on anti-depressants now for 15 years. When one anti-depressant stops working they are simply prescribed another and another, and they reach the point where they have a serious addiction and their lives are falling apart. They cannot even remember why they were prescribed a medication in the first place.

The detox, I might tell members, and the recovery period from these kinds of medication is very severe, and it must be done very slowly. We have one particular client in Drug Beat now who has been reducing her doses of anti-depressants for more than three years. The effects of that on her have been quite remarkable, both physically and emotionally, and she has gone through some pretty dodgy times wondering whether she could complete her program. She is there voluntarily, but her family makes the point that since she has been on these medications for so long it seems that nothing is able to give her pleasure of life any more.

She derives no pleasure from her children or her grandchildren. As she comes off these medications now (and she is at the tail end of this), she said that it is like she has just moved out of this huge black fog she has been living in for so long.

So, we need to be careful about this sort of stuff, and we need to be aware that the legislation that we put in place here has a remarkable effect on people's lives and also on the latitude that is allowed to be taken by professionals who prescribe these medications. I had a conversation with the Minister for Mental Health and Substance Abuse, and I was quite surprised, when trying to get a handle on how we regulate this, that if we were to try to do that we would be laughed at by the medical profession.

After three years, I am still not clear what our role is in regard to regulating that kind of thing, but you would think that, if we were to do research on this and find that these kinds of practices were doing people great harm, it would be the role of this parliament to step in and regulate to some degree. Frankly, I, for one, would not care a toss whether the medical or psychiatric professions wanted to laugh at me for taking a proactive role in reversing some of the damage we are doing.

We do a lot of good things, also. Members should not get me wrong: I am not saying that the whole of the mental health system is a failure. However, when it is not working for everyone, when it is not working on a case-by-case basis and when the one-size-fits-all approach does not work, I believe we have an obligation to look for other means and other ways to help those people who have approached the system or been caught up in the system for whatever reason, and I do see that as a responsibility of this place and the other place. To quote further from that document, it states:

> Psychiatrists need not be moralists, judging whether patients should or should not take medication for life's normal disappointments and suffering. It is, however, each psychiatrist's responsibility to diagnose as fully and as accurately as possible and not to bias a patient's decision regarding treatment by a diagnosis that mistakenly labels as a disorder what is likely a normal response that will abate on its own as the patient copes with a difficult life change. Watchful waiting, as well as a range of empirically tested psycho-therapeutic interventions that are demonstrated to be as effective as medication for treating non-severe conditions, might be substituted for prescriptions in such cases.

That is a medical paper that basically backs up my concerns with the way that this system is going. Another concern I have is that we will see ADD/ADHD in children included in DSM-IV, and we still do not even know that ADD/ADHD exists. We do not know that it is not food allergies, we do not know that it is not partial deafness or, again, viral infections. There is a number of allergies and conditions that can cause children to be overactive, hyperactive and have poor attention.

To make the point, I went to a meeting some months ago now at which about 600 people were in attendance, and it was about this very issue of ADD/ADHD in children. All people attending had had their children diagnosed or were in the process of being diagnosed with ADD/ADHD. Some of them, I might add, had to do nothing more than walk into a doctor's surgery and ask for a prescription of Ritalin or Strattera for that diagnosis.

In the process, the people who were conducting this meeting had the DSM-IV criteria for ADD/ADHD and, for a child to be diagnosed with those particular disorders, they have to exhibit only six of a list of about 39 symptoms. The people conducting this meeting read out the symptoms, and we were all asked to stand and, when we counted six symptoms that we knew that we exhibited, to sit down.

It should be remembered that this is a room with 600 adults, and there were pockets of people sitting down all over the place. They read the list of symptoms for ADD/ADHD and, by the time they had finished reading through the whole 30 symptoms, there was not one adult in the room standing.

I do not believe that every adult in that room was ADD/ADHD. However, these are the sort of signs and symptoms and the tools that are being used to diagnose our children with ADD/ADHD. A lot of these children are being put on some pretty heavy duty medications that do result in kids being addicted to amphetamines. I have seen kids who have been diagnosed with ADD/ADHD who exhibit more signs of addiction than they do of ADD/ADHD.

I have also seen children who have been diagnosed with ADD/ADHD who have had a change in diet and who have had a regular sleep pattern and routine implemented in their home, and their behaviour changes dramatically and their concentration improves, and teachers comment on the change. My seven year old son is one of those kids. He was diagnosed with ADD/ADHD at the age of three, and the recommendation was that he go on medication. I did not do that. I went through the process of learning about ADD/ADHD.

We are very careful about his diet: he does not drink coke or eat chocolate. His understanding is that he is allergic to these foods, and he can make the choice, when he goes to a friends place, to refuse to eat these foods. He says himself that, when he eats them, they make him feel unwell. This is a seven year old child who has been educated to understand that he has a reaction to certain foods and drinks and that he needs eight hours sleep a night. I am proud to say that, at the age of seven, he can take a level of personal responsibility to make sure that he is not disruptive at school.

So, there are a number of things we need to consider. One of the amendments I will move in relation to this issue is that children under the age of six should not be prescribed these medications. That is not based on my personal experience with my son. It is based on a handful of freedom of information documents from the TGA that show adverse affects on children who have been prescribed Ritalin and Strattera under the age of six.

It should be remembered that these drugs that we are giving these kids have never been approved for use for anyone under the age of 16, yet we are prescribing these drugs to children, some as young as 12 months old, and these children are being described as disturbed toddlers. I would like anyone in this place who has dealt with toddlers to explain to me how, at some stage, every toddler is not a little disturbed, because that is what being a toddler is about.

It was my original intention to read out a number of these documents, but I will read only a couple of them. As I said, these are freedom of information documents (public case details) from the Therapeutic Goods Administration. The first one relates to a five year old boy who was prescribed Zoloft. He was admitted to hospital with severe muscle twitching and severe, continuous facial twitching. After a night of observation, the Zoloft was ceased.

Another one relates to a 12 year old who was prescribed Zoloft. He was diagnosed with a platelet disorder, resulting in an increasing bleeding time. The patient was hospitalised, and Zoloft was ceased. Another one relates to a five year old who was prescribed Strattera who, after two days on the medication, was having ideations of throwing himself in front of a car. He was hospitalised for a week. His medication was stopped, and his suicidal ideations—at the age of five—ceased within a week.

A four year old who had been prescribed Zoloft was admitted with agitation, nausea, palpitations and severe parasthesia. This four year old was suffering severe panic and feelings of impending death. He was on 50 milligrams of Zoloft, a dose that most adults probably could not tolerate. One of the other reasons he was admitted was depression—at the age of four. He was hospitalised, put under observation, medication was ceased, and within a week he was a normal four year old child again.

I need to stress this because I feel that medication as a first resort is a disturbing practice, but we have so many parents out there who do not know that there are alternatives. There are so many parents who do not understand diet, exercise and all that sort of thing. I am not saying that it is the government's responsibility to make sure that people know, but surely it is the government's responsibility to educate people, to put that information out there and distribute it as widely as possible, and to discourage the use of these medications on our children.

I saw a case of a 12 month old baby on Prozac, because the baby was not sleeping at night. Now, we could get a bit cranky with the parents for accepting that their 12 month old should be on Prozac, but I believe we could also get quite peeved at a medical practitioner who prescribed Prozac to a 12 month old baby when the baby was, in fact, simply teething. Parents need to understand, and be educated at parenting classes, that when they have children they will have sleepless nights.

Life changes when you have a child, and it changes when you have two children. We have lost that generational memory, or knowledge, of parenting and all the rest of it, and if families cannot provide that kind of knowledge we have to do something—other than have 12 month old children on medications that change their central nervous system biology for a very long time, if not forever. We do not know what effect these drugs will have on the developing brain of a 12 month old baby. In 10 or 20 years' time, when these kids grow up and perhaps exhibit signs and symptoms of schizophrenia or bipolar, or whatever it might be, because of what was done to them at 12 months old, what will the face of our mental health system look like? We need to have a vision for this, we need a long-term view; we need to take responsibility, because no-one else will and it will continue and be perpetuated.

I think I have covered the main points I wanted to make, and I think I also made most of these points in my previous contribution, so I will close on this. I beg all members in here to do their own research into the history of psychiatry. I am not by any means anti-psychiatry but I think that when we start holding up one modality in particular as the be-all-and-end-all for finding solutions to our mental health system we leave ourselves wide open to catastrophe in the future.

The historical practices of psychiatry, psychosurgery, and all those sorts of things are, to say the least, dubious. There are many other people out there and many other—I will say it—non-government organisations that treat people with mental illness without medication, and actually do what psychiatry was meant to do in the first place, which was to study the soul. I believe that 'psyche' is the Greek word for soul. This was never about manipulating brain chemicals, and whatever else: it was about getting to the depth of people's distress—what sends them into a spin in the first place, what changes their body chemistry and creates depression and trauma (and whatever else), and dealing with those traumas, rather than medicating (because it is a cheap option) and trying to get people to forget that they have a history and that they are a part and product of their emotions.

Let us start to get back on track and start treating people as people rather than receptors for any kind of medication that we would like to prescribe for them. For me, this is a bill that needs serious consideration and, if we can do things differently and do them better in the future, that is what we should be aiming at, rather than just revisiting a bill for the sake of it. So, I leave that contribution with members.

The Hon. DAVID WINDERLICH (20:46): I have also wrestled with this bill, because it is essentially a coercive bill that gives the power to detain people against their will and force them to accept treatments they do not want. These treatments can have very unpleasant side effects, ranging from fatigue, feeling dead and rapid weight gain even to the loss of a sense of humour. These are all the sorts of side effects of standard psychiatric medication that have been identified by participants in research. However, these infringements on people's liberties are ostensibly designed to be for their benefit.

In considering this bill, I have met with Carers SA, the Public Advocate and a representative of the Human Rights Committee of the Law Society, and I have run a seminar here in Parliament House which brought together carers, mentally ill people and the advocates of the mentally ill. That seminar and the discussions since that time have highlighted the fact that this bill includes some improvements; for example, the recognition of the role of carers in caring for the mentally ill. These are very strongly supported by individuals, families and organisations that are struggling to give support to the mentally ill. I have an email from one person who is very supportive of this bill and said simply, 'We are full of hope.'

At the seminar, the point was made that the biggest abuse of human rights of the mentally ill was the denial of treatment. At the same seminar, mentally ill people and their advocates gave examples of the abuse of their rights. So, I am supportive of this bill, but I will also be putting forward a number of amendments to increase protections for the rights of the mentally ill.

I will be supporting the opposition's amendments for a community visitors scheme. This is widely supported by both carers and the mentally ill. Such schemes operate in most other

jurisdictions, and I think they are a valuable way of both engaging the community to support mentally ill people and ensuring the accountability of the professionals and the systems that care for the mentally ill.

My amendments will be along the following lines: inserting the word 'serious' as a threshold for intervention for community treatment orders and detention orders. Why would we want to give the power to detain or forcibly treat people unless the condition in question was serious or potentially serious? I am told 'serious' is too subjective, but we use this word in legislation all the time. In fact, the government has an amendment that involves adding the word 'serious' to the Public Sector Bill in relation to the code of conduct for public sector employees. We have the Serious and Organised Crime (Control) Act. So, it is clearly a word that we can deal with in legislation.

I will also be moving an amendment to give representation on appeals to the Guardianship Board. It has been pointed out to me very forcibly that someone charged with murder or sexual assault, or serial traffic offences, can get legal representation, even legal aid. A mentally ill person who could be detained for years, or forcibly be given powerful drugs with unpleasant side effects, cannot get legal representation. That seems intrinsically wrong.

One example of the need for legal representation that was given to me is the case of a 93 year old man whose family wanted him out of his family home. They made an application to the Guardianship Board, and the Guardianship Board made orders that he be removed from his home.

He had no idea what the Guardianship Board was and no idea that he could be taken from his home. He did not attend the hearing and, the next thing he knew, there were two police cars and an ambulance at his door. Two years later, after many hearings, his grand-niece got the orders overturned, but he never returned to his home and he never even saw his dog again. If he had had a lawyer, the lawyer would have explained to him the importance of the hearing and his need to attend and would have got a medical report that said he did not have dementia, as was claimed by his family. I am told this is one of numerous such cases.

I would be looking to amend the Chief Psychiatrist's functions to require a report to parliament. This would see the Chief Psychiatrist provide an annual report to parliament that details the number and duration of any community treatment orders or detention orders. The annual report would also provide demographic information about the persons subject to such orders, including information about where the persons subject to such orders resided, were treated and were detained. This would build in a level of accountability around the exercise of the great powers envisaged under this bill and also provide important information that could be used to improve the function of the system.

I will be moving a further amendment around confidentiality and disclosure of information. Essentially, I believe that there is a powerful case for carers and guardians to have access to the full range of information, including information about the specific treatment needs of a mentally ill person. However, more general family members and friends need not necessarily have access to this information, although they are entitled to general information about the wellbeing of the person detained or under a community treatment order. This is simply to preserve some level of privacy and confidentiality for people who are mentally ill.

Finally, I will be looking at an amendment to interstate transfers to ensure that it specifies more clearly a transfer to the nearest treatment centre. This is designed to minimise the risk that a person can be dumped into another jurisdiction. There is a documented case of this occurring in South Australia. Almost all of these amendments have already been prepared by parliamentary counsel so they will be able to be filed tomorrow, I believe, without holding up consideration of this bill.

I see a number of key arguments for building in these sorts of protections for the mentally ill. First, there is an enormous power imbalance; the mentally ill are often confused, alone, and have a very low status in our society. When they come up against the medical profession and the state they need protection. This is an attitude I take to power imbalances generally in society. Secondly, psychiatry has a chequered history. It has a place. I spent the weekend with a friend who says that, without her drugs, she would not be able to cope with her depression. However, psychiatry also has a long history of dubious decisions and abuses. It was a tool of oppression in the Soviet Union and Eastern Europe, where dissidents were routinely seen as psychiatrically ill.

Homosexuality was not finally taken off the list of mental illnesses by the American Psychiatry Association until 1986. However, this parliament has just passed an equal opportunity

bill that has made most forms of discrimination against homosexuals illegal. This shows that the classification of mental illness is subjective and is influenced by cultural and historical ideas.

Mental illness is complex. Some people are only periodically mentally ill. This has led to suggestions of an advance directive as to how a person should be treated when they are mentally ill. For example, they could specify that they do not want a particular drug because of its side effects. Mental illness is complex, but the classification of mental illness is somewhat arbitrary; something becomes a mental illness when the American Psychiatry Association agrees in a vote that it is, and it goes onto the DSM list.

Fourthly, there is a legitimate debate about whether we are turning social problems and temporary natural states into mental illnesses. I believe the Hon. Ann Bressington canvassed this very well, with the overemphasis on drugs; treating a form of ADHD is a well-known example. She also spoke of depression. There is a long history of depression in literature, poetry and art. It was often referred to as melancholia. It often inspired great art without being classified necessarily as a mental illness. These things are not black and white. Certainly, depression can be a serious problem or it can be confused with understandable states of sadness because of various hardships in life, for example, loss of a loved one and so forth.

There are also regular accounts of human rights abuses in the mental health system, including in this state, and I gave a couple of examples before. Commercial interests play a role in the definition of mental illness and in the approach of psychiatric medicine to mental illness.

A lively debate is ongoing in the United States about the effect of the pharmaceutical industry on the categorisation of mental illness. Essentially, if something like ADHD is added to the DSM, it can be treated with drugs and whole new markets open up.

Finally, many examples in our daily lives cause us to wonder about the medicalisation of behavioural and emotional states; the Hon. Ann Bressington mentioned a number of these. In my own experience, at one stage I was involved in the learning assistance program at a primary school helping a boy who was seen as difficult by the school. There was talk about his having ADHD. My own amateur assessment was that he was the sort of person who was not suited to sitting in a classroom all day and who needed a much more active component to his education.

More recently, I was involved in a community project in a disadvantaged community and found out by accident that almost every child involved seemed to be on medication for ADHD. This was very strange. I do not think this would have happened in an affluent eastern suburb, so it leads you to look beyond the medical and biomedical causes to wonder whether there is not, in fact, a social one.

I am proposing a number of amendments, not all of which are supported by carers, parents and relatives of the mentally ill. The very clear message from most of them is that they want this bill passed quickly and they want to be able to ensure that mentally ill people (the people they are often helping care for) get the treatment they need. This is entirely understandable, but I believe that, for the most part, the issue here is not legislation but resources.

Child protection is a good example of where good legislation is meaningless without adequate resources. On balance, despite the fact that some of the amendments I am proposing will not necessarily be supported by carers, I will put them forward in committee. I think we need to protect the rights of the mentally ill. This is an area of medicine and care that is open to abuse, and we need to build in some protections to prevent that.

The Hon. D.G.E. HOOD (20:57): I rise to indicate that Family First supports the second reading of this bill and, in doing so, we ask the question: what can be done to help our health system, not only here in South Australia but throughout the world? *The Advertiser* recently published an article entitled 'The horror of Psych Ward 8B', which is the mental health ward at the Royal Adelaide Hospital. It is not the first time that I have heard of horror stories, if you like, about that ward.

We also hear about James Nash House from time to time through the media. I recently had the opportunity to hear from a solicitor who attended James Nash House. She told me how she was traumatised after visiting a client there. Her story was quite horrendous. She told me that the venue itself was depressing enough for her not to want to go back, let alone the events she saw take place.

Dr Van Den Bos, who ran Ward 8B for some time, has gone so far as to tell a coronial inquiry that up to 1,000 patients a year were sent through the ward and that the staff are

overwhelmed by the volume of patients. He went on to say that he was aware of patients who had tried to kill themselves on the ward, as tragic as that is, and it reads as though staff regularly have to barricade themselves in the office when patients become violent. I am not sure how frequent that is, but the use of the word 'regular' concerns me greatly. Apparently, it is a fairly negative, depressing place on the whole, yet this is one of the primary front lines, if you like, in our mental health system.

The 2008 ABS estimates are that approximately half of the 16 million Australians aged 16 to 85 (some 7.3 million) had experienced a so-called mental health issue in their lifetime. One in five (or 3.2 million) of those had experienced symptoms in the previous year, and this bill deals with those whose symptoms become so serious that the medical system becomes involved.

I think it is pertinent to add at this point that the comments of the Hon. Ann Bressington were insightful and, whilst they would be seen as controversial, I believe there is some truth to the points she made. It staggers me that we see such statistics as these: that something like 7.3 million Australians experience a mental health issue in their lifetime.

My concern is that those things are potentially over-diagnosed, and that the reality is that people sometimes get sad. It is not unnatural for someone to be sad in their life, and that could be called clinical depression in some circumstances.

An honourable member interjecting:

The Hon. D.G.E. HOOD: Exactly. You will be happy to know that I will not be going on for too long. The bill replaces the Mental Health Act 1993 and implements a number of recommendations suggested by the review that commenced in August 2004 by Mr Ian Bidmeade in a very comprehensive report involving some 500 stakeholders entitled 'Paving the Way: A Review of Mental Health Legislation In South Australia, April 2005.'

I note in the report that there is something like nine pages of recommendations at the conclusion of the first part, and this bill does not address all of them. However, in essence, this bill addresses the need to do a couple of things, and I will list them. First, modernise the wording of the current legislation. I do not see that anyone will object to that necessarily.

Secondly, more clearly articulate the rights of people using the mental health service and the rights of carers and all of those involved. It will place greater emphasis on community care, not just hospital or institutional care, which, I understand, has the widespread support of stakeholders. It will recognise the particular circumstances of children, and it will better acknowledge Aboriginal and Torres Strait Islander issues, which can be somewhat unique.

Support for rural mental health patients will also certainly need to be improved. I note comments from the select committee that looked into the Glenside redevelopment for 46 beds to be provided for rural and remote patients. Certainly, we agree with those comments, and where ever possible there should be beds available in our rural hospitals for mental health patients, and I will follow that with some interest as the debate ensues.

One key element of the Paving the Way report that has not found its way into the legislation is the community visitor scheme. Perhaps that omission was due to the cost of setting up such a scheme; I am not certain. However, I am conscious that South Australia is currently the only jurisdiction in the nation that does not have such a scheme in place. I am aware that the Hon. Michelle Lensink has proposed amendments to that effect.

I indicate at this point that we are favourable to those amendments. Obviously, the debate will need to ensue, but we have certainly had strong indications from a number of stakeholders in this area that they are very keen to see such a program established. Unless we are given good reasons otherwise, Family First will be inclined to support that.

Carers SA supports a community visitor scheme, as do many other groups, including Geoff Harris from the Mental Health Coalition, and there are many others I could name. What the system needs is quite clear: adequate funding for mental health. As the Mental Health Coalition regularly complains, mental health contains some 13 per cent of our total health burden, yet it receives some 7.2 per cent of the overall health budget.

Quite simply, we need to invest appropriately in this area of medicine and, again, as the Hon. Ann Bressington brought to the surface of the discussion, which I commend her for doing, determine what really is happening in some of these cases. I do not want to be derogatory of the psychiatric community. I am sure that they are learned people who have great knowledge of these

areas, and as a lay person it would be wrong for me to question their judgment. However, what I would say is that sometimes it can be that patterns of treatment can be established and can go on for some period without being adequately questioned. It may be that we are seeing over diagnosis of conditions because of a greater acceptance of these conditions in the community when, in fact, they may be simply over-diagnosed.

Quite simply, we need to invest more in prevention and recovery. We need to focus our efforts on recovery-oriented practice. We need a whole-of-government approach to recovery, and we also need a comprehensive housing plan with mental health issues. All of these things cost money—none of us will dispute that fact—and it can be very expensive indeed.

Some 80 per cent of people with mental illness are on Newstart or disability support, and 30 per cent have experienced homelessness or were vulnerable to homelessness, according to recent statistics. We need to build the non-government community mental health sector and we need to better safeguard the rights of patients in mental health facilities. The need for real action regarding mental health is clear, and I think everyone in this chamber will accept that fact.

One phrase that I hear a lot is that we are going through a 'mental health epidemic'. It is a strange statement because it makes it sound like mental health problems are contagious. They are traditionally thought to be physiological, rather than thought of in terms of epidemics. So, we have to ask: why is there a spike in mental health complaints in recent times? I think the Hon. Ann Bressington brought some of those issues to the fore in her speech.

Perhaps one reason is that we are a more introspective and permissive society than we were some decades ago. People seem to be more willing to define, excuse and medicate their behaviour than in times past. It has become somewhat acceptable to excuse a child's bad behaviour as a medical condition, rather than admitting to failed parenting, perhaps, or simply a lack of discipline in some cases.

Another reason is undoubtedly the tremendous breakdown in the family unit that we have seen in our society in recent years. The truth is that South Australian families have never been more fragmented or the consequences so evident. In 2006, we had some 51,375 divorces in Australia, 3,913 of those in South Australia alone.

Each divorce represents a broken family and many divorces result in lost children and hurting parents. Clinical depression often results. Again, as has been highlighted by other speakers in this place, what exactly that clinical depression means and whether or not pharmaceuticals are the right treatment for it I think is a very significant topic that needs further debate.

The marriage rate in Australia has only once been lower than it is currently, and that was during World War I when, of course, so many of our young men were overseas fighting. In the 1950s, statistically, the average Australian felt emotionally close to seven family members and friends. Today that number is just four. And one in four homes in South Australia is now occupied by only one person.

Indeed, people are lonely and the strong family bonds that kept us together as a society are missing and breaking down, and many people find it difficult to cope. That is another reason for the so-called mental health epidemic, but again, as has been stated by previous speakers, the question has to be asked: is that true clinical depression? I am not certain, but one can understand how somebody would just be sad or depressed, to use the term in a more colloquial sense, having such experiences impact on their life.

Then, of course, the drug epidemic—and I think in this case it is appropriate to use that word—is another obvious reason for the surge in mental health related conditions in recent times. I would say that a mental health strategy that does not tackle the problem of illicit drugs is really doomed from the start. To quote from *The Australian*:

> A five year review of the histories of mentally ill patients in New South Wales who had been committed to an institution or needed compulsory treatment found four out of five had smoked marijuana regularly in adolescence.

So, 80 per cent of mentally ill patients have been regular users of marijuana in their adolescence. No wonder there is a so-called epidemic. I think now the psychiatric community clearly draws the parallel between drug use, particularly marijuana in the adolescent years, and later mental health problems. Dr Andrew Campbell of the New South Wales Mental Health Review Tribunal is on record as saying 'the psych wards are full of these people' who used drugs when they were young.

There used to be a class of drugs we called harmless or so-called party drugs, but that assumption now, I think, can be declared categorically wrong and is now having a dangerous impact on our community in terms of the mental health problems that we are now reaping, if you like. Another article from the *Daily Mail* in the UK reads, 'Even a small amount of cannabis "triggers psychotic episodes" warn doctors.' *The Advertiser* of 22 May last year states:

> A study by psychiatrists has reviewed the latest evidence of links between cannabis use and mental illness. That concludes association is 'stronger and clearer than ever'. A pot smoker is 40 per cent more likely to suffer a psychotic episode than a non-[pot]smoker, the review of major published international research shows. For people who smoke [cannabis] daily over long periods their risk is 200 per cent higher.

I could go on. There have been many articles appear in the media quoting eminent learned people who have established this link—I think probably beyond any serious doubt now. Of course, marijuana is not the only problem. It tends to be the gateway to more serious drugs.

There was another media report showing that scans from longer term users of drugs showed a smaller hippocampus and other parts of the brain. So it seems that not only is there an impact on the mental state of the individual, but there may actually be physical impacts of these substances. Meth is an even more powerful drug, and a recent article in the *Business Spectator* noted that an incredible 48 per cent of meth users were suffering from major depression and, frankly, that is a phenomenal statistic.

I realise that I am quoting a lot of names and dates and media sources, but I will conclude with the 2007 National Drug Strategy Household Survey which found that, of Australians aged 18 years and over, more than one in five (it was 20.2 per cent) who had used an illicit drug in the previous month reported a high or very high level of psychological distress, more than twice the percentage (8.7 per cent) of those who did not take an illicit drug—so, 20.2 per cent of those who did; 8.7 per cent of those who did not.

Illicit drugs cause not only psychotic illnesses such as schizophrenia but also depression and anxiety disorders particularly when smoked by young people. Any mental health initiatives that do not tackle illicit drugs are only skirting around one of the central issues of today's so-called mental health epidemic. I am heartened by the government's recent willingness to increase various penalties for drug use and the comprehensive overhaul of the Controlled Substances Act. More measures will be needed to bring our so-called mental health epidemic under control, and this legislation is one part of that puzzle.

I understand that it has the general support of the Mental Health Coalition, other key stakeholders including Carers SA and some other people whom I mentioned earlier in my speech. Family First are generally supportive. However, we are very open to the amendments, some of which have not been tabled yet, but I am aware that they are coming, and we will certainly have a very close look at those. I look forward to the committee stage.

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (21:11): By way of concluding remarks, I would like to thank all members for their very constructive contributions to this important piece of legislation. There have been many important changes in our understanding of mental illness and mental health in the 16 years since the current Mental Health Act was passed by this parliament, including developments in understanding how the brain works.

Members have asked a number of questions about the bill during this debate, and I will attempt to answer some of them now. It is refreshing that most members have informed themselves of the issues under consideration in this debate. This bill is about bringing the South Australian mental health system into the 21st century, and most members are aware of this. Most members are also aware that providing room for the exercise of professional discretion is also part of this bill. People are individuals, and all professionals administering the provisions of the new act will exercise their professional judgment when faced with particular circumstances. That is as it should be.

Some of the debate has been highly ill-informed, however. I find it surprising that there have been suggestions that there are two types of mental illness: genuine and, presumably, those that are fake or fraudulent. The implication of some of what has been said in this debate is that those individuals who have both a substance abuse issue and a mental health issue do not have a genuine mental health issue.

There seems to be an argument that we should consider people who require the assistance of the health system for mental illness as either deserving or undeserving of assistance because they may have contributed to their illness through the use of various illegal and illicit substances. If we extend this argument to other areas of health care, it would lead to a situation in which smokers, for example, would be considered undeserving if they sought treatment from their general practitioner for bronchitis, or if obese or sedentary people sought treatment for cardiovascular disease. This is clearly both unethical and quite ridiculous.

In relation to children, the current act does refer to a patient under 16 in the consent procedures for category B prescribed psychiatric treatment, which is ECT. In order to clear up any uncertainty, the bill makes it perfectly clear that it applies to children and includes special provisions such as shorter orders and more frequent reviews to ensure that their interests are fully protected.

In response to the question regarding whether a provision is made for placing a voluntary patient on an order, the bill states in clause 8(2) that a voluntary patient can leave the treatment centre at any time unless a detention and treatment order then applies to them. Obviously, they could also be placed on a community treatment order should that be deemed appropriate.

Mental health staff make every effort to identify the next of kin of patients. Often it is not a problem, because many people are accompanied to a treatment centre by their family members or carers. The Guardianship Board is required to notify interested parties, which includes relatives and carers, of any hearing. They maintain and update lists of interested parties. This information may come from a variety of sources but is usually supplied by mental health teams in the first instance.

It is anticipated that fewer orders for detention and treatment will be made under the provisions of this bill. The reforms of the mental health system are designed to have a stepped model of care for the treatment of people before they reach the stage of needing to be involuntarily admitted. The bill is clear that voluntary treatment or treatment in the least restrictive manner must be considered with the provisions for orders providing a safety net should particular individuals require involuntary admission at a particular point in time.

The Hon. Michelle Lensink has asked that the government provide on the record some information about the background to the criteria for orders and why harm has replaced health and safety. I refer the member to the second reading report, which discusses this matter in some detail. One cannot read only one element of the criteria, such as the component which discusses harm, and gain an understanding of what is intended. The elements of the criteria must be considered together and in the context of the objects and guiding principles of the act.

The criteria have been crafted giving consideration to Bidmeade's recommendations, the recommendations arising from the Palmer inquiry into the immigration detention of Cornelia Rau, the criteria in other states and territories, recent policy research on the impact of various forms of criteria on outcomes for patients and stakeholder feedback when the bill was released for public consultation.

The criteria in this bill aim to ensure that an order can be made when a person is so unwell that they will not accept treatment and they need treatment to protect themselves or others. The extent of harm necessary is not qualified in this bill. Obviously, I make no apology for that.

The evidence that supports this approach is that medical practitioners cannot reliably predict whether a person is likely to suffer harm or pose a risk of harm to others when the mental illness is not treated. The best predictor of future behaviour is past behaviour, making prediction following diagnosis and treatment more reliable. In the case of young people experiencing a first psychotic episode, there is obviously no previous behaviour on which to base an assessment.

If a young person's psychosis is untreated it can lead to permanent damage to their brain. For that reason, we do not want to limit access to care and treatment by qualifying the extent of the harm that must occur to the person before an order can be made. Please bear in mind that all the elements of the criteria must be satisfied and, if there is a less restrictive means of treating the mental illness, an order cannot be made.

Members should note that the criteria for involuntary intervention are also designed to protect people other than the person with the mental illness from harm. Recent cases reported in the media provide examples of the types of situations that may arise where consideration needs to be given to the harm to which a child may be subjected by their parent's mental illness. One of these cases involved a four year old girl who was thrown to her death off a bridge in Melbourne by

her father. Mental illness is implicated in that case. How much harm was it acceptable to subject this child to before an order was made with respect to her father?

I will now turn to the questions raised by the Hon. Mark Parnell. In regard to the matter of the likelihood of a person complying with voluntary treatment being a consideration when making an order, I believe this matter is dealt with by the fact that the guiding principles state that the services should be provided on a voluntary basis as far as possible and otherwise in the least restrictive way and in the least restrictive environment. Determining whether or not a person is likely to comply with voluntary treatment is part of the range of factors that need to be addressed when an order is being considered.

The bill contains comprehensive provisions for mutual recognition of orders between states and territories, transferring inpatients on orders between states and taking a person to the most appropriate facility for an assessment, even if it is an interstate facility. South Australia has signed a ministerial agreement with the Northern Territory, which came into force in September 2008. A similar agreement with New South Wales is now in force and one with Victoria has been finalised.

The bill deals with this matter in a much more comprehensive manner than the current act and provides significant guidance to staff in relation to how these matters are to be handled. Ministerial agreements must be in place with any state or territory for any of the provisions to be utilised.

The provisions in clause 58 will allow someone to be taken interstate for an assessment against their will. Again, I make no apology for this and ask members to bear in mind that if medical staff in the new MedStar retrieval service consider that a patient's medical need is such that he should be transferred across state or territory borders, even if the patient is unconscious and, therefore, unable to consent, then this proceeds. Mental illness should be treated no differently, and a person should be able to be taken to the most appropriate health facility without accusations of breaching of human rights being made.

The Hon. Mr Mark Parnell cited the annual report of the Guardianship Board regarding the difficulties which occur when people with a mental illness require legal representation. The Department of Health is aware of the different approaches inherent in the legal and psychiatric perspectives.

The Chief Adviser in Psychiatry, Dr Margaret Honeyman, is leading the implementation of the new act, which will include education and training. Professional development opportunities for lawyers will be part of this comprehensive approach to implement the new act. In line with the review of the Health and Community Services Complaints Act, which was tabled in the other place recently, the government supports, in principle, the establishment of a community visitor scheme. The government has committed to undertaking consultation in order to determine the best model for a scheme and an appropriate auspicing body, which ensures the independence of the scheme that this sort of model requires.

I thank all members for their contributions and support for this important bill, which will provide South Australia with a contemporary legislative framework to support the government's broader mental health reform agenda. I thank Ian Bidmeade for his excellent report, which has provided the basis for the bill, and the Attorney-General's Department, including the Guardianship Board, the Public Advocate, SAPOL and the Department for Families and Communities for their cooperative approach in developing the bill. Finally, a large number of specific questions were raised in the debate. I seek leave to insert the answers to those questions into *Hansard* without my reading them.

Leave granted.

Training for the expanded group of authorised health professionals and professional development on mental health law, and duties of care and confidentiality

In regard to the identification of people who will become authorised health professionals for the purposes of the new Act and the training they will receive, I can advise the Council that the Chief Advisor in Psychiatry within in the Department of Health is already planning for the implementation of the new Act.

Training and educating staff will be critical to successfully implementing the Bill and planning is underway for this. Members should be aware that once the Bill is passed it will be about 12 months before it is brought into force. This is because the regulations will need to be developed, staff trained, community education undertaken and new administrative systems developed to support the administration of the Act. At this stage individuals who are likely to become authorised health professionals have not been identified.

Will other professions (other than occupational therapists mental health psych nurses. social workers or psychologists) be captured by the changes to the legislation relating to authorised health professionals

Authorised health professionals will primarily be front line mental *r* health workers, therefore it is not likely that physiotherapists and dentists will be included, although it is legally possible.

Why has the section relating to the authorised medical, Practitioners been created?

An authorised medical practitioner will be a person who has undertaken several years of psychiatric training at a reputable training institution and has considerable psychiatric experience. These people will be selected by the Minister, on the advice of the Chief Psychiatrist.

Chief Psychiatrist

The Chief Psychiatrist will be delegating powers and functions where it makes sense for service delivery and accountability.

Review of the Guardianship Act

The Guardianship and Administration Act is under active management and review as part of the Attorney-General's legislative agenda. If the Act can be improved and a bill eventuates, the public can provide comments on the proposal to the Attorney-General.

Information for Guardians/Carers

Mental health staff make every effort to identify the next of kin of patients. Often it is not a problem as many people are accompanied to a treatment centre by their family members or carers. The Guardianship Board is required to notify interested parties, which includes relatives and carers, of any hearing. They maintain and update lists of 'interested parties'. This information may come from a variety of sources but is usually supplied by mental health teams in the first instance.

Memorandum of Understanding

The Mental Health Emergency Services Memorandum of Understanding (between the Department of Health, South Australian Ambulance Services, the South Australian Police and the Royal Flying Doctor Service) was signed in June 2006. The MOU provides a framework and specific guidance to staff transporting people with a mental illness and will be updated prior to the new Act coming into force. Practices, driven by the Memorandum of Understanding, are already consistent with the intentions of the Bill and have resulted in the safe transportation of people with mental illness.

Interstate transfers

Clause 58 sets out the circumstances of transfer of a patient who is subject to an order and which will only be able to occur if:

(a) there is a ministerial agreement in place and

(b) there is a formal request in accordance with the ministerial agreement and

(c) the action is in the best interest of the person.

Further, clause 65 (1) of the Bill requires any proposed transfer of a patient receiving involuntary treatment in hospital is to be approved by the Chief Psychiatrist and ensures the patient can appeal the decision. Transfer will not be able to occur until the appeal period has expired, the appeal is determined or lapses. The Bill enables a person to be taken to an interstate facility for assessment. This is common practice in other areas of health where a person is taken to the most appropriate health facility.

The Bill contains comprehensive provisions for mutual recognition of orders between the states and territories, transferring in-patients on orders between states, and taking a person to the most appropriate facility for an assessment even if it is an interstate facility.

The Bill deals with this matter in a much more comprehensive manner than the current Act and provides significant guidance to staff regarding how matters are to be handled. Ministerial agreements must be in place with any State or Territory for any of the provisions to be utilised. Clause 58(1) specifies all the provisions which must be in place with each State and Territory and I refer members to that clause.

Mental Health (non-legislative)

The reforms inherent in the Mental Health Bill 2008 complement the Government's previously announced $107.9 million mental health reform package to implement the Social Inclusion Board's recommendations. This reform package comprised funding for:

- 90 intermediate care beds;
- 73 supported accommodation places;
- 6 new community mental health centres;
- the employment of 8 new mental health nurse practitioners in the country;

- the establishment of a priority access service for about 800 people with chronic and complex needs, including those with drug and alcohol problems, a history of homelessness or who may be involved in the criminal justice system;
- the provision of non clinical community based support services by non-government organisations; and
- the establishment of an early intervention service for young people experiencing their first episode of psychosis.

Intermediate Care facilities are being planned and the currently anticipated timeframe for opening of these units is—

1. Noarlunga Intermediate Care (15 Beds) mid 2010, this will cover the South
2. Glenside Intermediate Care (15 beds) mid 2010, this will cover the East
3. West Intermediate Care (15 Beds), site to be advised, planned for 1010-11
4. North Intermediate Care (15 Beds), site to be advised, planned for around 2013-14
5. Country Health SA are planning to open a total of 30 beds, the first 10 places in Country regions are expected to be opened in the South East of the State during 2009-10. The location of the other 20 is under consideration.

Relationship between mental health services and drug and alcohol services?

Drug and Alcohol Services South Australia currently operates state-wide clinical services through 8 metropolitan sites. It is envisaged that services at 3 of the metropolitan sites will be merged onto the Glenside campus. In addition, Drug and Alcohol Service South Australia's policies, programs, research and administrative functions will also be transferred to this site.

The consolidation of these sites will see the establishment of the most up-to-date and modern facilities in Australia for the treatment of people with alcohol and other drug problems. It will enable enhanced service delivery and achieve significant gains through service integration and closer collaboration, where appropriate, with the mental health sector.

Training for mental health workers get in drug and alcohol awareness and how it may effect an individual?

Drug and Alcohol Services South Australia works in close collaboration with Mental Health Services to ensure continuing development of skills in providing services to people with mental health and substance misuse co-morbidities in both sectors.

Some examples of collaborative initiatives designed to develop both sectors include the following:

- Mental Health Services has 7 drug and alcohol workers building the capacity of mental health and drug and alcohol staff to respond to people presenting with co-morbidity issues.
- Drug and Alcohol Services South Australia Co-morbidity Nurses provide a service response in both the Northern and Southern metropolitan regions, working with a range of government and non-government agencies, Divisions of General Practice and community based Mental Health Teams.
- Co-morbidity Nurses provide assessment, liaison and treatment at the Lyell McEwin and Modbury Hospitals and the Flinders Medical Centre.
- Drug and Alcohol Services South Australia provides services at the Child and Adolescent Mental Health Service and the Eastern Adult Mental Health Service.
- Since 2008, Drug and Alcohol Services South Australia and Country Mental Health have been working within a Formal Co-morbidity Partnership.

Drug and Alcohol Services South Australia has also been a key partner in the provision of a three-day emergency mental health and drug clinical training program. This course has been provided to approximately 1800 nurses, hospital doctors, Aboriginal health workers, paramedics; medical students and General Practitioners.

Differences between true mental illness and drug induced psychosis

Treatment orders have been changed from 3 days to 7 days to allow for the effects of drugs and alcohol to subside in order to enable a proper assessment to be made of a person's mental condition.

Recording of suicide

The trends show that the rates of suicide are decreasing, however there may be other incidences where cause of death is recorded as something other than suicide, eg a car accident.

Based on data supplied by the National Coroner's Information System, between 2001 and 2006 there has been an average of 157 suicides per year for metropolitan Adelaide and an average of 38 suicides a year from regional and rural South Australia, making an average of 195 suicides in South Australia each year. Certainly, this is 195 too many, but that absolute number has decreased somewhat in recent years and there has been an overall decline in suicide of 19.1 per cent, with a drop of 17.1 per cent in metro South Australia and a drop of 26.7 per cent in rural South Australia.

Terminology of prescribed psychiatric treatments

Neurosurgery is a branch of medicine that deals with the surgical treatment of problems affecting the brain, spine, peripheral nerves and the arteries of the neck and includes procedures such as removing blot clots caused by accidents or hypertension, removing brain tumours and dealing with aneurysms. Psychosurgery, as it is called in the current Act is a subset of neurosurgery designed to change the performance of the brain and hence cognition and behaviour. Neurosurgery for mental illness is a more I contemporary term than psychosurgery.

Treatment centres

As a result of the Social Inclusion Board reforms, the Government has allocated capital funding for the development of 30 new intermediate care beds or places across Country South Australia.

Intermediate care will provide short term mental health care designed to reduce reliance on acute and emergency care, and may assist in preventing admission to acute mental health facilities or to provide early discharge options from an acute facility to enable the person to return to their residence earlier. It is expected that these services will be completed by 2010-11. The first 10 places in Country regions are expected to be opened in the South East of the State during 2009-10. The location of the other 20 is being assessed.

The Mental Health Bill enables the creation of Limited Treatment Centres in a number of regional hospitals, each with the capacity to provide acute care for involuntary patients who have been detained for assessment and treatment under the provisions of the new Act. The Limited Treatment Centres will be able to admit patients for up to 7 days, thereby reducing the need to transfer some patients to metropolitan based hospitals. It is estimated at this time that up to 10 acute beds may be initially created in Country regions for this purpose. The location of the limited Treatment Centres and the beds is yet to be determined.

Rural and Remote Mental Health Services, located on the Glenside site, currently provide a 23 bed adult, acute in-patient service for country residents. A key aspect of the Rural and Remote service includes the Distance Consultation Service which comprises:

- 24/7 Emergency Triage and liaison Service,
- Telepsychiatry,
- Transfer of care Coordinators,
- Aboriginal Mental Health Team,
- Outreach Psychotherapy Service, and
- Outreach clinical services through visiting psychiatrists.

These beds and services will be retained in the new Glenside Hospital. Country residents will still be able to access other acute mental health beds in the metropolitan area, as they currently do, should the need arise, although the frequency should decline over time as other country services increase in capacity.

Treatment orders

Patients can appeal at any time against any order and legal representation for appeals will continue to be provided. A range of people may make an application to the Board for a variation or revocation of a long term Community Treatment Order or a Detention and Treatment Order, both of which are made by the Board.

The Bill states at clause 8(2) that a voluntary patient can leave the treatment centre at any time, unless a detention and treatment order then applies to them. Obviously they could also be placed on a community treatment order should that be deemed appropriate.

It is anticipated that fewer orders for detention and treatment will be made under the provisions of this Bill in the longer term. The reforms of the mental health system are designed to have a stepped model of care for the treatment of people before they get to the stage of needing to be involuntarily admitted. The Bill is clear that voluntary treatment or treatment in the least restrictive manner must be considered with the provisions for orders providing a safety net should particular individuals require involuntary admission at a particular point in time.

Errors in in orders

On 26 March 2001, a man appealed against a Guardianship Board order (which followed a s12 detention order). Both orders referred to Glenside Hospital rather than Glenside Campus. He appealed on the grounds that Glenside Hospital was not an Approved Treatment Centre. The District Court held that the definition of Approved Treatment Centre referred to the physical premises and that the physical premises previously known as Glenside Hospital were the same as Glenside Campus and that there was no ambiguity in the order. The appeal was dismissed. The provisions regarding mistakes in order which are in the Bill are to further ensure that errors in orders do not result in the order being invalid.

Under the new Mental Health Bill, the Board or person making the order may correct orders without invalidating the form/order if the intent/meaning is apparent. Therefore, if a clerical error is made for an order under the new legislation but the intent is there, then an appeal will be upheld.

There are currently 12 A TCs in SA as follows:

- Adelaide Clinic
- Flinders Medical Centre .Glenside Campus
- Lyell McEwin Health Service .Modbury Public Hospital

- Noarlunga Health Services
- Repatriation General Hospital .Royal Adelaide Hospital
- The Queen Elizabeth Hospital
- Women's and Children's Hospital .James Nash House
- Oakden Services for Older People

Variations or revocations of Ion term Community Treatment Orders or Detention and Treatment Orders

The Bill states that variations or revocations of a level 3 detention and treatment order may be made by—

- the patient; or
- the Public Advocate; or
- a medical practitioner; or
- a mental health clinician; or
- a guardian, medical agent, relative, carer or friend of the patient; or
- any other person who satisfies the Board that he or she has a proper interest in the welfare of the patient.

Data on the percentage of persons who are reviewed within the guidelines versus what percentage fail to meet the aspirational target

There may be many factors that may delay review, for example, if a person is detained in a remote location, there may be a delay in the person being able to be transported, for example, by the Royal Flying Doctor to an approved treatment centre in metropolitan Adelaide. A detained person cannot be admitted to a country hospital at present and there is also currently no explicit provision for the use of audiovisual conferencing. Also, if a person who is intoxicated or severely affected by illicit or prescription drugs or a medical condition is admitted in the interest of their health and safety, it may impact on how soon a psychiatric review can be undertaken.

Bill read a second time.

PUBLIC SECTOR MANAGEMENT (CONSEQUENTIAL) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 March 2009. Page 1527.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (21:25): I rise on behalf of the opposition to indicate that we will be supporting this small consequential bill to the main Public Sector Bill. I will not go over much of the material that I placed on the record in relation to the main bill, but I will take the opportunity to reiterate my request to the minister to answer the range of questions I asked in my second reading contribution, in particular about the size of the public sector and the difference between the budgeted figures—that is, the budget that is tabled each year by the Treasurer—for the projected increase in the public sector and the actual increase each year. We know that we have significantly more members in our Public Service these days than the government budgeted for. In fact, the figure I recall is in excess of 17,000 more public servants than when the Labor government came to office. I know that the government will always say that there is more police, more nurses—

The Hon. J.S.L. Dawkins: How many small business have we lost?

The Hon. D.W. RIDGWAY: My colleague the Hon. John Dawkins interjects—

The PRESIDENT: The Hon. John Dawkins is out of order.

The Hon. D.W. RIDGWAY: As I said today in question time, 26,000 small businesses have ceased to operate from 2003 to 2005 and, in fact, that figure is predicted to go to some 43,000 small businesses that will cease to operate by 2011. When you put it into context, we have had a huge increase in the public sector. As I said, I am sure we will find that the government will say, 'We have more police; we have the Recruit 400 program. There are some more nurses and more teachers.' However, what I would like to know and the questions I asked the minister were: will he explain why the increases have taken place; and what explanations have various ministers given to the government?

I know he will say that those discussions have been held in cabinet and they are confidential. I do not think that is good enough when we have probably 12,000 to 14,000 more public servants than the government has budgeted for. If we have 12,000 more, then they have

budgeted for 5,000, so, if you like, we have a 250 per cent increase. If we have 14,000 more public servants, we probably have an increase of approximately 300 to 350 per cent over budget.

We would all wear a fluctuation of maybe 20 per cent. We understand that budgets are a guide and an indication of where you expect to go. Whether it is your own household domestic budget, your small business budget, your big business budget or your government budget, by and large they are a framework to operate within and people do fall outside of them. I think the government owes the community of South Australia an answer as to why it has allowed this to get out of control.

The minister in another place in his second reading speech said that one of the clauses gives the government of the day the opportunity to get rid of surplus public servants. Not once has this government said, 'We got it wrong and we have 10,000 or 12,000 more than we intended to hire.' In relation to the questions I asked the minister during my other second reading contribution, I reiterate that I do expect an answer to those questions.

We have had an increasing trend from both ministers—and probably all three ministers when we had three in this chamber—that, when members of the opposition and the crossbenches put questions on the record during a second reading debate, virtually no attention is given to them at all when it comes to the summing up by the minister or even, for that matter, when we go into committee on clause 1.

I indicate to the minister that I will be expecting some answers to those questions. I do not think it is good enough when we are looking at the on cost for 10,000 or 12,000 extra public sector employees. It is probably $1 billion a year of taxpayers' money. Today we heard the minister complaining and lamenting the fact that we have this global financial crisis and revenue is disappearing out the backdoor. If that is the case, why on earth should a government not explain to the people of South Australia how it has got it so wrong with this huge growth in the public sector?

As I mentioned in my other contribution, all those people have responded to advertisements in good faith and come in to do the job they have applied to do and have been successful, and good luck to them as they have won those positions. Now we have a situation where, because of a whole range of pressures on the state budget, there will be some real pain in our community and there will have to be cuts—not necessarily of employees—right across service delivery, capital works and expenditure. It is very important that the minister explain to the people of South Australia how the government got it so wrong, why it got it wrong and where the real growth has taken place. The Commissioner for Public Employment says that it involves in excess of 17,000 people—something like 17,036 or 17,050—which is a huge number.

This is a small consequential bill and the opposition certainly will support it, but I ask the minister to pay attention to the questions I asked in respect of the main bill. I expect to see answers before we progress that bill any further. With those few words, I support the bill.

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (21:31): I thank all members for their valuable contributions to this important bill and look forward to dealing with the committee stage expeditiously. A number of questions have been asked, and I will be happy to deal with them in committee. With those concluding remarks, I commend the bill to the chamber.

Bill read a second time.

At 21:33 the council adjourned until Thursday 30 April 2009 at 11:00.