HOUSE OF ASSEMBLY

Thursday 18 October 2012

The SPEAKER (Hon. L.R. Breuer) took the chair at 10:30 and read prayers.

STATUTES AMENDMENT (NATIONAL ENERGY RETAIL LAW IMPLEMENTATION) BILL

The Hon. J.M. RANKINE (Wright—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister for Multicultural Affairs) (10:31): I move:

That the sitting of the house be continued during the conference with the Legislative Council on the bill.

Motion carried.

STATUTES AMENDMENT AND REPEAL (TAFE SA CONSEQUENTIAL PROVISIONS) BILL

The Hon. J.M. RANKINE (Wright—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister for Multicultural Affairs) (10:31): I move:

That the sitting of the house be continued during the conference with the Legislative Council on the bill.

Motion carried.

GRAFFITI CONTROL (MISCELLANEOUS) AMENDMENT BILL

The Hon. J.M. RANKINE (Wright—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister for Multicultural Affairs) (10:31): I move:

That the sitting of the house be continued during the conference with the Legislative Council on the bill.

Motion carried.

CIVIL PARTNERSHIPS BILL

The Hon. R.B. SUCH (Fisher) (10:32): Obtained leave and introduced a bill for an act to provide for the registration of civil partnerships; to make related amendments to the Family Relationships Act 1975 and the Acts Interpretation Act 1915; and for other purposes. Read a first time.

The Hon. R.B. SUCH (Fisher) (10:32): I move:

That this bill be now read a second time.

I am introducing this bill at the request of a couple who happen to be a same-sex couple but who want this particular option available to them. This is not a same-sex provision, and members should not conclude that because I am introducing this I am necessarily opposed to same-sex marriage—I am not—but this is a specific request. The people who have requested it contacted my office again yesterday, and they are very keen that this matter progress through parliament.

This arrangement is for two adult persons who are in a relationship as a couple and who meet the eligibility criteria, irrespective of their gender, to register their relationship as a civil partnership. So it does not only apply to people of the same sex but it can apply to heterosexual couples as well.

The bill clearly sets out the process. People can enter into this arrangement if they are not already married or not in another civil partnership. There are some exclusions. You cannot enter into a civil partnership under this bill (proposed law) if—and I will just read from Section 4(3):

A person may enter into a civil partnership if (and only if)—

(a) the person is not married or in another civil partnership; and

(b) the person does not have any of the following relationships (a prohibited relationship) with the person's proposed civil partner:

(i) 1 is the lineal ancestor or lineal descendant of the other (even if the relationship is traced through an adoptive parent);

(ii) they have a parent in common (including an adoptive parent of either or both of them); and

(c) the person or person's proposed civil partner lives in South Australia.

So, in other words, there are some exclusions there. They are not allowed, obviously, to enter into a civil partnership if they already have one, if they are already married, and so on.

The rest, I think, is essentially procedural and can involve court orders. It is not meant to address discriminatory provisions, other than, I guess, the fundamental one that people cannot currently access this arrangement in South Australia. I do not think I need to spend a lot of time. It is a very brief bill. I think members can read it readily themselves. There is a registrar provision; that is, the registrar of births, marriages and deaths. It is a fairly simple measure, and I do not see why people who want this arrangement should be denied it. I commend this bill to the house.

Debate adjourned on motion of Mr Sibbons.

LOCAL GOVERNMENT (ELECTIONS) (VOTING AGE) AMENDMENT BILL

The Hon. R.B. SUCH (Fisher) (10:37): Obtained leave and introduced a bill for an act to amend the Local Government (Elections) Act 1999. Read a first time.

The Hon. R.B. SUCH (Fisher) (10:38): I move:

That this bill be now read a second time.

This is a very simple bill. Members will recall that previously I sought to have the voting age for state and local government changed. The house did not support that, the argument being that it would put us out of sync with the federal provision, which is ironical, given that South Australia introduced the 18-year-old voting, which the federal arrangements followed. I do not think we should always be coy about being innovative.

What I have done with this bill is take out any reference to the state elections. This purely applies to local government, for those aged 16 and 17 who wish to vote. We know that at council elections it is voluntary voting anyway. The LGA is debating, I understand, a motion similar to my bill in their forthcoming convention or gathering in a week or two, and my understanding is that the Prospect council is supporting a measure which is replicated in my bill.

It is not all that radical. Parts of Germany and many other parts of the world—Brazil and so on—have a provision similar to this. I do not think the sky will fall in. It is voluntary. Some young people probably would not bother to take up the option, but I think if we can get young people actively involved in the democratic process at the local government level that is a good thing.

If you think about a four-year election cycle, there are not going to be many opportunities for each group of 16 or 17 year olds. Every now and again, there will be some who will be able to vote but, most of the time, they will not be able to because of the four-year cycle. I think it is a productive and sensible measure. It does not link it to the state election, it has got nothing to do with that: it is purely for local government. Rather than what we often see with people having youth gatherings where we listen to young people—and people in local government do—let those who are actively seeking it have the chance to actually have a vote, and I think you will find that the needs and interests of young people will be taken into account more seriously than they currently are.

As I explain to young people, if you want anything, be prepared to accept that it will take a long time to happen. If young people, for example, want a skate park or a youth facility, it is not going to happen overnight. So, even if they were supporting something at the age of 16 or 17, if they had the chance to vote in the four-year cycle, nothing dramatic is likely to happen because it never does, although I must say that local governments usually act a bit more quickly than state and federal governments do.

The bill is very simple. It is just essentially a single-page outline. What it does is, as I have indicated, allows someone who is 16 or 17 to vote, if they wish—it is not compulsory—in local council elections which, as we know and I have said, only occur every four years anyhow. I commend the bill to the house.

Debate adjourned on motion of Mr Sibbons.

STATUTES AMENDMENT (SEX WORK REFORM) BILL

Adjourned debate on second reading.

(Continued from 5 September 2012.)

Dr CLOSE (Port Adelaide) (10:42): I am not comfortable with the sex industry existing, and if I could wish it away I would, but I know that that is impossible. I do not want any person to feel that they have no option but to work in that industry. A big part of my motivation for being in parliament is to support vulnerable and disadvantaged children to be given the support and education that will give them a wide range of opportunities for a successful life.

However, I accept that the sex industry does and will continue to exist, in which case my overriding concern must be for the health and safety of the workers within it. I have considered this issue deeply and supporting the bill brought forward by the Hon. Steph Key is the only way in which that can be done.

There are members of this community, indeed of this house, who claim that the bill actively works to undermine the status of women in the community by supporting the sex industry. Those opposed claim people engaged in the sex industry are abused and exploited. I say that not addressing the matters is, in fact, making them worse.

Consider the following: people in the sex industry—men and women—are subject to a range of marginalised processes by parts of our community. It is not my intent to explore here today why individuals enter that industry, although I do wish to always work to provide alternative options for children as they grow up and consider their life chances. Those issues have recently been canvassed by other members; however, it is clear that, by defining the industry as 'work', we can provide some occupational health and safety measures that cannot always be assured at present.

This bill seeks to decriminalise the sex industry by allowing it to operate under a legislative model and to permit it, provided it is conducted in accordance with that legislation and its regulations. By providing a way to manage the industry and by bringing it under a legal framework, we enhance the situation in which such workers are found and, at the same time, we minimise the potential activities of those individuals or activities that are not supported.

Through decriminalisation, laws that prohibit, criminalise or restrict the act of prostitution are repealed so that sex work is seen as equivalent to all other work; that is, we recognise that sex work has been and continues to be an inevitable part of our society. The objectives of specific regulation are to minimise the harm for those involved in the industry. It is time that the sex industry should be treated as conventional employment and subject to conventional employment and health regulations. Those involved in the industry would thereby have the same rights and responsibilities as other workers.

The sex industry workers argue that this type of model provides the best for their needs as it removes the ongoing stigma of prostitution and, therefore, subsequent discrimination, and it allows workers to have access to the right protections that are held by other workers in legitimate employment. Recognising the sex industry as legitimate in its employment status allows sex workers to enter into legally binding employment contracts, a fundamental expectation of most in the Australian workforce but to date denied to those in the sex industry.

When prostitution is constructed as a criminal act it prevents the workers from reporting crimes and violence committed against them. The criminal nature of illegal prostitution has in other states been reported to be the target of harassing those regulating, including police, and therefore establishing a distrust of the regulators. Currently, sex workers are not protected. Worse, once convicted, South Australian sex workers are apparently discriminated against and marginalised for a very long period.

Members of this house have been advised that the spent conviction provisions of the Spent Convictions Act 2009 are not applied uniformly. Individuals have reported that they have been surprised that, on seeking a police check for a number of purposes, their transgressions have not been expunged and many subsequent opportunities afforded most of the community are denied, despite industrious and diligent endeavours to deliver a model citizen's life in the interim. This in itself reinforces the trap.

Why must a woman, convicted because of her naiveté, in her late teens, in taking a receptionist position in a health studio that provides massages, continue to pay for that decades later? It is not unusual for women in such circumstances to be denied opportunities for long-term permanent employment or, indeed, a credit rating of any sort. Those in the community who are opposed to the sex industry say that sex workers should just get out and move into some other form of employment. How can that happen when they are faced with sustained systemic discrimination and marginalisation?

Recent New Zealand reforms have decriminalised the sex industry. I wish to advise the house that New Zealand's long, white cloud has not fallen in as a result and neither has their sky. Importantly, this discrimination has not led to an increase in the number of sex workers operating in New Zealand. The South Australian bill does not allow sex work businesses to operate within 200 metres of schools, childcare centres and all churches, and I understand that in the Adelaide CBD this restriction is tightened to 500 metres.

New South Wales has decriminalised the sex industry. Since 1995, New South Wales' brothels are able to operate like any other business. Victoria also controls it sex industry through a combination of planning processes and a licensing system. In my view, albeit with my reservations about the industry itself, it is high time for South Australia to move away from an archaic criminalised system and to take a more liberal approach to ensuring greater protection and inclusive community standing for the workers involved in it.

Debate adjourned on motion of Mr Sibbons.

ELECTORAL (OPTIONAL PREFERENTIAL VOTING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 July 2012.)

Mrs VLAHOS (Taylor) (10:49): I would like to continue my speech from a previous sitting day on this matter. Every vote for the eliminated candidate, where no further preferences are indicated, cuts the number of votes remaining in the count. A winning candidate needs to have 50 per cent of the total vote remaining in the count, not of the total formal vote. This means that, whereas under compulsory preferential voting successful candidates can genuinely claim to represent their electorates as they have ultimately won the support of an absolute majority of electors for their seats, a candidate elected under optional preferential voting cannot necessarily say this. For this reason compulsory preferential voting is a more complete and accurate expression of the vote.

Thirdly, evidence from Queensland, where I grew up and where optional preferential voting was introduced in 1992, shows that under optional preferential voting elections may become de facto first past the post contests as electors plump, that is, mark only one preference on their ballot paper. In the 2001 election in Queensland, over half the electorates effectively became first past the post contests, with 47 of the 89 seats being won on the primary vote.

A Queensland Electoral Commission ballot survey of 11 seats found that almost 60 per cent of voters across the board voted for just one candidate. That was not an isolated occurrence. As part of its analysis of a survey of ballot papers from the 2009 state election, the Queensland Electoral Commission found that approximately 63.03 per cent of ballot papers were marked '1' only. At the 2006 election, 62.15 per cent of the surveyed ballot papers fell into this category as well.

Similar results have been noted in local government mayoral elections in South Australia. A 2005 report by the State Electoral Office on optional preferential voting, which examined results from five mayoral contests in 2003, found that 46 per cent of electors completed a first preference only, with electors indicating preferences just behind at 44 per cent. Only 10 per cent gave partial preferences. The report noted a correlation between the number of candidates and the incidence of plumping. The more candidates, the more likely electors were to provide just one preference. I need not remind members that in the house elections more than four candidates usually contest any seat.

The problems associated with optional preferential voting are not limited to the house. As candidates and groups contesting elections for the other place will still be able to lodge voting tickets, votes cast above the line will, in many cases, have a greater effect than those cast below the line, the latter being exhausted far earlier in the count where the elector's preferred candidate is eliminated and no further preferences are allocated. For this reason, and all of the things previously said, the government opposes this bill.

Debate adjourned on motion of Mr Griffiths.

CONSTITUTION (CASUAL VACANCIES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 March 2012.)

Ms CHAPMAN (Bragg) (10:55): In March this year, the member for Fisher introduced the Constitution (Casual Vacancies) Amendment Bill. It proposes that casual vacancies in the House of Assembly be filled in a similar way to that followed in the Legislative Council. Similar bills were introduced on 28 March 2007 and 14 May 2009.

The one thing you can be absolutely about with the member for Fisher is that he never gives up. When he comes up with some brilliant ideas, the opposition is very happy to support them. With some of them, there is a little divide between what he sees as a wise choice and what the opposition does. In this instance, I can see where he is coming from and the opposition is sympathetic, of course, to any unnecessary costs, for example, of elections. However, there are some more important principles we feel are at risk in progressing down this line. That is not to say that he is ever persistent.

At present, when the House of Assembly has a casual vacancy and we lose one of our members by death or retirement, sometimes, of course, it is because they are unwell or have family responsibilities which appropriately require their attention and sometimes it is just because they feel the decision that has been made—usually an early departure post election—is not one they feel sympathetic with, and therefore they decide they are going to disappear off the horizon and look for greener pastures.

When the Legislative Council moved to electing members by proportional representation in 1973, the parliament adopted a practice based on the commonwealth parliamentary procedure to fill casual vacancies in the Senate; namely, the members of both houses in a joint sitting would meet together and vote to replace the member with someone nominated by that member party. Indeed, in 1984, at the time of the Bannon government, this convention was enshrined into the Constitution Act of 1934 in section 13.

We had, of course, an example of that just this week, when this house and the other place met in a joint sitting, where members were present to witness exactly this provision in practice. The Hon. Bob Sneath, a former member and, indeed, President of the Legislative Council, elected to retire. It seemed the fishing pastures of Millicent had attracted him away from this important—

Mr Pegler: Beachport.

Ms CHAPMAN: Beachport, was it? I think I heard that he had been to Millicent area school or something, but perhaps I misheard that.

Members interjecting:

Ms CHAPMAN: Millicent High School. In any event, we witnessed that process this week. Indeed, the Australian Labor Party nominated Mr Kyam Maher to replace him and, as a joint sitting of the parliament, we endorsed his election into the Legislative Council. The Governor signed off on that and he took his place yesterday at 2 o'clock as a member of the council. It is certainly a practice which has proved to be oft used. It may come up again according to what we sometimes read in the paper or if the Premier gets his way. We may need to have another joint sitting shortly to replace one of the members there. However, it is a practice that appears to have been efficiently undertaken, and it provides an opportunity to be able to cover these contingencies.

Proposed section 37A in this bill—similar to the provisions, as I say, in the Legislative Council and its process—would enable that to occur for House of Assembly members. If, however, the retiring member was not aligned at the time of the election and had not nominated a person whom he or she wished to occupy the vacancy, a by-election would then proceed. Presumably, a by-election would still be needed if the party that endorsed a candidate no longer existed or had declined to nominate a member or the retiring non-aligned member had declined to nominate a replacement.

I cannot think of where this has happened in South Australia. Plenty of people who have been members of a political party have then moved to the Independent benches. We had, of course, the member for Mitchell at one stage who then joined another party momentarily. I can think of one recently in the Northern Territory: Allison Anderson, who was a member of the Australian Labor Party, decided she would become an Independent and, at the election before last, she became a candidate for the CLP, was successfully re-elected and is now a minister in the new government in the Northern Territory. These things happen; people have a change of allegiance. In that situation, she saw the light and came across to a good party.

We think filling casual vacancies with party nominees is more relevant to the Legislative Council, where overwhelmingly members are elected as members in groups of candidates.

However, while most successful House of Assembly candidates have party affiliations, all candidates appear on the ballot paper as individuals and it is arguable that, in seats with small margins, some members are only elected as a result of a personal vote. Furthermore, Legislative Council Independents generally have other candidates on their group ticket when contesting the election that could fill the vacancy (e.g. the Hon. John Darley). The bill before us, however, would see a party or candidate that had not won the confidence of an electorate in its own right being able to claim that seat following a casual vacancy.

Members would be aware that the Constitution Act does not define 'political party', however, it implies some formality in referring to a member having been an endorsed candidate of a political party. What would have happened, for example, if indeed the member for Croydon had lost his seat at the last election and the Gamers for Croydon candidate had won? It is now, of course, a political party which has disappeared, deregistered or not pursued its position. What would have happened if the newly elected Gamers for Croydon candidate in Croydon had bitten the dust, walked over Port Road at an inopportune time, or whatever, and had lost?

The Hon. R.B. Such: Took a gamble.

Ms CHAPMAN: Took a gamble, as the member for Fisher helpfully interjects. What would have happened if his demise meant that there would be a need for a replacement? I am sure the current member for Croydon would have rushed at the opportunity to demand that he be able to be the member again and demand a by-election. He would not be rushing to say, 'Who else was No. 2 on the Gamers for Croydon ticket?' He certainly would not be rushing to say, 'You should keep that party going; I'm happy to become a member.' In any event, he would be shouting from the rooftops at the opportunity—biting at the bit—to get back there and push through his Barton Terrace bill and some other trivial things that he has moved his attention to these days.

I make the point on behalf of the opposition that, if persons change their allegiance once elected but then vacate the seat, the party that person originally aligned with would have the right to fill the vacancy, and party alignment is determined at the time of the election rather than at retirement.

The objective of increasing political stability and reducing the risk of a government's majority being eroded through by-elections are issues to be taken into account, but the opportunity for the community to pass judgement during a term, often without government being in question, must be a serious consideration. We need to remember that the reason we are here is that we have had the confidence committed to a vote at an election by our electorates. We need to work hard to maintain that level of support and respect, and this process, regrettably, is not one of the member for Fisher's otherwise very good list of ideas in this chamber that would enjoy our support.

Mr PEGLER (Mount Gambier) (11:05): I indicate that I will be voting against this motion. I believe that this is the people's house, that it is the people who decide who come into the house, and that we are here to represent our electorates. As far as I am concerned, it should be the people of those electorates who decide who comes into this place, so I will be voting against this motion.

The Hon. R.B. SUCH (Fisher) (11:05): I certainly respect the views of everyone in here. I think it is important that we discuss some of these issues in here from time to time, and a fundamental question is: how do people get elected to this place? I have heard the various opinions and I can judge the political wind, so I think that if a measure has been canvassed and it is not going to get support then we should deal with it and get it off the *Notice Paper*.

I was not chastened by the member for Frome, but he reminded me that if this provision were in place he would not be here. I extend my deep apologies to the member for Frome: there was nothing personal in this and, in fact, it is not retrospective, so he would still be here. It is not simply about money, although by-elections do cost money but, at the end of the day, we spend a lot of money on a lot of other things for no outcome, so asking people their view is never a waste of money.

I know what is going to happen to this, and I conclude by thanking members for their various views. I think it enlightens us all about our role in this place, how we get here, and how others get here. I appreciate that the measure will go down, but I ask that it be put to the vote.

Second reading negatived.

CRIMINAL LAW (SENTENCING) (NO CONVICTION ON ELECTION TO BE PROSECUTED) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 March 2012.)

Ms CHAPMAN (Bragg) (11:07): I rise to speak on the Criminal Law (Sentencing) (No Conviction on Election to be Prosecuted) Amendment Bill. This bill, again, had a precursor: in 2011, the member for Fisher introduced a similar bill and then again on 29 March this year tabled a bill in the same terms. Essentially, it seeks to ensure that a conviction is not recorded against an individual who elects to contest an expiable notice and is subsequently found guilty.

As the law currently stands, if a person believes they are innocent of an expiable offence and elects to be prosecuted, they may receive a recorded conviction if found guilty. On the other hand, an individual who expiates the notice in full only pays the fine and receives no conviction, regardless of their guilt. If a person elects to be prosecuted and is found guilty, a conviction will normally be recorded on the individual's police certificate and remain there until such time as it is considered spent.

As a matter of policy, the consequences of contesting an expiable offence through a trial in court should be greater than paying the fine prescribed on the notice because it costs the legal system time and the taxpayer money to allow a person to challenge offences in court. The option to expiate the notice at the earliest opportunity and not have a conviction recorded is analogous to the allowance made in criminal law sentencing for pleas of guilt. If an expiation notice is contested, a conviction may be recorded at the discretion of the magistrate pursuant to section 16 of the Criminal Law (Sentencing) Act 1988.

The Law Society has presented its view on this matter. We do not always agree with the Law Society's submissions, but in this instance, though, they have presented some persuasive matters for our consideration, and I hope, of course, that the government also appreciates the significance of this.

The substance of their objection is, firstly, that this proposal would undermine one of the principal objects, if not the principal object, of the Expiation of Offences Act 1996, which is to reduce the number of matters coming before the courts. Secondly, it runs counter to well-established sentencing principles that a conviction should be recorded unless there are special circumstances for not doing so. Thirdly, it inappropriately fetters the sentencing discretion of the court by creating a class of offences in respect of which a conviction may not be recorded. As far as the Society is aware, this has never been done in South Australia or the commonwealth.

That does not always make it a bad thing. Nevertheless, we could be the forerunner of legislation and then topple over and find that we are in the High Court. So, we need to get these things right and being out there and brandishing 'the first' does not necessarily mean that we get it right. Members only have to read the paper today or read the Totani case on legislation with respect to serious and organised crime. The fourth in principle reason is that it has no regard for a defendant who pleads not guilty. A guilty admission is usually an important consideration in determining whether to extend the leniency of a no-conviction order.

The Hon. M.J. Atkinson interjecting:

Ms CHAPMAN: The member for Croydon, as usual, makes some unhelpful contribution in his interjection to suggest it is good to know our position in relation to hoon driving. Let me be absolutely clear with respect to making sure that we get legislation right in this place. Even if we were to agree with the principles and proposals in this bill, it is important that proper scrutiny is made and attention given to legislation, in its preparation, to ensure that we do not have the costly outcome of not only going through court processes but the humiliation where the mover of a bill (usually the government) has egg all over their face as a result of presenting to the parliament a proposal in which it seeks that endorsement.

So, it is very important that we get that right. The biggest disappointment I have in reading the material over the past 24 hours with respect to the crushing of motor vehicles and the crushing of legislation that we have made, is that the government has not come out and immediately announced that it will bring these issues back into the parliament straight away and sort it out. That is the greatest disappointment, that it wants to prevaricate with all of its excuses, just as it did after the Totani case. In that case it waited well over a year before it got its act together to come back here and fix up legislation.

I am a great advocate of where the government sponsors, moves or supports legislation, where it has all the resources to go with that, the whole Crown Solicitor's Office, the Solicitor-General, a whole army of people to give it advice, that it makes sure that when we are moving to do legislation that we get it right. One thing that caught my attention yesterday was the introduction of legislation on filming in humiliating circumstances. We are going to be debating that so I will not make any comment on it, but it is very important that when we introduce legislation into this place and the government has the resources to make sure that we get it right, that we actually get it right and when we get it wrong that it does not fail to come in here and fix it up.

It is humiliating enough that the Chief Justice of the Supreme Court crushes this piece of legislation. The humiliation to the Attorney-General must keep him in his office cowering, but he, of course, comes after the previous attorney-general, who regularly got it wrong.

Mr SIBBONS (Mitchell) (11:14): The government opposes this bill. There is no rational connection between the process by which a case comes before the court and whether a conviction should be recorded. The Criminal Law (Sentencing) Act 1988, by section 16, gives the court a discretion not to record a conviction in a case where the defendant is found guilty but the court believes he or she is unlikely to re-offend and there is good reason not to record a conviction. The court can consider, for example, whether the defendant is of good character, whether the offence was trifling and any extenuating circumstances. This discretion is available only where the court does not propose to gaol the defendant because, if the offence is serious enough to merit a gaol term, a conviction is appropriate.

The government sees no need for a change in the law at this point. The question on whether a conviction should be recorded is properly one for the sentencing court. It needs to be considered case by case, having regard to the particular offence and the particular defendant. It is not a matter on which the parliament ought to make a blanket rule. It should not be assumed that all offences are trivial; for example, a food business that sells unsafe food to the public can, if served with a notice, expiate the offence, but that does not mean that it is a slight offence. The maximum penalty for a body corporate is $250,000, in recognition of the harm that could occur and the need to deter this behaviour. A conviction may well be appropriate if the offence is prosecuted.

The argument in support of this bill appears to be that it is unfair that, if a person expiates an offence, no conviction arises but that, if they are prosecuted and found guilty, they may be convicted. The government disagrees. It is inherent in the scheme of expiation of offences that a person who expiates an alleged offence is not admitting guilt; rather, they are making a choice that they would prefer to pay a fee and have the matter proceed no further rather than to have the allegations tested in a court. It would be wrong of the law to treat such a person as guilty. They may not be; nothing has been proven and, accordingly, no conviction can arise.

It is quite different if a person is prosecuted and found guilty. In that case, a court of law has been persuaded beyond reasonable doubt that the person has committed an offence. A conviction may well be appropriate, depending on the circumstances, such as the person's record and the gravity of the offence, which the court is best placed to assess. So, in this case, the government opposes the bill.

The Hon. R.B. SUCH (Fisher) (11:17): Once again, I can read the wind. The reason I raise this matter is that it is based on my own experience, and life is a good teacher. I do not think many people would challenge an expiation. You would have to be stupid to challenge an expiation unless you were pretty confident that you did not do it, believe that you did not do it and know that you did not do it. That is the reason I challenged it, but what happens in the court process is that some of these things can go belly up.

Given that someone who admits, in effect, that they did it and pays the expiation and then that remains a confidential secret, I think there is a double standard. I heard what the member for Mitchell said; that is, a magistrate has some discretion. In my case, I have never had an accident or a speeding fine in my life. It did not help me; the magistrate still gave me a conviction, so now I have a police record.

The point is that the argument that the magistrate is going to say, 'You have never offended in anything—no traffic offences, never a speeding fine, either by a camera or any other device or in any way,' did not translate into action in my case. So you end up with a conviction—and a conviction, whether it is for a traffic offence or anything else, the law calls it a conviction and you get a police record—and I think the way it is automatic at the base is very unfair. To say that the magistrate will suspend it or not record a conviction is relying on a hope and a prayer, because

it does not necessarily happen. That is what I was trying to address; that is, what I think is an inherent unfairness.

The public and the people I have spoken to see the unfairness if someone challenges an expiation. I heard the member for Mitchell talk about food poisoning, which I did not have in mind. My concern probably this needs to be more precisely tailored. What I was trying to do was to bring in an element of what I think is fairness. People who have broken the law know they have and they pay the expiation, which, in my view, is an admission of guilt; and I know that lawyers will argue about that. People pay it either because they cannot be bothered challenging or they did do it. If you go to court you have incredible costs. You have the legal costs if you get a lawyer—and sometimes you are better off not to have a lawyer, in my experience.

However, you have the court costs. If you lose you get the fine, and then, on top of that, you get a criminal conviction and a police record. The chance that the magistrate might be in a special mood does not necessarily follow, and then you are left high and dry. I was trying to correct what I think is not an automatic injustice but a frequent injustice in our system, which deters people from challenging an expiation.

What we have with the expiation system is really a guaranteed revenue raiser for government, because people cannot realistically challenge it. I had by reputation the best traffic lawyer in Adelaide, an ex-police prosecutor who knew the mathematics and knew all the ins and outs. You can go to all that trouble. I genuinely was not speeding.

In my case the police officer said that at 'half a kilometre' with his naked eye he could tell what speed I was doing. Well, anyone who believes in that believes in fairies. The magistrate just said, 'He's been a constable for 30 years, I accept what he says.' I can see the fate of this bill, so I put it to the vote.

Second reading negatived.

CORONERS (RECOMMENDATIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 May 2012.)

Mr SIBBONS (Mitchell) (11:23): The government opposes the Coroners (Recommendations) Amendment Bill 2012. I will certainly keep my remarks very brief for the very reasons that the government opposed the bill in the Legislative Council. I am advised that broadly the amendment bill seeks to do two things: first, extend the scope of powers of the Coroner to make recommendations; and, secondly, shorten ministerial reporting time frames.

The government retains its belief that the extended scope of powers remains too broad. While the government agrees that there should be some extension to the Coroner's powers to make recommendations, we feel that this bill goes too far. The government is also not convinced of the need to amend the reporting requirements under the act. The current time frame is appropriate to allow proper and thorough consideration of the recommendations. It should not be shortened; and, for those reasons, the government opposes the bill.

Ms CHAPMAN (Bragg) (11:25): The honourable member has quite rightly pointed out the reason the government is opposing this. This is a bill about accountability, a bill about the Coroner, who has one of the most difficult jobs in this state in investigating, reporting on and providing recommendations when there have been deaths, murders, infant deaths, people who die when they leave hospitals—all these difficult situations where it is important that the public be aware that there is somebody in there checking on what is happening with these deaths and making sure they do not happen again.

Two things are missing: first, in most of the deaths there is no obligation on the Coroner to provide those recommendations to parliament and then bring back an answer as to what the government has done about it. Deaths in custody is a common issue that members would be aware of as, sadly, in prisons people take their own life. There is a legal obligation currently under the act which provides that the Coroner investigate the death, identify the circumstances in which it occurred and make recommendations which, if implemented, would impose obligations on the Minister for Correctional Services, for example, to ensure that there is no life-threatening capacity within prisons for people to take their own life.

Such recommendations might be the related to the design of a bed, access to areas for ropes to be hung—all sorts of things which have come to the parliament and which reports the

parliament expects the minister or the Attorney-General to lay on the table, stating that they have considered those recommendations and outlining for each one of them what they have done, what they consider necessary to carry out that recommendation or, if they did not accept the recommendation, their explanation to the parliament (and therefore to the people of South Australia) as to why they have not done it. That is an important process of accountability.

I feel very sorry for the Coroner's office, which constantly undertakes inquests and inquiries and puts out sensible recommendations and nobody gives a toss about them. That is not acceptable to us. We say that, first, either the Attorney-General or the minister responsible needs to come back into the parliament within a reasonable time frame and say what they have done about it or, if it is still ongoing, what they are continuing to do and in what time frame they expect to have it concluded, or to give an explanation for failing to deal with it. That is all we are asking.

Certainly, we are asking them to come back and tell us what they are doing about these recommendations in three months rather than six months. We do not think that is unreasonable—three months to be able to go to their department and say, 'You've read that report; what are we doing about?' It does not have to be completed, but at least they need to be able to report back to the parliament to give, first, an answer to those who have lost someone in circumstances where they have left a hospital, a child has died, somebody has been in a road accident or someone has been murdered, but most importantly for the community to be reassured that the government is listening, the government is acting and the government is accountable. That is the purpose of this legislation.

I am very disappointed that the government would say, 'No, no, we're not interested in this; the time frame's too short.' If they are that worried about that, they could have come into this parliament and said, 'Look, we need four months,' or whatever. At this stage, it is totally inadequate. I refer to the types of areas referred to in the non-custodial deaths recommendations in 2009-10 on which we could have had some answers: the Department of Health, which recommendations came out of the Coroner's office in conjunction with the Medical Board of SA to investigate the level of knowledge, expertise and experience of overseas-trained medical practitioners in respect of a range of prescription drugs.

There were also recommendations that the current police orders governing high speed pursuit communications be reformed, and another where psychiatric patients who cannot be accommodated properly in the public health system be placed in private hospital arrangements at the expense of the government. These are all recommendations, sensible things that have been presented as a result of unnecessary deaths in this state, yet there is no accountability on the part of the government to come back in here and say, 'Tick, tick, cross, cross, adjourn,' or give all the answers about what they have done with respect to these.

It is unacceptable for the government to hide behind the shield of legislation that is sensible reform, and they should be willingly prepared to come into this house and, if they have actually acted, proudly place on the table what they have done, rather than be cowardly when they refuse to act.

Second reading negatived.

BAROSSA VALLEY

Mr VENNING (Schubert) (11:30): I move:

That this house—

(a) condemns the state government for failing to support tourism in the Barossa Valley region; and

(b) urges the state government to improve the accessibility of the Barossa Valley by increasing transport services to, from and within the region.

I thank the house for allowing me to make this speech, particularly as I have the members of the Probus group in my electorate in the gallery. I did not expect to be able to do this, but thank you very much for doing that. The South Australian Tourism Commission announced in early August that the Barossa would be the focus of a major tourism campaign in an attempt to increase intrastate and interstate visitor numbers. After being neglected for so long, this was welcome news.

However, the number of South Australians visiting the Barossa has been allowed to drop by 44 per cent in the last decade before anything has been done. I have been trying to bring this matter before the house, but until now, there has been no action. This is absolute proof that the Labor government has taken the iconic wine region for granted for too many years. But, do not take

my word for it; the South Australian Tourism Commission Marketing Director, David O'Loughlin, said in *The Advertiser* on 3 August:

> It is time to focus some energy on the Barossa. It is one of our great icons. In a way, we have probably left the region to wither on the vine.

We have heard that before, but it appears that it is just lip service. If a 44 per cent drop in interstate tourism was not bad enough, it was also revealed in *The Advertiser* of 3 August 2012, on pages 1 and 6, that 'the number of interstate people who say they are considering the region has dropped by 45 per cent'. It took intrastate tourism and those considering interstate travel to the Barossa to both drop by nearly 50 per cent before something was done. This is yet another example of Labor's complete disregard for rural and regional South Australia. It really has all but totally ignored our tourist icon.

It is interesting that the announcement for a new tourism campaign in the Barossa comes in a period of non-stop cuts, relocations, restructures and sackings. The former CEO of the South Australian Tourism Commission, Mr Ian Darbyshire, was stood down in March this year in favour of a restructure, and was replaced by a part-time CEO. The Tourism Commission's visitor centre was moved from the highly visible location in King William Street to an out-of-the-way basement in Grenfell Street, and then they moved in with Services SA; certainly a backward move.

Regions (including the Barossa) have also been stripped of their hardworking and knowledgeable local tourism managers in favour of a more centralised structure. Yes, we do have a regional tourism manager, who I know works very hard, but this is a reduction. State government funding for visitor information centres has also reduced, with local councils having to pick up the slack.

These cuts have only served to make it more difficult for all tourism areas, including the Barossa Valley. Stripping local knowledge, slashing full-time staff with experience, downgrading our primary visitor centres in Adelaide, and cutting funds to regional visitor information centres; is it any wonder that tourism is failing to thrive? I do welcome the announcement that, at long last, the Barossa will actually get some attention from the Labor government to support tourism in our region, but where have they been for the last decade?

If the state government were serious about boosting visitor numbers to the Barossa Valley they would be increasing the transport services available to get visitors to and from the region. For people who travel to a particular region there needs to be easy and convenient transport options available. We have all been tourists ourselves and we know that, when you get to a destination, it has to be easy, it has to be convenient. You are not going to get on the phone and try to work out how to get there. People will always take the easiest, obvious and convenient option. I am afraid that has not been the Barossa.

From 1 July this year, the commercial operator who provides a bus service through the Barossa and to Gawler discontinued their direct service from the Barossa to the Adelaide Central Bus Station. This affects a lot of people—the visitors this morning would all know what that does—not being able to get a direct bus to the city, having to catch the bus to Gawler and then get on the train. It is certainly better than nothing, but it is nowhere near as good as the service we used to have.

This operator is not underwritten by the state government and, aside from some small concession rebates for concession cardholders, is provided with no government subsidy. The cessation of this direct bus service between Adelaide and Gawler has now left the region with no direct public transport service between Adelaide and the Barossa. Any potential visitors to the region who do not wish to commute by car or take part in an organised tour must catch the train to Gawler using a Metroticket and then transfer onto a bus for the Barossa onto a separate ticket.

I would also note that with our overseas visitors, particularly Americans, we are very conscious of the accidents we have been having of people driving cars who are not used to driving on the same side of the road as we do. So we do discourage that. We do discourage overseas visitors from driving here, but in many cases there is no option; they do have to drive because that is the only way.

I have raised this lack of transport to and from within the Barossa ad nauseam in this house and with the minister, but despite my continued lobbying the Labor government has failed to act. Yes, for years I have been lobbying for the return of the passenger rail service, but to no avail, but some improvement to the existing services would be better than nothing. What about providing

some funding to subsidise the current commercial operator to lower fares or have a bus service that runs on the Metroticket system so commuters do not get hit with another fare when transferring from the train? I have raised these suggestions also to no avail.

Certainly, the Barossa Wine Train, as we know, is still owned by a Barossa identity and it could be running again in a week or two if it was allowed. I cannot believe that that train was viable before it stopped running when we were getting five or six cruise ships a year. Now we have 21 cruise ships, you would think it would have to be doubly viable. There would be nothing better, when a cruise ship docks, to have the Barossa Wine Train waiting by the wharf. That would be hugely popular; I am sure it would be booked out every trip. But ,no, there is too much in the way and Mr John Geber who owns this train is unable to operate. I have appreciated in recent days, though, some discussion with some ministers. I do appreciate that; let's hope we can have some success.

The Barossa Destination Action Plan 2012-2014, launched in November 2011, lists increased transport services as a priority for the region. The report, a joint project to the Tourism Ministers' Council, South Australian Tourism Commission and Tourism Barossa, examines gaps in the tourism offerings in the Barossa region. When releasing the report on 25 November, Senator Nick Sherry commented on what needed to occur to ensure future tourism growth in the region, and I quote:

> While the region has lost market share over the past decade, a new audit of the Barossa forecasts potential growth of 30 per cent in tourism spending by 2030. That's if we realise investment opportunities.

As I said before, one of the areas of priority for the Barossa as detailed in the report is transport, and transport and tourism are linked. All the tourism campaigns in the world do little good unless potential visitors can get to the Barossa easily and conveniently and return safely after spending the day in Australia's finest wine region.

We can do much more to market the many wonderful features of the Barossa, and I have named only a couple of those. The bike track from Angaston to Nuriootpa is fabulous. Coming from the Barossa Range, the Angaston end, the panoramic view is fantastic. Riding through the vineyards has a touch of Europe. A new bike track is to be extended all the way to Gawler, and it is now being constructed. I think that is going to be a huge drawcard for the Barossa.

I do not know how many members have been to the Steingarten vineyard: it is right on the very top of the Barossa. It has history, and the view is absolutely splendiferous—fabulous. Many new and upgraded cellar door facilities are happening in the Barossa. It is all there. Yesterday we saw the passing in this house of legislation to protect the Barossa. It is all about protecting the Barossa and I am pleased it is through. It has a strong intent to maintain the uniqueness that is the Barossa Valley. It is for those who live there and also for those who visit, and we have to move on and make sure that it is all available.

As you travel around—and I do—the Barossa has huge name recognition, more so than Adelaide, in many cases, as you are touring around France and these places. We do need to do more of it, because it is sad to realise. One day in here I mentioned the figure that it had dropped 44 per cent, and the house could not believe it, but it has. We do really need to pick that up.

We have rail lines that link the Barossa. All the towns are linked by a rail line—except for Angaston now, because that is where they put the bike track. If nothing else happens, at least a small rail car would be a great idea to commute to and from the towns, because they have only got the Stone train to worry about and that is only one per day.

I hope that the house will consider this motion. I have said it before, and I am very honoured to make this speech in front of a large group of Probus people from the Barossa Valley: it is an honour to represent them and this region. Last night, we had a wonderful function in the Barossa in relation to the BIL water scheme celebrating a birthday and farewelling the first chairman, Dr David Klingberg, and we have a new chairman.

It is all good. I think we have to look on the positive side. I hope that the house will support this and that, with all goodwill and diligence, we can return the Barossa to being a premium place not only in Australian but also world tourism. I urge the house to support the motion.

VISITORS

The ACTING SPEAKER (Hon. M.J. Wright): Can I also acknowledge the members of the Barossa Probus club, who are obviously guests of the member for Schubert. It is delightful to see so many of you in here today. I hope he is buying you lunch.

BAROSSA VALLEY

Debate resumed.

Mr PICCOLO (Light) (11:42): I rise to speak to this motion and also seek to amend it. I move:

After (a)—

Delete 'condemns' and insert 'congratulates'

Delete 'failing to support' and insert 'its support to'

After (b)—

Delete 'urges' and insert 'acknowledges the work'

After 'state government' delete 'to improve the accessibility of the Barossa Valley by increasing transport services to, from and within the region' and insert 'has done to increase assistance to the Barossa Valley region making it an attractive place to visit and access for tourists'

Mr VENNING: Sir, point of order. I believe that it is against standing orders to move an amendment that is in direct opposition to the original motion, and I think that is.

The ACTING SPEAKER (Hon. M.J. Wright): The member for Schubert is right: if it is a direct negative it should not be an amendment. However, I do not think it is in this case, so I think the amendment is in order.

Mr PICCOLO: The first point I would like to make is that if the member was serious about working together with the government to highlight and showcase the Barossa he would not have this motion. He would have a motion that would say that this house calls on all the stakeholders to work together for the benefit of the Barossa region. It does not say that. This motion (and it is not the first motion we have heard of this kind) is basically a negative motion and achieves very little. The motion has two parts. One is the tourism aspect, about which I will speak first, and the second part is about the transport services. Again, the member for Schubert was very clever with his words and only really told half the story, particularly when he talked about the bus services. When you hear the full story, you understand why the motion cannot be supported in the way he has moved it.

I would just like to state that the state government acknowledges the importance of the Barossa Valley as a premium food and wine destination. In fact, the bill we have just passed through this place regarding the Barossa protection zone is testament to that. We are doing a whole range of things in the tourism area. For example, the South Australian Tourism Commission, on behalf of the state government, is focused on implementing destination action plans (which the member referred to) to ensure that the resources that we put into tourism are effective and give the best results not only for the people who are actually involved in tourism but also all people in the Barossa region.

For example, the key recommendations of the Barossa destination action plan include the need to upgrade various accommodation facilities from three to four star, and the need to develop experiences in the region in the next two years relating to the themes of family friendly, natural environment, cycle tourism, food, wine, culture and wildlife experiences. In relation to the cycle tourism, which has been mentioned, we do actually have some cycle tracks being built at the moment, courtesy of the federal Labor government, so to suggest that the Labor government does not care about the region is just a nonsense. We are putting a lot of money into a whole range of projects in the region.

Additionally, we are developing an overall Barossa events strategy, targeting 30 additional tourism events to be included online in the Australian Tourism Data Warehouse by June 2015. People will go to a region when they have a reason. We are mindful of that and that is why the state government is supporting that. We are also targeting 20 operators to become TXA online connected by December 2012. We encourage operators to attend trade events, leverage South Australia's China strategy and increase our market from China. As the member also mentioned, we should maximise the cruise ship opportunity, signage and entry statements, and explore options for increased transport services.

Annual funding is provided by the South Australian Tourism Commission for the development of appropriate tourism experiences and product that align with regional DAPs. This funding is provided through the Tourism Development Fund and also the New Product Support Program. One of the DAPs was just announced recently for the Barossa, as an indication of the commitment of this government to improving tourism in the Barossa.

As an example of the sort of support this government has provided to the region, in recent years the South Australian Tourism Commission, on behalf of the state government, has provided funding towards the following projects in the Barossa region: Hentley Farm, the Kingsford Homestead (which has just recently opened; we provided funding to assist with that; I think we actually provided quite a bit of money for that), the Barossa Backpackers, the Jacob's Creek Visitor Centre, the Maggie Beer Farm Shop, interpretive trail nature walk, the Barossa visitor centre redevelopment, the TeAro Estate winery upgrade, and the Chateau Tanunda grand entrance.

All these projects have been funded and supported in part by the state government, so to suggest that the state government does not acknowledge or understand the importance of tourism in the Barossa is incorrect. The Barossa Valley has been and will continue to be featured in marketing activity to highlight South Australia as the premium food and wine destination in Australia. This promotion will include significant advertising and publicity support. Barossa products and experiences will feature in phase two of the South Australian Tourism Commission intrastate campaign, Best Backyard.

The Barossa has recently reinvented its brand and the South Australian Tourism Commission will support the representation of this region to the domestic market, particularly Sydney and Melbourne, with a focus on food and flavours, in conjunction with the already established wine associations. This will give the South Australian brand another dimension, leveraging existing brand equity and giving South Australia an opportunity to own food and wine as a brand attribute. The Barossa will play an important part in that overall state strategy, again highlighting the importance this government places on the Barossa as a tourism destination.

There is a whole range of conflicts in Mr Venning's comments around increasing transport services to the area. Firstly, he says the service was very profitable, it was always a privately run business. Why did it cease? If they are profitable, generally private operators still continue to operate. He also said that it would be profitable today. If it was profitable today, remembering that this government has committed to provide in-kind support to get the wine train back on track with a whole range of support services, it would have happened. The fact that the private operator, a business, is not prepared to do it indicates that perhaps the numbers are not there as suggested.

If there is a market opportunity, if there is a business opportunity, business people take it. The business people in the Barossa are smart operators. If there was an opportunity to take it, they would be taking it. The fact that it does not add up is something which is sad, but that is the reality and we cannot expect the taxpayer to pick up every tab.

The state government is committed to ensuring that regional communities have access to public transport services and, as such, commits millions of dollars each year in concession reimbursements. Concession reimbursements are not free: they actually cost money that taxpayers pay through the state government to private operators who operate the services on behalf of the state government. So, to suggest that we do not put money into regional services is incorrect.

A whole range of different services is provided and different models operate. In my own town of Gawler, there is a different model to that in the Barossa and other country towns, depending on the populations. We need to ensure that monies are spent wisely.

Regular passenger services in regional areas provide a range of different services, including intraregional, intratown (provincial city services) and flexible, demand-responsive services as well as specific services to assist people to access medical facilities and to enable children to access schools. There is a whole range of services which the state government subsidises. If the member for Schubert believes we do not subsidise, then perhaps we should just remove the subsidy and see how many services you would have, if you want the reality. The reality is a lot of those services are provided because the state government does subsidise them.

Current services in the Barossa region include services between Angaston and Gawler, with connections to Adelaide via the Gawler train line—as mentioned by the member for Schubert—intertown services within the regional towns, school services and the dial-a-ride service. To take advantage of the Adelaide Metro train line from Gawler and also the introduction of free travel for seniors between 9.01am and 3pm Monday to Friday, and all day on weekends and public

holidays, LinkSA, which is a contracted service, recently restructured its services to the Barossa region.

This is the point that the member for Schubert did not make. He is correct in saying that there is not a one-stop service to Adelaide anymore, what he did not say though was that this restructure has resulted in an increase from two services to the CBD and two services into Gawler to now operating nine return services between the Gawler Railway Station and Angaston on weekdays. So, the services have changed, but there are more services to actually provide more links. It is certainly true that you have to get from a bus to train but, rather than having just the two services to the city, people now have a greater opportunity to travel during the daytime to the city by both bus and train.

Time expired.

The Hon. R.B. SUCH (Fisher) (11:52): I will just make a brief contribution, without getting into world war III between the two sides in here. I think the Barossa Valley is a fantastic area, but I want to make the general point that, in South Australia, we have fantastic tourist opportunities for people to go and view things and do things, to buy local produce and so on, throughout the whole state. What I would like to see—and I see the Tourism Commission is doing some of this at the moment, but I think we need to do more—is get the people of Adelaide and the people from the rest of Australia to realise what is on offer in our regions.

I love country towns. There is a rumour that I am a bit of a shopper but, if you go to a place like the Barossa, you can actually get real things like corn brisket. If you go to Linke's or to Male's Meat at Mannum you can get corn brisket. You can get real things, apart from the fantastic wines, it does not matter which part of South Australia you go to. There are a lot of people in Adelaide, in particular, and on the east coast of Australia who do not realise that those hidden treasures exist: places with antique shops, cafes and local produce.

I know people are travelling because the Aussie dollar is high and it is relatively cheap to go overseas, but people can see things that are equally good, if not better, right here in South Australia. I would like to see a lot more effort put into encouraging Australians, not only South Australians, to get out into the regions and experience life in those areas—as I said, the food, wine and the experiences of cycling. There are cycleways, and I notice the provision of the new cycleway in the Barossa. People need to get out and visit some of these areas. The Flinders Ranges is an unbelievably attractive area, as is the Coorong.

I think too many people in Australia are still city based. They fly overseas to some wonderland and at the same time they are flying over their own wonderland, which is here. My message is that I am not into the business of condemning or congratulating the government regarding tourism in the Barossa, but I think the Tourism Commission, with the private sector, really needs to encourage people to have a look at what is on their doorstep, rather than flying to other parts of the world to look at something that is often second-rate when compared with what we already have here.

Amendment carried; motion as amended carried.

TRAFFIC MANAGEMENT

The Hon. R.B. SUCH (Fisher) (11:56): I move:

That this house calls for a thorough review of, and reforms to, the way traffic management and enforcement policies and practices are undertaken by the Department of Planning, Transport and Infrastructure, South Australia Police and the courts.

This has become a bit of a hobbyhorse of mine. I say at the outset that it is not an attack on the police, the Department of Transport or the court system. I think the Department of Transport overall is a good department, I think SAPOL is probably the best police force, certainly in Australia, and the courts generally do a pretty good job despite a lot of criticism. I am trying to encourage some positive reforms to the traffic system and the enforcement thereof, and there are a lot of points that can be made.

I would like to encourage the RAA to do more, as the group representing hundreds of thousands of motorists in South Australia, and to be more rigorous and vigorous in supporting some reforms. I will go through some of the points that need to be considered in any reform package. We still do not have any independent review of expiation notices in this state. I believe the Liberal opposition is committed to such a proposal, to have a commissioner, or something like that, to look at contested expiations as part of their lead-up to the next election.

I remind members that in Victoria and New South Wales, where that was part of the election promise of the incoming governments, it certainly helped them get elected because the public believes that a review is necessary and that it should include having an independent person to look at contested expiations. In Victoria, they have a Road Safety Camera Commissioner, Gordon Lewis. It is interesting that he has the power to look at the way cameras and so on are used, and I think that is what we need here. That is one aspect.

I think we need a lot better signage on our roads. I recently asked the Minister for Road Safety to put up some speed limit signs on the freeway past Bridgewater. The department has declined, saying it is not necessary. Well, if they are not necessary why do we have, at a relatively short distance apart, reminders for people to keep left? They know they are on a high-speed highway; that is the law. So, there is a contradiction in their own logic. I think it is important to remind people of the limit. Now we have the 50-k default system which I was a keen supporter of back in 2003 but, like a lot of things, the way it has been implemented has not been as it should have been, and a lot of roads which have become 50-k should never have become 50-k.

The former minister for road safety, minister O'Brien, said that he would review the speed limits on some of these roads but it has never happened. We can remind ourselves of the roads—and these are just some of them—which are inappropriately designated 50 km/h: Sir Lewis Cohen Avenue in the Parklands, which is identical in many respects to the extension of Unley Road, and yet Unley Road is 60 km/h whereas Sir Lewis Cohen Avenue is 50 km/h. What you get is this frequent inconsistency in the designation of roads and it causes people to break the law when that should not be the designated speed limit.

I think that throughout South Australia, and it would not take long, we should have a look at all the speed limits to make sure they are appropriate and relevant. The 50-k was meant to apply to genuinely residential streets where you might have a kid on a bike or parents backing out of the driveway. That is what it is meant to apply to, not to some of the roads which have been designated 50 km/h. I indicate how this can lead people into error. A lady who has recently come down from Darwin was looking in her navcam in her car before she turned into Duthy Street at Unley to see what the limit was. The navcam showed that as an arterial road and she naturally then assumed that it would be the same as the arterial road she was on which was Cross Road, but of course it is not and she copped a fine. Duthy is 50 km/h not 60 km/h. This was even though the navcam was telling her that it was the same sort of arterial road as Cross Road.

There are a lot of other aspects that need to be looked at. I have commented before in this house the Minister for Road Safety for altering the penalties applying to people who are just over the speed limit (less than 10). At the time the minister said the fine would be $150 but you need to add on the victims of crime levy which is $60, so it is actually $210. I would query why motorists should bear the burden of the victims of crime levy. I am not against the victims of crime levy but a victims of crime levy should reflect the fact that the government of the day has not protected its citizens as it has an obligation to do and therefore the citizens are entitled to some compensation. However, I do not believe it is fair or reasonable that the motorists are the ones who automatically get hit with the victims of crime levy.

In terms of that fine regime that was introduced on 1 September, the penalties are still very high, and I will give another example. These are real world examples. A lady from my electorate was wanting to go to the Royal Adelaide Show and she turned into Greenhill Road, not realising that there was a community event speed limit applying—she was not a hoon, she was looking to park her car—and she copped a fine of $730. I believe that is draconian given that it is obvious and it should have been obvious to the motorcycle police officer that this lady was not a deliberate speedster. She did not see the sign and that has happened to people who work in this parliament. They have come into a zone from a side street and they have incurred a whopping fine because there is nothing to tell them that prior to entering that main road there is a special speed limit.

I think overall the penalties are still severe and the highest in Australia in many cases for breaches of the speed limit, and I think they need further review. I think the emphasis should be on demerit points rather than on revenue. In terms of red-light cameras, this is an interesting one because in Victoria recently the government has found that it may well be up for reimbursing millions of dollars because some of their red-light cameras have been found to be operating inappropriately in terms of the amount of time they allow for people when the light is amber.

As I keep reminding people, it is illegal to enter on amber unless you have no choice for safety reasons to do that. A lot of people still do not understand that amber is not an indication that you put your foot down and go for it. In Victoria, the now commissioner for cameras, who I referred

to earlier, is having a look at this issue because they have found that many people have been fined unfairly because the cameras were not operating in accordance with proper standards in terms of the time sequence of those fixed cameras.

In South Australia, a lot of our red-light cameras are now 30 years old. They are at the end of their working life and they should be replaced or substantially modified, because I know of several where there have been queries from retired police, indicating to me that they believe those cameras are malfunctioning. In fact, in writing to the minister, she confirmed that one of them was. I then wrote and said, 'How many people got unfairly pinged?' I have not had an answer, and I made that request over six months ago. They need to be looked at in terms of making sure they are functioning properly. I am very much in support of red-light cameras. I think they have saved a lot of lives and saved a lot of accidents but they must operate according to proper standards and give people, what should be, a reasonable time to exit the intersection.

Regarding the issue of the 50 km/h, we often hear people say 'Well, we have to follow the Australian standard.' That is only generally true. Other states do what they think is appropriate. New South Wales and the ACT indicate when someone is entering, or when you are about to enter a 50 km/h zone, and I still think that that should happen here. Once you are in the zone, you do not need any more signs of speed limits, but when you are entering it, as they do in New South Wales and the ACT, they tell you that you are entering a 50 km/h zone.

Likewise, many of the other states are better at forewarning people when they are coming into a country town—50 ahead, 60 ahead, whatever it is. I have been lobbying the minister vigorously on this. It is happening more and more but it should be mandatory for the Department of Transport to indicate prior to a country town that there is 50 ahead, 60 ahead, or whatever it is. If you want to see what the Victorians do, travel to Mildura and you will see the warnings they give before you come to Lake Cullulleraine on a road which is otherwise 110. They give about four or five sets of warnings, so anyone who goes through that town at 110 would have to be either totally blind or an idiot.

We still do not have in South Australia any legally enforceable standards for handheld lasers. I have campaigned for a long time for that. I think that they should be there. We still do not have lasers with photographic capability—and the former police commissioner, Mal Hyde, for whom I have great respect, indicated that it comes down to the integrity of the police officer. That is not good enough. Most police are decent, honest operators but there is always the possibility that you will get someone who bends the rules.

There should be no doubt, as is the case in New Zealand and the United Kingdom, if someone is alleged to have been speeding using a laser, then they should be shown the photograph and there should be a photograph as objective evidence, not only relying on the police officer saying, 'Well, I got you, but the image has gone off the screen.' That is not good enough. Another area that needs attention is reform of work zones. Workers' safety is very important and we still have idiots who disregard the signs, but I think that aspect of the law needs to be reformed, changed and clarified so that there is no ambiguity about the speed required where there is work in place.

There also needs to be enforcement of the erection and removal of those signs, and the completion of the work zone. How many times have members travelled in an area and you find that you are entering a work zone, only to realise that you are still travelling to Oodnadatta and there has been no end to that work zone. There is no penalty for the contractors or the officials to leave those signs up at the start or for not having an end-of-work sign. That is an area that needs some attention.

Likewise, in terms of road rules, I noticed in yesterday's *The West Australian* newspaper that the government's Office of Road Safety has created online videos to show people how to use roundabouts properly and how to merge properly. That is the sort of thing that should be happening here. When registration renewals are sent out, people should be reminded of some of the key road rules. I noticed they also published in *The West Australian* how people should make U-turns and so on, and they highlighted the need to protect cyclists, who figure a lot in the casualties. I think the Motor Accident Commission could do a lot more in terms of maybe funding reflective armbands and singlets for cyclists.

They are just a few of the things. There are a lot of other points that I could raise, but we need some reform and some changes. I am trying to be positive to make the system better.

Debate adjourned on motion of Mr Griffiths.

FOETAL ALCOHOL SYNDROME

The Hon. R.B. SUCH (Fisher) (12:12): I move:

That this house calls on the state government and the federal government to intensify their efforts to reduce the incidence of foetal alcohol syndrome.

This is a subject I am very passionate about, for various reasons. Within my extended family we have young Aboriginal people who are, for all intents and purposes, part of our family. The two boys, who are now teenagers, have both suffered as a result of foetal alcohol syndrome. When I say 'suffer', it is not only physical deformities such as a cleft palate. They have both had significant surgery, and probably will for much of their lives.

This is a very serious matter. The eldest lad will never be able to hold down a normal job because of what it has done to his cognitive abilities, but hopefully the younger one—and I praise Families SA for being innovative in his case. What they are doing is paying for him to go to an inexpensive private school in the country. It is not St Peters College or Prince Alfred, but getting him away from bad influences and so on has really paid off. As a digression, I commend Families SA for what they are doing there, because I think it is bringing great reward. In fact, that lad is keen to enter the police force later on, so we might see him in that role in the future.

One important thing about foetal alcohol syndrome is that it is really a form of child abuse. It may not be intended in the same sense that other forms of child abuse are but, nevertheless, it is a form of child abuse. Some of it stems from ignorance. In fact, most of it stems from ignorance, because the surveys that have been done show that a lot of women have little or no understanding of what overconsumption of alcohol can do to the unborn. I will quote from some studies from the health network: 45 per cent of Australian women drink during pregnancy and 36 per cent report drinking alcohol during late pregnancy. We know that many pregnancies are unplanned, so some women who drink would not initially be aware that they are pregnant, but the consequences flow through. Many pregnant women would not appreciate that alcohol is actually a toxin that can harm an unborn child. What needs to happen—one of measures—is to make women of childbearing age, or soon to be, well aware of the consequences of alcohol consumption whilst they are pregnant.

Unfortunately, recently, the federal government, and I think the state governments as well, eased off on the alcohol industry and said, 'We won't require mandatory labelling relating to this issue for another two years.' I think that is going soft on an industry that gives most of us some pleasure. They have a responsibility and it should be enforced; it should not simply be a voluntary code.

I note that in South Australia some of the small wineries have decided to inform people—and I commend them for that—but the major purveyors and suppliers of alcohol have now been let off the hook for another two years in terms of proper labelling to warn those consuming alcohol that there is a risk if they happen to be pregnant.

Within my extended family we have an Aboriginal person—I will just use his first name, Mark—who is very much working with Aboriginal communities and others in terms of health issues. Recently he wanted to demonstrate to one of the audience groups what alcohol can do. He wanted to use an egg to show that you could cook it with a concentration of alcohol. For some reason, the bureaucratic structure here would not allow him to do that. They said it was too confronting for him to demonstrate that alcohol could be used to actually cook an egg.

He wanted to make the point that alcohol taken in large quantities over time could have a negative impact on an unborn child and on human tissue, but he was prevented from doing that by senior bureaucrats in the system here in Adelaide who said it was too confronting. I think what is confronting is to see children who have been scarred for life as a result of foetal alcohol syndrome. I have a lot of other statistics about the consumption of alcohol. Members can check them out on some of the websites, such as healthnetworks.health.wa.gov.au.

When I was in Western Australia recently, I met the Labor member for Kimberley, Carol Martin, who is an Aboriginal person. I have spent quite a bit of time talking to her about this issue. She says that there is enough in terms of legal authority to deal with this issue but that we need the will of governments and agencies to actually deal with it. She said that there are probably about 50 women in the Kimberley who are very heavy drinkers and who, as a result of that, put their unborn children at significant risk. We are not talking about everyone in any community, whether

they are Aboriginal or non-Aboriginal, but we are talking about a particular group that needs special help.

I am told that in some Scandinavian countries they take a very strict view on the consumption of alcohol by pregnant women. In the United States—and I am not supporting this, of course—they have even gone to the point of arresting women. One document states:

> In two cases, women have been arrested for drinking while pregnant...Wyoming officials brought criminal charges against a pregnant woman for drinking on the grounds that her activity, while itself legal, constituted child abuse because it endangered her fetus.

I am not suggesting that that we follow the American path. They are pretty heavy-handed when it comes to criminal-type matters, as we can see by the fact that a quarter of the world's incarcerated are in US prisons.

What we need is greater education, more awareness and a commitment by government and agencies. This is a real problem because the people who suffer are vulnerable—initially, those unborn and then those who are born suffering with, as I said at the start, significant physical deformities, often cognitive impairment, and a whole range of disabilities and factors which will disadvantage them throughout life.

I am not raising this to be judgemental. I am not looking for a heavy-handed approach. What I am looking for is some action, particularly in the area of education and awareness, to make women, in particular—and men as well because they have a responsibility in this—aware that when it comes to the unborn and then the child, we are dealing with the lives of those who cannot defend themselves and who are completely at the mercy of, obviously, their mother, their parents and the rest of the community.

I commend this motion, and I bring it, as I say, in the spirit of trying to advance the way in which we deal with this issue so that we can, hopefully, spare children the serious consequences that currently flow from foetal alcohol syndrome.

Ms BEDFORD (Florey) (12:21): I support the motion that the state government and federal government intensify their efforts to reduce the incidence of foetal alcohol syndrome. Foetal alcohol syndrome is a pattern of mental and physical defects that can develop in a foetus in association with high levels of alcohol consumption during pregnancy. Foetal alcohol spectrum disorder is the term used to describe a range of cognitive, physical, mental, behavioural, learning and developmental disorders that result from foetal exposure to alcohol.

This term describes a continuum of permanent birth defects caused by maternal consumption of alcohol during pregnancy, including foetal alcohol syndrome as well as other disorders. There are a number of babies born with foetal alcohol spectrum disorder at the Flinders Medical Centre and the Lyell McEwin Health Service, given the high rates of substance use/social disadvantage and other risk factors in their areas.

There is currently no specific diagnostic laboratory test to detect the adverse effects of alcohol consumption on the foetus nor a specific diagnostic laboratory test for detecting foetal alcohol spectrum disorder in babies. Foetal alcohol spectrum disorder is diagnosed by clinical assessment to determine whether a child's features meet defined international criteria for this disorder. The diagnostic process undertaken involves screening and referral by health professionals, physical examination and differential diagnostics, investigations such as an MRI brain scan, neuro-behavioural assessment, and exclusion of alternative diagnoses by appropriate clinical assessment and laboratory tests.

People with foetal alcohol spectrum disorder require a range of treatments and services comparable to those required by people with psychiatric disability, acquired brain injury and/or substance abuse issues. A number of cross-agency services are provided for people with co-morbid mental health and disability or substance abuse issues by specialist mental health services, Disability SA, the Exceptional Needs Unit, the Brain Injury Rehabilitation Unit, and the Office for Disability and Client Services. These cross-agency services include assessment, intervention, individual and developmental support, assistance to access community services, as well as access to more intensive services where behavioural difficulties are extreme.

Support is provided to pregnant women with alcohol problems through a variety of programs, including:

- case management to pregnant women through the Women's and Children's Hospital's Strengthening Links Program and the Flinders Medical Centre Early Links Program;

- provision of maternity care to women in the Flinders Medical Centre Medical Complications of Pregnancy clinics—a multidisciplinary clinic with consultant obstetrician, medical physician, anaesthetists and neonatologists;
- the Drug and Alcohol Services South Australia Obstetric Program, which provides consultation, liaison, client advocacy, education, clinical assessment and treatment for substance abuse for women prior to and during pregnancy; and
- the Metropolitan Aboriginal Family Birthing Program, a free service in metropolitan Adelaide, which cares for Aboriginal women who are pregnant. Care is provided by a group of midwives and one Aboriginal and maternal infant care worker throughout the pregnancy, labour, birth and after the baby is born.

The midwife and Aboriginal and maternal infant care workers support women to have a positive pregnancy and birthing experience and support and advocate for the reduction of alcohol consumption. Information on foetal alcohol spectrum disorder is also available in the form of patient information booklets and pamphlets, which clearly state the danger of alcohol consumption during pregnancy, and also on the Child and Youth Health internet site: www.cyh.com.au.

There are strategies to increase awareness and reduce the incidence of foetal alcohol spectrum disorder in South Australia. In 2005 and again in 2007, the Women's and Children's Health Network (formerly the Children, Youth and Women's Health Services), in conjunction with the Department for Health and the National Organisation for Foetal Alcohol Syndrome and Related Disorders Incorporated, developed and ran the Pregnancy and Alcohol Don't Mix campaign. This campaign raised community awareness about the amount of alcohol considered safe for pregnant women to drink from 68 per cent recognition within the community in 2002 to 83 per cent in 2006.

The South Australian government is currently implementing a range of strategies in response to risky alcohol consumption, guided by the South Australian Alcohol and Other Drug Strategy 2011-2016 and the Primary Prevention Plan 2011-2016, including: the implementation of comprehensive social marketing campaigns; trialling a new brief intervention and screening approach within selected primary health care settings to determine its effectiveness and ongoing viability; working with non-government organisations to address alcohol use and its links to long-term health issues such as cancers; and through the Healthy Workers—Healthy Futures initiative, encouraging South Australian workers to not drink in excess of National Health and Medical Research Centre guidelines.

SA Health has also led the development of a nationally developed monograph titled 'Fetal Alcohol Spectrum Disorders in Australia: An update (URL, National Drug Strategy—Fetal Alcohol Spectrum Disorders in Australia: An update). Drug and Alcohol Services chaired the working group that coordinated the development of the monograph. The monograph was developed on behalf of the Intergovernmental Committee on Drugs (the national senior officers' committee that provides advice to ministers on tobacco, alcohol and other drug-related matters). The monograph was endorsed by the Standing Council on Health in February 2012 and released to the public.

The monograph provides an overview of the current research, policy and practice in relation to alcohol consumption during pregnancy, particularly in terms of FASD. The findings identify areas where additional attention is required and enhancements to existing practices that might improve the current situation with regard to prevention, early intervention and long-term management of this preventable condition.

There are national strategies to increase awareness and reduce the incidence of foetal alcohol spectrum disorder. With regard to the appropriate labelling of alcohol to raise awareness of the potential effects that alcohol can have during pregnancy, the Council of Australian Governments and the Australia and New Zealand Food Regulation Ministerial Council in 2009 initiated a review of food labelling law and policy in Australia (the review). Alcohol was in scope for the review as it is considered a food, regulated under the Australia New Zealand Food Standards Code.

The South Australian government provided a submission as part of the review, which highlighted the merit in informing consumers of potential harms associated with alcohol, thereby enabling the consumer to make an informed choice. It was recommended that the review consider labelling of alcohol products with health warnings as a relatively low cost way of raising awareness and reminding the public of the possible harms associated with drinking.

In 2011, the review panel released its report 'Labelling Logic—Review of Food Labelling Law and Policy 2011'. Recommendation 25 of the report outlines that a suitably worded warning message about the risks of consuming alcohol while pregnant be mandated on individual containers of alcoholic beverages and at the point of sale for unpackaged alcoholic beverages, as support for ongoing broader community education.

On 9 December 2011, the Legislative and Governance Forum on Food Regulation, convening as the Australia and New Zealand Food Regulation Ministerial Council, concluded that:

> The Standing Council on Health has advised that pursuing warnings about the risks of consuming alcohol while pregnant is prudent but, noting the voluntary steps industry has already taken in this area, has suggested that industry should be allowed a period of two years to adopt voluntary initiatives before regulating for this change.

On 21 August 2012, the federal Minister for Mental Health and Ageing announced the following funding for projects aimed at reducing alcohol-related harm in the community:

- More that $750,000 over three years for the National Organisation for Foetal Alcohol Syndrome and Related Disorders to support its work as the peak body.
- More than $1 million for projects that raise awareness of the risks of harmful drinking, particularly during pregnancy. Funding will also be provided to the Foundation of Alcohol Research and Education to work with health professionals in raising awareness with patients about the risks of harmful drinking, particularly to pregnancies.
- To optimise the impact of the alcohol industry warning labels, funding will also be provided to DrinkWise Australia to work with industry to develop point-of-sale information for consumers at liquor retailers, clubs, pubs and hotels.
- The projects to build on the $103.5 million national binge drinking strategy and on specific government investments made for better prevention and understanding of foetal alcohol syndrome.

The House of Representatives' Standing Committee on Social Policy and Legal Affairs is currently inquiring into and reporting on developing a national approach to the prevention, intervention and management of foetal alcohol spectrum disorder in Australia, with particular reference to prevention strategies, intervention needs and management issues. The anticipated outcome of the inquiry is a commitment by federal parliament to develop a national strategy for intervention and the prevention and management of foetal alcohol spectrum disorder.

Whilst there have been significant efforts, both within South Australia and nationally, to increase awareness of the risks of consuming alcohol whilst pregnant and to prevent the incidence of foetal alcohol spectrum disorder, I would like to express my support for continuing efforts and collaboration in this important area.

Mr PEGLER (Mount Gambier) (12:31): I rise to support this motion. I have some constituents who were born with foetal alcohol syndrome. I think it is one of the saddest things you will ever see in the aspect that there are enough children born who do have problems, but this is a problem that has been caused by their parents rather than by their genetics, etc. It is something that can be alleviated if only the pregnant mothers were more responsible in their alcohol consumption. I certainly feel that we must do everything we can as a society to reduce the number of children who are born with foetal alcohol syndrome.

The Hon. R.B. SUCH (Fisher) (12:32): I thank members for their contribution and their support. As is my wont, I do not bring this in as an attack on people or to condemn the government or whatever. I want to see greater effort put in and greater awareness of what, in particular, excessive alcohol consumption can do to the unborn. I am sure that the Minister for Health in this place is committed to it, and I am sure federally likewise. I think that the message needs to get out that particularly drinking large amounts of alcohol during pregnancy can have serious and long-term consequences for the most vulnerable in our community.

Motion carried.

BALI BOMBINGS

Mr ODENWALDER (Little Para) (12:33): I move:

That in the week following the 10th anniversary of the Bali bombings, this house—

(a) extends once again its deepest sympathies to the families and loved ones of those Australians and others killed in those brutal attacks; and

(b) condemns those who employ terror and indiscriminate violence against innocent people.

Australians had always considered Bali an ideal holiday place and destination where they could go to peacefully enjoy a holiday but, just after 11pm on 12 October 2002, terrorists took advantage of the island's nature and its hospitality. Bali was no longer the peaceful place it had been for thousands of Australians, nor was it the same place for many thousands of Balinese.

The first bomb, hidden in a backpack, exploded inside a popular tourist destination, Paddy's Bar in Kuta. Approximately 10 or 15 seconds later, a second much more powerful car bomb was detonated. The bomb, which was concealed in a van, was about 1,000 kilograms and was remotely detonated in front of the Sari Club. This explosion left a one metre deep crater in the roadway and also blew out most of the windows in the town. The third bomb was detonated in the street immediately in front of the American consulate in Bali. This bomb, thankfully, caused little damage and only a slight injury to one person, but what was significant about that bomb was that it was packed with human excrement. It was designed to cause maximum moral damage.

This attack, blamed on the militant Jemaah Islamiah (a network linked to al-Qaeda), claimed the lives of 202 people from 22 countries. Australia, which as I said for years saw Bali as a safe haven as a holiday destination, had the most victims with 88. A further 209 people were injured. The Bali bombings were some of the most horrific acts of terrorism ever to occur close to our shores. It was an act that some have referred to as Australia's 'September 11', not only because of the large number of Australians attacked and killed but also because Australian citizens were largely targeted.

There are no real words to describe how we have been changed by what happened. For South Australians this terrorist attack was so much closer to home geographically and emotionally Apparently there were nearly 3,000 South Australians in Bali that day, and as South Australians we grieve for our own—Bob Marshall, Josh Deegan and Angela Golotta. Another victim, Tracy Thomas, was living in Perth, but we consider her a South Australian at heart.

They have huge extended families—mothers, fathers, sisters, brothers, uncles, aunts, cousins, grandparents, friends and neighbours who are still broken-hearted at their loss; and here in South Australia I am pleased to say that we rallied around to embrace those who were hurt and those who were left behind. When news of the bombings first broke the state government immediately began organising help for the victims, the survivors and their families. The RAH sent three medical teams to Darwin on two chartered Lear jets. Dr Bill Griggs, Dr Peter Sharley and Dr John Greenwood and their teams immediately began treating the injured who were retrieved by the Royal Australian Air Force from Bali.

In the immediate days after the bombing South Australian doctors, nurses, police counsellors and other support workers gave their all. The QEH set up a dedicated trauma counselling service under the supervision of Professor Sandy McFarlane who is a world-renowned expert in post-traumatic stress disorder. The then head of the South Australian Mental Health Service, the late Professor Margaret Tobin, spent her last hours organising help for other people. Of course, she was tragically killed two days after Bali, but she was organising counselling and other support services for those arriving home from Kuta and for the families of the victims.

I am also pleased to say that SAPOL (South Australia Police) played a very important part in the Bali effort. Members of the Missing Persons Section were involved in making initial contact with the families of those who were missing; and 14 SAPOL members from various specialist areas were deployed to Bali to assist with the disaster victim identification process. These specialists often worked under difficult conditions and contributed significantly to the successful identification of 199 of the 202 victims.

Let us honour those who died, those who were injured, those who have lost loved ones and those who worked to serve and to save us and those who helped to heal us. My thoughts go to the families of all those affected by the Bali bombings, and it is something that we should never forget. We should make all efforts in terms of our counter-terrorism activities to ensure that such heinous acts against Australians can never again become a reality.

Mr GRIFFITHS (Goyder) (12:33): I commend the member for Little Para for bringing the motion to the house. The human species can be the most magnificent of beings who exist or, indeed, the worst example of what God has ever created for what it does to itself. I think that the events of 11 September and, indeed, 10 years ago in Bali have exemplified that terror sadly does exist to a great extreme around the world, and it is appropriate that governments around the world put every effort into making sure that its citizens are safe.

As a nation we have lived through the horrors of wars, we have understood the sacrifices that have been made and we have appreciated the terrible ways in which people can be killed, but for 88 Australians to suffer in such a way as they did 10 years ago, and indeed the 202 people who died on that terrible evening, is a sad tragedy.

Any person who was watching television or listening to radio in the weeks and months that followed could appreciate to some small degree the impact that it had upon the families of those who suffered so terribly, and not just those who died but those who have lived with terrible injuries and burns since. As a nation and as a state I think that we can be proud of the response that we made to try to evacuate those who needed help, to bring them home and to give them the best medical attention, and we pay our respects to those within all those emergency services areas who put so much of their time into helping those people in terrible situations.

I have been shocked by the images I have seen just in the last couple of weeks, when the 10th anniversary remembrance processions were held in Bali and I saw the emotion that exists in the people who lived through it and their family members with them now. It makes us all reflect on our own lives, our children, our parents, our relatives and our friends who have suffered in some way. For such people to be together at a time when they should be enjoying themselves and to have such a firestorm go through where they were and to leave such utter devastation is very hard, if not impossible, to accept.

The law has spoken, and some who perpetrated that terrible crime have suffered for it, as they should have, but the sad tragedy is that those who lived through it and were injured or who had relatives who died in it continue to suffer. As a chamber, it is important that the member for Little Para has brought this motion before the house. In some small way it allows us to pay our respects to the people who lived through that terrible time, and it gives us all the hope that, through whatever forces and resources that need to be allocated in future, no community has to suffer in such a way. Well done, member for Little Para.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (12:41): I also commend the member for Little Para for his motion to remind us all, on the 10th anniversary of the Bali bombings, of that horrific occurrence I agree with these sentiments precisely and also agree with the sentiments expressed by the member for Goyder.

Prime minister Howard put it best when he said that a small piece of Bali will forever be a part of Australia. The way the Australian government reacted at the time showed the very best of who we are as a people. We put our political differences aside to come together over a horrific act, and our prime minister spoke for all of us.

The important thing to remember about those horrific occurrences is what they were designed to do. They were designed to make us be afraid of who we are and the lifestyle we lead. They were designed to make us afraid of our liberties and our freedoms, and the freedoms that we afford women in particular, and they were designed to put a gap between Indonesia, our largest neighbour, and ourselves.

The outcome, of course, has been very different. We cherish our freedoms. Our relationship with Indonesia could not be closer. We saw recently both the Prime Minister and the Leader of the Opposition meet with the President of Indonesia. Yes, there were political issues before that meeting, but on the 10th anniversary of the bombings it was a public show of support that what minority terror groups were attempting to do—to radicalise our largest neighbour to the north to turn on its closest friend to its south—has failed.

That is a symbol of the strength of our institutions, a symbol of the strength and resilience of the Indonesian people, the Balinese people and the Australian people. It is proper and right that this house recognises and marks that occasion. There were ceremonies all across Australia, and in South Australia, attended by people who were touched by the bombings, who felt anxiety and grief on the day, and also by people who just wanted to go along and show their support for our country and for those who lost their lives.

It is important that we remember these days—not to celebrate them but to commemorate them and to know why we remember them. We remember them because we are a freedom-loving nation. We are a nation that is confident and outward-looking. Our young people travel the world to see different parts of it, and that is important for who we are as a people. They come back more worldly, having seen different parts of the world, and they bring that experience back home.

Given the last decade's war on terror, it has made our citizens probably more anxious about travel to some of those destinations. It is good to see that tourism to Bali has not waned, that Australians are still travelling there and that we have not let the terrorists change the way we live our lives, which is ultimately their aim. I congratulate the member for Little Para for reminding the house of the significance of that day and the importance that this parliament, with one voice, places on commemorating that day and on remembering the sacrifice of those who lost their lives. They have not been forgotten.

We remember the families who still suffer every day, and will probably continue to suffer every day, for the loss of their loved ones. No-one can return a child, a daughter, a father or mother, but we will remember their sacrifice, and we remember their suffering. Of course, our relationship, most importantly, with Indonesia will not be changed.

Dr McFETRIDGE (Morphett) (12:45): I rise to support the motion of the member for Little Para. It is strange how everyday things that you see around you can one day take on a particular significance. For me, it is the wattle blossoms; the first wattle blossoms start to come out in October and, for the last 10 years, that has reminded me of those tragic events in Bali. While I have only been to Bali a few times as stopovers—refuelling aircrafts while flying horses to South-East Asia—my daughter has holidayed in Bali, and you just wonder how you would feel if you were one of the relatives, friends or parents of those people who were tragically killed in those terrorist acts in Bali some 10 years ago.

I have some understanding of soldiers in declared wars and the brave acts that are undertaken by both sides, where they are legitimately fighting for a particular cause. What I cannot understand is the cowardly acts of people like the Bali bombers and other terrorists, particularly when their targets are innocent civilians who are just going about their lives, enjoying themselves, visiting countries, playing with friends and enjoying life as it should and was meant to be, particularly in a tropical paradise such as Bali.

For this to happen is just something that I do not think anybody really understands. I do not think that the terrorists—the people who carried out the bombings—completely understand what they are trying to achieve. If they knew and understood the psyche of the Australian people, then they would know, as the minister has said, this has actually brought us together; it makes you stronger and more determined to stand up against these people who try to tear our lifestyles and our values apart.

The biggest tragedy is the personal tragedies for those involved. It is important that we do have motions like this before parliaments throughout Australia to make sure that all Australians realise that, while we may have our differences and while we may have the bloodline (sword line) here in front of us in this chamber, that is just a representation of the robust parliament and not a reflection on our determination and unification of this parliament against the terrible acts, such as those we saw in Bali 10 years ago.

It is very important that we continue to remember all those who lost their lives, and their families, because as the minister said, the hurt will go on; it never goes away. I think of those family members, relatives and friends of people who were killed in Bali, and every time the wattle blossoms come out, I will continue to think of them.

Mr WHETSTONE (Chaffey) (12:48): I, too, rise to speak on the Bali bombings, and commend the member for Little Para on his motion. It was an absolute devastation for not only the people involved in the bombings but also a visual nightmare that people still live with today. The scars that people now have, just to see the outcome and the devastation of death and suffering. As I said, the visual presence after those bombings is something that many people will live with forever.

It is sad; those terrorists who caused the bombings are radical and have little regard for life. They have their beliefs but, in my thinking, it goes against the grain of humanity. The suffering of those affected, the scars, the sadness and sorrow, go on. That was reflected by a gathering only last Friday on the 10th anniversary. I have a close friendship with the Deegan family. Both of the parents, Brian and Virginia, and Nick, Ellie and Pat, brothers and sisters of Josh who lost his life in that bombing, have all been very much affected and are still affected today, and will be ever affected.

I attended a venue in Adelaide to raise money for the Burns Unit at the RAH in recognition of the contribution of the specialised medical staff here in Adelaide. They were rushed up to Bali and some were rushed up to Darwin to deal with the devastation. I was very proud to watch

Australia's response in dealing with that. I commend the doctors, the burns specialists and the armed forces that were a great support, and all the volunteers. Most of the specialist support that was put in place, particularly around the Burns Unit, was done in a voluntary capacity, which I think highlighted the Australian spirit through the absolute nightmare when we lost 88 Australians.

On reflection, after taking my young family over to Bali a couple of years ago, it really is an eerie feeling, particularly for my children. Being young as they were when the bombings happened, they walked the streets and constantly asked me, 'Where did it all happen? and, 'Are we anywhere close?' and, 'Would this potentially happen again while we are here?' It is etched into my children's minds and it is etched into every traveller's mind. We have to get on with life, but it shows the impact that sad day had on people, over 10 years ago.

We will always remember that significant event in Bali. Life does move on but the sadness and the sorrow it has inflicted on those people affected, indirectly or directly, will live with us forever.

Mr PEGLER (Mount Gambier) (12:52): I certainly support this motion and commend the member for Little Para for bringing it to the house. My thoughts and prayers go out to those who lost loved ones on that day and also to those who were permanently marred on that day. I think it was a day when the people of Australia and Indonesia came together in a very strong manner to condemn those who caused this atrocity.

It really came home to me that not only did our people suffer but also the people of Bali suffered. My wife and I were over there a few years ago and riding an elephant in the highlands, and the mahout (the bloke who guides the elephant) said to us at the time, 'It's so good to see you people back in our country. After those awful, bad men did that bombing, all you people stopped coming to our country and I could no longer feed my family.' So it was not only the people of Australia who were affected but also the people of Bali. I certainly support this motion and hope that something like this will never happen again.

The Hon. R.B. SUCH (Fisher) (12:53): I will just make a brief contribution. Like other members, I commend the member for Little Para for reminding us of this terrible event 10 years ago. I also extend my sympathy to all those affected. As was said by, I think, the member for Morphett, the pain never stops. I have not had a lot to do with any of the families affected directly. I have met with Brian Deagan and I know the pain that continues to be felt by those families who lost loved ones.

As to the people who perpetuate this ideology of hate, I think we have to distinguish that from mainstream Islam and mainstream Muslim faith because these people are fanatics. As I say, it is an ideology of hate, and they have to be held accountable; some have, but probably not to the extent they should have. We need to remember also that we have many Australians trying to deal with the root cause and the elements involved in these sorts of terror attacks right now. Whether or not people feel that the time has come to take the troops out of Afghanistan, there are soldiers and others from Australia serving there right now.

I will not be too specific, but one of my close relatives came back last Thursday from a tour of duty in Afghanistan, another is over there or about to go, and the partner of one of my staffers is a commando who has served there. We still have people who are trying to deal with this evil element that has a deep-seated hatred of Western society and, in particular, its values. We cannot allow those evil terrorists to have their way, and it is important that we intervene early. It is a pity that it did not happen in the case of Hitler, Stalin and a few other monsters and that they were not dealt with early on because it might have saved a lot of people a lot of pain and suffering.

Mr ODENWALDER (Little Para) (12:56): In closing, I want to thank all those members who spoke with such conviction on this motion, particularly the member for West Torrens. I know that all members join as one to remember the fallen and to recognise the ongoing grieving of these families. As the member for West Torrens said, it is also an opportunity to celebrate our freedoms and to celebrate the truth that these terrorists cannot break our spirits through violence and intimidation and that these acts only serve to unite us and affirm our shared values.

Motion carried.

[Sitting suspended from 12:58 to 14:00]

PAPERS

The following papers were laid on the table:

By the Speaker—

House of Assembly—Parliamentary Service of the—Annual Report 2011-12
Ombudsman SA—
Annual Report 2011-12 [Ordered to be published]
District Council of Yorke Peninsula Report October 2012 [Ordered to be published]

By the Attorney-General (Hon. J.R. Rau)—

Equal Opportunity—Annual Report 2011-12
Listening and Surveillance Devices Act 1972—Annual Report 2011-12
Serious and Organised Crime (Control) Act 2008—Review of the Execution of Powers—Report for Period 1 July 2011 to 30 June 2012
South Australian Classification Council—Annual Report 2011-12
South Australian Election Report—By-Elections 11 February 2011 Port Adelaide and Ramsay

By the Minister for Transport and Infrastructure (Hon. P.F. Conlon)—

Surveyor's Board of South Australia—Annual Report 2011-12

By the Treasurer (Hon. J.J. Snelling)—

Treasury and Finance, Department of—Annual Report 2011-12

By the Minister for Workers Rehabilitation (Hon. J.J. Snelling)—

WorkCover Ombudsman SA—Annual Report 2011-12
WorkCover SA—
Annual Report 2011-12
Financial Report 2011-12

By the Minister for Health and Ageing (Hon. J.D. Hill)—

Health and Community Services Complaints Commissioner—Annual Report 2011-12

WIND FARMS

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (14:02): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.R. RAU: On Friday 12 October 2012, I approved the Statewide Wind Farms Development Plan Amendment (DPA). The approved DPA came into effect when it was gazetted earlier today. I have made a number of changes to the interim DPA I released for consultation on 19 October 2011.

I have made changes to the DPA to substantially address the concerns raised during the consultation period while still providing ample opportunity for investment in wind energy in South Australia. The approved DPA updates policy guiding wind farm developments by:

- designating wind farms a category 2 development in the sparsely populated zones where they are envisaged, except where they include turbines within two kilometres of dwellings or towns and other zones that could be detrimentally affected, such as airfield zones;
- changing public notification, comment and appeal right triggers. The changes mean a proposal to install a turbine within two kilometres of dwellings, tourist accommodation and zones that could be adversely affected, such as airfield, residential, settlement and township zones, will fall into category 3, and third parties will have notification, comment and appeal rights in respect of such proposals;

- establishing visual impact management policies that would form part of wind farm developments including, most notably, at least one kilometre of separation between dwellings and turbines and two kilometres of separation between townships and turbines;
- removing policy that explicitly envisages wind farms in valuable environmental and scenic areas, including the Clare Valley, the coast and state coastal waters, conservation zones, the Fleurieu Peninsula, the Flinders Ranges and the River Murray corridor;
- introducing policy that discourages wind farms in the Barossa Valley and McLaren Vale;
- adding policy that requires consideration of the potential impact of wind farms and ancillary developments on low altitude aircraft movements associated with agriculture;
- adding policy that requires consideration of potential consequences of wind turbine generator failure; and finally
- making it clear that wind farms and ancillary developments, including wind monitoring masts, are envisaged in sparsely populated zones such as general farming, primary production and rural zones.

I have taken note of and responded to the key issues that were raised through the consultation process. Statutory public consultation ran for eight weeks, from 19 October 2011 to 13 December 2011. This yielded 276 written submissions from the public and councils. The independent Development Policy Advisory Committee conducted public meetings earlier this year in Adelaide, Naracoorte, Port Wakefield and Peterborough. The independent committee has provided advice to me on all representations made. The key issues raised include—

Members interjecting:

The SPEAKER: Order!

The Hon. J.R. RAU: The key issues raised included: the areas in which it is appropriate to envisage wind farms; the balance that should be struck on third-party notification, comment and appeal rights; the visual impact management techniques that would form part of wind farm developments; and the potential impacts of wind farms on low altitude aircraft movements associated with agriculture.

Members interjecting:

The SPEAKER: Order!

The Hon. J.R. RAU: I don't know why they're complaining. Apparently they agree with this.

Mrs Redmond interjecting:

The SPEAKER: The Leader of the Opposition, order!

The Hon. J.R. RAU: I have made my decision on the DPA seeking to balance the advice I have received from honourable members here and in the other place, from members of the public, from DPAC, and in particular its review of the consultation process, and advice from my department. The government remains—

Mr Williams interjecting:

The SPEAKER: Deputy Leader of the Opposition, order!

The Hon. J.R. RAU: The government remains committed to providing ample opportunity for investment in wind energy in South Australia while balancing the legitimate concerns of the community.

Members interjecting:

The SPEAKER: Order!

VISITORS

The SPEAKER: Members, I draw your attention to the presence in the gallery today of a very large group who, I understand, are from the Barossa Probus Club, who are guests of the member for Schubert. Welcome. I think some of you were here earlier, but it is nice to see you here and we hope you enjoy your time here.

FORESTRYSA

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (14:08): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.J. SNELLING: Today I inform the house that the sale of ForestrySA's forward rotations in the South-East has been completed. The forward rotations were required—

Members interjecting:

The SPEAKER: Order! The Treasurer will be heard in silence.

The Hon. J.J. SNELLING: The forward rotations were required by a consortium led by The Campbell Group. The Campbell Group, trading in Australia as OneFortyOne Plantations, is representing a number of institutional investors including Australia's Future Fund. The Campbell Group is one of the world's largest timber investment managers, and currently manages over three million acres of timberland assets. We have secured $670 million for taxpayers of South Australia to continue to invest—

Members interjecting:

The SPEAKER: Order! I won't say it again.

Members interjecting:

The SPEAKER: Order! The Treasurer.

The Hon. J.J. SNELLING: —in future infrastructure and core government services such as health, education and law and order. The $670 million—

Mr Pederick interjecting:

The SPEAKER: Member for Hammond, behave!

The Hon. J.J. SNELLING: The $670 million figure is substantially above our reserve price. In May last year the government announced its decision to proceed with the sale of ForestrySA forward rotations in the South-East which was first proposed in late 2008 as part of the 2008-09 Mid-Year Budget Review. As part of this announcement I also established the South-East Forestry Industry Roundtable which was made up of local community leaders, sawmillers and unions. The roundtable examined the broader issues facing the forestry industry in the South-East and provided recommendations and advice to the government about the conditions of sale.

The government has engaged with the stakeholders throughout the sale process. The conditions of sale recommended by the roundtable to protect the long-term future of the region's forestry industry had been incorporated into the contract of the forward sale of the forest rotations of the Green Triangle. The Campbell Group is committed to the conditions imposed by the government, including the provision of future sawlog to domestic customers, maintaining targeted rotation length, complying with replanting obligations and annual reporting. The Campbell Group was able to meet my strict demands and offered an impressive deal that South Australians will benefit from. Under The Campbell Group's direction, this valuable forestry estate will continue to be managed on a sustainable and commercial basis.

The high quality blue chip field of bidders and the eventual successful bid from The Campbell Group demonstrated a strong vote of support for the long-term viability of the local industry in the South-East.

Mr Williams interjecting:

The Hon. J.J. SNELLING: Mate, if you want to ask me a question, I am happy to take it. Separate to this transaction—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —the government has been—

Members interjecting:

The SPEAKER: Order! Treasurer, can you sit down for a moment until we have some order? The Deputy Leader of the Opposition, you are very close to going out. Order! This is an important issue for South Australia and we need to listen to what the Treasurer has to say. Treasurer.

The Hon. J.J. SNELLING: Separate to this transaction, the government has been in ongoing discussions with various sawmillers in the South-East about assistance to provide long-term coinvestment to help overcome issues that are currently facing the timber industry.

The government is also working with The Campbell Group and local industry participants to further enhance investment and employment in the region. The Campbell Group is committed to the local forestry industry and is looking forward to working with local customers, suppliers and the high quality management team at ForestrySA. The government recognises the need to ensure that the interests of the entire industry are protected, therefore the government will be announcing a resolution on those matters in the very near future.

I thank the member for Mount Gambier for his constructive representation to me on behalf of the people of the South-East while maintaining his strong opposition to the sale and Mr Trevor Smith, chair of the round table—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —Mr Trevor Smith, chair of the round table and its members for their time and commitment in formulating the sale conditions. I am confident that the sale conditions recommended by the roundtable that The Campbell Group has committed to will protect the long-term future of the industry in the South-East and assist in building a sustainable future for future generations.

QUESTION TIME

STATE ECONOMY

Mrs REDMOND (Heysen—Leader of the Opposition) (14:14): My question is to the Premier. Will the Premier explain why, after one year as Premier, he has budgeted for the largest debt and the largest deficit in the state's history and our once-coveted AAA credit rating has been downgraded three times to AA, the worst credit rating of all states?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:14): I don't accept the premise of the question that the honourable member says, but what I can say—

Members interjecting:

The SPEAKER: Order! Premier, can you sit down until we have some quiet? Order! Members on my left have time to ask questions. Premier.

The Hon. J.W. WEATHERILL: What I can say is that South Australians should have every reason to be confident in the strength and resilience of the South Australian economy. They should also have confidence in a government which has made a conscious decision to invest in infrastructure projects and to invest in the services that are necessary to meet the needs of the people of South Australia, and that we've made those conscious choices knowing that it would put at risk our AAA credit rating. And it stands in stark contrast to the choices that have been made by Campbell Newman in Queensland who, in his mindless pursuit of that financial metric of a AAA credit rating, is slashing and burning the services and wellbeing and livelihoods of thousands and thousands of citizens in Queensland.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: When we sought to remind the South Australian community of the public policy choice we made and contrast it with the choice that those made opposite, and produced a pamphlet to tell the world about that, the Liberal Party of South Australia went to the Electoral Commission and said that that was misleading and inaccurate. Well, yesterday, we know that the Electoral Commission has upheld that document has not been misleading or inaccurate. So what stands is the fact that 25,000 jobs will be ripped out of the South

Australian economy by those opposite should they ever be in the position of occupying the government benches.

Members interjecting:

The SPEAKER: Order! Point of order.

Mr WILLIAMS: Madam Speaker, standing order 98 obliges the minister to answer the substance of the question and it also obliges the minister not to debate the answer.

The SPEAKER: The Premier's response relates to the substance of the question and I have no problem with it, and it was a very inflammatory question so, of course, he is going to respond.

The Hon. J.W. WEATHERILL: The gravamen of the question was whether we'd actually invested, and the process of taking on borrowings to do that, and thereby jeopardised our AAA credit rating.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: The essence of my response is that we made a choice. We made a choice about the long-term prosperity of this state that requires us to invest in infrastructure, and I must say there are many business people out there saying, 'Thank God this government took the investment decisions that it took—'

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: That we took the investment decisions that we did because it is the only—

Members interjecting:

The Hon. J.W. WEATHERILL: —it is one of the significant contributors to sustaining activity within the South Australian economy.

Mr Williams: Name one of them!

The Hon. J.W. WEATHERILL: I can name one of them. When I was out at the business forum recently in Hartley with the member for Hartley, what was said very strongly to me by those in the building and construction sector is that the only level of activity that's actually going on is that that's being proposed by the South Australian government in its infrastructure spend.

Members interjecting:

The Hon. J.W. WEATHERILL: Just look around—

Members interjecting:

The Hon. J.W. WEATHERILL: Madam Speaker!

The SPEAKER: Order! Members on my left will have some order!

The Hon. J.W. WEATHERILL: Madam Speaker, all one needs to do is to look around the South Australian skyline and see the cranes that are there courtesy of the investment decisions that have been made by this government.

ZEN ENERGY

Dr CLOSE (Port Adelaide) (14:18): My question is to the Premier. Can the Premier advise the house about the development of ZEN Energy's solar energy system in South Australia?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:19): I thank the honourable member for her question and acknowledge her keen interest in protecting the environment, in particular the growth of our renewable sector here in South Australia. Last week, when I was in Melbourne, I announced, with representatives of ZEN Energy at a Clean Energy Conference, that the company would be establishing an advanced manufacturing facility in Adelaide to build a world-first solar energy storage system.

ZEN's technology allows energy generated by solar and wind power to be captured for later use in residential, commercial and utilities settings. Their systems are made of high density lithium iron batteries which are linked to innovative software which balances how the energy is used. This is an incredible breakthrough. It's world-leading and it's happening here in South Australia.

Why is it happening here in South Australia? Because it is an example of the innovation and the ingenuity of South Australian entrepreneurs, which means that they are deciding to move up the value chain to ensure that our state's manufacturing sector is secure for decades to come. ZEN Energy is an emerging player in a business community that was recognised back in 2010 as one of the fastest growing companies in the state, by winning the *in-business* Fast Movers Award.

ZEN employs around 70 people—70 jobs that would not have been dreamt of 15 years ago. This investment is another vote of confidence in Adelaide. It also is no mistake that this happens in South Australia, where 26 per cent of our power is generated through renewable sources. There was not one wind farm when we came into government. Now we have almost 50 per cent of the nation's installed wind capacity. Twenty-six per cent of our generation comes from wind power. At night I think it is almost as high as 50 per cent on occasion. It is an extraordinary story—

Mrs Redmond: Is it baseload power?

The Hon. J.W. WEATHERILL: The honourable member demonstrates her lack of grasp of the topic by saying, 'Is this baseload power?' The fact is ZEN Energy allows you to store the energy. You can produce it off peak and store it and use it through—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —peak areas of demand. If those opposite spend a moment actually studying the question they would realise what a breakthrough this is. This is an incredibly important result for this state—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —but they always want to talk down somebody's achievements. They always want to talk down the young innovator who is actually kicking goals for South Australia, just as no doubt they will talk down the decision by Lion to expand the brewery at West End, another $70 million of investment, moving from Swan Brewery in Perth to South Australia, a vote of confidence in the South Australian—

Members interjecting:

The SPEAKER: Order!

Mrs REDMOND: Point of order: that must be debate. He is talking about—

The SPEAKER: Order! Thank you. It did relate to the question but, Premier, I bring you back to the substance of the question.

Mrs REDMOND: Well, Madam Speaker, can I seek clarification of your ruling? How does a comment asserting that the Liberals have in any way criticised a $70 million investment in Lion Nathan brewery possibly relate to the ZEN Energy question?

The SPEAKER: Thank you. Premier, I refer you back to the question.

Mrs REDMOND: Madam Speaker, I sought—

Members interjecting:

The SPEAKER: Order!

Mrs REDMOND: —clarification of your ruling.

The SPEAKER: Right. I will uphold your point and I would refer the Premier back to the substance of the question.

The Hon. J.W. WEATHERILL: Thank you, Madam Speaker. If there could be just one small pause in the stream of abuse that is poured across the chamber since the start of question time it would permit me to complete my answer.

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. Rankine interjecting:

The SPEAKER: Minister for Police, order!

The Hon. J.W. WEATHERILL: This does reflect the credentials that we have gathered in this state for our renewable energy sector. It also reflects our commitment to clean energy production. I note with interest the member for Stuart has shown his interest in Repower Port Augusta's campaign for a solar thermal plant, which is welcome support. I do not know whether his colleagues share that enthusiasm.

Mrs Redmond: He asked for an inquiry into it.

The Hon. J.W. WEATHERILL: Just an inquiry. A little bit of support. Anyway—

Members interjecting:

The SPEAKER: It is question time. It is not time for a debate across the floor. Order! Premier, you will answer the question and we will move on to the next one.

The Hon. J.W. WEATHERILL: Thank you, Madam Speaker. It is important that we continue to recognise that there is excellence within the South Australian business community in sectors of the economy that grow and continue to demonstrate the resilience of the South Australian economy in the future.

VISITORS

The SPEAKER: Members, I draw your attention to the presence in the gallery of a group of people from the Islamic College of South Australia. Welcome to our chamber. I think they are guests of the member for Croydon. It is nice to see you here. I understand they are years 8 to 10.

Members interjecting:

The SPEAKER: Order! I wondered where the member for Croydon was; now I know.

Members interjecting:

QUESTION TIME

The SPEAKER: Order! Could we have some quiet, please, before we move onto the next question. The Leader of the Opposition.

EMPLOYMENT FIGURES

Mrs REDMOND (Heysen—Leader of the Opposition) (14:24): My question is to the Premier. Why are there 13,000 fewer full-time jobs in South Australia since he became Premier given the Premier's statement that he has chosen jobs over the retention of the AAA credit rating, which obviously we have lost?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:25): It is no surprise that the South Australian economy is experiencing the effects of a global financial crisis; and, because of the nature of that global financial crisis and because we are part of the global economic story, we are affected by it. I know that these are difficult concepts to grasp for a leadership team that does not boast anyone with any economic credentials, but they are important matters to grasp and they do go to the heart of these matters.

We exist within a global economic framework, which means that, when they turn on their televisions and they see, essentially, Europe in some economic conflagration, it affects people's sense of confidence. That is causing two principal effects on the South Australian economy: one is the effect on people's spending habits (people are saving not spending in a very substantial way); they also are backing away from often the largest single expenditure of their life, which is their residential dwelling. So, they are not purchasing homes because of the same concerns about confidence.

We share the analysis of the Reserve Bank about this matter, that is, that much of what has occurred in recent times is a major readjustment of the way in which consumers are behaving because of what they see in terms of the asset values of their superannuation accounts and of their houses; so, they are looking at their valuations. They are seeing that that endless growth that

seemed to be occurring in relation to their property values, and the growth that they were seeing in their superannuation accounts, is meaning that they are actually feeling as though, in terms of—

Members interjecting:

The Hon. J.W. WEATHERILL: Madam Speaker, there is a constant stream of discussion.

The SPEAKER: Order!

Mr Whetstone interjecting:

The SPEAKER: The member for Chaffey, order!

The Hon. J.W. WEATHERILL: So the Reserve Bank governor makes the observation that, because they are feeling those wealth effects, people are not consuming in the manner in which they were in the past. In fact, the consumption rates were reaching the level where people were consuming the whole of their incomes, relying upon the fact that their superannuation accounts and house prices kept going up. Many were drawing down on the equity that exists in their homes.

That has come to an end—it has come to sudden end—and people are adjusting their behaviour on that basis and that is having an effect on the level of economic activity. It is also having a particular effect on confidence—of course, it is. It is affecting confidence and it is also affecting in a particular way the finances of state governments, which rely upon those particular sectors of the economy for our revenue—so, our property transactions and our GST—

Mrs Redmond interjecting:

The Hon. J.W. WEATHERILL: Madam Speaker, I am happy to put up with some level of abuse from those opposite, but the perpetual stream of abuse that emerges from the Leader of the Opposition makes it difficult to answer a question.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: The property transactions, the GST transactions, that form the basis for our revenue base mean that we have seen a $2.8 billion reduction in our revenues over the forward period. Now, all those things place pressure on economic activity and they place pressure on confidence in the community, but what South Australians should be confident of is that there is an underlying resilience in the South Australian economy.

We will come out of this cyclical trough, and we will emerge from this stronger than ever. That is one of the principal motivations for us investing in the new construction grant that we are giving for new homes, because we know that we are going to emerge from this period. We want to make sure that the skills and capabilities that exist in the crucial construction sector are there and available when we do come out the other end of this; so, the community should be confident in the long-term security of the South Australian economy.

LITERACY AND NUMERACY

Ms BEDFORD (Florey) (14:29): My question is to the Minister for Education and Child Development. Can the minister inform the house about initiatives being taken to support teachers and parents to help children learn the basic skills of literacy and numeracy?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:30): I would like to thank the member for Florey for this important question and acknowledge the work that she does in her community, particularly with our young people.

The basic skills of literacy and numeracy have always been very important in order to give young people the best start in life. They are even more critical these days because we know that young people are growing up in an incredibly complex world, with everything from social networking to electronic banking, etc., to contend with. New and emerging industries (and the Premier has just been speaking about this) in areas like advanced manufacturing, while requiring higher order skills, also require a very fundamental and solid foundation in numeracy and literacy. We need more people who can solve complex problems, think creatively, analyse and, obviously, problem-solve.

When I visit schools and preschools—and I have been to, I think, more than 120, now—I see outstanding examples of teachers engaging with our young South Australians. From an

international perspective, it is worth reminding this place that South Australian young people do very well in numeracy and literacy and, indeed, did significantly better than the vast majority of OECD countries. There are, however, a number of measures which indicate that we can do more and should be doing more to extend our young students into higher levels of achievement.

I feel very strongly that this is a collective role for parents, teachers and, of course, our early childhood professionals. We do have a new opportunity here because we are working very hard to make stronger connections between our services for parents and families and our schools and preschools, and the services that we provide from zero to 18.

In that context, in the context of my experience over the last year, I did ask my department to take a brand new look at improving literacy and numeracy teaching and learning. I have to say, as part of that process, the department undertook quite a significant level of engagement with parents and school communities. I believe they surveyed over 700 parents and school communities, and parents have told us very clearly that they want to be active participants in their child's learning and experience at school, and they have high aspirations for their children.

Today, I am very pleased that I have released an important discussion paper that outlines a new strategy for literacy and numeracy for South Australia, for children zero to 18. The proposed strategy is based on the evidence of what we know to be effective approaches that are currently in place. Central to the proposed strategy is that it recognises that this is a job for all of us—for parents and community members as well as teachers and principals—because we know, thanks to the work of people like Professor Fraser Mustard, that by the time a child is three, for instance, 85 per cent of their brain has been wired. So, if we want them to be doing well when they get to school, we must use every opportunity—and let us not forget that parents are our children's first teachers—that we have before they enter the formal schooling system.

I encourage everybody to have a say. The deadline is 30 November, with the intention of rolling out the new strategy and the initiatives included in that, pending the consultation from the beginning of next year.

NATIONAL LITERACY AND NUMERACY TESTS

Mrs REDMOND (Heysen—Leader of the Opposition) (14:34): My question is again to the Premier. Can the Premier explain why, when he was education minister, South Australia fell further behind the national average in 14 out of 20 NAPLAN categories and, now that he is Premier, we are behind in all 20 categories?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:34): The South Australian education system is one of the best education systems in the world.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: It sits in about the middle of the range of one of the best education systems in the world. This is the truth about the matter. The South Australian education system produces young people who emerge from it who have the capacities to engage in the world, to dream up things like those we have just heard announced before, like ZEN Energy, the innovative thoughts which are going to be the future of this state. When we look at some of these education systems—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —that those opposite are fond of comparing South Australia with, they would do anything to be in the position of the graduates we produce from our schools, because they produce children with critical thinking skills, a capacity to understand and deal with the challenges of the modern era, all the skills and capabilities which are necessary to ensure that they have the capacity to succeed.

If you want to make a comparison about the way in which we have dealt with the education system, if you want to look at the South Australian education system, let us look at the question of retention rates. Under those opposite, 67 per cent—

Members interjecting:

The SPEAKER: Order! Premier, can you sit down. We will have some order.

Members interjecting:

The SPEAKER: Order! Members on my right also. Premier.

The Hon. J.W. WEATHERILL: You have to actually be at school to learn. Under those opposite, 67 per cent of young people completed their high school. It now has reached—and the minister will clarify this—88 per cent of children now complete their high schooling, a tremendous achievement. We know that the jobs that exist in the modern economy require at least 12 years of schooling. It is a cruel hoax on young people to allow them to leave school early and have them compete for that shrinking pool of employment that exists for those jobs they would be responsible for.

We have put front and centre the ambition to equip our young people so that they can participate in society, in the world, and in the economy, in a way that is successful for them. We produce South Australians who have the capacity and the skills to be successful people in the world. We are proud of our achievement. We are proud of our South Australian public school system.

INFRASTRUCTURE PROGRAM

Mr PICCOLO (Light) (14:37): My question is to the Minister for Transport and Infrastructure. Can the minister inform the house about the impact on employment in South Australia that the state government's infrastructure program is having?

The Hon. P.F. CONLON (Elder—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:37): I thank the member for Light for his very important question. Of course, it is very topical today to talk about this, because this government has, since 2002, rolled out the most substantial investment in infrastructure in the state's history. That was a choice we made, as the Premier said. Those projects we have ongoing at present—the Royal Adelaide Hospital—

Members interjecting:

The Hon. P.F. CONLON: Are you right there? Do you want to be somewhere else? Feel free. Alexander Downer is in the wings, after all. At the Royal Adelaide Hospital there will be 1,800 people.

Ms Chapman interjecting:

The Hon. P.F. CONLON: Is that the member for Bragg? There will be 1,800 people at the peak of construction activity at the Royal Adelaide Hospital. At the desalination plant, there will be 1,850 at peak of activity.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: On the Seaford rail extension, there will be some 1,880 people. These are just—

Mr Gardner interjecting:

The SPEAKER: Member for Morialta, order!

The Hon. P.F. CONLON: The member for Norwood is back at it again, telling me I used to be good. He is going to be good soon. His moment is coming! He is going to become—

Members interjecting:

The SPEAKER: Order! Point of order.

Mr MARSHALL: Point of order: obviously the minister's hearing is going as well, because it was actually the member for Morialta!

Members interjecting:

The SPEAKER: Order! No point of order.

Members interjecting:

The SPEAKER: Order! Minister.

The Hon. P.F. CONLON: He is going to become part of the leadership team, which then marks his terminal decline, because that is what happens to the leadership of the Liberal Party. It's like a mayfly. It's the life experience of a mayfly. They become the leader of the Liberal Party, they rise above the water, they have a quick sexual moment and then they die.

The SPEAKER: Order!

Mr VAN HOLST PELLEKAAN: Point of order.

Members interjecting:

The SPEAKER: Order! Point of order. Member for Stuart, if you're talking about—

Mr VAN HOLST PELLEKAAN: Madam Speaker, as much as the minister's personal rantings and ravings are important to him, they've got absolutely nothing to do with the question.

The SPEAKER: I will uphold that point of order. Minister, you will now get back to the question and stop baiting the other side.

The Hon. P.F. CONLON: I promise with my hand to God to obey the standing orders. I just invite the other side to do it as well. A little courtesy would go a long way.

The Adelaide Oval, as I said, will have at least 800 people in the new year; Seaford rail extension, 1,880; the South Road superway, something like 1,897 people inducted there; and 1,600 people working on the Southern Expressway. That, just in the construction figures, not in the spin-off from that, is some 10,000 people—10,000 people in work, 10,000 people equipped to raise families, to spend, to build houses, that wouldn't be so equipped without this state building infrastructure program.

It is a clear choice. I will say this: it is a clear distinction between us. The Leader of the Opposition and the shadow treasurer are on the record as saying that we should not have raised this debt on these infrastructure projects. They've made it absolutely clear: they do not support it.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: They do not support it. It's right. Their choice is not to address growing our future but to address the deficit. That is the Randall Newman—what do you call him? He looks like that bloke from the *MAD Magazine*, the little kid.

The Hon. J.J. Snelling: Campbell.

The Hon. P.F. CONLON: Campbell Newman. That is the clear choice. They are on the record as saying they won't spend on infrastructure, they won't create jobs. The shadow treasurer has already criticised our promotion of the residential construction industry, and we know that they will cut 25,000 jobs in the public sector. There is a clear choice to be made: it is whether you believe in growing South Australia's future or shrinking away from it. We are the party of growth, we are the party of job creation.

Members interjecting:

The Hon. P.F. CONLON: And that is what we hear from them: they agree, we are the party of growth. They say they would not do it, and that is the clear choice people have got. Do you want a party that believes in South Australia's future, that grows jobs, that has confidence, that invests in infrastructure, or do you want—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: —people who are going to shrink away from the challenge?

Mr VAN HOLST PELLEKAAN: Point of order.

The SPEAKER: Point of order. Thank you. Minister, your time has expired, so the point of order is probably irrelevant. The Leader of the Opposition.

OLYMPIC DAM EXPANSION

Mrs REDMOND (Heysen—Leader of the Opposition) (14:42): My question is again to the Premier.

An honourable member interjecting:

The SPEAKER: Order!

Mrs REDMOND: Does the Premier stand by his statement that the government won't be extending the Olympic Dam expansion indenture agreement and, if not, what is the government's position? I will briefly explain the reason for our confusion. The minister for mines said on 29 May this year, and I quote: 'I will not be granting an extension...I don't bluff.' The Treasurer said on 2 August this year, and I quote, 'The state would be very, very reluctant to give them an extension.' The Premier himself said on 4 September this year, and again I quote, 'I won't be approving it, it's as simple as that.'

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:43): The honourable member, of course, quotes me out of context. The long version is that, unless BHP can demonstrate their commitment to South Australia—

Mrs Redmond interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: No. Because I was asked, if they came to us at the last minute and asked for an approval without satisfying us about some key matters, would I approve it, I said, 'No, I wouldn't.' Of course, it was an obvious point to make. It was clearly a misrepresentation, a comment taken out of context, to try to make some cheap political point.

The truth is that the broader South Australian community have had a bit of a blow to the solar plexus as a consequence of BHP's decision. It has been a disappointment to them. It was something about which the South Australian community felt very hopeful. It was obviously going to be a transformative project for the South Australian future. Instead of trying to make cheap political points about it, or instead of advancing some simple, coherent vision for South Australia's economic future, which is available for those opposite, they instead try to make some tricky point using my remarks out of context—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —to try to gain some political mileage. The simple point is this: once we have analysed what precisely it is that BHP are putting to us, we will see whether it is within the terms of the indenture. That is the first proposition. Remembering, of course, that we had a very clear project in the past. Now we have a decision by BHP to talk about engaging in some investigations about the future expansion. We need to understand that, and that is what we are presently analysing.

One thing we do know is that BHP have committed themselves to expanding the BHP mine. They have committed themselves to the open pit expansion, but what they are not presently in a position to do is to tell us that that is going to happen on the existing time line. So, we are methodically working through the proposition they have put to us, and we will make a proper judgement in South Australia's best interests about whether we should extend the indenture arrangements.

ENERGY PRICES

Mr SIBBONS (Mitchell) (14:46): My question is to the Minister for Mineral Resources and Energy. Can the minister inform the house about steps the government is taking to help households with rising energy costs?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (14:46): One of the government's key priority areas is an affordable place to live for all South Australians. Rising energy prices are placing increased burdens on household budgets, and the government is acting decisively to minimise the impacts as much as we possibly can. One of the ways that we mitigate the effects is to better inform people about their electricity use, with a particular focus on how to maximise the energy efficiency of common household appliances.

Last week, the government approved a review of the government's Residential Energy Efficiency Scheme (REES). The scheme is aimed at reducing the amount of energy people use around the house without significantly compromising their lifestyle. For example, in the member for

Norwood's house it would be the blow-dryer, making sure the blow-dryer is energy efficient, plugged in and turned off appropriately and, of course, having a star rating as high as possible.

Under the REES all of the state's large energy retailers are obliged to achieve residential energy efficiency targets each year, with a strong focus on assisting lower income households. REES was launched in 2009, and I am advised that since then it has delivered more than $107 million of net benefits to more than 165,000 South Australian households. I am further advised that a total of 207,887 energy efficiency activities were undertaken, delivering an abatement of over 600,000 tonnes of CO_2, with installation of energy-efficient lighting representing the largest contributor to the target.

Other energy efficient activities include installing such things as energy-saving power boards and energy-efficient showerheads and, of course, these items are generally supplied free of charge by individual retailers. I am advised that a total of 13,000 energy audits were undertaken by REES stage 1. This is 527 audits more than the target required, but, Madam Speaker, you will be happy to hear that the number of activities delivered in regional and remote parts of South Australia increased over the first three years, rising to over 20 per cent of all activities delivered in 2011.

This scheme was originally designed to operate for six years until 31 December 2014. I have asked my department to undertake a review and to report back to me by mid-2013. The scheme is targeted at low income people such as pensioners and healthcare cardholders who cannot afford to buy the expensive energy efficient equipment. Anyone who wishes to inquire can contact either the scheme or their local member of parliament, who will pass them on. I encourage all members of parliament in the house to make this available to their constituents through any newsletters that they distribute.

The REES issues paper was released last week and seeks feedback from those who have used the scheme and asks how it might be improved or expanded to new areas. An issues paper is available for public submissions at the DMITRE website. The government will continue to act within its powers to ensure both a healthy and efficient retail energy market but also to ensure that South Australian household power bills are minimised as much as we possibly can.

HEALTH DEPARTMENT BUDGET

Mr HAMILTON-SMITH (Waite) (14:50): My question is to the Minister for Health. How and when does the minister propose to achieve the $424.2 million budget cuts over the estimates period? The Auditor-General's Report tabled this week indicated that the Department for Health and Ageing must find savings for the two years remaining in the 2010-11 budget initiative of $240.2 million and savings identified in the 2012-13 budget of $184 million over the estimates period.

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:50): I thank the member for Waite for his question. The challenge facing the health budget is a very difficult one, it is fair to say. The way that we are approaching this is to ensure that we provide the services to the public of South Australia in the most efficient way that we can, that we focus on continuing to provide the very best services to the public of our state. So we are proud, for example, of the elective surgery and the emergency department stats which were published in the last month or so which showed we are one of the best performing health services in Australia. We can do better at ensuring that we use our resources more efficiently.

To that end, we asked KPMG and Deloitte to review the operations of our metropolitan hospital systems and we are considering the public and institutional responses to those reports and I will be making some announcements shortly about what measures we will be adopting. We are also looking at the out of hospital services that we run to see what is still relevant and what is still current. Some of those services have been around for 30 or 40 years and probably haven't been reviewed in that time and I flag that some of those services will no longer be delivered. We will make a judgement as to whether or not they are providing good clinical health services to people, hospital avoidance services and we are also going to look at the relations, as has been flagged in the last few days, with the organisations which are not government which we fund to deliver particular services. We are expecting value for money from those as well, and we will do that in a strategic way.

In addition to that, of course, we will try to ensure that as few people as possible go to hospital who do not need to go to hospital because there are other places they can go and that is where our GP Plus strategy comes in, so we have other options for people so that they do not have

to go into the hospital system. In fact, South Australia had the lowest increase in attendances at emergency departments in the last year (0.3 per cent) largely because of the other hospital strategies that we have in place. So, we will continue investing in those strategies.

Finally, we will try to make sure that when a patient does go into a hospital they move through the hospital as quickly as possible. Sometimes there are logjams in place in a hospital to get a person into a bed and that means the tests that are required might take longer than they need to take, that means we need to have doctors who are senior doctors who are on duty around after hours, so we want a rostering system and we are involved in enterprise bargaining discussions at the moment with SASMOA, the union which represents doctors, because we want to have more doctors available to work extended hours. At the moment only the emergency department and the ICU doctors work in that way, so we have been in negotiations with the union now for about a year over this very point, and we absolutely have to make that work. Once patients have been admitted into the hospital, we want to make sure that once they have had whatever they need to have and they are better, they no longer need an acute hospital, they can be moved somewhere else.

Part of the reforms that are required is to have discharge arrangements in place. At the moment a lot of patients will spend time in hospitals longer than they need because the discharging is always done by the doctor. We want a move to have protocol-led discharges so that nurses can discharge patients once they have satisfied whatever the requirements are. So, there are a whole lot of reforms in that area that we are working on.

Can I say, this is not going to be an easy task and every time Health tries to reduce expenditure in almost any field whatsoever, other than in very minor areas, but whatever field we try to reduce expenditure in we get a reaction from—

Mr WILLIAMS: Point of order, Madam Speaker. I was looking forward to learning how the minister was going to manage his substantial budget but he has gone four minutes and still has not explained very much to us.

The SPEAKER: I am not sure what your point of order was, but minister your time—

The Hon. J.D. HILL: Madam Speaker, I take absolute objection to that comment. I gave a very serious answer to what I thought was a serious question. I was explaining to the house how I was going about the task that I have, and to have it trivialised by that clown over there I find completely objectionable.

Members interjecting:

The SPEAKER: Order! There was no point of order in that one.

HEALTH DEPARTMENT BUDGET

Mr HAMILTON-SMITH (Waite) (14:55): Supplementary question, if I may, again to the Minister for Health. Given his answer to that question, could he tell the house whether his budget for the current financial year since 1 July, with the first quarter now complete, is forecast to be underspent or overspent and by how much?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:55): I will get some further advice. I can't answer that off the top of my head, but if I can just continue the answer. I apologise to the deputy leader for calling him a clown, if he takes offence at that. I was trying to give a proper answer to the house because the task that is facing health is a complex one. I was trying to make the point that every time we try to take funding away from any organisation, any group or any part of the health system—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —we get a rabble of noise coming from those opposite in opposition to whatever the job is that we are trying to do.

Members interjecting:

The SPEAKER: Order!

Mr Williams interjecting:

The SPEAKER: Order! The Deputy Leader of the Opposition will leave the chamber for 15 minutes.

Mr Williams: I look forward to it, Madam Speaker, putting up with that sort of nonsense. Not one sound.

The SPEAKER: Order! You will leave the chamber or you will be named.

Mr Williams: You're a disgrace.

The SPEAKER: Order!

The honourable member for MacKillop having withdrawn from the chamber:

The Hon. J.D. HILL: Just for the record, I was making the point that every time I announce a cut in any funding level we get noise from opposite around the committee. I wasn't suggesting he was making a peep today, but he misunderstood what I was saying, but that wouldn't be the first time the honourable deputy leader misunderstood. I will get an answer for the honourable member.

Members interjecting:

The SPEAKER: Order!

MOUNT GAMBIER AIRPORT

Mr PEGLER (Mount Gambier) (14:57): My question is to the Treasurer. Can the Treasurer tell the house about—

Members interjecting:

The SPEAKER: Order!

Mr PEGLER: —the upgrade to Mount Gambier Airport?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (14:57): I can, and can I acknowledge the member for Mount Gambier and his lobbying that he has engaged in of me on behalf of the people he represents in the very fine city of Mount Gambier. I am pleased to tell the house that the state government yesterday announced that it is contributing towards an $800,000 upgrade of Mount Gambier Airport. The airport upgrade will include new runway lighting to reduce fog-related cancellations and a 50-car secure long-term car park to make a smoother trip for commuters and help secure for the South-East a greater share—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —of the fly-in fly-out mining workforce. Currently, Mount Gambier Airport is affected by cancellations and scheduled flight delays on approximately 20 days every year due to foggy conditions, and upgrading the lighting could reduce this to just one or two days a year. This will help improve reliability for current commercial flights, as well as fewer delays for commuters travelling from Mount Gambier to Adelaide and Melbourne.

Importantly, the upgrade will also assist the Royal Flying Doctor Service, who regularly respond to emergencies from the airport and often face delays. The upgrade to Mount Gambier Airport will also pave the way for bigger aircraft to fly in to the city in the future, as well as improve the chances of the region being a good location for workers from across Australia who need to fly to remote locations to work in the booming resources sector.

The state government's contribution towards Mount Gambier Airport is $481,875 from the South-East Innovation and Investment Fund, while the District Council of Grant will provide the remainder of the funding and will manage the project with the Mount Gambier and district airport committee. The upgrade to Mount Gambier Airport is expected to start next month and will be finished within a year. This is another example of the state government's commitment to securing jobs and boosting the South-East's economy.

HEALTH DEPARTMENT

Mr HAMILTON-SMITH (Waite) (14:59): My question is, again, to the Minister for Health. How is it that, according to the Auditor-General, under the minister's watch the Department for

Health and Ageing's actual full-time equivalent staffing are 431 above cap set by Treasury, and what action, if any, does he plan to take to conform with the Treasurer's direction?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:59): I thank the member for that question. That is a reasonable question, and I thank him for it. Just to put that in perspective, the health department employs 30,000 plus people and we have 38,000 or so headcounts, so the number, which is above cap, is about 1 per cent or 1.5 per cent, or thereabouts, but it is something that we are dealing with.

Part of the issue has been the multisited arrangements that have been in place in health which we are bringing together in a centralised system. The Auditor-General talks about the Oracle system, for example, that will assist us manage all those issues. There is other work that the Minister for Finance is working on with me in relation to that which will be helpful. We have also put in place a series of protocols where approvals have to be given for the taking on of new staff.

One of the issues, of course, is managing temporary staff, though that is not part of the headcount issue, but that is another issue. If we push down on overtime and temporary staff, then that inevitably means that more full-time staff get employed; and, if we push down on that we get more of the other, so it is trying to balance all those things out better. Better IT systems and better protocols in place—both of which we are working on—we hope will improve the circumstances.

CONNECTING ABORIGINAL PEOPLE TO MINING PROGRAM

Dr CLOSE (Port Adelaide) (15:01): My question is to the Minister for Employment, Higher Education and Skills. Can the minister inform the house about what the state government is doing to encourage Aboriginal job seekers to undertake training in the mining sector?

The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport) (15:01): I thank the member for Port Adelaide for her question, and I am pleased to inform the house that, in the coming year, up to 135 Aboriginal job seekers will now have the opportunity to undertake training, which could lead to jobs in the mining sector through a joint $709,000 state and federal government program.

Applications are now open for mining companies to partner with registered training organisations to apply for funding through the Connecting Aboriginal People to Mining program. The program, now in its third year, enables mining companies and training providers to benefit from providing opportunities for Aboriginal people, particularly in regional areas, where mining is a key employer.

The state government is committing $531,000 during 2012-13, with a further $178,000 coming through a partnership with the federal Department of Education, Employment and Workplace Relations. Projects delivered in South Australia over the past year were delivered in Adelaide, Whyalla, Kadina, Ceduna and Marree through training providers, including TAFE SA Regional, Xceptional Recruitment Pty Ltd and Career Employment Group incorporated.

Qualifications studied included Certificate II in Surface Extraction Operations and Certificate II in Resources and Infrastructure, both of which are free under Skills for All. For this program to work we need businesses to provide training based on industry needs. A number of employers who have supported projects in the past by providing work experience and employment opportunities include Rex Minerals, HWE Mining, Iluka Resources, Arid Recovery, Sodexo, Heading Contractors and WorkPac, as well as Xceptional Recruitment and Career Employment Group. I would like to put on the record my thanks to these employers for their support of this program. By supporting Aboriginal job seekers to overcome barriers to employment and committing to employing participants upon successful completion of the project, these employers are investing in the future workforce of this state.

The Connecting Aboriginal People to Mining program is supporting one of the state's strategic priorities to realise the benefits of the mining boom for all South Australians, it also supports the targets set in South Australia's Strategic Plan to halve the gap between Aboriginal and non-Aboriginal unemployment by 2018.

The Connecting Aboriginal People to Mining Program contributes significantly to this target and leverages opportunities arising in the mining and resources sector in our state. Applications for the program close at 5pm on Friday 9 November 2012, and for further information on Connecting Aboriginal People to Mining visit www.dfeest.sa.gov.au/capm.

HEALTH, ORACLE CORPORATE SYSTEM

Mr HAMILTON-SMITH (Waite) (15:04): My question is, again, to the Minister for Health. Is an ongoing failure and mismanagement linked to the $33 million Oracle—

Members interjecting:

The SPEAKER: Order!

Mr HAMILTON-SMITH: —Corporate System one reason why the Auditor-General has qualified his report into the Central Adelaide Local Health Network and Country Health SA Local Health Network?

The SPEAKER: Member for Waite, can you repeat the question?

Mr HAMILTON-SMITH: Is an ongoing failure and mismanagement linked to the Oracle corporate system one reason why the Auditor-General has qualified his report into those two health networks? It's a question.

The Hon. P.F. CONLON: I do take a point of order. That is plainly argument.

Mr HAMILTON-SMITH: Madam Speaker, it is a question. I have asked: is an ongoing failure in mismanagement the cause?

Members interjecting:

The SPEAKER: Order! I will let that question go, but it is very close. The wording of it is 'is an ongoing'. I will allow it. You are not saying there is, but is it?

Mr HAMILTON-SMITH: Correct. With your leave, I will explain, Madam Speaker. The Auditor-General has said in his report that he has been unable to obtain sufficient audit evidence to conclude that financial reports have not been materially misstated in respect of supplies and services, payables, revenues from fees and charges, receivables, and cash and cash equivalents; and, in the case of Country SA Health staff, benefits and expenses. Between them, these two health networks manage the Royal Adelaide Hospital, The Queen Elizabeth Hospital, Glenside, Hampstead Rehabilitation Centre and all country hospitals in SA.

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:06): I thank the member for the question. I must say that it did include argument and assessment by the member of the views that were taken by the Auditor-General, but I will deal with the substance of the question rather than involve myself in a political discussion about it.

The first thing is I should point out to the house that all of the health entities provided their reports on time for the very first time in the history of the health department this year, so they were all reported on by the Auditor-General. I understand that he gave a much stronger tick of approval to the reports of all of those entities this year. The starting point for some of the reports was qualified as a result of the previous year's work, but I understand that the final point of each of the areas was unqualified.

There have been issues with the IT system, which have been explored before in question time and during estimates and at other times, and it is not something we resile from. We are introducing a system-wide approach to managing the financial procurement and other administrative systems in the health system. It is fair to say that Health did not properly anticipate the work that was required to bring in this new system and there have been problems with the introduction of it. They have now substantially addressed that and I will shortly be going to cabinet seeking approval to go through the next stages of the Oracle system. The Auditor-General, of course, makes the point that introducing Oracle and fully implementing it is what we need to do.

I accept that there have been problems. They have largely been addressed and they will be completely addressed with the complete rollout of the Oracle system. What we have been doing over the last 10 years or so is taking a whole lot of what are essentially cottage industry-based approaches to all of these systems, because every hospital had its own systems—IT systems, financial systems, recruitment systems, procurement systems and clinical systems. All of them were based around individual hospitals and we have been building up a system-wide approach to how we run the health system.

That is highly problematic when you are dealing with 39,000 people, a million-plus patients, 70 or 80 or so sites, and all of the money that is involved, and all that. It has been a monumentally

difficult job to go from that cottage-based system to a modern contemporary system, but we are well on the way now and I look forward to being able to report to the house when we are further down the track. I accept the basis of the analysis by the Auditor-General: we do need to do more, and we are doing it.

CITY OF ADELAIDE PLANNING

Mr BIGNELL (Mawson) (15:09): My question is to the Minister for Planning. Can the minister inform the house about the government's work to build a more vibrant Adelaide, particularly the work undertaken in Leigh Street?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (15:09): The government is, as the Premier has said many times, and as all of us have tried to reiterate, very much committed to a vibrant Adelaide. Our planning reforms that were put in place in March this year I am pleased to advise the house have already resulted in approximately $1.2 billion worth of investment in more than 20 projects presently under case management, which is a great step forward for the city.

As those projects come into the stage where they are going to be an active development, that is employment, and it is further demonstration of confidence in our city by private sector investors. We are also delivering more places for people in the city centre, which is a very important part of a vibrant city.

I hope all members have taken the opportunity to go down to Leigh Street lately and seen what a great effect the work that has been done in Leigh Street has achieved. At one level, it seems a fairly simple thing to be closing off the street and putting some planter boxes in there, but the remarkable thing is the effect that it has had on the energy in that street and the number of people visiting that street. I am able to tell members who weren't there—

The Hon. I.F. Evans: It's all the Liberal Party members signing up.

The Hon. J.R. RAU: Indeed. It shows what an ecumenical group we are to have tried to beautify the street directly outside the Liberal Party headquarters. How much more even handed can you be? I understand the people in the Liberal Party headquarters have enjoyed this, as have the people in the luggage shop, the hairdressing shop, and Rigoni's—everybody is loving it.

Members opposite may well know, therefore, that last week Channel 5 organised what is called a guerrilla gig, I am told, by The Veronicas in Leigh Street. I thought it was odd that two sisters would have the same name, but The Veronicas, apparently, were in Leigh Street. It was a big crowd. Apparently, in the Twitter-sphere it was huge. Everybody was very interested. Hundreds of people came into the street.

There was a national delivery of that event through Channel 5. As I said, the social media was abuzz. The traditional media carried it as well. It was a fantastic demonstration that what we are doing in places like Leigh Street is working, and the community loves it. I recommend anybody who has not been there to go down there and have a look at what is going on. It is really good.

Leigh Street is not the end of the story; it is the beginning of the story. What we want to get through to people—and I think it is important that it is embraced by all of us in this place—is that we are looking to have an integration of a very pedestrian-friendly corridor from North Terrace, all the way through the Topham Mall, Bank Street and eventually—

Ms CHAPMAN: Point of order. The Attorney-General has gone over his four minutes.

The SPEAKER: No, according to this he has 51 seconds left. Minister.

The Hon. J.R. RAU: We are working to ensure government investment in infrastructure and to make sure that private investors get behind what we are doing and take advantage of the great opportunities in the city.

VICTIMS OF CRIME FUND

Ms CHAPMAN (Bragg) (15:13): My question is to the Minister for Police. Has the minister discussed the alleged Victims of Crime Fund fraud involving Andrea Lowe with the police commissioner and if so, when?

The Hon. J.M. RANKINE (Wright—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister for Multicultural Affairs) (15:13): I came into this place yesterday and made a ministerial statement

about the issue of a public servant who was working in my ministerial office and who is now before the courts. This has been an incredibly distressful time for both myself and my staff, as I am sure you and other members would understand. I would expect that the Deputy Leader of the Opposition in another place experienced similar distress when her political staffer was found guilty of 74 counts of fraud. An incredibly distressful—

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: —an incredibly distressful time—

Ms Chapman: Have you—yes or no?

The SPEAKER: Order!

The Hon. J.M. RANKINE: —an incredibly—

Ms Chapman interjecting:

The SPEAKER: Order! The member for Bragg, order!

The Hon. J.M. RANKINE: —an incredibly distressful time.

Ms Chapman interjecting:

The Hon. J.M. RANKINE: At all times—

The SPEAKER: Order! Member for Bragg, order! You have asked the question.

The Hon. J.M. RANKINE: I can assure this house that at all times I have complied with every request put to us by the police in order to assist them in their investigations—absolutely complied with every request.

GRIEVANCE DEBATE

STATE ECONOMY

The Hon. I.F. EVANS (Davenport) (15:16): This week sees the one-year birthday of the Premier coming to the position, and I just want to make some comments on where South Australia is under this particular Premier and this government. In fairness to the Premier, he often criticises the opposition for talking down South Australia and criticising the South Australian economy, so I want to start off by talking about South Australia's highs.

Of course, the Premier came to the position when the Treasurer and the shoppies union went into the former premier's office and said, 'Hi Mike, we are here to give you the sack.' So, it started out on that particular high. Under this Premier, South Australia has a number of highs. South Australia has the highest debt in its history. It is currently about $8.4 billion and it is flying up, increasing by 50 per cent to over $13 billion in 2015-16—the highest debt in the state's history. We have the highest deficit in the state's history. It is $867 million this year and will be $770 million, nearly $800 million in round numbers, next year.

We have the highest-taxing state government in Australia. The Institute of Public Affairs for three years running have put out reports indicating that this government is the highest-taxing government in Australia. There is no better illustration than the WorkCover levy, which is the highest WorkCover levy in Australia by a street. In fact, their WorkCover system is that sick it could go on WorkCover itself.

We have the highest metropolitan water prices in any capital city in Australia, thanks to the ill-fated desal plant rejected by the government, then accepted by the government, then doubled by the government and then mothballed by the government. The public out there are saying, 'Please, if you are going to mothball the desal plant, can you mothball the cabinet and government with it?' That is the reality. We have high electricity prices. One that is really interesting, given the government deliberately went out to lose our AAA credit rating, is that this state pays the highest interest rate on its debt of any state in Australia, according to the Queensland Commission of Audit.

But let us not talk about all the highs that exist in South Australia: let us balance it and talk about some lows. You can stamp it on the Treasurer's head, you can stamp it on the Premier's forehead: South Australia has the lowest credit rating in Australia. It has gone from AAA to AAA- to AA+ to AA. We are lower in credit rating than Tasmania. Business confidence, as a result, is rock bottom. There was another survey put out yesterday about business sentiment for the next six

months, and again South Australian business sentiment—rock bottom. We have the lowest real estate sales in 27 years, we have the lowest housing approvals in 11 years, and under WorkCover we have the lowest return to work rate in Australia—all delivered by this government.

Let's be frank: they have been there 10 years; there is simply no excuse. This is their result. This is the result of 10 years of this government, and Premier Weatherill has been in cabinet every single day. Right across that 10 years this Premier has been there in senior positions. The government trots out this line: 'Poor old South Australia; it's the global financial crisis.' Now, everyone knows that the global financial crisis impacted on every state in Australia. We were not an orphan.

Europe did not pick out South Australia, and say, 'Let's get them.' It happened right across Australia, and what the government cannot explain, what the government will not explain, is: why is it that South Australia under this government is performing so badly? Why is it that South Australia under this government is performing so badly? Every other state had the global financial crisis. Every other state has had to deal with it; and guess what? They have better credit ratings than us, they are getting back to surplus quicker than us, and they are dealing with their debt quicker than us. On that note, Madam Speaker, can I wish the Premier—Happy Birthday!

Time expired.

CORA BARCLAY CENTRE

Mr SIBBONS (Mitchell) (15:21): Last month I was very fortunate to represent both the Premier and minister Hunter at the official opening of the Variety, the Children's Charity, Listening and Speech Centre as part of the Cora Barclay Centre at North Adelaide. I deliberately use the word 'fortunate' because I met some extraordinary people involved with the organisation that day. The children who receive family-based therapy through the Cora Barclay Centre are simply inspirational. The way many of them face their difficulties due to deafness or hearing impairment is uplifting and humbling. There is no doubt it takes courage and persistence to communicate in a world that takes hearing for granted, and I am sure it can be incredibly isolating and frustrating.

Hearing aids, cochlear implants and other listening devices bring life-changing benefits in breaking through a wall of silence for so many people. Still, as a child wearing or using one of these is not always easy, especially when you are trying to fit in with the crowd. The people who work with these precious children and families also leave me a little in awe. Their passion for the job and compassion for those they guide and help is certainly admirable.

The Cora Barclay Centre's vision is to 'maximise the potential of individuals who are deaf/hearing impaired'. That is what it is all about: giving these children the same opportunities as those who have full hearing capacity. The centre's philosophy is based around early detection and diagnosis of hearing problems as well as family involvement throughout a child's development. Parents and carers are experts on their children and are treated as such, just as medical professionals are experts on how to best manage their therapy. The idea is for these two types of experts to team up to ensure the best outcomes for the child's development and training.

Early intervention at Cora Barclay includes music therapy, their parent infant programs for zero to six year olds, and support services for school students aged up to 18 years. In addition to audiology services, family mentoring support, counselling and a youth social support program are also available.

Sponsored by Variety and a number of other financial supporters the new Listening and Speech Centre has allowed the Cora Barclay Centre to expand its therapy possibilities in purpose-built spaces. The new building includes a large group therapy area, therapy rooms, a space for families to meet, a kitchen, library, and an outdoor playground. It also boasts videoconferencing facilities and state-of-the-art audiology equipment.

The excitement about the new facility among everyone at the Cora Barclay Centre was palpable on official opening day, which was great to see. I would like to pay tribute to all those who work at or with the Cora Barclay Centre, whether voluntarily or in paid capacity. Most importantly, I would like to pay tribute to the children they work with. I would also like to acknowledge and thank Clinical Team Program Manager Robyn Phillips and incoming chairperson Jacqui Tucker for their personal hospitality and sharing the centre's history, dating back to the 1940s, and showing me their future vision for the centre. Both Robyn and Jacqui have been touched by deafness in their families, and their commitment and pride in everything they do was clearly evident.

I was also honoured to chat with a true champion of the centre, retired ear, nose and throat specialist, Dr John Rice, South Australia's first cochlear implant surgeon, who is also a worthy Cora Barclay ambassador.

Once again, I congratulate the Cora Barclay Centre on their new Listening and Speech Centre, and I thank them for the ongoing support and practical assistance they provide for deaf and hearing impaired young people and their families.

ST JOHN AMBULANCE

Dr McFETRIDGE (Morphett) (15:26): Last Saturday, I had the pleasure of attending the St John Ambulance Australia Incorporated Awards Day at Government House, and it was quite an interesting ceremony to go to because obviously the cuts to their funding were on the minds of everybody at that award ceremony, and there were several hundred people there.

I just want to put in perspective what St John does for South Australia, and I will lead off with some of the awards that were given on the day: the Certificate to the Service Medal of the Order was awarded to David Heard for 62 years of efficient service. There was a 4th Gilt Bar to the Service for 47 years of service to Brian Fotheringham and Patricia Kakoschke. There was an award for 42 years of efficient service to John Burnley, Geoff Ireland and Bronte Rayson.

There were other awards to people in the public sphere whom we know better: the Mayor of Playford, Glenn Docherty, who was awarded 12 years of efficient service, and Dr Bill Griggs, whom we know through his work with the Motor Accident Commission and the trauma service at the Royal Adelaide Hospital and who has given 27 years of efficient service to St John. Some of the cadets who were mentioned on the day were Cadet of the Year, Danika Crolla, and Cadet Leader of the Year, Emma Adams. Awards were given for many types of service involving quite a number of people, and hundreds of members of St John were there to witness this auspicious ceremony.

We should all in this place value St John and never underestimate their contribution to South Australia over many years, when they ran the ambulance service, and now with their volunteer base and their economic impact, which I said the other day in question time was about $7 million. That is the figure that had been put up on Saturday, but I have since found out that the economic contribution to South Australia by St John Ambulance Incorporated is $23.8 million. It costs a bit under $1 million for them to run the service each year; they were getting $200,000 from the state government, and that was being cut to about $60,000. Some extra money was going to be put in to St John through other providers which would top it up a little, but it was still being cut by about $100,000.

The government has since advised that they are going to review that decision. Why you would even make that decision in the first place is something I just cannot understand. Why would you announce and then have to defend? Why would you not consult and discuss and then be open and honest with people about the situation and then say, 'Well this is what we can do for you, we recognise how much you are doing for us and so we are prepared to keep funding you.' We had a policy at the last election, called Helping Those That Help Us, and there are many organisations like St John. When a cost-benefit analysis was done, it was an absolute no-brainer not only to maintain their funding but also to increase their funding.

One of the issues raised with St John by the Minister for Health was that they could work directly with other services being provided by the government. The formal arrangements St John would have to enter into would be very complex, very time consuming and cost the service in money and, as I say, time.

There is a St John presence at major events all around South Australia that should never be overlooked. Schoolies is one of the obvious ones. For Schoolies last year, St John was given a grant of $15,000; St John then put in an extra $16,000 on top of that. They treated over 500 patients and transported 35 patients to the local hospitals at no extra cost to the health department. If the Department for Health and Ageing were required to provide the personnel, infrastructure, ambulance crews, overtime, emergency ambulances (which depletes services elsewhere), the cost would have been in excess of $200,000 for the single event. St John did it and they did it well.

They are doing this all over South Australia, they are doing it every day, they are doing it for all South Australians. They do not ask very much at all. The economic impact is significant, as shown in the economic impact report—$23.8 million contributing to the economy of South Australia

for a cost of just under $1 million. And what does this government give them? $200,000, and they were going to cut it. That has to be one of the dumbest decisions that was ever made by this government. I am glad the minister is looking at it and, if he does not do something about giving them increased funding, I will be very surprised because the facts are on the table. It is out there for everybody to see and it will not be just me jumping up and down, it will be all the hundreds and thousands of South Australians who really appreciate what St John does for the state and has been doing for many years.

SERVICE CLUBS

Mr PICCOLO (Light) (15:31): Next week is Service Club Week. The dates are 21 to 26 October. It is an opportunity for the community to acknowledge and celebrate the work undertaken by service clubs in our local communities. Next Monday, the Association of Community Service Organisations (ACSO) will host their annual Premier's Service Club Award which will be held at a dinner at the Glenelg Golf Club. The awards, which are funded by the state government through the Premier, recognise the outstanding contribution made by either an individual or a community service organisation to the community itself. The Premier's Distinction Award is the premier prize and is awarded for an outstanding project involving one or more service clubs. I am proud to say I will representing both the Premier and the Minister for Volunteers at that event.

On Tuesday night the Hon. Ian Hunter, Minister for Volunteers, and I hosted a function for the 2012 Primary School Service Club Awards. The awards recognise an outstanding contribution made by school groups. Nominations this year included the Mount Barker Primary School, Victor Harbor High School, Brighton Primary School, Modbury High School and Greenock Primary School, with Mount Barker Primary School winning the award for its breakfast program. The program is supported by the Kiwanis Club of the Adelaide Hills. Modbury High School was the runner up. I congratulate ACSO under the leadership of Harry Tillyer for organising the event this week and also to recognise the contribution made by young people in our community.

Closer to home, next week I am hosting a forum involving the Gawler based service clubs. The clubs include the Lions Club of Gawler, the Kiwanis Club of Gawler, the Roseworthy-Hewett Kiwanis Club, the Zonta Club of Gawler, the Gawler View Club, the local Freemasons Lodge (I think it is the Lodge of Fidelity No. 5), the Rotary Club of Gawler Light, the Gawler Rotary Club, the Apex Club of Gawler and the Country Womens' Association (Gawler branch).

Mrs Vlahos: Not the Virginia branch.

Mr PICCOLO: No, not the Virginia branch, the Gawler branch; that is correct. The clubs and I are discussing how the clubs can work together to support our young people in the community. The service clubs already run a number of projects and activities for young people in the community. They organise exchange programs, they provide public speaking competitions. For example, the Kiwanis Club runs the terrific kids program amongst others. Also, the Zonta Club supports scholarships for young women.

By working together the clubs seek to pool their limited resources and to give young people in our community a step up. One of the other things we will also be discussing at this forum next week is how we can work together to support our emerging young leaders in the community and how service clubs can work together and also engage young people in community and voluntary work. There will be a presentation by a small group of people from the minister's advisory group for volunteering. They will come to Gawler to talk about how young people prefer to volunteer these days and how we can engage young people.

To put the work of our service clubs into context, I took a survey of the service clubs in Gawler and they raise about $150,000 a year for community projects. In addition to the $150,000 they raise, they support community events and provide funds for a number of local charities and a number of local, state and international events. For example, the service clubs support our annual show and a whole range of other activities. Without the contributions made by service club members we would be a much poorer community.

Next week is an opportunity for the community as a whole to celebrate the achievements of our service clubs, to honour their contributions and to also encourage more people perhaps to become service club members. I should declare for the record that I am actually a member of the Lions Club of Gawler but, having said that, I enjoy working with all the service clubs in Gawler and throughout my whole electorate. When you look around the town, the number of projects that have been either initiated or undertaken by the service clubs is enormous. The town itself would be much poorer without the work of the service clubs.

MARINE PARKS

Mr GRIFFITHS (Goyder) (15:36): Member for Light, I commend you on your words about the service clubs. I am also very lucky to have a lot in my area and I recognise the wonderful contribution they make. I have been asked to become a member of a Rotary Club in my area; it is just a bit hard to find a Wednesday night that I am actually in the area to go, but we will see.

I wish to talk about marine parks. It was a very emotive topic yesterday as part of question time. It was also emotive because there were so many people in the gallery who are directly affected by it. They wanted to be here to show the concern that they have and to try to convince minister Caica to undertake some reviews, particularly as it relates to Marine Park 14, which I am interested in, but also the total 19 marine parks that exist around South Australia.

Marine Park 14 is the upper Gulf St Vincent. It is based around the Port Wakefield community. Port Wakefield is a town that many people drive past and few drive into, but it does have a very interesting history, and seafood and fishing is an important part of that history. The very first time I doorknocked there before the 2006 election one of the more interesting conversations I had was with a professional fisherman. I have had a lot more dealings with his son since, who is also a professional fisherman, but these people are raising a lot of concerns, and with justification.

I put on the record my appreciation of the fact that minister Caica, as part of the debate that occurred yesterday during question time, indicated his willingness to meet with representatives of the Port Wakefield community. That discussion did happen immediately after question time in his office, where he was kind enough to allow six people and myself to go in. It was obvious that the minister was aware of the variety of submissions that are coming in about Marine Park 14 and the concerns that they have. He was able to quote some of the comments that have been put to him in those submissions. He was good enough to listen to the concerns and I hope that minister Caica recognises that this is not just a small group of radical people that just want to put extreme views out there.

This is a group of people that are truly representative of the Port Wakefield community who have great concern about the future of their community if a very large sanctuary zone at the top of the gulf is implemented, and they do so on the basis of reality. They have been there for generations. They know the impact it will have if that fishing area is lost from both a recreational and a professional perspective. They want to make sure that some balance exists; that, yes, there is a protected area that becomes a sanctuary zone but, importantly, that some of the productive fishing grounds are still available.

As part of the debate that has occurred and the conversations I have had with a lot of people, I have become aware that the potential sanctuary zone will impact on the ability to even dredge the channel there. Without the channel, people cannot even get in and out. I have had one person put to me that, if that is allowed to happen—and the channel has had to be dredged four times in the last 100 years; it does not happen every year, but it does silt up—the 'Port' part of 'Port Wakefield' will be lost and it will just become 'Wakefield'.

These are people who want to do things in the area. They want developments to happen. They want the town to grow and the school to continue to thrive and exist. They respect the fact that it has to do so on the basis that it is a community that is open for business. They fear that the loss of a fishing area through this sanctuary zone will be a big contributor to that business opportunity being lost and that therefore the town will suffer enormously.

Port Wakefield is not just the place that we go into to get a quick meal or to fuel up our cars. It is a town. It is a town that has pride in itself, it has facilities that it uses, it has sporting and community groups there, and it has a strong history built around the sea and as an important port more than 150 years ago when mineral exports were taken out of there.

I hope that the minister actually starts to recognise the impact that it is having. He did give head nods to the people when they made their presentation to him yesterday. He talked about his own experiences in Port Wakefield as part of his route in travelling down to other different fishing areas, and it was not just the fact that it was a quick stop so that he could collect what he needed and go. He would actually go into the town and go and sit down by the wharf and look at the place.

Minister Caica understands it. Minister Caica, can I say to you now that the community really does hope that part of the consideration that you gave yesterday translates into a change of position. They understand the uniqueness of the mangroves areas and the breeding ground and

that environmental areas need to be protected, so that is why they are supportive of a sanctuary zone but just one not as large as the one being proposed; unless there is a change, there will be a devastation.

They hope that the minister recognises that the local advisory group proposal, submitted on 5 May last year, was a more sound judgement based upon community meetings that had been held, and feedback and investigation on the scientific and the unique bottoms that exist there. They want to see some balance.

The ACTING SPEAKER (Hon. M.J. Wright): The ever-popular member for Taylor.

PCHUM BEN

Mrs VLAHOS (Taylor) (15:41): That is ominous, Mr Acting Speaker. I rise today to speak about an event I attended in celebration of deceased ancestors, known as Pchum Ben, or Ancestor Day, with the local Cambodian community in my electorate of Taylor on Sunday 14 October. I had the privilege of attending this event for the first time at a new temple I had not been to, the Watt Preah Puth Mean Chey Association at MacDonald Park. Indeed, my trainee introduced me to the community there, as she practises her faith there.

Pchum Ben is one of the most significant religious festivals in the Cambodian calendar, and, for many Cambodians, it is a time to pay one's respect to deceased relatives, ancestors and friends. It is also a time for gathering of family and friends together. The Cambodian people prepare and bring offerings to the monks as an act of kindness and also bring food for their deceased ancestors.

By offering food, it is believed to be an act that will call out to the spirits to come and join the celebration and to let them know that they are not forgotten. At the celebration, I was welcomed by members of the association, such as the Venerable Bac Horng Ly, the Venerable Phoen Pheun, Mr Sokhom Kun, the Watt Preah Mean Chey President, Mr King Sokom, the clergyman, and Ms Dany Yon, the President of the Cambodian Association of South Australia.

I was warmly welcomed by the association to participate in its cultural ceremonies on the day, such as the Bang Skoll. During the Bang Skoll ritual I was blessed by monks with holy water whilst the monks chanted. The association invited me to participate in the ceremony, which involved the community gathering in a circle with a bowl of rice (it is something I have also done at Cambodian new year).

As the monks walk around the circle, each person would place a spoonful of rice in the bowl in the monks' arms. A small monetary donation is also placed inside the Buddhist monks' money bag. Then we sat on the floor with the other community members and listened to the prayer chants of the monks. These rituals are acts of reflection which celebrate the deceased ancestors and their lives.

The main hall of the temple facility has been largely renovated in this community, and they plan to build a new facility with a new hall and a library for religious and recreational purposes, which will be quite spectacular. The proposed facilities for the future will be assisted by more Cambodians sharing these special traditions and culture in the area.

Facilities will also be used to accommodate other religious events, such as Ancestors Day in September and the new year celebrations in the lunar months of March and April. This upgrade is vital for the growth of the Cambodian community in the north of Adelaide, which is thriving. Eating and sharing food is one of a number of ways that are commendable acts that I was fortunate enough to share on the day, and I commend the association not only for their generosity of spirit and sharing this special occasion with me but also the warm welcome they offered to me and my staff, as well as Julie Woodman, a councillor from Salisbury.

I would also particularly like to place on the record my thanks to Nakry Sim, my trainee, who will shortly finish with me, and her family for their welcoming and kind translations on the day of both my speeches, as well as being welcomed into their family. I see multiculturalism as a highly-valued asset in our state, and I can say that, in my electorate, it is more welcome and blessed because of it. I commend this grievance.

PAYROLL TAX (MISCELLANEOUS) AMENDMENT BILL

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (15:45): Obtained leave and introduced a bill for an act to amend the Payroll Tax Act 2009. Read a first time.

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (15:45): I move:

That this bill be now read a second time.

The Payroll Tax (Miscellaneous) Amendment Bill 2012 contains two amendments to the Payroll Tax 2009 in order to maintain payroll tax harmonisation across Australia. These amendments are proposed to take effect from 1 July 2013.

The first amendment removes outdated references to commonwealth legislation in the employee share scheme provisions. The commonwealth government announced changes to the method of taxing employee share schemes in the 2009 budget which took effect from 1 July 2009. Retrospective commonwealth legislation was assented to on 14 December 2009 and included the transfer of the relevant provisions from the Income Tax Assessment Act 1936 to the Income Tax Assessment Act 1997.

The retrospective effect of the commonwealth legislation and changes in the way the new commonwealth legislation taxes shares and options have made it necessary to amend provisions of the act to reflect the commonwealth changes. Transitional provisions will allow employers to pay payroll tax on the grant of shares and options from 1 July 2009 to before 1 July 2013 under the current provisions or under the proposed new provisions. There is considered to be little material difference in the impact of the two sets of provisions.

The second amendment clarifies the application of the maternity and adoption leave exemption. Currently, the 14-week exemption period can be pro-rated to the equivalent of 14 weeks' leave for full-time employees who take their leave at less than full pay, but the act arguably does not provide equivalent treatment for part-time employees. To ensure consistent and equitable treatment of wages paid to full-time and part-time employees in line with current administrative practice, this amendment will put beyond doubt that the 14-week period can be pro-rated for part-time employees on the basis of the wages that would have normally been paid for that period.

I seek leave to have the remainder of the second reading speech inserted into *Hansard* without my reading it.

Leave granted.

This government is committed to enhancing the productivity and competitiveness of the South Australian economy by ensuring that no unnecessary burden is imposed on South Australian business. In line with this commitment the government has continued efforts to maintain the harmonisation of payroll tax legislation across Australia, which has seen significant administrative savings for business. To maintain harmonisation these amendments were developed in consultation with the other States and Territories.

I commend this Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Payroll Tax Act 2009*

4—Amendment of section 3—Interpretation

This clause removes a reference in the definition of *share* in the Act to a provision of the *Income Tax Assessment Act 1936* of the Commonwealth that has been repealed. As a result, a 'stapled security' will have its ordinary meaning for the purposes of the definition.

5—Amendment of section 18—Inclusion of grant of shares and options as wages

This clause amends section 18 to provide that a grant of a share or an option to an employee by an employer, in respect of services performed by the employee, constitutes wages for the purposes of Part 3 Division 4 of the Act only if the share or option is an ESS interest and is granted to the employee under an employee share scheme (within the meaning of section 83A–10 of the *Income Tax Assessment Act 1997* of the Commonwealth). A grant of a share or an option to an employee by an employer that is not an ESS interest under an employee share scheme will be taxable as a fringe benefit under Part 3 Division 2 of the Act.

6—Amendment of section 19—Choice of relevant day

This clause (in subclause (1)) amends section 19 to set out the circumstances in which a share or option is taken to be granted to a person for the purpose of determining when payroll tax is payable. The provision replaces a reference to a repealed provision of the *Income Tax Assessment Act 1936* of the Commonwealth which previously set out those circumstances.

Subclause (2) amends section 19 to provide that the vesting date of a share or option is taken to be the date at the end of 7 years after the grant of the share or option, if it has not occurred before that date.

7—Amendment of section 23—Value of shares and options

The Act currently provides that the value of shares or options is to be determined in accordance with provisions of the *Income Tax Assessment Act 1936* of the Commonwealth that have been repealed. This clause provides that the value of shares or options is either the market value or the amount determined in accordance with new provisions in the *Income Tax Assessment Act 1997* of the Commonwealth. The employer may elect the method by which the value of the share or option is determined in any return lodged by the employer. Subclause (1) makes a consequential amendment.

8—Amendment of section 24—Inclusion of shares and options granted to directors as wages

This clause amends section 24 to make it clear that the grant of a share or option by a company to a director of the company who is not an employee of the company is to be taxed under Part 3 Division 4 of the Act or as a fringe benefit.

9—Amendment of section 53—Maternity and adoption leave

This clause makes an amendment that clarifies the exemption (in section 53) from payroll tax wages paid or payable in respect of 14 weeks maternity leave. The amendment provides that wages are exempt from payroll tax if they are paid or payable in respect of a period of maternity leave equivalent to 14 weeks part-time leave at a reduced rate of pay. For example, the exemption may apply to wages paid or payable for maternity leave that extends to 28 weeks at half of the part-time rate of pay that would normally apply to the employee.

10—Amendment of Schedule 3—Transitional provisions

This clause provides for transitional provisions that—

(a) validate any decision made by an employer before the commencement of the proposed amendments to treat the grant of a share or an option as a fringe benefit for the purposes of payroll tax (rather than as a share or option under Part 3 Division 4 of the Act) if that decision would have been validly made had the proposed amendments been in force; and

(b) allow for certain shares or options to continue to be treated as shares or options to which Part 3 Division 4 (as amended by the Act) applies, even if, as a result of the amendments, the shares or options should be treated as fringe benefits under Part 3 Division 2, if the shares or options were granted before 1 July 2013.

Debate adjourned on motion of Mr Pederick.

FIRST HOME OWNER GRANT (HOUSING GRANT REFORMS) AMENDMENT BILL

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (15:48): Obtained leave and introduced a bill for an act to amend the First Home Owner Grant Act 2000. Read a first time.

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (15:49): I move:

That this bill be now read a second time.

This bill introduces legislative amendments required to implement changes to housing assistance grants to provide an urgent boost to the state's housing construction industry and help stimulate the property sector and secure jobs. The bill also introduces legislative amendments required to implement changes to the first home bonus grant announced in the 2012-13 budget.

The property market is soft and the housing construction industry is doing it tough. The government recognises that it needs to put in place targeted measures to give confidence to the industry and get more South Australians buying or building a new home. The grants for purchases of new homes provided for in this bill, together with the off-the-plan stamp duty concession scheme, demonstrate the government's strong commitment to the housing construction industry. There has never been a better time for South Australians to build a new home or buy an off-the-plan apartment.

The bill renames the First Home Owner Grant Act 2000 to be the First Home and Housing Construction Grants Act 2000. This bill amends the First Home Owner Grant Act 2000 to increase the first home owner grant for new homes from $7,000 to $15,000 for contracts entered into on or after 15 October 2012. It also reduces the first home owner grant for established homes from $7,000 to $5,000 for contracts entered into from the date the legislation comes into force until

30 June 2014. The first home owner grant will be abolished for established homes from 1 July 2014. A new home is a home that has not been previously occupied or sold as a place of residence, and includes a substantially renovated home.

The bill removes the phase out of the first home bonus grant from $8,000 to $4,000 from 1 July 2012 as announced by the government in the 2012-13 budget. The first home bonus grant will remain at $8,000 for eligible transactions entered into between 1 July 2012 and 14 October 2012 (inclusive). From 15 October 2012, the $8,000 first home bonus grant will be abolished and replaced with a housing construction grant of $8,500. The housing construction grant will be available for all new home contracts entered into between 15 October this year and 30 June next year (or where building commences during that time for an owner builder) and where the property has a value up to $400,000. The housing construction grant phases out for properties valued up to $450,000.

The housing construction grant will be available to natural persons, companies and trusts and only one housing construction grant will be paid per property. The bill includes transitional provisions to ensure the grants can be administered appropriately from the date of the government's announcement of the revised grant arrangements. I commend the bill to members and seek leave to have the explanation of clauses inserted without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be taken to have come into operation on 1 July 2012. This is the date on which *ex gratia* payments commenced in connection with the continuation of the first home bonus grant under section 18BA of the Act beyond 30 June 2012.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *First Home Owner Grant Act 2000*

4—Amendment of long title

It is necessary to amend the long title of the Act on account of the introduction of housing construction grants under this measure.

5—Amendment of section 1—Short title

It is necessary to revise the short title of the Act on account of the introduction of housing construction grants under this measure.

6—Amendment of section 3—Definitions

These amendments relate to new definitions that are required on account of the introduction of housing construction grants under this measure.

7—Amendment of section 5—Ownership of land and homes

Certain adjustments are required in connection with the concept of 'relevant interest' under the Act on account of the introduction of housing construction grants under this measure. It will be possible for a person to have an interest in land that is held subject to a trust but an equitable interest in land will not give rise to an entitlement to a grant in any circumstances.

8—Substitution of heading to Part 2

This is a consequential amendment.

9—Amendment of section 7—Entitlement to grants

A housing construction grant will be payable under new section 18BAB. It will be made clear that only 1 housing construction grant may be paid in relation to any particular new home.

10—Amendment of section 10—Criterion 3—Applicant (or applicant's spouse etc) must not have received earlier grant

11—Amendment of section 11—Criterion 4—Applicant (or applicant's spouse etc) must not have had relevant interest in residential property

12—Amendment of section 14—Application for grant

13—Amendment of section 17—Commissioner to decide applications

These amendments are all consequential on the introduction of housing construction grants under this measure.

14—Amendment of section 18—Amount of first home owner grant

The basic first home owner grant in relation to a new home transaction is to be increased to $15,000 from 15 October 2012. For other eligible transactions, the grant is to be reduced to $5,000 per transaction from the date on which this measure is enacted. No first home owner grant will be payable on or after 1 July 2014 in relation to a contract unless the contract is a new home transaction.

15—Amendment of section 18BA—Bonus grant for transactions on or after 17 September 2010 but before 15 October 2012

The first home bonus grant under this section is to be extended to 15 October 2012.

16—Substitution of section 18BAB

A new housing construction grant is to be introduced. The grant will be payable in relation to new home transactions that occur on or after 15 October 2012 but before 1 July 2013. The market value of the home must be less than $450,000. Various requirements as to completion of the relevant transaction will apply. The full grant of $8,500 will apply in relation to homes with a market value not exceeding $400,000 and the grant will phase out at $450,000. The Commissioner will be able to determine not to pay the grant if satisfied that a contract for the purchase of a new home is not a genuine sale or that the relevant contract has been substituted for an earlier contract entered into before 15 October 2012.

17—Substitution of section 18C

18—Amendment of section 31—Administration

19—Amendment of section 32—Delegation

20—Amendment of section 41—Protection of confidential information

These are consequential amendments.

Schedule 1—Transitional provisions

This schedule sets out transitional amendments associated with the commencement of this measure.

Debate adjourned on motion of Mr Pederick.

DEVELOPMENT (PRIVATE CERTIFICATION) AMENDMENT BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (15:54): Obtained leave and introduced a bill for an act to amend the Development Act 1993. Read a first time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (15:55): I move:

That this bill be now read a second time.

I am delighted to present this important planning reform to the house. As members will know, this bill has arisen from conversations with the housing industry recently hosted by the Premier to discuss the current slump in new housing construction.

The situation for the housing sector is quite poor at present, with a continuing decline in dwelling approvals across the country recorded by the Australian Bureau of Statistics from late 2009 onwards. South Australia has recorded 16 months of continuous decline in the number of dwelling approvals per month and is down some 17.2 per cent from August last year.

It is very clear to the government that something needs to be done to give more support to the industry and the carpenters, brickies, sparkies and other workers whose livelihoods are supported by it. The government has, of course, already moved to do what it can, making housing approvals simpler and easier to obtain. In August this year, we made a series of changes to the state's residential development code which we believe will ensure that homebuyers are able to get a quick turnaround in planning approval, helping to keep downward pressure on housing affordability. These changes have been broadly welcomed by industry.

I seek leave to have the remainder of the second reading explanation inserted into *Hansard* without reading it.

Leave granted.

The code was introduced in March 2009, based on the recommendations of the 2008 Planning Review, with the aim of streamlining residential development that met specific complying standards. Effectively, the code sets

up a tick-a-box approach to planning requirements for low risk, low impact detached and semi-detached housing—in other words, the typical house and land package in greenfields areas. The changes were designed to respond to poor take-up of the code in its initial years of operation. By relaxing some of the more prescriptive requirements and clarifying points of ambiguity, we hope the revised code will provide a better vehicle for home buyers and renovators to obtain a planning approval, in most cases, within 10 business days.

However, while the revised code provides for more streamlined assessment processes for new houses and alterations and additions to existing houses, applicants are still required to get a council approval. This contrasts with building assessment, which has allowed for building approvals to be granted by an accredited private certifier since 1997.

This Bill will enable the same process currently applying to building approvals to also apply to residential code approvals.

The residential code is a key vehicle for driving the Government's commitment to a target of 70 per cent of development being assessed as complying. As a consequence of this reform, an applicant will be able to seek all necessary development approvals for a home covered by the residential code through a private certifier. This will greatly improve the prospects of achieving this target in future years.

This one small change will, we believe, have real benefits for all parties in our planning system: making housing approvals cheaper for first home buyers, helping industry in a difficult time in the construction market and reducing development assessment costs for councils—particularly in key urban growth areas where high volumes of new housing development add staffing and budget costs to councils' bottom lines, costs which are funded by existing ratepayers.

Put simply, private certification means that a first home buyer can get their application for planning and building approval dealt with in one streamlined process. It will save applicants money, it will save councils money, it will save ratepayers money and it will mean that the housing industry can reduce its costs as well.

This is a significant reform for South Australia and is, I note, a reform which the Local Government Association has expressed in principle support for in its media release of 19 September.

I am also pleased that the LGA indicated in this release that it is supportive of other reforms to our planning system—particularly to our zoning system. We certainly believe there is much potential to unlock by simplifying and streamlining our zoning system.

The Government fully agrees with the LGA that private certification, while an important reform in itself, is only one part of a larger and much needed reform agenda. That's an agenda we are very happy to discuss with them—and with Members of Parliament once this legislation has been dealt with.

I should clarify that, while this reform is a first for this State, it is modelled on approaches in other jurisdictions. New South Wales and Victoria both provide for private certification for their equivalent of our residential code. The system in all those jurisdictions has worked well—and it will here too.

In terms of machinery, the amendments this Bill will make to the Development Act are extremely simple.

Firstly, the Bill will remove the current provision in the Development Act—section 89(3)—which prohibits a private certifier from granting a development plan consent. The effect of this provision at present is to limit private certification only to building rules matters. Its removal will enable private certification to be applied, by regulation, to other matters. With this subsection removed, the Government's intention is to then make a regulation providing for private certification to be available for residential code applications.

Secondly, the Bill will insert a new section providing for auditing of planning decisions by private certifiers and councils. This new section mirrors existing section 56B which provides for auditing of building decisions by private certifiers and councils. It will allow for auditing of planning decisions prescribed by regulation. It is the Government's intention to apply this provision to residential code decisions, enabling auditing of private certifiers who undertake residential code certification.

Finally, the Bill also makes a number of consequential changes to the Development Act that flow from these first two provisions.

In terms of the regulations to be made, the Government's intention is to allow currently registered private certifier to certify both building code and residential code decisions. We are not proposing to introduce a new class of private certifiers for the residential code.

Fundamentally, there will be no changes to the qualifications, registration processes, insurance requirements, code of practice obligations or auditing arrangements for private certifiers other than minor variations necessary to reflect the ability for private certifiers to grant approval in relation to residential code applications.

It is the Government's intention to have draft regulations prepared and provided to Members prior to debate on the Bill in the Legislative Council. However, as indicated, we do not intend to make significant changes to the existing framework for private certification already applying in the Development Regulations.

This approach will mean that, if Parliament supports this legislation, we can put this reform in place early in the new year—thereby providing an important stimulus to the residential construction sector as soon as practicable.

I should also say that, although the Government is keen to progress this reform now as a means to assist the industry and home buyers in tight market conditions, this is a significant reform in its own right. The original 2020 Planning Review, which drafted the Development Act, foreshadowed the potential for private certification to be

used to streamlined planning decisions—as did the 2008 Planning Review and, more recently, the 2012 Productivity Commission benchmarking report into planning, zoning and development assessment systems.

Indeed, this important reform—which will have significant beneficial impacts for an industry currently undergoing difficult times—is the first of a series of planning reforms we in the Government are keen to take forward over the coming year.

We believe that, while there has been much progress made since the 2008 Planning Review, there is a need to continue reforming the State's planning system to make it more competitive, efficient and responsive to community concerns, environmental and economic needs.

Indeed, in debate on the Barossa Valley Character Bill in the Legislative Council, it was indicated that the Minister would be keen to meet with interested Members to discuss potential future planning reforms. As part of this process, I am looking to host a forum with Members of Parliament in the near future to discuss how further planning reforms can be taken forward. Letters will shortly be sent to the opposition and cross-bench MPs inviting them to this forum and I look forward to the policy dialogue I hope will ensue.

In the meantime, this bill puts a stake in the ground. We think this is an important legislative reform. It is an important reform in its own right, but even more so now in the difficult times the housing industry finds itself.

Because of the pressing need to support the housing industry and the workers whose livelihoods this sector supports, the Government will be pushing to secure passage of this legislation before the end of the year. This will enable certifiers to be granting residential code approvals in the new year.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Development Act 1993*

4—Amendment of section 35—Special provisions relating to assessment against Development Plan

This amendment requires a relevant authority to accept that a proposed development complies with the provisions of the appropriate development plan to the extent that such compliance is certified by a certificate from a private certifier.

5—Insertion of section 56C

This amendment inserts proposed new section 56C:

56C—Development Plan assessment audits

Proposed section 56C provides for a scheme that will require a council or private certifier undertaking the assessment of development of a prescribed kind against the provisions of the appropriate Development Plan to have its, or his or her, assessment activities audited by an auditor on a periodic basis.

6—Amendment of section 89—Preliminary

This amendment repeals the prohibition on private certifier granting development plan consent.

7—Amendment of section 93—Authority to be advised of certain matters

This amendment is related to the amendment to section 89.

Debate adjourned on motion of Mr Pederick.

CHARACTER PRESERVATION (BAROSSA VALLEY) BILL

Consideration in committee of the Legislative Council's amendments.

(Continued from 17 October 2012.)

The Hon. J.R. RAU: I think where we had got to yesterday was the member for MacKillop had made a very interesting contribution.

Mr Williams: And passionate.

The Hon. J.R. RAU: Yes, and passionate. I was just going to say a few words in response, and I believe the member for Mawson wanted to say a couple of words as well, then we can deal with the substance of the matter.

In very short summary, the member for MacKillop suggested that the effect of the Barossa and McLaren Vale legislation would be to push urban sprawl into other areas. I want to make the point that the government is committed, the 30-year plan is committed, and I am personally very committed to the idea that we want to actually start to rein in urban sprawl. We cannot terminate it overnight because we have a whole housing industry which has been developed around the concept of this. It is going to take some time, but urban sprawl is not the answer and, as the years roll by, it will become increasingly less the answer. I do not accept the idea that we are just saying that urban sprawl can go on willy-nilly anywhere else but cannot go there.

Mr Williams: That is what I was trying to say.

The Hon. J.R. RAU: I am saying I disagree with you on that.

Mr Williams: You disagree with me?

The Hon. J.R. RAU: We are trying to stop urban sprawl, full stop. The member for MacKillop also mentioned some regional centres and talked about how they might be receiving more development. I agree with him; in fact, a development plan is published about most of the regions in South Australia. The South-East, for example, has a development plan which has quite recently been published and a lot of work has been done on considering that. As the honourable member would be aware, I am sure, the regional township of Mount Gambier has been expanded to enable Mount Gambier to grow into a role as a more significant regional centre.

It was mentioned that Whyalla's population is now around 20 something thousand and had been around 30,000. You might be interested to know that Whyalla's infrastructure is built for a town in the order of 50,000 or 60,000. They have very substantial infrastructure there. However, people are not going live in Whyalla, Mount Gambier or, indeed, Port Lincoln for that matter, if they have not got anything to do. It is all very well to talk about regional population centres, and I support that, but they have to have something to do. There has to be employment as part of any development proposal.

On the last point, there was an issue raised about local communities making decisions. On one level I absolutely agree with what the honourable member said. After all, why else do you have local government other than to make local decisions. I get that, but decisions about how big our city's footprint might be and where that footprint might be are not just decisions for the people who live in one particular bit of the city. They are decisions for everybody in the city because all of us have to pay the taxes to pay for the infrastructure.

Whilst I respect the point that the member makes, it is not, and cannot and should not be ever thought that an individual council or community can make a decision about something as significant as subdivision and make that decision in complete isolation and with complete disregard of the consequences that that decision will have for other people in the state. One simple example is that if you want to subdivide your property somebody has to put a sewer to connect to that property or provide some form of sewerage. Somebody is going to have to put in electricity and somebody is going to have to put in roads, and it may not just be the roads within your development but the roads to get people to and from your development.

Somebody might have to think about schools, somebody might have to think about hospitals, somebody might have to think about childcare centres, somebody might have to think about shopping precincts, somebody might have to think about commercial areas, and so on. The fact is that a lot of local government, through no fault of its own, is not capable because it does not have the staff or the resources to go through that process. I am not criticising them for that; it is just a fact.

Quite frankly, the idea of leaving a group of local councillors to the tender mercies of a bunch of rapacious developers and there being no check or balance on whether or not they agree to the rezoning of land, and having a white shoe brigade type of situation going on, is not something that I think any of us should embrace. Whilst I support the idea of communities making community-based decisions, decisions about subdivision of land and the conversion of land from agricultural land to urban housing areas affects everybody not just the people in that community. To that extent, I think it is important that we recognise the state as a whole has a role in that, just as the state as a whole has a role in what goes on in the Adelaide City Council precinct.

Okay, the Adelaide City Council represents the 22,000 people who live in the municipality—and some of them vote—but nobody would suggest that those 22,000 people, or the few thousand of them who vote, should be in a position to dictate to the whole of the people of

South Australia, the 1½ million of us, exactly what happens in the city because it is our capital too. There has to be a balance between the local needs of people and the requirements of the broader community, and that is what we have been trying to strike here.

Mr BIGNELL: I rise to talk on this bill a bit more briefly than I did on the McLaren Vale one. Much of the same sentiment of the McLaren Vale preservation bill carries over for me into the Barossa bill. I would like to congratulate and thank all those people up in the Barossa who have worked so hard to get to this point where we almost have the legislation through both houses.

It was great yesterday to have Anne Moroney and Margaret Lehmann from the Barossa down for a lunch in Parliament House where we joined with people from McLaren Vale and Willunga who had also worked with Margaret and Anne, and two people who could not be here, Jan Angas and Sam Holmes, who also have done an incredible job over the past two or three years. We have had countless meetings. They went to the community in the Barossa Valley, we went to our community in McLaren Vale, and really did listen to what it was that people wanted. I thank those people from the Barossa Valley and I think it is a great example of how McLaren Vale and the Barossa working together were able bring people onside.

It is always hard when you are out there fighting for the survival of McLaren Vale or the Barossa and you are trying to convince politicians and bureaucrats and private sector people when they can always say, 'If we lose one, we still have the other.' However, when we combine as the two great wine powerhouses of Australia, it is pretty hard for anyone to say no to that sort of collective voice.

I mentioned during the McLaren Vale bill that in mid-2009 I ran into Margaret Lehmann at a function at Peter Lehmann Wines and Margaret said she liked what we were discussing down in McLaren Vale about the idea of getting up some sort of agricultural preserve and to stop the urban sprawl encroaching on their area. The Barossa was a bit worried about the 30-year plan and what the future might hold for some of their prime agricultural land as well. I said to her, 'How about I come back up and have a separate meeting?' I returned to the Barossa and did that in August 2009. We had the meeting at Langmeil Winery and Anne Moroney, James Lindner, Phil Lehmann, Sam Holmes and other representatives of the Barossa Valley region were there. We just talked through the issues. We had the maps out of the 30-year plan. They put to me the dangers that they saw to what is one of Australia's finest agricultural regions. I said, 'If you want to come on board, I will go back to McLaren Vale and ask the people down in my area whether they thought that would be a good idea.' Barossa was keen. I went back to McLaren Vale; they were really keen.

In September 2009 at a public meeting where there were about 300 attendees, I stood up and explained to the members of the public that this offer was on the table that we join forces, and it was widely welcomed by everyone at that public meeting. It was interesting that David Ridgway was in the audience that night with the Liberal candidate for the seat of Mawson, Matthew Donovan—someone who I know gets on pretty well with the Liberal Party to this day. It was interesting because, during the debate on this bill in the upper house, Mr Ridgway said that I had only become interested in this issue in 2010 when Seaford Heights became an issue. Well, you can ask the then planning minister and the then premier and several of my colleagues because I have been bellyaching on about this issue for years and years.

For David Ridgway to make that sort of accusation is clearly not right. He was there at the public meeting. There were 300 witnesses who saw me make that offer that night. I think it might have more to do with Mr Ridgway's lack of consultation with people in McLaren Vale at least. I cannot speak for the Barossa as much. I know there were people in McLaren Vale who tried to get in touch with Mr Ridgway to put across their point of view and never had their calls returned, and yet Mr Ridgway wanted to come in with all those amendments that the people that I spoke to, the people who elect us into these places, definitely did not want to see go ahead. It was an interesting way to do consultation.

Yesterday the member for Bragg spoke for a very short amount of time, which was pleasant in a way. She got up and said that the Barossa Valley is a beautiful place and full credit goes to the people of the Barossa Valley for that occurring, that it does not need this bill and that it certainly does not need the government to go in there and bugger it up. Well, I will just say to the member for Bragg that she should come down, and I did say this when she stood up to leave after uttering those words. I said, 'You actually need to go out and listen to what people have to say and listen to what the concerns are in Barossa and McLaren Vale.' She just said that she had cousins there that she had spoken to. You have to do more than that. If you purport to be the alternative government, you have to listen to what people want.

The member for MacKillop said yesterday that the community should be able to have this debate about what it is they want for their communities, and I agree 100 per cent with that, this is what we are doing. We are actually giving it to the communities to come to their future members of parliament.

If they do want to change things in McLaren Vale or the Barossa they will have opportunities in five, 10, 20, 50 or 100 years from now if that is what they want. What we are doing here is we are taking away the eraser and the pencil that the community is so afraid of people in local government and state government having, and we are replacing it with a padlock and a key. The key to that padlock will actually be the members of this place and the members of the other place (Legislative Council). If at some time in the future people do want to see change in their community they will be able to do it. It is going to be a high bar to get over to make those changes, but if it is a change that enough people in the community want then I am sure members of this house and the upper house will listen to those communities at the time.

The member for MacKillop also said that this was just all about winning the seat of Mawson. He could not be any further from the truth. He said that this was all politically driven. It is the exact opposite of anything being politically driven. This has been driven by the community. I have been their voice in here, both for the Barossa Valley and McLaren Vale, on this particular issue for the past three or four years. The current Minister for Planning can attest that sometimes that has not been a pleasant experience for him. Former minister Holloway and former premier Mike Rann can both attest to that.

I have been quite a pain on this issue, because I understand the passion that the people of McLaren Vale and Barossa Valley hold for this, and it is a passion that I share. I think it is vitally important that these two great contributors to our state's economy and to our reputation internationally as wine production areas and tourism destinations—it is too important to lose those. What we were seeing over the years was this urban sprawl almost by stealth. People were worried about the towns of McLaren Vale and Willunga, that someone would extend the town boundary at McLaren Vale one year and then a couple of years later that would happen in Willunga, and over time that you would actually see the towns unite and we would have suburbia instead of agricultural land.

As was pointed out before, they are predominantly wine regions currently, but who knows what the future will hold. Whatever needs to be grown there will be grown there in the future, but one thing is for sure: if you plant houses there this year or next year, that is the last thing you will ever plant there. I know people who are outside of the areas of McLaren Vale and the Barossa are very keen on this, not just to preserve great assets of our state but also because they are worried about the food security of our state. We are a state in a nation that has always prided itself on being largely self-sufficient. The thought of importing food from overseas, apart from the exotics that do not actually grow here, is something that most people I speak to—in fact, nearly all people I have spoken to—are very scared of.

Some members opposite have talked about Mount Barker and the Adelaide Hills and have said, 'Why aren't we doing anything to protect them?' We need to go back to where this all started. It started with the people of McLaren Vale who came to me and the people of the Barossa who joined forces with us, and we were two areas that united with a common front. The local members in the Adelaide Hills should look at this as an example of how you engage with your local community and then come and engage with ministers and other people in the political process to make these sorts of success stories come about. It is not easy. It is a lot of hard work. You almost flatten your forehead out on this sort of stuff where you are just banging your head against a brick wall sometimes. You think, 'Is it all worth it?' That is where you just have to keep going and keep going. It is the really hard yards that have been done by so many over the past few years that has got us to the point where we are now.

Mr GOLDSWORTHY: I want to pick up on a couple of points that the minister made earlier in his remarks as a consequence of the member for MacKillop's contribution. The minister talked about planning for schools, roads, shopping centres and childcare centres—all those services and infrastructure that are required when new housing developments are approved. Basically, he said that it is not the council's work to look at how those infrastructure services are to be provided. I am paraphrasing what he said, but the minister said that the councils do not have the capacity to carry out that work, but that is exactly what has occurred in the rezoning of that 1,310 hectares of land at Mount Barker.

The Mount Barker council has had to toil away for months and months, spending hundreds of thousands of dollars on forming up what it calls a 'structure plan'. The government, in making that decision, in one fell swoop of rezoning that farming country—1,310 hectares (over 3,000 acres in the old measurement), a big area of land—absolutely neglected the requirements of the Mount Barker council and the pleas the council made to the government at that time.

It is all very well for the minister to have said previously, 'There'll be no more Mount Barkers on my watch.' I have heard him say that on a number of occasions, but that is not good enough, minister. I have a close working relationship with the Mount Barker council. You know that they have come to see you and they have come to see the Minister for Transport and Infrastructure. I have written letters to the Minister for Transport and Infrastructure asking questions about how the negotiations with the developer consortia are tracking, how much funding you have negotiated with them as part of the development contributions and to what infrastructure projects is that money attributed.

I can tell you, minister, that I wrote that to your colleague, he handballed it to you, you responded to me and I can say that I am less than satisfied with the response because it did not actually answer the questions that I asked. I am happy to take it up with you again. It is all very well to come in here and make all these good explanations, which all sound very plausible, but this government is not helping the situation in Mount Barker.

You made the decision, and basically the community up there thinks that you have cast them aside. The council made some public comments recently raising some concerns about how the process is tracking, and what we see as a consequence of that is the Minister for Transport and Infrastructure publicly attacking the council. That is not the way, in my opinion, that things should be dealt with. You work things out in a conciliatory manner and not actually criticise the council that has had all the work and all the responsibility thrust upon them.

As I said, it involved months and months of work, costing hundreds of thousands of dollars to come up with a structure plan, and the community rightly thinking that they are getting very little assistance from the government in trying to sort things out there. I could go on for a long time on this matter, but it is relevant.

The minister raised the issue about providing infrastructure services, and it is not the role of council to work out how that is managed. Well, that is in direct contradiction, if you like. It is directly opposite to what the government has done in Mount Barker. I am asking the government to get on board with the problems at Mount Barker and sort them out. A development application was just lodged a couple of weeks ago with the Murray Bridge council for a wastewater treatment plant to be constructed in the Mount Barker council district to deal with the wastewater that will be generated as a consequence of the government's decision to rezone this land in the Mount Barker council district.

What sort of situation is that to bring on a community, to bring on two councils? The government makes the decision to rezone all this land without any plans for infrastructure services, and so what you are looking at getting is a private company putting in a development application to build a wastewater treatment plant in another council area to treat the blackwater and the greywater from Mount Barker out the other side of the Hills in the Callington community. I can tell you that those people are irate. They have been to see me and I am following up on those issues.

The government can make all the platitudes they like and say, 'It's all good. We have learnt from our bad mistakes,' blah-blah, but I can tell members that the reality of the situation does not reflect what you are talking about.

The Hon. J.R. RAU: I did listen to that: I appreciate the honourable member is articulating a matter of importance for people he represents and that is why I did not stand up earlier, but it is not directly relevant to this. Can I just say to the honourable member out of respect for the fact that he is, I know, genuine in what he says that I have met many times with the Mount Barker council and have indicated to them I will continue to meet with them. I would be very pleased if we could resolve all the infrastructure issues at Mount Barker but can I say this: the Mount Barker story is a longer and more complex one than some people might imagine. The council has had various roles at various times about being a proponent of development and not being a proponent. They also may or may not be interested in running their own water treatment plant, so they are playing in that space as well.

I am not casting any rocks at anybody in this, because I do not think that is very helpful. What I want to do is solve the problem. I am happy to keep meeting with the Mount Barker people,

and I can assure the member for Kavel that I am doing the best I can to encourage all of the players to just get on with it because, the sooner it is resolved, the better, from everyone's point of view. There is no question about that. I am positive my ministerial colleague the Minister for Infrastructure is likewise very keen to have the matter sorted out. You and I can have a talk over a biscuit and a cup of tea one day about some of the details and can we just get back to this bill.

The ACTING CHAIR (Hon. M.J. Wright): Could the minister give us an indication about the amendments? We have a range of government amendments and some from the opposition, I think.

The Hon. J.R. RAU: Basically, the position is that I do not support new clause 6A, which is amendment No. 12. All of the amendments up to that are fine and the amendments after that are fine.

The ACTING CHAIR (Hon. M.J. Wright): We will deal with amendments 1 to 11 inclusive. Do you wish to speak, member for MacKillop?

Mr WILLIAMS: I just want to make a couple of very brief comments and then I think we can get through the matter very quickly. Let me say that there is a broader issue here and, yesterday, I was raising a number of matters which pertained to that broader issue.

Having listened to the minister earlier, I take his point about trying to control broad subdivisions and developing housing estates in McLaren Vale and the Barossa Valley, but I want to mention one of the unintended consequences which I think the minister may well have overlooked that is going to be a problem in the Barossa Valley, because it is something I have experienced myself quite recently. I want to relay a little story just to make the point.

My son is in the process, as we speak, of building a home on part of our farm. For his wife and him to access finance from their bank they had to have a title to the land they are building their house on. I was not of a mind to hand over a substantial part of the farm to him, but the local development—

Mr Goldsworthy: It is a big paddock.

Mr WILLIAMS: It is a big paddock. The local development plan says that I cannot create a new subdivision in that particular zone unless it is at least 40 hectares (100 acres). I was not of the mind to give him 100 acres, even though he is a pretty decent chap. Eventually, fortunately, we had an opportunity to—I will not say circumvent the local plan—come to a position and, through a substantial rearrangement of boundaries, we had a title that we were able to make available to get the outcome that we desired. This is a genuine day-to-day fact of life in the rural community.

I am sure that it will not be long before the member for Mawson and the member for Schubert start to get inquiries from constituents about this very matter, where children of a grape-growing family, or whatever, may want to be coming into part of the business and may want to establish a home on part of the family property, a part of the property which is not necessarily under grapes; it might be used for grazing or some other purpose. They will go down to the bank and see if they can get a loan to establish the home, and the bank is going to say to them, 'We are not going to give you a loan unless you have got a land title to back you up,' or, 'Are you prepared to build a home on mum and dad's piece of land?' I can tell you, kids these days aren't real keen on doing that either. So there is a problem.

It is not just about subdivisions where you are having housing estates with developers, it is about organic growth of rural communities. That is an issue that I wanted to bring to the minister's attention. It is one of the reasons why I make the comment—notwithstanding the member for Mawson's passion for this, and I do not deny that he has been working on this for a long, long time. I understand his passion. That does not necessarily mean that makes for good planning law, and I repeat that argument.

Only yesterday I made the point about what this government did with regard to wind farm development, which had been overturned. The development authority had been overturned by the courts and then we had a DPA, about 12 months ago, almost to the day, which allowed re-application. Some approvals have now been gained, and today we get an announcement in the house by the minister that he is bringing in another statewide wind farm DPA.

I repeat what I said yesterday in the house on that particular matter: I think it is an abuse what this government has done, particularly with wind farms in this state. It is an abuse of our planning law and it doesn't bode well when governments use that sort of process.

Planning law should be about orderly development, it should be about confidence in what you can and cannot do. It is not about ad hocery—if there is any such term—it is not about that, and I am even more concerned today than I was yesterday. But I can say that the minister is going to have his evil way with this matter, we are going to allow him to adopt these amendments and have his evil way, but I am somewhat concerned about the abuse of the planning and development processes in this state.

The Hon. J.R. RAU: Before we go on, I cannot let that one go entirely. We have been a bit flexible, so, Mr Chairman, if you do not mind, can I be indulged—

Mr Williams: I think he has had three goes on this clause, Mr Chairman.

The ACTING CHAIR (Hon. M.J. Wright): No, this is his third go.

The Hon. J.R. RAU: As always, the member for MacKillop raises interesting points. I understand his point about the family farm where a child, or even a parent for that matter, might wish to come in, but with the example he gave of requiring a 40 hectare minimum subdivision lot, that is a local community imposed decision, not one imposed by me, and, secondly, it is a primary purpose test here. What is the primary purpose? Is the primary purpose to create another viable agricultural unit which will require being able to have a house on it, which is one question. Another question is: is it really a way of subdividing?

You are going to be shocked at what I am about to say, member for MacKillop, but there are some slippery people out there. You know, there are some people so slippery that they would chop an acre off a quarter of their property and say, 'That's for my mum to live in,' and then—I can tell you're going to be shocked by this—a few weeks later mum is going to sell the house because she is sick of it, but then, a few weeks after that, 'Mum's changed her mind, she wants to come back, can I cut another acre off please?' Then mum moves into that one and Auntie Gert wants to come and live there, too, so we chop off another acre for Auntie Gert and she comes in and, goodness me, Auntie Gert is sick of living here and wants to go to Tasmania, so off she goes and we have to sell Auntie Gert's place. In no time at all, what started off as a farm has turned into a bunch of houses.

I am being a little flippant, as there is usually an intermediate point to this, and the intermediate point is usually, 'Mum wants to come here and just have a few acres so she can grow camellias and wander round her garden and not see a house next door, so I want to have five or 10 hectare blocks,' so then the whole place is suddenly turned into five or 10 hectare blocks, which are useless, as you know, from an agricultural point of view—absolutely useless, unless you have bees on there or something, and even then you are probably stretching it.

So you have these completely useless things and then—and this is what happened in Mount Barker—somebody says, 'This is useless for agriculture. I'm sick of mowing these lawns. It's too big for me. Can I chop it up? I don't want to chop it up into little bits. I just want to chop it up into two bits,' so they chop it into two bits and sell one half to their mate, who says, 'Hang on, I want to build a house on my bit, but I think I will build it just in this corner here.' You think, 'I wonder why they want to build it just in this corner there; is it because you want to chop it into four bits and your corner is in one of those four?' I know you did not come down in the last shower and I know what I have just told you is shocking but, believe me, it happens out there, so we have to be vigilant about that.

I just want to make something clear about wind farms. Whatever you might say about me, you cannot say I have not listened, and 276 people—

Mr Williams: I was astounded by the speed, but then you said you actually signed off on it last Friday.

The Hon. J.R. RAU: I did, before I had even—

Mr Williams: Before you heard my speech.

The Hon. J.R. RAU: Before I heard your speech, I had already come to that conclusion, so at least I have that going for me. I have listened to 276 submissions. I have taken them into account and can I say to you, my belief—and I stand to be corrected on this—is that during the time the interim DPA was there, and noting all the objections that have been made by you and others around the place about how laissez-faire that DPA was, I do not believe there was a single council approval sought or obtained—not a single one. So, the suggestion that that DPA has

opened up the floodgates and a bunch of windmills has suddenly turned up in everyone's backyard—

Mr Williams: There was approval gained in the South-East.

The Hon. J.R. RAU: Yes, I think there was one down there, but I am saying to you that I think that was under the state development provisions. It is not under the DPA. Do you understand?

Mr Williams: That DPA denied the right of a number of my constituents.

The Hon. J.R. RAU: I am just saying that the DPA would have denied their right had the application been made through the council, but it was not. It was under a different process. That is all I am saying. You may be unhappy with what happened down there—that is a separate issue—but I am just saying that the interim DPA is not the cause of your unhappiness; it is something else.

Mr Williams: I think it is.

The Hon. J.R. RAU: Either way, the good news is I have listened, and in your case I listened to you before you even said it. How good is that? If that is not listening, I do not know what is. I must have been channelling you last week.

Mr Bignell: Doris Stokes was in the room.

The Hon. J.R. RAU: Doris Stokes was here; that's right. It is a happy ending, so to speak.

Amendments Nos 1 to 11:

The Hon. J.R. RAU: I move:

That the Legislative Council's amendments Nos 1 to 11 be agreed to.

Motion carried.

Amendment No. 12:

The Hon. J.R. RAU: I move:

That the Legislative Council's amendment No. 12 be disagreed to.

Motion carried.

Amendments Nos 13 to 29:

The Hon. J.R. RAU: I move:

That the Legislative Council's amendments Nos 13 to 29 be agreed to.

Motion carried.

INDEPENDENT COMMISSIONER AGAINST CORRUPTION BILL

Consideration in committee of the Legislative Council's amendments.

The Hon. J.R. RAU: For the benefit of the house, I am suggesting that we perhaps approach this one in the same way as we have the others that we have been dealing with; that is, if there can be some sort of agreement that people can initially say what they want to say but then will not sort of over egg the pudding in terms of going through the provisions one by one, and we can do that reasonably promptly, that is fine.

The ACTING CHAIR (Hon. M.J. Wright): Is the leader happy with that?

Mrs REDMOND: Mr Acting Chairman, I am not sure exactly what 'that' is.

The ACTING CHAIR (Hon. M.J. Wright): We are just going to give people from both sides the opportunity to speak generally about the amendments in totality and then we will come back and go through them individually or en bloc, as is the preference at that point.

The Hon. J.R. RAU: But not so as to then have a repetition of the general remarks that were made in the first place. If the leader is not happy with that, I am quite happy to do them one by one—no problem. I am happy to do them one by one—entirely happy. If the indication is that we do that, we will start off with amendment No. 1.

The ACTING CHAIR (Hon. M.J. Wright): Does the leader have a preference?

Mrs REDMOND: Yes, I would rather do them one by one, thank you, Mr Acting Chairman, because I do not know what the attack or the approach is. We have not had any indication. I have only just got a copy of the amendments.

The ACTING CHAIR (Hon. M.J. Wright): Okay, we can certainly comply with your wishes. The minister can give us an indication about the first amendment.

Amendment No. 1:

The Hon. J.R. RAU: I move:

That the Legislative Council's amendment No. 1 be agreed to.

Motion carried.

Amendment No. 2:

The Hon. J.R. RAU: I move:

That the Legislative Council's amendment No. 2 be agreed to.

Motion carried.

Amendment No. 3:

The Hon. J.R. RAU: I move:

That the Legislative Council's Amendment No. 3 be disagreed to.

Mrs REDMOND: This is an issue that we have moved quite deliberately because, although we have had a verbal assurance from the Attorney in relation to negotiations that have gone on for some time, the provision, as you can see, says:

Nothing in this act affects the privileges, immunities or powers of the Legislative Council or the House of Assembly or their committees or members.

It is our view, very clearly, that it has never been the intention of our side of parliament and, indeed, we understand verbally from the Attorney, their side of parliament, to impact at all on the privileges that normally pertain within this chamber and the other place. We are most concerned to ensure, especially since there was some wording which was a little less clear earlier on, that the Independent Commission Against Corruption does not in any way impinge upon the rights and immunities that every member of this place and the Legislative Council already has.

I can count so I know that there is no point in me going on at any length in terms of this, but we do believe that it is important that parliamentary privilege be clearly unaffected by the introduction of this legislation. These are rights and immunities which we have had in this chamber since its inception and, indeed, through the Westminster system since before the inception of this particular chamber, and it is not something to be lightly thrown away. We are concerned that without this section, the potential exists for an Independent Commission Against Corruption to, indeed, impinge in some way against the immunity enjoyed by the privileges of this house and the other place, so we support the amendment.

The Hon. J.R. RAU: The Leader of the Opposition is absolutely correct. There is no difference of opinion in terms of where we want to land. However, because of the way in which amendments have been moved in the upper house, another matter of significance to us is a question of the further publication of matters which might be dealt with in *Hansard* without in any way impacting on the parliamentary privileges of an individual member. It is nothing to do with their privilege at all; it is to do with what a third party does with material which is sourced in privileged material, if that makes sense. As far as I am concerned, that is still a live issue between us and, in order to maintain that, I need to formally oppose this, but I make it clear that in doing so I am not suggesting that I do not agree with the sentiment contained in that proposition.

The committee divided on the motion:

AYES (22)

Atkinson, M.J.	Bedford, F.E.	Bettison. Z.L.
Bignell, L.W.	Breuer, L.R.	Caica, P.
Close, S.E.	Conlon, P.F.	Fox, C.C.
Geraghty, R.K.	Kenyon, T.R.	Key, S.W.
Koutsantonis, A.	Odenwalder, L.K.	Piccolo, T.

AYES (22)

Portolesi, G.	Rankine, J.M.	Rau, J.R. (teller)
Sibbons, A.J.	Snelling, J.J.	Vlahos, L.A.
Weatherill, J.W.		

NOES (16)

Chapman, V.A.	Gardner, J.A.W.	Goldsworthy, M.R.
Griffiths, S.P.	Hamilton-Smith, M.L.J.	Marshall, S.S.
McFetridge, D.	Pederick, A.S.	Pisoni, D.G.
Redmond, I.M. (teller)	Sanderson, R.	Treloar, P.A.
van Holst Pellekaan, D.C.	Venning, I.H.	Whetstone, T.J.
Williams, M.R.		

PAIRS (4)

O'Brien, M.F.	Pengilly, M.
Thompson, M.G.	Evans, I.F.

Majority of 6 for the ayes.

Motion thus carried.

Amendment No. 4:

The Hon. J.R. RAU: I move:

That the Legislative Council's amendment No. 4 be agreed to.

Motion carried.

Amendment No. 5:

The Hon. J.R. RAU: I move:

That the Legislative Council's amendment No. 5 be agreed to.

Motion carried.

Amendment No. 6:

The Hon. J.R. RAU: I move:

That the Legislative Council's amendment No. 6 be disagreed to.

This is one of the significant issues which still exists in relation to this bill. There is a range of issues, as we will see as the afternoon turns into the evening, but this one is a very significant issue. It relates to the question of the method of appointment for the commissioner. The original form of the bill required the commissioner to be appointed in the same way as one would expect, which is by the Governor in Council.

The Hon. Ann Bressington in the other place moved an amendment which, for whatever reason, is now being supported by the opposition which adds in the words 'on a recommendation made by resolution of both houses of parliament'. I want to make a few points about this because they are important, I think. The first point is that this would mean that the means by which the commissioner was appointed would be different from the method which we are quite happy to employ for Supreme Court judges, District Court judges, magistrates, the Director of Public Prosecutions, the head of the police force (the Commissioner of Police), and pretty well everyone else with the exception that a slightly less oppressive arrangement exists for two people who are basically functionaries of the parliament—the Ombudsman and the Electoral Commissioner.

The situation in relation to the Ombudsman and the Electoral Commissioner is that they are, as I said, essentially functionaries. They are people who are brought to the attention of the parliament—and in fact the parliament is the appointor really of these people—through the Statutory Officers Committee. The Statutory Officers Committee, which I have been a part of, meets when it becomes aware that there is a vacancy for one of those positions.

The Statutory Officers Committee then goes off to, in effect, head-hunters and says, 'Rightio, here is what we want,' and then bureaucrats or whoever prepare the job statement. That is taken off to a head-hunting outfit who then go off and advertise around the place to see if they can find somebody who looks like a promising individual to fill the job description. They do this by receiving applications from lots of people, or hopefully lots of people; they process the applications; they consider them; they order them; they vet them; and then they bring a recommendation back to the Statutory Officers Committee. The Statutory Officers Committee may call—and on occasions, I think, has called—the applicants before the Statutory Officers Committee in order to talk to them.

In my experience that has never been a particularly arduous exercise. I do not know how it has been in the past, but it is entirely possible that members of that committee can vet an individual candidate—ask the candidate questions and so forth. At the end of that process the Statutory Officers Committee makes a recommendation and that recommendation, as I understand it, is then adopted. The exact process by which it is adopted I am not sure is identical to the one suggested here, but it is significant to see that the amendment moved by the Hon. Ann Bressington and supported by the opposition presently requires that there be a resolution of both houses of parliament. That is important: 'resolution of both houses of parliament'.

Let us park that bit of information to one side and let us think about what sort of person we aspire to attract to occupy this important role. From very early on I have made no secret of the fact that I was looking for a person who was of the standing of a judicial officer, somebody who could reasonably aspire to be a judicial officer or somebody who is a retired judicial officer—somebody who understood the difference between evidence and intelligence, somebody who understood a prosecutorial discretion, somebody who understood the way that rules surrounding the proper use of power were to be applied and understood. After all, this person is going to be in a position of considerable significance and they need to be a person of not only high standing but also high capacity.

It is said and argued, I think, by those who propose this provision that it enhances the independence of the role. I absolutely dispute that. I also absolutely dispute the idea that there is any consistency between the successful passage of this amendment and our ability to attract the absolute best potential candidate to occupy this role, and I will give you some examples to explain why. The involvement of the parliament in a direct way, as this envisages, in the appointment of the commissioner I believe could seriously compromise his or her independence, and I will explain to you why.

If there is going to be a resolution of the parliament and each member of the parliament therefore is able to speak and vote on that resolution, each member of the parliament may think it is a reasonable thing for them, having been given public notice of the fact that so-and-so is the candidate—this is very important, because the government has already identified the individual who the government wants to appoint and that individual is just hanging out there to dry until the parliament has dealt with them. They are suspended in limbo until the parliament has dealt with them.

Each individual member of parliament on that resolution would have the entitlement to speak. Members of parliament might think, 'Before I make up my mind about whether I like this person or that person, I am going to approach them and I am going to say, "How would you handle this sort of situation? How would you handle that sort of situation?"'

The Hon. M.J. Atkinson: Or call them to the bar.

The Hon. J.R. RAU: Indeed. There could even be a select committee and they could be called to give evidence. As the member for Croydon quite rightly says, they could be called to the bar here. Even if they were not called to give evidence before the parliament in some form they could be quizzed by members of parliament.

What an appalling position for somebody who we want to be an independent commissioner to begin from that, in order to make the transition from the nominated person by the government to the person who is appointed, they may be subjected to lobbying and questioning by individual members of parliament about how they may conduct themselves, fully knowing that, if they refuse to answer the questions, that may be interpreted as some form of misbehaviour or arrogance on their part and, if they do answer the questions, they may be setting themselves up and boxing themselves into corners and probably compromising themselves inevitably.

So, that process goes on. Meanwhile, this person is hanging out there in limbo land. Then we have the actual substantive motion come before the parliament. It may well be said, 'Well, the

government and the opposition might have agreed.' Well, so what? Parliament is not always full of government and opposition. This one is not; neither chamber is. So, we then have the potential of a debate in the parliament, or at least people speaking to the resolutions.

What if one member of parliament decides that, as a matter of interest, they are going to peer into the past history of this person and ascertain who they represented 30 years ago when they were at the bar? They might make a speech in this place, saying, 'Do you realise that candidate X, 20 or 30 years ago, was defence counsel to Mr Jones? Mr Jones was a terrible man, and he got off—and I still think that Mr Jones is a terrible man, and anybody who defends Mr Jones is no friend of mine.' Is that a reasonable sort of thing? I do not think so. This is even worse than the spectacle of people such as Clarence Thomas being dragged through the mud in Washington, where at least their—

The Hon. M.J. Atkinson: Bork?

The Hon. J.R. RAU: Or Bork; exactly—Robert Bork. But at least their political culture is different, and this is not anathema to their political culture. Then let us take it the next step. Let us imagine this person who has been hanging out to dry gets past the point where they have not been either cuddled up to by a member of parliament and asked to make commitments or derided or unfairly treated in public, under privilege, and we have a vote and the government of the day prevails in the House of Assembly but the government of the day does not prevail in the Legislative Council.

So, here we have this person suspended out there in limbo, with one house saying, 'You're okay,' and another house saying, 'You're not okay.' And just to make it interesting, let us imagine this person is actually a sitting judge, who has said, 'I am prepared to do the job.' So, they are sitting out there. What is the net result at the end of this?

Well, the net result at the end of this is that to that person's peers, 'You don't really want to be a judge do you? Otherwise you wouldn't have applied for that job. You've made your position here pretty clear. Don't you think it's about time you left? Also, half the parliament doesn't think you're good enough to be ICAC commissioner. Don't you think you should ask yourself a question about whether you are good enough to be a judge?' It would be even worse if neither chamber supported the application. I come back to the point about the calibre of the person I am trying to see attracted to this position. It is not—

Mrs Redmond: Is the qualification ALP membership?

The Hon. M.J. Atkinson: What a sleaze.

The Hon. J.R. RAU: That is actually one of the most puerile comments I have ever heard.

Mr GOLDSWORTHY: On a point of order: Mr Acting Chair, you audibly heard what the member for Croydon referred to the leader as. That is unparliamentary language, and I ask that you request that the member for Croydon withdraw that comment and apologise.

The ACTING CHAIR (Hon. M.J. Wright): There is no point of the order.

Members interjecting:

Mrs Redmond: Misogyny?

The ACTING CHAIR (Hon M.J. Wright): Attorney.

The Hon. J.R. RAU: I am not going to dignify that interjection with a response, but it is actually quite sad that that is the sort of level that we are operating at. I am actually trying—

Mrs Redmond interjecting:

The Hon. J.R. RAU: Oh, for Godsakes!

The ACTING CHAIR (Hon. M.J. Wright): Order!

The Hon. J.R. RAU: I am trying to explain something about what is wrong with this process so that it is clear that there is a problem with this. I am not at the point now where I am actually canvassing what, no doubt, myriad alternatives to this there might be. I am trying to explain why this alternative is not acceptable. That is what I am trying to do.

In short, we are going to have a person who is a person of considerable standing in the community, one would expect, who has to have themselves identified as the nominee of the

government but then left suspended in limbo whilst whatever process each chamber of the parliament decides to undertake is undertaken, during which time they are totally vulnerable to pot shots by anyone about anything under privilege, and they could wind up in the position where neither chamber supports them—or one does and one does not—at the end of which they have then stuck their neck out so far and nothing has happened.

This is a completely unique proposal in terms of the way in which these sorts of appointments should be made, and if the opposition is serious about this sort of thing, what about all the other appointments—heads of department, chief executives, police commissioners? I mean, where does this end? Where does this requirement for this sort of public limelight-type appointment end? Where does it end, because there is no logical reason why this person should be singled out for this extraordinary process?

I know that the opposition in order to cobble together agreements in another place from time to time supports things, and I guess that that is in the nature of politics, and that is fair enough, but I would be extremely concerned if a matter as serious as this was being pursued for such a trivial reason. I am sure that demonstrations of good faith to Independent members of the other place can be made, which are very persuasive and very effective, without doing serious damage to good public policy, which is what we are looking at here.

My position on this thing is that, for all the reasons I have just said and for no other reason, I oppose amendment No. 6. I have made it clear to the Leader of the Opposition for some time that that was my view about this, and I have at all times been available and open to discussion about rational alternatives. Obviously my preference would be that we just leave the bill as it was, but I have never, ever closed the door on a conversation about alternatives.

In fact, I indicated, I think, at one point to the Leader of the Opposition a couple of different matters—and I do not think it is appropriate to go into them in detail—that might be worthy of her consideration, although in me making those suggestions I made it clear that I was doing so simply as giving some indication. I was not in a position where I was authorised by anyone in particular to offer any ultimate resolution of the matter.

Now, nothing has been forthcoming in that space other than to see not so much the Leader of the Opposition but the Hon. Mr Wade constantly make statements about what his position was, and so forth. I would very much like us to resolve this question amicably and sensibly and in such a way as we deal with the mischief I have identified in my remarks. I am not being prescriptive about how that mischief is addressed: I am saying that that is a problem. I am open, and have been open, to discuss how that problem can be fixed, but this does not fix that problem, this creates that problem.

Mrs REDMOND: Clearly the opposition does not agree with the Attorney's view on this, and indeed very strongly support the Hon. Ann Bressington's amendment. The reasons are multiple: on a number of them we take a very different view from what the Attorney has said. I have had some discussions with the Attorney in the company of the shadow attorney, Stephen Wade, in an effort to resolve many of the issues on which we had a difference in relation to this bill, and on quite a number of issues we have come to some level of agreement.

However, on this issue we take the view that the term 'independent commission against corruption' should remember that independence is at the core of it. As the Attorney pointed out, the Ombudsman and the Electoral Commissioner are appointed with an approval process through the Statutory Officers Committee. One of the reasons I believe we cannot trust this government to make an appointment, which we believe will be a highly partisan appointment, takes me back to when I first became a shadow minister in this place. It was within the first month of my becoming a shadow minister back in 2004, and I was appointed as the shadow minister for family and communities and I was opposite the person who is now the Premier of this state. The former attorney was present at a meeting that occurred in July 2004, and at that meeting we were negotiating the terms of the inquiry into children in state care.

The Hon. M.J. Atkinson: I remember that; and I've got a story to tell about that too, so thank you for raising that.

The ACTING CHAIR (Hon. M.J. Wright): Order!

Mrs REDMOND: Present were the then leader of the opposition, Rob Kerin, the then shadow attorney-general, Robert Lawson, and myself as the three members on the opposition

side. At the meeting were the then minister for families and communities, now Premier, Jay Weatherill and then attorney-general, Michael Atkinson—

The Hon. M.J. Atkinson: And you wanted to stop Ted Mullighan being appointed.

Mrs REDMOND: And a number of other people—

Mr Goldsworthy: We can go into that if you like.

The Hon. M.J. Atkinson: Yeah, let's go into that.

The ACTING CHAIR (Hon. M.J. Wright): Order! The leader will be heard in silence please.

Mrs REDMOND: That is exactly what I'm going into. I still have the record of the handwritten notes, many pages long, that I made about that meeting. On several occasions through that meeting Jay Weatherill said to the assembled group, 'We've got this person who we think will be a good appointment.' I make no bones about the fact that he actually turned out to be an excellent appointment—that is not the point of what I am talking about.

The point I am talking about is that at that meeting, on numerous occasions, as detailed in my notes of the meeting, Jay Weatherill, now the Premier of this state, said to us (and I am sure if pushed the Attorney would have to accede to this), 'But he won't take the appointment unless you agree. He doesn't want his name dragged through the mud; he values his integrity—'

The Hon. M.J. Atkinson: And you dragged his name through the mud.

The ACTING CHAIR (Hon. M.J. Wright): Order!

Mrs REDMOND: Integrity is an important thing. He said that he did not want his name dragged through the mud.

The Hon. M.J. Atkinson interjecting:

The ACTING CHAIR (Hon. M.J. Wright): Order!

Mrs REDMOND: Subsequently Commissioner Mullighan but then Supreme Court justice Mullighan—'will not accept the appointment'. He said several times: 'He will not accept the appointment unless you agree.' We said to the Attorney and the then minister, 'Well, we can't give you an answer to that; we have to take it back to the party room. Our view has always been that it should be someone from interstate because the allegations being made to us about these issues go so high into our society that we are concerned about having anyone from this state, but we will let you know.' We went back to the party room, where we raised it, and the party room stated the view that it really needed to be someone from interstate.

The Hon. M.J. Atkinson interjecting:

The ACTING CHAIR (Hon. M.J. Wright): Order! The minister was heard in silence. I would like the same opportunity to be given to the Leader of the Opposition.

Mrs REDMOND: I was with Robert Lawson when he rang the minister to explain that we did not agree and why. I say again, very clearly, on the record that Ted Mullighan turned out to be an excellent appointment. My argument is not at all about the appointment of Ted Mullighan. My argument is about the dishonesty of the Premier in saying to us, time and time again through that meeting, 'He won't accept the appointment unless you agree.'

When we did not agree, and we notified them later that morning, we came into the house that very day, and what was the ministerial statement that was made? The appointment of Ted Mullighan. When Rob Kerin, as the leader, stood up and said, 'But hang on a minute, you've told us this morning you wouldn't accept the appointment if we didn't agree and we have told you that we don't agree,' the now Premier was quite evasive. He did not want to answer that because he had been so fundamentally dishonest with us in that meeting.

The point of the story is that we have a Premier in this state who is a profoundly dishonest person, who sat there in that meeting and said to us not once, not twice, but several times, 'This man will not accept the appointment unless you agree to it—'

The Hon. M.J. ATKINSON: Point of order. Is it unparliamentary for the Leader of the Opposition to refer to a member of this chamber, indeed, the Premier, as a profoundly dishonest person?

The ACTING CHAIR (Hon. M.J. Wright): My advice is that it is unparliamentary and it should only be moved as a substantive motion.

Mrs REDMOND: In that case, I withdraw the reference to profound dishonesty and merely call him a whited sepulchre, which is not unparliamentary.

The Hon. M.J. ATKINSON: Point of order. A reference to Erskine May will show that 'whited sepulchre' is, by long usage, ruled as unparliamentary.

Mrs REDMOND: I want a ruling on that because I do not believe it is.

The ACTING CHAIR (Hon. M.J. Wright): My advice is that any allegation made about a member being dishonest is unparliamentary.

Mrs REDMOND: In that case, I will simply refer to the facts at hand. The facts are that the now Premier of this state said, not once, not twice, but again and again and again in the presence of at least three members of the opposition and the then attorney-general, that Ted Mullighan would not accept the appointment unless we agreed and, in fact, we did not agree and, subsequently, the consequence was that the then minister came into this house that very day, just a matter of hours after that meeting had occurred, and announced the appointment of Ted Mullighan and then evaded the question from the then leader of the opposition, Rob Kerin, about how it was that he could announce that when we had been told that morning that Ted Mullighan would not accept the appointment if we did not agree and he knew that we did not agree. That was the first example. That was the first day that I knew who not to trust in this chamber.

Thereafter, there have been other appointments which I think bring into question this government's capacity to make an unbiased and non-partisan appointment. I have already mentioned (in an interjection, I think) Jeremy Moore, a solicitor from out at Strathalbyn. There is nothing wrong with him as a solicitor but, suddenly, he jumped up into an appointment on a particular board as the president. What is more, he displaced the deputy president who had acted in the job for some eight months prior to Jeremy's appointment without her even having so much as the chance of an interview. As it happens, Jeremy Moore is a failed Labor candidate. What do you know? He is a failed Labor candidate who, suddenly, gets a position that costs this government something like $400,000—or should I say the taxpayers of this state.

Ms Sanderson interjecting:

Mrs REDMOND: Robyn McLeod, strangely, another failed Labor candidate, comes over to South Australia as our new water commissioner. We all know what brilliant qualifications she has. Talking about qualifications for the job, what about Laura Lee? Admittedly, she did not actually get to take up the appointment, but when you think about some of the appointments that they have made, you wonder why this government would expect us to accept that what they are going to do is make an appointment of the best qualified person to take on this role.

This role is fundamentally important to the future of South Australia. This role is something which we care passionately about, and we do not want to see another Labor flunky appointed. That is our great fear, and that is why we take the view that—and I was on the Statutory Officers Committee when we appointed the new Ombudsman. The Ombudsman in someone who is meant to be independent, and I think does a pretty good job as an independent officer.

We want to make sure that whoever is appointed to this position is indeed an independent commissioner against corruption. We are not asking to be involved in the interview or selection process; we are not asking for any of that. All we are saying is, once that selection has been made, let us get it given the nod by both houses of parliament, because it could be that the person, for some reason, is not appropriate.

It might be someone who, for instance, has provided free legal advice to a former attorney-general who gets an appointment. There could be all sorts of reasons for appointing someone to a position like this that we would—

The Hon. M.J. Atkinson: Get in the gutter; get right in the gutter.

The ACTING CHAIR (Hon. M.J. Wright): Order!

Mrs REDMOND: We would question quite a number of appointments that could be made. All we are saying is this is an appointment that is so important that it should be made by selection of the appropriate person, which obviously will be left up to the government of the day whenever the appointment comes up, but vetted by the parliament just by giving it the approval of both

houses. For those reasons, we absolutely support the proposition put in the amendment and disagree with the government's disagreement with that motion.

The Hon. M.J. ATKINSON: Mr Acting Chair, there comes a time in the life of a political party when they have been in opposition for so long that they have no memory of the art of governing or the exigencies of governing. They are as distant in spirit and mind from governing as the Romans of the 12th century were, living in the ruins of ancient Rome.

We think about political appointments over the years—when I say 'political appointments', appointments to judicial or quasi-judicial office of people who were not merely members or former members of political parties, but had been candidates for parliament or members of parliament. We now have it on good authority from the Leader of the Opposition that the appointment of Sir Garfield Barwick as chief justice of the High Court was crooked because he was a former Liberal attorney-general.

We now have it on the member for Heysen's authority that the appointment of Sir John Latham as chief justice of the High Court was crooked because he had been the leader of her political party not long before his appointment. We have it on the authority of the Leader of the Opposition that the appointment of Sir William Deane to the High Court was illicit because he had been a member of the Democratic Labor Party, or indeed may even have been a candidate.

Of course, moving to our own era, we think of the appointment by the then Liberal government of Robin Millhouse, a member of this house and a former Liberal attorney-general, as a Supreme Court judge in order to create a vacancy in the seat of Mitcham, which the Liberal Party hoped to win. But, of course, these things the Leader of the Opposition has no memory of.

In a way, it is with a mixture of horror and delight that I hear the Leader of the Opposition use the example of the meeting we had about whom to appoint as the commissioner to enquire into sexual abuse on, I think, originally, the APY lands and then extended to sexual abuse of wards of the state—it may have been the other way around, actually. The Leader of the Opposition's recollection of what took part in the large boardroom of my office is correct. It is quite correct that the then minister for families and communities told the opposition delegation, which included the member for Heysen and the shadow attorney-general (the Hon. R.D. Lawson), that Supreme Court Judge Ted Mullighan would much prefer it if he could be commissioned with the consent of the opposition.

Mrs Redmond: They were not the words.

The Hon. M.J. ATKINSON: Refresh my memory.

Mrs Redmond: The words were that he would not accept the appointment unless we agreed. He very specifically would not accept the appointment unless we agreed.

The Hon. M.J. ATKINSON: I will accept the Leader of the Opposition's account.

Mrs Redmond: I have re-read it several times.

The Hon. M.J. ATKINSON: You mean you have re-read your own notes?

Mrs Redmond: Yes.

The Hon. M.J. ATKINSON: You re-read your own file note; that is absolutely compelling. I wonder if in the notes the Leader of the Opposition has the principal reason that the Hon. R.D. Lawson gave for not agreeing to Ted Mullighan as the commissioner. Let me refresh her memory, because it has never left my memory from that day to this.

I asked the Hon. R.D. Lawson why Ted Mullighan should not be the commissioner for an inquiry into sexual abuse of wards of the state. The reply was, 'Well, we've had a discussion about this in the Liberal Party room and some members, not named, have made the point, Attorney, that Ted Mullighan once shared chambers with Roma Mitchell.' I probably looked puzzled because I could not see why sharing chambers with Roma Mitchell—as Ted Mullighan undoubtedly did—was a reason for his not being appointed.

I asked Robert Lawson, 'Why would that disqualify him?' He then said, 'Well, there's a view, you know—Roma Mitchell, you know what she was.' And it all became clear: you could not have someone who had shared chambers with Roma Mitchell be a commissioner for an inquiry into the sexual abuse of wards of the state because someone in the Liberal Party room had raised questions about Roma Mitchell's sexuality. That was the principal reason that the Liberal Party would not accept Ted Mullighan as the commissioner for that inquiry.

Mrs Redmond: I agree it was said, but it wasn't the principal reason.

The Hon. M.J. ATKINSON: Let it be known that the Leader of the Opposition has said that, yes, it was said. She has conceded that it was said.

Members interjecting:

The Hon. M.J. ATKINSON: Good. Let me assure the committee that it was the principal reason that the Liberal Party opposed Ted Mullighan's appointment. I am proud to say that the parliamentary Labor Party and the Labor government took the view that this was a wholly inadequate reason for vetoing Ted Mullighan and we went ahead and appointed him, and I am pleased to have done it.

Mrs Redmond: You just make things up.

The Hon. M.J. ATKINSON: No; you have just conceded that that was the reason.

Mrs Redmond: I said it was a reason that was mentioned at the meeting. It wasn't mentioned in the party room, and it wasn't the reason.

The Hon. M.J. ATKINSON: But it was a reason given by the Liberal Party representative at the meeting. I will leave it to readers of *Hansard* to determine whether the member for Heysen being a party to the reason and not standing up and dissociating herself from that reason affects her fitness for public office.

Mr Goldsworthy: Sit him down.

The Hon. M.J. ATKINSON: The member for Kavel says, 'Sit him down.' I am not to have my right to speak. The way we appoint Supreme Court judges is by the Governor on the advice of Executive Council. That is the conventional method of doing it. The position of the commissioner of the independent commission against corruption in my view would be appropriately appointed by the same method as Supreme Court judges and District Court judges are appointed.

Indeed, I think it could turn into an American Senate style circus if we go through a system of parliamentary ratification by both houses. I think people who would be eminently suited to fulfil the role of commissioner, and fulfil it fearlessly and with dignity and integrity, would be put off if they were to be dragged through a parliamentary ratification process.

The Hon. J.R. RAU: I have listened to what other speakers have said. I hope what I was saying was not too dog whistle for the Leader of the Opposition, but I will repeat it again. If you listen to what I was saying about what I consider to be the problem (and you assume just for the moment that I am bona fide in actually expressing that opinion, because I am), then the question is this.

Given that the problem that I have identified is the fact that the nominee is to be dangled out there in no-man's-land for a period of time and then potentially subjected to public excoriation in this place under privilege, then that is the problem, because I believe that will deter most rational people from being interested in the job.

Mrs Redmond: It doesn't deter rational people from becoming MPs. We still get enough of them.

The Hon. J.R. RAU: Yes, and look at—please do not invite me down that track. The point I want to make is that, if the opposition was interested in talking about a selection process which somehow vetted or in some way scrutinised candidates prior to their appointment, and I mean by that prior to their appointment being known of or speculated upon, much as happens with judges—I mean, you can go down Gouger Street at particular times and you will hear all sorts of theories—

The Hon. M.J. Atkinson: Including, 'Please pick me.'

The Hon. J.R. RAU: Indeed—and as my colleague, the member for Croydon will tell you, those theories are on some occasions somewhere near the mark and very often nowhere near the mark. That means that is there is a crisp moment in time when a person goes from not being the commissioner to the moment they do become the commissioner, just as there is a crisp moment in time when people go from not being a judge to being a judge, or at least being announced as a judge. By that stage, the announcement has occurred after Executive Council has made the decision and after the Governor has signed off on the decision.

I have said informally to the Leader of the Opposition, and I say it again now, if anyone wants to have a conversation about how we deal with the process in an upfront fashion, which

does not involve people being dangled out there like a marionette for however long it takes for the parliament to get its act together, then I am open to have that conversation, but this particular thing would be rightly regarded as repugnant to any person whom one would hope to attract, and it might be grabbed with alacrity by people one would not want to attract.

Motion carried.

Amendment No. 7:

The Hon. J.R. RAU: I move:

That the Legislative Council's amendment No. 7 be agreed to.

Motion carried.

Amendment No. 8:

The Hon. J.R. RAU: I move:

That the Legislative Council's amendment No. 8 be agreed to.

Motion carried.

Amendments Nos. 9 to 23:

The Hon. J.R. RAU: I move:

That the Legislative Council's amendments Nos 9 to 23 be agreed to.

Motion carried.

Amendment No. 24:

The Hon. J.R. RAU: I move:

That the Legislative Council's amendment No. 24 be disagreed to.

Again, this was added in at the initiative of the Hon. Ann Bressington and supported, presumably for the reasons I expressed before, by the opposition. The situation, as far as I am concerned, is this: the inclusion of an offence of victimisation in the ICAC Bill before the commissioner's review of the whistleblower scheme, which is contemplated by the legislation, is not supported. Both the DPP and the police commissioner have expressed their reservations about the inclusion of an offence in this bill.

It is my position that the drafting of an offence for victimisation should occur, if at all, with the benefit of the commissioner's review of the whistleblowers legislative scheme. I am further advised that this amendment, in effect, attempts poorly to replicate offences that already exist. So, for those reasons, I move disagreement with this particular suggested amendment.

Mrs REDMOND: I am afraid I will have to go through in some little detail the issue here. We are talking about clause 55, which deals with victimisation. I do not think that there is any great distance between the two sides on the issue itself; that is, we want to prevent people being victimised because of their engagement in uncovering and working towards the disclosure and investigation and so on of corrupt conduct. I do not think there is any great gap between us there. What is sought to be included has several clauses to it. The clause begins by talking about:

A person who causes detriment to another on the ground, or substantially on the ground, that the other person or a third person has made or intends to make a complaint...

Let us make up a theoretical situation. You are the person who is at a management level and you might be stealing money from the Victims of Crime Fund—corrupt conduct—and someone lower down becomes aware of that and maybe makes an inquiry or starts things happening to investigate what might be happening and, as a result, you as the manager start to victimise that person. Usually, the victimisation will occur before it gets to that stage because it is intended to prevent someone from proceeding to bring these matters to the attention of the independent commission against corruption.

Subclause (1) simply says that a person who causes the detriment basically commits an act of victimisation. Subclause (2) provides:

(2) Causing detriment on the grounds that a person—

(a) has made a false allegation; or

(b) has not acted in good faith.

does not constitute an act of victimisation.

In other words, if that employee who goes along and makes a complaint about someone then says, 'Well, I'm suffering from victimisation,' and if it is subsequently found that that person who made the complaint is not acting in good faith, and has made a false accusation, they cannot complain that they have been victimised because it is not victimisation under this clause. Subclause (3) states that it can be dealt with as a tort or under the Equal Opportunity Act, and basically that is the same for all of those sorts of things. The Equal Opportunity Act is generally something where you can take your own civil action or go through the particular Equal Opportunity Commission. Subclause (4) states:

If a complaint alleging an act of victimisation has been lodged with the Commissioner for Equal Opportunity and the commissioner is of the opinion that the subject matter of the complaint has already been adequately dealt with by a competent authority—

Then they do not have to deal with it. What Ann Bressington is seeking to put in after that—

The Hon. M.J. Atkinson: The Hon. Ann Bressington.

Mrs REDMOND: Sorry, what the Hon. Ann Bressington is seeking to put in after that is the following subclauses. Firstly:

In proceedings against a person seeking a remedy in tort—

that is, if they are not going through the Equal Opportunity Commission but they are going through the normal court processes—

for an act of victimisation committed by an employee or agent of the person, it is a defence to prove that the person exercised all reasonable diligence to ensure that the employee or agent would not commit an act of victimisation.

I do not see that the Attorney should have any quarrel with that. That is to me a perfectly reasonable proposition, that provided the person who is the employer is able to say, 'I did everything that was reasonable to make sure that this person didn't victimise another person,' that is a defence, but for a person who personally commits an act of victimisation a penalty is imposed, and the maximum penalty is $10,000.

Then it goes on to provide, so that there is some limit on how that might be addressed, that proceedings for an offence (to get that $10,000 penalty) 'may only be commenced by a police officer or by a person approved by either the Commissioner of Police or the Director of Public Prosecutions'.

I think that it is all fairly rational and reasonable. As I said, I do not think that the government and the opposition are necessarily very far apart in what the intention is with regard to victimisation. We simply think that the proposal by the Hon. Ann Bressington is a reasonable addition to what already appears in that section and so we support the suggested amendment that has come from the Legislative Council.

Motion carried.

Amendments Nos 25 to 38:

The Hon. J.R. RAU: I move:

That the Legislative Council's amendments Nos 25 to 38 be agreed to.

Motion carried.

Amendments Nos 39 and 40:

The Hon. J.R. RAU: I move:

That the Legislative Council's amendments Nos 39 to 40 be disagreed to.

Amendments Nos 39 and 40 are a bunch, really. There were attempts to resolve this matter and compromises were rejected, so these matters remain in dispute, so I move that they be disagreed to.

The ACTING CHAIR (Hon. M.J. Wright): Does the leader wish to speak to either of those?

Mrs REDMOND: No, other than to say we obviously support the amendments.

Motion carried.

Amendment No. 41:

The Hon. J.R. RAU: I move:

That the Legislative Council's amendment No. 41 be agreed to.

Can I say that it gives me great pleasure to agree to amendment No. 41.

Motion carried.

Amendments Nos 42 and 43:

The Hon. J.R. RAU: I move:

That the Legislative Council's amendments Nos 42 and 43 be disagreed to.

I think amendments Nos 42 and 43 have the same problem as 39 and 40, so I disagree with both of them.

The ACTING CHAIR (Hon. M.J. Wright): Does the leader wish to speak to those?

Mrs REDMOND: No, other than to say that we have discussed this at some length with the Attorney and we remain at loggerheads over the issue, although I do think that the most substantive thing over which we are at issue is the appointment of the commissioner that we already discussed in the earlier clause. Most of these others would have been capable, I think, but I suspect that the Attorney wants to have a few more things that go to the deadlock conference.

Motion carried.

Amendments Nos 44 to 47:

The Hon. J.R. RAU: I move:

That the Legislative Council's amendments Nos 44 to 47 be agreed to.

Motion carried.

INDEPENDENT COMMISSIONER AGAINST CORRUPTION BILL

Mrs GERAGHTY (Torrens) (17:46): By way of personal explanation, during a division on the Independent Commissioner Against Corruption Bill, a division on amendment No. 3, something that does happen occasionally but not often in the pair arrangements that are agreed to between the parties, minister Hill was not recorded as an agreed pair. I just want to clarify that matter. I guess it comes down to the fact that he was actually here in his absence, if that makes it clearer, or not.

The Hon. J.R. Rau: You thought he was here but he wasn't?

Mrs GERAGHTY: Yes; but there was just a slight oversight.

Mrs REDMOND: I will need to check with our whip but I have a feeling that we realised he was a pair and kept the Hon. Iain Evans out.

Mrs GERAGHTY: I have spoken to Steven. There were three agreed pairs and in the confusion only two were covered, so I am just clarifying that minister Hill was agreed to. Those things happen. It is nothing terrible.

At 17:48 the house adjourned until Tuesday 30 October 2012 at 11:00.