HOUSE OF ASSEMBLY

Wednesday 4 February 2009

The SPEAKER (Hon. J.J. Snelling) took the chair at 11:00 and read prayers.

PUBLIC WORKS COMMITTEE: SOUTH ROAD UPGRADE—GLENELG TRAM OVERPASS

Ms CICCARELLO (Norwood) (11:04): I move:

That the 308th report of the committee, entitled South Road Upgrade—Glenelg Tram Overpass, be noted.

I guess everyone is aware that an underpass is being constructed on South Road at the Anzac Highway intersection to relieve congestion at this key bottleneck on the South Road corridor. It will be completed by the end of 2009. Originally, traffic was expected to be using the underpass by mid-2009, but we heard from the Premier earlier this week that traffic will actually start to use the underpass next month. Planning work for the underpass highlighted operational and safety benefits for the Glenelg tram to overpass South Road and for this work to also be completed by the end of 2009. The project will include tram embankments and facilities for pedestrian movement along the tram reserve, including lifts and stairs on each side of South Road. A platform at South Road will also be incorporated within the overpass structure.

The vertical alignment of the tracks over South Road and the platform area will be constructed to cater for trams that may be longer than the current Flexity units. At the ground level, a structure will be constructed to span South Road and avoid existing services in each footpath. There will also be a 'pedestrian friendly' area to the east of South Road, with good access to lifts and stairs, as well as improved local road access to and from South Road.

There will be a similar 'pedestrian friendly' area to the west of South Road, as well as sufficient span width to cater for any future widening of South Road. The tram overpass structure is to be constructed within the existing 20-metre wide tram corridor, and the new tram tracks will divert around the central platform, which will incorporate passenger shelters, lighting, timetable and local information, and stop identifiers as required. Detailed planning and design work will determine the most effective construction method and ensure tram operation continues safely on two temporary tracks during the construction period. The overhead system will be designed to minimise visual intrusion.

Mr PENGILLY: I rise on a point of order, Mr Speaker. There is an enormous amount of noise in the chamber and I am having trouble understanding and hearing the member for Norwood.

The SPEAKER: Order! The member for Finniss is a timid chap and does not like excessive noise in the chamber. I do ask members to keep conversation in the chamber to an absolute minimum.

Ms CICCARELLO: This includes minimising the number of overhead pole locations as well as maximising joint use pole arrangements. Any new freestanding poles will be multipurpose wherever possible so that they can support street lighting, traffic signage, cameras and other local requirements. Throw screens or similar measures will prevent objects being thrown from the platform onto South Road, and the design will be integrated with the visual impact of the overpass. They must also not adversely impact upon lines of sight. The screens will also be required where the cycle overpass crosses South Road and will ensure privacy to the backyards abutting the tram corridor. The removal of the at-grade tram crossing on South Road will reduce delays for traffic as well as reduce the risk of rear-end accidents. A car park for 20 vehicles is proposed on the western side of South Road underneath the structure. This area will be lit to discourage inappropriate behaviour.

The most significant constraint for the project is the need to retain two temporary tram tracks in operation during construction. Two temporary tram tracks require a width of eight metres in which trams can operate safely. These can be located to the north of the existing tram corridor, with the city bound track located on the local street and the Glenelg bound track on the adjacent footpath and verge area. This requires the local streets to become one-way while the trams are operating on the local street but allows the tram overpass and platform to be located centrally within the existing tram corridor. Trams can then be moved onto the new structure so that the space which has been used for the Glenelg bound service can be used for the cycle overpass facility. This option also minimises the potential for damage to the trees on the southern side of the

tram corridor and should avoid the need to relocate a major stormwater drain adjacent to the corridor.

Modelling of tram noise has been undertaken and has indicated that the tram will not add to overall noise levels. The trams will not adversely contribute to air quality at this location. In fact, the project will remove the at-grade crossing on South Road, resulting in an improvement in air quality in the immediate vicinity of the crossing because vehicles will not be forced to idle for long periods while trams cross this busy arterial road.

Up to 14 significant trees may need to be removed for this project. The majority of other trees likely to be removed is located along the southern boundaries of Glengyle Terrace and Norman Terrace to allow the construction of the temporary tracks. Providing the cycle overpass on the northern side of the corridor and locating the overpass centrally within the tram corridor minimises the overall impact on trees around the site. Sufficient space is available for new vegetation to be provided at the completion of the works. This will reduce the visual impact of the structure.

The community strongly prefers an extensive landscaping scheme to ensure that the overpass structure does not resemble the Emerson overpass, where no landscaping exists adjacent to the walls. The tram overpass project has an estimated capital cost of $28 million and an estimated net present value of approximately $5.6 million, with a benefit cost ratio of 1.23. If a cycle overpass is included to cater for the current low number of cyclists at an estimated additional cost of $4 million, the net present value becomes $2.14 million and the benefit cost ratio becomes 1.1.

Based upon experience with the operation and maintenance of the Mawson Lakes bus route interchange, it is estimated that the additional annual maintenance cost will be in the order of $148,000 indexed and commencing in 2009-10. The new platform replaces two existing platforms; however, energy and maintenance costs are expected to increase. Other costs include security, lift maintenance and inspection services, and passenger information. The security systems included within the overpass structure will be provided to meet TransAdelaide requirements.

It is expected that the high level of connectivity between South Road buses and the Glenelg tram stop adjacent to South Road will encourage public transport movements and thereby reduce demand for private car travel. Safety benefits include the cycle overpass, which will provide a safer crossing facility for cyclists who use the city to Glenelg tramway cycling route, and the lifts and stairs, which will cater for pedestrian access across South Road.

Based upon the evidence it has considered, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee recommends the proposed public work.

Mr PENGILLY (Finniss) (11:12): I rise to support this project. The Public Works Committee had an on-site inspection and gleaned quite a bit of information from it. As the member for Norwood indicated, the bike track was a welcome addition to the project to enable cyclists to get across busy South Road.

The cost of the project is fairly substantial at $28 million, but I think the long-term benefits to the arterial road network are far in excess of the costs, and for that reason we support the project. The only problem that Patrick might have is getting his trams operating so that they can get up the incline—but that is another story. However, it is welcome; there was absolutely no point in doing the underpass at South Road/Anzac Highway if this overpass for the trams was not put in place over South Road and the Glengyle Terrace area.

It is an interesting project. Among the things that members of the opposition asked about at the time was the access that tram passengers would have and the intrusion on people's privacy in their homes through their windows. We have been given reasonable assurance that that will not take place, and it is something we will monitor into the future. The other issue that concerned us was the impact on traffic flows coming out of the side streets during the construction phase; however, at this stage we are reasonably confident that will be accommodated.

We look forward to the project being completed on cost, and the Public Works Committee will monitor the project to ensure that it does indeed come in on cost. Furthermore, we are also very interested to see that the Anzac Highway underpass (that we approved, I suppose, a couple of years ago now) is nearing completion. Indeed, on the weekend the 'Premier for Good News' was down there getting his photo taken and extolling its virtues. He singularly forgot about the businesses there which have suffered and which have had signs hanging up for some years now.

However, we on this side of the chamber do support the project, and we will be pleased to see it go ahead.

The Hon. R.B. SUCH (Fisher) (11:14): I will be very brief. I am pleased to support this project. Notwithstanding that there are some technical issues that people could be critical about (for example, air-conditioning, and so on), I think the improvement to the tram system, the extension and this whole project, is one of the best things the Rann government has done. It will be remembered when we are all out of here—

Mr Pengilly interjecting:

The Hon. R.B. SUCH: I do not think that is fair; but in my view it is probably the best thing it has done. It will be remembered and recognised long after we have all moved out of this place into other illustrious pastures.

The extension of the tram service and the overpass provision—which this is about—is fantastic. I urge the government not to hesitate, but to expand the tram network further. It is going to extend it down to the Entertainment Centre, but I would like to see it extended out to areas like Norwood, Prospect, Mitcham and even Happy Valley. I commend this project, and I commend the government—in particular, the Minister for Transport—for having the foresight to get this project underway.

Mr Pengilly interjecting:

Mr PISONI (Unley) (11:15): It is good that the tram was running late to enable me to get on. As the member for Finniss has indicated, the opposition supports the project; however, there are questions about the management of infrastructure projects in South Australia and the management of this project, in particular.

The first thing that comes to mind for me—being a fairly practical person, I must say—is why it did not occur to the designers of the South Road underpass at Anzac Highway that they would need to deal with the tram crossing at the same time. The Public Works Committee heard that it was only a month or two later that the designers realised that, once the underpass at Anzac Highway was completed, there would be a bottleneck caused by the boom gates coming down at the tram crossing.

What is even more surprising is that the decision to make the tram overpass over South Road was made after the tram line had been closed down for six months to re-lay existing track on the new rubble and upgrade tram stations for the new Bombardier trams that needed to arrive prior to the 2006 election. I was surprised to hear that the new trams may not, in fact, be the same trams; in other words, they may be trams designed for those particular tram stops. They may in actual fact be wider trams, or they may be of a slightly different design, which means that the step onto the tram from the tram platform itself may not line up, making it more difficult for those in wheelchairs, of course.

I was surprised to hear Rod Hook actually say that the trams may be slightly higher and that, if they are wider, they will actually come in over the tram platforms. This shocked me, because a very good friend of mine uses a wheelchair, and one of the criteria that he needs to know whenever he travels around the world is just how accessible cities are for people in wheelchairs. All this work went into providing tram stops to suit the trams that we have, and we were told at the Public Works Committee that they might not necessarily be the trams that will continue to run on that stop. So, consequently, the advantage that we had with wheeling a wheelchair on or off may very well be lost.

What is even more surprising, of course, is that those particular trams—which were rushed to arrive before the 2006 election—require the manual operation of any sort of a ramp for a wheelchair. It requires something that I think was invented about 1,000 years ago—a hinge and a handle—to pull the ramp up to enable a wheelchair to go on. Whereas that very same brand that I saw in Minneapolis last year had a flat entry for wheelchairs. It was a slightly different model, of course, but still from Bombardier. It enabled a wheelchair user just to simply move straight into position on the tram without the fuss of using a manually operated ramp that would need to be operated by a conductor. I think this reflects the lack of organisation in this whole infrastructure upgrade program under this minister.

We heard the member for Norwood explain that dozens of 80 year old trees will be knocked down to put in temporary tracks so that the tram can continue to run while the overpass is being built, yet three years ago we closed that whole system down for six months to enable a

re-laying of the track. A second-hand track was put down and, of course, they are now going through that process again and replacing the second-hand track with new track, even though they were advised to use new track for the original replacement program. Again, that is another story for another day.

The management of infrastructure under this government is a comedy of errors that is turning into a tragedy. Dozens of 80 year old trees will be removed simply so that a temporary track can be laid on the footpath on the road adjacent to the existing tramline in order to keep the trains running. If this project had been part of the original upgrade of that track three-odd years ago, there would be no need for residents to lose the amenity and the benefit of having those beautiful and established trees in their street. It is another major error by this government. People coming to Adelaide 10 years down the track will say it is a wonderful project with a good flow of traffic, but I am sure they would be horrified to hear about the comedy of errors that occurred in getting to this stage.

Motion carried.

PUBLIC WORKS COMMITTEE: ADELAIDE ENTERTAINMENT CENTRE FACILITY ENHANCEMENTS

Ms CICCARELLO (Norwood) (11:23): I move:

That the 309th report of the committee, entitled Adelaide Entertainment Centre Facility Enhancements, be noted.

The government built and opened the existing Adelaide Entertainment Centre facility in 1991, to enable South Australia to attract and stage world-class live entertainment for the benefit of the South Australian community. The committee was told that the centre's tired presentation was hindering higher opinions and positive feelings towards it within the South Australian community. This has the potential to negatively impact on future concert attendance and the ability of the centre to attract major international concerts or events and compete with other venues in the Asia-Pacific region. This is a view supported by Australia's four leading concert promoters.

The Adelaide Entertainment Centre is proposing to construct the following facility enhancements: a dynamic entry statement, which will be a distinctive, contemporary identity out to Port Road; a new medium-sized live entertainment venue to stage cost-effectively and more readily attract medium-sized contemporary live performances or concerts to South Australia for audiences of up to 2,500 people; expansion of patron service areas to provide additional patron comfort and improved services during concerts or events; and dressing of the Port Road frontage, to promote upcoming concerts and events, consistent with existing heritage buildings and the requirements of the centre.

The entry structure will feature a steel primary supporting structure forming a dome geometric shape. Aluminium extrusions will be fixed to the primary structure and lit to create spectacular visual effects which provide the dome structure with a multicoloured changeable glow. The dome, which is approximately 18 metres in height, will be semi-enclosed and will feature four-metre high glass walls and doors. Once inside the dome, patrons will have access to the existing arena, new performance venue and courtyard facilities.

The new live performance venue has been designed acoustically to ensure sound quality. The venue will be approximately 15 metres in height to allow for excellent rigging capabilities throughout the venue. The new venue's entry foyer walls will be glazed beneath a rectangular void structure, with vertical panels featuring lighting, to achieve highly impressive effects similar to that featured in the giant entry structure. The new venue will feature loading dock facilities, which will enable two semitrailers to bump in/out at the same time. It also features backstage dressing rooms and other associated facilities to cater to the needs of touring productions.

Adjacent to the new venue we will be a new kitchen facility. The kitchen will service the new performance venue's function catering requirements and will enhance the servicing of hot food outlets in the foyer of the main arena. A sound-rated operable wall and two bars are to be installed in the new venue to allow the centre to holds multiple functions in the space simultaneously.

The Port Road streetscape will be improved with high-quality paving and banner polls featuring details of upcoming events. Pedestrian and traffic safety and side access will be enhanced through the construction of a vehicle drop-off and collection ingress off Port Road and beneath the dome.

By doing nothing, South Australia would not remain competitive with interstate and overseas venues within the Asia-Pacific region; resulting in international artists and events increasingly bypassing Adelaide, which would have adverse consequences for the South Australian community. However, a new venue would cost over $350 million. This was deemed inappropriate, given that the centre remains structurally sound and a highly functional building for the staging of major international live concerts and events.

The project will increase the life of the venue by up to 30 years. This will provide the best value for money outcome for the state as it will deliver a highly impressive, competitive facility whilst saving taxpayers the hundreds of millions of dollars required to build a new facility. Analysis of the South Australian Strategic Plan population targets, the Australian Bureau of Statistics population projections, and the centre's attendance data indicates that the current capacity of the venue will meet the medium to long-term needs of the South Australian population.

By enhancing the existing facilities, it is intended to:

- ensure that South Australia continues to fight above its weight in attracting world-class contemporary live entertainment to Adelaide for the benefit of South Australians;
- improve the AEC facility so that it remains one of the leading indoor arenas in the Asia-Pacific region;
- achieve a significant architectural and construction outcome that champions sustainability principles and makes South Australians proud of their premier entertainment venue and optimises operating costs over the life cycle of the extended facility;
- increase South Australia's capture rate of medium-size acts touring Australia;
- improve accessibility by enhancing public transportation linkages to the venue;
- foster the development of a vibrant entertainment and multimedia precinct on the AEC site; and
- build new revenue streams to further safeguard the AEC against downturns in international touring so that it continues to trade profitably from an operating perspective.

The facility enhancements will increase the centre's gross operating profit from $1.53 million to $2.06 million per annum and net operating profit from $192,000 to $647,000 per annum; that is, the operating profitability of the centre will increase with the introduction of the facility enhancements, and the centre will continue to cover its operating expenditure. The centre received a $50 million increase in investment expenditure from the government for this project in 2007-08. The total estimated project cost is $51.93 million, of which $1.93 million will be funded from interest earnings.

Based upon the evidence considered and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public work.

Mr PENGILLY (Finniss) (11:29): Once again, I rise to support this project. Obviously, the enhancements to the Entertainment Centre require a large amount of money but, quite frankly, the centre is tired, outdated and needs substantial money spent on it. The centre is used for the large activities in question that take place in South Australia and, as such, it needs to be truly beneficial to the state and to meet the standards that are required to attract acts and various forms of entertainment to South Australia. I have attended a number of functions at the Entertainment Centre. They are always enjoyable. I have the utmost confidence in the CEO, Mr Anthony Kirchner, and I also have a lot of confidence in the board under Bob Ford and his crew.

It is a well-run facility that is turning a profit and, as such, these things were taken into consideration when I made my judgment, as I am sure was the case for other members of the Public Works Committee when they balanced up how they would view this project. The project was presented to the Public Works Committee in a professional manner with plenty of information. It will serve the people of South Australia for a number of years when this upgrade takes place and, indeed, they can have some pride in this facility.

In these stringent and difficult financial times that we have entered into, I am not quite sure whether South Australia, or Australia as a whole, has come to grips with where the rest of the world is at this stage, and I am sure that we face most uncertain times. I am not sure that those in government at both state and federal levels have either the nous or the political and financial

acumen to get the state through our situation. The judgment is out on the federal government's announcement from yesterday.

However, I have concerns that people will just not have the money to spend on luxuries, and going to entertainment venues to see shows is a luxury that we have taken for granted for a number of years—although, in saying that, I do not wish to be negative. I am sure that those in the right places will look long and hard at this project and make a decision on whether or not it goes ahead. It will be beneficial to the building and associated industries, so I dare say it will go ahead because we have the money in hand anyway.

As I indicated, I support the project. I look forward to seeing the completion of the project and an A1 venue in South Australia. It opened in 1991, which is a long time ago now, and things need a bit of a freshen-up from time to time. It is an expensive freshen-up, but I support the project.

The Hon. R.B. SUCH (Fisher) (11:33): I have some brief comments. I fully support the upgrade of the Adelaide Entertainment Centre. I think that any study will show that the more attractive a venue, the more likely you are to attract custom, so it is a good investment to make a facility the very best you possibly can, because it will be repaid through increased attendance and patronage.

I have mixed feelings about the Entertainment Centre because, when I was the former minister for youth, the Hon. Dean Brown (then premier) asked me to take a group of young people to listen to AC/DC. I do not know whether it is anything spooky because he is Dean Craig Brown (D.C. Brown) but I would have to say it is not quite my cup of tea when it comes to music. Some people would say I was not normal before the concert—I certainly was not normal after the concert because, as I say, it is not my type of music. I thought it was to do with electricity, but I found out it was allegedly to do with music.

The other interesting thing that happened in relation to the Entertainment Centre was that John Olsen did not want me in the ministry for reasons that I understand (he told me that he had to look after the people who put him there). I still had an invitation to go to the Entertainment Centre for a concert of some kind, and the incoming minister, Scott Ashenden, said that he wanted those tickets back, because he wanted to promote business. I have mixed memories of that.

I have been there on many occasions for high school musicals, the police tattoo and so on. I think it is very important that the facility is of top quality. Adelaide is a great place for entertainment and the arts, strongly promoted by the Premier and assisting minister Hill. I think it is essential that we have facilities that people can go to, and it is critically important that we have facilities that the average citizen can afford to go to. I am a great believer in allowing anyone and everyone the opportunity to participate in concerts, the arts, and so forth, and in not allowing them to become simply reserved for the wealthy or the elite. I commend this project, and I look forward to its speedy conclusion.

Ms BREUER (Giles) (11:35): I will just speak very briefly about the Entertainment Centre. The thought of going to something that can house so many people and is so huge has always somewhat put me off going. I have been to only two shows at the Entertainment Centre. I went there many years ago for a Sting concert and I have not really bothered to go to many concerts there since, because I thought that it is just too huge and you cannot see.

But last night I went to the Jose Carreras concert there, and I have to say that it was one of the most spectacular concerts that I have ever been to. It was absolutely wonderful. A number of times, I had tears running down my face because I was so moved by the music and what was happening there.

I have to say that, even though I was a long way from the stage, the magic of being in there, of hearing someone as famous as he is with such a beautiful voice and Fiona Campbell who also performed and our wonderful Adelaide Symphony Orchestra, made it a magic night. The venue was wonderful, and I think we need to encourage as many major world acts as we can to come there. I think that this project will certainly assist in that regard. I think that we can be very proud of that centre, and we can have anyone from anywhere come and perform there. I fully support this project.

Motion carried.

PUBLIC WORKS COMMITTEE: VICTOR HARBOR HIGH SCHOOL

Ms CICCARELLO (Norwood) (11:37): I move:

That the 310th report of the committee, entitled Victor Harbor High School, be noted.

The redevelopment of Victor Harbor High School is estimated to cost $5.99 million and, when completed, will accommodate a maximum of 800 secondary students. It includes a new resource centre, administration, art and classroom accommodation, demolition of five timber transportable buildings and site, civil and landscaping works.

The project aims to provide modern, efficient and functional areas for the delivery of education to the community of Victor Harbor. The key drivers are to provide new senior school accommodation including new arts facilities, classroom and resource centre, consolidate the administrative and staffroom functions on site, improve the accommodation for the school and avoid the continuing and escalating high cost of maintenance of aged timber buildings.

The design solution will construct a new administration and staffroom resource centre, four art spaces and five general classrooms into a central location, remove five timber transportable buildings constructed in the mid-1960s, make a pool of seven single metal classroom buildings with floor area totalling 520 square metres available for relocation to other DECS sites, provide an internal school environment that meets all current regulatory standards and encourages best practice education facilities, provide passive design principles to reduce reliance on energy including the indirect natural lighting of spaces via highlight windows, ventilation via windows and the use of energy efficient mechanical plant. Rainwater will also be collected for reuse in irrigation and toilets.

Physical and visual links will be constructed between the facility and the existing school to encourage integration of students within the school environment. Temporary fencing will be erected to define the contractors' compound and deny access by both students and staff during the course of construction works. However, there will be times when a crossover of contractor/staff and students will occur, and appropriate management procedures will be put in place to suit those requirements.

There will not be a requirement to provide temporary classroom accommodation during the works as this accommodation is currently available on site. With these plans in place, it is not anticipated that there will be a significant impact on the school's teaching delivery during the project works. Three options were considered in the development of this project. Doing nothing was discounted primarily due to the immediate need to undertake replacement of a number of timber transportable core buildings in order to maintain essential services and sustain current and future service delivery levels. Delaying the redevelopment would significantly increase the future overall capital costs associated with the redevelopment of core services and would result in significant additional costs due to anticipated price escalation and associated fee and cost increases.

Building a new school is the most costly option, and it was discounted as some existing buildings are reasonably new, solidly constructed, in good condition and are able to be redeveloped cost effectively. The preferred option avoids the disadvantages of the others and will provide a new building to accommodate the administration, resource centre, art and general learning areas for students.

The project will provide modern education accommodation, meet legislative compliance requirements, and deliver DECS benchmark accommodation for the students. In particular, it will allow students to experience accommodation specifically designed to support contemporary teaching methodologies, the amenity of the site will be improved for the wider community, and the presentation of the site will be aesthetically improved.

Construction was expected to commence in January 2009 and be completed by December 2009. Given the evidence that it has considered and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr PENGILLY (Finniss) (11:41): I can hardly believe that we have reached this stage. A little bit of history, as far as this project goes, will bear out the fact that both the high school and the TAFE for Victor Harbor were approved in the Liberal budget in 2001. They were immediately shelved by the incoming Rann government and have been put on the backburner for some eight years, which is an absolutely outrageous act of treachery by Premier Rann and his government.

They have treated the South Coast with contempt, they have treated the citizens of Victor Harbor with contempt, and they have treated the children and staff of the education system with

contempt. But, we finally see today that this project has been approved; and, indeed, I was very happy to approve it.

As the member for Norwood indicated, there will be approximately 800 students at Victor Harbor High School in due course. Let me also point out that Victor Harbor High School services the entire South Coast. Students come from north of Goolwa in the Currency Creek area right through the surrounding region on the Fleurieu Peninsula to Victor Harbor High School. There is no other public high school for some distance unless one goes to Willunga. Indeed, there is an area school at Yankalilla for students up to year 12 and there are two private schools in the Victor Harbor area, but the high school campus for Investigator College is at Goolwa. Therefore, there is a considerable number of young people who need to attend Victor Harbor High School, and they will have their studies greatly enhanced by the redevelopment and the resource, art and admin centres that have been put in place.

Some of the existing buildings are archaic. As the member for Norwood pointed out, they were built in 1960, and I think that was the last time they had anything done to them. I have had regular meetings with the Chair of the Governing Council of Victor Harbor High School, Mr Andrew McKenzie, and his council. He has expressed frustration over a long period of time. The Labor Party has absolutely dudded the South Coast; it has just forgotten about it. I have found it necessary to harp on about the TAFE and these projects, such as the high school, since I have been the local member as did, indeed, my predecessor, the Hon. Dean Brown.

I am very pleased that, Mr Peter Crawford, the Principal of Victor Harbor High School, appeared at the Public Works hearing in the company of Mr McKenzie to talk about this project. One issue that arose was 'Premier Windmill's' windmills. We are not having windmills on the grounds of Victor Harbor High School because they just could not be afforded; they were only a bit of a plaything, anyway. The fact of the matter is, again, that this is a vital piece of infrastructure. Along with health services and the education system across the South Coast, this high school will serve Victor Harbor into the future.

Unfortunately, I am not satisfied with the progress of the TAFE college at this stage. We have not had the plans in front of us as yet—I am waiting to see what it will become—but we will. It was also through the foresight of my predecessor that we are developing an education hub around the high school site, with a TAFE college and various other things alongside it in the future.

I cannot wait to see this open. Once again, I say that I am disgusted with the Labor Party and Premier Rann and his outfit over the fact that it has been put off for eight years, but now, lo and behold, it is going to be open at the end of this year or in early 2010. We all know that we have an election next year. We will probably have the TAFE opening at the same time, it will be rahdy-rahdy-rah and we will have them all down there saying wonderful things.

I will not hesitate to remind them of what they have done over the past eight years or, more to the point, of what they have not done, in providing these facilities earlier. I think it is disgusting and disgraceful. I know that *The Times* newspaper of Victor Harbor has had a fair old slap at it over the years as well. It is simply not good enough.

It is a rapidly developing area, with a population of some 14,000 in Victor Harbor alone. We have students down there with special needs, as well as everywhere else. We have students who want to go on to tertiary education and university education. We need these things to be put in place. I was speaking briefly with the member for Fisher before, who I am sure will have a few words to say on this project. He was the appropriate minister back in 2001—

The Hon. R.B. Such: From 1993 to 1996.

Mr PENGILLY: Yes, 1993 to 1996—thank you, member for Fisher. He actively supported these projects at the time, but the incoming Labor Party government dudded everything and left us like a shag on a rock over these projects.

Thank you for the opportunity to speak on this. I will be following the project closely, monitoring how it goes and keeping in touch with the appropriate authorities down there. As I said earlier, I look forward to seeing this project come to fruition, but I can tell you that we need a few other things fairly urgently as well.

The government will be regularly reminded by me of the needs of the people of the Fleurieu Peninsula, especially the young people who need first-class educational facilities. They should not have to come over the hill to do their TAFE courses, they should be able to do them

down there. They should not have to travel to Willunga if they cannot do courses at Victor Harbor High School, which is a terrific school.

The Victor Harbor High School band is absolutely sensational. If anyone ever gets the opportunity to listen to them, please do so. They are fantastic and just take your breath away. The member for Giles was speaking about the Adelaide Symphony Orchestra; I can tell you that relative to that orchestra they are outstanding. I finalise my remarks by saying that I cannot wait to see this thing up and running.

The Hon. R.B. SUCH (Fisher) (11:48): I welcome this project. It has been a bit like an elephant's pregnancy: it has gone on for a long time. I do not want to fall into the trap of the Hon. Robert Brokenshire and say, 'When I was a minister', as it gets a bit tedious, but I remember speaking about this 13 years ago and promoting it in conjunction with an upgraded TAFE. I am delighted that something is happening in relation to the school, but I am not so sure that the vision of the TAFE being a fantastically expanded and upgraded facility is going to be realised.

I hope that I am wrong on that point, because it was one of the matters that I was passionate about. Fortunately, TAFE (which means the Crown) still owns a huge parcel of land as you enter Victor Harbor on the right-hand side near McCracken Estate. Years ago some bureaucrats and others wanted to sell it off, but that was strongly resisted, so it is still there. That money should be going towards the upgrade of the TAFE facility in conjunction with the high school. The high school is in need of upgrading, and this redevelopment will certainly help in that regard.

Victor Harbor, as we all know, is a growing area. My concern is that, whilst growth can be good, I hope that in the process we do not see the destruction of what is a gem of a place and a beautiful environment. With a growing population, and a young population, as well as, obviously, a lot of retirees, you need to have adequate educational facilities, so I welcome this upgrade.

Mr GOLDSWORTHY (Kavel) (11:50): I would like to make a brief contribution in relation to the motion of the Presiding Member of the Public Works Committee in relation to the report on the redevelopment of the Victor Harbor High School and, obviously, I support the remarks made by the member for Finniss. The high school at Victor Harbor, as the member for Finniss stated, obviously caters for the educational needs of a very large district in that part of South Australia. Throughout the Southern Fleurieu area it provides the vitally essential requirements for the educational needs of our children in that part of the district.

However, this goes to perhaps some broader issues in relation to educational facilities and the need for their continual upgrade in South Australia, and I want to highlight a couple of matters that relate specifically to my electorate in relation to educational facilities. I am pleased to—

Ms CICCARELLO: Mr Speaker, I have a point of order.

Mr GOLDSWORTHY: Look, Vini, what are you trying to do—stifle debate, or something?

The SPEAKER: Order! The member for Kavel will take his seat. The member for Norwood.

Ms CICCARELLO: The member for Kavel's talking about schools in his electorate has nothing to do with the Victor Harbor High School redevelopment.

The SPEAKER: I will listen to what the member for Kavel has to say. Normally in the course of speeches we give some latitude to members, but I will listen to what the member for Kavel has to say and I will pull him up if I think he is straying too far. The member for Kavel.

Mr GOLDSWORTHY: Thank you, Mr Speaker, and I am surprised at the attitude of the member for Norwood and her wont to stifle debate in relation to these very important issues that come before the house. I note that she raised a point of order during a speech I made yesterday in relation to planning and development and, again, she raises a point of order about my making a contribution concerning the Public Works Committee in relation to the very important issue of the educational needs and facilities of our children in South Australia. So, it comes as a surprise to me that the member for Norwood wishes to stifle debate in the parliament—the place where democratic free speech should be at the forefront of what we deal with here in the state. The member for Norwood wants to stifle debate on important issues such as this. So I will continue my remarks.

This particular issue concerning the Woodside Primary School did come before the Public Works Committee so, if the member for Norwood was not so hasty in raising points of order and sat

in her place and listened, she might realise that what I am going to say does relate to issues that have come before the Public Works Committee, and I want to highlight those issues. The redevelopment of the Woodside Primary School did come before the Public Works Committee, and I recall the member for Finniss speaking to me in relation to that matter.

I am pleased that this government—I am actually saying something positive about the government, Vini, so if you want to raise a point of order I will continue my comments on how badly the government did in relation to the redevelopment of the Victor Harbor High School, which is the point the member for Finniss raised. So, if you want me to go down that track, I am more than happy to do so. But I am saying that I am pleased the government saw the need for the redevelopment of the Woodside Primary School—that project came before the Public Works Committee—and we have seen a new school built at the existing site at Woodside. I have had the pleasure to tour the facilities. The principal, the children and the parents—the whole school community—are very pleased that the new school was built, notwithstanding the fact that the then federal Liberal government put a significant amount of funds into that project.

I highlighted the need for considerable work to be done at that site not very long after I first came into this place. There were a couple of buildings where the window frames had rotted away to the extent where you could put your arm through a hole in the window frame. So, the site was in significant need of renovation and redevelopment.

I would also like to raise the issue of the recent redevelopment at Birdwood High School. I am pleased the government saw fit to inject some funds into that redevelopment. The member for Schubert actively and in a very positive manner represents that township. I am fortunate that Birdwood will return to my electorate at the next election and, if I am successfully re-elected, I will look forward to again representing that township and also the needs of the Birdwood High School committee.

I was pleased to help with the strategy of that school community in lobbying the government for the funding of that redevelopment project. Stage 1 of the redevelopment has gone through. We are reaching the point where funding for stage 2 is to be requested of the Minister for Education, and I look forward to being part of the group that urges the government to provide that funding. I raised an issue yesterday concerning Mount Barker Primary School—

The SPEAKER: Order! I am prepared to give the member for Kavel some latitude. However—

Ms Ciccarello: Too much!

The SPEAKER: Order! However, he does need to speak to the report. I admit that I have not read the report, but from its title it does seem to deal with the Victor Harbor High School. I direct the member for Kavel to address his remarks to the report. I am reluctant to be too strict with respect to what members say in their speeches, because sometimes something that may not appear to be relevant to me may, in fact, have some relevance. Nonetheless, this is not an opportunity to make what is essentially a grievance. The member for Kavel needs to direct his remarks to the report.

Mr GOLDSWORTHY: Thank you very much, Mr Speaker. I always appreciate your direction in relation to issues here in the house. This goes to the point of making a comparison between the government's funding the Victor Harbor High School redevelopment and also funding other projects for redevelopment at various school sites around the state. I am merely raising these issues to make comparisons in how the government performs with respect to one of the most important aspects of its responsibilities in providing satisfactory resources and services here in the state.

The member for Schubert is prompting me, but he is making some quite relevant points because, as a member of parliament representing a local constituency, I take my responsibility seriously to highlight the needs of the state as a whole in relation to educational services.

As the member for Finniss pointed out in his contribution, this has been a long time coming. It has taken many years to reach the stage where the redevelopment of the Victor Harbor High School has come to fruition. I am advised that 800 students attend that school, which is obviously meeting the educational needs of the teenage people living in that district. If there are 800 students, arguably that could mean up to 800 families, and that is a significant part of that southern Fleurieu region's population. Although it does distress me somewhat that the member for

Norwood raises these frivolous points of order, it is up to her to make a decision on those matters. I am pleased to contribute and speak in support of the motion to adopt this report.

Motion carried.

KAPUNDA HOSPITAL (VARIATION OF TRUST) BILL

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (12:01): I bring up the final report of the select committee on the bill, together with minutes of proceedings and evidence.

Report received.

The Hon. J.D. HILL: I move:

That the report of the select committee be noted.

In tabling this report, as Minister for Health and chair of this committee, I thank the members of the committee, whom I will mention by name: Ms Breuer, the member for Giles; Ms Chapman, the member for Bragg; the Hon. G.M. Gunn, the member for Stuart; and Mr Piccolo, the member for Light. We met, I think, on two occasions. We advertised the matters that were of relevance and we received three submissions. One submission came from the owners of the childcare centre, the matter which is relevant to the report into the legislation; another submission came from a local community group, a ratepayers' association; and a third piece of correspondence came from an individual.

No-one was opposed to where we wanted to go. The childcare provider, of course, was very strongly in support of what we were doing because, obviously, it was necessary to legitimise its settlement on that property. The other two responses understood and, I think, agreed, as I understand it, that this was the correct way of proceeding. However, they expressed some general concerns about making sure there was proper community consultation, and they also expressed concerns about future potential uses of the power. The committee accepted all those submissions and agreed on the report which I am now tabling and which would allow the parliament to deal with this matter today and settle this matter once it has gone through the other place.

As Minister for Health and also chair of the committee, I undertook to write to the ratepayers' association and the individual and explain to them what we were doing and the nature of the safeguards that were in the legislation which would ensure that any future use of this power would take place through a consultation process. I think we all agree that that was the correct way to go. I thank those who wrote in and thanked members of the committee and I say how pleased I am that this matter will soon be brought to a head and the childcare centre will have legitimate occupation of the site. I commend the report to the house.

The Hon. G.M. GUNN (Stuart) (12:05): I support the report of the Select Committee on the Kapunda Hospital (Variation of Trusts) Bill. What took place was an unintentional oversight; it was done in the best interests of that community, and therefore the action taken by the government in amending the trusts to ensure what was done is retrospectively made legal so that it is right and proper. It would be not only unfortunate but absolutely ludicrous if the childcare centre had to go out of operation.

The people who run the Eudunda Kapunda Hospital Board and their predecessors are of the highest integrity and have done a good job on behalf of their communities, and I commend them for the work they have put in. I am pleased this has not taken a great deal of time and I am happy to support the recommendations of the select committee and sincerely hope that the childcare centre continues to provide a service to that community with the excellent facilities that are there.

Last Saturday night I had the privilege, along with the member for Schubert, of attending the 50th anniversary of the Rotary Club at Kapunda. One of the highlights of that 50 years was its involvement in putting a helipad there—an excellent community investment and something which will be of great benefit. Those sort of investments on that land are very important, so we should not do anything that would impede the community-minded citizens of that area from improving the facilities they have at their hospital and the associated aged-care facilities, which are great. Everything to do with it is good and the people involved in running it are hardworking, dedicated, good community people. I strongly support the recommendations of the select committee.

Mr VENNING (Schubert) (12:08): In 2005 I was the member for this area and I am sad the redistribution took me away.

Members interjecting:

Mr VENNING: I am extremely sad. They have not complained about their new representation at all as it is a continuation of good, strong service. I enjoy great cooperation with the member for Stuart as I still frequent Kapunda because it is a wonderful town. In 2005 a childcare centre was established in Kapunda on land held in trust. At the time the trustee was the Eudunda and Kapunda Health Service Inc. I remember it well, as at the time I was the member for Schubert and responsible for that area.

The centre provided the growing Kapunda community, including many young families, with a convenient childcare service within the township. The staff of the Kapunda hospital, in particular, find the centre extremely well located, being only a few hundred metres away from the hospital. It was unfortunate that it was not realised sooner that the vacant land that the centre was built on was held in trust.

I am pleased the bill has been brought before the house so that the situation can be remedied and the oversight covered. I am glad the bureaucracy did not hold it up for too long. It is sad that it has happened, but I am pleased we are able to fix it up. There were a lot of concerned parents when the situation was revealed. Many were concerned that the centre would be forced to close and that they would have to cut back on their work or travel further to another childcare centre, which are in short supply in this area.

The fact that the centre was built on vacant land not required by the hospital, and that applications made by Childcare Services Australia Pty Ltd to relocate the centre on other sites had failed, proves this bill is necessary to ensure that the service can continue to be offered for the community.

I join the member for Stuart and the minister in expounding the virtues of the Kapunda hospital, which is right alongside. We went to a function the other night—50 years of Rotary—and they highlighted the helipad that has been put there. It was a great community project and a great effort by Rotary.

The facilities for the community in that whole area are just fantastic, as good as anywhere. I pay tribute to the then board chairman, Mr Max Armstrong, who was a great leader in relation to all these projects. The support of the townspeople and volunteers—not just Rotary members but also Lions members—for this issue is fantastic. As I said, I was sad to move from Kapunda, although I have rooms there so I still visit that town. It is a lovely area and I really enjoy its ambience. Along with the member for Stuart, I am pleased to attend many functions—because I still get invited to many functions in and around Kapunda. I commend the minister and this bill to the house.

Mrs REDMOND (Heysen) (12:11): I want to comment briefly on this bill. I will not comment so much on the substance of the bill because I am satisfied that the members for Stuart and Schubert have covered that adequately. What interests me about this bill is the fact that it is a private hybrid bill. When one looks at the *Notice Paper*, it states:

> Kapunda Hospital (Variation of Trusts) Bill (No. 39) (Minister for Health)—Report of the select committee to be brought up.

That is what caught my eye. I was not intending to speak on the bill until I looked at the select committee report. I was puzzled as to how this came about. I have learned this morning that this may be the only opportunity I ever have in my parliamentary career, no matter how long it continues, to speak on a private hybrid bill, so I thought I should not let the opportunity pass me by. I am ever mindful of the fact that one day, about 100 years from now, when I die there will be a condolence motion, and I am determined that it not be so boring that the then members of parliament fall asleep. I intend to do some odd things from time to time and this might be one of them—and maybe it will not.

Apparently, private members' bills were very popular in the 19th century for establishing universities, and some legislation still remains on the books. In fact, Prince Alfred College and a few places such as that still operate pursuant to those sorts of bills. What happens is there are public or private hybrid bills. The public bills, which relate to matters of public policy, are introduced by members of the house. A private hybrid bill is initiated by people or some organisation outside who want something done; and in this case, obviously, it is the people involved in and around Kapunda health services and the childcare centre. The explanation advises that private bills are

bills for 'the particular interest or benefit of any person or persons, public company or corporation, or local authority, and are promoted by the interested parties themselves'.

Of course, what happens is that once the Speaker declares—as he did in this house on our last day of sitting, certainly towards the end of November last year—that he agrees that this is classified as a private hybrid bill, then the requirements of the practice of the house are that such a bill goes off to a select committee; and a select committee was set up, comprising the members for Giles, Bragg, Stuart and Light and the minister. That is the mechanism by which this report now comes back to the house. Its having been made public, the select committee invited submissions from those who were interested, received and considered those submissions, and then made the decision to proceed with what was proposed all along.

I was interested in that being the procedure for this bill and wanted to put it on the record. I endorse the sentiments of the bill and the bill itself.

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (12:14): The honourable member's epitaph no doubt will be hugely improved by that contribution.

Motion carried.

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (12:15): I move:

That this bill be now read a third time.

I thank very much the staff of the health department and parliamentary counsel—I am not too sure entirely who was responsible in this regard—all members of the committee and those who contributed to the select committee process. I also thank the opposition for its cooperation in ensuring that this matter was dealt with speedily.

Bill read a third time and passed.

STATUTES AMENDMENT (VICTIMS OF CRIME) BILL

Adjourned debate on second reading.

(Continued from 29 October 2008. Page 698.)

Mrs REDMOND (Heysen) (12:16): I indicate that I will be the lead speaker for the opposition in relation to this bill. It is a bill which is largely similar to one previously presented to this house and supported by us in principle because, of course, as the name might suggest, it aims to improve the lot of victims and enhance their capacity in the court processes to have certain inputs into that process. The original bill (I think from memory) was introduced in about October 2007. It passed, as I said, through this place but, when it reached the other place, certain amendments were moved with which the government was not prepared to agree. The government then withdrew the bill and has now reintroduced it in a somewhat amended form, although, as I said, the main thrust of the bill remains as it was.

The original bill, first of all, gave victims of crime advocates the legal right to make victim impact submissions at the sentencing hearing in cases which resulted in death or total permanent incapacity, basically, where the victim was unable to make such a submission because of the death or the nature of the injury. It also gave the prosecution the ability to obtain and present community impact statements to the court during sentencing submissions so that it could inform the court of the impact of the crimes before the court decided what the appropriate penalty might be; and it contained a couple of other what I would call tidying up amendments. One was to make it clear that victim impact statements, as well as being able to be given in person or via CCTV, could also be given via audio or audiovisual recording.

The fourth main thing—and I am talking just about the main things—which the original bill did was amend the sentencing act so that restitutional orders would be enforceable in the same way as other pecuniary orders. For instance, if you had a debt that was recoverable there are certain processes you could go through, but under the legislation as it was, if you were entitled to the recovery of goods, there was no real mechanism by which one could enforce that recovery. That was the other main issue that was covered by the original bill. As I said, that bill did not proceed, largely because certain amendments were proposed in the Legislative Council but the government was not prepared to accede to those proposed amendments.

I note that the bill now comes back in with some of those proposals included. Whilst I would like to think that it was because the government simply saw the good sense of it, the fact is that I have a strong suspicion that the government really just likes to take the credit where the credit is not due to them but to others.

However, the main points I want to make today largely concern the changes to the bill. As I said, the opposition always supported the thrust of the bill, but in both this and the other place we also raised some of the practical difficulties. We still see that there are practical difficulties, but the Attorney will be pleased to know that we will support the bill. We recognise the government's good intentions in trying to improve the way in which victims are assisted through the legal processes they face, and to that extent we welcome it; however, we see that there could still be some difficulty in terms of the way these things work in practice.

I would like to touch on a number of points, and the first is in relation to victim impact statements. Victim impact statements were put in place basically so that the courts could take notice of the impact on the victim of a particular criminal event, and I think that is important from the point of view of both the victim and the person who perpetrated the offence against the victim. I say that on the basis of some family conference situations I attended during the juvenile justice select committee that looked at the way juveniles are dealt with.

We often have these family conference situations where a young person has pleaded guilty to a medium-range offence—not so light an offence that it only invokes an informal or formal caution, but not so serious offence that they are likely to be put into detention. If a young person has committed such an offence and has pleaded guilty, they can be referred to a family conference. In essence, this involves the person who conducts the conference, the young person themselves, usually a family member (often both parents, for instance, or some other near relative in the case of young indigenous offenders, although not many of them actually end up in the family conferencing system) or members of a kinship group or elders of a particular group. Importantly, the victim can also be at that conference if they want—and victims often find it a really worthwhile process.

I have read a fair bit on, and attended various lectures about, the restorative justice process, and the very concept of restorative justice is the idea that one can in some way restore the position of the victim to what it was prior to the event that caused the distress. It was interesting that in the family conferences I observed—and in certain other conferences in terms of mediation that I have also observed—the victims often felt they had, for instance, been targeted. However, in the course of the conference it transpires that the young offender could not tell where was the house that they broke into or the problem that they caused; they simply acted in an opportunistic way. They may know the general suburb, but in no way did they target the victim.

Now, if victims—and elderly victims in particular—feel that they were targeted, they can come to feel extremely vulnerable, even though there is no basis for that, and one of the great things about processes such as family conferences is that when that victim actually hears the voice of the offender, particularly if the offender is at all contrite and genuine (and they frequently are), the victim actually gets a sense of not having been victimised. They realise that it was just haphazard and opportunistic, and therefore extremely unlikely to happen again. So, there is a real value, in that sense, in a victim being able to be in a situation where they can engage—sometimes through a third party—in any sort of dialogue.

I think it is important for the offenders to understand the impact of their offending on the victim. I say that after watching and, indeed, participating in Children's Court, an area in which I did not specialise, but I was there frequently enough to observe on a number of occasions the things that did finally get through to young people. I remember one young man whom I represented down at Christies Beach. What finally made him turn the corner was when he saw his mother cry over his behaviour.

Often, these young offenders are affected in the same way when they see the distress caused to a victim. It may not be anything terribly dramatic. For instance, it could be that some youngster has been—as I have dealt with—off their face after smoking some dope, and they break into someone's house and take the ice-cream out of the freezer and smear it all over the furniture and the walls. It is a disgusting and completely bizarre thing to do and, when you ask them why they did it (when they are not off their face on dope), they cannot give you any answer. However, once they understand the implications that their actions had on that person—if that person, for instance, was relatively poor, possibly uninsured, having to face a major clean-up, having to face all sorts of difficulties just dealing with the consequences of that offence—it can turn them around.

Another example that springs to mind was where someone had slashed the tyres on a car in the street. To them that was just basically a bit of vandalism that they did not perceive to affect anyone. But they began to understand the real consequences of their offending when confronted with the young mother for whom that car was the only means of transport for her children, and who faced considerable difficulty in transporting her children to school and kindy, and all those sorts of things. She was a sole parent.

There are really very good reasons for both the victim being able to present what impact the crime has had on them and for the perpetrator to understand what that impact has been. I think it can have a significant effect for both sides, so I absolutely support the moves towards making victim impact statements more accessible. However, as I have said, I have some questions about how some of the structures proposed are going to work. What the government has done is admirable: recognising that sometimes there are people who cannot present their own victim impact statements and, to that end, allowing someone else to present the victim impact statement for them. That is fine.

The government wants to have two special sorts of impact statements: a neighbourhood impact statement and a social impact statement. The neighbourhood impact statement is designed to allow a community to voice their concerns. I think during the second reading debate the Attorney referred to an instance where a lot of drug dealing was going on at a particular house in a street. The community was affected by that because of the noise and, potentially, used syringes. There are all sorts of things happening in that neighbourhood. The idea is to give the neighbourhood the chance to say to the court, 'Hey, this is actually having an effect on our neighbourhood, on how safe we feel and even on the value of our homes.' All sorts of things could be affected by that sort of behaviour, and they want to let the court know.

I have some questions about how one does that. My perception is that each individual in the neighbourhood should be entitled, should they wish, to give that sort of statement if they feel affected. Balanced against that, of course, is the problem of everyone in the street wanting to come before the court and take up an inordinate amount of time saying essentially the same thing. So there is some legitimacy in the government's argument in saying that the Commissioner for Victims' Rights can have the capacity, presumably, to convene some sort of a meeting or in some way communicate with the neighbourhood, and that he or his office can, in essence, collate the victim impact statements and combine them into a single statement that can either be presented by him or handed to the prosecution to be put to the court by the prosecution.

I have a couple of things to say about that and the first is that, again, I agree that there is some value in doing a collated statement. Indeed, I was involved in one recently. Members may be aware that I have, for some 27 years, served on the board of the Stirling District Hospital which is a little, incorporated, not-for-profit organisation. We run the local hospital in Stirling, the retirement village behind it and a hostel at Aldgate. I am very proud of that hospital. It is a fabulous 35-bed private hospital that provides a great service for the community. Members of the board do not receive any payment for the work that we do as members of the board, and I am very proud to say that I have done that for 27 years.

Fairly recently, the press reported that a young man by the name of Mark Jenner was employed by our hospital and, within a week of commencing his employment, he began stealing from us. The thefts, which totalled nearly half a million dollars in all, were not discovered for some time. As part of his sentencing process, I was involved (as a member of the board) in the process of giving the prosecutor a statement which basically melded together the comments of all the board members, because we all felt a sense of betrayal and a sense of utter frustration and anger.

Over 27 years I have spent many hundreds of hours working for that hospital, putting in my time gratis, only to have this little ratbag come along and steal money. It was important money because this hospital, like all private hospitals, has to balance many things in terms of the money that comes in. It has to get negotiated contracts with private health insurers and all those sorts of things. So, the loss of $470,000 from that community hospital was something that we wanted to express to the court, so we went through the process, as discussed by the Attorney in his second reading, of melding our various individual comments into a single statement which was then given to the prosecutor to put to the court. We found that relatively satisfying, and most people would be satisfied with that.

However, I think, to some extent, it loses impact by not coming directly from the person who has been affected. Ours was just a financial crime at the end of the day, but more particularly, for someone who has had their home invaded, their personal space taken, or who has been

assaulted or in some way very personally affected by the crime, I think that there is, inevitably, a lessening of the impact of the victim impact statement in not having it presented by that person who has been individually affected by the events. That is the first comment I make.

My second comment is simply that, potentially, I think it would be appropriate for someone other than the Victims of Crime Commissioner to present the statement to the court. Whilst I understand the thinking that has led to this situation, it is going to become extraordinarily difficult for the Victims of Crime Commissioner to sufficiently keep a finger on the pulse and be aware of all the circumstances where neighbourhoods might want to make a neighbourhood impact statement. It just strikes me that there is going to be a massive bureaucracy required to deal with that. I think that, perhaps, there is a simpler way to do that by authorising neighbourhoods themselves to get together and do it rather than necessarily doing it via the victim impact statement through the commissioner and then having the commissioner or the prosecutor present it.

As I have said, I think it has a lot more impact if it comes from the person, if only because a real victim is likely to be very emotionally involved—like my young man, who suddenly turned the corner when he found that his mother had started to cry—and that will be communicated to the person who, of course, has to be present. I thank the government for putting in place measures that require the defendant to be there to bear the brunt of what is going on.

To me, the other type of impact statement also presents some problems. Again, I understand the thrust of what the Attorney is aiming to do (and I applaud the thrust of what he is aiming to do), but I wonder how one decides who should make the social impact statement and I wonder whether what we will have is certain people from certain very strongly viewed sections of the community wanting to be up there making social impact statements, and we may end up with a sort of free-for-all.

To some extent, I think that social impact statements almost verge on those areas where judges can simply take judicial notice of the reality of life in the community. I am not one of those who believes that judges do not live in the real world. The judges I know (and these days most of the people in the legal profession seem to be on the bench rather than in the courtroom) are just ordinary members of the community. I know that, in the case of the various judges I run into when I am shopping in Stirling and in my local area, no-one would even know that they are judges; they are just ordinary citizens like the rest of us. I think that, to some extent, social impact statements really are bordering on that area of judicial notice.

The Hon. M.J. Atkinson interjecting:

Mrs REDMOND: Well, as it happens, I ran into His Honour Neil Lowry not long ago. I think he grew up there and lived there for a long time. In any event, our position is that we basically welcome the general thrust of what the government is looking to do in relation to these statements.

I just want to make one more quick point in relation to victim impact statements, and that is that the main point of difference between the opposition's position and the government's position on the previous bill (and it remains our point of difference) is that the government wanted to extend the right to make a victim impact statement to just the cases where the summary offence resulted in death or total permanent incapacity. It is a very difficult definition to meet because you virtually have to be in a permanent vegetative state or totally physically unable to move to meet the definition and to be entitled to make a victim impact statement for summary offences. The government has extended it slightly, at the request of the Minister for Industrial Relations, so that it will now cover certain summary offences under occupational health and safety, and we welcome that.

However, we do still maintain the position that all victims should be able to make a victim impact statement should they wish. Maybe the halfway house is that it be for serious offences and that we put in an appropriate definition of serious offences. However, there would be many, many people who are faced with situations where the offence is not indictable and it is being dealt with as a summary offence but who, nevertheless, feel severely wounded by what has happened to them.

The Hon. M.J. Atkinson: Have you costed this?

Mrs REDMOND: The Attorney asks whether we have costed this. My belief is that the vast majority of victims would not actually take it up and that therefore it would do no harm to allow them the opportunity should they wish. Some sort of time limit could even be put on how long they have to present their victim impact statement. I readily concede that there will be the occasional person who wants to rabbit on for an hour and a half but, if you say what you have to say in three minutes,

I do not think that will unduly delay any court. As I said, our view remains that it should be broader than what the government has said. However, we do support the extension to the industrial matters.

I welcome the fact that the government has put in place measures to make sure that the responsible person has to be there; so, the defendant in a normal criminal case will have to be there. One of the other changes the bill has made in relation to victim impact statements is that the government has recognised corporations. What does one do in the case of a corporation?

The government's proposal is that it be a director or some other person satisfactory to the court. Our suggestion is that it be simply some person satisfactory to the court, rather than specifying that it be a director or some other person. It could be that it is an occupational health and safety officer or anyone else, but I do not think we are very far apart on that.

We welcome the notion that, just as an individual criminal should have to be present (except in exceptional circumstances) and hear the victim impact statement, so too should corporate offenders be present to hear the consequences in cases where there is to be a victim impact statement.

Many years ago, I acted in an industrial case where the young partner and son of a young man were left in a very difficult situation after an industrial accident in which this man's shirt had got caught in a piece of machinery and he was strangled. It was a terrible case and his partner was left in very difficult circumstances. I wish that in those days this sort of legislation had been there so that the people who were responsible for not managing safety on that worksite not only could have received the fine that they eventually received but also understood the impact of what they did to this young woman and child and the consequences of their failure to maintain safety.

The next matter I wanted to touch on is the issue of the victim's right to make submissions regarding the sentence. I am pleased that the government seems to have accepted, in essence, the argument that was put in the Legislative Council that making submissions (while not being able to define what the sentence should be and what might be appropriate) will not impede justice in any way. I think the Attorney-General pointed out in his second reading explanation on this new bill that it would pretty much have the same status as the submissions made by the prosecution and the defence representatives, so the victim can put up a submission as to what they consider.

I was interested that the Director of Public Prosecutions appeared to suggest in a radio interview that prosecutors did not make submissions on penalty, and I do not know whether that is really the case—

The Hon. M.J. Atkinson: They don't specify a term of imprisonment.

Mrs REDMOND: —in the sense that, as the Attorney says, they do not specify a term of imprisonment but, in my experience in courts, generally, the prosecutor would make a submission to this extent: he would say, 'Your Honour, this is an offence at the serious end of the spectrum and, for that reason, in our view, a suspended sentence is not appropriate in the circumstance.'

The prosecutor might even invite the court to look at imposing the maximum sentence without actually specifying the precise level, just as the defence will put up its submission on why it is a case for a suspended sentence. I welcome the fact that the government has, in fact, decided that it can accede to the proposal, which I think was put by the Hon. John Darley in the other place, but I am not absolutely positive about that.

I do want to clarify a point with the Attorney, and so I ask the Attorney to make a particular note so that he can address this in his response to the second reading, and that might save us a bit of time rather than having to deal with everything in committee. There is a particular provision to deal with a suggestion by the Director of Public Prosecutions for situations where the defendant is found either unfit to stand trial or not guilty by reason of mental impairment.

My understanding of what was said by the Attorney in his second reading explanation was that the Director of Public Prosecutions suggested that a victim in that case should have the right to make a victim impact statement to the court even though no one had been convicted of the crime. I quote from the Attorney's second reading explanation here, where he said that he was of the view that:

> ...there is only benefit in allowing the elocution of a victim impact statement where there is some prospect that the defendant/accused will understand it to an appreciable degree.

I agree with that reasoning. There seems little point in having a victim impact statement in a case where the person is unfit to stand trial or is not guilty by reason of mental impairment. I want to clarify what exactly is the government's position, and I was not able to pick it up from the reading of the bill or the second reading. I notice in the second reading report that that suggestion from the Director of Public Prosecutions appeared under, I think, a heading of 'Additional government amendments'.

It struck me that, in the second reading explanation, it appeared as an additional government amendment. It then discussed the fact that the DPP wanted the right for the victim to make a victim impact statement to the court, but the Attorney says that there is no point unless they are capable, and the court has clearly found them not capable. So, I was puzzled as to the government's position and what, if any, amendment was dealing with it and what was the ultimate outcome because, at the end of the day, if someone is incapable of standing trial or is found not guilty by reason of mental impairment, then who is the victim impact statement made to?

What is the point of making it to the court? Whilst it might be very nice for the court to understand the impact for the victim, and there may be some degree of benefit for the victim in being able to actually speak about what the impact was, the court will not be issuing a penalty. Therefore, where does that leave the victim impact statement? We discussed this at some considerable length and thought that maybe the place for a victim impact statement in those circumstances might be in the course of—if there is one—the compensation claim under victims of crime legislation.

Of course, one can have a compensation claim under that legislation even though there is no offender; and, equally, if there is an offender who is known but who cannot be convicted, there is no impediment to someone bringing a claim for compensation. As I said, I am not absolutely clear on what the government is saying it intends to do or change in order to address what the DPP raised, but it seems to us that, depending on the government's position, if you have a situation where a person has a mental impairment or is unfit to stand trial for whatever reason (so no-one is convicted), maybe in that case the victim should be directed to the opportunity to make such a submission in terms of the claim for compensation. I invite the Attorney to consider that as a possible option. Equally, I ask the Attorney for a little more explanation, because I looked at the bill and could not find exactly what the government intends to do even though it said 'additional government amendments'.

The next topic I want to cover in relation to this bill is that of the amendment to the defamation law. There appears to be one particular prisoner in this state who takes up more of this chamber's time than any other prisoner. The amendment—

The Hon. M.J. Atkinson: I think there would be a pretty tight contest on that.

Mrs REDMOND: There could be. In terms of specific legislation directed at a particular prisoner, as I understand it, this particular amendment is directed specifically at a situation where (again, the Attorney set it out in his second reading explanation) we have a person who has been sentenced for the murder of his former wife's partner. He comes up to apply for parole. The former wife, understandably, is notified in accordance with the various requirements, and, having been notified, she then makes submissions to the Parole Board. The Parole Board gives him a chance to respond to the submissions, and in so doing discloses not only its thinking but what she has said to it. That amounts to publication for the purposes of defamation law. He then launches a defamation action against her for what she said to the Parole Board about him in that hearing. My recollection is that that has failed in the first instance but there remains the possibility that he may appeal that decision, and given—

The Hon. M.J. Atkinson: He'd be out of time.

Mrs REDMOND: Some things are never out of time, Attorney. Given the propensity of this person to try to litigate all sorts of things, it is clearly an issue with which we should deal. I am happy to indicate that we favour the proposal that the Attorney has suggested; that is, that we slightly amend our now uniform defamation law so that we will no longer be entirely uniform (this might be a very useful precedent for other circumstances) with everyone else around the country (although I understand that at least New South Wales has amended its defamation law to provide that there are certain things which will be exempt) and will exempt in particular the disclosure of this information, so that when the person in question next applies for parole his former wife will be able to make full and frank submissions to the Parole Board which, no doubt, will place upon them what weight it considers appropriate. I do not know whether the bill goes so far as to say that the

Parole Board is not obliged to disclose that to him but, in any event, the effect of the bill is that he will not have any right to bring an action in defamation because it will be exempt as having come under the blanket of absolute privilege. That seems to us to be a sensible thing.

I note in discussion across the chamber, even whilst I have been talking, that the Attorney has indicated that regarding the appeal possibility, to which he referred in his second reading explanation, the time has now expired, because the other question I was going to ask was whether there was any need for any retrospectivity of the operation of this amendment. Provided the Attorney is satisfied that he cannot overcome time expiry, for whatever reason, if the appeal period has expired then perhaps that question does not have to be addressed. I would note, however, for the Attorney, that I once had to bring into play an action which was, I think, 16 years out of time, and we got up. So, it can be done, but one has to have some fairly good reasons.

The next thing that I want to touch on in terms of the changes in this legislation is quite straightforward. It is the extension of grief and funeral payments, which are minimal in any event. They are in no way a level of compensation, but there is provision that, if you have a family member who is subject to homicide—and 'homicide' is defined to include murder and manslaughter, because manslaughter could so frequently—

The Hon. M.J. Atkinson: 'Subject to homicide'? Do you mean killed?

Mrs REDMOND: Yes, but homicide being technical in terms of the definition because it includes both murder and manslaughter but notably, and hence the amendment, it does not include death by criminal neglect, and that is just as surely killed. Hence the use of the word 'homicide' in a quite specific sense.

Indeed, the government's proposal arises out of an actual circumstance where a fairly young baby was killed by the criminal neglect of the mother and/or her boyfriend. In that case the father was unable to access this quite minimal amount, which would otherwise have been accessible had the offenders been convicted of either murder or manslaughter, but because they were convicted of criminal neglect resulting in the death of this little baby the normal provisions did not apply.

In passing, the house may recall that many years ago there was a balloon accident outside Alice Springs in which one cowboy hot air balloon pilot was not keeping the appropriate look out. There were two balloons in close proximity. Because of the nature of a balloon, if you are in the basket you cannot see above you, so the rule of ballooning is that the upper balloon always has to keep a lookout for whatever is below. The upper balloon had the cowboy pilot and it actually slammed into the lower balloon. There were, I think, 13 people on board. One can only imagine their horror, because the balloon was shredded. The balloon took nearly one minute to fall to earth, and all 13 people on board were killed instantly.

The only reason I am raising this at the moment is because of the curiosity that, because everyone was instantly killed and because the people who could afford to go on a balloon flight were either older people who had no dependants or young people, backpackers or whatever, who did not yet have dependants, the claims for most of the families were restricted to this part that we are talking about: the claim for grief and funeral expenses. I note that the time is rapidly approaching 1 o'clock. I seek leave to continue my remarks.

Leave granted; debate adjourned.

[Sitting suspended from 13:00 to 14:00]

HARRIS SCARFE BUILDING

Mr PISONI (Unley): Presented a petition signed by 49 residents of South Australia requesting the house to urge the government to reverse the decision to demolish the Harris Scarfe building in Grenfell Street Adelaide, and work to list the building on the State Heritage Register.

ANSWERS TO QUESTIONS

The SPEAKER: I direct that the following written answers to questions be distributed and printed in *Hansard*.

SPEEDING FINES

354 Dr McFETRIDGE (Morphett) (21 October 2008). For each year since 2002:

(a) how many motorists were detected speeding and how much revenue was raised by the use of speed cameras, laser guns or other means in the default range of 50-59 kmh;

(b) how many speeding fines were challenged; and

(c) how many cases were not proceeded with once the fine was challenged?

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing): For the years 2002-06, no infringement notices were issued for the offence of speeding in a default speed zone 50-59 kmh as the 50k default did not come into effect until March 2007.

For the year 2007, 18,165 notices were issued and $3,196,512 was expiated. 34 defendants elected to be prosecuted. One notice was withdrawn/not proceeded with by prosecution.

For the year 2008 to 30 October, 43,835 notices have been issued and $7,799,398 expiated. 73 defendants have elected to be prosecuted and one matter has been withdrawn/not proceeded with by prosecution.

SEARCH WARRANTS

366 The Hon. G.M. GUNN (Stuart) (17 November 2008). When commissioned officers issue warrants to search private residences and it is found no offence has been committed, who audits the process to ensure that the issuing of the warrant was based on sound reasons?

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing): Warrants to search premises are issued pursuant to Section 67 of the Summary Offences Act 1953 as General Search Warrants and Section 52 of the Controlled Substances Act 1984 as Drug Warrants.

General Search Warrants are issued to selected Officers of Police; officers in charge of stations and designated Detectives, as a result of the duties that they perform and their genuine need to possess a warrant. They are issued six-monthly which ensures that a regular review is undertaken relating to the eligibility of members to possess the warrant.

An on-line training course must be completed prior to the warrant being issued for new warrant holders and completed every two years for existing warrant holders. The course reinforces the legal and procedural requirements for the use of warrants.

Managers are required to personally deliver a General Search Warrant to a member who is receiving it for the first time and ensure that the member is aware of the provisions of the Act, recent case law and instructions in General Orders. Managers are required to monitor the use of warrants and ensure that members understand the issues regarding their use and are to report any misuse to the Commissioner.

When a General Search Warrant is used a 'Statistical Return' must be submitted to Business Information Service through the chain of command. This outlines grounds for execution of the warrant/results and provides for quality assurance. The warrant is subject to judicial scrutiny when a matter proceeds to trial.

General Search Warrants are subject to monthly audits that include compliance with procedures outlined in General Orders; checking that appropriate members possess current warrants and have it in their possession and checking submission of the 'Statistical Return'.

Drug Warrants can be issued to any member of the police force by an Officer of Police and must not be issued unless satisfied, on information given upon oath, that there are reasonable grounds for suspecting that an offence against the Controlled Substances Act has been, is being or is about to be committed and that a warrant is reasonably required in the circumstances.

Drug Warrants are subject to six monthly audits to spot check applications made; veracity of suspicions listed to determine reasonable cause to suspect requirements for warrant issue; the return of non-executed/no offence warrants to the authorising officer and that warrants are attached to the court file.

Ethical and Professional Standards Branch and the Police Complaints Authority investigate and review complaints made concerning abuse of authority—including the use of warrants to search premises.

PAPERS

The following papers were laid on the table:

By the Premier (Hon M.D. Rann)—

Remuneration Tribunal, Determination and Reports of—

No. 1 of 2009—Members of the Judiciary, Members of the Industrial Relations Commission, the State Coroner, Commissioners of the Environment, Resources and Development Court

No. 2 of 2009—Auditor General, Electoral Commissioner, Deputy Electoral Commissioner, Employee Ombudsman and Health and Community Services Complaints Commissioner

HEATWAVE

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:02): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: The current heatwave has placed increased demands on our health system. As of this morning, over 600 patients have presented to our hospitals with heat-related conditions. The South Australian health system, I am pleased to say, has withstood these extraordinary circumstances very well and has maintained a service that all South Australians can depend on. I have every confidence it will continue to do so over the coming days. Everyone in the health system, particularly staff in emergency departments and intensive care units who have coped with increasing patient numbers, and SA Ambulance Service staff who have soldiered on through record breaking days of callouts, have been magnificent.

Despite some recent respite in our overnight temperatures and a slightly cooler day today, our hospitals remain under pressure. Many of the patients admitted early in the week have not yet been discharged and, of course, people continue to present. Extreme weather is forecast again for Friday and into Saturday ahead of a cool change on Sunday, and all agencies are considering this in preparatory planning.

A range of strategies have been put in place to provide additional beds and staff during this extreme heatwave. SA Ambulance Service has also allocated additional staff. Further strategies that aim to increase bed capacity where possible are being progressed.

The SA Health Emergency Management Unit and Dr Bill Griggs, Health State Controller, are working closely with the State Emergency Service such as the Hazard Leader for Extreme Weather and other government agencies. Briefings have been held daily at the State Emergency Centre, and the situation will continue to be monitored for the duration of the heatwave. Agencies are working together to assist the community and minimise the impact of the extreme weather on South Australians wherever possible. MetroHomelink and Royal District Nursing Service are continuing to call and provide follow-up calls to vulnerable clients and patients, and this has been an extremely effective response. The Australian Health Protection Committee held a national teleconference yesterday to share information and management strategies across states with regard to the range of pressures that states are currently facing. As you would all know, Victoria is in a similar situation.

It is important for South Australians to support the work of hospital staff by heeding the important health messages, such as staying hydrated, avoiding strenuous activity during the hotter parts of the day and generally looking after one another, particularly the young and the elderly. People should also avoid attending emergency departments unless it is necessary. People will also need to show some understanding and patience as our metropolitan hospitals will be postponing non-urgent elective surgery and investigative procedures up to and including next Wednesday so they can respond to anticipated increased workloads.

The health system has coped well up to this point and is prepared for the next few days. This is only possible because of the hard work and dedication of the staff across the health system

and the health workers in the community who have helped people in their homes. On behalf of all South Australians, I would like to thank the staff across our health system who have risen to the challenge of supporting South Australians during the difficult weather.

I just point out to the house and to the public generally that this is a very pressured time for the system. It is working as best it can, but there will be times when service delivery will be slowed down, when people will have to wait for things that are not urgent. On some occasions, as I have said, elective surgery which people will have been anticipating which is not urgent will be postponed. I regret that that is necessary but, given the circumstances, it is the only reasonable way that the health system can manage the demand. So, I just ask the public of South Australia to be patient. Obviously, the people in the health system are working through all the demands that are upon them.

MARJORIE JACKSON-NELSON HOSPITAL

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:06): I seek leave to make another ministerial statement.

Leave granted.

The Hon. J.D. HILL: Today I can announce another step towards construction of the Marjorie Jackson-Nelson Hospital for all South Australians. Work has started on a rigorous clean-up operation on the site for the new hospital, the first major activity on the site. Extensive drilling has now been undertaken on the site, which will be analysed to determine the exact parameters of the diesel plume and work out how best to extract the contaminated groundwater. Next year, construction will also start on the site.

There are very compelling reasons to build a new hospital, as I am sure most members would now know. We need to create more capacity for the growing health needs of our ageing population, and this cannot be done at the existing RAH site. I repeat that. We need more capacity, and that capacity cannot be found at the RAH site. But the overwhelming reason is very clear. This is all about providing patients with the very best environment for their health care in a central hospital that will work for all South Australians. Patients tell me all the time how terrific they think the doctors and nurses are at the RAH, but they say to me that we need to improve conditions at the RAH. I have been told—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: I have been told of two wards, one of six men and the other of six women, sharing one toilet. I have also been told that lifts and public toilets are not equitably accessible by a person using a wheelchair, and that is to be expected of a hospital of the age that it is. Doctors have also made it clear to me that we need to increase the capacity within our health system. In fact—

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: The deputy leader is telling untruths once again. She continues to make stuff-ups. She thinks that if she says untruths on a continuing basis people will believe her. Well, I tell you what, Mr Speaker: people see through her.

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Doctors have made it clear to me that we need to increase the capacity within our health system. The AMA has said regularly that we need more beds. In fact, Dr Ford, the State President of the AMA, said in a recent media release that ultimately we will need more hospital capacity and more beds. Doctors have also told us of the disruption that would be caused by rebuilding on-site. Dr Fenwick, an anaesthetist, has previously written to *The Advertiser*. He said:

> Over the years I had to cancel operations on critically ill patients during times of renovation. This was because of the overwhelming noise made at the time, which filled the operating theatre, precluding the safe monitoring of ill patients during a difficult time. The worst offenders were jackhammers, resulting in noise from many

floors away. Renovating the RAH over 15 years would disrupt work, compromise patient safety and make health-care providers jobs more difficult.

Health planners within South Australian Health have been working for more than four years on developing a strategy for the future health needs of our population. The plan has found:

- a rebuild of the Royal Adelaide Hospital would take twice as long as building a new hospital on a new site because of the constraints of the site; and
- a rebuild of the RAH would turn into a construction zone for 15 years, intensely disrupting patients, staff and visitors.

Health planners now advise that the cost of rebuilding the Royal Adelaide Hospital from 2010 could be as high as $2.2 billion, and it would take 15 years to complete without providing very much additional capacity. So, it would cost more money and it would not provide very much extra space. In fact, up to 170 hospital beds would have to be relocated during the redevelopment. That is the equivalent of closing down a hospital the size of Modbury Hospital. By contrast the new hospital will include:

- mostly single rooms with ensuites for patients, providing greater comfort, privacy and safety;
- an expanded emergency department with ability to treat an extra 24,000 patients every year (that is an increase of almost 25 per cent);
- 120 more beds than the RAH, including more intensive care beds (almost doubling the number of intensive care beds);
- increase in-patient and day treatment capacity by 22 per cent; and
- five more operating theatres than at the RAH; and all the operating theatres will be the same size as the biggest operating theatre at the RAH (and there is only one of that size at the RAH).

It has been recently suggested that a new in-patient wing could be built at the RAH for as little as $300 million. I have asked the health department and health planners to advise me on that. They have previously studied the cost of such a redevelopment. The $300 million which has been quoted does not get close to providing a new in-patient building on the RAH site. The $300 million is misleading. In fact, such a sum would barely cover the required cost for upgrade of the ailing engineering services which support the RAH and which need attention.

Four years ago developing a new in-patient wing would have cost in those dollars a total of $560 million, but with escalation costs the revised costing in 2010 would be closer to $1 billion. That is—

Ms Chapman interjecting:

The Hon. J.D. HILL: I challenge the Deputy Leader of the Opposition—

The SPEAKER: Order! I warn the deputy leader for a second time. She is on her last warning.

The Hon. J.D. HILL: I will not respond to her interjections. The $1 billion is just for a new in-patient wing, not for any other works at the RAH, and with no extra capacity for the growing future demands. Further, it does not include the cost of relocating 170 beds during the redevelopment. It would not provide a modern, brand new, purpose-built facility designed to accommodate modern medical practice into the future.

It would not improve patient flow or improve the operation of the hospital. It would not provide single patient rooms but retain its wards. The new hospital is by far the stand-out option. It could be completed at least eight years earlier, cost less and provide the best facilities for patients and staff. I say to members, too, that, given the current economic circumstances, building the new hospital starting next year will create over 20,000 jobs in South Australia—10,000 jobs directly and over 12,000 jobs indirectly.

Apart from giving us a new hospital, redeveloping that end of town will create jobs at a time when our economy will need it. From every point of view this is good news. The government will not accept a second best option for South Australians, that is why we are building a brand new hospital. Unlike the Liberals, we are offering more than a lick of paint and a promise. I challenge

the Liberal Party: come clean; tell us exactly what you are planning to do, how much money you are planning to spend and what you expect to build with the money you are committing. Tell the public of South Australia about your plans. It is all right to criticise, nark, yell out and make inane comments and mislead, but tell us what your policy is.

LEGISLATIVE REVIEW COMMITTEE

Mrs GERAGHTY (Torrens) (14:14): I bring up the 10th report of the committee.

Report received.

Mrs GERAGHTY: I bring up the 11th report of the committee.

Report received and read.

PUBLIC WORKS COMMITTEE

Ms CICCARELLO (Norwood) (14:16): I bring up the 324th report of the committee on Lochiel Park Affordable Housing.

Report received and ordered to be published.

Ms CICCARELLO: I bring up the 325th report of the committee on the Lyell McEwin Hospital Stage C Car Park.

Report received and ordered to be published.

QUESTION TIME

ECONOMIC STIMULUS PACKAGE

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:19): Has the Premier already breached the Prime Minister's demand that the states not use the federal government's economic stimulus package for projects already identified for state funding? The Prime Minister has stated publicly today that his government would have 'zero tolerance for states that cut spending because it made no sense for his government to increase its efforts when states are scaling back spending in order to repair their own budget bottom lines', but the Premier today announced funding for a gymnasium at Parkside Primary School. The school has been seeking state government funding for a gymnasium for the past seven years. Last year it was given approval for inclusion in the state's capital works assistance scheme, and funding was subject to final assessment of the costings of the project. This morning the school received a phone call from the Premier's office advising that the Premier would be running down to the school and that there needed to be lots of children there for a big announcement.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:20): Fantastic! Can I just say, 'Come in spinner!' What we have heard today is that the Liberal Party of Australia opposes this money going out to schools. So the Liberals, presumably supported by their local MP David Pisoni, do not support these schools getting this money. I guess that is the point: I cannot believe the Leader of the Opposition would have raised this question. We have in Canberra—

Members interjecting:

The Hon. M.D. RANN: Now listen to me—

The SPEAKER: Order!

The Hon. M.D. RANN: We have in Canberra a Liberal leader, Malcolm Turnbull, a former merchant banker, a multimillionaire—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: Of course, we know that he hired the former governor-general's butler. He is just an ordinary Australian—just chuck another couple of truffles on the barbie, Jeeves—just an ordinary Australian. He is leading the Liberals' fight against this stimulus package.

My plea to the Liberals is: instead of worrying about your merchant banker mates, worry about the people of Australia. Worry about jobs for real people, not phoneys like Malcolm Turnbull, who only care about their multimillionaire mates. If you were fair dinkum you would be standing up here today and demanding that your—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —federal Liberal leader come out and act for Australia, put his country before his party, because what we are faced with is the economic equivalent of war.

Members interjecting:

The Hon. M.D. RANN: Members opposite think it is funny. Go and tell that to small business people, to people being laid off around the country—and remember, it was the merchant bankers in Wall Street who gave themselves massive payouts when they should be in gaol, because they caused this damage around the world. My challenge to the Liberal Party is—

Mr Pisoni interjecting:

The SPEAKER: Order, the member for Unley!

The Hon. M.D. RANN: —to make a choice: put your country before your party.

Members interjecting:

The SPEAKER: The member for Unley!

The Hon. M.D. RANN: Put your state before your party. Instead of playing games, listen to the real people of Australia and back real people's jobs. Can I just say—

Mr Pisoni interjecting:

The SPEAKER: Order! The member for Unley is warned.

The Hon. M.D. RANN: You have the gall to criticise us on infrastructure. You were a member of cabinet, and I compare what we do in infrastructure to when you were a member of cabinet during that brief shining hour when you glowed, before you started stabbing your mates in the back. We remember that now we have six times the infrastructure spend under the Liberals.

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: I rise on a point of order. I know we do not expect a lot more from the Premier, but I think he is both debating and not being relevant to the question in his reply.

The SPEAKER: Order! The Premier is now debating.

The Hon. P.F. CONLON: I have a point of order. I ask whether the explanation offered by the Leader of the Opposition was in itself debate and invited debate, and does it not sit ill in the mouths of these whited sepulchres to take a point of order?

Members interjecting:

The SPEAKER: Order! The Minister for Transport makes a valid point, and I have given the Premier a fair bit of scope in his answer. I now draw him back to the question.

The Hon. M.D. RANN: Thank you, sir. He talks about Parkside Primary School. Well, I know that none of the members of the media up there got on the phone to you, because they would have told you what the principal actually said about the project; they would have told you about how the school community had to go through a process of consultation to say what it wanted.

I make this guarantee today to this house that we will not be involved in substitution, and I totally welcome the Prime Minister's announcement that any state that tries to withdraw its funding in order to get federal funding should be named and shamed. It will not be this state. In fact—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: On Friday—

Members interjecting:

The SPEAKER: I have called the house to order.

The Hon. M.D. RANN: Once again, the Leader of the Opposition has made a premature declaration. We know he has a problem in that regard in relation to Frome. But the point of the matter is that he should talk to the principal of the school, because when we rolled out the School Pride project we set the template for the rest of Australia. I simply ask members of this parliament and the public to compare our infrastructure spend with that of the Liberals—six times the infrastructure spend.

The Hon. P.F. Conlon: Not twice, not three: six.

The Hon. M.D. RANN: Not twice. Not in league with inflation—3 per cent a year over six years—but six times the infrastructure spend when you were in government because you do not give a damn about public schools, public hospitals or public transport. You had the gall to raise the issue of the fiscal stimulus of the federal government when you are opposed to it. I will be writing to every school saying, 'By the way, your local Liberal MP does not support your school getting this federal money'—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —'because you have to sort it out yourselves.'

Members interjecting:

The SPEAKER: Order!

ECONOMIC STIMULUS PACKAGE

Mrs GERAGHTY (Torrens) (14:27): Can the Premier please inform the house how South Australian schools will benefit from the economic stimulus package announced by the commonwealth government yesterday?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:27): I wish I had more notice of the question but I am delighted to get it. I am delighted that the Prime Minister has based a slice of his Building Australia Fund on what we have been doing right here in South Australia, and I will talk about that in a minute. The $14.7 billion Building the Education Revolution package, announced by the Prime Minister yesterday, is the biggest single school modernisation program in Australian history. That is $14.7 billion more for schools—and the Liberal Party opposes it. They oppose the money going out to people in their homes for insulation. So, let's remember this right from the start: $14.7 billion extra for our schools and the Liberals oppose every cent of it being spent, including here in South Australia. South Australian schools are expected to receive more than—

Mrs Penfold: Shame on you!

The Hon. M.D. RANN: Goodness gracious! She actually is speaking today in the house. It is good to see. South Australian schools are expected to receive more than $1 billion. This is a massive—

Members interjecting:

The SPEAKER: Order!

Mrs Penfold interjecting:

The Hon. M.D. RANN: You have to do some work in your electorate some time, you know. South Australian schools are expected to receive more than—

Mrs Penfold interjecting:

The Hon. M.D. RANN: There seems to be a bit of internal dissent on the other side. Of course, we know that the deputy leader is right behind the leader, just like he was right behind Iain Evans and Rob Kerin. She says—

Ms CHAPMAN: A point of order, Mr Speaker.

The SPEAKER: Order! The Premier will take his seat.

Ms CHAPMAN: Not only is the Premier debating, he is insulting a member of the house, the member for Flinders, in his statement, and I ask him to withdraw and apologise.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. Foley interjecting:

The SPEAKER: Order! The Deputy Premier will come to order. The house will calm down or the Speaker will vacate the chair. If the member for Flinders has taken exception to something the Premier has said, I am sure she is more than capable of bringing that to my attention herself. Nonetheless, the Premier is debating and needs to return to the substance of the question.

The Hon. M.D. RANN: Can I just say that, when someone is screaming at you from the other side when you are speaking, I think it is—

Ms CHAPMAN: I rise on a point of order, Mr Speaker. He is clearly defying your ruling in relation to this matter and attempting to re-debate an issue on which you have already ruled.

The SPEAKER: Order! If the Premier is defying my ruling, I am more than capable of dealing with that. I thank the deputy leader for her assistance but it is not required. However, the Premier must return to the substance of the question.

The Hon. M.D. RANN: The $14.7 billion Building the Education Revolution package announced by Prime Minister Rudd yesterday is the biggest single school modernisation program in Australian history and it is opposed by the Liberal Party. South Australian schools are expected to receive more than $1 billion. We are putting in bids for at least $1 billion of that package to be spent in South Australia on our schools. That is maintenance programs for all schools and new building works for every single primary school in this state—and the Liberals oppose it. This is a massive investment in building even better schools for South Australia's children.

Today we on this side of the house join teachers, parents and students in welcoming this fabulous announcement. Today, the education minister and I have written to every school outlining this investment and encouraging school communities to quickly formulate projects that might benefit. Following my meeting with the Prime Minister and other premiers tomorrow, I will write to principals and school councils about how to apply for funds.

I met with the Prime Minister last week and told him about our government's School Pride initiative to improve school classrooms and the overall appearance of our schools. Through this program, we undertook the highest priority maintenance projects, upgraded science laboratories and improved school painting and signage in state schools. The School Pride program also benefited a large number of local contractors. It was about better schools and more jobs.

I am delighted that the Prime Minister has based a slice of his Building the Education Revolution on the work we have been doing right here in South Australia. This investment will also build on the $216 million Education Works building program, the biggest school rebuilding program in the state in more than three decades. So, biggest federal funding; biggest state funding. We are building six completely brand-new schools in metropolitan Adelaide and investing in 20 children centres and 10 trade schools for the future.

I will be leaving for Canberra later today and meeting with the Prime Minister tomorrow morning to discuss the details of this announcement. I will be informing Mr Rudd that the SA education department has started work on a plan that will deliver the projects in the quickest possible time frame and make the best use of local tradespeople and contractors. We will be writing to schools again next week inviting them to submit project proposals that meet the criteria established by the commonwealth. Today, the education minister and I visited Parkside Primary School where the community has advanced plans for an activity hall, and we expect this and other similar projects will be eligible for funds from the federal government.

Members interjecting:

The Hon. M.D. RANN: Apparently the local MP for Unley does not want them to get this federal funding. We look forward to receiving more information from the Rudd government in the coming days so we can get moving to make this exciting investment a reality.

Following my meeting with the Prime Minister, next week I will write to every South Australian school inviting them to submit project proposals that meet the criteria established by the commonwealth. Over the past seven years, more than $790 million has been invested into

improving state school building across South Australia. This is about improving our schools, providing local jobs with local contractors. It is about getting rid of the red tape to have this happen. However, if I see one letter from a Liberal MP saying, 'We want some of this money here and there,' I will be saying, 'Get on the phone to Malcolm Turnbull and tell him to get in behind Australian schools.'

Ms CHAPMAN: Mr Speaker, I rise on a point of order. This is clearly debate again.

The SPEAKER: I am not sure it was but I think that the Premier has finished, in any case.

ECONOMIC STIMULUS PACKAGE

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:34): My question is again to the Premier. What new projects, if any, did he ask the federal government to fund when he met the Prime Minister on 30 January 2009? The Premier is reported—

The Hon. K.O. Foley interjecting:

The SPEAKER: Order!

The Hon. K.O. Foley: Is this the best you can do today?

The SPEAKER: The Deputy Premier will come to order!

Mr HAMILTON-SMITH: The Premier is reported to have submitted a list of projects for federal funding which are already state government funded, including rail electrification, desalination plants and roadworks on South Road, which were all part of last year's budget. The Prime Minister is reported to have been 'dismayed at the lack of planning by some states for their own infrastructure needs'.

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order! The Minister for Transport will come to order.

Mr O'Brien interjecting:

The SPEAKER: Order, the member for Napier!

Mr HAMILTON-SMITH: The Prime Minister indicated that he is 'determined his cash is not used to fill the gaps'. The Premier told the—

The Hon. K.O. FOLEY: On a point of order, Mr Speaker, the Leader of the Opposition is quoting the Prime Minister. Is he quoting him in total or is he making it up?

Members interjecting:

The SPEAKER: Order! The Deputy Premier will take his seat. There is no point of order. I am wondering, though, the extent to which this explanation is adding anything to the question. However, I will let the leader continue for the moment.

Mr HAMILTON-SMITH: Thank you, Mr Speaker. The Premier told the house just a moment ago that leaders who attempt to do so should be named and shamed.

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:36): I guess that if you have a slate of questions that have been written out for you by the same people who wrote that famous Frome declaration you basically have to stick to it, even though you know what the truth is. Can I say that the Prime Minister, in fact, said the reverse: he was incredibly impressed by the fact that the South Australian bids were all about things that could happen as quickly as possible, rather than having to make acquisitions of land and purchase corridors—we own the corridors.

So, what was it about? There were new transport projects. There were new health projects. It was a doubling of existing projects. There was the bringing forward of projects that were slated for two years from now. Of course, you have a choice to make: either you support me and the Prime Minister in wanting to get this activity going or you support Malcolm Turnbull, who does not want a cent of it to be spent in South Australia.

INTERNATIONAL STUDENTS

Ms CICCARELLO (Norwood) (14:37): My question is to the Premier. Given the severity of the global financial crisis, how will its impact affect our state's growing international student industry?

Mr Hamilton-Smith interjecting:

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:38): There is no place like Frome!

The Hon. P.F. Conlon: He was on that red carpet with his ruby slippers, clicking them together!

The Hon. M.D. RANN: It must have been good on the red carpet with Nicole Kidman. Imagine going to New York and asking to be on the red carpet! It is really sad.

The SPEAKER: Order! That remark was not to the substance of the question. I invite all members to calm themselves.

The Hon. M.D. RANN: The Leader of the Opposition says that he awaits with bated breath; we know that he does because he is in desperate search of bad news—and I am going to disappoint him.

The SPEAKER: Order! The Premier is now debating.

The Hon. M.D. RANN: It is true that the global financial crisis is having an adverse affect on international student figures in other parts of Australia. We were very concerned about what the impact would be here in South Australia. However, this state is well positioned to avoid such a downturn. As reported by *The Advertiser* in its 20 January 2009 article, entitled 'Student Foreign Legion':

> South Australia is expected to host a record 30,000 international students by the end of the year, defying forecasts of falling numbers interstate.
>
> While foreign students are reportedly pulling out of institutions interstate, the number enrolling in South Australia is outstripping the national rate.

These statements are evidenced by figures from Australian Education International that show a 29.2 per cent increase in the number of international students commencing their studies in South Australia from January to November 2008 compared with a national average of 24.8 per cent. The fact that 16,000 new students came to Adelaide last year, raising our total number of foreign students to 27,748, clearly indicates that we are continuing to attract large numbers.

I want to compare that 30,000 figure that the member said he was waiting for with bated breath with when the opposition was in government. In 1998 there were 5,584 foreign students, and now it is 30,000 foreign students. It is now our fourth biggest export. Let me just explain what those foreign students do. They come here and spend money in this town and in our state, and that is incredibly good for business and development in South Australia, employing thousands of people. So it would be great one day to hear something that the opposition actually supports.

MARJORIE JACKSON-NELSON HOSPITAL

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:41): My question is again to the Premier. Will the proposed Marjorie Jackson-Nelson Hospital definitely proceed as he has promised and, if so, will it proceed as a public-private partnership (PPP)? The Auditor-General states in his 2007-08 report:

> The credit market crunch...may be a significant risk to the fundamental premise of whether a PPP provides a net benefit to the public compared to conventional public sector procurement.

Tasmanian Labor Premier David Bartlett this morning announced that his government will reconsider the business case for its new $1 billion hospital on Hobart's waterfront. I note the Premier was making hay about that yesterday. Mr Bartlett said he would not rule out rebuilding the Royal Hobart Hospital. He said:

> There is no point, in my view, saving for the new Porsche if you're not putting meat and three veg on the table each night for the kids.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:42): He's coming right back at me. Yesterday the Premier of WA, Colin Barnett, said that he will put hospitals ahead of sports stadiums, and we did not see any reaction from the opposition. But, so what?

Mr Hamilton-Smith: Well, if you are going to literally—

The SPEAKER: Order!

The Hon. K.O. FOLEY: What is it you are saying?

Mr Hamilton-Smith: Try to answer the question. If you want to be in opposition, come back over here.

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The Deputy Premier will take his seat. These juvenile exchanges across the chamber are completely out of order. I will not tolerate them. The Deputy Premier.

The Hon. K.O. FOLEY: So what? I have not said anything different about the Marjorie Jackson-Nelson Hospital than this from day one: that it is the government's preferred model of delivery that it be a public-private partnership. But, as with all public-private partnerships, they have to give value for money when compared to the public sector comparator.

The Leader of the Opposition may conveniently try to put this out of mind, but what we have seen since, following on from the Liberal government's initiating the PPPs for police stations and courthouses—that we then delivered—is a total meltdown of the world's financial markets. There has been a massive increase in the spreads that are available for money that is borrowed, hitting the private sector more than the public sector, although we are experiencing a high cost debt overseas. We are seeing foreign banks repatriating to their home countries up to $75 billion worth of borrowings currently placed in Australia as those banks that are protected and supported by their governments are playing to the chorus of what their constituents want with that money.

Of course, if we were going out today to the private sector to borrow $1.7 billion to build the Marjorie Jackson-Nelson Hospital it would be very difficult—no surprise. But the Marjorie Jackson-Nelson Hospital will not be scheduled to pull its capital together until well into next year and one would hope that, by this time next year, relative normality has returned to the world capital markets. If it has not, and if the public sector comparator says that it is a better option for government to borrow the money and build it ourselves as a design and construct, we will. I have said that from day one. For a PPP to have value for money—

Mr Hamilton-Smith interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Sorry? We have said from day one that our preferred model of delivery is a public-private partnership. We have been working towards delivering this as a public-private partnership. However, as I have consistently said, they have to give value for money when compared with traditional procurement. It makes no sense to procure a hospital or any other piece of infrastructure by a model that is more expensive or more risky or not of better value. That is the nature of a PPP; that is the benefit of a PPP.

We are currently in the midst of the world's most significant financial meltdown in history—you can raise your eyebrow, Vickie, but that is the truth—and we are not insulated against it. It is the cheapest form of parochial doomsday politics for an opposition leader, bereft of any intelligent question, to be—

Ms CHAPMAN: I rise on a point of order, Mr Speaker.

The SPEAKER: Order! Yes, I—

Ms CHAPMAN: That is quite outrageous, clearly debating and insulting.

The SPEAKER: Order!

Ms Chapman: You've answered the question. Sit down and—

The SPEAKER: Order! The deputy leader will come to order. The Deputy Premier.

The Hon. K.O. FOLEY: No, I do not think I have even begun to answer the question. I might stand here for 20 minutes giving you my views on the world's financial markets.

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: The truth of the matter is that these are the most uncertain financial and economic times the world has ever seen. As I have said before, the government, a sovereign state government—every single state government—is having trouble with its borrowings.

Mr Pisoni: Yes, because you are all Labor.

The SPEAKER: The member for Unley will come to order!

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: There is a drought. There is a contraction of available credit on the world market. The world banking system has collapsed. The Leader of the Opposition himself knows that, because he was told that when he was in New York. I was there when he was briefed on it.

We are not acting in isolation to what is going on in the rest of the world, and that has given us a level of complexity with these deals that no-one envisaged even three months ago, let alone a year ago. My expectation is that we will still deliver this project as a public-private partnership, because there will be a return to normality to world capital markets in a year's time.

However, I will say this. If world capital markets have not returned to normality in 12 months' time, if we are still confronting the tightness of credit, the cost of credit and the underpinning and underwriting of banks that we do today, we will have a hell of a lot more problems to worry about in this state than whether it is a PPP for the Marjorie Jackson-Nelson Hospital, because that will mean that the world's economy has hit a low point which has never been contemplated before.

MARJORIE JACKSON-NELSON HOSPITAL

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:49): Sir, I have a supplementary question. Given the Treasurer's response indicating uncertainty about exactly how the government will fund the new hospital—

An honourable member interjecting:

The SPEAKER: Order!

Mr HAMILTON-SMITH: Well, that is what he did.

The SPEAKER: Order!

Mr HAMILTON-SMITH: Why is the government refusing to provide for public scrutiny evidence which supports its costing claims by releasing independently derived research which compares the financial case for a new hospital in the rail yards compared to the proposal it took to the last state election for a renewed hospital at the existing Royal Adelaide Hospital site?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:50): Only a Liberal opposition and a few malcontents would complain about a government building a new hospital. I can say this, I can say this—

The Hon. I.F. Evans: You said that.

The Hon. K.O. FOLEY: How are you going? Are you counting numbers? You're a lot chirpier the last few days.

Members interjecting:

The Hon. K.O. FOLEY: He is chirpier.

Members interjecting:

The Hon. K.O. FOLEY: He is chirpy. Iain has picked up a bit in the last three or four days. He enjoys the hardship of his leader. The Leader of the—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: —Opposition—

Members interjecting:

The SPEAKER: Order! I have called the house to order!

The Hon. K.O. FOLEY: The Leader of the Opposition just made a false claim that there is doubt over the funding of the—

Members interjecting:

The SPEAKER: Order!

Mr Hamilton-Smith interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Martin, you are doing it again. You are not correctly quoting what you said. You said that there are doubts about the funding of the Marjorie Jackson-Nelson Hospital. There are no doubts about the funding of it. It will be funded and it will be built as we have promised and as we are working to.

Mr Hamilton-Smith interjecting:

The SPEAKER: The leader will come to order! The Deputy Premier.

The Hon. K.O. FOLEY: There is no doubt about the funding of the Marjorie Jackson-Nelson Hospital. The procurement model is to be decided when we have gone through proper due diligence, gone through proper tendering processes and gone through proper scrutiny and benchmarking against the public sector comparator; and if it appears that the PPP that has the private sector providing the finance is not the best model the government will do a design and construct with its own finance. There is no doubt about the funding, which is what we have said from day one with the very first project. And, surprise, surprise, it is what Rob Lucas put in as principles when he first formulated PPP policy when we came into office. It is a standard operating procedure for PPPs. Sometimes it might be that—

An honourable member: The desal plant wasn't a PPP.

The Hon. K.O. FOLEY: Yes. We did a public sector comparator. We looked at a whole series of variables with the desal and we decided against a PPP. I do not think that the average citizen will get overly excited about whether it is a PPP or a design and construct—they just want a new hospital. This Labor government will be proud of the legacy that is state-of-the-art and the most modern hospital built.

Mr Williams interjecting:

The Hon. K.O. FOLEY: Well—

The SPEAKER: Order!

The Hon. K.O. FOLEY: What was that story on the front page of the *Sunday Mail* where genius over here wanted to build a sports stadium and they said—I cannot believe the *Sunday Mail* ran this but maybe I should not be so naive—they had an anonymous consultant. Have we ever seen that report?

Mr Williams: Are you going to answer the question?

The Hon. K.O. FOLEY: No; have we ever seen your report?

Mr Williams: Answer the question.

The SPEAKER: The member for MacKillop will come to order!

The Hon. K.O. FOLEY: Have we ever seen your report? We will be going through a competitive tender process. Do members really think it is intelligent that we would put all our documentation into the public arena so that people could pour over it when getting into a

competitive tendering process? What arrant nonsense. That demonstrates your lack of understanding.

Mr Williams interjecting:

The SPEAKER: The member for MacKillop will come to order!

The Hon. K.O. FOLEY: That shows a lack of understanding of the commercial world.

Mr Williams: You can't hide.

The SPEAKER: Order! The member for MacKillop is warned.

The Hon. K.O. FOLEY: The health minister and I have said consistently that the cost of rebuilding on the existing site—and I have seen the documentation, I have seen the work—

Mr Williams interjecting:

The Hon. K.O. FOLEY: Look at him; a barrel of laughs! Why would I, as Treasurer, sit in a room and say, 'Yeah, let's build a brand new hospital because it's dearer than rebuilding on the RAH site'? I do not think I am noted internally in government as saying, 'Yeah, let's build something that is a hell of a lot more expensive if there is a cheaper option.'

The Hon. P.F. Conlon: No, you're not.

The Hon. K.O. FOLEY: No; and no cabinet would be that dumb. No cabinet would approve a process—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: They might. They probably would.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: You know, it does not make sense. Talk to any building contractor of any note and they will tell you. What would they prefer to do? Would they prefer to rebuild on a brownfield site—an existing site—or build on a greenfield site? Members should ask what it would cost to renovate their home as against the rebuild of their home.

Mrs Redmond interjecting:

The Hon. K.O. FOLEY: I can tell you: 15 years rebuild on the existing site.

Mr Hamilton-Smith: You have made that up. Where are the documents?

The SPEAKER: Order! The leader will come to order.

The Hon. K.O. FOLEY: If the minister has misled the house take a motion against him.

Members interjecting:

The SPEAKER: Order! The Deputy Premier will take his seat when the Speaker is on his feet. I should not have to call for order more than once. The Deputy Premier.

The Hon. K.O. FOLEY: It is a 15-year reconstruction site. We do not want to condemn patients, doctors and nurses to working on a construction site for the next 15 years. That is pretty logical. We do not actually agree with the doctors on the front page of the *Sunday Mail* who say that all we need to do is build a new accommodation wing. This hospital has been neglected consistently by governments for decades. It was neglected under the former Liberal government and, prior to that, other Labor governments, because it is a large hospital that requires such a large capital spend.

When we did the analysis, I was involved and had a major role in it. We simply asked the question: what is the most cost effective option for government? Without a shadow of a doubt, it is a rebuild on a new site—and that makes sense. If members talk to any developer in Adelaide that is exactly what they will tell you. Only the Liberal Party and people who just want to have a whinge about anything that government does would complain about a brand new hospital—even Dr Katsaros.

A brand new hospital will service our community like nothing else could possibly do when it comes to quality health care in this state. We will proudly campaign on that. Members opposite should go out and campaign on their football stadium and their rebuild of an existing site and when they walk into government—if they were to win—they would be confronted with trying to explain to rating agencies, Treasury and other financiers how in God's name they will end up paying for it.

PREFERENTIAL VOTING SYSTEM

Mr KENYON (Newland) (14:57): Will the Attorney-General advise how the state's preferential voting system for lower house seats works and how it applied to the most recent election of a member?

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (14:58): Members of the House of Assembly are elected by the secret full preferential alternative vote counting method. This system requires an elector to indicate on the ballot paper a preference for every candidate using sequential numbers—that is, 1, 2, 3 and so on—until all boxes (except one that would automatically be taken to be the last preference) are numbered.

The preferential voting system was first introduced in South Australia in 1929. Our secret full preferential alternative vote counting method requires a candidate to obtain 50 per cent plus one of formal votes to win a seat in parliament. If at the first count no candidate has gained more than 50 per cent of the votes the candidate with the least number of first preferences is excluded, with his or her ballot papers then distributed to remaining candidates according to the second preference marked on those ballot papers. This preference of excluding the candidate with the least number of votes and distributing the next available preference continues until one candidate—

An honourable member interjecting:

The Hon. M.J. ATKINSON: —yes, it is—is elected by gaining more than 50 per cent of the vote. Advocates of the current full preferential system—and, until the past 10 days, that included the Liberal Party—argue that there are three principal virtues in the system. First, a full preferential system elects the candidate preferred by most voters. Second, allied parties can stand against each other without necessarily resulting in a win to their common opponent. I am thinking of two coalition parties, the names of which just escape me at the moment. Third, minor parties can influence the election result through the allocation of preferences. A candidate's voting ticket preferences can be advertised to the electorate by way of distribution of how-to-vote cards, and posters displaying the how-to-vote card may be placed inside the voting screen at polling booths.

The vote counting or scrutiny process is heavily regulated by the Electoral Act. The election night scrutiny is regulated by part 10 of the act, and begins almost immediately after the close of voting at 6pm on election day. The results of the preliminary scrutiny are sent to the returning officer and the South Australian electoral commission.

Mr Hanna interjecting:

The Hon. M.J. ATKINSON: The member for Mitchell knows that something wonderful happened to him at the last election, but I am telling him how it happened. The order of proceedings at scrutiny is first a count of House of Assembly formal ballot papers, then the count of ballot papers that may be rendered formal through voting tickets, and finally a notional distribution of preferences. Scrutineers may be present at all stages of the scrutiny—and I know that the South Australian Liberal Party took the Frome by-election very seriously, because it put the member for Schubert in charge of scrutineering.

The Hon. K.O. Foley: Who was?

The Hon. M.J. ATKINSON: The member for Schubert, and Paul Marcuccitti, our scrutineer, was able to help him on some of the finer points—particularly the trajectory of Mr Wilson's preferences. Post-election day counting is regulated by sections 91, 93, 94 and 95 of the act. On the Sunday immediately after polling day, House of Assembly ballot papers are rechecked in the district office. The returning officer conducts a complete recheck of all House of Assembly ballot papers booth by booth—that is a recheck the day after. Confirmed figures for ordinary votes in the House of Assembly district are then available.

Then there is preliminary sorting and processing of all envelopes containing ballot papers from electors who either voted before or on polling day by declaration. Final processing and

acceptance or rejection of envelopes is by the returning officer, who opens accepted envelopes and sorts the ballot papers by formality and first preferences. During the week after polling day the returning officer will complete one or more declaration vote counts. Before a declaration vote envelope is accepted for further scrutiny all polling booth rolls are processed, within 96 hours of polling day, and the ordinary voting data is checked. Returning officers can then be certain that an elector has not voted as an ordinary voter at a polling booth on voting day.

On the Saturday, seven days after polling day, ordinary and declaration formal ballot papers are combined and preferences are distributed until only two candidates remain in the count. The returning officer will finalise the counts by amalgamating all the House of Assembly ballot papers into bundles for each candidate and distributing the preferences. The candidate with the least number of first preference votes is excluded or removed from the count and preferences are distributed to the next preferred candidate—I hope I am getting through here; please pay attention—and this process continues until two candidates remain. Since 1976, counts have continued until only two candidates remain, despite any one candidate gaining an absolute majority earlier in the count.

The Frome by-election was held on 17 January 2009. There were six candidates: John Rohde, Country Labor Party; Neville Wilson, National Party; Terry Boylan, Liberal Party; Joy O'Brien, Green Party (I think the Greens were a bit ambiguous about where she lived; she lived in the Mid-North but she did not live in Frome); Peter Fitzpatrick, One Nation Party; and Geoff Brock, Independent. A total of 19,309 votes were cast.

Of the first preference votes, Mr Boylan received 7,576; Mr Rohde, 5,041; Mr Brock, 4,557; Mr Wilson, 1,267; Ms O'Brien, 734. Mr Fitzpatrick received 134 votes and was the first excluded. His preferences were spread fairly evenly among the other candidates. Ms O'Brien of the Greens was the next candidate excluded with 756 votes after preferences. Her preferences went mainly to Mr Brock and Mr Rohde—315 and 277, respectively. The third candidate excluded was Mr Wilson of the National Party who had 1,374 votes after preferences. His preferences were spread in this manner: 660 to Mr Brock, 530 to Mr Boylan and 194 to Mr Rohde. This left Mr Rohde with 5,532 votes, Mr Brock with—wait for it—5,562 votes and Mr Boylan with 8,215 votes. Mr Rohde was then the fourth candidate excluded. His preferences were distributed: 4,425 to Mr Brock and 1,107 to Mr Boylan.

The Hon. K.O. Foley: When did they do the press release?

The Hon. M.J. ATKINSON: The press release was some time before this process. Thus, Mr Brock was elected the member for Frome with 51.7 per cent of the vote (9,987 votes in total) to Mr Boylan's 48.3 per cent of the vote (9,322 votes in total).

If the deputy leader could pay attention, yesterday on radio the member for Bragg said, 'It would be foolish of us if we didn't analyse the result; try and understand when you come first why you don't win; how somebody came third and still wins.'

The Hon. K.O. Foley: Who said that?

The Hon. M.J. ATKINSON: This is the member for Bragg, the deputy leader. But wait, there's more. She continued, 'It happened of course on the reverse before, and I can think of people like Terry Groom, going in as an Independent and then, of course, rejoining the Labor Party.' I repeat: going in as an Independent, then rejoining the Labor Party.

The Hon. P.F. Conlon: Close, but no cigar.

The Hon. M.J. ATKINSON: Yes. In fact, Terry Groom was elected in 1977 as the Labor candidate for Morphett and was defeated in 1979. Terry Groom was elected again in 1982 as the Labor candidate for Hartley—

Ms Chapman: And went Independent.

The Hon. M.J. ATKINSON: Terry Groom was never an elected as an Independent. It is a bit like that interconnector to New South Wales. To return to Frome, there were 537 informal votes; 14,505 votes were cast at polling places, and I was at one of them at Riverton.

The Hon. I.F. Evans: You were sitting under a tree.

The Hon. M.J. ATKINSON: My chief of staff, Mr Louca, and I enjoyed ourselves enormously at Riverton—

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: —and we had some tremendous company from the city. The Liberal Party had sent people up from the city to staff the Riverton booth; the National Party, of course, had a local. During the afternoon, it turned out to be a very tight contest. Only three of us were handing out how-to-vote cards to people who were coming in to Riverton: the National Party gentleman with his lovely embroidered blue shirt; Jack Humphries had come up from West Croydon to hand out for the Greens; and Mr Louca and I—

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: Yes. Mr Lewis had very important business to do: he was making very important mobile phone calls.

SUPER SCHOOLS

Mr PISONI (Unley) (15:10): I would like to thank the Attorney-General for that indulgence of his in the parliament. My question is to the Treasurer. Have any of the consortia in the government's super schools PPP projects due to start opening next year opted out and, if so, what are the ramifications for the project? Yesterday, the Treasurer told the house—and he repeated it again in the house today in a similar form—the following:

> European banks are under pressure from their own domestic constituents to stop lending money to overseas markets such as Australia and are repatriating those line facilities back to the United States and United Kingdom. That is putting enormous pressure on good enterprises here in Australia, particularly here in South Australia.

Europe-based Deutsche Bank and ABN AMRO are short-listed debt equity vehicles for the super schools PPPs. The other short-listed vehicle is Babcock & Brown.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (15:11): I will not make any comment on the nature of the elements of consortia as we are currently going through the evaluation process to choose a successful consortia, and issues of availability of finance, price of finance, corporate balance sheets, price and delivery schedules are all matters to be assessed through a very carefully coordinated process, and a process with serious probity—

Ms Chapman interjecting:

The SPEAKER: If the deputy leader has another question, I am more than happy to give her the call.

The Hon. K.O. FOLEY: The one matter of which one has to be mindful during these processes is matters of probity. I do not intend to give an answer to a question that may or may not affect anything to do with a decision process because I do not want to be blamed for actions taken by subsequent consortia if information put into the public domain at this point in time was in any way to affect a consortia's ability to conclude a successful deal. However, I will say this. Clearly, we are in the midst of the most significant financial meltdown the world has ever seen and it is not unreasonable to assume that matters relating to capital are causing some anxious and stressful moments right across both the public sector and the private sector. Whether that will or will not affect the value-for-money test on these projects will be determined during this process.

As I said in answering the question from the leader concerning the Marjorie-Jackson Nelson Hospital, if the value-for-money test does not put the PPP for schools as a better option than a design and construct, then one would not proceed. What I can say further is that all the way through this process the availability of credit has not been an issue, but I am not prepared to say whether or not that is the case at this very moment because matters are changing at a rapid rate.

Now the issue of Babcock & Brown is one that I have raised in this place in earlier times. Babcock & Brown (depending on which entity) is seriously wounded in this financial meltdown the world is seeing, but my understanding of the placement of debt within consortia—and my understanding was that Babcock & Brown was a placer of debt in consortia in which they are operating—would be that that would be debt that would be replaced by other entities, but I cannot really say any more than that. The projects themselves are not at risk. Those schools will be delivered, they will be delivered on time and they will be a proud part of this state's educational infrastructure.

ECONOMIC STIMULUS PACKAGE

Mr PISONI (Unley) (15:14): My question is to Minister for Education. Will the minister rule out deducting funds from the federal government's financial stimulus package in the form of charges to schools for the state government's role in managing the federally funded capital works projects? In the first round of federal government funded computer allocation, the state government attempted to charge schools a 4 per cent fee. It was forced to reduce this fee to 2.5 per cent after the opposition exposed the practice.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (15:14): I do not know that last bit: it sounds like a bit of nonsense.

Mr Pisoni interjecting:

The SPEAKER: Order! The member for Unley has asked his question.

The Hon. K.O. FOLEY: The Premier and I are leaving tonight for Canberra for a meeting for most of tomorrow at which all premiers and treasurers will be in discussion with the federal government on the very issue about how the rollout out of this quite extraordinary program will be undertaken, the responsibilities of state governments to deliver those and the requirements of agencies in that process.

This is a real challenge to state governments around the country, and it will be a challenge to the private sector to deliver. The Prime Minister has made it very clear that he wants these projects rolled out in, I think, an 18-month period. We will have to go to work very hard. In fact, the Premier and I, other ministers and bureaucrats are meeting today, before we fly out, to get a basic understanding of what processes we need to put in place. However, once we get the rules from the commonwealth, we will abide by those if we sign off on them with the commonwealth and we will, of course, play by the rules the Prime Minister and the states agree to.

However, at this very point we have not discussed those matters between ministers, first ministers, treasurers and the federal government. Until such time, I cannot explain what the relationship will be in terms of those matters, but one would not expect the school to pick up that cost.

GOVERNMENT ADVERTISING

Mr GOLDSWORTHY (Kavel) (15:16): My question is to the Premier. Will he cut back the government's program of taxpayer-funded advertising, media and promotions involving appearances on television by the Premier as a result of the government's declining revenues and expenditure blow-outs?

The government has recently commenced a new round of government-funded advertising featuring the Premier. In the six weeks since the Mid-Year Budget Review, revenues are estimated to decline by at least $166 million, funding commitments to superannuation liabilities are increasing, wage disputes remain unresolved and shared services reforms have been delayed. The Auditor-General also expressed concern in his annual report that expenditure increases have been rescued by windfall revenues.

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (15:17): I am very happy to answer that question. However, first of all, I want to correct something that was said before in the house. Parkside Primary School has not received approval for the state government to receive funding for a hall, as has been stated by members opposite. The Premier's office did not contact the school and ask it to do the things they said. So, obviously, it is a bit like that premature declaration: 'Whatever feels right for the moment, let's say it, even if it means a potential privileges inquiry.'

The fact is that I was criticised for putting an advertisement in *The Advertiser* thanking South Australians for what they were doing, in terms of raising funds for cancer, and thanking the volunteers at the Tour Down Under. It is completely consistent with what previous governments have done. I did not see you line up and complain about the $400 million, or whatever it was, the Howard government used to sell its package on WorkChoices. I did not hear a peep out of any of you. So, the answer is: we will continue to use public service advertisements where appropriate from the head of government.

MARJORIE JACKSON-NELSON HOSPITAL

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:19): My question is to the Minister for Health. Will the minister guarantee that all Royal Adelaide Hospital staff will be offered a job at the proposed Marjorie Jackson-Nelson Hospital? The reason I ask this, and therefore seek leave to make an explanation, is that on 28 January the minister told ABC morning radio hosts:

What we are wanting to build is a new hospital, not just a rebuild of the existing hospital. So it's not the Royal Adelaide Hospital on a new site.

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:20): I thank the Deputy Leader of the Opposition. I like the premise on which her question is asked, which is an absolute tacit understanding that the new hospital will be built. I would say to the house that, whichever side happens to form government after the next election, the new hospital will be built because it is the logical and sensible thing to do. It is the only clear way forward when dealing with the health pressures in our state. We have growing demand in our state for health services. We need to build more of them. We cannot provide sufficient services at the existing site, and logic says we should move to the new site. That leads me to the point of the question.

This will be a bigger hospital with more wards, more beds, more emergency services, more in-patient and outpatient activity, more research facilities and more intensive care units. We will need all the staff we can possibly find. Can I tell you who in 2016 will be getting any of the jobs? Of course I cannot. I do not know who would want the jobs, I do not know who would be working in the hospital, and I do not know what the service profile will be. But there will be more jobs available for doctors, nurses and other allied health staff than now, and I am very confident that anyone who wants to work in that hospital who has clinical skills will get work there.

MARJORIE JACKSON-NELSON HOSPITAL

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:21): Again my question is to the Minister for Health. Will the minister now answer the question asked previously by the Hon. Caroline Schaefer in another place five months ago, that is—

The Hon. K.O. Foley interjecting:

Ms CHAPMAN: In another place. Are you listening? The question was: were senior hospital staff required to sign a binding document stating that they would not criticise any aspect of the building or the location of the Marjorie Jackson-Nelson Hospital?

Members interjecting:

The SPEAKER: Order! The Minister for Health.

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:22): I would love to give the answer that the Minister for Transport gave, but I think it would be unwise for me to do so.

We love all of our doctors and nurses who work in the hospital. We love every single one of them. We value them, respect them and like them; and we want them to be involved in the planning process. When the planning process was put in place, I think at one stage a number of the staff was asked to sign a confidentiality statement so that the information they got through the discussion about what the new hospital should be like could not be divulged in a way that might benefit any of the bidders. They were not required not to criticise or complain, or any of the things that many of them appear quite free to do.

So I apologise to the member in the other place, but I thought I had answered that question. If I have not, I apologise to her. I think I have made a statement here along those lines at some stage. If I have not, I have certainly made it somewhere. There is no attempt to deny the democratic rights of every person in the state to say whatever they think about the government of the day. All I would say to them is: at least base your criticisms on facts and make your analysis as sharp as your medical training would suggest you are capable of.

FILM AND SCREEN HUB

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:24): My question is to the Premier. How much of the budget for the $45 million film and screen hub to be constructed on the Glenside Hospital site has been spent to date, and why has construction of this facility

commenced before the zoning on the campus has been changed and is still out for public consultation?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (15:24): My advice was that construction was going to begin later this year, but, quite frankly, I am pleased that in terms of infrastructure spend it is going ahead. The film industry wants it. The film industry is a very important part of not only our arts industry but also a very important part of defining our state. Anyone who has been down to the Hendon studio knows it is substandard. If we are to keep winning awards for great films that are shot here—films, for instance, such as *Look Both Ways* that not only featured at Cannes but—

The Hon. P.F. Conlon: What about that great silent film?

The Hon. M.D. RANN: —yes, we will get on to that in a minute—but also won just about every AFI award. Then, of course, there is *Ten Canoes*, which I understand won the Un Certain Regard category at the Cannes Film Festival and then went on to win virtually every AFI award.

What the film-makers, producers and investors said to us is that, if we are going to keep making films in this state we need decent studios, and that is what we are delivering to them. I think it would be great to see the Liberal Party joining with us and supporting the film industry. I have been to film studios, as has, I know, the deputy leader. This will be the most beautiful film studio in the world, with that fantastic visage at the front—better than even Warner Brothers. I will see if I can ask someone to get copies of some of the films like *The Honourable Wally Norman*, *Dr Plonk* and even *Run Rabbit Run*, so that you can get a flavour for just—

An honourable member: And the Bollywood film.

The Hon. M.D. RANN: And the Bollywood film, which is *Love Story 2050*, just to see the kind of local talent that we are nurturing in this state.

TRAMS

Dr McFETRIDGE (Morphett) (15:26): My question is to the Minister for Transport. Why were Melbourne trams still able to operate last week in 45° temperatures but Adelaide trams conked out, and why are our trams still running around with the side curtains off their air conditioning systems?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (15:26): The story changes day to day from the member for Morphett on trams. He told people last week when we were not here that we had made a mistake because Bombardier had sold trams to Egypt and Iran—I actually thought that we were not allowed to sell them; I thought there was a bit of a promise—and that trams in Melbourne ran without any difficulty where they had difficulties here. But, of course, now it is: why were trams running in Melbourne? Can I suggest to the member for Morphett that if he thinks the Melbourne public transport system performed better than South Australia—

An honourable member interjecting:

The Hon. P.F. CONLON: Can I also advise the member for Morphett that we are trying to determine whether Iran has any trams at all. We do not think that they have a tram service. We have been trying to find it. However, if Iran did buy trams I do not know what they are running them on, because as far as we can ascertain they do not have a tram system. But never mind that. Do not let the facts get in the way of a good invention.

The Hon. K.O. Foley interjecting:

The Hon. P.F. CONLON: There it is. I do acknowledge that apparently it has put a satellite in orbit. I will come back and inform the house if I am wrong, but we believe they have a rail system but we are struggling to find any trams at all.

Of course, on trams, the member for Morphett also came in a few years ago to tell us that we were in imminent danger of—what was it; legionnaire's disease? Of course, invention. He came and told us of the enormous risk of carbon build-up to health on top of the trams, except that of course all trams do that because it is designed to wear off and fall on the top of the trams.

The member for Morphett makes up stories about trams. On the record, at the risk of facing a privileges committee, the member for Morphett makes up stories about trams. But most famous of all, remember, he told two stories in two days. The first story was about how he was travelling on

a tram to a meeting with the Premier and an idiot walked in front of it, and he congratulated the great brakes on the tram and the operation of the driver having to stop, but then of course there was a delay because they had to investigate it. You know what he said the next day? 'I was travelling on a tram and they are so faulty I was late for a meeting with the Premier.' He could not keep his own story straight for 24 hours. So, on the record, at the risk of a privileges committee, the member for Morphett makes up stories about trams. I am happy—

The SPEAKER: Order! There is a point of order.

Ms CHAPMAN: I rise on a point of order, sir. This is outrageous and—

The Hon. P.F. Conlon: But true!

Ms CHAPMAN: —I ask the minister—

The SPEAKER: Order! What is the deputy leader's point of order?

Members interjecting:

The SPEAKER: Order! The deputy leader—

Members interjecting:

The SPEAKER: Order! What is the deputy leader's point of order?

Ms CHAPMAN: The minister has accused the honourable member of making that up, and I think he should apologise.

The SPEAKER: Order! There is no point of order. The Minister for Transport.

The Hon. P.F. CONLON: Okay. Last week we had the honourable member's inventions about Iran trams, Egyptian trams and Martian trams. He also said that the trams ran in Melbourne without any difficulties—why could they not do it here? I have a story from last week from Melbourne and it reads—of course, the press might not be telling the truth; they might not be as assiduous with the facts as the member for Morphett. Here is what it says. It is Clay Lucas, 29 January 2009:

> Fewer than half of Melbourne's government-owned trams are air conditioned, leaving thousands of passengers yesterday struggling to deal with a combination of overcrowding and stifling temperatures.

Anyone who saw the news—the Premier, a watcher of Sky News—can tell you that it was chaos. They were demanding the resignation of the minister over there, and I think Lynne Kosky does a very good job. Over here—

Dr McFetridge interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: Every tram ran? Would you stake your career on that, member for Morphett? A nod will do. Will you stake your career on it, you maker of tram stories, you inventor of tram stories? Will you stake your career on that claim? Will you? Is he nodding yet? Is he saying 'Yes'? Look, as much as I have enjoyed this—

Dr McFetridge interjecting:

The Hon. P.F. CONLON: Calmly, will you stake your career on your claim?

The SPEAKER: Order! The Leader of the Opposition.

Mr HAMILTON-SMITH: The minister's behaviour is simply making a farce of parliament. I ask that you draw him to a close.

The SPEAKER: Order! The Leader of the Opposition will take his seat.

Members interjecting:

The SPEAKER: Order! It is disorderly for members to interject, which is what is happening. It is also disorderly for the minister to incite interjections. The minister has the call.

The Hon. P.F. CONLON: I will conclude by saying that I will check the claim of the member for Morphett that every tram ran in Melbourne.

Dr McFetridge interjecting:

The SPEAKER: The member for Morphett will come to order!

The Hon. P.F. CONLON: His claim is different now. I will say that the member for Morphett on trams makes Pinocchio look very snub-nosed!

GRIEVANCE DEBATE

MURRAY RIVER

Mr PENGILLY (Finniss) (15:32): The ongoing crisis on the River Murray is no more evident than at the town of Goolwa and the surrounding Goolwa channel and lakes area. I bring to the attention of the house, again, the situation down that way, and I say to the house—

The SPEAKER: Order! Can members either leave the chamber or take a seat?

Mr PENGILLY: I say to the house that I am deeply concerned about where this is leading. I am deeply concerned with the environment, its lakes, the river and the Goolwa channel; and I am deeply concerned for the people down there who are in my electorate. They are a great people, they are a confident people, they are people who work extremely hard and they are people who are trying everything to get through what is taking place. It is beyond their control. They are frustrated beyond belief, and I do not know where this will finish. Twelve months ago we said, 'What happens if it doesn't rain this year?' Two years ago we said that. I am saying now, 'What will happen if it does not rain this winter? Where will this lead?'

What is really concerning them is that they do not seem to be getting any decisions from federal or state government. In fairness to her, the Minister for the River Murray attended a public meeting recently at Goolwa and sat through a morning with 200 or 300 people, and some of us just shook our heads in disbelief at the information that was presented.

I am deeply concerned about deteriorating relationships between people and authorities in that area. I have no doubt whatsoever that this has taken place further up the river. I believe that we are getting to the stage where close friendships and relationships that have been around for years are starting to fall apart at the seams.

Last Friday night I opened a new pro golf shop at the South Lakes Golf Club at Goolwa, which was attended by some 250 or 300 people. If anything is an inspiration it is the fact that a club such as that, which has no water and which is using mains water for its greens and tees—its fairways are almost non-existent—is still confident and looking to the future; and that does give one some inspiration. A considerable number of water-based businesses, marina operators and slip yard operators have just exhausted all possibilities. Businesses in the Goolwa-Currency Creek area are gutsy businesses; they do not give up. The Southern Alexandrina Business Association works extremely hard to try to keep people positive. People such as Mr John Clark, the President of that association, is giving an enormous amount of time in an effort to steer the community through what is such a difficult time.

If it was not bad enough that the river, the Goolwa channel and the lakes are in such a devastated position, what is going on in the rest of the world is almost enough to make one wonder what we are doing. It is absolutely beyond us. I get frustrated by the fact that instant experts from everywhere come down there and grab a bit of publicity. I am rather fed up with a couple of federal members, in particular, who seem to get the media opportunity all the time. The media does not seem to want to listen to local people or local politicians—they are just ignored—but federal senators poke their nose in where it is not really welcome, stir up a hornet's nest, then leave or drop in a comment at the appropriate time. This is beyond everything at present. If ever an area needed leadership and direction it is the Murray-Darling system. I understand and have a good deal of sympathy with the pressures that face our own government.

Time expired.

LIBERAL PARTY

Mr KOUTSANTONIS (West Torrens) (15:38): What a difference a by-election makes! I was reading the paper on the weekend, and I have always thought this about the way in which *The Advertiser* does its stories. If *The Advertiser* ever shows a picture of you looking glum and six of your colleagues smiling, apparently happy, you are in serious trouble. We all know the history of the member for Waite and how he rose to his present position. Some say that fortune favours the brave. However, another saying is that those who live by the sword die by the sword. I have always understood the second saying to be more true than the first one.

The history of the Leader of the Opposition is this. Prior to the 2006 election he challenged the then Leader of the Opposition (Hon. Rob Kerin) for the leadership about eight weeks before the election and started doing the ring around. He released a series of recorded file footage of him in the SAS and said that he was ready to lead. It was an active challenge. The Hon. Rob Lucas in the other place did a ring around, held a press conference and said, 'I have rung everyone in the parliamentary Liberal Party and I cannot find a single person who would vote for this guy,' and the challenge died. The Liberal Party went on to suffer the worst defeat in its history.

In 2006, after its worst defeat, members of the Liberal Party turned to what they thought was their best talent. As a political observer, I have to say that at the time I thought it was their best choice, as well. It was the Hon. Iain Evans; he gets it after the worst defeat in history. How long did they give him? Did they give him two years, did they give him three? Did they give him time to formulate a plan of attack—remembering that they have come off their worst election loss in history? No; they did not. Two or three bad polls and they panic; they knife him, and get the guy who is good in parliament.

This reminds me a bit of why they chose John Olsen over Dean Brown. Dean Brown was hopeless in parliament but he was excellent out there in the community, and the punters loved him. But John Olsen was very good in the parliament, so they chose on parliamentary performance—and, of course, that led to 1997 when they lost 10 seats in one election. He went on to resign in disgrace, and they lost in 2002. So history repeats itself, because what did they do? They chose on parliamentary performance. They chose more aggression, they chose the guy who takes the fight to the government.

That did not work, and it has come out in the Frome by-election. I am not trying to show any hubris here; I am trying to say that every seat that the Liberal Party won at the last election was a safe Liberal seat. Labor achieved the best result in its history at the last state election, and every seat we did not win is probably a safe Liberal one—other than Unley, and you could say that there were a range of local factors there as well. So, excluding Unley—which I think we have a chance of winning one day—I think that most seats the Liberal Party holds today are safe, and I included Frome in that category. Now, if we had come second by those 22 or 23 votes, we would still have had a swing to us as a government. That is unheard of. Kevin Rudd was getting 10 per cent swings against him with Brendan Nelson as leader of the opposition, in his honeymoon! After seven years we got a swing to us in Frome; however, the Independent won, getting a larger swing.

The Liberal Party is in chaos. It cannot formulate an argument to win, and those men and women who have been demoted under the leadership of the Colonel are now seeing the folly of their colleagues' choice. I say to them: for the good of the state sort out your differences immediately, have a swift execution, and put in someone who can lead you to the next election because the state needs stability. Liberal Party members cannot have this bickering amongst themselves for 12 months. The people of South Australia deserve a choice, and deserve to have a viable opposition. So my advice—which is free, although I am happy to consult in private as well—is: do the execution quickly, take him out the back and execute him yourselves, and choose a new leader.

Time expired.

MURRAY RIVER

Mr PEDERICK (Hammond) (15:44): I rise today to comment on the River Murray and the ongoing issues right up and down the river in South Australia. I recently attended a meeting at Berri where irrigators were tearing out their hair looking for solutions, wondering why they were on 18 per cent when interstate the allocations are up to 95 per cent of high security water. Granted, the ones with permanent plantings have access to critical water allocations, and I note that the government has set aside 64 gigalitres for that, but they are hurting. Their communities are hurting, and they are going backwards fast.

As you come down through the Riverland and the Mid Murray region there are tourism industries, houseboat industries, people wanting access to skiing, and boat launching areas that are going out of action as river levels drop because, I believe, not enough water is coming down the stream. For a long period of time in this country we have seen the effects of over-allocation and, on top of that, we are seeing the effects of a long-standing drought. Yet still things go on.

We have seen ferries out of service and, after some fairly heavy lobbying, the government has taken some action to reinvigorate some of the ferries. I applaud some of the actions taken—for example, putting on super flaps so that ferries can carry heavier loads, or even the reinstatement of

the second ferry at Mannum which I believe had to be driven down there with two outboard motors. However, I believe that second ferry at Mannum is only carrying two or three cars and, if the ferry at Tailem Bend has not been upgraded yet with super flaps, I believe it will be soon.

We also note that 47 gigalitres of water have been set aside for next year and purchased by the government for critical human needs. Yes, we definitely need water up-front for critical human needs. I note that in the past few years, $22 million has been invested by this government and spent on the Lower Murray Rehabilitation Scheme. I just hope it has another $22 million because it will be needed; after all, the land is cracked and basically has fallen apart to the extent that you can lose cattle and motorbikes through the cracks.

We have noticed the devastation of irrigation industry on the Narrung Peninsula. We have noticed industry and irrigators around Langhorne Creek and Currency Creek that have not had access to quality irrigation water for many months now. But I acknowledge the work that the community has done with the government on arranging to get irrigation water down there late this year in September at a local cost of $12.5 million.

Right up and down the river so much is going wrong. When you get down to the bottom, to the Goolwa channel where the real devastation stands out, essentially it is just the river stream going through the town, and more lake bed is exposed. But in some of these areas where the lake bed has been exposed for a significant amount of time over the past two seasons, it is amazing to see the results of the bioremediation, where plant life has come up and covers a lot of these areas. I believe that this could be a saving grace for these lake beds instead of going down the disastrous path of using seawater to remediate acid sulphate soils. In fact, the plant growth has been so good that they have had to mow some of it.

However, in completing this speech, I put out my call to the government: it needs to get serious. If it cannot do it, it needs to lobby the federal government and lease in some water to get us through the critical stages. It is not thousands of gigalitres, and I believe that New South Wales and Victoria are both carrying over into the next season 200 gigalitres each at least of irrigation water. Some of that water could be leased in to save our iconic Lower Lakes, and I think the government really needs to pay attention to the environment. I know that permanent plantings have had a grab and critical human needs certainly have their priority, but the environment needs its day in the sun.

UNIVERSITIES

Mr O'BRIEN (Napier) (15:48): I am sure no-one disagrees with the proposition of transforming Adelaide into Australia's premier university city which, in the process, will enable the state to play to its strengths in high-end technologies of defence and advanced manufacturing. After all, that is how most successful regional economies have thrived—by driving key industry sectors that do not need big city, big region infrastructure to succeed. Look at Boston. It is not a big city by US standards but it is pre-eminent in the fields of education, medical research and advanced manufacturing, sufficiently so to attract and hold people from across the United States. It is not a bad vision for Adelaide and South Australia—a Boston-style city in the nation's premier wine and food region. Underpin that with a revenue stream flowing from the resources sector, and we have the opportunity to position ourselves as a vibrant, creative and job-rich regional economy attracting people from around Australia.

What is holding us back? We have attracted Carnegie Mellon University from the US with its expertise in public administration and information technology. Cranfield University from the UK has also set up in Adelaide with its pre-eminence in defence technology. The UK-based Royal Institution will be opening an offshoot soon in the old Stock Exchange building to foster science education. The thing that is now holding us back is the apparent lack of desire by our own home-grown universities to work collectively to this end. Our separate stand-alone entities, our three universities—Adelaide, Flinders and UniSA—are minuscule by international standards and small by national standards. A remarkably high rate of degree duplication exists, with law and engineering offered in each of the three universities, medicine in two and most of the generalist qualifications available in all three. All three universities have business schools offering MBAs.

The depth of teaching and research available in larger institutions elsewhere is not available to our students. Without singling out any particular South Australian university, we no longer have a university in the top eight Australian universities. A body of research tends to indicate that university size and consequent resourcing is the key determinant in defining teaching and research outcomes. Put simply, larger universities generally have better outcomes. That is because

they have larger departments in areas such as law, medicine, engineering, business, science and the liberal arts. Larger departments can muster greater research efforts and allow greater teaching specialisation.

The obvious solution if Adelaide is to position itself successfully as Australia's university city is for our three home-grown universities to combine in some sense to gain the critical mass necessary to excel on the national and international stage. A formal merger should not be ruled out, but as the recent attempt in Western Australia showed, obstacles real and imaginary can be considerable. The more profitable route is probably that suggested by the Economic Development Board, the so-called systems model, where each of the universities keeps its separate identity under a unifying central administration and governance structure.

With visionary leadership, the necessary unity of purpose would emerge to propel the new South Australian schools in medicine, law, engineering, business and the like to the top of the national merit tree. That model is used in the US in the state public university sector. The University of California, with its 12 campuses, is an exemplary example.

South Australia is faring exceptionally well in attracting foreign students and especially so in the current economic climate in maintaining its foreign student numbers. Education is this state's fourth largest export earner. The result is testament to the ability of our three universities to conjoin their marketing activities through Education Adelaide. However, massive educational changes are afoot in the home countries of many of our visiting students, particularly China and India, and also interstate, particularly with the University of Melbourne. Now is no time for contentment with the status quo, particularly if we wish to move this status to that of Australia's premier university city.

WINE INDUSTRY

Mr VENNING (Schubert) (15:53): The extreme hot weather over the past week has caused serious damage to our wine and grape industry, particularly in the Barossa and McLaren Vale regions—to what extent, we are not quite sure yet. The Barossa harvest began last week, with red grapes which would normally not be harvested until the end of the month now being harvested. I have been told that realistically some growers in the Barossa will lose their total yield, particularly those who are not irrigating at all, and the Barossa as a region will probably lose about half its total production. Mark McKenzie from Winegrape Growers Australia on radio yesterday said that South Australian yields will be down by at least 100,000 tonnes from the estimates made in December.

Growers in my electorate are extremely distressed. They are facing many problems and they are not alone. I attended a Murray-Darling Association meeting in Berri last week and the growers in the Riverland are equally concerned and anxious about their future. I also note that the Minister for Water Resources (Hon. Karlene Maywald) attended, as well as Senator Bill Heffernan from New South Wales. Oversupply is the big problem facing the industry. Despite the heatwave destroying about 20 per cent of the state's crop, the oversupply problem will not be rectified. Management investment schemes (MISs) have been the large contributors to the oversupply problem. They are flooding the market and pushing down prices. Winemakers have warned that grape prices could fall as much as 30 per cent this year.

The global financial crisis is further compounding the problem, as wineries are finding it difficult to sell their wine overseas and they are cancelling their contracts with growers; many have held those contracts for many years. I know one grower who has 750 tonnes of grapes but has sold only 28 tonnes.

The state Rann Labor government needs to step in and provide some assistance to the industry that provides so much revenue to the state. The government stepped in and offered assistance to the Mitsubishi workers; what about helping out the grape growers? Last year, 1.8 million tonnes of wine was produced when only 1.5 million tonnes were needed. For many years, Mr Leo Pech, a fourth-generation grower from the Barossa, has been advocating that the tax incentive to plant vines (the 75AA tax laws in relation to MIS schemes) should have been abolished years ago as this has led to the enormous oversupply problem. He should have been listened to five years ago. In an article recently, he said, 'I believe that the vintage for 2009 will be the worst for growers in the history of the industry since it was formed in 1788.' The Managing Director of Angove's winery concurred, 'I agree for the growers it is going to be a diabolical vintage,' and it certainly seems to be starting out that way.

The industry was facing many problems before this heatwave struck, and growers do not need another worry on their mind. I appreciated the comments made by Senator Bill Heffernan, and I note that the Hon. Nick Xenophon was also at the meeting. I asked why the previous Liberal

government did not pull back section 75AA three or four years ago, and it quite floored me when he said that the grape growers' lobby was not successful in making politicians listen.

The Hon. R.J. McEwen interjecting:

Mr VENNING: When you read the Senate inquiry's report, which Senator Heffernan chaired, one recommendation was that they reform their lobby group and have a formalised lobby. I believe that the trouble in the past was that governments took much notice of the wine producers and not the grape growers; there should have been an area in the middle.

I am not playing politics with this, as it is too serious for that. I heard the minister's interjection a while ago, and I am not disagreeing with what he said. I am here to do the best for my growers. I shudder to think how I would feel. As a grain grower, I have other options for my product but, when you grow grapes, you do not have any options: you have to pick them. They are going to pick these grapes and put them on the ground. Even with the cost of picking them and watering them, they will go on the ground. It is terrible. A lot of people who have money will make their wine—

The Hon. R.J. McEwen interjecting:

Mr VENNING: The minister says I am talking doom and gloom. I am happy to hear the options, minister, but there are not many; however, I will do what I can. To all those grape growers out there, I want to say that I understand the problem and that if I could do something I would. I will listen to and advocate any suggestion the minister might make. I am with the growers.

Time expired.

RECIDIVISM

Ms BEDFORD (Florey) (15:58): I refer to a brief article in *The Advertiser* on 31 January 2009 that highlighted, from the Productivity Commission's national review of government services, that the rate of return to prison by those released within two years of completion of their custodial sentence was almost 40 per cent.

The Northern Territory, with a high proportion of indigenous prisoners, has the highest rate of recidivism, at 44 per cent in 2007-08. We all know that Aboriginality is a key factor for involvement in the criminal justice system, which is obvious from their overrepresentation in correctional institutions. New South Wales, with its high population, is not far behind with 43 per cent. The national rate is 38.2 per cent. South Australia had the lowest rate, at 33.2 per cent. While this is heartening, there is still room for great improvement, both in state and national figures. I have been watching this area closely for some time. The New South Wales parliamentary research library paper from November 2006, Reducing the Risk of Recidivism, by Ms T. Drabsch, states:

> Determining the proper response to the reoffending behaviour of criminals has plagued governments, criminologists, the judiciary and the community for some time. A precise figure for the rate of recidivism cannot be ascertained, as much crime goes unreported and the courts do not convict all offenders for various reasons, including lack of evidence. Rates of recidivism also depend on what measures are used in terms of the time frame considered and whether one is concerned about particular offences, re-arrest rates or re-imprisonment. Nonetheless, approximately 60 per cent of those in custody in Australia have previously served a period of imprisonment. Recidivism is accordingly an important subject for study.

Recidivism is a key aspect in understanding offenders and their behaviour, but there have been relatively few studies because of legislative privacy and ethics concerns. One of the reports from 2007 through the Australian Institute of Criminology tells us data sources have their own internal limitations and are likely to inherit many of the limitations from earlier systems and variances from jurisdiction to jurisdiction. With these qualifications in mind, the report tells us:

- about two in every three prisoners will have been previously imprisoned
- about one in four prisoners will be reconvicted within three months of being released from prison
- between 35 and 41 per cent of prisoners will be re-imprisoned within two years of being released
- the recidivism rates (regardless of how they were measured) appear reasonably consistent over time

Secondly:

- approximately 50 per cent of adult police arrestees will have been arrested at least once in the past 12 months, and approximately one in five will have spent time in prison in the past 12 months
- between 50 and 60 per cent of adult police arrestees will be re-arrested at least once within 10 years, although the probability of arrest is highest within the first two years

- about two-thirds of adult offenders appearing before the lower courts will have been previously convicted, and one in five previously sentenced to prison
- approximately 15 per cent of adult offenders released from community corrections will return to community corrections within two years

It goes on with several other statistics to do with juvenile offenders.

Returning to the Productivity Commission's report in section 8.1, headed Profile of Corrective Services, we learn:

> ...the operation of corrective services is significantly influenced by, and in turn influences, other components of the criminal justice system, such as police and courts. The management of prisoners and offenders serving community corrections orders is the core business of all corrective services agencies. However, the scope of the responsibilities of these agencies varies widely.

Another report I would like to quote from is that prepared by SACOSS for Offenders Aid and Rehabilitation South Australia in August 2008, and it looks at the causes of crime. It states:

> There is not a simple and clear set of conditions or factors that directly lead to criminal behaviour; rather, there are complex circumstances that increase the risk factors of criminal behaviour. Identifying the causes of crime, however, should not be caught up in a desire to apportion blame or marginalise those most at risk of such behaviour.

Further in that report it talks about the cost of crime and it states:

> The cost of crime in financial terms in Australia is vast. Mayhew [in his report in 2003] estimates that the overall cost of crime in Australia amounts to an incredible $32 billion a year. When broken down, this figure equates to approximately $1,600 per person and 5 per cent of our national GDP...
>
> The cost of the criminal justice system in South Australia in 2006-07 was approximately $795 million. This figure is an extrapolation of the costs of the police, courts and corrections.

It is obvious from these figures that prevention is much better than cure, and a significant reduction in recidivism is essential for both the future of our state and the offenders concerned. When we examine prisoner profiles, we see some common demographics. One in particular is a lack of education in the male prison population.

Time expired.

CROSS-BORDER JUSTICE BILL

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (16:04): Obtained leave and introduced a bill for an act to facilitate the administration of justice in regions straddling the state's borders with Western Australia and the Northern Territory; to make related amendments to the Bail Act 1985, the Magistrates Court Act 1991 and the Youth Court Act 1993; and for other purposes. Read a first time.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (16:05): I move:

That this bill be now read a second time.

The bill will enable South Australia to participate in the cross-border justice schemes in conjunction with Western Australia and the Northern Territory. The schemes are aimed at delivering better justice to, and improving the safety of, the communities in the regions covered by them. They will allow police, magistrates, fines enforcement agencies, community corrections officers, prison officers and other office holders to deal with offenders from any one of the participating jurisdictions, provided the offender has a connection to the cross-border region.

The bill allows for cross-border schemes to be introduced where border regions are shared–for example, the Kimberley region or the Western Australian-South Australian border area of the Nullarbor. The regions will be prescribed by regulations.

Initially, the scheme will apply to the Ngaanyatjarra Pitjantjatjara Yankunytjatjara lands in Australia's central desert region. The NPY lands occupy some 450,000 square kilometres that straddle the borders of Western Australia, South Australia and the Northern Territory.

The local people of the NPY lands live and travel throughout the region according to their traditional culture and customs, frequently crossing the borders of the three jurisdictions. Many communities in the NPY lands, like other remote communities, experience high levels of alcohol and substance abuse, sexual abuse and domestic violence. The transient lifestyle of the people of the NPY lands brings challenges for justice agencies dealing with those problems, which are

constrained by the state and territory borders of the region. The bill is part of a tri-jurisdictional response to those challenges. I seek leave to have the remainder of my seconding reading explanation incorporated in *Hansard* without my reading it.

Leave granted.

The idea for the cross-border justice schemes came out of the NPY Lands Tri-Jurisdictional Justice Initiatives Roundtable in June 2003. Members of the NPY Women's Council, judicial officers, police and other officials working in the criminal justice systems of South Australia, Western Australia and the Northern Territory, met in Alice Springs to discuss, and find better ways to provide effective justice services in the NPY lands. The NPY Women's Council, a non-Government organisation that provides support and advocacy services for Aboriginal women in the region, was already operating under a tri-State model, recognising that the State and Territory borders mean little to the indigenous people of the cross-border region, and that the State services are often hampered by jurisdictional boundaries.

In November 2007, South Australian, Western Australian and Northern Territory Governments agreed to develop legislation that would enable cross-border justice schemes to operate. Western Australia worked up the model Bill for the mirror legislation. Usually, the purpose of mirror legislation is to enact new substantive law in a number of jurisdictions. The mirror legislation for the cross-border justice scheme does not enact new substantive law. Instead, it extends the geographical area in which the existing substantive law of each jurisdiction applies. The Western Australian *Cross-Border Justice Act 2008* received Royal Assent on 31 March 2008, and this Bill mirrors that Act.

South Australia, Western Australia and the Northern Territory have worked together to create the legislative and administrative frameworks that will allow each justice system to operate across the borders. Under the scheme, each jurisdiction will extend the geographical area in which its law can operate beyond its borders to include the geographical area of each of the other jurisdictions; and will allow the law of each of the other jurisdictions to apply within its borders. The cross-border legislation for each jurisdiction will contain provisions about three aspects of the criminal justice system:

- the exercise of police powers,
- the jurisdiction of summary courts, and
- the enforcement of sentences and orders.

Cross-border policing is not a new concept. For several years, multi-jurisdictional police stations have operated at Warakurna in Western Australia and Kintore in the Northern Territory. Each police station is staffed with both WA and NT police officers who hold appointments as special constables of each other's police force and patrols of areas in both jurisdictions are conducted out of those police stations. The existing legal restrictions, however, mean that whilst operating a patrol in the NT the officers can only exercise their powers as NT officers, and while in WA they can only exercise their powers as WA officers. This means that if, while on patrol in WA, they come across a person who is alleged to have committed an offence in the NT, the patrolling officers cannot arrest the person in WA That person must be dealt with under the extradition laws; a costly and time-consuming process. The cross-border legislation will provide an alternative to that process. Under the scheme, police officers from South Australia, Western Australia and Northern Territory can be appointed as officers of each other's police force. Those officers will be able to arrest, detain and charge an alleged offender in any of the three jurisdictions, if the alleged offender has a connection with the prescribed cross-border region.

An appropriately appointed magistrate will be able to deal with a matter in any of the participating jurisdictions, under the law of the place where the offence took place and, if necessary, deal at the same time with any outstanding offences that may have occurred in another participating jurisdiction. The arrest, charges, hearing and sentences can be dealt with quickly and efficiently, thereby minimising the time, inconvenience and cost for everyone involved in the process. The risks of transporting prisoners over long distances to enable them to be charged or dealt with by a court in the State or Territory in which the alleged offence took place will be removed or reduced.

The main features of the Bill are as follows:

The application of the cross-border scheme is restricted to the region prescribed in the Regulations as the 'cross-border region'. A matter will only fall within the scope of a cross-border justice scheme if the offence is connected to the relevant cross-border region. The criteria that will determine whether there is a connection are:

- the alleged offence occurred in the cross-border region; or
- the alleged offender was arrested in the cross-border region; or
- the alleged offender normally resided in the cross-border region at the time of arrest or of the alleged offence.

A connection also exists if at the time a person comes before a court, he ordinarily resides in the region, or is before the court for another matter where he has a connection with the region. A person may have one or many connections with a cross-border region.

The Bill places the onus of proof on the arrested person as to their whereabouts at the time of arrest and his or her normal place of residence at the time of arrest. The onus has been placed on the arrested person so as to discourage false claims of the person being outside the cross-border region, thereby frustrating the use of the cross-

border legislation, and to limit the extent to which the boundaries of the region can be used to evade justice. Proof is to be determined on the balance of probabilities.

The Bill limits the application of the scheme to those matters that can be dealt with by the Magistrates Court or the Youth Court, other than when constituted by or so as to include a judge. Those courts will be able to deal with aspects of indictable offences that magistrates are able to deal with, such as bail and committal proceedings. This will allow much of the offending behaviour in the cross-border regions to be dealt with under this scheme.

Part 13 of the Bill will allow office holders of the State to hold secondary office under the law of another participating jurisdiction and exercise the powers of that office. For example, the Bill allows each participating jurisdiction to appoint magistrates of the other participating jurisdictions to their own magistracy through their own legislation governing the appointment of magistrates. Police officers will also be secondary office holders by appointment through each jurisdiction's existing appointment processes for special constables. Community corrections officers and Registrars will, under the cross-border provisions, be automatically officers of each of the other jurisdictions. The bill will amend the *Magistrates Court Act 1991* so that a member of the Court's administrative and ancillary staff may, with the approval of the State Courts Administrator, concurrently hold office as an officer of a court of a participating jurisdiction.

For each provision of this Bill authorising the application of South Australian law in WA and NT, there are corresponding provisions in the WA Act and NT Bill to allow the SA law to apply in WA and NT.

The factor that will determine which jurisdiction's laws will apply to an alleged offence will be the location where the alleged offence occurred. For example, if a person is arrested in the Northern Territory and charged with an offence alleged to have been committed in South Australia, a magistrate sitting in the Northern Territory could hear the matter sitting as a South Australian court and the South Australian laws of apprehension, court procedure, criminal liability and sentencing would apply. Although convicted offenders will be sentenced according to the law of the jurisdiction where the offence occurred, the sentence will travel with the offender. That is, a person convicted of a Northern Territory offence but serving a custodial sentence in South Australia will serve the sentence as if that person were in the Northern Territory.

Some laws will be applied differently under the cross-border justice scheme than elsewhere. The clauses of the Bill that extend the geographical area within which the existing law of a jurisdiction applies include the provisions applying the existing law 'with any appropriate modifications'. Appropriate modifications are 'modifications that are prescribed by regulations made under the jurisdiction's mirror legislation, and any other modifications that are necessary or convenient to give effect to the jurisdiction's mirror legislation'. The law of the jurisdiction is then applied with those modifications as if the law had been altered in that way. For example, the *Prisoners (Interstate Transfer) Act 1982* will be modified so that WA and NT prisoners sentenced under a cross-border justice scheme will be able to be moved to a prison in S.A. through administrative arrangements and continue to serve the sentence as a WA or NT sentence. In other circumstances a sentence not imposed under a cross-border justice scheme would be translated into a SA sentence when a prisoner is transferred. It is not intended that the capacity for police officers, magistrates and other officials to perform their functions across borders and exercise the powers of another jurisdiction can be extended to apply in other parts of the State. Modifications will apply only in the context of dealing with one across border matter, and the modified form of the Act must be applied when it is used in a cross-border matter.

As already explained, the mirror legislation for the cross-border scheme does not enact new law, but extends the geographical area in which the existing law of each jurisdiction applies. Consequently, during the drafting of the model Bill, the relevant substantive law was examined to determine the differences in the law of the three jurisdictions, and if there were differences, to decide whether or not the substantive law of each jurisdiction should apply to its full extent in the other jurisdictions. Two main areas were identified. The first relates to fines enforcement. All three participating jurisdictions have legislation relating to the enforcement of fines. Under the WA and NT fines recovery processes, the fines recovery unit, in the NT, and the registrar, in WA, may issue a warrant of commitment for failure to expiate a fine. In South Australia, the matter is referred back to the court for the offender to be re-sentenced. Because of the disparity in approaches to the enforcement of fines, the mirror legislation prevents fine enforcement being taken further once all other avenues of expiation have been exhausted and the only option left would be imprisonment. The matter will then go back to the referring jurisdiction to be dealt with according to the State or Territory fines recovery laws.

The second area of difference relates to restraining orders. All three jurisdictions have legislation relating to the making of restraining orders in domestic violence and similar situations. As South Australia does not allow police officers to make short-term restraining orders, care has been taken to ensure that South Australian police officers are not given powers under this scheme, to exercise in Western Australia or the Northern Territory, which they cannot exercise in this State.

For the cross-border justice scheme to operate, each jurisdiction's cross-border justice legislation will need to be made an exception to the *Service and Execution of Process Act.* That Act covers the area of interstate arrest and extradition. If the Act is not amended, the cross-border legislation will be invalid under section 109 of the Constitution for inconsistency. The Commonwealth supports this scheme and has agreed to make the necessary amendments to the *Service and Execution of Process Act.*

The Bill provides for a review of the operation of the cross-border laws three years after the commencement of the Act.

The scheme has been embraced by Western Australia, the Northern Territory and the Commonwealth. I would like to recognise the role of the NPY Women's Council in initiating the project, the support of the

Commonwealth Attorney-General as it unfolded, and the hard work of the Western Australian Government, Solicitor General and Parliamentary Counsel in creating the model legislation. The scheme could not operate successfully without the existence of detailed protocols and agreements between the participating jurisdictions, and I acknowledge the work done by the key agencies involved in working up those essential documents.

The cross-border legislation will bring new challenges for the judiciary and Courts Administration Authority, and I am grateful for their co-operation, and their support for the scheme.

The passage of this Bill is a major part of the initiatives aimed at increasing the safety of people in remote communities and I commend it to the House.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

Division 1—Preliminary matters

1—Short title

This clause is formal.

2—Commencement

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

3—Act binds Crown

This provision is included to rebut the common law presumption that statutes are intended not to bind the Crown.

Division 2—Object of Act

4—Act gives effect to cooperative schemes

The Act will enable more effective delivery of justice services to cross-border regions. This is to be achieved through cooperative schemes with two of those jurisdictions with which South Australia (SA) shares a border, ie, Western Australia (WA) and the Northern Territory (NT).

5—Object of Act and how it is to be achieved

In order to meet its objective of furthering the cause of justice administration in the cross-border regions, the Act confers on police, magistrates, courts of summary jurisdiction and other office holders the capacity to exercise their SA powers in WA and the NT. It also confers on them the capacity to accept appointment to hold office under the laws of WA and the NT, and to exercise the powers associated with that office. They will be able to exercise those powers in WA and the NT, or do so in SA. Similarly, SA courts of summary jurisdiction will be able to sit, deal with matters and sentence offenders under SA law when the court is sitting in either of these other two jurisdictions. Likewise, the courts of summary jurisdiction of WA and the NT will be able to function within this State.

6—How this Act is to be construed

The Act provides reciprocal recognition of SA courts and officials applying SA law within the boundaries of WA and the NT; and of their WA and NT counterparts applying the laws of those jurisdictions within the boundaries of SA.

Division 3—Interpretation

7—Interpretation

This clause defines the commonly used terms used in the Act. Most importantly, it specifies that the other participating jurisdictions are WA and the NT, two of the jurisdictions with which SA shares a border.

The definitions of offices such as *CEO (corrections)* are derived from the relevant Acts that more generally define these terms, eg, the *Correction Services Act 1982*. *Community corrections officer* is to be defined by regulations made for the purposes of the definition.

Other definitions have been drafted specifically for the purposes of the Act. They include *cross-border jurisdiction*, which is the jurisdiction exercised by a *prescribed court* of a *participating jurisdiction* when dealing with a *cross-border proceeding*. A *cross-border proceeding* is a proceeding falling within the meaning of clause 68 of the Act, or falling within the meaning of the equivalent legislation in WA or the NT. A *prescribed court* is further defined as being (for SA) the Magistrates Court or the Youth Court, other than when a judge is presiding in a matter before the Youth Court, and for the other participating jurisdictions, the courts prescribed in their equivalent legislation.

Some definitions, such as *connection with a cross-border region*, are included in this clause, but they are simply cross-referenced to another clause which sets out their meaning.

In some cases, a term is defined in a general reference to the laws of a participating jurisdiction. This is to accommodate the range of relevant Acts that may be applied under this Bill. For example, *vehicle impounding laws* refers to those laws dealing with the impounding or confiscation of vehicles in the course of their application to driving offences. This acts to limit their application to those situations likely to be encountered by those administering

the provisions of this Bill. This definition deliberately limits the context to impounding or confiscation under driving laws, and does not include confiscations that could occur under the confiscation of the proceeds of crime legislation.

8—Meaning of 'cross-border laws'

This Bill is the primary legislation to enable the creation of cross-border justice schemes. It works in conjunction with other laws that also have application to these schemes, and collectively this Bill and these other laws are the 'cross-border laws' for SA. Other laws include those which will apply to cross-border schemes as modified by the regulations (see clause 13 and clause 14). Other cross-border laws include those which make special provision for the schemes.

This clause also sets out what constitutes the cross-border laws of WA and the NT, and these are consistent with those of SA.

9—Persons who exercise powers are office holders

This clause provides that office holders under cross-border laws are people who exercise a power conferred on them by a cross-border law. Not all office holders are government officials.

10—References to office holders

Under cross-border laws a person may hold a secondary office. For example, an SA magistrate could hold as a secondary office, the office of a magistrate of WA as conferred under WA law. This clause brings the holder of a secondary office into the scope of being an office holder. Even if the office ceases to exist, someone who retains the powers of that office is still taken to be an office holder.

11—References to written laws of another participating jurisdiction

Legislation is often amended. This clause provides continuity by making it clear that if another jurisdiction amends its cross-border laws, then any reference to those laws in the SA *Cross-border Justice Act* still has effect.

12—Use of notes and examples

Due to the complexity of this legislation, the Bill includes notes and examples to assist readers to understand the meaning of some provisions. However, these are only aids to interpretation and have no legislative force.

Division 4—Modifications of other laws of State

13—Appropriate modifications

The intent of the cross-border laws is to respond to the difficulties in the administration of justice in remote border regions. It is not intended that the capacity for police officers, magistrates and so on to perform their functions across borders and exercise the powers of another jurisdiction can be extended to apply in other parts of the State. Some laws will be applied differently under cross-border justice schemes than elsewhere. Rather than make complicated amendments to these other Acts, they are to be modified by regulation. Modifications to other Acts are to apply only in the context of dealing with a cross-border justice matter.

14—Effect of modifications

An Act that has been modified for the purpose of implementing a cross-border justice scheme, has to be applied on the basis of its modified form when it is being used in this context. If an office holder invokes the cross-border laws when dealing with a matter under this Bill, he or she does not have the option of applying the non-modified form of another cross-border law.

Division 5—Relationship between State's cross-border laws and other laws

15—Law of another participating jurisdiction: office holders, prescribed courts, persons serving sentences

Participating jurisdictions still exercise control over what can and cannot be done within their borders, and still exercise control over what their office holders may or may not be permitted to do. This requires provisions from an office holder's home jurisdiction that enable the officer to exercise powers in another jurisdiction, and corresponding provisions from that other jurisdiction to allow the officer to exercise those powers within that State or Territory.

For example, it is not enough for SA to legislate so that its office holders can exercise their powers under SA laws in another jurisdiction. The other jurisdiction must also legislate to allow this to happen. Subclause (1) of clause 15 provides that unless the other jurisdiction has so legislated, an SA office holder cannot exercise his or her SA powers in that jurisdiction even though SA cross-border laws may provide for this.

Similarly, even though SA cross-border laws allow an office holder from the NT or WA to exercise powers within SA, the office holder cannot do so unless the laws of the NT or WA, as the case may be, provide for this (subclause (2) of clause 15).

This clause continues to provide for other reciprocal recognition in relation to courts to hear and determine matters in other jurisdictions, and the imposition and serving/carrying out of sentences.

16—Law of another participating jurisdiction: other persons required to do things

This clause extends the principle contained in clause 15 to those individuals who are not office holders but nevertheless have a legal obligation to undertake some action (eg a person in a motor vehicle accident notifying the appropriate authorities of the accident). It is intended that a person be able to make such notification outside the

jurisdiction where the event occurred (eg after an accident in WA a motorist may be able to meet the requirement to notify the police by reporting the accident at an NT police station).

Under clause 16, both SA law and the other jurisdiction's law have to permit the person to make the notification in the other jurisdiction (and vice versa if the event has occurred in WA/NT and the person is to be able to make notification in SA).

17—*Service and Execution of Process Act 1992* of the Commonwealth

To date, in a situation where a police officer has arrested a person in connection with an offence alleged to have occurred in another State or Territory, the Commonwealth *Service and Execution of Process Act 1992* (SEPA) has determined how the person is dealt with. The police officer has been able to bring the person before a magistrate in the State or Territory where the arrest occurred. The magistrate, however, has only had the option to remand the person to be brought before a court in the jurisdiction of the alleged offence, and the person would then go or be taken in custody to that jurisdiction. The magistrate has had no power to deal with the matter to finalisation. This Bill will not replace this process, but rather, will provide an alternative. However, if, as is anticipated, the Commonwealth were to amend SEPA so that it would provide that it does not apply to a matter covered by SA cross-border laws, an office holder or prescribed court of the State would have to proceed under the cross-border laws and not SEPA. That is, the office holder would have no alternative but to apply cross-border laws. This, however, is dependent on SEPA being amended in this fashion. If SEPA is not amended to give primacy to cross-border laws, but allows both systems to co-exist, then the office holder or court would have a choice as to which path to follow.

Division 6—Application

18—Offences, orders and requirements in relation to which State's cross-border laws apply

This clause enables the cross-border laws to be applied to offences, orders or requirements that may have originated before this Bill is enacted. This provides a certain degree of retrospectivity to the legislation. It means, for example, that a person who has breached an order prior to the commencement of the *Cross-border Justice Act* could be arrested for this breach after the commencement date using the provisions of this Act.

Part 2—Cross-border regions

Division 1—Prescribing cross-border regions

19—Cross-border regions to be prescribed

A cross-border region is a region that extends over the border of SA into one or both of the other participating jurisdictions and is prescribed by the regulations to be a cross-border region.

Division 2—Connection with a cross-border region

20—Persons suspected of, alleged to have committed or found guilty of offences

This clause sets out the criteria by which it is determined if a person who is suspected of, alleged to have committed, or has been found guilty of an offence has a relevant connection to a cross-border region, thus falling within the scope of this Bill.

The criteria for establishing whether a person has a connection with a cross-border region are—

- that this is where the suspected/alleged/proven offence occurred; or
- when the person was arrested he or she was physically in the region or normally resides in the region; or
- the person resides or resided in the region at the time the suspected/alleged/proven offence occurred.

Only one of these criteria needs to be met for a connection to a cross-border region to be established. This means, for example, that a person from elsewhere who is arrested whilst transiting a cross-border region, would fall within the scope of this Bill. Likewise, a person from the region who is arrested whilst visiting a different area can be dealt with under this Bill.

A connection also exists if, at the time a person comes before a court, the person ordinarily resides in the region or is before the court in relation to another matter in relation to which he or she has a connection with the region.

21—Persons against whom orders of prescribed courts are in force

This clause reiterates the application and criteria for establishing a cross-border connection as set out in clause 20 and applies them to the making, variation and breaching of orders.

22—Connection for purposes of making restraining orders

An application for a restraining order falls within the scope of this Bill if the respondent to an application (ie, the person against whom a restraining order is sought) has a connection to a cross-border region. The criteria for establishing this connection are that the respondent or the person in whose interests the restraining order is sought ordinarily resides in the region.

23—Persons serving sentences or carrying out orders in respect of offences or alleged offences

A person subject to a sentence or an order has a connection with a cross-border region if the sentence or order results from a court exercising cross-border jurisdiction in relation to a matter where—

- the person has a connection to the region; or
- the court exercising cross-border jurisdiction has ordered the payment of a fine; or
- the person ordinarily resides in the region.

24—Other persons required to do things

A person who has a legislated responsibility to take some action has a connection to a cross-border region if the person is informed of this requirement while in the region, the event occurred in the region, or the person ordinarily resides in the region.

25—Connections are not mutually exclusive

A person may have connections with a cross-border region under any of clause 20 to clause 24. That is, a person may have multiple connections with a cross-border region.

Division 3—Proving connection with a cross-border region

26—Meaning of 'proceeding'

This is a definition clause that applies for the purpose of this Division. A *proceeding* is either a cross-border proceeding in a prescribed court of SA, or a proceeding before an SA court in relation to which an officer of another participating jurisdiction is acting under the provisions of the *Cross-border Justice Act*.

27—Onus of proving person's whereabouts at time of arrest

Given the remoteness of the regions where cross-border justice schemes will operate, it may at times be difficult to establish precisely whether a person was arrested in or normally resided in a region for the purpose of determining whether there is a connection with a cross-border region. This clause places the onus of proof on the arrested person as to his or her whereabouts or normal place of residence at the time of arrest. Proof is to be determined on the balance of probabilities.

One of the aims of the cross-border justice initiative is to overcome the problem of alleged offenders using the State/Territory borders to evade police and the justice system. However, in defining a region, another 'border' is by default imposed and such evasion could again occur. The onus of proof has been placed on the arrested person so as to discourage false claims of the person being outside the cross-border region and to limit the extent to which the boundaries of the region can be used to evade justice.

28—Onus of proving person's residency during cross-border proceeding

For the same reasons stated in relation to clause 27, the onus of proof for establishing if a person ordinarily resides, or resided, in a cross-border region at the time of a cross-border or other proceeding, lies with the person.

Division 4—Multiple cross-border regions

29—Application of this Division

The SA border with the NT and WA touches on different regions of the State. The inaugural cross-border justice scheme is planned for the area where the borders of all three jurisdictions meet. However, separate bi-lateral schemes could be developed for other regions, eg, the region centred on the Nullarbor Plain that straddles the borders of WA and SA.

30—Office holders, prescribed courts, persons serving sentences

This clause is similar to clause 15. However, it limits the extent to which, for example, SA office holders can exercise their cross-border powers in another participating jurisdiction.

If a person's connection with the Central Australian cross-border region is based on the person being arrested or residing in WA, and the person is brought before an SA magistrate exercising cross-border powers in the NT under a scheme based on the SA/NT border (but not the WA border), the magistrate would not be able to deal with the person because WA would not be a party to the scheme.

However, a person may have a connection with more than one cross-border region. An office holder or prescribed court of the State may deal with the person under the State's cross-border laws on the basis of the person's connection with one or another of those regions, having regard to what best facilitates the administration of justice in those regions.

31—Other persons required to do things

As with clause 30, this clause requires that a person has a connection with a particular cross-border region if the person is to be authorised or allowed to take action under cross-border laws relating to that region.

Part 3—Police officers of State exercising powers in another participating jurisdiction

Division 1—Powers generally

32—Arrest without warrant

An SA police officer may arrest a person (who has a connection with a cross-border region), without a warrant and under the laws of SA, in WA or the NT. The arrest will be governed by the laws of SA and can only occur if the arrest could be made in SA.

33—Arrest under warrant

An SA police officer may arrest a person (who has a connection with a cross-border region), under warrant and under the laws of SA, but in another participating jurisdiction. The arrest will be governed by the laws of SA.

Likewise, a magistrate may issue an arrest warrant under SA law and do so whilst in SA or another participating jurisdiction. Again, it is a requirement that the person the subject of the warrant has a connection with a cross-border region.

Examples of the application of this clause are as follows:

Example 1—A person is suspected of committing an offence under SA law in the SA portion of the SA/WA/NT (Central Australia) cross-border region. An SA magistrate anywhere in SA, WA or the NT may issue a warrant for the person's arrest. An SA police officer may arrest the person under the warrant anywhere in any of these three jurisdictions. In this example, the person has a connection to the cross-border region that involves all three jurisdictions.

Example 2—A person who ordinarily resides in the SA/WA (southern border) region is suspected of committing an offence under SA law in Port Augusta. An SA magistrate anywhere in SA or WA may issue a warrant for the person's arrest. An SA magistrate in the NT cannot issue a warrant. An SA police officer may arrest the person under the warrant anywhere in SA or WA but not in the NT. In this example, the person only has a connection to the southern border region, which does not include the NT.

Example 3—A person who ordinarily resides in the SA/NT (northern border) region is suspected of committing an offence under SA law in the SA portion of the SA/WA (southern border) region. An SA magistrate anywhere in SA, WA or the NT may issue a warrant for the person's arrest. An SA police officer may arrest the person under the warrant anywhere in SA, WA or the NT. In this example, the person has connections to two cross-border regions which collectively include all three jurisdictions.

34—Person taken into custody

If an SA police officer arrests a person under the laws of SA either with or without a warrant and in any of the participating jurisdictions, this clause empowers the person to keep the person in custody in another participating jurisdiction but under SA law. This means that a person who is arrested in the NT or SA under SA law does not have to be returned to SA to be kept in custody. The police officer can also take the person to a police station, court or anywhere else for an authorised purpose.

35—Investigation of suspected or alleged offence or breach of order

An SA police officer may investigate a suspected offence or breach of an order made under SA law in WA or the NT but, in doing so, may apply SA law governing investigations. This includes the police officer's powers to conduct interviews and searches, take photographs of people, take fingerprints and other prints, and so on. This clause only applies if the person suspected of having committed the offence or breach has a connection with a cross-border region.

Likewise, a magistrate may issue a warrant or order for the purpose of an investigation under WA law and do so whilst in SA or another participating jurisdiction.

Examples of the application of this clause are as follows:

Example 1—A person is suspected of committing an offence under SA law in the SA portion of the SA/WA/NT (Central Australia) region. An SA police officer may investigate the alleged offence anywhere in SA, WA or the NT. For the purpose of the investigation of the alleged offence, an SA magistrate anywhere in SA, WA or the NT may issue a warrant to search premises anywhere in SA, WA or the NT. In this case, the person has a connection with a cross-border region involving all three jurisdictions.

Example 2—A person is arrested in the SA/WA (southern border) region for an offence under SA law alleged to have been committed in Port Augusta. An SA police officer may investigate the alleged offence anywhere in SA or WA but not in the NT. For the purpose of the investigation of the alleged offence, an SA magistrate anywhere in SA or WA may issue a warrant to search premises anywhere in SA or WA but not in the NT. An SA magistrate in the NT cannot issue a warrant. This is because the person has no connection with a cross-border region in the NT.

Example 3—A person is suspected of committing an offence under SA law in the SA portion of the SA/NT region and is subsequently arrested for the alleged offence in the SA/WA region. An SA police officer may investigate the alleged offence anywhere in SA, WA or the NT. For the purpose of the investigation of the alleged offence, an SA magistrate anywhere in SA, WA or the NT may issue a warrant to search premises anywhere in SA, WA or the NT. In this example, the person has connections to two cross-border regions that collectively include all three jurisdictions.

36—Return of person not charged to place of arrest or other place

Cross-border justice schemes will operate in the more remote areas of the State where there are large distances between population centres and limited transport availability. Therefore, if an SA police officer has kept a person in custody in another jurisdiction (see clause 34), and the person is released from custody, the police officer must take reasonable steps to ensure the person is returned to where he or she was arrested or to a place reasonably nominated by the person. However, if to take a person released from custody to a particular place is likely to endanger the safety of the person or another person, the police officer is not required to assist the person to go to that place.

37—Relationship of this Part with *Criminal Investigation (Extraterritorial Offences) Act 1984*

The provisions of the *Criminal Investigation (Extraterritorial Offences) Act 1984* continue to apply and are not affected by Part 3 of this Bill.

Division 2—Road traffic powers

Subdivision 1—Vehicle or driver licensing laws

38—Powers in relation to offences

An SA police officer may exercise his or her powers under SA vehicle or driver licensing laws in WA or the NT if a person is suspected of having committed an offence under these SA laws and the person has a connection with a cross-border region.

39—Other powers

Subclause (1) of clause 39 defines *licensing powers* to mean those powers that an SA police officer can exercise under SA vehicle or licensing laws in addition to those powers referred to in clause 38. If a person ordinarily resides in the SA segment of a cross-border region, an SA police officer can apply SA vehicle and licensing laws with respect to that person.

Subdivision 2—Drink or drug-driving laws

40—Interpretation

This is a definition clause specifying what constitutes a *sample*, and what a *test* is and what *testing procedures* are for the purposes of this Subdivision.

41—Conduct of preliminary alcohol or drug test in cross-border region

It may be necessary for an SA police officer to take a breath or oral fluid sample from a person in the SA section of a cross-border region for the purpose of conducting a preliminary alcohol or drug test under SA law.

An SA police officer may also be a WA or NT police officer who holds an appointment as a special constable of SA. In this case, the testing equipment and procedures used may be that of the WA or NT police forces and not that of SA. It is also possible that SA police officers may conduct joint patrols with officers from the NT or WA and use NT or WA police vehicles for this purpose. Again, if this patrol was to stop a person in SA and seek to take a sample using the equipment in the NT or WA police vehicle then the procedures of that jurisdiction would apply.

Subclause (2) of clause 41 therefore provides that if a person is required to provide a sample using testing procedures under WA or NT drink driving laws, then the person is taken to be required to provide the sample in accordance with procedures under SA law.

Subclause (3) of clause 41 provides that a sample tested under WA or NT is to be taken to have been tested in accordance with SA procedures.

42—Powers that may be exercised in another participating jurisdiction

This clause applies if an SA police officer has required a person in the SA portion of a cross-border region to provide a sample for a preliminary alcohol or drug test under SA law. The clause requires that the person from whom the sample is being taken has some connection with a cross-border region. This clause has to be read in conjunction with clause 44, which provides that an SA police officer cannot take a sample for preliminary drug or alcohol testing under SA law in another participating jurisdiction. This clause authorises samples to be taken at later stages in the sampling process in another participating jurisdiction (see clause 43).

43—Providing or taking sample in another participating jurisdiction

Clause 41 deals with the situation of a sample being taken from a person and tested in SA under SA law, and allows for this to occur using the procedures of the NT and WA. Clause 43 deals with the situation of an SA police officer taking a sample for testing from a person under SA laws in WA or the NT and using the procedures of WA or the NT. In this situation, the person is again taken to be required to provide a sample using the procedures under SA law.

A test of a sample using NT or WA procedures is again taken to be a test under SA laws. Furthermore, a certificate issued under NT or WA drink or drug-driving laws can be accepted as prima facie evidence for the purpose of section 47K(18) of the *Road Traffic Act 1961*. Similarly, in these circumstances, the analysis of a sample taken in a breath or blood test can be used for the purpose of Part 3 Division 5 of the *Road Traffic Act 1961*.

The option of taking a sample or having it tested in accordance with SA procedures remains.

44—Preliminary alcohol or drug test cannot be conducted in another participating jurisdiction

An SA police officer's power to take samples for testing in another jurisdiction does not include the taking of samples for preliminary testing under SA law.

Subdivision 3—Vehicle impounding laws

45—Powers

For the purpose of this clause, a 'person' connected with a vehicle is someone who is suspected, alleged or found guilty of committing the offence which makes the vehicle subject to impounding or confiscation. An SA police

officer can exercise SA vehicle impounding laws in WA or the NT if the person connected with the vehicle also has a connection to a cross-border region and the impounding or confiscation is pursuant to an order made by a prescribed SA court.

Subdivision 4—Miscellaneous matters

46—Law of State applies

The powers exercised under this Division are governed by SA law, taking into account any modifications to specific laws.

47—Relationship with Division 1

This Division does not diminish any powers which an SA police officer may exercise in accordance with Division 1 (Powers generally).

Division 3—Offence

48—Offence to interfere with exercise of power

This clause provides that if a person in another participating jurisdiction takes action in relation to the exercise of a power under Part 3 that would, if the action were to be taken in relation to the exercise of the power in the State, constitute an offence under the law of the State, then the action is an offence under SA law. The penalties for such offences are the same as those prescribed for State offences, ie, an offence of this type when committed in SA. Where a State offence is indictable, it is also indictable if the offence is committed in WA or the NT.

Part 4—Police officers of another participating jurisdiction exercising powers in State

Division 1—Powers generally

49—Arrest without warrant

This Part is the corollary of Part 3 in that it confers powers on NT and WA police officers to exercise their NT and WA powers in SA.

WA and NT police officers can arrest people in SA under WA and NT law, as the case may be, without warrant. They can do so if, under their own State/Territory's law they would be entitled to arrest the person without warrant in their home jurisdiction. It is necessary that the person being arrested has a connection to a cross-border region.

It is not enough, however, for SA to say that NT and WA officers can exercise their NT or WA powers in SA. Ordinarily, an arrest in SA would be covered by SA law. Therefore, it is necessary to disapply SA law in a situation such as this. This is achieved through subclause (2) of clause 49.

50—Arrest under warrant

A person who has a connection to a cross-border region can be arrested by a WA or NT police officer under warrant and under the laws of WA or the NT, as the case may be. A magistrate of the NT or WA can issue a warrant for arrest of the person under NT or WA law. Again, SA law dealing with arrests under warrant is disapplied in relation to this arrest and warrant to enable the NT and WA laws to operate in this situation. Examples of how clause 50 may operate are as follows.

Example 1—A person is suspected of committing an offence under WA law in the WA portion of the SA/WA/NT region. A WA magistrate anywhere in SA may issue a warrant for the person's arrest. A WA police officer may arrest the person under the warrant anywhere in SA.

Example 2—A person who ordinarily resides in the SA/NT region is suspected of committing an offence under NT law in Katherine. An NT magistrate anywhere in SA may issue a warrant for the person's arrest. An NT police officer may arrest the person under the warrant anywhere in SA.

Example 3—A person who ordinarily resides in the SA/WA (southern border) region is suspected of committing an offence under WA law in Kalgoorlie. A WA magistrate anywhere in SA may issue a warrant for the person's arrest. A WA police officer may arrest the person under the warrant anywhere in SA.

51—Person taken into custody

In this clause, the *arresting jurisdiction* is the NT or WA, ie, the other participating jurisdiction under whose laws a person is being arrested in SA. A police officer of the arresting jurisdiction may arrest a person (either with or without a warrant) and keep the person in custody in SA. It is necessary that the arrested person has a connection with a cross-border region for this to apply. Once the person is in custody, he or she can be taken to a police station, court or other authorised place in SA. SA custody laws are disapplied in this situation and do not govern this arrest.

52—Investigation of suspected or alleged offence or breach of order

In this clause, the *investigating jurisdiction* is the NT or WA, ie, the other participating jurisdiction under whose laws an investigation is being conducted. If a police officer of the investigating jurisdiction suspects a person who has a connection with a cross-border region of having committed an offence or breached an order, the police officer can conduct that investigation in SA but under the laws of the investigating jurisdiction, ie, WA or the NT. Likewise, a magistrate of the investigating jurisdiction may issue a warrant under NT or WA law, as the case may be, for the purpose of an investigation. SA laws of investigation are disapplied to investigations governed by the laws of an investigating jurisdiction.

Example 1—A person is suspected of committing an offence under WA law in the WA portion of the SA/WA/NT (Central Australia) region. A WA police officer may investigate the alleged offence anywhere in SA. For the purpose of the investigation of the alleged offence, a WA magistrate anywhere in SA may issue a warrant to search premises anywhere in SA, WA or the NT.

Example 2—A person is arrested in the SA/NT region for an offence under NT law alleged to have been committed in Katherine. An NT police officer may investigate the alleged offence anywhere in SA. For the purpose of the investigation of the alleged offence, an NT magistrate anywhere in SA may issue a warrant to search premises anywhere in SA or the NT but not in WA.

Example 3—A person who ordinarily resides in the SA/WA region is suspected of committing an offence under WA law in Kalgoorlie. A WA police officer may investigate the alleged offence in SA. For the purpose of the investigation of the alleged offence, a WA magistrate anywhere in SA may issue a warrant to search premises anywhere in SA or WA but not in the NT.

Division 2—Road traffic powers

Subdivision 1—Vehicle or driver licensing laws

53—Powers in relation to offences

If a person has a connection to a cross-border region, and a police officer of the NT or WA suspects or alleges that the person has committed an offence under NT or WA vehicle or driver licensing laws, police officers can exercise in SA their NT or WA powers, as the case may be.

54—Other powers

If a person ordinarily resides in a cross-border region, an NT or WA police officer can apply NT or WA licensing laws to the person in SA. In this situation, the police officers are exercising their *licensing powers*, ie, the powers conferred on them under NT or WA licensing laws, as the case may be.

Subdivision 2—Drink or drug-driving laws

55—Powers that may be exercised in State

This clause empowers WA and NT police officers to exercise their WA/NT powers in relation to taking samples for a preliminary alcohol or drug test under WA/NT law in SA. The clause requires that the person from whom the sample is being taken has some connection with a cross-border region. This clause has to be read in conjunction with clause 56, which says that a WA/NT police officer cannot take a sample for preliminary drug or alcohol testing under WA/NT law in SA.

56—Preliminary alcohol or drug test cannot be conducted in State

A WA or NT police officer's power to take samples in SA does not include the taking of samples for preliminary testing under WA or NT law.

Subdivision 3—Vehicle impounding laws

57—Interpretation

For the purpose of this Subdivision, a person connected with a vehicle is someone who is suspected, alleged or found guilty of committing the offence that makes the vehicle subject to impounding or confiscation.

58—Powers

A WA or NT police officer or other office holder can exercise WA or NT vehicle impounding laws in SA in relation to a vehicle if the person connected with the vehicle also has a connection to a cross-border region and the impounding or confiscation is pursuant to an order made by a prescribed WA or NT court.

Subdivision 4—Miscellaneous matters

59—Law of State does not apply

The powers exercised under this Division are not governed by SA law other than this Act.

60—Relationship with Division 1

This Division does not diminish any powers that an NT or WA police officer may exercise in SA in accordance with Division 1 (Powers generally).

Division 3—Restraining orders laws—WA

61—Meaning of 'WA police order'

A *WA police order* is an order made by a police officer of WA under WA's restraining order laws.

62—Making WA police orders

A WA police officer may make a WA police order in SA if the person against whom the order is sought or proposed to be made has a connection with a cross-border region. The law of SA does not apply in relation to the making of the order.

63—Enforcement of WA police orders

If a person in SA is a person against whom a WA police order is made and that person, or the person for whose benefit the order is made, ordinarily resides in a cross-border region, a WA police officer may exercise his or her powers in relation to the person against whom the order is made. SA law does not apply in relation to the WA officer's powers.

Division 4—Restraining orders laws—NT

64—Meaning of 'NT police order'

This clause defines *NT police order* as being an order made by an NT police officer under the restraining order laws of the NT.

65—Making NT police orders

If a person against whom an NT police order is sought or made has a connection with a cross-border region, an NT police officer may make the order in SA. SA laws are disapplied in this circumstance.

66—Enforcement of NT police orders

If an NT police order is made against a person in SA, and the person in whose interest the order was made ordinarily resides in a cross-border region, an NT police officer may exercise their powers in relation to the person against whom the order has been made. SA law does not apply in relation to the powers.

Part 5—Prescribed courts of State exercising cross-border jurisdiction

Division 1—Preliminary matters

67—Operation of courts outside State not limited

This clause makes reference to section 16 of the *Magistrates Court Act 1991*, which provides for where and when the Magistrates Court may sit, and section 15 of the *Youth Court Act 1993* (SA), which makes the same provision for that Court. The clause does not limit the application of these sections of these other two Acts, and provides that the application of Part 5 is subject to these other provisions.

Division 2—Jurisdiction and powers of courts

68—Proceedings that may be heard in another participating jurisdiction

If a person who is the subject of a court proceeding has a connection with a cross-border region for the purpose of that proceeding, an SA court may deal with the matter in a location in WA or the NT. This only applies to the proceedings specified in subclause (2) of clause 68.

Regulations may prescribe other proceedings that fall within the scope of what an SA court may deal with in another jurisdiction.

An SA court can only hear and determine a matter in WA or the NT if the court is able to do so in SA.

Example 1—A person is charged with an offence under SA law alleged to have been committed in the SA portion of the SA/WA/NT region. The charge may be heard by an SA magistrate sitting anywhere in SA, WA or the NT.

Example 2—A person who ordinarily resides in the SA/WA region is charged with an offence under SA law alleged to have been committed in Port Augusta. The charge may be heard by an SA magistrate sitting anywhere in SA or WA but not in the NT.

Example 3—A person is arrested in the SA/WA/NT region for an offence under SA law alleged to have been committed in Adelaide ('the SA/WA/NT charge'). The person also has an outstanding charge for an offence under SA law alleged to have been committed in the SA portion of the SA/NT region (the 'SA/NT charge'). The SA/WA/NT charge may be heard by an SA magistrate sitting anywhere in SA, WA or the NT. The SA/NT charge may be heard by an SA magistrate sitting anywhere in SA or the NT. It may also be heard by an SA magistrate sitting anywhere in WA, but only if it is heard with the SA/WA/NT charge.

69—Exercise of jurisdiction and powers

A prescribed SA court can exercise its cross-border powers in either SA or one of the other participating jurisdictions. To enable the court to exercise its cross-border powers in another participating jurisdiction, it is empowered to sit, and have registries, in that jurisdiction. The powers that an SA cross-border court, or a magistrate or registrar of that court, may exercise in another jurisdiction include compelling witnesses, administering oaths, punishing for contempt and issuing warrants, summonses and other processes. It can only exercise powers that it is also entitled to exercise in SA. Even if the matter is not heard and determined in another participating jurisdiction, the court may still exercise its powers in that jurisdiction in dealing with a cross-border matter eg obtaining a pre-trial order.

70—Practice and procedure

An SA court sitting as a cross-border court follows SA (and not WA or NT) practice and procedure regardless of where it is sitting, subject to appropriate modifications (as defined in clause 13).

71—Rules of evidence

An SA court sitting as a cross-border court follows SA (and not WA or NT) rules of evidence regardless of where it is sitting, subject to appropriate modifications (as defined in clause 13).

72—Offence to fail to comply with order, judgment, warrant or summons

If an SA court is sitting outside of SA and exercising cross-border jurisdiction, it is an offence to fail to comply with an order, judgment, warrant or summons made by that court at that sitting, as long as it would also be an offence if the same failure to comply would be an offence if the court were sitting in SA. Penalties for offences will be prescribed by regulation, and if the failure to comply would constitute an indictable offence if it occurred when the court was sitting in SA, then it is also an indictable offence if it occurs when the court is sitting in another participating jurisdiction.

Division 3—Miscellaneous matters relating to cross-border proceedings

73—Legal practitioners of another participating jurisdiction entitled to appear etc

A person who is entitled to engage in legal practice under the law of another participating jurisdiction is entitled to appear for a person in cross-border proceedings of a prescribed court of SA, and is also entitled to provide advice and other services, if the person who is the subject of the proceeding has a connection with a cross-border region that is partly in the other jurisdiction.

74—Court documents may be lodged, served or issued in another participating jurisdiction

This clause authorises a court document of an SA court to be lodged, served or issued in WA or the NT.

75—Court documents in wrong form do not invalidate proceedings or decisions

A cross-border court of any of the participating jurisdictions may find itself dealing with matters from two or even three of the jurisdictions at any one sitting. It is unreasonable to expect that each individual court will at all times have available the forms of each jurisdiction. It would be counter-productive to prevent a court from hearing a matter just because the form from the relevant jurisdiction is not available. It may be that a person with a cross-border connection is brought before an SA court in SA on an SA charge, and it is found that there is an outstanding charge in relation to another matter from the NT or WA where the person also has a cross-border connection. It is in the interests of justice that the court be able to deal with both matters at the one sitting, rather than delay dealing with the NT/WA matter for want of an NT/WA form.

This clause ensures that if a document that is lodged, served or issued in an SA court is in the form used in WA or NT, then that document is still effectual for its intended purpose. There is no right of appeal on the basis that the wrong jurisdiction's form was used. Subclause (3) of clause 75, however, does give an SA court the flexibility to order that an SA form be used.

76—Application of *Sheriff's Act 1978*

Part 3 of the *Sheriff's Act 1978* provides that the sheriff is responsible to the principal officer of a court for providing assistance in the maintenance of security and orderly conduct. Under clause 76 of the Bill, that Part will not apply in relation to premises or any other place in another participating jurisdiction used for the purposes of a cross-border proceeding of a prescribed SA court.

77—Law of State applies

SA courts exercising cross-border jurisdiction are governed by the laws of SA except where this Act provides otherwise. Those other laws which apply may also be modified by the regulations and apply in their modified form.

Division 4—Registration of interstate restraining orders

78—Part 2 Division 2 and Division 4 do not apply

Part 2 Division 2 sets out the criteria for determining if a person has a connection to a cross-border region. For the purposes of this Division, a different approach has been taken because of the peculiar nature of restraining orders and the registration process.

Part 2 Division 4 provides for the creation of multiple cross-border regions. However, in order to broaden the application of the cross-border scheme in relation to restraining orders, paragraph (b) of clause 80 and paragraph (b) of clause 81 do not require a connection with a cross-border region. Clause 78 has been included to ensure that the specific requirements of clause 80 and clause 81 will apply and not those of Part 2 Division 4.

79—Terms used in this Division

This is a definition clause. As well as defining *NT restraining order* and *WA restraining order* as restraining orders of those respective jurisdictions, it defines *register* in the context of the *Domestic Violence Act 1994* and the *Summary Procedure Act 1921*.

80—Registration of WA restraining orders under SA law

If a WA restraining order is made, amended or varied by a WA court, and either the respondent to the restraining order has a connection to a cross-border region or the person on whose behalf the restraining order has been taken out ordinarily resides in WA, a registrar of the SA Magistrates Court can register that restraining order.

81—Registration of NT restraining orders under SA law

If an NT restraining order is made, amended or varied by an NT court, and either the respondent to the restraining order has a connection to a cross-border region or the person on whose behalf the restraining order has

been taken out ordinarily resides in the NT, a registrar of the SA Magistrates Court can register that restraining order.

Example 1—An NT magistrate sitting in Darwin makes a restraining order under the NT's restraining orders laws. For the purposes of the proceeding, the person against whom the order is made had a connection with the SA/NT region. The Darwin registry is a registry of the SA Magistrates Court. Exercising the powers of a registrar of the SA Magistrates Court, a registry officer registers the order under SA's restraining orders laws.

Example 2—An NT magistrate sitting in Alice Springs makes a restraining order under the NT's restraining orders laws. The person for whose benefit the order is made ordinarily resides in the NT. The Alice Springs registry is a registry of the SA Magistrates Court. Exercising the powers of a registrar of the SA Magistrates Court, a registry officer registers the order under SA's restraining orders laws.

Part 6—Prescribed courts of another participating jurisdiction exercising cross-border jurisdiction

Division 1—Jurisdiction and powers of courts

82—Proceedings that may be heard in State

If a person who is the subject of a court proceeding has a cross-border connection, for the purpose of that proceeding, a prescribed court of WA or the NT may deal with that matter in SA.

Example 1—A person is charged with an offence under NT law alleged to have been committed in the NT portion of the SA/WA/NT region. The charge may be heard by an NT magistrate sitting anywhere in SA.

Example 2—A person who ordinarily resides in the SA/WA region is charged with an offence under WA law alleged to have been committed in Kalgoorlie. The charge may be heard by a WA magistrate sitting anywhere in SA.

Example 3—A person is arrested in the SA/WA/NT region for an offence alleged to have been committed under NT law in Darwin. The person also has an outstanding charge for an offence under NT law alleged to have been committed in the NT portion of the SA/NT region. Both charges may be heard by an NT magistrate sitting anywhere in SA.

83—Exercise of jurisdiction and powers

A prescribed WA or NT court can exercise its cross-border powers in SA. To enable it to do so, this clause empowers the court to sit in SA and to have registries here as well. The powers that a WA or NT cross-border court, or a magistrate or registrar of that court, may exercise in SA include compelling witnesses, administering oaths, punishing for contempt and issuing warrants, summonses and other processes.

Division 2—Miscellaneous matters relating to cross-border proceedings

84—Saving provision

This clause provides that despite any other Act or law, a person may be tried and punished in SA for an offence under the law of another participating jurisdiction by a prescribed court of that other jurisdiction in a cross-border proceeding of that court.

85—Privileges, protection and immunity of participants in proceedings

People such as magistrates, legal practitioners and witnesses involved in court proceedings in SA have certain privileges, protections and immunities so that they are not inhibited in fulfilling their obligations to the court through, for example, fear of defamation. This clause extends these privileges, protections and immunities to magistrates, legal practitioners and witnesses involved in WA or NT court proceedings being conducted in SA under cross-border jurisdiction.

86—Court documents may be lodged, served or issued in State

This clause gives permission for WA or NT court documents in relation to a cross-border matter to be lodged, served or issued in SA.

87—Application of *Sheriff's Act 1978*

Part 3 of the *Sheriff's Act 1978* applies in relation to any premises or other place in SA used for the purposes of a cross-border proceeding of a prescribed court of another participating jurisdiction as if the premises or place were used for the purposes of a proceeding of a court of SA.

88—Law of State does not apply

SA laws that would otherwise govern the exercise of jurisdiction by a court in this State do not apply when a court is a prescribed court of the NT or WA exercising cross-border jurisdiction.

Division 3—Registration of interstate restraining orders

89—Part 2 Division 2 and Division 4 do not apply

Part 2 Division 2 sets out the criteria for determining if a person has a connection to a cross-border region. For the purposes of this Division, a different approach has been taken because of the peculiar nature of restraining orders and the registration process.

Part 2 Division 4 provides for the creation of multiple cross-border regions. However, in order to broaden the application of the cross-border scheme in relation to restraining orders, clause 90 and clause 91 do not require a

connection with a cross-border region. Clause 89 has been included to ensure that the specific requirements of clause 90 and clause 91 will apply and not those of Part 2 Division 4.

90—Registration of SA or NT restraining orders under WA law

This clause enables an SA or NT restraining order to be registered in SA under WA law. To register a restraining order under this clause is to register it as a restraining order of WA. If either the respondent to the restraining order has a connection to a cross-border region or the person on whose behalf the restraining order has been taken out ordinarily resides in WA, the Principal Registrar of the Magistrates Court of WA can register that restraining order.

91—Registration of SA or WA restraining orders under NT law

This clause enables an SA or WA restraining order to be registered in SA under NT law. To register a restraining order under this clause is to register it as a restraining order of the NT. If either the respondent to the restraining order has a connection to a cross-border region or the person on whose behalf the restraining order has been taken out ordinarily resides in the NT, the Registrar of the Local Court of the NT can register that restraining order.

Part 7—Bail of persons in custody under law of State

92—Police officer of State may exercise powers in another participating jurisdiction

Clause 34 sets out the provisions that apply when an SA police officer arrests a person either with or without a warrant under SA law in SA or in another participating jurisdiction. Under clause 92, the *Bail Act 1985* (with any appropriate modifications) applies to anyone held in the custody of an SA police officer in another participating jurisdiction.

93—Offence to fail to comply with bail agreement

If a person in WA or the NT is on bail under the *Bail Act 1985* and fails to comply with a bail agreement under that Act, the person has committed an offence if it would also be an offence if the failure to comply occurred in SA. If the failure to comply would constitute an indictable offence if it occurred in SA, then it is also an indictable offence if it occurs in another participating jurisdiction.

Part 8—Bail of persons in custody under law of another participating jurisdiction

94—Police officer of another participating jurisdiction may exercise powers in State

Proposed clause 51 sets out the provisions which apply when an NT or WA police officer arrests a person either with or without a warrant under NT or WA law in SA or in another participating jurisdiction. Under clause 94, the bail laws of the NT or WA apply to any matter concerning bail for the person in custody, and not the bail laws of SA.

Part 9—Mentally impaired accused

95—Terms used in this Part

This is a definition clause. Cross-border proceedings in prescribed courts in the NT and WA, or appeals from proceedings, are *NT proceedings* and *WA proceedings* respectively. *State treatment centre* is an approved treatment centre under the *Mental Health Act 1993*, and a *State prison* is an SA prison.

96—Persons committed to detention or custody under WA law

If, in a WA proceeding, the person who is the subject of the proceeding is required by a hospital order made under section 5(2) of the *Criminal Law (Mentally Impaired Accused) Act 1996* of WA to be detained in a State treatment centre, or to be kept in custody in another place in the State, the person may be detained in the treatment centre, or kept in custody in the place, in accordance with the order.

If, in a WA proceeding, a custody order under the *Criminal Law (Mentally Impaired Accused) Act 1996* of WA is made in respect of the person who is the subject of the proceeding, and the person is required under that Act to be detained in a State treatment centre or another place in the State, the person may be detained in the treatment centre or other place in accordance with the order.

97—Persons detained under NT law

Sections 74 and 75 of the *Mental Health and Related Services Act* of the NT and sections 79 and 80 of the *Sentencing Act* of the NT make provision for detaining a person where there are questions related to whether the person has a mental impairment. Clause 97 provides that if, in relation to an NT proceeding, a person is committed to detention in a hospital or prison under either of these NT Acts, then the person can be kept in custody in a State treatment centre.

Part 10—Sentences and orders under law of State

Division 1—Custodial sentences and orders

Subdivision 1—Sentences of imprisonment or detention

98—Serving sentence in State or another participating jurisdiction

If a person who is sentenced under SA law has a connection with a cross-border region, that person can be held in custody for the purpose of serving his or her sentence under SA law in a prison or detention centre in SA, WA or the NT.

99—Warrant of commitment

A 'warrant of commitment' is the approved form that is issued by judicial officers or court registrars if a person is sentenced to imprisonment or detention. Under clause 99, a warrant of commitment has general effect and does not specify in which prison or detention centre a sentence is to be served. For that reason, the warrant is not directed to any particular authorised officer, but to authorised officers in general. This provides flexibility in relation to where a cross-border prisoner or detainee may serve his or her sentence, which is one of the aims of the scheme. An SA sentence can be served in the NT or WA, and vice versa.

Subdivision 2—Remand

100—Remanded in custody in State or another participating jurisdiction

If a person who is remanded in custody under SA law has a connection with a cross-border region, that person can be held in custody for the duration of his or her remand under SA law in a remand facility in SA, WA or the NT.

101—Remand warrant

A 'remand warrant' is the approved form that is issued by judicial officers or court registrars if a person is remanded in custody. Under clause 101, a remand warrant has general effect and does not specify in which prison or detention centre the person is to be held. For that reason, the warrant is not directed to any particular authorised officer, but to authorised officers in general. This provides flexibility as to where a person the subject of cross-border proceedings can be held in custody, which is one of the aims of the scheme.

102—Law of State applies

When a person is remanded under clause 101, SA laws of remand apply except if the Act provides otherwise. Those other laws which apply may also be modified by the regulations and apply in their modified form.

Subdivision 3—Bring up orders

103—Bringing prisoner or detainee in another participating jurisdiction before judicial body of State

For certain purposes a prisoner or detainee is required or entitled to be brought before a court in relation to proceedings before a judicial body (eg sentencing). A *judicial body* includes a court or a Royal Commission. This clause provides that such an order can be made in relation to a person in custody in an NT or WA prison or detention centre under the law of any of the participating jurisdictions (including SA). This can only occur if the person has a connection with a cross-border region that includes the jurisdiction in which the person is held.

104—Custody of person brought up from prison or detention centre in another participating jurisdiction

The person who is in charge of a prison or detention centre where a person the subject of a bring up order is held in custody does not have to personally bring the person before the court. This function can be delegated to an authorised officer. A person who is taken from a prison or detention centre in compliance with a bring up order, must remain in the charge of an authorised officer. At the end of the proceeding involving the person brought up from prison or detention, that person must be returned to the prison or detention centre. The person's absence from prison or the detention centre for this purpose is not to be held against the person.

A proceeding involving a person who is the subject of a bring up order could be adjourned. In this circumstance, the person is to be confined to a prison or detention centre in a participating jurisdiction or, whilst in the charge of an authorised officer, kept at some place in a participating jurisdiction. The person is then to be brought up before the judicial body when required.

Subdivision 4—Miscellaneous matters

105—Carrying out custodial orders

SA custodial orders can be carried out by an authorised officer in SA or in WA or the NT.

106—Application of *Sheriff's Act 1978*

If a person is being held in custody under SA law in WA or the NT, his or her custody is not covered by the *Sheriff's Act 1978* of SA. Instead, the corresponding Acts of the WA and NT would apply.

107—Application of *Correctional Services Act 1982*

If a person is being held in custody under SA law in a prison in WA or the NT, the *Correctional Services Act 1982* of SA does not apply in relation to the person. Instead, the corresponding Acts of WA and the NT would apply.

108—Application of *Young Offenders Act 1993*

Prescribed provisions of the *Young Offenders Act 1993* do not apply in relation to a person in custody in a detention centre in WA or the NT under this Part.

Division 2—Non-custodial sentences and orders

109—Carrying out non-custodial orders in another participating jurisdiction

A person who is convicted of an offence may receive a non-custodial sentence. If the person has a connection with a cross-border region, he or she may carry out the terms of the sentence either wholly or partly in WA or the NT. Community corrections officers (CCOs) and juvenile justice officers (JJOs) supervise offenders carrying out non-custodial sentences. This clause provides that SA CCOs and JJOs can fulfil these responsibilities under SA law in WA or the NT provided that the person against whom the order has been made has a connection to a cross-border region. SA laws govern these orders and the powers that CCOs and JJOs exercise in relation to them.

110—Conducting diversionary programs for young offenders in another participating jurisdiction

A police officer, juvenile justice officer or other office holder of SA may exercise in WA or the NT any of the powers the office holder has under Part 2 of the *Young Offenders Act 1993* in relation to an alleged offender who has a connection with a cross-border region.

Part 11—Sentences and orders under law of another participating jurisdiction

Division 1—Custodial sentences and orders

111—Serving sentence of imprisonment or detention in State

If a person who is sentenced under WA or NT law has a connection with a cross-border region, the person can be held in custody for the purpose of serving his or her sentence under those laws in a prison or detention centre in SA.

112—Remanded in custody in State

If a person who is remanded in custody under WA or NT law has a connection with a cross-border region, that person can be held in custody for the duration of the remand under those laws in a remand facility in SA.

113—Carrying out custodial orders

If a custodial order has been made under the law of NT or WA, it can be carried out in SA by an authorised officer of any of the participating jurisdictions. Likewise, an SA authorised officer may carry out a custodial order made under NT or WA law in either the NT or WA.

114—Effect of bring up order if person in custody under law of State

A person can be held in custody under SA law in an NT or WA prison or detention centre. However, the person may be the subject of an NT or WA bring up order. If the person is absent from prison or a detention centre in order to comply with an NT or WA bring up order, this is not to be held against the person for the purpose of the SA sentence.

115—Application of *Sheriff's Act 1978*

If a person is being held in custody under NT or WA law in SA, the person's custody is covered by the *Sheriff's Act 1978* of SA. The corresponding Acts of the WA and NT would not apply.

116—Application of *Correctional Services Act 1982*

A person being held in custody under NT or WA law in a prison in SA will fall within the scope of the *Correctional Services Act 1982* of SA.

117—Application of *Young Offenders Act 1993*

Prescribed provisions of the *Young Offenders Act 1993* will apply in relation to a person in custody in a detention centre in the State under Division 1.

Division 2—Non-custodial sentences and orders

118—Carrying out non-custodial orders in State

A person who is convicted of an NT or WA offence may receive a non-custodial sentence. If the person has a connection with a cross-border region, he or she may carry out the terms of the sentence either wholly or partly in SA. This clause provides that NT and WA CCOs and JJOs can fulfil their responsibilities under NT and WA law in SA provided that the person against whom the order has been made has a connection to a cross-border region. SA laws relating to non-custodial sentences and related powers do not apply in these circumstances.

119—Conducting diversionary programs for young offenders in State

A juvenile who is alleged to have committed an offence in WA or the NT may be directed to a diversionary program under the relevant laws of those jurisdictions. If the juvenile has a connection with a cross-border region, he or she may participate in a diversionary program either wholly or partly in SA. Office holders such as JJOs and police officers may supervise a young person on a diversion program. This clause provides that NT and WA officers can fulfil these responsibilities under NT and WA respectively in SA provided that the person on the diversionary program has a connection to a cross-border region. SA laws do not apply in these circumstances.

Part 12—Enforcement of fines

Division 1—Preliminary matters

120—Terms used in this Part

This is a definition clause. If a person fails to pay a fine in SA, he or she can have his or her drivers licence disqualified. *Fines Director* refers to the person who holds the office of Manager, Penalty Management under the *Criminal Law Sentencing Act 1988*.

Division 2—Fines under law of State

121—Request to enforce fine in another participating jurisdiction

The Fines Director may request the fines enforcement agency of another participating jurisdiction (the *reciprocating agency*) to enforce a fine that is payable under the *Criminal Law (Sentencing) Act 1988* if the offender on whom the fine has been imposed has a connection with a cross-border region.

122—Effect of making request

It is important that an offender does not find him or herself in the situation of perhaps expiating a fine more than once because a fine has been referred to another jurisdiction for enforcement. In the interest of procedural fairness, the offender should only be subject to one fines enforcement regime at a time. There could also be confusion between fines enforcement agencies if they are simultaneously seeking to enforce the same fine. Therefore, when the SA Fines Director requests another participating jurisdiction to enforce an SA fine, he or she must not take action or further action to enforce the fine under the *Criminal Law (Sentencing) Act 1988*.

123—Receipt of money by Fines Registrar

If the Fines Director receives from the offender money in whole or part satisfaction of the fine, he or she must notify the reciprocating agency in writing of the payment.

124—Receipt of money from reciprocating agency

Should the fines enforcement agency in the NT or WA send money to the SA Fines Director in Part or whole payment of a fine, then the payment is to be treated as if it were received from the offender.

125—Resumption of enforcement by Fines Registrar

After the SA Fines Director has requested another jurisdiction's fines enforcement agency to take over the enforcement of a fine, the Registrar can request that agency to refer the fine back to SA. Also, the other jurisdiction's agency can request that SA resume responsibility for a fine.

Division 3—Fines under law of another participating jurisdiction

126—Request to enforce fine in State

If a fine has been imposed in WA or the NT, and the fines enforcement agency in that jurisdiction sends a request to the SA Fines Director to enforce a fine, the SA Fines Director has no alternative but to register the fine. The serious nature of the payment of fines requires that, under subclause (2) of clause 126, such a request must be made formally in writing and supported by a certified copy of the order imposing the fine, a certificate from the NT or WA agency showing the amount of the fine outstanding and providing written advice that establishes the offender's connection with the cross-border region.

127—Effect of registration

On registration of the fine under clause 126, the Fines Director may enforce the fine under Part 9 Division 3 of the *Criminal Law (Sentencing) Act 1988* as if it were a pecuniary sum recoverable under that Act.

128—Receipt of money by reciprocating agency

It is always possible that an offender may pay money to the WA or NT fines enforcement agency even though the fine has been transferred to SA for enforcement. If the Fines Director receives notice that this has happened, the Director is to record the fine and may only take further action in relation to any outstanding amount.

129—Receipt of money by Fines Registrar

Should the Fines Director receive money in Part or full payment of an NT or WA fine that has been transferred to and registered in SA for enforcement, the Director is to send the money to the WA or NT fines enforcement agency. This applies to money paid by the offender or as a result of enforcement action taken by the SA Fines Registrar under SA law (eg seizure of goods).

130—Request to cease enforcement of fine

A WA or NT fines enforcement agency that has previously transferred a fine to SA for enforcement can request that the Fines Director cease to take action to enforce the fine. Alternatively, the Fines Director may inform the WA or NT agency that SA will no longer be enforcing the fine. If a fine is being returned to an NT or WA agency that had requested that SA enforce the fine, the Fines Director is to advise the NT or WA agency of any money received in relation to the fine and any reduction in the amount of the fine outstanding. Any money that has been received in relation to the fine is to be sent to the other jurisdiction's agency. The Fines Director is not to take any further action with respect to the fine.

Part 13—Office holders of participating jurisdictions

Division 1—Holding offices and exercising powers under law of other jurisdictions

131—Secondary office holders and secondary offices

A secondary office holder is an office holder of a participating jurisdiction who holds office because the office holder is an office holder of one of the other participating jurisdictions. A secondary office is an office held under the law of a participating jurisdiction by a secondary office holder.

Example—WA and NT police officers who are appointed as SA police officers under the *Police Act 1998* will be secondary office holders of SA.

132—Office holders of State may be secondary office holders of another participating jurisdiction

SA office holders may hold a secondary office from the NT or WA. This clause also authorises SA office holders to exercise the powers of their NT or WA secondary office for the purpose of administering or enforcing NT or WA cross-border laws.

133—Office holders of another participating jurisdiction may be secondary office holders of State

WA and NT office holders may hold a secondary office under SA law. This clause also authorises them to exercise SA powers for the purpose of administering or enforcing SA cross-border laws.

134—Prohibition against holding or exercising powers of another office not breached

Some SA office holders are, under other legislation, prevented from holding another office at the same time they hold an office in SA. This clause provides that if the secondary office is held under the provisions of cross-border laws, then this prohibition is not breached.

135—Terms of appointment of secondary office holders under law of State

A WA or NT office holder who holds a secondary office in SA does not receive remuneration from SA as well as from the jurisdiction of his or her principal office. The office holder is only entitled to the remuneration that he or she receives in relation to the principal office. Should the office holder no longer hold the principal office to which his or her status as a secondary office holder in SA is linked, then he or she ceases to be a secondary office holder.

Division 2—Appointment of magistrates of another participating jurisdiction to be magistrates of State

136—Appointment as magistrates of Magistrates Court

WA and NT magistrates are appointed as magistrates of the SA Magistrates Court under the provisions of the *Magistrates Act 1983* of SA.

137—Appointment as magistrates of Youth Court

The *Youth Court Act 1993* applies (with any appropriate modifications) in relation to the appointment of magistrates of WA or the NT to be magistrates of the Youth Court of South Australia.

Part 14—Miscellaneous matters

138—Reporting accidents, producing driver's licences etc at police stations etc

Laws such as road traffic laws place obligations on people to, for example, report certain events such as a serious motor vehicle accident to the police. This clause provides that a person's obligation under SA law can be met by making a report to a police station in another participating jurisdiction if the person has a connection with a cross-border region. Likewise, if a person is required to make a report to the police of another participating jurisdiction, he or she may do so at an SA police station.

139—Jurisdiction of Coroner

The *Cross-border Justice Act 2009* does not affect the operation of the *Coroners Act 2003* in relation to the investigation of the death of a person.

140—Power of Minister to enter agreements

This Bill does not seek to deal with the operational detail of the administration of justice. For effective administration of this legislation, those responsible for providing justice services will be required to operate in a co-operative manner. Therefore, to support the successful implementation of cross-border justice schemes, it is intended that there be agreements between governments at ministerial level. This clause provides for this.

141—Inconsistency between Act and agreement

As referred to in clause 140, there will be intergovernmental agreements at ministerial level to support this Bill. There will also be service level agreements at agency level for police, courts, community corrections, fines enforcement and so on. Should there be an inconsistency between the terms of any of these agreements and this Bill, the terms of the Bill will prevail.

142—Protection of office holders of State taking action in another participating jurisdiction

Office holders have certain protections and immunities in relation to the performance of their official duties. This clause ensures that an SA office holder performing the duties of his or her SA office in WA or the NT has the same protections and immunities as if the office holder were performing the duties in SA.

143—Protection of office holders of another participating jurisdiction taking action in State

Office holders have certain protections and immunities in relation to the performance of their official duties. This clause provides that NT and WA office holders performing the duties of their NT or WA office in SA have the same protections and immunities under SA law as if they were performing these duties in the NT or WA.

144—Disclosure of information to authorities in another participating jurisdiction

Privacy and other laws restrict the capacity of agencies to share information about individuals unless the legislation governing the activities and powers of agencies explicitly allows the sharing of information. For the successful administration of this legislation, it will be necessary for agencies of each of the participating jurisdictions to share information with other agencies from the other participating jurisdictions eg the Parole Board of South Australia may require information from a prison superintendent in WA or the NT in considering a parole application from a prisoner serving an SA sentence in a WA or NT prison. This clause authorises the exchange of information across the jurisdictions if an agency would be authorised to provide the same information to the equivalent body in its own jurisdiction. There is also explicit provision in this clause for the CEO (corrections) to provide information for the purpose of research.

145—Delegation by CEO (corrections)

This clause empowers the CEO (corrections) to delegate (in writing) his or her powers under the legislation. The CEO may place limits on this delegation. The person to whom the CEO delegates powers cannot delegate them further to someone else. Even though the CEO may have delegated a power, this does not prevent the CEO from also exercising that power during the currency of the delegation.

146—Regulations

This clause enables the Governor to make regulations specified in the Bill or regulations that are deemed necessary to enable the Bill to take effect.

147—Review of Act

This clause requires the Minister to carry out a review of the operation and effectiveness of the Act after it has been in operation for three years. A report on the outcome of the review is to be prepared, and a copy of the report is to be laid before each House of Parliament within four years of the commencement of the Act.

Schedule 1—Related amendments

Part 1—Preliminary

1—Amendment provisions

This clause is formal.

Part 2—Amendment of *Bail Act 1985*

2—Amendment of section 11—Conditions of bail

Under section 11 of the *Bail Act 1985* as amended by this clause, a bail condition may relate to a place or circumstances outside of South Australia.

Part 3—Amendment of Magistrates Court Act 1991

3—Insertion of section 14A

This clause inserts a new section into the *Magistrates Court Act 1991*. Under the proposed section, if the Court is required to perform its functions at a place outside the State, the Minister may appoint as a member of the non-judicial staff of the Court at the place—

- a person who holds office as a registrar or other officer of a court of the jurisdiction in which the place is located; or
- any other person.

4—Amendment of section 16—Time and place of sittings

The amendment made by this clause is consequential and makes it clear that the Court may sit outside the State.

Part 4—Amendment of Youth Court Act 1993

5—Insertion of section 13A

This clause inserts a new section into the *Youth Court Act 1993*. Under the proposed section, if the Court is required to perform its functions at a place outside the State, the Minister may appoint as a member of the non-judicial staff of the Court at the place—

- a person who holds office as a registrar or other officer of a court of the jurisdiction in which the place is located; or
- any other person.

6—Amendment of section 15—Time and place of sittings

Under section 15 of the *Youth Court Act 1993* as amended by this clause, registries of the Youth Court are to be maintained at such places (either within or outside the State) as the Governor may determine.

Debate adjourned on motion of Mrs Redmond.

STATUTES AMENDMENT (VICTIMS OF CRIME) BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1341.)

Mrs REDMOND (Heysen) (16:08): I will conclude what I was saying as we approached the lunch break, to complete the story about the two balloons in the sky above Alice Springs, because as it turned out I acted for a number of family members of the people who, sadly, died—

The Hon. M.J. Atkinson: Is this Alice Springs?

Mrs REDMOND: —yes—in that accident. It was quite bizarre to find that, because these people died and they had no dependants, for the most part, their claims in their entirety consisted of just this payment—just the funeral expenses and the grief or solatium (or whatever it may have been called at the time). So, for the most part, the claims were extremely small because, of course, with a death there is no pain and suffering that continues after someone's death. So, there is no payment to the rest of the family for that; there are no ongoing medical expenses.

Had anyone survived, the medical expenses would have been catastrophic—the loss of earnings, and so on—but all of that died with each of those people. They had no dependants, so there was no dependency claim, in terms of the earnings that might have been expected to be spent on the dependants. They really had very limited claims, except for one person who had paid for the ticket with a credit card out of America that covered an insurance policy for the flight.

That person got a significant amount of damages and the rest of them, really, were restricted to the grief and funeral expenses. I pass that on by way of anecdote in terms of the nature of these payments for grief and funeral expense payments. We absolutely endorse the view of the government that it is entirely appropriate that this quite minimal payment that is made to people in often quite tragic circumstances should be equally applicable in the case that is cited in the second reading, that is, the death of a child where the mother and her boyfriend were found guilty of criminal neglect resulting in the death but were not actually convicted of murder or manslaughter.

I want to cover only three more matters in my comments in relation to this bill, and the next one is that of mandatory restraining orders for sexual offences. The government's amendment essentially requires that the court must consider the imposition of a restraining order upon conviction for a sexual offence. That is defined—and it is quite tightly defined. If the court chooses not to impose the order, the court must state its reasons. Basically, there is an onus on the court to satisfy itself as to why not to issue a restraining order should that be the choice the court makes. Indeed, if the court decides not to issue a restraining order that decision is appealable. The court must state its reasons and an appeal can be made against the court's decision in that regard.

We considered this proposal and felt that it has considerable merit, but we did wonder why it was restricted specifically to sexual offences inasmuch as it would seem to us that there could be some offences of violence against persons, for instance, where a restraining order may be just as suitable and just as applicable. I would be interested to know the Attorney's comment on why—apart from the ease of drafting—one would restrict it simply to sexual offences, because it would seem to us that the reasoning should apply to any number of other things. I would imagine that, in considering whether to impose a restraining order, the court would be considering things such as the likelihood of someone approaching the person again.

The whole suggestion in the Attorney's second reading explanation was to do with the fact that they are not to make contact. It would seem to me that if you have been beaten up, for instance, by someone you may be just as fearful. So, whilst we support the notion that it is brought about by this recommendation, it would seem to us to invite the question: why just the sexual offences? The last two matters really concern the Commissioner for Victims' Rights. The first one is a proposal within the legislation that the Victims' Rights Commissioner be exempt from freedom of information.

Our freedom of information legislation includes a range of organisations and agencies that are not subject to freedom of information requests—the Auditor-General's office, for instance, springs to mind. The proposal in this legislation is that the Commissioner for Victims' Rights should also be exempt. Again, we discussed this at considerable length, and our conclusion was that we felt that there would be some occasions where such an exemption might be appropriate but that a blanket exemption for everything associated with the Office of the Commissioner for Victims' Rights seemed to us to be too broad.

Whilst we accept that there may be some occasions, the question then becomes: are not the specific exemptions already available under the act sufficient and, if they are not, is there another way of approaching it? It seemed to us that if someone wants to make a freedom of information application to the Office of the Commissioner for Victims' Rights they will simply be denied before they even have any assessment of what they might be wanting to get and why.

Someone might put in a freedom of information request about things one might normally expect to find in an annual report; for example, the number of complaints, the nature of the complaints and how many complaints of a certain nature were dealt with by the commissioner. It seems to us that there would be no harm in that sort of freedom of information request and no basis in other circumstances why the commissioner would be unwilling to provide the information, and to put in place a blanket exemption seems to be a sledgehammer to crack a nut. While we foresee some circumstances where the reasoning would follow that the government would want to exempt its having to disclose—and there are lots of things which I expect under the existing legislation it would not be prepared to disclose—the blanket exemption seems to be a little wide.

The last issue relates to who may represent a victim in making a victim impact statement. The proposal in the current legislation has been broadened from that which was in the original bill. The current proposal is to allow a victim impact statement to be presented by another person on behalf of the victim, and it lists a number of people including an officer of the court, an immediate family member or close relative or, in the absence of these people, a person who, in the opinion of the Commissioner for Victims' Rights, is suitable to act in the role or, in any event, an employee of a group or organisation devoted to victim support or the Commissioner for Victims' Rights or a person acting on behalf of the Commissioner for Victims' Rights.

Again, the opposition supports the principle that the government is driving at here, but it seems to us that this is unnecessarily restrictive. For instance, why would it be necessary to restrict the person who could be chosen to an immediate family member or a close relative. If it is neither of those two, then you have to go through the process of its being someone appropriate in the opinion of the Commissioner for Victims' Rights. In the case of an Aboriginal person, for instance, someone who would qualify as kin would not necessarily be a close relative. Why could it not be a friend? Why could it not be any number of other people? Why should that person have to get the tacit approval of the Commissioner for Victims' Rights?

We support the principle. If someone does not feel competent or comfortable, and feels that someone else could do a better job of presenting the victim impact statement, why not just allow them to choose whomever they want to choose? If they themselves do not want to make that choice, then the Commissioner for Victims' Rights could propose someone to do that job for them; or if they feel they do not know anyone who could do it for them, then engage the Commissioner for Victims' Rights. We support the thrust of what the government intends, but we think it is probably unnecessarily restrictive and could be worded slightly better. Perhaps we can think about that between this house and the other place in order to meld it into an easier form of words.

With those comments, I indicate that, in essence, the opposition supports the bill. It supports the increasing of the interests of victims in the court process. I began my comments by saying that it is important for victims to feel that they have been heard in the court process. It is often highly therapeutic for them to have that feeling. Even in the road accident cases with which I used to deal most frequently, often it was not so much about the money that people were getting—although sometimes that became a major factor—but, rather, people wanting their day in court and wanting to be heard and understood. That is the real function of a victim impact statement. People who have been affected by criminal behaviour should have the chance to have their day in court, to be heard and understood as to the impact the criminal behaviour has had on them and their family.

We support the bill. I hope we will not be too long in committee. I indicate that we will not be moving any amendments in this house, in any event. If we are going to move any amendments, that will occur in the other place.

Dr McFETRIDGE (Morphett) (16:20): The member for Heysen, the shadow attorney-general—soon to be the first female attorney-general in South Australia—has expressed quite a good view on this piece of legislation and, as she has said, we support the legislation. I will speak only briefly, but I need to speak on this bill because I have seen the impact on victims of crime, both within my own family and on constituents and friends. It is an important piece of legislation in that, as the shadow minister has said, the victims do get to have their say, whether it is in court or through other legal channels. It is an absolutely necessary part of the justice process.

The impact of a burglary on my daughter in New Zealand is still fresh in her mind a couple of years later. She is paranoid about alarms and breakdowns. It is terrible, and, like many crimes, the person who committed the crime was never caught but for the victim—in this case, my daughter—the impact will live on for a long time. Just last year my son and his wife packed their car a couple of days before Christmas ready to go to visit in-laws in Eden in New South Wales. Fortunately all the Christmas presents were not in the car, because it was stolen. The impact could have been far worse than just the car going; it could have been all the presents and a lot of other personal belongings as well, but it is still a severe impact. My soon-to-be four year old grand-daughter could not understand where the car was and why someone would take it, so it is not just adults that are impacted upon, children are affected as well.

My wife was at home alone (I was out at a parliamentary function) when three males came over the front fence, banging on the windows and doors and terrifying her. It had a significant impact on her, and now the alarm system in the house has been upgraded and more locks put on the doors just because she wants to be able to feel safe in her own home. The impact has been quite severe.

Every one of us in this place would have had complaints from constituents about the impact of crimes committed against them or their friends. It does not matter whether it is just your letterbox being ripped out or whether it is a major assault, the impact is severe. So I applaud this extension of the ability of victims of crime to speak up and have their day in court, as the shadow minister has said, and look forward to negotiations for what the shadow attorney-general has called an improvement in the legislation, so that victims are able to have their day and, hopefully, gain some personal comfort so that they can move on with their lives. I support the bill.

Mr HANNA (Mitchell) (16:19): I speak in support of the government's reform of the victims of crime legislation. This is beneficial legislation and I have no hesitation in supporting it. In part it is the legacy of the great enthusiasm that the Hon. Chris Sumner, a former attorney-general, had for extending the rights of victims of crime. He, of course, was attorney-general throughout the 1980s and up until 1993; he would probably be considered too progressive for that role in today's parliament. Nonetheless, this is fine legislation.

There is just one area on which I want to expand a little. I was considering an amendment because of something the Attorney-General said when he was describing this legislation. He was particularly referring to victim impact statements in the context where the accused person may not fully understand what is being said, perhaps by reason of a mental impairment. The Attorney-General said:

> It has been brought to my attention by the DPP that there is a deficiency in the right of a victim to make a victim impact statement where the accused is found unfit to stand trial or not guilty by reason of mental impairment.

After some discussion of that point, the Attorney-General went on to say:

> In my opinion, there is only benefit in allowing the elocution of a victim impact statement where there is some prospect that the defendant /accused will understand it to an appreciable degree.

It seems to me that victim impact statements have three benefits; one is that there is the potential to inform the judge, and it may actually be of use in the sentencing process. It may also have a salutary effect on the accused, if the accused has any conscience at all; it can be beneficial to be confronted with the harm done by the criminal act. Thirdly, there is a cathartic experience for the victim in being able to present the feelings of hurt, perhaps shame or perhaps anger in a formal experience such as the court environment at the conclusion of a trial or following a plea of guilty.

Upon looking at the legislation more closely, I do not think there is need for an amendment. It seems to me that there remains a judicial discretion for people to give a victim impact statement where the defendant has a mental illness or intellectual disability and thereby would perhaps not fully appreciate the victim impact statement that is being made. I think this is important. If the victim in such a matter was to communicate perhaps through the prosecutor to the judge that it was very important personally for the victim to be able to address the court, even if the defendant had no understanding of what was being said, then I am sure that the presiding judge would take that into account and the discretion might be exercised to allow the statement, even though one of those three benefits of victim impact statements I have outlined would be rendered inapplicable due to the state of the defendant's mind.

I wanted to address that specific point and make clear that it is not just about telling the defendant what harm they have done; it is also about the victim's experience in the courtroom and

having the satisfaction of having stated for the record the harm that has been done and the dreadful feelings that follow the perpetration of a crime.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (16:28): I thank the members for Heysen, Morphett and Mitchell for their contributions. I am glad the bill attracted some debate. On the question raised by the member for Heysen about restraining orders, it is proposed to be restricted to sexual offences because our advice from the Commissioner of Victims' Rights was that that was where the problem lay. In the case of domestic violence, of course, specific domestic violence restraining orders are available (apprehended violence orders) which draw attention to themselves. We will see whether the sexual offences problem emerges elsewhere. The government is content to start these proposals modestly and then build on them if they work out.

On the question of freedom of information, the government simply does not agree that its exemption is too broad. If the commissioner wants to release information on what he or she regards as suitable detail or bases, so be it. We just disagree with the opposition's approach on that matter.

On the matter of the victim's delegate, the simple answer is that we want to have safeguards against the victim being bullied into appointing, say, a self-aggrandising publicity hound—no names, no pack drill—or anyone who will do damage by unnecessarily or improperly whipping up outrage to the detriment of the case and, ultimately, the victim himself or herself. On the matter of—

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: Yes, I agree with you and that is normally what I do. What is incorrect is 'themselves'.

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: I agree with you on that; we are at one on that. In relation to community impact statements and neighbourhood impact statements, there is something appealing, at least in theory, about what the member for Heysen says about the weakness of collated statements compared to those delivered personally. There are practical limits as to what can be done in this regard. These are new and unique experiments in Australia and there is a degree to which I think it is wise to take a cautious approach (as we have done) and to see how they work. Of course, we will be open for comments made by the commissioner for victims' rights—and anyone else—in the light of his practical experience of these changes.

On the question of submissions of sentence, the member for Heysen is quite right to say that the DPP and the defence do not generally specify the actual sentence thought to be desirable but confine themselves to comments more general than that. We do not think that the provision will cause problems as it is facilitative rather than mandatory, but again it is new in Australia and we will have to wait to see how it turns out.

On the question of mental impairment, the amendment to which the honourable member refers is that in clause 10. The answer to her question appears to be in two parts. The first is to note that just because a person is not guilty of an offence because of mental incapacity at the time the offence is committed does not necessarily mean that the person will not be mentally competent (usually because of the benefits of medication) at the time the trial happens. Indeed, that will commonly be so. Secondly, the relevance of the victim impact statement is to the imposition of the supervision order and that must be done under section 269O of the Criminal Law Consolidation Act.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

Mrs REDMOND: I was a bit puzzled about the reason for inserting this new paragraph. I will pick up where the section begins. We are talking about the Criminal Law (Sentencing) Act. Currently, section 6 of the act states:

For the purpose of determining sentence, a court—

(a) is not bound by the rules of evidence; and

(b) may inform itself on matters relevant to the determination as it thinks fit.

What then really is added by paragraph (c)? Was it motivated by a particular issue that arose because of other changes that are made, because what is then added is 'must act according to equity, good conscience and the substantial merits of the case'—the sort of basic law principles with which we are all familiar—'without regard to technicalities and legal forms'? Why was that specifically inserted and, indeed, is it connected to the amendment—and I am trying to shortcut this discussion? Clause 6 deals with the amendment of section 7A, victim impact statements (further down the same page). Currently, section 7A(2) states:

A victim impact statement must comply with and be furnished in accordance with rules of court.

That is deleted. If you delete it, it looks to me as though the provisions we already have in paragraphs (a) and (b) are sufficiently broad. I am curious about why we are adding equity, good conscious and substantial merits. Is it there because it was a good idea for some reason or because it is trying to capture something specific?

The Hon. M.J. ATKINSON: The member for Heysen gets the gist of my answer. Section 7A(2) is cut and reappears as new section 7C. There will be occasions when the defence will want to contest a community impact statement, and there has to be a set procedure for them to do so. I doubt that we would want to set up the full panoply of the law of evidence for that contest to occur. As Attorney-General, from time to time I read of cases where it is foreshadowed that the defence will or already has contested aspects of the written victim impact statement. I do not doubt that community impact or neighbourhood impact statements would be any less conjectural.

Mrs REDMOND: My question was really whether it has been the case that the existing provisions in (a) and (b) of section 6 of the act have been inadequate to allow a court to act, in effect, according to equity, good conscience and the substantial merits of the case.

The Hon. M.J. ATKINSON: I cannot think of an example where the parties or the courts have complained to me as Attorney-General about the process. The provision we have put in is a common one in jurisdictions.

Clause passed.

Clause 5.

Mrs REDMOND: I want to clarify whether clause 5 is as broad as it seems to me to be. It provides that, even though you are not entitled as of right under the legislation to make a victim impact statement in any circumstances, unless the court has a reason for you not to you can put in an impact statement through the prosecutor. Is that the effect of this clause?

The Hon. M.J. ATKINSON: The member for Heysen well knows that a camel is a horse designed by a committee, and this is one of the compromises as a result of Mr Darley's amendments in another place.

Clause passed.

Clause 6.

Mrs REDMOND: I have already indicated that in we will probably move an amendment to clause 6(3)(b) to delete the reference to 'director' so that it will simply state that, where a defendant is a body corporate, the court can determine a representative satisfactory to the court. My question is this. In the beginning of that section it says 'subject to subsection (3c) (but despite any other provision of this act), the court must, if the person so requested when furnishing the statement, ensure that' the defendant, or the representative if it is a company, is present when the statement is made. Therefore, given the insertion in the very beginning that I asked about first, that is, that the court must act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms, is that new provision broad enough to enable the court of its own motion to direct that the defendant be present even if there had not been a request? So, if the court has a view that equity, good conscience and the substantial merits of the case dictate that the defendant should be there, the court can initiate it under that earlier provision.

The Hon. M.J. ATKINSON: The answer is: yes.

Clause passed.

Clause 7.

Mrs REDMOND: On social impact statements referred to in new section 7B(2)(b), who is going to make the social impact statements? How is the court going to determine who the appropriate person or people might be to address the court in relation to a social impact statement, and upon what topics it should have an address of a social impact statement?

The Hon. M.J. ATKINSON: The answer to the member for Heysen's question is that the Commissioner for Victims' Rights will do it according to the proposed section, but I imagine he would farm it out to a range of people who are recognised as experts—for instance, on the harm of drugs and alcohol in society—and eventually we hope many of these statements may just come off the shelf.

Mrs REDMOND: In that event, does the Attorney-General then agree with the proposition that I put in my second reading contribution that, in fact, it becomes a matter of judicial recognition of what is happening and what is realistic in the community rather than having to specifically hear social impact statements? It will just be a matter of judicial recognition.

The Hon. M.J. ATKINSON: The member for Heysen may be correct, and we will see as time goes by.

Clause passed.

Clauses 8 and 9 passed.

Clause 10.

Mrs REDMOND: I tried to listen carefully to the Attorney-General's response to the second reading on the issue of the people who are unfit to stand trial or found mentally incompetent to be convicted, and I am still a little puzzled by what the consequence of this clause is—and I assume this is actually the clause dealing with that issue.

Subsection (3), the new subsection inserted into section 269R of the Criminal Law Consolidation Act, seems to say that, if a court is fixing a limiting term (by which I take it we are talking about someone who might be put into an institution other than a correctional services facility, so a mental illness hospital or some such thing), the court still has to listen to the victim impact statement even though the person who has committed the offence cannot do that.

First, I want some clarity about whether I am correct in my assumption that, when you are talking about a limiting term, you are talking about something quite specifically different from imposing a sentence (if that is not the case, I want to know what that term means and why it is there instead of imposing a sentence), and what is the intention of that section? I am still somewhat at a loss as to how a victim impact statement is useful to the court if the person has been found either mentally incompetent and unfit to stand trial or not guilty by reason of his mental incompetence.

The Hon. M.J. ATKINSON: The answer to the first part of the member for Heysen's question is yes. The second part is that, as I said in my second reading response, by the time the alleged offender gets to trial he may be perfectly well, owing to taking medication.

Mrs REDMOND: Is it the case then that this section will only apply if that situation eventuates; that is, will clause 10 only apply to a circumstance where someone is competent by the time they are being dealt with, but found not to have been competent at the time that the offence was committed? Is it that narrow?

The Hon. M.J. ATKINSON: Yes.

Clause passed.

Remaining clauses (11 to 16) and title passed.

Bill reported without amendment.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (16:48): I move:

That this bill be now read a third time.

Mrs REDMOND (Heysen) (16:48): I want to make one very brief contribution (no more than about a sentence long) on the third reading. It is in response to the comment that the Attorney made (and I thought it was better to do it here than in committee) in response to the suggestion that a blanket exemption for the office of the Commissioner for Victims' Rights was too broad. He

said words to the effect that if the commissioner wants to release appropriate information then he will do so, and he will not just hide himself under the blanket of that cover.

My comment is that the blanket exemption is not so used, for instance, by the Auditor-General. I inquired how much he had spent in trying to stop the DPP from making a report to this parliament. Whilst there was no reason on earth why he would not be able to release that and it would not be in the public interest to do so, and all sorts of things, the Auditor-General chose not to agree to it, because all I got back was the sentence, 'No; we are exempt,' when I made an FOI application.

I just wanted to comment that I have no confidence that giving any statutory authority—and I mean no disrespect to the present Commissioner for Victims' Rights, who, I am sure, is an honourable person—a blanket exemption will lead to their ever giving a response other than saying, 'We're exempt. Take your FOI and put it in a dark place.'

Bill read a third time and passed.

ADMINISTRATION AND PROBATE (DISTRIBUTION ON INTESTACY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 November 2008. Page 1227.)

Mrs REDMOND (Heysen) (16:50): Again, I indicate that I am the lead speaker—indeed, I may be the only speaker—for the opposition in relation to this bill, which is relatively straightforward and which, I indicate, the opposition will be happy to support. It is not an issue which arises a great deal. The issue that is being corrected by this bill is that, at the moment, the Administration and Probate Act (which governs various things as the name might suggest) has some rules about intestacy. In essence, the act says that if you die without having made a will or without a valid will—

The Hon. M.J. Atkinson: If one dies.

Mrs REDMOND: —if one dies—and you have a spouse or domestic partner your spouse or domestic partner inherits it all. However, if you have a spouse or domestic partner and issue, some more complicated rules apply. The rules essentially are that, first, you will pay the first $10,000 to the spouse, and then, of the balance, half will go to the spouse and the remaining half will be divided equally between or among the issue.

The Hon. M.J. Atkinson: Well, which is it, between or among?

Mrs REDMOND: It could be either.

The Hon. M.J. Atkinson: Depending on?

Mrs REDMOND: The number of them.

The Hon. M.J. Atkinson: Very good.

Mrs REDMOND: I am sure that the Speaker enjoys the fact that the two pedants of the parliament are opposite each other in these bills; and no doubt the Attorney's children, like mine, correct him at home on every tiny slip up. That is the rule: if there is a spouse and children, at the moment the spouse gets the first $10,000, the spouse gets half of what is left and the kids get the rest of it, divided between them if there is only two and among them if there are more than two.

This bill, in essence, says, 'Well, instead of $10,000,' which has been in place for a fair old while (for as long as I can remember), 'let's give the spouse the first $100,000.' Basically, it then makes provision (which I would rather see within the legislation but, as I understand the intention it puts in a provision) to enable regulations from time to time to update that figure. As I said, it does not arise very often because mostly, in modern times, both men and women hold property jointly if they are in a long-term relationship. For the vast majority of people who came to me to get wills done there was never any need to seek probate in any event when one spouse died because virtually everything was held jointly.

With respect to property held jointly, when one person died the remaining person owned the whole thing and you did not need to get probate of the will in any event. However, there are still some people (particularly the older generation, and there are still plenty of them around) who have property which is just in one person's name. Sometimes it has come about because they have owned the property before they married.

This particular provision can be quite difficult and quite problematic because if, for instance, you have someone who is a new domestic partner or spouse (a second marriage, for instance), and if there are children of a first marriage and the person who is the parent of the children dies, that partner can find that suddenly, because they get only the first $10,000 and half of the balance, they no longer have a home to live in because they will not get sufficient control of that asset.

I always used to recommend to people that they think about taking out an insurance policy on a second spouse. Because they have an insurable interest in a spouse, they can take out an insurance policy. If one then died, the other one had some funds to go on with. Otherwise things get very messy when there are second family situations. In essence, this is a simple updating and nothing more—the Attorney-General no doubt will correct me if I am wrong—of the figure, which was once set at $10,000, to $100,000. I have a question mark about whether that is a sufficient figure, given the average house price in Adelaide is now over $300,000, Even under these provisions, were that sort of circumstance to arise, assuming there was no other property, one could still have considerable difficulty—but that might be a discussion for another day.

It is sensible to at least bring the figures up to date. I would prefer to insert a CPI provision so that $100,000 could continue to grow as the years went by, but I appreciate that would necessitate the publication of an annual updating, as was done with the nought to 60 scale when motor accidents were put on the nought to 60 scale for pain and suffering. I understand where the government is coming from. I am not persuaded that regulation of the prescribed sum is the best way of keeping up to date, but it is at least a significant improvement on where we are at present. With those few words I indicate the opposition's support for the bill.

Mr VENNING (Schubert) (16:57): This is something with which I have had a fair bit to do as a result of owning properties.

Mrs Redmond: And staying married.

Mr VENNING: By staying married I have not had problems. Our family is lucky that it has not had to go through difficulties because of untimely deaths. In the old days, we had death duties, which were the most iniquitous thing; so many farms were destroyed because of death duties. Often it was a double banger. Often the partner of the deceased died within 12 months and they were assessed again. A lot of good properties were lost as a result of that. There but for the grace of God, our farm was never affected. It is more luck than anything else because you do not get a choice about when you go. It is always a difficult time.

Over the years I have spent a lot of time trying to ensure that my immediate family—and now the extended family—do the responsible thing and have a will. Even if you think you do not have much, I have always said that it does not cost much to have a will. You can buy the kit for a couple of dollars and do your own will, but at least have something there to avoid this situation.

I agree with the sentiments of the bill and the comments made by the shadow minister. As always, she has been very thorough, and I do not know where we would be without her.

The Hon. M.J. Atkinson interjecting:

Mr VENNING: That is the second cutting remark today. The first one was levelled at me in relation to scrutineering at a polling booth. I assume it was a derogatory remark about my being a scrutineer. Well, I was actually asked to do it because I have knowledge in that area. I did my best to do what I could, even looking at the Labor votes, as well. But that is history and it does not matter.

Mrs Redmond interjecting:

Mr VENNING: That's right. The Labor scrutineer was not worried about their votes: I was. We all agree with the sentiment of this bill. It is an open and shut case. The amount of $10,000 is ridiculously low and one wonders why this issue was not addressed earlier. Other states have legislated for $200,000. I think $100,000 is a starting point and it is reasonable to set that figure. I think we agree that it should be at least CPI-adjusted every year so that it keeps up with costs. I do not think this has been dealt with since 1975, and that was a long time ago.

It is always a difficult time when a bereavement occurs and when there is no will, particularly if there are two different parents for that family; that is, if the deceased had a previous partner or partners and had children with them. It is a very complex matter and it can get very difficult, so in this instance it is good to have it clearly laid out. Certainly, I believe that in the first

instance the spouse or partner has to be the number one consideration, because they are the one who has to continue on and they are also the one who looks after the children.

As I said earlier, apart from legislation such as this, I think we, as a government and an opposition, should also put out an education program and encourage people to make a will. People do not realise the problems it can cause if they do not have one, or the arguments that can take place and the feelings that can arise within a family if a genuine legal will is not made. I think we ought to promote the fact to everyone that all persons over the age of 18 years should have a will and that they should look at it every four or five years and reassess it—particularly when they have children. People should make sure that it says 'all of my children' (if you name them some will miss out)—obvious things like that.

So, first, I think we should encourage people to have a will, and then this legislation would not be needed. Secondly, I assume that when these matters are dealt with they are dealt with by the Public Trustee. No, the Attorney is shaking his head; not this one. Well, in my experience with the Public Trustee—even if it does not happen here, and no-one is shaking heads over there—in dealing with constituents (never my family, as I said earlier, and thank goodness for that) I have found that there are often some difficulties. Over the years I have heard many times that people were not aware of the costs of the Public Trustee, especially in the division of an estate, nor of the time it can take—and it can take an inordinate amount of time to wind up an estate. It is always a very difficult time, and people do not understand the legal problems.

I think this is a straightforward bill. Once again, I congratulate the shadow minister on representing us not only here, but also for putting it quite clearly to us in our party room. We support the bill.

The Hon. M.J. Atkinson interjecting:

Mr VENNING: Absolutely; there is no doubt. Very much respected.

The Hon. M.J. Atkinson: She won't stand for bad language.

Mr VENNING: No; nor should any person in this house. I believe anyone who objects to bad language should say so. I am not someone who has a reputation for swearing, although I do swear, especially on my own. On the farm if something goes wrong and I get particularly cross I will let go with the word, but in the presence of other people—particularly the member for Heysen—I just do not. I know it is not appreciated and so it just does not happen. I think if anyone objects—not just ladies but also men—that should be respected. I have no problem with that with the member for Heysen. I join my colleague in supporting the bill.

Bill read a second time.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (17:04): I move:

That this bill be now read a third time.

Mrs REDMOND (Heysen) (17:04): It occurred to me while I was listening to the member for Schubert's contribution that I want to endorse his comments about the need for a will. I cannot now remember the exact circumstances or how it came about, but I came across a case where a young man, who was newly married, died in an accident. Because of the circumstances of the various times of death—and I cannot detail it—it ended up with the peculiar situation where a young man, who would not normally be expected to have a lot of assets, had insurance that paid out, and that insurance did not end up with his parents but with the second wife of the now deceased father of his new bride—all because he did not have a will that would have left it to his own parents which, undoubtedly, would have been his wish in the circumstances. So, some very peculiar things can arise.

The Hon. M.J. Atkinson: What if the bride died, too?

Mrs REDMOND: I cannot remember because, if she died too, it should not have happened that way unless there was a 30-day gap after the death. I cannot recall the details of how it ended up with this very peculiar outcome of a total stranger to this young man becoming the beneficiary, rather than his own parents. It was a very sad case for that to occur, so I endorse the comments of the member for Schubert that estate planning is something that everyone should get involved in, even if they think they do not have many assets. Some people will be killed in circumstances where there will be insurance, WorkCover or some other policy or superannuation payout, and they need to give consideration to how to deal with that so that they do not then get

caught having to deal with the provisions of the Administration and Probate Act's intestacy provisions.

Bill read a third time and passed.

ADJOURNMENT DEBATE

The Hon. M.J. ATKINSON: I move:

That the house do now adjourn.

BUSH FOR LIFE

Mr VENNING (Schubert) (17:07): I want to raise a matter today about funding for non-profit environmental groups. The federal Rudd and state Rann Labor governments have both been outspoken on environmental issues recently and they claim to have many green policies, but how genuine is their concern?

I was alerted to the fact that the funding that has been given previously to non-profit environmental groups has been savagely cut by both governments. In particular, extreme funding cuts have been experienced by Trees for Life and its Bush for Life program and, to a lesser extent, the KESAB Road Watch group.

Bush for Life is a program run by Trees for Life. It was established in 1994 and it aims to help protect South Australia's remaining areas of native vegetation. Last year, over 600 Bush for Life volunteers donated over 30,000 hours of their time to look after more than 4,000 hectares of remnant native vegetation across the state, removing invasive weeds with painstaking methods that they are trained to undertake.

If the state Rann Labor government were to pay NRM officers or the like to undertake this work, it would come at a large cost. As an estimate, I would say an hourly rate for this type of work would be about $16 per hour. This would mean that the bill for the hours volunteers donated last year would be nearly $500,000. Yet, what does the Bush for Life program get in return for all the hours its volunteers donate? Less funding.

The ironic part of this is that in the regional NRM strategic plan for the next 10 years, Trees for Life is included as one of its stakeholders to implement revegetation and regeneration work. Is this yet another failure of the NRM? I have spoken on the record previously about that subject.

I am told that the KESAB Road Watch group is in the same position, with its coordinator having their hours cut by half and, as the funding for the program has been cut so severely, the coordinator is now spending many hours filling out applications for grant money to try to fund the ongoing programs.

A constituent from the Schubert electorate, who volunteers many hours for this program, has paid $240 for workmen's road safety signage out of his pension so that he has some mechanism to try to get vehicles to slow down as they pass him as he carries out his work on roadsides. Cars pass him at speeds of up to 110 km/h. Currently, no funds are available to supply Australian Standard safety signs to volunteers. The group has now submitted a grant application in the hope of buying some signs to protect its volunteers.

The role that these two non-profit environmental groups undertake, as well as the other non-profit and volunteer organisations, not only provides benefits to our country, ourselves and future generations but it also gives people a reason to get out into the community and do something. I find this situation quite unbelievable. Both federal and state Labor governments claim to have policies that put environmental issues at the forefront, yet they are happy to take funding away from the grassroots organisations and groups which have so many volunteers working tirelessly simply because they can see the benefit to the environment. I am certainly very much cognisant of what happens in my group, particularly in my electorate of Schubert—

The Hon. M.J. Atkinson: The one that went to preferences last time.

Mr VENNING: It went to preferences but not for very much, no. Anyway, I am not really concerned about that. I have the Kaiser Stuhl Conservation Park in my area and I am going for a walk in there very shortly just to ensure all the weeds in the park are under control. I just wish I did not have to make speeches like this.

Finally, I refer very briefly to a bridge in Nuriootpa called the Robin Bridge. It is located on Murray Street, Nuriootpa, the main street. It was constructed in the early 1960s on land partly

donated by the Robin family. The bridge is a state government responsibility. It is situated in a quite prominent position as you drive into the town from the south. It has not been repainted since its opening. The handrails of the bridge are supposed to be white and its railings a dark green colour, but today the paint is flaking off, leaving the bare metal exposed and making it very unsightly.

A constituent who brought this matter to my attention described the bridge as looking 'shabby'—that is a nice way of putting it. The bridge is a beautiful landmark in the Nuriootpa township and is crossed by everyone—tourists and locals alike—who enter the town from its southern end. I have contacted the Barossa Council regarding this bridge and was advised that, over a period of many years, the council has endeavoured to have Robin Bridge repainted and, as such, contacted the Department for Transport, Energy and Infrastructure.

The last correspondence received by the council was some years ago and it said that it was the department's policy not to paint bridge structures anymore as they wished to avoid ongoing maintenance. In my communications with the Barossa Council they said:

> We agree that it would be far better within the township environment for the bridge to be painted as regular maintenance.

The Barossa Council has notified me that they contacted the department and requested that they investigate painting the bridge. The response was that they would need to dismantle the steel handrails on the bridge and then transport them to Adelaide for sandblasting, because the original paint was lead based and would risk polluting the North Para River if the job was done on the site.

I think that the everyday person would simply paint over the top. This seems to me to be bureaucracy gone mad. I understand that protecting the environment is very important and I have read the Environmental Management Workbook for roadside maintenance activities which contains the Environmental Code of Practice for Road Maintenance Workers. Section 9, part 1, headed 'Contamination of soil and surface water', clearly states:

> Surface water is contained within creeks, streams, rivers and lakes and also includes run-off. This water is easily contaminated by oil spills, waste and the use of excessive chemicals. The water then moves into the waterways and travels rapidly to new areas and the marine environment.

I understand that to sandblast lead paint would be potentially damaging to the North Para River environment and therefore contravenes the code of practice.

Surely, common sense should prevail. I am sure that, if these costings were done, it would prove far more inexpensive for the bridge to have a new coat of paint, say, every 10 years, over the top of the existing paint than it would be to transport it to Adelaide, remove the lead paint (what remains of it, that is), paint it and then transport it back to Nuriootpa and fit it in place. Given the amount of revenue that the Barossa provides for the state government, surely it is not too much to ask. The Minister for Tourism takes great delight in basking in the glory when the Barossa fares highly in the ratings, but how much money does the government spend in the region in return?

The bridge, as I said earlier, is a major attraction at the entrance to Nuriootpa when travelling from Tanunda or Angaston to Nuriootpa. It looks dreadful in its current state. A new coat of paint would give it a new lease of life and would make it stand out as a feature to visitors. At the moment, it looks like an eyesore and it is certainly not appropriate for the main entrance to one of the Barossa's largest townships. I have always said in life: if you look after the little things, the little jobs, and it is amazing the positive vibes you get from that and how it makes everyone else proud of their public facilities. If the government and the council do the right thing—keep the place neat and tidy and be proud of what we have—hey presto, the residents will do the same.

I hope that this has been an oversight and that the government will look at this issue and, for what I think would be a few hundred dollars, paint the bridge. I hope the government listens and does it.

Motion carried.

At 17:16 the house adjourned until Thursday 5 February 2009 at 10:30.