HOUSE OF ASSEMBLY

Thursday 19 February 2009

The SPEAKER (Hon. J.J. Snelling) took the chair at 10:30 and read prayers.

CRIMINAL LAW (CLAMPING, IMPOUNDING AND FORFEITURE OF VEHICLES) ACT

Mr HANNA (Mitchell) (10:30): I move:

That I have leave to introduce a bill for an act to amend the Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007.

The SPEAKER: I draw to the honourable member's attention that notice of motion No. 1 standing in his name is a bill to provide certain powers to seize and deal with motor vehicles. I think he has moved the wrong motion.

Mr HANNA: I seek to defer that item to the next Thursday. I do not have the bill from parliamentary counsel, so I cannot do anything. I will withdraw my motion if that helps, sir.

The SPEAKER: I think the member for Mitchell has sought leave to withdraw his motion to introduce the original bill. We cannot proceed with the bill that he has moved, because it is not on the *Notice Paper*. It would require a suspension of standing orders to move the bill that he has moved. With regard to the notice of motion that is on the *Notice Paper*, he can simply move to postpone it to another sitting day.

Mr HANNA: I do not wish to proceed with notice of motion No. 1.

PARLIAMENTARY COMMITTEES (BUSHFIRES COMMITTEE) AMENDMENT BILL

The Hon. I.F. EVANS (Davenport) (10:35): Obtained leave and introduced a bill for an act to amend the Parliamentary Committees Act. Read a first time.

The Hon. I.F. EVANS (Davenport) (10:35): I move:

That this bill be now read a second time.

This bill seeks to establish a standing committee of the parliament to deal with bushfires. The intent of this bill is that the standing committee would take effect three months after the next general election. Members will note that in another motion on the *Notice Paper* I have indicated that another committee of the parliament would perform this role between now and the election. I am doing a two-step process to suggest that, first, we have one of the parliamentary committees between now and the next election look at the bushfire issue, and, secondly, after the next election, we have a standing committee.

The reason I move this bill is as follows. Other parliaments, such as New South Wales, Victoria and Queensland, have standing committees on road safety. The reason that those committees have been established is to try to educate the parliament about what government departments are doing and the issues that are confronting them in relation to road safety in order to try to develop policy and legislation to respond to those issues of concern in relation to road safety.

It seems to me that the parliament has a duty to be proactive about bushfires. We all were involved in the condolence motion this week regarding the tragic Victorian bushfire. Fire is nothing new to South Australia and, indeed, nothing new to Australia. There is a pattern to the government's and parliament's response to fire; that is, 'Shock, horror, we have had terrible fires,' and we express, quite rightly, our deep heartfelt sympathy for those involved. There is a huge effort by government and the community to rebuild those areas affected by fires—and that is all quite right, but it seems to me that parliament should take a more proactive role in trying to prevent as much damage as possible from occurring as a result of fire.

There is a role for the parliament to have a standing committee that looks at fire. As we have seen, following the Victorian fires, the fires in the member for Flinders' electorate and the fires in the Adelaide Hills in previous years, fire and fire policy is a highly complex area. It covers a range of legislative areas with which the parliament deals. It deals with planning issues, building design, road infrastructure, water infrastructure, native vegetation clearance, community education programs, what local councils are and are not doing, what government departments are and are not doing, the funding of emergency services agencies and the training of emergency services volunteers and personnel—and the list goes on.

What has happened over the years is that the parliament has introduced legislation at various times, all of which has had an impact on fire in bushfire-related areas. What happens is that a layer cake of legislation and regulation is put across the areas that are affected by bushfire, without anyone standing back and taking a holistic view and saying: 'What are we actually doing to those people who live in the bushfire-prone area? What are we doing to the people we expect to defend and fight fires? How are we impacting on those areas when we pass the various pieces of legislation?'

For example, the CFS has a policy that you should decide early to either defend your home or leave early. What it means by 'leave early' is to leave before the fire starts. Here is an example of why I think the committee needs to look at this issue. In March last year South Australia had 18 days straight of high bushfire danger. There were 18 days above 36° or 37°; and there were prohibitions on fire throughout the state for 18 days straight. If you take literally what the CFS is saying, its policy is: leave early before the fire starts. In my electorate alone there are 22,000 people and 9,000 homes. If the majority of those people decide that their policy is to leave, as a parliament do we really think for one minute that that number of people will leave their homes 18 days straight on the basis that there might be a fire?

I suspect that the answer is that probably they will not do it. Some will certainly do it but the majority I do not think will. So, what is the most likely response? The most likely response is that many people will decide to stay and try to fight the fire. They will then see that the fire is of the Victorian-type fire in both its ferocity and its speed, as well as the heat at which it burns. There will be panic, people will try to leave and then we do have a problem. I think that the parliament needs to talk this issue through, and it is not the type of issue you can talk through during a debate on legislation. This is the type of issue—fire I am talking about generally rather than the evacuation policy per se—that will need a lot of detailed briefing from agencies and a lot of education of the MPs involved.

I think that parliament should be proactive. I think we should have a committee dedicated to bushfire and that we should be far more proactive in looking at the issues concerned so that we are crystal clear about what we are doing in relation to legislating and regulating bushfire-prone areas. The government this week announced a range of policy measures post fire. All those ideas, or most of those ideas, I suspect, were sitting in top drawers of agencies prior to the fire, but, because it was not necessarily a focus at the time, they have not weaved their way through the decision-making process.

I think that a committee asking questions and seeking the answers to a range of policy matters that will flow from the Victorian fires makes a lot of common sense to me. I hope that the government will support the two measures, that is, the principle of setting up a standing committee, which is the purpose of this act; and, as I mentioned, I have another motion that fills in the interim period between now and the 2010 election. With those few words, I seek the support of the house.

Debate adjourned on motion of Mrs Geraghty.

CIVIL LIABILITY (RECREATIONAL TRAILS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 October 2008. Page 731.)

Mr VENNING (Schubert) (10:44): I rise in support of this bill introduced by the Hon. Iain Evans. Again, this is a very considered and very good bill. Recreational trails provide a fantastic opportunity for South Australians to get out and about, be active and enjoy what our countryside has to offer. We have some of the best walks in Australia—indeed, probably in the world. There are numerous recreation trails in this state and this bill will specifically deal with the Heysen Trail, the Riesling Trail in Clare, the Kidman Trail, the Yurrebilla Trail, and others by regulation. I was involved many years ago in helping create the Heysen Trail at Crystal Brook and then the Riesling Trail at Clare when the old railway line closed down. Rather than hand back the rail reserve to the government, we decided to keep the reserve for the trail. It was a pity that, a few weeks before we were about to do that, they went through and took out all the bridges, which was a damn shame because we had to go and put them all back again. They were sold for scrap and then we had to build new ones.

The Riesling Trail is very popular—as, indeed, is the Heysen Trail and the others. I understand that under current legislation private property owners are cautious and it is difficult to convince them to allow public access to their property in order for a trail to go through it for fear of

being sued if someone injures themselves, even if it is a most trivial matter; in the case of any injury at all, we are all encouraged to sue and seek legal redress.

This bill allows for a private land-holder who makes recreational trails available through their land for public access to be in the same legal position as local and state government, that is, a road authority. This refers to a body or person who owns a road vested by statute to which control and management is assigned by statute. A road authority is not liable to maintain or repair the road or to take any action that reduces the risk of injury or harm that results through failure to maintain, repair or renew the road.

As I said previously, the bill makes perfect commonsense, which is typical of the member for Davenport. I think no-one could disagree with this. Recreational trails benefit the public and, as such, private land-holders who make their land accessible for this purpose should not be held liable and need protection by the law.

Over my long time in this place, several people have come to me—particularly in the Barossa Ranges—who are very concerned because they have closed roads on their properties. As the member for Goyder would know, the council does allow closing of roads. Suddenly, people were going around and finding them on council maps and asking that they be open for walks. The concern in that for the landowner was pretty high because often one of the fences had been removed and, of course, there was always the threat that if people were walking along the road and the local farmer's bull happened to see them and chase and injure them, the farmer was liable. So we had this problem. I took the side of the landowners, particularly in the Barossa Ranges and Williamstown area, and it was always an area of contention. This bill will solve that and, if you want to walk on the trail, the owner is absolved of any legal liability. The question of whether the fence is no longer there is a different issue, and that should be sorted out with this bill.

I think bushwalking is a great pastime. We were talking yesterday about mental health. One of the chief ways one can remain sane, me included, when you get to the point of being totally frazzled and are really stressed out, is to get out of the city into the bush and either ride a motorbike or go bushwalking. An hour's walk really refreshes and it is good not only for one's mind but also one's body. If you look at my body you can say, 'Well, you had better do more bushwalking,' and that is very true. Today we hear much about how obese our society is becoming, particularly our young people, and the marvellous walks that we have should be promoted much more, not just by the people who use them but also by the landowners who own the land on both sides of them. They ought to be involved also. It is a great thing to get out and say, 'We are promoting bushwalking and you, the owner, will be absolved of any problems.' I think that we need to encourage everyone in that respect.

I want to refer here to the late Terry Lavender, who was probably the pioneer of bushwalks in South Australia. We have the Terry Lavender Memorial Walk, which is quite famous. I pay tribute to him because many years ago, when talking about the Heysen Trail at Crystal Brook, he said to me how valuable it is to have a trail from one end of the state to the other. Well, we have several now, and it is fantastic. I pay tribute to his memory and what he did in this regard.

Finally, I again want to commend the member for Davenport for bringing another commonsense bill before this house, and I urge the house to support it.

Mr GRIFFITHS (Goyder) (10:50): I rise to support the Civil Liability (Recreational Trails) Amendment Bill, introduced by the member for Davenport. I think it reflects the fact that the member for Davenport is a man who relates to his community very well. Many issues come across his desk and he talks to many people because of the constant doorknocking that he conducts within his electorate. This clearly demonstrates that, no matter how big or small the issue, the member for Davenport is prepared to bring it to the attention of parliament and, where appropriate, put a bill before the parliament, especially for a commonsense issue that needs the support of this house.

It is a fact that far too many of us lead a sedentary life and I, unfortunately, am a classic example of that. There are other people in this chamber, no matter what their facial expression might be, who would probably admit to that also. Having the opportunity to implement a reduction of the liability potential and to provide for further recreational trails to be established is a very good step forward. In the community in which I serve within Goyder, Yorke Peninsula in particular promotes opportunities for walking trails between towns.

The Hon. R.B. Such: There are some good ones there, too!

Mr GRIFFITHS: There are.

The Hon. R.B. Such: I have walked on some of them.

Mr GRIFFITHS: Yes. The member for Fisher told me only yesterday of a recent visit to Yorke Peninsula and he commented that there are some great walks that he has done quite recently. I try to experience the opportunity that these trails provide. There is a more structured approach to it where communities have put in some degree of effort over the last 10 or so years to establish and identify trails. However, it is important that we provide every opportunity, no matter what sort of experience people are looking for, to give them a chance to experience nature and to view the environment that surrounds a lot of these existing recreational trails. It is important also to reflect upon some of the historical aspects attached to those trails: they can walk past unused homesteads and see links with our past such as old farming implements stored in the corner of a paddock somewhere. I think that this measure is a positive step forward.

Many people would be happy to allow opportunities to provide these sorts of trails but they are fearful of what the legal liability might be. That is why this bill is important, as it removes or reduces that possibility. Obviously, there is still a requirement for people to provide a relatively safe environment where the trails are located, but let us allow some commonsense approach whereby people have an opportunity to get out there, to walk for one or two hours with family or friends and to experience what this great country around us has to offer. I think this is an important step, and I commend the member for Davenport for bringing the bill to the attention of the house.

Debate adjourned on motion of Mrs Geraghty.

SUMMARY OFFENCES (PIERCING AND SCARIFICATION) BILL

Second reading.

Mr VENNING (Schubert) (10:55): I move:

That this bill be now read a second time.

The member for Kavel, who is absent, asked me to move the second reading of this bill, which has been moved in another place by the Hon. Mr Hood. We on this side are supporting it, with amendments. In a few minutes the member for Hammond will inform the house of the details of those amendments.

Generally, while legislation exists in section 21A of the Summary Offences Act that makes it illegal to tattoo a minor, this bill further extends that legislation, making it an offence to pierce any part of the body of a minor unless they are accompanied by an adult or guardian who consents. It also extends the prohibition in section 21A of the Summary Offences Act to include scarification.

This bill has a long history dating back to 2001, when an almost identical bill was introduced by the member for Fisher. In 2002 the member for Enfield introduced an extended version of it, and in 2005 a select committee into the issue was established. An extensive report was then tabled, which included legislative recommendations. The Hon. Dennis Hood in another place then reintroduced the bill (the third member to do so); however, Mr Hood's bill treats piercing of the earlobes in the same way as piercing of other parts of the body. The member for Enfield's version of the bill expressly excluded the piercing of earlobes.

There is nothing in the report of the select committee or in any other material that suggests that the practice of piercing earlobes is one that requires regulation. I understand that an amendment was carried in the other place to exclude earlobe piercing from being restricted by this bill, and I fully support that. Piercing of the earlobes is a very common practice in this country—I think most of our womenfolk have done it—and I think that, particularly for women, to make it an offence for a 17 year old to have her ears pierced is taking the bill too far. As such, I support the bill with the amendment carried in the other place.

I note that the Liberal Party does support this bill, but it also supports an amendment to exclude the piercing of earlobes from the bill. It supports the passage of the bill as it would be amended. So I commend the Hon. Dennis Hood for bringing back this bill, as well as the members for Fisher and Enfield for taking up the issue, which has been before the parliament for many years. Mutilation of the body has always been an emotive subject, particularly with overseas religious practices coming into it and especially in terms of female mutilation. That has always been a big issue, and it has been outlawed in this country. I believe this bill should be supported on both sides of the house. I support the bill.

The Hon. R.B. SUCH (Fisher) (10:57): I am pleased to see that this measure is still alive. It has had a chequered career in this place. As the member for Schubert pointed out, I introduced a bill back in 2001 called the Summary Offences (Piercing of Children) Amendment Bill which almost got through the upper house, but unfortunately it was stymied by the Democrats. We know that they do good things at many times, but they put up what I thought was an artificial protest about my bill, and it meant that it lapsed during prorogation, which was unfortunate. However, I had a chat to the member for Enfield, one of the shining lights of the parliament, and he then took up the issue. There was a committee inquiry into the matter, and we now have from another place a bill put forward by the Hon. Dennis Hood.

I agree with the view expressed by the member for Schubert: I do not believe that earlobes should be covered by this bill. I think that is probably taking the issue a bit too far. I would like to point out that, as far as I am aware, Queensland is the only state that currently has legislation on body piercing, but it relates only to genitals and nipples, which is a very restrictive provision. Victoria has been developing a bill (I am not sure whether it has been passed) which would prohibit scarification, tattooing and intimate body piercings to anyone under the age of 18.

The Select Committee on Tattooing and Body Piercing of our parliament, which made a lot of recommendations, reported that 19 per cent of young men are tattooed while under the influence of drugs and alcohol. If people are old enough and want to have a tattoo or an earring, I do not have a problem with it. I am concerned when people have these things when they are not fully aware of the consequences due to the influence of drugs or alcohol.

The issue is significant in the sense that, currently, we allow things to be done under body piercing in South Australia that doctors would find themselves in trouble over if they did the same thing to someone under the age of 16. If a medical practitioner carried out a similar procedure to body piercing on a person under the age of 16, I believe they would be in breach of the law, unless it was an emergency situation where they may have to resuscitate someone or something like that.

We have this bizarre situation where people, who may be totally untrained, can pierce the body of a minor (a child)—and that is meant to be totally illegal under the age of 18—yet qualified medical practitioners in a clinic down the road would be at risk of prosecution if they did something along the same lines.

The important issue with this is that tattooing and body piercing, as I said earlier, is really a matter of personal choice. The bill is trying to do what I am seeking to do—the only thing I am seeking to do—which is to protect children who may be vulnerable, who may not be aware of the consequences of people who, in effect, are taking advantage of them. I have seen babies with piercings and I do not think that is appropriate, but that is what is happening.

In terms of the medical aspects, a woman who lives near me had some tattooing done at an early age. She may have had body piercings as well, and one of those acts has resulted in her contracting hepatitis C which has raised her risk of liver damage to the point now where she has to have annual or biennial checks because it has put her at higher risk of contracting liver cancer.

When people talk about these issues, the health aspects are incredibly important. When body piercing and tattooing is done on anyone, irrespective of their age, it must be done in ways which safeguard that person's health. That is one of the key issues that concerns the medical profession: that people might be getting their body pierced, particularly in areas around the eyes, with the consequent risk that either there or in some other part of the body they might incur a long-term life-threatening illness as a result.

That is the main focus: to protect the health and wellbeing of children and adults and to make sure that people who have body piercing or tattooing are able to consent and are old enough to know what they are doing. I support this measure, but I also agree with the opposition and support the amendment to exempt ear lobes.

Mr PEDERICK (Hammond) (11:04): I, too, rise to support this bill. I note that it was introduced by the Hon. Dennis Hood on 24 September 2008. He had introduced a similar bill in June 2007 which lapsed when parliament was prorogued but, obviously, this bill has passed the other place this time.

The bill will bring a lot of things into line with tattooing legislation. Currently, under section 21A of the Summary Offences Act, it is illegal to tattoo a minor. This bill will make it an offence to pierce any part of the body of a minor unless the minor is accompanied by a parent or guardian

who provides consent. The bill extends the existing prohibition in section 21A to include tattooing and scarifying.

Scarification involves cutting the flesh or branding it with words, designs or the like, and this practice is becoming increasingly popular. This practice was not dealt with in a select committee report to which I will refer later. The history of bills regarding this matter dates back to 2001, when the member for Fisher introduced an almost identical bill.

It did pass through the Assembly but had not passed when parliament was prorogued for the 2002 election. In July 2002, John Rau introduced an extended bill which also included a provision requiring a three-day cooling-off period with medical codes of practice, etc.

The bill that the member for Enfield introduced passed the Assembly in October 2002, but it was amended in the other place before it lapsed. It was subsequently restored, amended and returned to the house in 2004. Thence, it was sent to a select committee, which produced an extensive report tabled on 19 October 2005. Although the report recommended legislation, the member for Enfield's bill was never progressed.

The member for Enfield's bill did expressly exclude the piercing of ear lobes, which I think is a sensible position to take. However, the original position taken by the Hon. Dennis Hood in the other place treated the piercing of ear lobes in the same way as piercing other parts of the body. In his view, all piercing is abhorrent and should be performed on a minor only in the presence of a parent.

However, there is nothing in the report of the select committee or any other material that suggests that piercing ear lobes is a practice that requires regulation. Our philosophy on this side of the house as Liberals is for minimal regulation and only where necessary. We favour freedom and parental responsibility ahead of compulsion.

However, a fair case has been made for treating body piercing in the same way as tattooing and scarification, and I do not think a case has been made for controlling the piercing of ear lobes. I note that the Hon. Dennis Hood accepted the amendment to exclude the piercing of ear lobes from the bill.

Over time, through your youth and moving forwards in life, you see some interesting piercings on people. It seems to be a habit of some young people to have so much metal in their heads that they would never get through an airport metal detector. You might see up to a dozen piercings in someone's face.

Personally, I do not find it very attractive. I ran into a person the other day who had quite a large metal object inserted into their cheek, which I thought was quite interesting and, consequently, I think it is a good thing that this bill will control what minors can do.

In tattooing, we have seen some interesting things. We have seen recently, in a TV ad, a grandmother showing an old faded tattoo. They are with you for life unless you go to a lot of trouble, and I think you would still be scarred to some extent from removing them. People need to be aware of what is involved in piercing. I have certainly been made aware of people piercing themselves in some very interesting places for all sorts of reasons, and that should be regulated under this bill as well. I commend the bill with amendment.

Debate adjourned on motion of Mrs Geraghty.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION (REGISTRATION OF DEATHS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 October 2008. Page 511.)

Mr VENNING (Schubert) (11:11): The recognition of de facto relationships is not only legalised: such relationships are now considered by most—not all—as acceptable in our society. A lot of us still believe in the institution of marriage, and consider that traditional marriage is the backbone of our community. But today things are a little different. I think our society has generally moved on and does accept these new types of relationships.

De facto relationships are recognised when dealing with family law, under the Family Relationships Act, and when dealing with government agencies, namely Centrelink, which takes into account de facto relationships when calculating a household's earnings, among other things.

It seems logical that, given that de facto relationships are already officially acknowledged in other legislation, this amendment should be passed. After all, it is only a minor amendment, and it gives those who choose to be in a de facto relationship (as opposed to a spousal relationship) the chance to be recognised as such on a death certificate.

Again, I commend the member for Davenport for introducing this bill. It is a matter of keeping up with the times. As I said earlier, many people would agree that de facto relationships are not the preferred relationship, and I still believe in marriage. Indeed, the people of Schubert, very much with a religious background, still promote the marriage relationship. But, we live in a modern world and cannot live in the past. I commend the member for Davenport for bringing in this bill, to make us face reality and to bring us up to date.

Debate adjourned on motion of Mrs Geraghty.

PARLIAMENTARY SUPERANNUATION (REDUCTION OF PENSION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 February 2009. Page 1400.)

The Hon. R.B. SUCH (Fisher) (11:14): I will make a brief contribution. Whilst I support many of the things the member for Mitchell puts forward, I am not supporting this measure. I have come to the conclusion that in the community there is, I think, an unreasonable and unfair hostility to MPs and to any financial remuneration they may get whilst they are an MP, or even when they cease to be an MP. I think that is a very unfortunate view, whether it is held by fellow MPs or the wider community.

In South Australia and throughout Australia, but most notably here, I think the community is well served by members of parliament. There are a lot of sacrifices in becoming and being a member of parliament. In fact, if somebody asked me today if I would recommend that they enter parliament, I would probably hesitate in encouraging them to do so.

It is not simply Prime Minister Rudd's error in freezing MPs pay last year—and I suspect he may be tempted to do the same again this year—which raises the question of whether MPs and their families are working families or whether we are non-working families. What we get is this continual attack on remuneration and other benefits for MPs.

If you listen to talkback radio, which I sometimes do, you will hear people now saying that MPs should get a pay cut, that a pay freeze is not enough. We are the only group in the community, that I am aware of, that currently has a pay freeze. I wrote to the Prime Minister and I said, not these exact words but, 'You are making the mistake of Mr Latham, with a kneejerk type reaction in freezing the pay of MPs.' The answer that came back was that it had to be done because of inflation. Now we almost certainly have deflation, but I do not think that will stop the Prime Minister from engaging in another round of pay freezes for MPs.

It will not secure one single vote, if you look at the mathematics of it and the rationale. No-one is going to receive one extra vote because MPs pays are frozen. By definition it is impossible. I am not aware of any party or MP taking a particular line on it, and if they did I do not think that the community would accept the view that MPs are basically charity workers.

Any member of parliament who does their job and contributes not only time but money and donations and so on, will be able to account for the fact that there is no money to be made in politics. When I look around I see people who are probably putting in a lot less hours but who get additional benefits that we do not get, and I am not complaining, just stating the facts.

You have to wonder why there is this continual criticism and attempt to lower any remuneration for MPs. If you compare an MPs position, there is no long service leave—I am not complaining, I am just stating a fact—there is no guaranteed sick-leave, the government of the day may pick up the tab, if you are lucky. If you have an accident there is no guaranteed WorkCover, the government may pick up the tab. There is no annual leave loading. There are none of those sort of things available for MPs.

I am not arguing, necessarily, that there should be, what I am saying is that in the overall scheme of things, when you look at the sacrifices that people make to be an MP—and people say, 'Well, you don't have to go in for it.' No; people do not have to be surgeons either, or pilots. We could all end up doing nothing. I mean, it is a nonsense argument, it is ridiculous. You are going to have to have some people doing the work of being elected representatives.

In essence, I do not support this measure. I know some members have gone on from here to become lobbyists. I do not have a problem with that, if they abide by the law and do the right thing, and I am sure they do, but if someone can pick up a bit of extra income as a result of being on a board—a government board (or whatever)—after leaving this place, then so be it.

They are going to pay tax on it, the same as any other citizen. They are not going to get it unless they make some contribution. They are not going to get extra money for sitting around. If they are on a government board then they are going to have to perform, and if they do not perform then they should not be on the board, and nor should anyone else.

I know the member for Mitchell has this directed at MPs who may in the future receive a pension, but if you look at people like the member for Stuart and myself—he has been here for much longer than I have—he and I have put a lot of money into a compulsory super scheme, as well as the other compulsory scheme, which has suffered a big hit, but we have had to contribute 11 per cent of our gross income to the protected scheme for many years. You have to live a long time to get a benefit out of it. If your spouse lives on, he or she may get some benefit. When talking to ex-MPs who are in the pension scheme, they say that, when reality strikes and you actually retire, it is not as generous as it might first appear.

Other people, like judges—and I never like to criticise judges, because one day I might have to front one, and they are wonderful people—do not have to contribute to their superannuation scheme. It is non-contributory. Judges also get sabbatical leave, and things like that; another provision that does not apply to MPs, but probably should.

I cannot support this measure. We know that the member for Mitchell has a commitment to everything being squeaky clean and things being frugal, but I see no merit in punishing MPs or ex-MPs simply because they are doing extra work and might be earning an extra dollar. So, I cannot support this measure.

Mr RAU (Enfield) (11:21): As is often the case with me on a Thursday morning, I listen to the debate. I have not really settled on my view about this yet, because it is one of those matters where I think I have to hear what everyone has to say.

The Hon. I.F. Evans interjecting:

Mr RAU: Hang on. The member for Mitchell always brings forward interesting matters before the chamber. He is a person who provokes thought for members of the parliament, I am sure. There are a couple of issues that are troubling me with this matter. The first one is that, in a small way, this is, I guess, a retrospective provision in that it seeks to apply a state of affairs to people presently and in the future which was not the state of affairs at the time those people entered into this place or became eligible for whatever entitlement it might be that they have. That worries me a bit.

The second thing that worries me a bit is that the entitlements, to the extent that they would be reduced, are quarantined to those people who are members of particular schemes, and to that extent it is discriminatory in the sense that those people who have had contributions made pursuant to variety three, I think it is called—I cannot even remember what it is called now—the new scheme—

The Hon. I.F. Evans: The lucky scheme.

Mr RAU: The lucky scheme; the member for Davenport calls it the lucky scheme—this would not apply to them. They may be heard to say, 'Well, that is fair enough, too, because we don't receive as much out of our entitlement as other people might.'

The Hon. R.B. Such: I've never been able to retire.

Mr RAU: Partly right. Those people who are in what the member for Davenport calls 'the lucky scheme' need to remember this: whilst they do not have a guaranteed entitlement, there is a complete blue sky to what their upper end might be. That is the good news. Your contributions go into an investment now and, next week, when the stock market rebounds and they go up to $10,000 or $12,000, or something, you people are going to be in an even more beneficial position than those people who are in the older schemes. Yet, the proposal being made by the honourable member would have no impact one way or the other on those people.

There is a tremendous amount of knowledge and experience which is gained by people who have been in the parliament. A lot of people—some in the parliament, some outside the parliament and some in the media—think that parliamentarians are all a waste of space, they do

not achieve anything and they do not learn anything. I am one of those people prepared to be bold enough to beg to differ with that, because anyone, for example, who has spent time with the member for Fisher, the member for Schubert or the member for Stuart—

Ms Bedford: At how close quarter?

Mr RAU: Not very close, but had a talk to them. People who have been here for a period of time would realise that, over the period of time that these people have been here, they have developed a tremendous resource of experience and understanding of a whole range of things, not limited to government in the narrow sense. They understand how bureaucracies work, they have met with a range of people from different walks of life and they have developed an understanding of different points of view.

Those people genuinely have something to contribute later on, particularly on some government boards. Those people are not just logs. That is not to say that there are not people who have passed through here who might unkindly be described as logs, but I am not an unkind person. What I would say is—and this is a rhetorical question, I guess—why should it be that the benefit of the great experience of the member for Stuart should not be given to the private sector, for example, if someone wanted to put him on a board?

Mr Bignell: Chair of the EPA?

Mr RAU: Chair of the EPA or the Native Veg Council. No, it can't be the Native Veg because that is the government thing he is talking about. If the member for Stuart was offered a position on the board of a mining company, for example, where he would receive a small contribution for his efforts, he could receive that and it would not in any way affect his entitlements. That company would have the tremendous benefit of the member for Stuart's experience, whereas a government board would not be able to offer him the same deal, because there would be a penalty for him. These are all the things that are exercising my mind.

Another thing is the possible inequity between those who elect to take the pension and those who elect to take the cash. For example, if an individual left here and elected under their scheme to say, 'I don't want a pension; I just want to be paid out'—that person receives a sum of money, whatever it might be, they pay their tax and walk away—that person is immune from the provisions that the honourable member is proposing. Quite frankly, I do not know how you could do otherwise than make them immune, because the back counting and everything would be very complicated, whereas the person who elects (for whatever reason) to receive a pension-type benefit is impacted by this bill.

All these sort of anomalies and areas of inconsistency in the application of the principle are troubling me a little bit, so I will be very interested to hear how the debate progresses. They are just thoughts that come to mind—

Mr Hanna interjecting:

Mr RAU: Yes. Those are just thoughts that come to my mind about—

The Hon. R.B. Such interjecting:

Mr RAU: Yes, that's right. Those are just thoughts that come to my mind about some of the practical application difficulties that might flow from this. As I have said, I will be really interested to hear what other members think of the matter.

The Hon. I.F. EVANS: Mr Speaker, I do not seek a ruling now, but on a point of order, can you bring back a ruling to clarify this matter? The bill seeks to restrict the earning capacity of a certain class of individuals. I am one of those, and I would be required to vote on this bill.

If it was the reverse and I was moving a bill that said that only certain MPs could be eligible for government boards, I think I would have to declare a pecuniary interest, because it is such a narrow class of people. This bill would probably apply to only 10 or 15 people in this house. I am seeking a ruling as to what is the capacity for those who might be directly affected by this to vote.

The SPEAKER: The member for Davenport raises a good point. The rules about conflict of interest, after a particular ruling in the Commons (I forget the Speaker's name), in practice, with regard to pecuniary interests, are so narrow as to be almost non-existent. A bill would almost have to affect a single MP only for there to be a conflict of interest.

The Hon. I.F. Evans interjecting:

The SPEAKER: Yes, indeed. So, it has always been understood that, with regard to the remuneration and benefits of members of parliament, members vote in legislation establishing those things without there being a pecuniary interest disqualifying them from voting, as we would all be disqualified and not be able to pass any such legislation. I will look further into it, but they are my initial thoughts on the matter.

Debate adjourned on motion of Mrs Geraghty.

TOURISM SA NUMBERPLATES

Mr PISONI (Unley) (11:31): I move:

That this house calls on the state government to promote the attractions of South Australia by including Tourism SA's website address on all new numberplates for South Australian registered vehicles.

I was motivated to move this motion after witnessing the effectiveness of this campaign in the United States. It is fair to say that what generally starts in that free enterprise mecca flows here to Australia at some point. If it is going to come to Australia, why should South Australia not be the first state to do it? My guess is that the first state to do this in Australia will get enormous free publicity throughout the country. Just imagine the benefits it will bring to South Australia. States like Florida, Georgia, Indiana, Maryland, Michigan, Nebraska, Pennsylvania, West Virginia and South Carolina all have numberplates that are moving billboards that promote their state and what it has to offer.

This is virtually a no-cost initiative for the state government to implement because, up until October last year, we had numberplates in South Australia that were tagged either 'The Festival State' or 'The Wine State'. If you did not have a preference, I believe that you ended up with 'The Festival State' on your numberplate. That came free, and we see many of those; it has been a great branding exercise over the years. We have had other slogans on our numberplates—'The Electronics State' and 'The Creative State'—and at one stage we were quite excited and even suggested 'Going all the Way' for our numberplates.

Mrs Geraghty: I've still got that.

Mr PISONI: The member for Torrens says that she still has that, and I am pleased to see that she does enjoy going all the way.

Members interjecting:

Mr PISONI: All the way with South Australia. From my interest as the shadow tourism spokesperson, and from talking to tourism operators, people feel that the message is not getting out there. We have this great state with great facilities and attractions, but people do not know a lot about South Australia. I put to members that all the families, the grey nomads, who tour around Australia with their southaustralia.com numberplates, would be moving billboards around the country. Whether they are stuck in traffic on the Sydney Harbor Bridge or in a caravan park in Northern Queensland, people will notice that their numberplate is from a different state, from South Australia.

However, there will be that extra package for them. There will be the information about the website, which may very well inspire them to log onto www.southaustralia.com, which happens to be the address of the South Australian Tourism Commission, where one can find information about this state. The slogan 'South Australia. A Brilliant Blend' appears on the front page. The regions are also displayed: the Adelaide Hills, Barossa Valley, Clare Valley, Eyre Peninsula, Fleurieu Peninsula, Yorke Peninsula, Riverland, Murraylands, Limestone Coast, Kangaroo Island, Flinders Ranges and the Outback. They are all there for people to click on and see what those regions have to offer.

If we compare that to what www.maryland.com has done, for example, we can see that very similar information is available on that website. I happen to know about that because I saw a car in a car park in Washington with 'www.maryland.com' on it, which inspired me to find out more about Maryland by going to that site.

That is the whole intention of this motion. If our own numberplates had this dotcom address on them it would act as an advertising billboard wherever we went. The reason why it is opportune to raise this now is that in October last year we began moving to a new numberplate system that drops the slogans altogether. Now our numberplates only say 'South Australia'. There is no advertising logo or branding on them. So, it is a perfect opportunity to put—

The Hon. R.B. Such: What about 'The Festival State'?

Mr PISONI: The member for Fisher asks me whether 'The Festival State' is still there. The answer is no. There is no slogan on the new numberplates at all. They start with the letter S, then there is a series of letters and digits and the words 'South Australia'.

I feel that this is an opportunity for South Australians to go out there and promote their state, and it would be a pity to waste that opportunity. This applies not only to South Australians who are travelling interstate in their motor vehicles but also to tourists who stay in our hotels here in the city. They come here to attend the events we hold or to visit tourist destinations that they know of. If they cross the road at Victoria Square and notice that all the numberplates have 'www.southaustralia.com' on them, when they have some free time in the evening they will think, 'I'll go and see what's on that website,' and while they are in South Australia they will be able to see those extra attractions.

We all know how easy internet access is these days. As a matter of fact, even on a mobile phone you can access the internet very easily, particularly with the phones that have the quirky keyboards that enable you to type as if it were a typewriter. That makes it very easy to do a Google search or to search a web address.

Tourists who come to Adelaide for a convention, one of the festivals or an event that we hold here, may very well wonder, 'What am I going to do on my free day?' So, they see this website on a numberplate, they go to their hotel room and look it up and discover the Barossa Valley; or it may be McLaren Vale and they want to go down and experience some of the fantastic accommodation there. They may well want to go and experience the high standard of accommodation at McLaren Vale. Without that dotcom address on our numberplates, they would be oblivious to the fact that those facilities and attractions exist in South Australia. It would be a concerted sales campaign—a little like giving people the ability to have fries with their order.

It is the upselling of South Australian tourism attractions. When you go into a fast-food outlet and ask for a burger, the first question they ask is, 'Do you want fries with that,' so it is an upsell; or you ask for a thickshake, and they ask, 'Would you like large'—an upsell. In this case, we are saying to people who are already visiting South Australia, 'Go to our website. We want to upsell to you. We have more things to offer you while you are in South Australia.'

I know that the Premier is very keen on bipartisanship, and he often mentions the word 'bipartisanship' in his speeches in the parliament and in the media—not quite as often as when he was in opposition. When he was in opposition, it was every second word, but now that he is in government, he is a little less reluctant to be bipartisan. I encourage him to pick up this idea and be the first; we know how the Premier is keen to claim to be the first—

Ms Chapman interjecting:

Mr PISONI: The Marj wasn't his idea, that was John Hill's idea—we heard that yesterday. When an announcement is made for South Australia, he always likes to use the term 'the first', or 'world first', or 'Australia first'. This is a great example of where the Premier can pick up this initiative and we can be the first in the country to have dotcom numberplates and sell our fantastic message about tourism in South Australia. I call on the government to support this motion, to show some bipartisanship, to show that it is interested in South Australia and interested in promoting tourism in this state.

We know that tourism is going through a tough time. It is a tough time for tourism operators. They are small businesses but big employers collectively. Whenever we lose 100 or 200 jobs or Mitsubishi closes, it is big news, but no-one ever hears about the 50 or 60 jobs that might be lost over, say, a two month period in a series of small businesses because it is not a sexy headline. However, I can tell members that that is the tourism industry. The tourism industry is many small businesses, each of which will employ one or two staff, for example, and when the going gets tough—that is, when the pie from which they are fighting for their fair slice shrinks—they have to make some tough decisions. For instance, when they receive their land tax bills, particularly those involved in accommodation, they have to make some tough decisions about their staff.

Why should we not use every possible option we have open to us—at no cost, mind you—to promote the industry in general and South Australia not only to people who are visiting South Australia but to other Australians through South Australians visiting the rest of Australia? I think this is an exciting idea. I do not claim it to be an original idea. I am a little like the Premier in that, if I see

an idea somewhere else, I will grab it; but, unlike the Premier, I do not call it my own idea. This is a great idea. It has been successful in the United States. As a small state in Australia which has only a small piece of the pie, I recommend that the government grabs hold of this suggestion and be the first in the country to implement the dotcom numberplates in South Australia and sell our tourism industry to the rest of the country.

The Hon. R.B. SUCH (Fisher) (11:43): I commend the member for Unley for bringing forward this motion, which I think is worth exploring. Anything we can do to promote South Australia and its tourist attractions the better off we as a state will be. I am not quite sure why the move was made to delete slogans from numberplates. Obviously some were more popular than others. Some time back, I suggested to the government that it might even allow people to have numberplates—and pay the extra, of course—to say 'South Australia: Home of the Crows' or 'Home of Port Power' and other male and female sporting teams, but nothing has come from that. Obviously, we are going for a different sort of numberplate arrangement.

Someone made reference to that famous (or infamous) slogan 'Going all the way'. I was a minister at the time and there were two ministers who strongly opposed that. I still have that numberplate, which is now probably a collector's item. I know people have moved on from cassette days, but I have the Pembroke Girls Choir singing *Going all the Way*—which is another interesting slant on it. I digress. I was going through some pens in the office the other day and I found one labelled State Bank, so that is probably a collector's item, as well. I do not think the pen works—and, obviously, the bank didn't at the time.

I return to the thrust of this issue. There is merit in the government's looking at this matter. I will take the concept further. I have suggested to the government in the past that on government stationery—there would be some envelopes on which you would not put a tourist slogan—it should print: Have you visited Yorke Peninsula recently? Have you visited Fleurieu Peninsula lately? They do it in England; I have it on envelopes from areas such as the Cotswolds. Why not use every opportunity to promote tourism in this state? It would cost two-thirds of nothing to overprint an envelope, because it is overprinted anyway to print 'SA government' or whatever. A little reminder could be put on the back of the envelope: Have you been to Port Lincoln lately? Have you been to Mount Gambier lately? Have you visited the Southern Vales? Have you been to the Barossa? Every now and again it could put a different slogan on the back of government-printed envelopes.

Another issue relating to promoting South Australia for tourism has concerned me for some time, given that I put forward the idea of having large visual photographic signs with a feature of South Australia near entrances of the state. Apart from those signs—which I think are great and which were implemented at the time Joan Hall was the minister, if I remember correctly—when one comes into South Australia by road there is nothing terribly attractive in the immediate area of entry to South Australia, other than that large visual photographic representation of a scene of some part of South Australia. If one comes through Yamba, for example, there is little or nothing in the way of information, nothing that is terribly inviting and nothing one could check out in terms of tourist information or suggestions about visiting a particular region. I think that issue needs to be addressed, as well.

The suggestion of the member for Unley is worth exploring. As he acknowledges, it is not an original idea, but marketing is critical in terms of promoting our state and its tourist opportunities. I ask the government to look at, and I support its looking at, this suggestion.

Mr VENNING (Schubert) (11:48): I support the member for Unley and commend him on his foresight in moving this motion. Admittedly, as he said, he picked up the idea when travelling. We do not talk about MPs' travel but, as we move interstate and overseas, we see things. In this instance, the member for Unley saw something, even just a numberplate, and thought, 'I will take this idea back to South Australia.'

He is right: Australia will follow. I cannot see any reason why we cannot lead the way, as we do in many other areas of Australia, or why South Australia cannot be the first. I think it is a great idea. I represent the fifth most recognisable wine destination in the world. He has given me the idea of not only putting it on my number plate but also putting it on my mail. I will print a sticker, 'Have you visited the Barossa lately?' and put it on my mail; every piece of correspondence. It is amazing when someone says, 'No, I haven't actually, and there's no reason why I can't go this weekend. Come on, dear, we're off,' and we will look after them. It is about people sitting in traffic and seeing that numberplate in front of them.

The Hon. R.B. Such interjecting:

Mr VENNING: I just heard what the member for Fisher said. What happened to 'The Festival State'? I had 'The Wine State' on my numberplate—always the wine state—but we ought to move on and keep changing it. At the moment, to have nothing, I think, is a huge waste, a total waste. I do not know why we have only a blank space; it is not a very good look. As the member for Unley very capably said, these numberplates will become mobile billboards and move around not only within our state but also interstate. Of course, the big thing is that there is no cost to the state government and probably minimal cost to the licence plate holder. I think we could convince or con the printers of the plates to do it at no charge because it is all about promoting our state.

We do have great destinations; we know that. Many are not widely known and this is a great opportunity for them to do this. People today, as the member for Unley said, are very mobile. Particularly as we are an ageing population we are looking to move, to travel, to look around and to have a change of lifestyle when we retire. We therefore have a touring population. The grey nomads have been mentioned. When people come to our state and hire a car, bingo, it is on the hire car; they have got it straightaway. There it is—if it is a South Australian car, that is.

The Barossa is always looking for new ways to put our premier tourist region before the population at large. I think that my electorate, and particularly the Barossa Wine and Tourism Association, would pick this up with two hands and say, 'Hooray, someone has got an idea; why didn't we do it before?' We see so many things and we think, 'Well, why wasn't this done before?' It is so basic, simple, cheap and, obviously, a good idea. I do not know why we did not do this. I think that a numberplate with a 'www.satourism' or 'southaustraliantourism' or just 'southaustralia.com'—

Mr Pisoni: It would be 'southaustralia.com'.

Mr VENNING: Just 'southaustralia.com'. It is something that can be remembered. You do not have to write it down. When you get back to your motel room at night you can just punch it in and, boom, there it all is. It is all there for you to look at. It is a good idea and it is low cost. It is not a good message to have an empty space there. I think that '.com' numberplates is a good idea. When I first heard it I thought, 'Yeah.' I smiled and I thought of the previous member for Unley who came up with some ideas like this. It must be something to do with the suburb.

It is a good idea and I am happy to support that. I commend the member for Unley for bringing it before the house and urge the house to support this. I cannot understand why the government would not just say, 'Yes, we agree' and go for it. I cannot see how you can amend it, because I think it is just a good idea. Accept what it is and let us get on with it.

Mr PEDERICK (Hammond) (11:52): I also support this motion by the member for Unley. I think it is an excellent motion. It makes me wonder why, as of late last year, we do not have any slogans on our numberplates. We do have a great state and we should be doing everything we can to promote it. Obviously, when he was overseas, the eagle eye of the member for Unley noticed the Maryland-plated vehicles and this style of advertising where people can link straight into the website. In this day and age, some of us over 35 struggle with the internet at times and getting used to things such as YouTube and Facebook, which are fast becoming the mediums of communication this century, and I am sure they will be run over by something else in the very near future.

Obviously, it is the only way to go in terms of promoting this state. We can look at the diversity in this state from the Far North, the Far West and the Upper North, through to the Flinders Ranges and down through the Mid North and the wine-growing region of Clare. You then come down through the Barossa Valley, obviously through Adelaide and down to the McLaren Vale area, and I do note some excellent accommodation in the McLaren Vale area which I think should be absolutely promoted. It has not been promoted well by some, but it should be noted that some excellent opportunities exist down there and that some excellent people work in the industry down there. A friend of mine, Chester Osborn, at his d'Arenberg winery does a fantastic job promoting wine from that area.

When you look at tourism through the Mid and Upper North you get to the River Murray and, for a lot of reasons—including, obviously, lack of water—there is a perception that nothing is happening on the Murray in a tourism sense. Nothing could be further from the truth. There is a lot of drama with people unable to access water and a massive problem with low allocations and that sort of thing—a lot of stress up and down the river—but there is still the opportunity to hire houseboats. Where you can find a boat ramp to put in your boat, there is still plenty of opportunity for skiing and other activities on the river. It is certainly having its problems, and slumping and that sort of thing is occurring, but people are managing to get by.

I note that in a lot of senses tourism has suffered an unfair hit with all the negative publicity about conditions up and down the full length of the river. But it is interesting, as you come down the river and look about, especially when you get to the bottom end—and Meningie and places such as Goolwa and Milang have copped their share of negative publicity—that it is opening up a new environment for visitors to see. I was talking to a friend from Meningie only the other day and he said that people are driving out on the exposed lake bed of Lake Albert and looking at the new environment and seeing what is happening out there. There is still a massive number of people stopping on Highway 1 to see what is happening and looking at different things along the length of the Coorong. Even though these areas are suffering, and suffering big time, people are still going there.

I am well aware that a lot of boats have left the Goolwa area, but a lot of people are still going there to look at the beautiful town and the area—on Hindmarsh Island and, also, around at Clayton and Milang. All these areas have suffered because of some low inflows, but it is very interesting what you see. As I mentioned previously, you see a changing environment, especially at Milang. I think I have noted it in this place before. You go there now and you see the natural self-regeneration of plant life on the lake bed that has been exposed in the last 18 months. I have heard it has to be mown to ensure kids can play there without a snake issue.

We need to promote tourism throughout the state, including up and down the river. Then we go further down to the Upper and Lower South-East. Some would say that the Lower South-East is the place of milk and honey in these times. It has always been a relatively wet place and is certainly wetter than where my property is in the Upper South-East. They are blessed with groundwater they can access not only for irrigation but also for stock and domestic needs—as is the Mallee in my own electorate of Hammond.

We should be promoting the www.tourism.sa site on our numberplates and the beauty of our national parks—even parks such as Ngarkat. It is fantastic to get out in the natural bush. We used to get out all the time with a group on the October long weekend and have a great camping experience. I remember a very interesting trip I had with my then fairly heavily pregnant wife. From Tintinara, we came in the back way to the Lameroo end of the national park in an old three-speed Land Cruiser, and I do not think she will forget the trip, either. I said to my friends at the other end, 'If we do not make it we have plenty of food on board. I can be three days out here if I need to.'

Ms Chapman: Was she thrilled with that?

Mr PEDERICK: Yes, I will not go into the detail of the story.

Mr O'Brien: And she married you!

Mr PEDERICK: She was already married. She was heavily pregnant. I must clarify that for the chamber. I believe she was pregnant with my first son, Mack. Getting back to that, it was interesting that, when I was talking to my wife about getting married, I made it perfectly clear what I did out there in the bush and that sort of thing, but she was still keen. So that was a good thing.

Members interjecting:

Mr PEDERICK: Be that as it may, I will get back to tourism. I could not put her off marrying me, put it that way.

Members interjecting:

Mr PEDERICK: I meant in light of my career as a farmer and that sort of thing. She came from a staunch ALP-voting family but I have managed to mend her ways. I am digressing and I apologise for that.

Mr Griffiths: Turned her from the dark side!

Mr PEDERICK: Yes, as the member for Goyder said, 'Turned her from the dark side.' I have lost my train of thought after all that.

An honourable member interjecting:

Mr PEDERICK: Tourism, yes. We have done the Ngarkat thing. We do want to promote all of our tourism icons in this state including something like natural bushland. Yes; they do suffer fires in Ngarkat and I think we need better management in parks like that, and in Messent down in the South-East, as well. South Australia has such great diversity, whether it is in wetter climates, drier climates or just the sheer beauty of the Flinders Ranges. A lot of these things are close to home—

wherever you live. I commend the member for Unley for this motion, which I think should be supported in a bipartisan way to benefit South Australia as a state.

Mr GRIFFITHS (Goyder) (12:03): It is also my pleasure to support this motion, and I commend the member for Unley for bringing it forward. The honourable member is a very observant man; there is no doubt about that. When he talks to people and when he drives around he is constantly reviewing things and trying to identify opportunities for the state. This one, while relatively simple, is a very positive step forward.

Representing, as I do, an area which has over half a million tourist visitors per year, I recognise, as much as anyone in this chamber, the need to promote tourism at every possible opportunity. Tourism needs an enormous investment from private individuals to develop facilities that can house and capture people and get them to take money out of their pockets to enjoy themselves. Displaying the website for Tourism SA on numberplates—given that there are hundreds of thousands of vehicles being driven around South Australia (although I understand that it will impact only on future registrations, and that vehicle numbers may change)—is a small step forward that will make an enormous difference.

Tourism is suffering as much as any industry. People are choosing now to reduce their discretionary spend, and that is a human nature aspect which I acknowledge. While we want to encourage that spending to occur, it is important that we make people aware of what opportunities there are. Nearly every home has access to the internet these days, many people possess laptops, and many are constantly reviewing what they can do via mobile phones. With internet availability you never know when a chance is going to come up for someone to see that little website address and to think, 'Yes, I will have a look at that and I will look to see where I might spend the next couple of days' break that I might have.' That is all it takes.

If we could just get people out there for a few more days than they might otherwise spend, travelling to an area that they have either been to before or not yet experienced, and give them the chance to experience what South Australia has to offer, is a good step forward. There is no doubt that tourism drives the economy of the state in many ways. My own area has half a million visitors spending 1.7 million nights and it is identified as one of the lowest spend areas when it comes to tourism in this state. However, people enjoy it because it is an easy drive to Yorke Peninsula across the Adelaide Plains. There is a vast array of opportunities for them to be accommodated, be it in caravan parks, hotels or in shacks that are available for rent.

Some people have made very good businesses by coordinating the availability of holiday shacks in beachfront areas. I know one business operator who has people working for her and who has 200 homes under her management. The member for Unley has identified an opportunity to adopt a practice similar to one previously used, which for some reason has now dropped off, and has decided to pursue it. I think that any support the chamber, in a bipartisan way, can give to improving tourism opportunities in South Australia is important. I hope that all members rise as one to support this motion.

Debate adjourned on motion of Ms Breuer.

STATE PLEBISCITE

The Hon. R.B. SUCH (Fisher) (12:05): I move:

That this house calls on the state government to facilitate, via the State Electoral Commission, a plebiscite at the next state election so that voters can indicate their views on a range of social and economic issues.

I raised this matter back in 2006. I am a great believer in allowing people to have their say. Some may argue that people can have their say at election time; while that is true I think it is important in a democracy to consult the people as frequently as possible—otherwise it is not really a genuine democracy. Four-yearly elections are an indication of what people think in general terms, but I believe it would be useful, at the time of the next election and for little cost, to ask the community for its views on a range of issues.

It is important to distinguish between a referendum and a plebiscite. A referendum is a binding process that usually relates to things such as changing the constitution. I am not advocating a referendum; I am talking about a plebiscite. Some people call them advisory referenda and some refer to them as indicative referenda, but I think the term 'plebiscite' is more appropriate.

There is a history of these in Australia, although not on as wide a scale as I believe there should be. Back during World War I the community was asked, via plebiscite (they called it an 'advisory referendum'), for its views on military service, and people indicated that they did not support conscription. That was a fairly lively issue at the time, and one way of resolving it was to ask the community what its members thought. At various times both Western Australia and Queensland have asked their people about issues such as daylight saving; other states have also asked their communities what they think about a range of issues.

What issues could be asked? I guess there is no set limit, other than practicality. People could be asked for their views on reform measures relating to the Legislative Council. I am not certain what the government will do, whether or not it will put up a referendum to abolish the upper house (I suspect it will not, because I do not think that would succeed); however, the government could ask the public about what should be the role of the Legislative Council. I am not opposed to asking questions relating to the House of Assembly either, or to other areas or levels of government, such as local government.

As part of this procedure members of the public could be asked whether they support four-year terms for the upper house, and/or whether they support the upper house being able to delay but not block measures. That sort of thing could be part of it. The community could also be asked their priorities in terms of funding for health, education and social issues, and I will mention a couple. You could ask people about voluntary euthanasia or same-sex relationships, although I think that debate has probably moved on now. We were talking this morning about tattooing and body piercing; that is probably now basically resolved.

You could ask people about other controversial issues like abortion and the changes that could be made to the law and whether people want change at all. You could ask about prostitution reform. It does not have to be about moral issues; it can be a range of other issues as well. I think you have an opportunity, through the election at that time, to raise a lot of these important questions.

I do not think it would get confused with the general issue of which party or individual you are voting for, because I think the public is smart enough to realise that they are indicating a preference for certain issues as distinct from voting for a political party. Obviously, that would be abundantly clear by the format that you would use and the presentation of the material.

With modern computer technology, it is quite easy to tabulate the views. I am not suggesting that we allow people to put detailed comments, as that would be a huge task to analyse, but it is very easy to scan an indication of people's views using a five-point Likert scale or something similar.

In fact, I have just sent a questionnaire to the 13,000 households in my electorate. I have received nearly 400 replies in a short period of time. I used a five-point Likert scale—strongly disagree, disagree, neither disagree or agree, agree, strongly agree—then I have allowed people to write comments on each topic and then, at the end, to make detailed comments on any other issue they wish to raise.

I have relayed these results to the relevant ministers, but it is not confidential, and anyone who wants to see the results or the survey format is most welcome to do so. In the kind of plebiscite I am talking about, you would not word the questions the way I have in the questionnaire to my electorate, because I have been focusing on the performance of the state government. You would not be asking that sort of question in a plebiscite at the time of an election, because it would be quite inappropriate.

I asked people a range of questions on whether enough was being done in regard to water supplies (retention and re-use); policies relating to what we call euphemistically law and order (crime, punishment and those sorts of things); the adequacy of health services in South Australia, because that is a very important issue; the adequacy of educational services, including universities, schools, TAFE and so on; whether the road network is adequate; whether public transport is adequate; and whether the Royal Adelaide Hospital should be replaced by the Marjorie Jackson-Nelson Hospital. We know from yesterday that that name change has occurred, but the issue was not simply about the name: it was about whether the current hospital should be replaced by a new hospital.

I also asked the constituents whether they supported a bill of rights. That is going to be a very contentious issue. I do not know whether members have started to look at that in detail but, no doubt, that will be on the agenda in the very near future. It will cover things like freedom of religion

and freedom of movement, and virtually everyone says they are in favour of it until you say what it might include. If you look at the United States, part of their constitution, as we know, allows people to carry arms, which I hope we never have here as a constitutional or bill of rights provision.

This will be a very vigorous debate, because there will be people who will talk about 'freedom of' and 'freedom from': freedom of speech, freedom of movement, freedom to join a union or business group and so on. This could be one of the important issues to ask people, and it needs, obviously, to be expressed in an objective way. That can be done by professionals so that you are not going to get a loaded answer. I also asked them about voluntary euthanasia.

In my own local electorate, I have found that very useful in terms of finding out what people really think. If members think about it, the avenues open to people at the moment to express a view tend to be somewhat limited. Some people use talkback—and it is questionable how representative that is—letters to the editor or talking to their local MP and so on, but those avenues do not, in any way that is even remotely scientific, provide an accurate view of what the community really thinks.

This is not meant to be a government-only thing, obviously—that would be quite inappropriate—but I suggest to the government that it should involve various interested parties. If you want to have some fairness, you would go, as I suggest, through the electoral commission. You could have a group of independent experts, including a judge or others, to help formulate or determine what sort of questions might be asked.

It is not an original concept, given that we have had them in Australia off and on over many years but, if we want to take democracy to another level, why not do something radical? Why not ask the people what they really think about issues? I would question why anyone would not want to know what the community thinks about an issue.

As I say, it could encompass social and moral issues but also things like provision of health services and educational services. I will not go into the other area of the consequences of Australia becoming a republic because that will be canvassed in a future motion, but all those sorts of things can be put to the people and we can let them have a say. The more people have a say in a democracy, and the more they are listened to, the more likely it is that you will have a genuine democracy. I commend the motion to the house.

Debate adjourned on motion of Mrs Geraghty.

FOREIGN AID

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (12:18): I move:

That this house calls on Australia's Minister for Foreign Affairs to lift the ban on Australian foreign aid being spent on abortion services and counselling, following the lifting of the 'Global Gag' by the new President of the United States of America on 23 January 2009.

In speaking to this motion, I want to briefly identify what the AusAID guidelines are, why there is a ban on them, why there should not be, who is responsible for them and who has the capacity to get rid of them.

The AusAID guidelines, which set out the rules for the funding and provision of Australian foreign aid, provide that no information about safe abortion can be given and no service provided, even in countries where abortion is legal. I say—and I hope members agree—that these guidelines act as a demonstrable disincentive for Australian aid providers to identify, plan and deliver sexual and reproductive health programs in countries around the world that receive our aid.

The guidelines were developed in 1996. It is acknowledged that the then federal Liberal government needed the support of Independent senator Brian Harradine to achieve the partial privatisation of the national telecommunications network (Telstra). Senator Brian Harradine had his price, and he clearly negotiated and demanded that this ban be imposed. It is important to note that, since this ban was introduced in 1996, funding for family planning reduced from $6.8 million in the 1995-96 budget, to $2.28 million in the 2006-07 budget. The reduction in family planning funding within the Australian aid budget decreased by 85 per cent in that period.

The federal Minister for Foreign Affairs has the power to strike out the family planning guidelines, which are now embedded in the AusAID policy, as I have indicated. It does not require any legislation, and it does not require any introduction of a regulation. He alone has that power.

The achievement of the millennium development goals, especially goal 5 (improve maternal health), goal 3 (gender), goal 4 (reduce child mortality), and goal 6 (combat HIV, malaria,

and other diseases), require a comprehensive approach to the provision of sexual and reproductive health services.

Across the world, a woman dies every minute in childbirth or from pregnancy-related complications; 99 per cent of maternal deaths occur in the developing world. Unsafe abortions account for 13 per cent of those maternal deaths globally, and children who lose a parent are three to 10 times more likely to die within two years than those with both parents.

Australia should not deny the rights we have to women in the developing world where those rights are within the law. In Papua New Guinea alone maternal death rates have increased by more than 56 per cent over the last few years, according to United Nations statistics. As a signatory to the 1994 International Conference on Population and Development and the Convention on the Elimination of Discrimination Against Women in 1979, Australia is contravening its international commitments. The ICPD states that, in circumstances where abortion is not against the law, 'health systems should train and equip health-service providers and should take other measures to ensure that such an abortion is safe and accessible'. The 15th anniversary of the ICPD is in 2009.

As one of his first acts after becoming the new United States President, Mr Barack Obama removed the contentious Mexico City policy—this global gag—which prevented non-government organisations from using United States dollars to educate about unsafe abortions and to provide safe abortions overseas. He is new in the job, and he has a hell of a challenge in front of him, and there is no doubt about that given the current financial circumstances. However, he recognised the importance of this, and now Australia is the only country in the world to limit overseas aid funds in this way.

I ask the house to support this motion to urge the federal minister (the Hon. Stephen Smith MP) to take up this issue and to understand how important it is. We celebrate International Women's Day on 8 March, and that is only a few weeks away. It is a day to celebrate the achievements of women, and I think it is an important day on which to urge the federal minister to act on this and to celebrate the opportunity for other women around the world to do so.

I particularly call upon members of the Parliamentary Group on Population and Development, which is a bipartisan group with representatives in this parliament and in other parliaments, both state and federal, around the country. I would like to think that we will support this and that we ensure that South Australia will lead with this resolution and, hopefully, give sufficient support to the new foreign minister to act on this matter promptly.

Mr PISONI (Unley) (12:24): I support the move by the Deputy Leader of the Opposition. I think the situation is as it was at the time of the Howard government's plans to privatise Telstra, to de-nationalise the asset of Telstra. It was an election commitment, and they won that election. The Labor Party, which, ironically, claimed to be economic conservatives in the lead-up to the last election, chose to vote against that policy, forcing the Liberal Party to secure the support of former senator Brian Harradine. He was a very conservative—

Mrs GERAGHTY: I rise on a point of order. I am confused about which motion the member is speaking on. We are talking about Ms Chapman's motion—

The SPEAKER: Notice of motion No. 3.

Mrs GERAGHTY: Yes.

The SPEAKER: The member is in order.

Mrs GERAGHTY: He is making a political speech on something that is very important.

The SPEAKER: Order! The member for Torrens will take her seat. The member for Unley.

Mr PISONI: The member for Torrens might find this distasteful because I am pointing out the embarrassing position of the federal Labor opposition at the time, suggesting that it should share equal responsibility for the fact that this became the policy of an Australian government. The member is embarrassed that her party played a part in this, and I am embarrassed with her. It is no wonder—

Mrs Geraghty interjecting:

Mr PISONI: She wants to interject and silence me when I am giving a history lesson about how this happened. I can understand why—

Mrs Geraghty interjecting:

The SPEAKER: Order, the member for Torrens!

Mr PISONI: —she wants to intervene and play politics on this very important issue. The fact is that every economic reform which was put through the Senate when the Liberal Party was in office, and which put us in the strong position that we are in now to deal with this world financial crisis, was opposed by the Labor Party. Let us not forget that.

Unfortunately, we saw this ugly US style of politics having to be played in our own Australian parliament where a deal had to be done with a very conservative Independent, who had the balance of power, in order for the government to be able to deliver its agenda. That is why we had this deal done at the time.

I support the member for Bragg, and I hope that many other members of parliament will support this motion, which calls upon Australia's foreign minister to lift the ban on Australian foreign aid being spent on abortion services and counselling. It is an embarrassing clause that we have with regard to our foreign aid inasmuch as we are the only country in the world to have this.

I think that as true libertarians—and I have very progressive views on social issues—we should point out to our federal parliament, regardless of our political persuasions, that it should be concerned that we are still continuing with this practice when there is an ability to change it.

I call upon this parliament to express its concern and to let that concern be known to the foreign minister that we are not in the business of making moral judgments on others or of interfering in the individual lives of others overseas. We do not have the courage to intervene in people's individual lives in Australia, yet for some reason it is okay to do it in other countries. I support the motion.

Debate adjourned on motion of Mrs Geraghty.

HYDE, CONSTABLE W.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (12:29): I move:

That this house congratulates the South Australian Police Association on the re-dedication of the grave of Constable William Hyde on the centenary of his murder while in the execution of his duty.

In speaking to this motion, I recall an occasion several years ago when I visited the headquarters of the Federal Bureau of Investigation (FBI) in Washington, United States, and, waiting to be briefed on identity theft and fraud, I observed a whole wall featuring commemoration and recognising members of the FBI who had died in the course of undertaking their duties. Quite often, they had been shot in the course of their services and had died usually in very traumatic circumstances. The FBI took significant and, I think, appropriate and respectful measures to ensure that those who had given their life—the ultimate sacrifice in the course of their duty—were commemorated with a suitable photograph and particulars of dedication to service. So, it is in that spirit that I congratulate the South Australian Police Association and call upon the house to support the motion.

Constable William Hyde had been a member of the police force who was murdered in circumstances on which I will elaborate shortly. He is buried at the West Terrace Cemetery. On 4 January this year, I attended a memorial service marking the centenary of Constable Hyde's death with members of his family, including Ms Annie Sharrock (his niece), Mrs Maureen Pengilly (who, in fact, is the mother of the member for Finniss in this chamber), a number of other family members, representatives of the police force and members of the public. The Police Association went to considerable effort to restore the graveside of Constable Hyde and re-dedicate the grave to his service and sacrifice.

Constable Hyde died in the Royal Adelaide Hospital on 4 January 1909 (100 years ago), after one of three suspects he chased on foot in Kensington two days earlier shot him three times. Possibly the reason I received an invitation (which I was honoured to receive) to attend this occasion is that this incident had occurred in my electorate, near the Marryatville Hotel. I understand that it was opposite what used to be a tram depot which, of course, as one would expect these days, has become a shopping centre.

In any event, the story continues. The gunman and his accomplices were reportedly loitering around the Marryatville Hotel and were thought to be about to rob the offices of the Municipal Tramways Trust on Shipsters Road. Constable Hyde, who responded at about 9:30pm on 2 January, chased the suspects into Eastry Street (now Tusmore Avenue) where he caught and

grappled with one of them. But another fired three shots, one of which struck the lone young policeman in the head. The three offenders then fled south across the park and passed by Coopers Brewery before entering a private property, where one fired a shot at a resident who tried to stop the trio.

Meanwhile, Constable Hyde was taken by horse-drawn ambulance to the Royal Adelaide Hospital (then the Adelaide Hospital), where he died of his injuries two days later. He was 36 years of age. A £250 reward was posted for information leading to the arrest and conviction of the killers, but none was ever caught. Constable Hyde was interred at the West Terrace Cemetery following his funeral, which 15,000 Adelaide citizens and officials attended.

I wish to particularly acknowledge Mr Mark Carroll, the current President of the South Australian Police Association, and Mr Peter Alexander, the former president, both of whom attended the service. Mr Carroll spoke of the dangers faced by police officers on a daily basis and said that they are to expect the unexpected and that the police oath of office is unique, in that it requires those who take it to put themselves in harm's way to protect the community.

I think that it was a celebration which should be acknowledged and respected, and that is why I bring this recognition to the parliament today. I thank the Police Association for doing that. It is an important reminder of the necessity to recognise the sacrifices made by members of the police force. It is also a timely reminder that we need to acknowledge those serving police officers who have sacrificed their life in the course of their duties.

I acknowledge those who have given up their life in the course of their duties since Constable Hyde and the families that have suffered, often without the resolution of someone being found responsible for the crime. Whether they are a victim of gunshot wound, bombing, car hijacking or stabbing during the course of arrest, sadly, in a number of incidences serving police officers have lost their life or were severely injured and became unfit to continue their duties. I acknowledge them by moving this motion.

I am sorry for Constable William Hyde's family that no-one was ever brought to justice for this crime, but there is now a continuing memorial at the West Terrace Cemetery to the sacrifices made by our serving police officers.

Mr GRIFFITHS (Goyder) (12:36): I also want to make a brief contribution to this motion and recognise the efforts of the member for Bragg to ensure that the sacrifices that are made by all those who serve the interests of our state are recognised. On this occasion, I particularly want to congratulate the South Australian Police Association on its efforts to ensure that the gravesite where the earthly remains of Constable William Hyde now rest has been rededicated on the centenary of his murder.

As is no doubt the case for all members in this house, I receive a copy of the Police Association's magazine. I try to make sure that I find the time to read it, because it contains a wealth of historical knowledge, such as the ongoing series of interviews with older officers. I found one interview with one particular officer who had worked in regional South Australia interesting to read—

Mrs Geraghty interjecting:

Mr GRIFFITHS: Yes? The member for Torrens reflects upon that also—because it makes us understand that the challenges facing officers in those times must have been immense. There was no instant communication; these people responded on horseback most of the time. It is hard for the current generation to reflect on what their way of life must have been. True, there was more of a sense of a recognition of the important role that police played in their community and respect for the role that they undertook than exists now.

There is no doubt that there has always been an element in our society that has chosen to flout or break the laws, and it was therefore often the sole responsibility of a single officer in very remote stations (also in metropolitan areas, because the make-up of the city was very different from today) to respond and protect law and order for the good constituents and the people who lived within our great state.

The Police Association's recognition of the important role that Constable William Hyde played in the protection of law and order in this state and its putting in the effort to ensure that his gravesite was rededicated is a great step forward, and it is an indication by the Police Association that it truly respects not only those serving officers who form part of its membership but also the

sacrifices made by the previous generations of officers who have served this state since our state was first settled.

I think the motion moved by the member for Bragg is a good one. It is an opportunity for us in one small way as a chamber to pay tribute to the sacrifices made by police officers in the past, and it is important that we do that. It is important that we understand the history of our state to be able to make decisions for the future. This is an example of a sacrifice, certainly not made willingly but made in the course of a police officer's duties, that we should all be proud of.

Debate adjourned on motion of Mrs Geraghty.

VOLUNTEERS

Ms THOMPSON (Reynell) (12:39): I move:

That this house thanks the many volunteers and community organisations that provided care to elderly and vulnerable people during the heatwave.

When I gave notice of this motion, we were experiencing a very long and very hot heatwave. We were experiencing temperatures we had not experienced during the day since 1939 (so, I did not make it) or ever before in terms of night time temperatures. We were all in a state of shock. The forecast as I recalled it at the weekend was that it was going to be very hot on Tuesday and that on Wednesday it would start cooling down. I was thinking that Wednesday was my watering day and that I would be able to fix up the pot plants with the hose, that is all right, but it did not stop. It kept on getting hotter and hotter and, as there was no cooling down overnight, our infrastructure collapsed, the trams got too hot, as did the transformers, and we were really wondering what was going on and whether we were prepared for it.

We were so focused on ourselves that we overlooked the fact that in the UK trains and aircraft were stopped because of the extreme cold and also because the infrastructure was not able to cope. That horrible experience that we had now fades almost into insignificance when we look at what happened in Victoria as a consequence of that dreadful heatwave. However, at the time we were shocked and started to worry about the vulnerable people in the community and we were aware that older people in particular had experienced an increased rate of death.

It is important to put on record the response of some of our community organisations that swung into action immediately to look after the vulnerable and older people for whom they care on a daily basis. Tuesday was the day that it was expected to be hot, Wednesday it continued to get hot, and that day many community organisations using paid staff and volunteers were out there caring for our most vulnerable.

For instance, the Street to Home Service advised that it was carrying extra water. St Vincent de Paul accommodated extra residents and opened its doors during the day. Many of the city day centres were offering bottled water and increased home visits to clients. Where there were organised recreation activities, they focused on cool activities, such as taking clients swimming or to places where it was cool. The Hutt Street day centre and Westcare offered additional food so that a meal was available in the heat of the day. The Hutt Street day centre requested that the Royal District Nursing Service assist staff in monitoring the well-being of clients visiting the centre.

The Street to Home Service provided additional visits to clients as well as providing water for rough sleepers they located, and all agencies identified a commitment to maintaining their extended services for an ongoing period when extreme heat conditions were present. The Adelaide City Council, as I think we all know, opened the city bus concourse 24 hours a day to provide a place of refuge. Government agencies were asked to make their air-conditioned lobbies available to people looking for some shelter and refuge, and people were also asked to provide water to people coming to the house.

Where agencies knew that their clients had no airconditioning, they provided even further visits to see how those clients were coping. They took fans to people, until they could no longer buy fans in the shops. Agencies then started to suggest after a few days other ways that the government might be able to help further, and they asked for bus tickets and taxi vouchers to enable some of their clients to attend medical appointments—and this was done. The mobile assistance patrol in the city focused on the inner city to reduce the waiting time for attention to day-time drinkers, and that was done also, recognising that people having difficulty with alcohol are again particularly vulnerable.

Then there were all the phone calls. Staff in the Office for the Ageing contacted all Home and Community Care agencies to make sure that they were enacting their extreme heat policies. All the agencies had extreme heat policies which, from the information to hand, they had overwhelmingly put into action on the Wednesday. So, they were looking after their clients. Additional services were provided to culturally and linguistically diverse groups that needed information translated about how to care for vulnerable people—and all people—during times of extreme heat.

In the disability area, about 13,000 clients with a disability were monitored by phone and extra visits. They also have a very comprehensive climatic heat stress policy. All agencies that provide funding or act under the auspices of the Disability Services Provider Panel are required to have climatic heat stress policies.

Other agencies referred people to the Red Cross contact service, which has for many years provided telephone calls to people, often on a daily basis, to see that they are okay. Those phone calls were increased, and visits followed where a need was identified. Supported residential facilities were checked. All but one have air conditioning in communal areas, so residents were allowed to sleep in those areas during the heatwave. All facilities were providing additional water, cordial and iceblocks for hydration.

All the agencies have been asked to again review their business continuity plans to ensure that, in the light of the extreme conditions we experienced, they are able in the future to provide for the needs of their clients just as rapidly as they did this time and to see what other services they might need to provide.

Some of the issues that were identified in phone calls included clients with faulty air conditioners, and servicing was organised for those wherever a service person could be found. In vulnerable cases, again, there were extra phone calls and visits. Routine visits included a heat health check on clients, particularly in the disability area.

It was also identified that in some circumstances we can do better with our databases, and what is now being looked at is the ability to identify people on a geographic basis so that, when there is an awareness of an extended blackout, services can be moved to that area, people visited and phone calls made to ensure that those who are experiencing even more extreme conditions are cared for.

Much of this extra work was done by volunteers, many of whom are themselves elderly. However, they came out and did what they could, without putting themselves at risk, to ensure the safety of other people in our community. And isn't that just what Australia is about!

On a very local level, I know that a number of MPs called their older constituents to see that they were okay. I do not know the stories about volunteers in other offices, but in my own office two people who had always worked in manufacturing areas and had never rung people on a cold-calling basis sat there and used an office phone. They said, 'No; the air conditioning in the office is working pretty well.' They were very happy to come in and undertake that service.

The people making the phone calls, especially the young trainee who also volunteered to make some, were very surprised by the resilience of our older community. They received many statements including, 'Oh, I've been there before, dear,' or 'I lived for ages without air conditioning, I've got the wet flannel on my neck.' We made about 1,000 calls and only one person did not appreciate the call. Indeed, one of the volunteers who had been brave enough to make calls received a box of chocolates the next week. It was a lovely experience all round.

Just as is happening with the bushfires, Australians do respond. An important thing to recognise in this case is that the organisations that care for some of our most vulnerable people were better prepared than we realised. Perhaps they were better prepared than the trams, but I do not want to make any comment on the engineering issues involved with the trams. We all know that complicated electrical equipment has to cool down overnight. If it is used for too long, things go wrong. So, of course, there were problems and we did not like it, but in comparison with what has happened in so many other places in the world experiencing extreme climate change, we did okay.

It is very reassuring that our agencies were so well prepared; that they were ready; that they were able to get extra volunteer help, as well as extra staff help; and that they were then able to go to the government agencies looking for more backup where it was required and got it. Everyone is comprehensively reviewing what needs to happen in these situations in the future. We hope they will not be more frequent, but last year we had an extreme heatwave in March. We do

not know what we are facing. The message is: keep on doing what we have always done well. Get in there and do something, instead of expecting that everyone should have done something else. We can do it. We can survive as a community, and we will. Thank you again to all those volunteers.

Mr PISONI (Unley) (12:52): I support the motion. One of the things you realise when you become active in your community—whether that be through your business, being a member of parliament, a local councillor, a volunteer, or in whatever manner—is the value volunteers bring to your community and their importance. It is doubly important to remember to thank the volunteers for the work they did during the heatwave, because if we relied on the government, it would have been an absolute disaster. I think that, on the first day of heatwave, the government issued a press release—and we had a big media release—about the fact that people should not use their air conditioners and do other things to keep cool. Very bad advice, I would suggest, for the lead-in to what was the longest heatwave in our history, even bigger than the heatwave of 1939. Then we had the text messages sent late at night giving people a phone number to ring which did not work.

I am pleased that we are recognising the work of volunteers. I would like to extend the recognition of the work of volunteers not just for the work that was done to provide care for the elderly and vulnerable during the recent heatwave but to what happens every day of the year. I am fortunate that, several times a year, I participate in a Meals on Wheels run in my electorate of Unley. What stands out when I visit Meals on Wheels, or when I am sitting in the passenger seat while one of the volunteers is driving and I jump out and open the boot and grab the hot meal, the soup and the dessert, is how meticulous they are in ensuring that dietary requirements are met. You will see the meal for the diabetic. You will see the meal for the person who does not eat dairy or who does not eat pork, or whatever. A lot of care and consideration is given to preparing meals for those special requirements.

The volunteers get to know their clients, and the personalities and routines of the people who are receiving the Meals on Wheels service. Of course, they are the first people who know if something is not quite right; for example, if the garden looks different from the last time they visited or if there is a crack in the window or the screen looks like it has been tampered with or the door is open. They are usually the first to alert authorities if something is not right or to give aid or assistance or to make inquiries as to the wellbeing of the person they would otherwise visit with a meal.

You meet amazing different personalities. I have met a number of people when I have stopped for a quick conversation—because, of course, we have a tight schedule to meet for these deliveries. It is amazing to hear the history of some senior people in the community and how they themselves have given to the community in their younger years.

The thing I like about living in Unley is that it has a great volunteer culture, which is recognised by both the City of Burnside and the City of Unley with awards for volunteers. I have attended a number of volunteer awards ceremonies in the City of Unley, where volunteers are recognised for five, 10, 15 and even 25 years' service. The community bus is an asset which is used enormously to help some of our older citizens to move around the city, whether it is to go to the senior citizens centre for lunch or the Unley Shopping Centre for their weekly shop.

It is amazing to hear about the range of people who offer to drive that bus, their backgrounds and their history; everyone from retired business people to retired tradesmen and everyone in between. They all have one thing in common: they are in a position and willing to give something back to the community. They enjoy doing it because it is a very satisfying position.

I also make special mention of the work that the Salvation Army in Unley does. It is a tremendous organisation, under the leadership of Rino and Ros Elms. They are about my age but they look a lot younger than me. Since they have come into the district, the amount of work they have done in the community has been extraordinary in helping and assisting families who are struggling. Despite the perception of Unley, we have a significant number of Housing Trust tenants and public housing in the electorate.

Many of those people placed in public housing do not necessarily have the support they need to live independent lives, although they are given that responsibility. Rino and Ros Elms have been fantastic in giving those people a sense of purpose and helping them aspire to greater things in life. It is extraordinary, really, when an aspiration or aim for someone is to be able to prepare their own meal. It is great that organisations, such as the Salvation Army, are helping people—who have had difficulties being in control of their life—to grab control of their life and have some independence.

I cannot finish without mentioning the great work they did on Christmas Day. I was talking to one of the helpers at the Christmas Day lunch that the Salvation Army prepared. Mr Ian Pearson was there, and he said it was a great day and about 80 meals were served. It was a very special day for those people. It was the first time for a long time that they had a full three-course meal. I understand that it was delicious and very much enjoyed by not only those who received the meal but also those who served it.

I commend and endorse this motion. I value the contribution that volunteers make not only in my electorate of Unley but also throughout the state of South Australia.

Ms THOMPSON (Reynell) (13:00): The motion did focus on the extraordinary dedication of agencies and volunteers during the heatwave. I want to stress that they were operating under very difficult circumstances. We recognise the contribution of volunteers throughout the year, but, in particular, we recognise what happened during the heatwave and the way in which they responded to a local emergency.

Motion carried.

[Sitting suspended from 13:01 to 14:00]

ANSWERS TO QUESTIONS

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

SKILLED MIGRANTS

79 Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (30 September 2008). What action is the government taking to ensure that skilled migrants to South Australia have the necessary skills that business is demanding?

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): The Department of Trade and Economic Development (DTED) has provided the following information:

The Commonwealth Department of Immigration and Citizenship (DIAC) is responsible for the Migration program and grants visas accordingly. To ensure at the national level that skills meet business needs DIAC maintains a Skilled Occupation List for skills across Australia. This list determines what occupations are eligible for skilled migration.

DTED, through Immigration SA, provides sponsorships to skilled migrants to facilitate visas granted by DIAC. Sponsorships are provided based on, among other criteria, the skills in demand by business in South Australia.

The list of skills in demand is developed annually in conjunction with the Department of Further Education, Employment, Science and Technology (DFEEST), utilising:

An assessment of the number of job opportunities over the next five years arising from growth in the economy, the retirement of older workers and major projects;

Identification of those occupations likely to be in under supply on average over the next five years;

An assessment of the likely supply of labour from migration and the training system (VET and Higher Education);

Consideration of those occupations assessed by the Commonwealth Department of Employment, Education and Workplace Relations (DEEWR) as being in shortage or appropriate for migration (listed on the Migration Occupations in Demand List);

The current level of employment in the occupation; and

Advice from Industry (through Industry Skill Boards) on occupations in demand suitable for migration.

The Government through DTED and Immigration SA also certifies regional temporary employer visa sponsorships. As these visas are sponsored by the employer, they directly reflect skills in demand by business.

CLIMATE CHANGE LEGISLATION

112 Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (30 September 2008). When will the government establish a framework for reporting on the operation of the climate change legislation?

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): I have been advised of the following:

Section 7 the Climate Change and Greenhouse Emissions Reduction Act 2007 outlines the requirement for two-yearly reports on the operations of the Act. According to Section 7 clause 4, the first report under this section must be completed and tabled in Parliament by the end of 2009.

Preparations have already commenced within the Sustainability and Climate Change Division of the Department of Premier and Cabinet.

AAMI STADIUM

131 Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (30 September 2008).

1. Will the $100 million grant for the AAMI Stadium redevelopment be the final amount that will be contributed by the government and why wasn't this funding predicated on matching SANFL funding, and is there a further commonwealth contribution forthcoming?

2. Will this be enough to bring AAMI Stadium up to FIFA standard?

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing):

1. The decision by government to provide a grant of $100 million towards the redevelopment of AAMI Stadium followed consideration of a detailed business case presented to government by the SANFL. The business case also outlined the significant range of benefits to the state.

There is no immediate intention of providing further contributions towards the redevelopment of AAMI Stadium.

The government recognises that the SANFL has already and will continue to contribute significant resources towards the redevelopment and maintenance of AAMI Stadium. The SANFL's desire to provide the South Australian community with a world class sports and entertainment stadium is commendable.

Questions regarding Commonwealth contributions toward this particular redevelopment should be addressed to the Federal Government.

2. An intended outcome in the redevelopment project is to develop AAMI Stadium to FIFA requirements.

ABORIGINAL PROGRAMS

180 Dr McFETRIDGE (Morphett) (21 October 2008).

1. How much government expenditure has been allocated to the Aboriginal Physical Awareness program for the years 2004, 2005, 2006 and 2007?

2. How many Indigenous Mentoring Schemes were conducted in 2006-07, what is the budgeted expenditure for 2007-08 and how many schemes are expected to be held in 2007-08?

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing):

1. I am advised Departmental expenditure allocated to the Aboriginal Physical Awareness Program was $1,500 in 2004-05 and $1,500 in 2005-06.

In 2006-07 as part of the Government's commitment to SA Strategic Plan Target 2.3, the South Australian Physical Activity Strategy and the whole of Government be active message, the Office for Recreation and Sport (ORS) undertook a project to consult with the Aboriginal community

to determine culturally appropriate messages and programs with respect to increasing levels of physical activity. I understand consultation was completed in late 2007, and tailored programs and physical activity messages were developed for implementation in 2008. The budget for this project was $25,000.

I am further advised in 2007-08 $20,000 was allocated for implementation of the results of the Be Active cultural translation consultation.

2. The Indigenous Mentoring Program began in 2004 with programs conducted over two years. The aim of the program was to provide support, training, advice, encouragement, inspiration and networks to assist young Aboriginal people to achieve in the sport industry.

I understand in 2006, the ORS reviewed this approach and developed two new initiatives to replace the Mentoring Scheme. The Nunga Network and SportFest were initiated to contribute to the development of Aboriginal people within the sport and recreation industry.

The Nunga Network is specifically designed to provide an opportunity for Aboriginal and Non-Aboriginal people involved in the provision of recreation and sport for Aboriginal people, to get together, meet new people, establish partnerships, share information, learn new skills and be up-to-date with the latest information from the ORS. In 2007-08, four meetings were conducted.

SportFest was established to provide the opportunity for young people involved in sport to come together to develop skills and address a range of issues related to sport and more particularly youth participation in sport. SportFest is for young people between the ages of 12-18 years who are involved in sport as players, administrators, coaches and officials.

The first indigenous SportFest was conducted in August 2007. A group of students from the South Australian Aboriginal Sport Training Academy (SAASTA) formed a youth working party, which was responsible for all aspects of the forum development and delivery.

The working group planned the project for approximately six months, and no other mentoring programs were conducted in 2006-07. One Aboriginal SportFest was conducted in 2007-08. The budgeted expenditure for Aboriginal SportFest in 2007-08 was $10,000.

SUSTAINABILITY AND CLIMATE CHANGE DIVISION

In reply to **Mr PEDERICK (Hammond)** (11 November 2008).

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): I have been advised of the following:

The budget allocated for the Sustainability and Climate Change Division in 2008-09 is $4,199,000.

PUBLIC SECTOR EMPLOYMENT

In reply to **Mr HAMILTON-SMITH (Waite—Leader of the Opposition)** (11 November 2008).

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): I have been advised of the following:

The following 11 officers had a total employment cost greater than $240,000 in 2007-08:

Deputy President, Workers Compensation Tribunal,

2 x Commissioner, Workers Compensation Tribunal,

Commissioner for Public Employment,

Chief Executive Officer, Government Reform Commission,

Chief Executive Officer, Department of the Premier and Cabinet,

2 x Deputy Chief Executives, Department of the Premier and Cabinet,

3 x Executive Directors, Department of the Premier and Cabinet.

PAPERS

The following papers were laid on the table:

By the Minister for the Arts (Hon. M.D. Rann)—

South Australian Film Corporation—Report 2007-08

By the Attorney-General (Hon. M.J. Atkinson)—

Correctional Services Advisory Council—Report 2007-08
Death in Custody of Renald Lance Forsaith—Report on actions taken following the Coronial Inquiry

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

Country Health SA—Report 2007-08
Kingston Soldiers' Memorial Hospital Inc.—Report 2007-08

By the Minister for Education (Hon. J.D. Lomax-Smith)—

Teachers Registration Board of South Australia—Report 2007-08

By the Minister for Industrial Relations (Hon. P. Caica)—

Rules—
Workers Rehabilitation and Compensation—
Rule 28A: Representation Costs
Tribunal Rules 2009

WATER SECURITY

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (14:05): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.A. MAYWALD: Securing the state's long-term water supply is this government's highest priority. Through our Four Ways to Water Security strategy, we are working tirelessly to meet the challenges of an unprecedented severe drought—

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: —and to deliver ongoing water security for South Australians. Today, I am pleased to advise the house that a multinational consortium, Adelaide Aqua, has been named as the preferred bidder for construction of Adelaide's desalination plant. The company comprises Spanish firm Acciona Agua, United Utilities, McConnell Dowell and Abigroup Contractors. Adelaide Aqua was selected following a competitive and comprehensive evaluation process undertaken by SA Water with three short-listed groups.

Each of the entities involved in Adelaide Aqua has demonstrated strong environmental credentials and commitments. The state government will not compromise on the health of the Gulf St Vincent. The companies involved in this consortium have significant experience in constructing and operating desalination plants around the world, in particular, in the application of leading edge reverse osmosis technology.

The 50 gigalitre Adelaide desalination plant will provide Adelaide with one quarter of its annual water use and is a climate-independent source of water. It will be powered using sustainable energy sources. I formally acknowledge Adelaide Aqua, SA Water and the project's specialist advisers for undertaking these negotiations with the highest levels of probity and professionalism, particularly under such tight timelines.

I am pleased to advise the house that today the Premier and I also had the opportunity to taste the first glass of desalinated water from the pilot plant, which is currently undertaking testing at Port Stanvac. Yesterday, the Premier, the Federal Minister for Climate Change and Water and I marked the completion of the Lower Lakes potable pipeline project. This pipeline network is the first in a $120 million integrated pipeline system for the Lower Lakes communities, providing security and continuity of water supply for users who previously accessed their supply from the Lower Lakes. This project is part of the state government's $610 million Murray Futures package, which has been funded through the commonwealth government's Water for the Future program. It is

designed to change the way the River Murray system and irrigation industries are managed in South Australia. At the height of construction, crews were laying pipes at around 3½ to four kilometres a day, so to complete 160 kilometres of pipeline in this short period is a fantastic achievement.

Other significant water security measures recently announced include the $62.6 million Southern Urban Reuse Project, which will supply 1.6 billion litres of treated waste water per year to new housing developments in Adelaide's southern suburbs and the $20 million stormwater capture and reuse project as part of the Cheltenham racecourse development, which will include a wetland and aquifer storage and recovery scheme with the capacity to treat, store, recover and reuse approximately 1.2 gigalitres of stormwater per year.

Also, this week the state government is asking the Murray-Darling Basin Authority to commission urgent works to help prevent acidification and irreversible ecological collapse of the Goolwa channel freshwater refuges and wetlands near Currency Creek and Finniss Creek. The channel and wetlands are at risk of acidifying because of severe drought and declining water levels. CSIRO scientists estimate 480,000 tonnes of sulphuric acid has already been produced in 2,000 hectares of exposed sediments in the Lower Lakes. The state government is forwarding a project for action to the Murray-Darling Basin Authority and the federal government this week.

A number of options were investigated for the channel and, following extensive engineering investigations and community consultation, two options have been identified as the most feasible solutions for the area. Both these options include building environmental flow regulators across the Goolwa Channel and at the end of Currency Creek and the Finniss River.

This would create a pool of water in the Goolwa Channel. Initially, up to 30 gigalitres would need to be pumped into the pool from Lake Alexandrina to raise the water level sufficiently to re-wet the main areas of exposed sediments. The total project is estimated to be up to $26 million. An extensive enhancement of the current bioremediation program will also be accelerated as a consequence of last week's $10 million commitment from the federal government.

While managing the drought is currently at the forefront of our decision-making, it is important to continue progress on the long-term targets to ensure that when the drought breaks the environment will be better off. We recently announced that the state government has secured its share of the national Living Murray initiative to target 500 gigalitres of water to return to the environment by mid-2009.

South Australia's 35 gigalitres is made up of purchases of water from willing sellers in South Australia and also government-owned licences that will be acquired and delivered to the Living Murray initiative by the June deadline. Funds contributed by South Australians through the Save the Murray levy have enabled permanent licences to be bought which will reduce the total volume of water extracted from the system. The next step is to transfer this water to the Living Murray.

The state government is also undertaking significant work on a comprehensive plan for South Australia's water needs, including a review of our current water legislation, to ensure that it meets the challenges and opportunities of the future. The projects detailed today are significant and designed to ensure that South Australians have access to a secure water supply in the long term, particularly during times of severe drought.

VISITORS

The SPEAKER: I draw to honourable members' attention the presence in the chamber today of students from Pilgrim School, who are guests of the member for Fisher, and members of the Tea Tree Gully Probus Club, who are guests of the member for Newland.

QUESTION TIME

ROYAL ADELAIDE HOSPITAL

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:12): Will the Premier accept responsibility for the idea that building a hospital two kilometres away from its teaching university, the medical and dental schools and the IMVS is preferable to building the new hospital on its current site? Will he tell the house whose idea it was? Yesterday, the Premier told the house—

An honourable member interjecting:

Mr HAMILTON-SMITH: It matters a lot, according to Labor staffers. Yesterday, the Premier—

Members interjecting:

Mr HAMILTON-SMITH: And some of your own members.

The SPEAKER: Order!

Mr HAMILTON-SMITH: Yesterday, the Premier told the house:

> Rather than naming it after John Hill, whose idea was the hospital, we named it after a great Australian.

The opposition has since been advised that the Premier's media staff have made a point of telling journalists that the hospital was minister Hill's idea.

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) (14:13): I am proud to jointly put my hand up, as is all of our cabinet—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —for a world-class hospital.

Honourable members: Hear, hear!

The Hon. M.D. RANN: We remember when you came out and supported it and then said, 'Oh-oh, this is popular. Hang on, I'm supposed to be the Leader of the Opposition. I know, I'll support it, but on another site.' Then it went to the southern suburbs; it went a bit down to Keswick, I think. It was like the mobile central hospital.

An honourable member: It was the Clipsal site.

The Hon. M.D. RANN: It was the Clipsal site; that's right. It was Keswick, it was Clipsal, it was over the railway yards and then it was back to the RAH site. But—wait for it—breaking news: they now apparently want to build it in the Botanic Garden.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: That is what was announced today. Apparently their favourite doctor, what is his name—

Ms Chapman interjecting:

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

Ms CHAPMAN: He was merely asked whose idea it was. He is debating this matter.

The SPEAKER: No; I don't think he is.

The Hon. M.D. RANN: It was an outstanding idea. It was like the tram, it was a genius of an idea, and I know that Pat was trying very hard to get a share in it for some time. It was conceived in genius and so was the idea that the people of South Australia deserve a world-class hospital. We saw the campaign. First of all—let's go through it—you supported the hospital over the railway yards, then it was Keswick, and then it went back to the railway yards.

An honourable member interjecting:

The Hon. M.D. RANN: You don't like this; you don't like the truth.

Ms CHAPMAN: A point of order, Mr Speaker.

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

Ms CHAPMAN: Not only is the Premier repeating himself, but he is clearly debating the issue of—

The SPEAKER: No; you have already called that point of order. I have ruled that it is not.

The Hon. M.D. RANN: We have now heard from Mr Katsaros that he wants it in the Botanic Garden; well, maybe, there will be a lot of South Australians who do not want to see a

hospital built on our treasured heritage-listed Botanic Garden. But people do want a hospital that will have the world's best facilities because the people of this state deserve the world's best facilities. If you want to have an election campaign fought about your stadium (this mirage in the centre of the city) at $1.5 billion, by the way—and I hope Michael McGuire is listening—based on the Western Australian Premier's vision which has now been scrapped because the Western Australian Premier (the Liberal premier of that state) said that his priorities were health and hospitals, not a stadium.

So, you keep changing your mind. You have supported it on this site, over the railway yards, at Keswick, at the Clipsal site, yet now you support it back at the Royal Adelaide Hospital. Apparently, the Botanic Gardens might be moved heavily eastward like the 'Adelaide Botanic Vegetable Plot' by the time the Liberals have finished with it. It would not surprise me. You would mine the gold teeth in West Terrace Cemetery if it was in your interests.

The point of the matter is that you cannot decide what your policy is; you cannot decide what your position is. Is it a stadium? Where is that stadium? How much is that stadium? Sorry, there was a secret consultant's report which cannot be released because they believe in transparency! Then, to cap it all off, we hear from the Leader of the Opposition that we should not believe what he says now in terms of his policy pronouncements. We remember that famous and well-publicised address of his to the Press Club in Adelaide about his vision; but, apparently, no, he accepts that they are not costed because they are non-core promises.

The SPEAKER: Order! The Premier has now left the substance of the question.

ROYAL ADELAIDE HOSPITAL

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:18): In light of the Premier's answer that it was his idea to build this hospital, did he have this idea before the 2006 election? If so, why didn't he put it to the people of South Australia so that they could have their say?

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) (14:18): What I put to the people in the 2002 election and in the 2006 election was a clear choice between a Liberal Party that, in office, cut hospital beds and the Labor Party that builds new hospitals and refurbishes old hospitals; between a Liberal Party that cut nurse and doctor numbers and a Labor Party that has delivered 902 extra doctors and 2,800 extra nurses, and, wait for it, the clearest difference of them all: a Labor Party that believes in investing record expenditure in a public hospital system and Martin Hamilton-Smith who wants to privatise our hospitals, and they were their policies.

ADELAIDE FILM FESTIVAL

Ms BEDFORD (Florey) (14:19): My question is directed to the Premier.

Members interjecting:

The SPEAKER: Order!

Ms BEDFORD: Could the Premier tell the house about the exciting film events in Adelaide this month?

Members 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) (14:19): Apparently, this is something else that they want to trash.

The Hon. K.O. Foley: But he'll be there.

The Hon. M.D. RANN: He'll be there because he likes the red carpet. He loves that red carpet. In the spirit of bipartisanship, I will allow—and, in fact, encourage, invite and even watch—the Leader of the Opposition to walk down the red carpet tonight because all of his imaginations will come to light. But let's talk about an outstanding event.

Ms CHAPMAN: A point of order, Mr Speaker: subject?

The SPEAKER: There is no point of order.

The Hon. M.D. RANN: It is certainly an exciting time for all lovers of the moving image to be here in Adelaide. For those opposite who sneer, there are about 3,000 film festivals in the world. *Variety* magazine—and I will explain what that is to the Leader of the Opposition afterwards—came out and said that there are 50 film festivals in the world out of that 3,000 that are not to be missed. The only one in Australia is the newest—the Adelaide Film Festival. And why is it so? Also conceived in genius—why is it so? Because it is one of the very few in the world that actually invests in making films. It does not just passively screen other people's films, it invests in every step of the creative process. What does that mean, and what have the results been?

Mr Pisoni interjecting:

The Hon. M.D. RANN: TV commercials, he said. If you want to undermine the likes of Rolf de Heer, Scott Hicks and others who make movies in this state, let me tell you the results. Their first film, *Look Both Ways*, starred at the Cannes Film Festival and won nearly every AFI award. Their second film, *10 Canoes*, starred at the Cannes Film Festival and won nearly every AFI award. Then, there is *Forbidden Lies*—you'd love that one. It is about someone who makes announcements every day, but does not mean what they say or say what they mean. When I saw the script I thought it was about the Leader of the Opposition.

The festival, curated by director Katrina Sedgwick, celebrates contemporary screen culture, exploring and showcasing innovation across the screen industries, and it promises to be the best festival yet. This year, the festival is branded as the 2009 BigPond Adelaide Film Festival, reflecting major sponsorship support provided by Telstra BigPond.

Given the festival's encouragement for innovation and the use of new technologies—like Twitter; not the Daniel Gannon one, but the real one—launched on 22 January, the program features screenings of over 150 feature films, documentaries, shorts, animations, and new media work from 49 countries, plus other events, to be presented over 11 days. Twenty-one films, including features and short films, will be world premieres.

Tonight's opening night event will feature a red carpet screening of Sarah Watt's new comedy, *My Year Without Sex*, exploring the horrors and delights of suburban family life. The prestigious Don Dunstan Award, presented in recognition of outstanding contribution to the Australian film industry, will be presented at the Ron Radford Auditorium on Friday 20 February. Previous winners have been David Gulpilil in 2003, Dennis O'Rourke in 2005, and Rolf de Heer in 2007.

This year, the award goes to the energetic and visionary film producer Jan Chapman, whose credits include *The Last Days of Chez Nous*. I knew that the Leader of the Opposition would like that, with his interest in French literature, and his study of that great and outstanding Camus. Jan's credits also include: *The Piano*, *Love Serenade, Holy Smoke, Walk the Talk* and *Lantana*. Earlier in her career, Jan directed shorts and worked in the education and drama departments of the ABC, where she produced the series *Sweet and Sour*. She is widely noted for her generous support for young filmmakers.

Importantly, with support provided through the Adelaide Film Festival Investment Fund, this year's festival will feature new Australian works, including five feature films, one feature length documentary, four short films, and a gallery-based video installation piece, which I saw yesterday. This builds on the festival's reputation of supporting groundbreaking filmmakers, and brings to a total of 31 the number of Australian works brought to the screen since the inception of the Adelaide Film Festival—31 films produced as a direct result of a film festival.

The festival hub will remain at the Palace Cinema complex in Rundle Street East, with a range of other venues across the city centre and suburbs of Adelaide, including the Piccadilly, the Mercury, the Mawson Lakes Planetarium, the Garden of Unearthly Delights in Rundle Parkland (maybe that will the site for their next hospital) and the Gepps Cross Drive-in.

Further afield, there will be events and screenings at Mount Barker, Henley Square, Aldinga, Port Augusta and Victor Harbor, and even in a privately owned replica of an old-style movie palace set up in an Adelaide suburban backyard shed. The festival will again present the Natuzzi International Award for Best Feature Film at the festival, with a cash prize of $25,000 going to its director.

Last night, as part of the festival's visual arts program, I was delighted to launch Lynette Wallworth's exciting and visionary exhibition, Duality of Light. The BigPond Adelaide Film Festival is steadily building a reputation as a unique event in the state's artistic calendar. This year will see

many eminent guests coming to Adelaide, including festival programmers from Cannes, Toronto, Edinburgh, Pusan, Yamagata, the Sheffield DocFest, New Zealand and each of the major Australian film festivals.

High-profile guests will include Miranda Otto, Natalie Imbruglia, Hugo Weaving, Sam Neill, Aden Young, Bruce Beresford, Stephan Elliott, Matt Day, Peta Wilson and recent stars of *Dr Plonk* and Indian Bollywood movies. This year, two prestigious national film industry events are bookending the festival. The Australian International Documentary Conference, launched on Tuesday night, is being held in Adelaide each year until 2012. The conference sees about 600 delegates converge on Adelaide to network, share experiences, showcase work and make deals.

The Australian Writers' Guild National Screenwriters Conference will be held from 25 to 27 February in the Barossa Valley. It will bring together local and international screenwriters and key industry professionals across film, television and new media. As I say, these exciting events, in conjunction with other fantastic events like the Adelaide Fringe, WOMADelaide, Clipsal and the Rugby Sevens, all happen in Adelaide at this time of the year. Please, come and buy some tickets and we will see you at the movies.

ROYAL ADELAIDE HOSPITAL

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:26): My question is directed to the Treasurer. Will he guarantee that the total cost of the government's proposed hospital at the rail yards, summing all payments to the consortia, will not exceed $3 billion in 2009 terms?

The opposition and medical professionals opposed to the proposed rail yards hospital have been separately advised by the development industry that the cost of the hospital has already blown out towards $3 billion. Yesterday, the Treasurer told the house that the project:

> …has not gone to market yet: it will not go to market for some time, and the final figure will be not be known until we get our accounts in.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:27): Get our accounts in?

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: What a dumb question! You are not allowed to use the word 'lie', but you have made that up, that figure of $3 billion. You have made that up. There is no blow-out.

Mr Hamilton-Smith interjecting:

The Hon. K.O. FOLEY: The development industry! I can tell you, Mr Hamilton-Smith, that if you have been talking to the development industry it will be telling you what it is telling us: it is always better, cheaper and more efficient to build on a greenfield site than it is on a brownfield site. That is what the development community are telling you.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: The Leader of the Opposition has to stop making things up. If he wants to be taken seriously, and as a credible alternative to this Premier and our government, he has to stop making things up.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Mr Speaker, $3 billion is a nonsense figure and, as I have said before—

The SPEAKER: Order! The member for MacKillop has a point of order.

Mr WILLIAMS: The Deputy Premier is clearly debating, and he is not answering the substance of the question, which was: will he—

The SPEAKER: There is no point of order. The member for MacKillop will take his seat.

The Hon. K.O. FOLEY: There is no substance to that question. As we have—

Mr Venning interjecting:

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

The Hon. K.O. FOLEY: I have already said a figure of $3 billion is wrong. He has made it up. I cannot accuse you of being a liar in this place because apparently that is unparliamentary. But I tell you what—you are everything that that word describes.

Mr HAMILTON-SMITH: Mr Speaker, that is clearly unparliamentary and I ask you to insist that he withdraw.

The Hon. K.O. FOLEY: I withdraw that, sir.

The SPEAKER: The Deputy Premier withdraws.

The Hon. K.O. FOLEY: The Leader of the Opposition makes things up. He has a different position every time he opens his mouth.

Mr HAMILTON-SMITH: On a point of order, Mr Speaker, I ask that you require the Treasurer to withdraw the inference of lying and apologise.

The SPEAKER: He has withdrawn.

Mr HAMILTON-SMITH: His earlier remarks that yet again—

The SPEAKER: Order! There is no point of order. The inference that you are a liar was withdrawn. The Deputy Premier.

The Hon. K.O. FOLEY: The Leader of the Opposition is a teller of untruths. He is somebody who make things—

Mr Williams interjecting:

The SPEAKER: Order, the member for MacKillop!

The Hon. K.O. FOLEY: I heard him on the radio.

Members interjecting:

The SPEAKER: Order!

Mrs REDMOND: Point of order, Mr Speaker.

Members interjecting:

The SPEAKER: Order! The member for Heysen has a point of order.

Mrs REDMOND: Even if a word itself is not unparliamentary, standing order 127 relates to personal reflections against members, and I believe the Deputy Premier's comments would breach that.

The SPEAKER: No; that is in the past. My understanding is that that has not been the case: that saying someone is guilty of telling untruths is a personal reflection, but I will check that out and, if I am wrong, I will report back to the house.

The Hon. K.O. FOLEY: I am happy to apologise if that was offensive to the leader. I will just say this again. We have had detailed cost estimates undertaken by a number of firms to give us a robustness of an estimate of what a new hospital will cost. That figure is $1.7 billion. We will go to market with that project and we will see what the bids come in at, and then we will know what the final price is. But a figure of $3 billion is a fabricated number with no substance and no credibility, and it really goes to the heart of what we are debating here, and that is, the integrity of what comes from the mouth of the Leader of the Opposition—he makes things up.

HOSPITAL BED NUMBERS

Ms SIMMONS (Morialta) (14:32): My questions are to the Minister for Health. What has been the increase in bed numbers in public hospitals; how will bed numbers increase in the future; and what is the minister's reaction to recent comments regarding hospital bed numbers?

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:32): I thank the member for Morialta—

Mr Williams interjecting:

The SPEAKER: The member for MacKillop is warned.

The Hon. J.D. HILL: I thank the member for Morialta for her question and acknowledge her strong interest in matters to do with health. As all members ought to know—and as the public ought to know—the demography of South Australia is such that, over the years to come, the demand for health services is going to increase. That is plainly an objective fact. Even if our population did not grow—and it is growing—the ageing of our population would mean that we need to provide more health services, and that will continue to be the case through until about 2042, when the baby-boomer generation leaves the scene. So, we have growth for the next 30 or so—

The Hon. M.J. Atkinson: Leaves the scene.

The Hon. J.D. HILL: Leaves the scene.

The Hon. M.J. Atkinson: Passes on.

The Hon. J.D. HILL: Passes on, departs, expires, etc—joins the—

The Hon. M.J. Atkinson: Joins the great majority!

The Hon. J.D. HILL: Joins the great majority. That is what we are looking at. We know that, as people get older, they are more likely to need health services. If you are over the age of 65, you are twice as likely to be in a hospital bed in the course of a year. If you are over 85, you are five times as likely to be in a hospital bed in the course of a year. So, we have to do two things: we have to reduce the demand for our health services by keeping people healthy—and prevention and primary health care, and all of those things about which I talk a lot, we are doing—but we also have to increase supply. We have to increase the number of beds, the number of places where we can look after our patients.

Since 2002, this government has opened an extra 248 hospital beds—staffed available hospital beds—in our metropolitan area hospitals. That includes 136 additional beds at the Flinders Medical Centre—136 for the growing southern suburbs—53 extra beds at the Lyell McEwin, and 27 extra beds at the Royal Adelaide Hospital. This morning, the deputy leader, in her usual style, made some claims about the total number of hospital beds that she alleges have been reduced.

The Deputy Premier claimed that the Leader of the Opposition made things up, but he is a novice when it comes to making things up compared to the Deputy Leader of the Opposition. She is a class act when it comes to invention. She, like her mentor, is a statistician. Those of you who were around last term will recall that.

The true story is that, when the Liberals were last in government—from 1994-95 and 1999-2000—they cut 272 beds from metropolitan hospitals. Their record between 1994 and 2000: they cut 272 metropolitan hospital beds in their term in office. I compare that to the fact that, in the six years that we have been in office, we have put in an extra 248 beds.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: The deputy leader by way of interjection said, 'Start telling the truth.' I am telling the truth. She is reflecting on me in a way which is similar to the reflection that the Leader of the Opposition objected to when the Deputy Premier was making comments. It is all right for them to have it one way, but when it comes to the facts, they just run away, they make up things. Both of them make up things, but the deputy leader is the class act, I must say. The deputy leader also claimed—this is the bit that I really want to get to—

Ms Chapman interjecting:

The Hon. J.D. HILL: Ask a question, Vickie. You never ask any questions about anything of substance, you just ask questions about the most trivial things, but go ahead, ask any question you like. The deputy leader in today's paper—

Ms Chapman interjecting:

The SPEAKER: The Deputy Leader of the Opposition!

The Hon. J.D. HILL: The deputy leader also claims in today's paper that the RAH was once a hospital with over 1,000 beds. That may well have been true in the 1970s and early 1980s when there were Florence Nightingale wards where you had a large number of people—

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: You keep making this statement, so clearly you do not understand the facts. So, if you listen for a second or two, I will explain it to you so that you finally understand.

Mr Williams interjecting:

The SPEAKER: The member for MacKillop.

The Hon. J.D. HILL: Once, many years ago, the RAH possibly had over 1,000 beds on the RAH campus on North Terrace. That is because they had people stacked and racked and packed in those hospital wards cheek to jowl right along the old Florence Nightingale wards. Of course, over time—

The Hon. R.J. McEwen: High infection risk.

The Hon. J.D. HILL: As the minister for agriculture says, there was a high infection risk, and so those wards have been converted into smaller sets of rooms—four and six berth wards. That is why we lost a lot of beds. The deputy leader is relying on the RAH annual report from 1998-99, and it is true, it does say that there are a total of 1,023 beds at the RAH. From this, the deputy leader jumps to the claim (I think that is implied by her comments; certainly I inferred them from her comments) that this government has reduced the number of beds at the RAH from 1,023 to 600-odd. She knows that is not true. The 1,023—

The Hon. M.J. Atkinson: But says it anyway.

The Hon. J.D. HILL: She says it anyway, because she and truth are strangers to one another. In that report it says 1,023. However, let me tell the house, as the deputy leader I am sure knows, that 1,023 beds in 1998-99 (which is in the RAH annual report) consists of 639 beds at the North Terrace campus (what we know as the RAH), 244 beds at the Glenside campus and 140 beds at the Hampstead campus. And why are they all attributed to the RAH? Because under the old-fashioned, clumsy, antiquated scheme that the Liberals operated, the RAH board ran all those hospital sites. She knows that is the case, but she uses that bit of information in a misleading way to try to present a set of arguments which she knows are shamefully untrue.

The Hon. M.J. Atkinson: How did that MP get it so wrong?

The Hon. J.D. HILL: Indeed. As a government, we know, understand, accept and realise the imperative of increasing the number of beds in our hospitals. We need to do it to create space for the patients we know will—

Ms Chapman interjecting:

The SPEAKER: The Deputy Leader of the Opposition will come to order!

The Hon. J.D. HILL: Say something of substance sometime. Ask a question which has some merit to it Vickie. You come out with all these things across the chamber, but you never ask me a real question.

Ms Chapman interjecting:

The Hon. J.D. HILL: Ask me a question.

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: In addition to the 248 beds that we have opened to date, we are also planning to produce 250 additional beds as part of our Health Care Plan. The deputy leader by way of interjection says, 'What about chairs?' Well, the reality, of course, is that surgery today—and my colleague the minister for mental health will understand this better than anyone else in this place—is different from the way surgery was done 10, 20, and 40 years ago. A lot of procedures now are done in day—

Ms Chapman interjecting:

The SPEAKER: The deputy leader will come to order!

The Hon. J.D. HILL: Does she ever stop? She never stops. As most members would know, and the minister for mental health particularly, surgery is done differently these days to years ago. As has been explained to me, a number of years ago (20 or 30 years ago), if you had cataracts removed from your eyes you might spend two weeks in hospital with your head locked in one position with sand bags around it so that you did not move so that you would recover properly and be able to see. Now, of course, that is a day procedure, and you are in and out within a couple of hours.

We do need to build hospital beds to take into account the changes in surgical procedures. So, some of the beds are day beds. They are not chairs, they are day beds.

Members interjecting:

The Hon. J.D. HILL: The extraordinary mirth from the other side not only demonstrates how they—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Mr Speaker, the mirth on the other side demonstrates an absolute tragic lack of understanding of what happens in our hospital system. They are locked into an—

Mr Williams interjecting:

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

The Hon. J.D. HILL: I did not hear what you said. They are locked into a thinking about health which is antiquated. People do not sit on chairs and have surgery: they are on a bed when they have the procedures. There are recovery chairs, but I am not talking about recovery chairs, I am talking about day beds for surgical procedures in our hospitals. So, we have done 248 and we have another 250 to come. We need those beds by 2016, and that is partly why we are building a new hospital.

We will put an extra 120 more beds on that site. We will have extra operating theatres because we need more of those. We will have more intensive care beds because we need more of those, and we need an extraordinarily larger amount of emergency treatment capacity—we need to increase that by about 25 per cent.

The majority of the 800 beds in the new hospital—the new RAH—will be in single rooms with their own facilities. The reason for that is not, as one of my critics said in the newspaper, because we want to give patients motel-style accommodation because we think that is nice. There are two main reasons for doing that: first, it is better for a patient's recovery to be in a single room because they will not be interrupted by other patients who are being treated. In addition, of course, they are less likely to get cross-infection from other patients, particularly the deadly MRSA.

It is about patient safety, and you cannot do that on the existing site. That is why we are also expanding our other key hospitals, and I am very pleased that the Leader of the Opposition commended me for this recently, so I do thank him for that. He told ABC Radio on 29 January that the government had—and I quote him—'developed the Queen Elizabeth Hospital, they have spent money at Lyell McEwin and they plan to spend money at Flinders and they have got results'. I agree. We did get results. Rann does get results. Indeed, by the end of this year we will have created an additional 58 beds at the Lyell McEwin as part of our $336 million redevelopment of that site. We are virtually doubling the size of that hospital.

We will have also created an additional 30 beds at the Flinders Medical Centre by 2010. That is on top of the beds we have already opened there, and that is part of the $153 million redevelopment which does include an expanded emergency department and new operating theatres.

Furthermore, the western suburbs, of course, are being looked after, too. The Queen Elizabeth Hospital is being modernised. A $127 million second stage redevelopment is continuing, with a new 72 bed in-patient wing and a 580 berth car park and childcare centre already completed.

We can rebuild these hospitals because there is the space available on those sites. The existing RAH is landlocked with little room for expansion. The only way one could feasibly rebuild a

hospital on the site would be to cut a large swathe through the Parklands and the Botanic Garden; and, if it was in office, clearly, that is what the opposition would do.

The leader has said they are going to rebuild the RAH on the existing site, and one of their advocates on radio this morning said: why not move into the Parklands; why not move into the Botanic Garden? If we are going to have a proper debate about whether we build a new RAH or rebuild on the existing site, the opposition must explain to the public where they will build it, how much it will cost, how they will get extra beds in there, how they will get extra emergency care in there, how they will get extra ICU beds in there and how they will get extra facilities for all of the services that we need for the future. They have failed to provide any evidence of that whatsoever. We know what they really want to do is build a football stadium down on the railway lines. They will not talk about that any more because they know that is a stupid idea and the public rejects it.

PUBLIC-PRIVATE PARTNERSHIPS

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:45): My question is to the Treasurer. Will the Treasurer clarify and correct his contradictory statements to parliament about whether public-private partnerships are recorded on the government's balance sheet? The Treasurer told the house yesterday:

> I have said right from the outset that whilst we are in government our PPPs will be on balance sheet.

However, the Treasurer told a 2007 estimates committee hearing at the outset of this project the following:

> It becomes an off balance sheet item, so the government itself does not incur the debt. All this debate we are having about debt becomes somewhat irrelevant.

He said: 'The debt is held by the private sector.' Which version is right?

The Hon. P.F. CONLON: I have a point of order, Mr Speaker. I am sure the Treasurer is happy to answer this, but to put into the question the statement in advance that the statements of the Treasurer were contradictory is merely debate and is inflammatory and likely simply to cause debate.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: Sir, listen to them. This is exactly what they get.

The SPEAKER: Order! I had thought that at the time. As I have said in the past, I cannot make the member withdraw the question. Once the question has been asked, it has been asked. However, I do give ministers greater scope in answering a question if I consider there has been debate inserted into the question. The Treasurer.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:47): Mr Speaker, I will look at what I said in the estimates committee.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: They say that I am inconsistent. My God!

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: It may well be that when the hospital was first considered there may have been a view—I may have held the view—

Mr Hamilton-Smith interjecting:

The SPEAKER: Order, Leader of the Opposition!

The Hon. K.O. FOLEY: I may well have held the view at that time that the PPP could be an off balance—

Mr Williams interjecting:

The SPEAKER: Order! The member for MacKillop has already been warned once.

The Hon. K.O. FOLEY: Back at that point, sir, I may have been of the view that the PPP could indeed be an off balance sheet transaction. As I explained to the house yesterday—

An honourable member interjecting:

The Hon. K.O. FOLEY: Well, that may well be the case.

Mr Williams: You are making it up.

The SPEAKER: Order, member for MacKillop!

The Hon. K.O. FOLEY: Mr Speaker, I am happy to give an answer but I am not going to stand here and have these interjections when I am trying to make a fairly obvious point.

The Hon. I.F. Evans interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: As I explained yesterday, public-private partnerships were initially undertaken by governments as a vehicle by which to transfer risk to the private sector and, when sufficient risk has been transferred to the private sector, accounting standards and the auditor-general of the day had allowed those projects to be off balance sheet. It may well be that, at the time, I was of the view that it could be an off balance sheet transaction. However, the point I made yesterday was that that was old thinking. That is what I have just said: that was old thinking.

Members interjecting:

The SPEAKER: Order!

The Hon. I.F. Evans interjecting:

The SPEAKER: Order, the member for Davenport!

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Public-private partnerships have been a mechanism for delivering public infrastructure that has been evolving over the past half a dozen years. There has been an increasing trend to treat these transactions as on balance sheet transactions. That is what we are now doing. We are not going to accept that, to get it off balance sheet, we will transfer all of the risk that would have to be done to get it off balance sheet. That is why the prisons will be treated as an on balance sheet item; that is why schools are being treated as an on balance sheet item.

An honourable member interjecting:

The Hon. K.O. FOLEY: Sorry: what was that?

Ms Chapman: Take them out of the budget altogether.

The Hon. K.O. FOLEY: Taking them out of the budget altogether?

Ms Chapman interjecting:

The Hon. K.O. FOLEY: Because we have not started—

Ms Chapman interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: I just find the questioning bizarre. As I have said—

Ms Chapman interjecting:

The SPEAKER: The deputy leader!

The Hon. K.O. FOLEY: That's it!

The SPEAKER: There is a supplementary question from the Leader of the Opposition.

ROYAL ADELAIDE HOSPITAL

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:51): Did the Treasurer, in 2007, approach a number of banks and potential consortia in South Australia and other states, seeking advice on how to tender the hospital project in a way that was off balance sheet?

The SPEAKER: I do not think that is a supplementary question but I call the Treasurer.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:52): He is, again, making things up.

Mr Williams: Yes or no?

The SPEAKER: Order, the member for MacKillop!

The Hon. K.O. FOLEY: I reckon if I said he is making things up that would be a no. That would be my assessment. What happens—

Members interjecting:

The Hon. K.O. FOLEY: The simple process, as with any of these—and I will walk the house through it and try to be as brief as I can—is that before a proposal goes to cabinet a number of options are considered. You are laughing at what?

An honourable member: You.

The Hon. K.O. FOLEY: Are you? How is it going up there on the back bench?

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. Atkinson: You look good in that website of yours.

The SPEAKER: Order! The Attorney will come to order!

The Hon. P.F. Conlon: If I was sitting way back there I wouldn't be laughing at anyone.

The SPEAKER: And the Minister for Transport will come to order!

The Hon. K.O. FOLEY: As we have said consistently, we consider a number of delivery modes. In this case we brought in a firm (I think it was KPMG, from memory) to do an analysis as to what would be the preferential delivery mode. It may not have been KPMG; I cannot recall now. We consider what is the best option and a PPP came up as the best option. It may not be the best option with the current economic downturn. It may well be that we do a direct build. We have not reached the point of making that decision. However, if the suggestion is that I somehow hop on a plane and fly around and—what was the question?

The Hon. P.F. Conlon: How do I get this off balance sheet?

The Hon. K.O. FOLEY: Get real! I do not know how you operated in government but I am not the type of minister who gets involved in handing out tenders to companies or getting advice from companies directly on specific projects. We have a proper probity process for all of that. I do not actually understand the question, to be perfectly frank. I speak to people—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: I speak to firms quite regularly about a lot of projects. I may well have spoken to firms at that time about the hospital. There was a lot of interest when we announced the hospital and we spoke to a lot of companies. No doubt I spoke to many companies and would have, at every opportunity, encouraged investment houses and construction firms around the nation and, indeed, probably globally to get on board, get involved and get a consortia together and bid. Of that, I am guilty but, if you are somehow suggesting that I was trying to connive with a private-sector firm to give me somehow a model that would get it off balance sheet, that is plain wrong. If I wanted to get it off balance sheet and I wanted someone to give me the advice, I would not go to a builder, I would go to Treasury and say, 'Guys, how do we get it off balance sheet?'

The Hon. P.F. Conlon: You'd probably want to talk to the Auditor-General.

The Hon. K.O. FOLEY: Or the Auditor-General. But that is the whole point: the Auditor-General in recent years has tightened up and made it clear to government that we cannot treat these projects as off balance sheet because there is not sufficient risk transfer. Whatever the situation was in 2007 was then; what I am talking about is that, once we have now made these decisions to go forward, it is quite obvious that they are on balance sheet.

ROYAL ADELAIDE HOSPITAL

Mr PISONI (Unley) (14:56): My question is to the Premier. Did the minister or any ministerial or government officer initiate discussions in the past three months with Marjorie Jackson-Nelson regarding the controversy over the naming of the hospital?

An honourable member: Give the dirt to David.

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) (14:56): Very, very dirty; you are very, very dirty. Can I just say this—

Members interjecting:

The Hon. M.D. RANN: No, I will answer the question.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: That is a disgrace. That is another insult on a fine—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —decent and great Australian.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: But I will tell you this and I will reveal to the house that, when I met her on Friday—and I heard the absolute tripe being said on radio yesterday that somehow Marjorie Jackson-Nelson was forced into this. Quite the opposite. And also I heard people being quite defamatory, like the Daniel Gannon Twitter stuff, over which he is twittering himself towards the criminal as well as the civil courts, but that is another issue.

An honourable member interjecting:

The Hon. M.D. RANN: No, I think he is one of Pyne's supporters. But the thing is that Marjorie Jackson-Nelson came to see me on Friday and asked me if she could have her name removed from the project because she did not want to see the continuing controversy damage an outstanding project.

On the way back from Tailem Bend yesterday, I phoned Marjorie Jackson-Nelson and I read her the ministerial statement I made in the house yesterday, and she made only one suggested change—because I took notes from the meeting with her—which was to add the part about not wanting to damage a project that would be of great benefit to the people of this state, which is the measure of her and her decency and also the comparison against the member for Unley—

Mr PISONI: A point of order, Mr Speaker.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —who sinks yet again to a new low.

Members interjecting:

The SPEAKER: Order! The member for Unley.

Mr PISONI: The question was specific, sir. It only requires a yes or no answer. We—

The SPEAKER: Order! The member for Unley will take his seat. The Premier.

The Hon. M.D. RANN: No-one in this government asked Marjorie Jackson-Nelson to remove her name from the project; in fact, it was the reverse.

Mr Pisoni interjecting:

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

ROYAL ADELAIDE HOSPITAL

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:58): My question is to the Treasurer.

Members interjecting:

The SPEAKER: Order!

Ms CHAPMAN: Has the Department of Health been allocated any funds in the 2008-09 budget to implement cultural change in preparation for the new hospital at the rail yards? On 25 June 2007, Dr David Panter, who is overseeing the development of the new hospital, said that the government had guaranteed funding and that, 'next year (referring to 2007-08) I have got $5 million to spend on cultural change'. He then went on to say that the money would be used in part to replace clinicians while they helped to design the new hospital and to bring in interstate and overseas experts to consult.

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:59): I thank the deputy leader for that dorothy dix question. Yes, we are investing in our staff to train them and allow them to participate in the process of developing a new health care system. We want to make sure that we do things differently which are appropriate to this century, rather than the last century.

Of course, we are looking at a whole range of areas, including the way emergency departments operate, and some staff have been sent to London to look at the new emergency department systems that have been put in place there. They have come back very enthusiastic. I am not sure whether the money is funding this particular program. We are also trialling physician assistants, a scheme that has been in place in the United States since World War II, where especially trained graduates in science (usually) work in partnership with doctors to do work of a routine nature, releasing the doctors to do the stuff that only doctors can do.

There is a whole range of things that we are doing across the health care system to introduce new workforce arrangements, new ways of doing things. But all of it is designed to put the patient first, to make sure that we can have a patient-centred approach to health care, to use the jargon of the system. If I am being criticised for spending money on staff training and development and planning, then I accept the criticism.

ROYAL ADELAIDE HOSPITAL

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:01): Following on from that question, I again ask a question of the Minister for Health. Is Professor Vilis Marshall one of the RAH medical specialists who has had funds allocated from the cultural change budget to enable him to participate in production of television advertisements and radio interviews in support of the hospital?

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:01): The deputy leader cannot help but slur good people. She is as grubby as they come when it comes to personal denigration of people of outstanding quality, who have delivered services to this state for decades and decades. Dr Marshall is the Clinical Director of Surgery at the RAH. He is an outstanding leader who manages a whole range of processes in that place. I can assure the member that the funds have been properly allocated for the change purposes that I have described. I cannot tell her whether Dr Marshall has been part of those arrangements and if those funds have been used for him, but, I can assure the member that they have not been used to pay him to make advertisements.

Ms Chapman: I didn't say that.

The Hon. J.D. HILL: You implied it, Vickie.

Ms Chapman: I didn't say that. You didn't even know what is in the cultural fund.

The SPEAKER: Order!

ROYAL ADELAIDE HOSPITAL

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:02): My question is again to the Minister for Health. Will it be easier for money currently held by the Commissioners of Charitable Funds to be spent at the government's proposed hospital at the rail yards now that the name of the proposed hospital has been changed? Has the government sought Crown legal advice on this matter? The 2006-07 annual report of the Commissioners of Charitable Funds shows $75.7 million invested with the commissioners as at 30 June 2007, of most of which the Royal Adelaide Hospital is the beneficiary.

The Hon. J.W. Weatherill interjecting:

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:03): My colleague the Minister for Environment and Conservation just reminds me that, when the RAH was established, of course, it was the Adelaide Hospital (AH). It was only made the Royal Adelaide Hospital in 1939. The Commissioners of Charitable Funds was established—

Members interjecting:

The Hon. J.D. HILL: Yes, milord, thank you very much. The Commissioners of Charitable Funds Trust was established before that; in fact, sometime ago. There have been name changes over time. Of course, legal advice was sought, I understand, when the RAH as a hospital was abolished. In fact, the RAH has not existed as a hospital entity for some time. It is part of the Central Northern Adelaide Health Service, which is the legal entity of the hospital. The RAH is a name that applies to a particular site and a particular set of buildings and arrangements.

I understand that legal advice was sought at that time. I do not believe there is any problem with the commissioners being able to allocate funds according to the wishes of those who have left funds. As the member would probably understand, some interesting trust arrangements have been created in South Australia over time. A former American member of parliament, King O'Malley, and his wife established a very significant trust fund, which I think the education department manages—

The Hon. M.J. Atkinson: He said he was Canadian.

The Hon. J.D. HILL: Canadian, was he? The point I am making is that he established a trust fund to provide support for young girls to become better housekeepers and to learn how to sew and do other kinds of things; so, a large sum of money was left. Such skills are not necessarily taught these days in public schools. Some might see this as a—

Ms Bedford: A natural thing.

The Hon. J.D. HILL: Yes; a natural kind of thing. There has to be some ingenuity about how you use those funds in a modern context. I am sure that the commissioners are able to exercise appropriate flexibility. As the new hospital will be known as the RAH, I do not see that they will have any problem at all.

However, I thank the member for asking the question because it allows me to knock on the head the outrageous headline in the *Sunday Mail* of a week or two ago that suggested that the new site would take money from the Commissioners of Charitable Funds to build the RAH. That was a total fabrication. I was very pleased that, in a radio interview on FIVEaa, the Hon. John Darley supported my claim that there was no way in the world we could do that unless we introduced legislation to give us that power.

GOVERNMENT RADIO NETWORK

Mr GRIFFITHS (Goyder) (15:05): My question is to the Minister for Emergency Services. On Black Saturday, 7 February, did emergency services in South Australia experience a fundamental problem with the emergency paging service due to the government's failure to upgrade microwave infrastructure upon which the system relies? The opposition is informed that the government has failed to install available microwave technology that is able to continue operating effectively in hot weather. Without upgrades, the microwave element fails when the temperature goes above 32°.

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (15:06): I have been advised by the Chief Officer of the CFS about this matter. The advice I received was that on Friday 6 February a regional commander in the South-East reported that there were some issues with the pager system. The

matter was referred immediately by the Chief Officer to the state controller of communications, Superintendent Colin Cornish, and then referred to DTEI.

The Chief Information Officer, who manages the GRN, advises that this was an isolated incident and that the matter has been referred to Telstra, which operates the system. I am also advised that the GRN has served us well and proved to be reliable. I expect this hiccup to be remedied very quickly.

WASTE RECYCLING

Mr PICCOLO (Light) (15:07): My question is to the Minister for Environment and Conservation. What is the state government doing to help schools and community groups recycle their waste?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Environment and Conservation, Minister for Early Childhood Development, Minister for Aboriginal Affairs and Reconciliation, Minister Assisting the Premier in Cabinet Business and Public Sector Management) (15:07): I thank the honourable member for his question and acknowledge that, as mayor of Gawler, he played a very important role in promoting recycling within his town.

Educating students and their community about waste management is a key factor in reducing South Australia's waste to landfill. That is why $123,825 will be distributed to schools and community groups through our Wipe Out Waste program. This is in addition to the $155,000 the government announced in November last year as part of National Recycling Week. Schools and community groups will receive this funding to implement waste management tools, including composting and community recycling depots.

Primary Schools and high schools have been allocated funding, and their initiatives range from vegetable gardens and chicken runs to a recycling and sorting facility. Those funds have been allocated in this way: Gawler High School received $15,400 for a sorting shed and trailer to extend the variety of goods that are recycled amongst the school community; Unley High School received $3,290 for signage, garden carts and recycled plastic benches; and Cowandilla Primary School received $9,499 for a sorting shed and composting project.

Three community organisations have also been awarded grants to improve their recycling operations: the Milang Environmental Centre has been allocated $18,704 to construct a new carport to store and process recyclables; the James Well and Rogues Point Progress Association received $12,282 to construct a shed to increase opportunities for residents to recycle; and Dreamsafe Recycling SA has been awarded $20,000 to buy a spring compactor to improve the safety and handling of scrap metal removed while stripping mattresses for recycling. In this way, we are trying to promote the vital way in which schools and community groups recycle.

OYSTER INDUSTRY

Mr PEDERICK (Hammond) (15:09): Will the government refund to oyster lease and licence holders any fees already paid that are in excess of amounts required? As a result of regulations gazetted last November, oyster lease and licence holders were collectively billed approximately $750,000. Growers were sent bills in December with a request for prompt payment.

On 17 February 2009, the minister admitted that he was wrong about the amount of fees previously paid by the oyster growing industry and promised that their combined bill would be—I quote the minister's words on ABC Radio that day—'to double from their base of around $176,000'. It is understood that some growers have already paid their bill under protest, denying them funds vital to the continuation or development of their enterprises.

The Hon. R.J. McEWEN (Mount Gambier—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development) (15:10): I thank the member for Hammond for his question and also for the role he plays as the shadow. I think he has followed on from the member for MacKillop in terms of dealing with many of these issues to solve the problem rather than play politics. So, I compliment him on the way he has done the job.

However, early on, of course, the member for Hammond learnt a very good lesson, that is, if you do not dance to the tune of Martin Hamilton-Who and the Headlocks—

Members interjecting:

The SPEAKER: Order!

The Hon. R.J. McEWEN: We'll get to that. But the member for Hammond learnt that you will get rolled like a raw rissole if you do not dance to the tune of your party.

Members interjecting:

The SPEAKER: Order!

The Hon. R.J. McEWEN: Thank you, Mr Speaker. Rolled like a raw rissole—and there is a culinary one now as well. In fairness to the member for Hammond, on most occasions, he does the right thing: he works in a professional way to resolve issues. It is only when his own party interferes, because they have another agenda. Remember the tune. Remember Martin Hamilton-Who and the Headlocks; remember his tune.

Mr PEDERICK: Point of order, Mr Speaker.

The SPEAKER: Order! The Minister for Agriculture needs to answer the substance of the question.

The Hon. R.J. McEWEN: Thank you. The fact of the matter—

Members interjecting:

The SPEAKER: Order!

The Hon. R.J. McEWEN: The only thing that is disingenuous about the member's question is that I did not have the opportunity to personally ring him and apologise when I had made a mistake, so I sent him a text. I told him that I had made a mistake. He has it in his text; he might like to read it to the house.

Mr Pederick interjecting:

The SPEAKER: Order, the member for Hammond!

Members interjecting:

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

The Hon. R.J. McEWEN: The fact of the matter is quite simple—

Members interjecting:

The SPEAKER: Order!

The Hon. R.J. McEWEN: In relation to the starting point for cost recovery from the oyster industry, I made a mistake and, as a consequence—

Members interjecting:

The SPEAKER: Order!

The Hon. R.J. McEWEN: I have said that on the radio. I have apologised personally to the member, I have apologised to the president of the oyster association and, of course, if I have made a mistake and incorrectly billed them, I will re-invoice them for the appropriate amount. You hardly say—

Mr Pisoni interjecting:

The SPEAKER: Order!

The Hon. R.J. McEWEN: The member for Unley, whose own business record is not a proud one—

Members interjecting:

The SPEAKER: Order!

The Hon. R.J. McEWEN: —has the audacity to lecture me on credits and debits. Obviously, if the new invoice is less than they have paid, they will get themselves a credit. I think the member for Unley should go to the same class that the Deputy Premier is setting up called Finances 101, because he will understand that, if you make a mistake, you say sorry and you address the issue, and that is the way I do business.

GRIEVANCE DEBATE

ROYAL ADELAIDE HOSPITAL

Mr GRIFFITHS (Goyder) (15:14): Today I wish to talk briefly about an issue that has been the subject of some questions asked during question time; that is, the financing situation for the now Royal Adelaide Hospital to be built on the railway site. In questions asked by the Leader of the Opposition, the Treasurer has been found to have made statements both in estimate committees in 2007 and recently in the house which are somewhat confusing for us on this side of the house. The Treasurer does offer the continued opportunity for us to take part in Economics 101 classes, but we think that these are important issues about which the public of South Australia wants to be made aware.

We have heard from the government that the PPPs would be included as government debt. We have heard from the government that they are not government debt. We heard from the government that they are on-balance sheet. We have also heard from the Treasurer that they are off-balance sheet. Yesterday, the Treasurer said:

> I have said right from the outset that whilst we are in government our PPPs will be an on balance sheet.

As I have said before, in estimates in 2007 the Treasurer gave a very different story. He said:

> It becomes an off balance sheet item, so the government itself does not incur the debt. All this debate we are having about debt becomes somewhat irrelevant. The debt is held by the private sector.

However, yesterday in answer to a question about how much of the debt for the proposed central hospital would appear on the government's balance sheet, the Treasurer said: 'The debt will not appear as a debt as such.' In 2007, before an estimates committee of which I was a member—and I think it was the one during which the Treasurer got quite upset at the Leader of the Opposition and left the chamber for a few minutes before normality returned to the process—the Treasurer said: 'The debt may not appear in your official debt figures.'

I find it most concerning, and I am sure South Australians do, that the Treasurer does not appear to know the answers to these important questions. We asked them in 2007 and we ask them now. We are getting different answers each time. Clearly, the public of South Australia wants one definitive answer.

Credit rating agency Standard and Poor's has said that they see the hospital—whether or not financed through a PPP or through a government borrow—as a liability to the state and they will take this into account when determining the state's credit rating. That is important; we appreciate that. We on this side of the house understand that a PPP works in the way that a consortia comes together. A consortia involves a financier, a builder and probably a facilities management team who will finance, build and operate the hospital.

Briefings provided to the opposition by a variety of experts within the PPP area suggest that the total annual payment for such a consortia not only to build but to operate this Royal Adelaide Hospital could be in the order of $450 to $500 million per year for the 30-year period of the lease agreement. Multiplying that, that comes to a total of nearly $15 billion over that 30 years. It is an important for the state to understand what the potential long-term liabilities of this action will be. Payments will begin from the time the hospital is completed in 2016 under the PPP model. We understand that, but again this comes at a premium in delaying those payments.

According to the people to whom we have spoken, the component for the hospital construction in isolation could be in the vicinity of $200 million per year for 30 years, which in itself equates to $6 billion. These costs are before the wages of doctors and nurses and other hospital costs are included. I am not against PPPs. I understand that, on occasions, they will be a very valid form of procurement for government infrastructure. Certainly I understand that an exercise needs to be undertaken to determine what is the best option, be it a PPP, or be it a government procurement either through the capital injection of funds or through the borrowing of funds.

In budgets of our size, though, it is important that we understand that these future commitments will take an enormous amount of the capacity out of health lines to fund the variety of services that they need. The Auditor-General has raised some concerns about this. I refer to the Auditor-General's Report for 2007-08, Part C, which states:

> The credit market crunch experienced in 2007-08 and continuing at the time of this Report, raise the credit and financing risk of PPPs. In such extraordinary circumstances, progress of these transactions should be done with a high degree of caution and may indeed need review of assumptions and information used to date. This 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 opportunity.

This is where the work needs to be undertaken. The Treasurer has committed to the fact that it will go out and he will then do the government comparison to see what it comes in at. However, I want to enforce the fact that the advice provided by the investment bankers to the state opposition reiterates that the present market for new PPPs is very limited, with financing companies experiencing extreme difficulty.

CUSTOMER SERVICE

Mrs GERAGHTY (Torrens) (15:20): Recently, a number of constituent inquiries have come into my office reflecting on the issue of customer service, or lack of it in most cases. My constituents were dealing with generally large service companies. One in particular involved an electricity retailer and another I will highlight involved a major mobile telecommunications company. The two cases I will highlight, I think, expose the inability of the companies to provide quality customer service. In the case of the electricity retailer, one constituent had been trying for some eight months to find out why he had not received an account. Obviously he was concerned that, when he did receive it, the account would be for a considerable amount and that he might be placed under significant financial stress.

When my office contacted the retailer in question on his behalf, initially we were advised that the company could not discuss the matter with us as we were not authorised to talk about this person's account. As usual, the Privacy Act was cited—never mind that we were merely trying to point out to the retailer that the customer simply wanted the company to provide him with a bill, and I do not think that was an unreasonable request. In the end, even after my personal intervention, the company refused to give a commitment as to when the issue would be resolved. However, it then went on to acknowledge that there was a problem with its billing system.

I have referred this matter to the Energy Industry Ombudsman, and I am advised that he is now taking the matter up as it is seen as a systematic problem. On the issue of the Privacy Act, which this particular company and a few others use to avoid addressing customers' concerns, it is quite simple to resolve: either the company rings the customer direct or, in many cases, we have the customer sign a release form and we fax it to the company so that it can see that either it can talk personally to the constituent or it has the constituent's written permission to talk to us.

However, companies use that as an excuse not to deal with customer complaints. In the case of the mobile phone company, one of my constituents had gone to the company's retail outlets in late August to sign up for a $40 a month plan with her partner. In October she received a bill from the company for $930, and she rang them on three separate occasions to try to resolve the issue. In the process she was forced to go through the company's mind-numbing voice response queuing system, which I am sure we have all been through. The constituent advised me that during the last call (which lasted two hours) she was referred five times, and at one stage the customer service representative even questioned whether she—their own customer—was authorised to talk to her own company. Apparently—

Ms Bedford interjecting:

Mrs GERAGHTY: It is really extraordinary. Apparently, in this particular case, in transferring to a new billing system, the company had incorrectly transferred the old address details into its new system. Eventually, the constituent was told that she would be contacted the next day by the company (and we have heard this many times), and that did not occur either. She then contacted the Telecommunications Industry Ombudsman who gave her a special number to call at the phone company, which she did. She was given a commitment by the company that, while it was investigating her matter, the bill would be put on hold.

That was not the case, either. She received further letters of demand from that company to pay up her $930, threatening to disconnect her mobile phone service on Christmas Day. That was the company's gift to her. These are the sorts of stories we get in our office on a regular basis, particularly with the major telcos. They refuse to talk to their own customers. Certainly, they will not support a third party calling, so bills mount up, people get frustrated and sometimes these problems are very simple to resolve.

Time expired.

OYSTER INDUSTRY

Mr PEDERICK (Hammond) (15:25): Cost recovery negotiations for the aquaculture industry were commenced by PIRSA in 2005. Aquaculture sectors were invited to be part of discussion and consultation to consider changes. Other aquaculture sectors have long claimed they have cross-subsidised the oyster industry, and this may be true in some way but could not be proven without full access to accurate industry sector-specific figures. Without those figures no industry can effectively analyse its own costs to consider where efficiencies and economies can be made.

Oyster growing sites are necessarily often very small and have to be very precisely located to take advantage of tidal flows and nutrient availability. This has led to operators having to have numerous small sites, each one separately leased and licensed. That practice was encouraged by the department's policies and, although it does increase administrative costs, it does not necessarily apply in the same proportion to all the department's activities—that is, it does not mean that the department therefore spends that same proportion on each activity such as biosecurity, for example, for any particular sector of the industry.

The department claims the oyster industry is responsible for two thirds of its costs, so the department has seen fit to simply apportion two thirds of each and every cost item to oysters. That implies the department spends twice as much on R&D for oysters as it does on all other sectors of the aquaculture industry combined. This is quite obviously not the case.

Among the cost recovery principles of PIRSA Fisheries appears the following general principle:

> Cost recovery is only implemented where it is cost-effective for government to collect costs; consistent with policy objectives; and will not unduly stifle competition and industry innovation.

The oyster industry would have some cause to challenge that. Under the costing principles appears the statement: 'Costing methodologies are transparent.' The oyster industry would have some cause to challenge that, also. PIRSA Fisheries process for costs recovery for 2009-10, for which meetings commenced in October 2008, states:

> The programs will be costed and these figures will be forwarded to industry by early February.

Contrast this with the oyster industry where, in early February 2009, they have just received detailed costings for 2008-09, three months after new fees were gazetted. Legal opinion sought by the oyster industry on the new fees has indicated there could be grounds for a legal challenge.

We have been accused of playing politics with this, of stirring up trouble, misleading the public, and all sorts of reprehensible behaviour. The minister should perhaps temper his criticism and recognise that the opposition's involvement in this matter has, in fact, exposed a serious and fundamental flaw in his performance as minister.

The problem this has exposed is that the minister has failed in his duty. He has failed to stay close to discussions and negotiations as they unfolded. He has failed to get involved in the matter until it was too late. He has failed to check the figures before he made his decision. Also, he has failed to give due credit to an industry that has invested a great deal of its own time and money into its development and future for the ultimate benefit of the state. When asked about the futures on radio on 11 February the minister stated:

> You see all sorts of numbers around the place which are totally untrue. They actually were asked to contribute 700,000, up from 350...the oyster sector of the industry has been asked, based on all of this analysis, to double their contribution.

Here are the facts. The average increase would be over four times last year's fees. Some individual growers with multiple sites had fees go from $1,000 to $2,000 to $20,000 to $30,000. One particular grower's bill went from $5,000 to $72,000. This time the minister checked the figures and subsequently made the following admission on radio on 16 February:

> I was wrong...my starting figure was too high. I have to go back to their figure...I've apologised [to SA Oyster Growers Association President Bruce Zippel]. He was right, I was wrong.

In that same interview he said:

> Adrian, I'm wrong and you're right. Adrian was the one that was reflecting the view, so equally I owe Adrian an apology.

I make no apology for taking an interest in the oyster industry's situation, and no apology for pressing the minister to revisit the figures. We will continue to take a close interest in all

government ministers, particularly where they make decisions that dramatically affect the fabric of industry, none more so than rural industry, which they clearly do not understand. This minister and the government's pitiful record on all things water clearly shows that they are out of their depth.

GENERAL MOTORS CORPORATION

Mr O'BRIEN (Napier) (15:29): Yesterday, Australian time, General Motors Corporation presented its eagerly anticipated restructure plan to the US Department of The Treasury as required under the Loan and Security Agreement of 31 December. The plan has the intent of placing General Motors in a position of profitability, self-sustainability and competitiveness by the year 2014. The plan restructures the company's business in the US by concentrating on GM's three strongest global brands (Chevrolet, Cadillac and Buick) and its premium truck brand (GMC); by restructuring its resale distribution channel; by basing the product plan on fewer, better entries; and by continued commitment to be a quality leader.

The plan also sets out the intent of GM to pursue accelerated restructuring of its Canadian, European and certain Asia-Pacific operations. Australia is not lumped under the Asia-Pacific heading and, on my reading of the plan, has escaped relatively unscathed from the significant restructuring that will take place in Canada, Sweden, Europe, India and Thailand. I will read the section of the plan that deals with Australia directly into *Hansard* because it clearly indicates the effectiveness of the Rudd and Rann governments' green, small car funding initiative, as far as decision-makers in Detroit and Washington are concerned.

To refresh the memory of members, I point out that on 22 December the Prime Minister, Kevin Rudd, announced that the federal government would commit $149 million dollars to a second line at Elizabeth, and Premier Mike Rann committed the South Australian government to a $30 million contribution. The second line will produce a small, energy-efficient vehicle for the domestic and export markets. Now to quote the General Motors Corporation Restructuring Plan, as follows:

> Australia—continued local production has become more challenging due to the changes in market preferences. GM's local subsidy (Holden) and the Australian government have developed a plan to bring to market a new, more fuel-efficient vehicle, with project funding provided by the Australian government in the form of permanent grants. With this support, Holden is projected to be a viable operation, making a positive NPV contribution.

To reiterate, 'With this support'—commonwealth and South Australian government support—'Holden is projected to be a viable operation.'

This is the view from Detroit. In Canada, by contrast, if agreement cannot be reached with governments—both federal and state—and unions, General Motors will be required to re-evaluate its future strategy for GM Canada as the subsidiary would, in the words of the plan, 'not be viable on a stand-alone basis'. In Sweden, Saab has been offered for sale. In Europe, GM seeks to reduce costs by $1.2 billion through several possible closures or spin-offs of manufacturing facilities. In Thailand, two sizable manufacturing expansion plans are suspended indefinitely, and expansion plans in India will be reconsidered.

Australia is the only—and I stress 'only'—part of the globe under the plan announced yesterday where projects are not being shelved, plants closed or assets divested. It all comes down to the timely intervention of the Rann Labor government and the Rudd Labor government. The political will was there; the funding model had been worked up to a high degree of preparedness as a result of the Bracks review of the auto industry; and the senior level links between Holden, the components sector, the trade union movement, and South Australian and commonwealth Labor politicians were such as to provide a proactive rather than reactive response.

This brings me to my final point. Although the long-term future of Holden is secure, there may be difficulties over the coming months in relation to full-time employment within Holden. I know many workers at Holden are already under financial stress and this may intensify. Some workers are struggling to meet mortgage repayments. I ask the banks to exercise a high degree of forbearance and to actively assist workers through a difficult period.

E-WASTE

Mr HANNA (Mitchell) (15:34): I bring to the attention of members of the House of Assembly the issue of e-waste, in particular the disposal of computer equipment. I mean both the hard drive component and the monitors, both of which cause serious problems in terms of our landfill and pollution.

I am drawing on a report prepared by Yvette Booth which was commissioned by Cognitive Engines Pty Ltd, an Adelaide-based IT company. The report which I have drawn from for the purpose of today makes extensive recommendations in relation to e-waste and even goes to the issue of trading waste to have it dumped overseas. That is a serious issue, but I want to focus on the situation in South Australia.

This story has some positive aspects; indeed, a statewide policy is in place for the proper disposal of this sort of equipment. To go right back to the start, we have something called the National Strategy for Ecologically Sustainable Development and, in South Australia, every department should be following the principles of environmentally sustainable procurement. Obviously, some computer assets are more toxic than others in terms of the ultimate trip to the landfill.

We also have Zero Waste SA which has a role in monitoring the disposal of this sort of waste. We also have an agency which was set up originally through the TAFE sector called the Computer Recycling Scheme. Although it started off as an agency which could get unwanted TAFE computers ready for resale or donation to schools and community centres, it is actually there for the whole of government.

The unfortunate part of the story in South Australia is that many departments (perhaps most departments) do not seem to be taking advantage of the computer recycling scheme. Approximately 10,000 computers a year are replaced within the South Australian public sector. It is estimated that only about 10 per cent of those computers are recycled through the scheme.

Of those that are not recycled through that scheme, a few seem to be sold off within departments—and I am not sure about how happy the Auditor-General would be about some of those processes—but many are simply dumped, and I think most of us underestimate just how toxic computers are, particularly monitors. The old-style monitors (which have a cathode ray system) and the computers together contain a number of toxic minerals like cadmium, lead and so on. They end up in our landfill and, in many cases, these minerals leach into the soil. They are extremely toxic. Mercury also features in these items.

The computer industry is a large contributor to carbon dioxide emissions worldwide and, in these times when we are conscious of greenhouse gases, we need to acknowledge that our reliance on computers means that we are contributing substantially more to the problem that our planet has with global warming.

Some positive things are being done in South Australia but not nearly enough. I would also like to mention the contribution made by the City of Onkaparinga, City of Unley and the City of West Torrens, all of whom over the past few years have made special efforts to have computers recycled rather than simply dumped in landfill.

In terms of the ultimate solution, I suggest that the government consider something like a beverage container deposit scheme. We are very familiar with that in terms of bottles in South Australia. The solution probably needs to be adopted at a national level, if not an international level. It seems to me that, because there is a cost to recycling—and it is a substantial cost to the consumer at the end of life of the goods—if the cost of $10, $30 or $50 was charged as part of the purchase price and people could get a refund, they would be more likely to recycle.

Time expired.

JEAN PAVY AWARDS

The Hon. S.W. KEY (Ashford) (15:40): My grievance today is about the Jean Pavy Award, which is the Australian Education Union's award. My reason for wanting to talk about Jean Pavy is very much connected to the work that the member for Florey has been doing on Muriel Matters, a South Australian suffragette, about whom I think we are becoming more and more educated. My reason is also connected to you, Madam Deputy Speaker, as one of the first (if not the first) women heads of a trade union in South Australia. You probably know all about Jean Pavy as well, but, for the benefit of the house, I would like to talk about her award. It was initiated by the Australian Education Union (originally the South Australian Institute of Teachers) in 1995, and recognised the work of one of their own, a South Australian educator, union activist and feminist, Jean Pavy.

The institute decided to grant an award to be given in her name for the highest achiever identified by SABSSA in women's studies. As one of a number of women in this house, including the members for Giles and Florey and, certainly, you, Madam Deputy Speaker, who fought for

women's studies in this state, I know how important this award has been. The award consists of a cheque, plus a certificate for a keepsake occasion, and it is granted to public school students only.

Jean Pavy was a committed activist and office holder for the South Australian Institute of Teachers. She died in 1995 at the age of 86. She became the vice president of the Women's Branch of the South Australian Institute of Teachers in 1960, while she was the deputy principal of Lockleys Primary School. In a discussion with the member for a Little Para, who has also distinguished herself as a principal and teacher and also as a supporter of the women's studies course, we were saying how interesting it was that she had risen in 1960 to the position of deputy principal. As members in this house will remember, once you were in the Public Service, including the teaching profession, and you married, you were thrown out, because in some way it was thought that this would affect your ability to be a public servant.

In 1960 Jean Pavy also became the president of the Primary Teachers Association, and in 1962 became the president of the women's branch while she was the deputy at Thebarton Primary School. As president of the women's branch, her time was spent fighting for equal pay for women, the South Australian Institute of Technology campaign for equal pay. Again, it is a campaign that many of us have been involved with for many years.

The basis for lower wages for women was set in the early 20th century by the Commonwealth Industrial Relations Commission, which ruled that women required less wages than men because they were not responsible for providing for their dependants—a very interesting rationale at that time. Jean said the following:

> If family responsibilities were a basis for wage indexation, would there not be a differentiation between wages and salaries paid to bachelors, childless widowers and married men with families?

Jean was concerned that women's inferior wages were regarded as a measure of their inferior status. In 1960 the Equal Pay Council was formed, of which Jean was a member. She also went on to work to make sure there was equal pay.

I am pleased to say that, basically, after many years of campaigning, in leading a delegation, the Premier Playford delegation on equal pay, the first of the equal pay salary increases was finally granted to South Australian women in 1966, and the final increase was awarded on 3 July 1970.

Despite the fact that it was obvious that both male and female teachers were doing the same work, the issues of gender and responsibility perceived by the community halted the ability of women to get equal pay with men.

FAIR TRADING (TELEMARKETING) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability) (15:45): I move:

> That this bill be now read a second time.

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

Leave granted.

This Bill will amend the *Fair Trading Act 1987* to provide for a cooling-off period on contracts for goods and services that result from a trader making unsolicited contact with a consumer by telephone.

Due to an increase in the availability of personal information in electronic form and the attraction to business of reduced trading costs, telemarketing activity has significantly increased over the past decade.

The burgeoning telemarketing industry has led to an increase in consumer complaints about telemarketing practices. Consumers consider telemarketing calls as unwanted and inconvenient, particularly when they involve high-pressure sales tactics.

The concern with telemarketing amongst the general community is reflected in the popularity of the Commonwealth Do Not Call Register, which now allows people to list their telephone number on the register and thereby opt out of receiving telemarketing calls.

Within one month of coming into operation on 3 May 2007, over 1,000,000 individual telephone numbers had been included on the register. It is now generally unlawful to make calls to those listed numbers. The Commonwealth legislation also regulates permitted calling hours by telemarketers, the disclosure of information by callers and the grounds for the termination of a call. It does not, however, provide for a cooling-off period on unsolicited telemarketing contracts.

Before the development of the Do Not Call Register, NSW and Victoria had legislated to specifically control telemarketing activity. In both States the telemarketing legislation goes further than the Commonwealth legislation in that it allows for a cooling-off period for contracts made as a result of unsolicited telemarketing calls.

The NSW and Victorian cooling-off legislation is analogous to door-to-door sales provisions which still exist in most Australian jurisdictions. These door-to-door sales provisions were originally implemented as uniform legislation in all jurisdictions, and in South Australia they were incorporated into the South Australian *Fair Trading Act* upon its commencement in 1987.

Those provisions were introduced to protect consumers against the risk of agreeing to contracts that were not in their best interests. This possibility existed given the high-pressure sales tactics used by door-to-door traders and the consumer's lack of opportunity to compare competing products. Such tactics may also be employed by telemarketers.

This Bill therefore extends the operation of the current door-to-door provisions of the *Fair Trading Act* to also regulate telemarketing activity in the same manner. In practice, this ensures that vulnerable consumers, who may feel pressured to agree to be bound by a contract over the phone will be provided a cooling-off period within which they may determine whether to proceed with the contract.

As it is likely that those who are not included on the Commonwealth Do Not Call register will be those most at risk—people who are unaware of their rights, who are at some disadvantage, who have limited life skills, and, more than likely, those who have little money to spare—the Bill ensures increased consumer protection for those most vulnerable to consenting to contractual obligations for unwanted goods or services.

As is already the case in NSW and Victoria, the passing of this Bill will ensure that South Australian consumers are better protected against high-pressure telemarketing sales tactics.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Fair Trading Act 1987*

4—Substitution of heading to Part 3

It is proposed to extend Part 3 to cover telemarketing as well as traditional door-to-door trading and the heading is altered accordingly.

5—Amendment of section 13—Interpretation

A new definition of *contract summary* is inserted. If a contract to which the Part applies is made by telephone, a contract summary is required to be forwarded to the consumer.

The definition of *cooling-off period* is substituted. The cooling off period for a contract made by telephone is to be 10 days commencing on and including the day on which the contract summary is given to the consumer.

The remaining alterations to definitions flow from the extension of the Part to cover telemarketing as well as traditional door-to-door trading.

6—Amendment of section 14—Application

Subsection (1) governing application of the Part is altered so that the Part will apply where negotiations leading to the formation of the contract take place in a telephone call with a consumer ordinarily resident in South Australia. The requirement that the dealer's approach must be otherwise than at the unsolicited invitation of the consumer is to be applied to telemarketing in the same way as it applies to door-to-door trading.

The remaining amendments address an existing structural problem with subsection (2) and do not substantively amend the provision.

7—Amendment of section 17—Requirements in relation to prescribed contracts

New paragraph (1)(ca) is inserted to make it clear that if a supplier wants to limit the period for which a contract offer remains open (ie the period within which a contract to be entered into in writing must be signed by the consumer and returned to the supplier) a statement to that effect specifying the period must be included in the contract.

Paragraph (1)(d) is amended to clarify the manner in which a duplicate of a written contract is to be provided to the consumer by the supplier.

New subsection (1a) sets out the requirements to be met in relation to contracts entered into orally over the telephone.

The requirements are as follows:

- before the contract is entered into, the consumer must be informed orally of the following matters:
  - that the contract is subject to a cooling-off period of 10 days commencing on and including the day on which the consumer is given a written contract summary;
  - the total consideration to be paid or provided by the consumer or, if the total consideration is not ascertainable at the time the contract is made, the manner in which it is to be calculated;
  - if the contract provides for the carrying out of work of a prescribed nature—detailed particulars of the work (including any such particulars required by the regulations);
  - any other particulars required by the regulations;
- as soon as reasonably practicable after the contract is entered into, a written contract summary must be given to the consumer in accordance with the following requirements:
  - the contract summary must specify the day on which the contract was entered into orally;
  - the contract summary must set out in full all the contractual terms, including—
    - the total consideration to be paid or provided by the consumer or, if the total consideration is not ascertainable at the time the contract is made, the manner in which it is to be calculated; and
    - if the contract provides for the carrying out of work of a prescribed nature—detailed particulars of the work (including any such particulars required by the regulations);
- the contractual terms must be printed or typewritten (apart from any insertions or amendments to the printed or typewritten form, which may be handwritten);
- if the dealer is not the supplier, the contract summary must set out the full name and address of the dealer and identify that person as the dealer;
- the contract summary must contain conspicuously at the top and bottom of the document the statement 'THE CONTRACT IS SUBJECT TO A COOLING-OFF PERIOD OF TEN DAYS' printed in upper case in type not smaller than 18-point;
- the contract summary must be accompanied by—
  - a notice, in the prescribed form, explaining the right of the consumer to rescind the contract; and
  - a notice, in the prescribed form, that may be used by the consumer to rescind the contract;
- the notices must—
  - be printed or typewritten (apart from any insertion, which may be handwritten); and
  - set out the full name and address of the supplier and identify that person as the supplier; and
  - be separate from, and not attached to, any other document;
- the printing or typewriting of the contract summary, the statement and the notices, must be readily legible and conform with the requirements of the regulations;
- any handwriting (apart from a signature or initial) in the contract summary or a notice must be readily legible.

8—Amendment of section 18—Acceptance of consideration etc

Section 18 is amended to enable the regulations to provide for exemptions from the application of subsection (1) which prohibits the acceptance of consideration before the end of the cooling-off period. If an exempted contract is rescinded, section 24 relating to restitution would still apply.

9—Substitution of heading to Part 3 Division 3

While sections 19 and 20 of the Act apply exclusively to traditional door-to-door trading, section 21 will apply to both door-to-door trading and telemarketing and the heading to the Division is altered accordingly.

10—Amendment of section 19—Prohibition hours

The amendment makes it clear that the section is limited to door-to-door trading.

11—Amendment of section 23—Exercise of right of rescission

Section 23 governs how a notice of rescission of a contract may be served by the consumer on the supplier. The amendment expands the methods of service to include facsimile transmission and e-mail to a number or address provided by the trader on a notice given to the consumer under the Part. Notice of rescission by fax or e-mail is taken to have been given to the supplier at the time of transmission.

Debate adjourned on motion of Mr Griffiths.

PUBLIC SECTOR MANAGEMENT (CONSEQUENTIAL) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 November 2008. Page 1144.)

Mr GRIFFITHS (Goyder) (15:47): It is my pleasure to make what will be a somewhat brief contribution today. This bill flows on from the quite extensive debate on the Public Sector Bill which occurred two days ago in the house and which set the scene for some significant changes for the public sector of South Australia in which a group of some 79,000 full-time equivalent (or nearly 98,000 persons) are employed.

In reviewing the Public Sector Management Act 1995, and attendant amendments, as it relates to this consequential amendment bill, I understand that it will leave only sections of the act that relate to the corporate agency members, the advisory body members, the senior officials, the corporate agency executives and the employees and persons who are performing contract work for the Public Service and as it relates to the honesty and accountability provisions of those roles.

I must admit that there are a vast number of significant amendments in regard to renaming provisions of parts and sections, which relate to the bill that has been in place for some time, so it is certainly not necessary to debate any of those clauses. The proposed amendments that have an impact are clauses 33 and 34. Clause 33 is the proceeding for offences, and clause 34 relates to regulations that may be established for the purpose of this act.

In reviewing those two clauses, it is somewhat difficult to think of any really detailed questions because of the great debate on this matter two days ago. However, I have a question for the minister, and he may be prepared to make some minor comment, although I could ask it at the committee stage.

I note that proceedings may not be brought for an offence under this act, except with the consent of the Director of Public Prosecutions. I would be interested in some examples of how that may be stimulated and who brings it to the attention of the DPP before action is taken. Other than those brief comments, I confirm that the opposition is supportive of the bill because it is a flow-down bill as a result of the debate that occurred on the Public Sector Bill. While it is possible that some discussion may take place on this bill in another place when both bills are reviewed in the Legislative Council, at this stage, the opposition just wishes to commit to the fact that it supports the bill as presented.

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Environment and Conservation, Minister for Early Childhood Development, Minister for Aboriginal Affairs and Reconciliation, Minister Assisting the Premier in Cabinet Business and Public Sector Management) (15:50): I thank the honourable member for his support of the bill. His question, as I understood it, was how matters of the sort that are contemplated as offences will find their way to the DPP. I would imagine in the ordinary way; that is, either through the police or some other report to an agency that then prepares a brief for the purposes of prosecution by the DPP. It is not contemplated that there be any different process.

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

CROWN LAND MANAGEMENT BILL

Adjourned debate on second reading.

(Continued from 26 November 2008. Page 1128.)

Mr WILLIAMS (MacKillop) (15:52): I signify to the house that I am the lead speaker for the opposition and, for the information of the Government Whip, that means we could be here until very late in the night; but I suspect we will not be anywhere near that long. My colleague the member for Goyder informed me that he would be very brief in debate on that last matter. In fact, I have been caught out, because he has been even more brief than I expected, but I will get my notes organised fairly shortly and we will be on our way.

I will say from the outset that the opposition broadly supports the legislation brought to the house by the government to repeal the Crown Lands Act 1929 and to introduce a complete rewrite in a new act, which will be known as the crown lands management act. I note from the minister's second reading explanation and from the briefing I had on the bill that even the name change, from the Crown Lands Act to the crown lands management act, is designed to more closely reflect what the new legislation will be about as opposed to what the old Crown Lands Act 1929 was about.

In my opinion, the old act is of historic significance. The passing of this bill through the parliament gives us some cause to reflect a little on the management of lands within South Australia and the history behind the management of lands in this state from 1836—even prior to

1836 to the present time—because a lot of the changes that have been made via this bill are as a result of the evolution of the management and allocation of lands in South Australia over that period.

I do not think I am giving any new information to members when I say that one of the things that sets South Australia apart from other colonies not just in Australia but in other parts of the world (whether they were settled by the British or other European communities during the 1600s, 1700s and 1800s) was some of the philosophies behind the way South Australia was to be settled. One of them was the way the land would be allocated using the Wakefield Plan—whether you like it or loathe it.

There are plenty who have both opinions about the Wakefield Plan. Some say that it was a fantastic plan and that by selling land and then reinvesting the funds raised from the selling of land enabled the bringing out of more migrants to help develop the land and the colony (at the time) was a great idea. Others argue that by artificially inflating the price of land, it locked away the class structure, where the land was owned by the wealthy and the money raised was used simply to bring out basically vassals to work for the wealthy.

It is an interesting piece of our history which I think is worth our remembering at this time. I will talk a little about the establishment of the 1929 act, because throughout the history of this state, there have been various stages where the allocation of land determined the shape of the state as we moved forward. I know in my own district of a number of pastoral leases. The one which I know very well was the Mount Graham pastoral lease. I own part of the land that did form a small portion of that lease. My family and a cousin of mine now lives in what was the Mount Graham homestead which was built by Archibald Johnson in 1864.

Archibald Johnson was a shepherd minding flocks of sheep for squatters and it came to his attention that leases were being allocated for land in the district not far from Millicent. Folklore has it, at least, that he rode his horse nonstop to Adelaide and secured the lease to a large portion of land. Archibald Johnson retired a very wealthy man to a home that he built in Toorak Mount Melbourne not many years after first taking up the lease of Mount Graham station. That was in the 1860s. Certainly, the third home which he built on the station was the Mount Graham station homestead (or that is what it is known as now). It was built in 1864, so he probably took up the original lease some years before that.

It was not many years after that that the government of the day decided that it needed to get more people owning land rather than just living in the country and working for landlords, and those large stations were broken up. I remember my father telling me that one of the owners—and it was subsequent to Archibald Johnson at the Mount Graham station—registered the blocks in the names of his shepherds. I think they were about 1,000 acre blocks. That worked for some time until one of the shepherds came to the understanding that the title to the land was registered in his name. As soon as the first one realised what was going on, put it on the market and walked away with the money, the rest of the pastoral empire disappeared very quickly.

That was just one story about the move towards closer settlement. I was looking in the Crown Lands Act 1929. There are still sections giving the minister the power to resume, almost without question, parcels of land if they had more than a certain value. I think the value is £40,000, from my reading, which would not buy a very big parcel of land today. The current act still has some sections that have absolutely no relevance today, but the act certainly was important in achieving the sort of land settlement that we were wanting in South Australia post 1929.

As well as repealing the Crown Lands Act 1929, the bill also repeals, I think, five other acts, and I will briefly talk about those. One act is the Discharged Soldier Settlement Act 1934, which was a consolidation of nine earlier acts ranging from 1917 to 1931. That act was designed to allow for the settlement of discharged soldiers from the Great War onto farming land. The act allowed for crown land to be allotted to discharged soldiers and for land to be purchased for the same purpose.

The minister was also empowered to provide and maintain training farms for the purpose of imparting the appropriate knowledge to those soldier settlers—returned service men and women. I think that in those days it was probably exclusively men from the 1914-18 war. Another act which will be repealed by this bill is the Irrigation Land Tenure Act 1930. Similarly, that repealed five former acts and provided for the legislative framework to establish and settle irrigation districts. Again, returned service men and women would have been involved, but that also included the establishment of town allotments and the setting aside of crown and other land for specific public and charitable purposes.

The Marginal Lands Act 1940 is also repealed by this act, and that is another piece of the state's history. The definition of 'marginal lands' states:

> ...means any land which has been used principally for wheat growing, but which, in the minister's opinion, because of inadequate rainfall with or without other causes, is unsuitable for wheat growing as the principal operation carried on thereon;

So, it gave the minister the power. Section 3 of that act, 'Powers of the Minister', states:

> For the purpose of promoting the more profitable and successful working and development of marginal land, the minister may do all or any of the following things namely:
>
> (i) purchase any real or personal property and sell, lease, hire or otherwise dispose of any property so purchased;
>
> (ii) enter into and carry out any contract or transaction of any kind.

According to the act, the moneys to carry this out was coming from the Commonwealth of Australia. We no doubt all remember the old saying that the rain followed the plough, and—

The Hon. G.M. Gunn: The Willochra Plain.

Mr WILLIAMS: 'The Willochra Plain,' the member for Stuart says. Many citizens of the state were enticed into land under good seasons. They went a long way north of where Goyder would have had them farming and where he would have certainly argued there was non-arable land. The Marginal Lands Act was one of the pieces of machinery to correct that, purchase off those unfortunates who found themselves basically in a dust bowl and re-allot that land for a more suitable purpose, principally for grazing, and I will come back to that a little later.

Another act that is repealed is the Monarto Legislation Repeal Act 1980. That act repealed the Monarto Development Commission Act and the Monarto Land Acquisition Act 1972. The Dunstan government proposed to build a satellite city at Monarto, just this side of Murray Bridge, and resume a significant number of farming properties in that area with the idea of developing a city. I often think that it was probably one of the better ideas that premier Dunstan had, but he never put it into practice because the bureaucrats and the bureaucracy were going to revolt. When asked who was going to live at this place, premier Dunstan suggested that they were going to send a lot of public servants out there, and the public sector revolted against it.

The Hon. J.W. Weatherill interjecting:

Mr WILLIAMS: Was it? I thought it was a good idea, and I still think it is a pity that it was not put into practice. I happen to be one of the people who think that the city of Adelaide has grown beyond what is economically and socially viable, and it is a pity that the Monarto idea never took off. In the meantime, most of the land, I guess, has been replanted. There is quite a forest out there that some would argue is idle. It is certainly much better farming land than the marginal lands.

We are also repealing the Port Pirie Laboratory Site Act 1922. I cannot find any copy of that act either in the printed folios in my office or on the internet so I have no understanding what that act was about, but I am sure it was designed to do good things for the state. I have no idea what we are repealing there.

The last act to be repealed is the War Service Land Settlement Agreement Act 1945. This gave legislative power to an agreement between the commonwealth and the state for the purposes of settling discharged members of the forces from the 1939-45 war onto viable farming allotments. Unlike the aforementioned Discharged Soldiers Settlement Act, this act was an agreement between the state and the commonwealth—the agreement is in the act—and basically the state is merely the administrator of the scheme on behalf of the commonwealth. Both crown land and land purchased specifically were used for the scheme.

I mentioned earlier that there are clauses in the current act to give the minister power to resume sections of land over a certain size. I think one of the last remaining significant properties—significant in terms of its size—in the district in which I and my family now live was a property known as Chetwynd. That was owned by I.T. Williams and family (no relation of mine) and broken up, I assume, under that act into smaller properties that were then allotted to returned servicemen.

Interestingly, the piece of land that my home is situated on is what we call a soldier settler's block and, having read the War Service Land Settlement Agreement Act 1945 and understanding that the state was merely administering a commonwealth scheme, I can understand now why the title to the block that my family home is on was not subject to freeholding under the accelerated freeholding process that this government has undertaken in recent years, because of the

commonwealth involvement in the lease conditions. Suddenly, that made sense to me to a greater degree than previously when I read the agreement between the state and the commonwealth.

I mention those acts that are to be repealed purely because we are taking another step in the history of land development in South Australia. Ever since 1836 the Crown has been intimately involved in developing the state and for most of the state's history this state has relied on agriculture for its economic development, and various parliaments throughout that history have used various mechanisms to maximise, in their eyes, the use of the land to create wealth for the state.

The principal act that we are repealing, the Crown Lands Act 1929, the latest iteration of that process, was designed at a time when the Crown still owned large portions of the land in the state, and it was designed specifically to give the minister of the day the opportunity to utilise that land—again, to foster economic growth and economic development.

Today, the lands that are left in crown ownership are quite small. They are lands which I and my colleagues on this side of the house and, I am sure, members of the government believe, by and large, will always remain with the Crown. So, as mentioned earlier with a change of name to Crown Lands Management Act, the emphasis is the ongoing management of those remaining crown lands, as opposed to the earlier emphasis as to the development of the state to drive the economy and to maximise the economic return from the land.

Until recently managed under the Crowns Land Act, there were something like 20,000 perpetual leases. I mentioned a moment ago the accelerated freeholding program of the government. I assume that that program is virtually finished but my understanding is that there are still some of those leases to be converted to freehold title. I will not praise the process that was undertaken because I think it had significant flaws. I think a select committee looked into it some years ago and made recommendations, most of which were taken up. However, the idea that the Crown convert perpetual leases to freehold title, I think, was a very good idea; it was just the way the government went about it that raised some inequities, in my opinion. That is 20,000 parcels of land which no longer need to be managed under the Crown Lands Act.

I am told by departmental offices that there are something like 15,000 parcels of unalienated crown lands still managed by the minister and his department. A lot of these are parcels of land that are, for example, waterfront—whether it be on coastal waters or other navigable waters—which are held by the Crown. These are the lands that I expert will always be held by the Crown.

There are something like 11,000 parcels of dedicated lands, which may well be the local football oval or the like; parks and gardens which are crown land but which are dedicated to the care and control of, in many cases, local government. In fact, I suggest that, in most cases, it is dedicated to the local government authority who then, in most cases, probably has some sort of an arrangement if they are used for a sporting activity with a club or a group of sporting clubs as sub-tenants.

I am told there are somewhere between 500 and 1,000 term leases and somewhere between 4,000 and 5,000 licences to occupy. The totality of those parcels of land—and we are talking about more than 30,000 parcels of land—compromise somewhere between 3 per cent and 4 per cent of the area of the state. It is a large number of parcels of land and a significant area of the state. Three or 4 per cent is a significant portion of the total area of the state. So there is still a considerable task for the government to manage those lands. The opposition, by and large, supports the measures in the bill before us as a way to manage those lands into the future.

Just out of interest, I think it is worth putting on the record details of what comprises the rest of the lands of the state. During the briefing the departmental officers gave me this information and I found it quite interesting: some 20 per cent of the state, in area terms, is Aboriginal lands; some 40 per cent of the state is under pastoral lease; some 21 per cent of the state comprises our system or network of parks—

An honourable member interjecting:

Mr WILLIAMS: And Ivan's got the rest! This is the figure that interested me: the settled areas comprise a mere 17 per cent or 18 per cent of the state's area which, in the context of the 3 per cent or 4 per cent that is still owned by the Crown, is not a large proportion of the state. I was somewhat surprised by that number. If somebody had asked me before I was given a briefing, I

would have probably estimated it to be 30 per cent or 40 per cent. I was aware that the pastoral lease covered a significant portion of the state.

I have accepted the government's point that, as we move forward, it will be more about the management of existing crown lands. I have acknowledged that we would probably wish those lands to remain under the ownership of the Crown. I want to bring to the attention of the house some economic development issues which I think are very important. I know that my colleague the member for Stuart will briefly touch on this because it is an issue that he has raised many times, and I will not steal his thunder in regard to William Creek, but he has taken me there to show me the site and tell me about the circumstances there. I will not waste the time of the house because I know that the member for Stuart will talk about that.

I happened to be with some friends recently who told me a story about one of their acquaintances, and they introduced me to him. He runs a business in the Far North of the state doing incredibly important work to support the mining industry. It is up in the Cooper Basin. As the house would be aware, when we were in government, we forced the hand of Santos to use a lot of its exploration leases or give them up.

In doing so, a number of exploration leases became available and were re-let, and a significant number of smaller companies now operate in that area and are doing very well. They are tapping into oil reserves of a scope that did not particularly interest Santos. Companies like Beach Petroleum and Stuart Petroleum, to the best of my knowledge, are doing very well up there, but they require a number of other businesses to be operating in the area to support them.

For instance, it is impossible to drill a well without getting to the well site and, in that country, it is impossible to get to the well site without having a roadway built. It is impossible to set up a heavy drilling rig to drill in that area without putting down a pad or a bund and probably an area to hold water or drilling mud. There is quite a bit of earthmoving required just to support that industry.

I was told by this particular operator that his biggest problem is that he has all his equipment up there and a significant number of people working for him, yet he cannot find anywhere to build a depot. He cannot get a piece of land, because he needs to make a considerable investment. It appears that Santos will only allow people into Moomba to set up on the site within the Moomba area if they are contracted to Santos itself. A number of these businesses are not contracted to Santos; they are working principally for other companies.

I was near Innamincka some years ago very close to where Geodynamics is drilling its holes and undertaking its experimental work on geothermal energy. The camp was run by a trucking business carting the materials and needs in and out of that area for Geodynamics and other mining and exploration companies. Again, if my memory serves me well, that company has been told by the government that its licence to occupy the piece of land where their camp is is rapidly coming to an end, and they will have to move their camp. The earth mover who I was talking to said that he needs to spend at least $1 million. He needs to build a decent workshop to service his equipment, he needs a base for his staff, and he probably needs some living quarters, a canteen, and those sorts of things, and some other shedding, at least. He is not of a mind to spend that sort of money in a remote area of South Australia without some sort of security of tenure.

I say to the minister and the government: notwithstanding the rhetoric that this government is supportive of the mining industry, the mining industry relies absolutely on these types of businesses. Unless they can get support to be able operate in what is fairly inhospitable country, the mining sector will suffer. I am making the point that there is still a need for the economic development of the state to be sensible about the way we manage crown land.

There may be opportunities for crown land to be used here, or there may be opportunities to excise small parcels of land off pastoral leases. I would argue, as I know the member for Stuart would argue, that, under the circumstances, these people should be granted freehold title to some of those portions of land.

We will be going into committee. I see that the government has some amendments to this bill. I have put on file one amendment. I will speak briefly to that now. The bill proposes that the minister will have the power to dispose of crown land by issuing a freehold title. Under the current legislation, such disposal of crown land can be made only by the Governor. My amendment proposes that we retain the power of the Governor, and I will talk more about that in committee.

I understand that one of the minister's amendments is to do with clarification of the valuation. I have had discussions with the Hon. John Darley, from another place, who has expressed some concerns about that particular part of the act, but he had not seen the minister's amendments at that time. I gave him an undertaking that, if he remained dissatisfied with the minister's amendments, we would have further discussions with him between houses. Given his experience in matters of valuation, I sincerely hope that the government has satisfied his requirements.

I think I have covered most of the things that I have noted here. With that, I will close my remarks, and indicate to the minister that I suspect that the bill will have a relatively speedy passage through the rest of its stages.

The Hon. G.M. GUNN (Stuart) (16:24): I will be brief. I think it is important to put on the public record my views in relation to the land title system in this state. There is nothing more important to agriculture and the business sector than to have security and title over the land which they manage, operate or farm. For a long time, I have been very concerned that some of my constituents have been denied that justice. They have been treated as a lower class of lessee than most of us who had the opportunity to freehold our perpetual leases. For the life of me, I cannot understand why anyone would want to deny those people who have perpetual leases in what is known as the 'transitional zone'. Absolute nonsense was talked at the time of the select committee, and even the minister admitted that the bureaucrats gave a weak explanation for not acceding to freehold.

The difficulties people in little places like William Creek and Innamincka have experienced in getting reasonable opportunities to freehold are just really appalling. In my view, you should be paid to live in those places and not have to pay astronomical amounts to freehold. I think Sir Humphrey wanted $7,000 for a house block at William Creek, which is absolute nonsense.

I do not know how many people have been to William Creek or who would like to spend a weekend there, but some of my colleagues have been there with me, and it is interesting when Lake Eyre is full. They made life so difficult for the poor fellow who ran the take-away shop that he is no longer in business. He decided to shut up shop, which is a great pity for the travelling public because it was a very good facility.

The Crown Lands Act has been an instrument used to develop South Australia. Another area which I have always been interested in and which needs tidying up relates to a survey of lots of small towns in the northern parts of the state. From time to time, the councils have put up these blocks of land; well-meaning but misguided people have bought them, but they get up there and realise that they are a liability, and so the revolving door circus goes on. We need to ensure that the local councils can take action to close off those towns. I know that one of my constituents had literally dozens of small perpetual leases on his property, and if we could streamline that, it would be a good thing.

The need to effectively convert from existing title to freehold is important. However, I will not be here to see that, but I know that, in the future, my colleagues will fix it and it will happen. People can mount a rearguard action and try to stop it; they can stop it in the short term but, in the long term, those perpetual leases in transitional zones will be freehold, so they ought to face reality. It will be an executive decision and not a bureaucratic one.

It is a bit like the argument we had about freeholding shacks, and during my time in parliament I have heard some interesting arguments about why that should not happen. Excuses were made at Blanche Harbor, and it took ministerial direction after ministerial direction to carry out the will of the government. I will never forget a public meeting where a character came up from Adelaide and commenced to read to us sections from the Health Act. Not one person there was interested, and I had to get up and tell him that I thought the best thing he could do was cease his reading and go back to Adelaide because we were not interested.

Whatever he thought, they were not going to have flashing red lights or sirens on top of their septic systems. They thought common sense would apply and they would be freehold, and the 150 people who were at the meeting agreed. That is the sort of nonsense we have had to put up with. I hope that this bill was streamline that.

For the life of me, I cannot understand why the government would want to insist on having any involvement in these perpetual leases in the transitional zones. Why would it want to be bothered? Other acts of parliament are in place to ensure that sensible and responsible management practices are enforced.

Certain sections seem to be hesitant about actually letting people own it and have a contract with the Crown. As my colleague said, we are opposed to doing away with the right of the Governor to sign these leases. It is my view that this is a contract between the Crown and the lessee; therefore, as the Governor represents the Crown, he or she should be the one. I do not think it takes a great deal of the Governor's time, because there are not a lot of them left. A previous minister told me that he signed them, and that was it. He never even turned them over; he just signed them because, in most cases, it was a formality.

We have had the situation in the past where permission was needed to mortgage or transfer and, in the early days of the Dunstan or Walsh government, they tried to limit the amount of perpetual lease land to, I think, 4,000 acres. That has all gone by the board, thank goodness.

In conclusion, I say to the minister: in the future, would you please have a close look at the freeholding policy in some of these isolated, small communities and have a good look at the perpetual leases in what are known as the transitional areas, and in relation to people who hold miscellaneous leases. For goodness sake, let them get freehold; let them all move on. Some of them have enough difficulties in their lives and they need all the support, help and understanding that we can give them. If we can give them a better security of title, it may allow them to trade out of some of their difficulties.

My whole purpose in this particular area of interest is to see that people are treated fairly and reasonably, and that they act responsibly. I know one of these areas of difficulty that we are talking about. One of the contaminated leases is in my constituency at Jamestown. Irresponsible activity was taken by people operating the sawmill and, unfortunately, I think the taxpayers will have to pick up the tab. I think there is a strong case to say that we all did not pay enough attention, and I do not think that ought to be the responsibility of taxpayers. If someone pollutes, they ought to be held responsible for it, they really should be.

Mr Williams: The bill does that.

The Hon. G.M. GUNN: Yes, I know that, and I am pleased about it. This particular case is right in Jamestown itself. What are you going to do? No-one wants it. Just try to sell it. People would not go within a kilometre of it, because the cost of remedying the problem is horrendous. So, we have to ensure that that sort of irresponsible behaviour never takes place again. People living next door to us are not very happy either. They do not know whether the pollution will eventually affect them, so it is difficult . It is not the minister's fault and it is not this government's fault; it has happened over a long time and we have to ensure that it does not happen again. I support the second reading.

Mr VENNING (Schubert) (16:33): I support the words of both my colleagues, the shadow minister, the member for MacKillop, and also my long-term friend, advocate and comrade in arms on this matter, the member for Stuart. I will declare an interest because, over the years, we have had several crown leases, and I believe that we still own a couple, although a lot of them were freeholded under the previous government. It has made things much tidier and much more efficient, particularly for the department that had to send out all the paperwork.

Currently, the management of crown land occurs under the Crown Lands Act 1929, and leases and agreements are made under various other acts. This bill seeks to repeal the acts currently providing the legislative framework for the management of crown lands and replace them with a new single act, which we support—completely updated and modernised to allow for the contemporary management of the state's crown lands.

Administration functions will be made more efficient, with more modern processing and record-keeping methods recognised, which I think is a positive step. Any changes brought about that make the management of crown lands more organised and updated have to be desirable and welcome.

However, as the shadow minister has said, we on this side of the chamber have some concerns. They relate primarily to the power that the minister would have—which was formerly held by the Governor—in relation to granting fee simple of crown lands to any purpose; granting to any purpose the fee simple of any dedicated lands in trust for a purpose for which the lands were dedicated; by proclamation, if required, cancelling the grant of any dedicated lands; and by proclamation free from the trusts and, if required, cancelling the grant of any lands set apart for a particular purpose. I commend the previous Liberal government for freeing up huge parcels of land in the mid-1990s which allowed transfer from farmers who owned their land under various tenures,

particularly perpetual lease. It was costing the government much more money to collect some of these fees than it was receiving. It was common sense.

We had a couple of goes at getting the fee right, and I believe that, in the end, we did get it right. Many farmers, especially those who had any clues, made application and paid the fee to freehold their land. Most of them have never regretted what they did because the tenure is now secure. I commend the previous government very much for allowing these transfers.

Many of these crown leases were water leases because, in the old days, we did not have pipes. If there was a river, they all shared a piece of the river for watering their stock and, of course, they were always held as crown leases. Many of these leases are still retained, and I know I have at least one. I have no problem with its remaining as a crown lease because it is an environment and heritage area—and it is not far from our house.

We also allowed the land in marginal lands to be freeholded. The member for Stuart has just said this very capably. We went in to bat for hours on this issue. I think some of the very few public servants with whom the Member for Stuart got on well worked in this area. I think some might be sitting in the gallery right now. Over the years, we sat for hours looking at these maps with the then minister, and bit by bit we got more of these lands that were in the transitional zone allowed to be freeholded.

I have an historic interest in this because, years ago, my family was one of those families who did follow the plough—with rain, followed the plough. They went north to Quorn to the Willochra Plain. Luckily, my great-grandfather did not go. His two brothers went up there and he stayed at Crystal Brook. Just as well he did, because, for the first three or four years they were there, the rain followed the plough and they had good years, but then it just stopped. Some very good rain still falls up there and, when it does, you can whip up there and put in a crop, but it is an exception nowadays.

Certainly I believe that much of this land should be freehold. In fact, I have no problem with all the outback lands being freeholded, because the day of the farmer or the pastoralist raping and pillaging his land is gone. All of them are now very conscious of their land and looking after it. I have no problem with it all been freeholded one day. I hope I live long enough to see that happen, but I doubt I will. I am sure that, when the member for Stuart leaves here, he will leave someone here entrusted with the ideas which he has been pushing for years. Hopefully, it will be me in the short term and probably the member for MacKillop in the long term. Much of that land in the north was farmed, and it can be farmed again with modern practices, and I have no problem with its being brought back as freehold land.

I think the shadow minister raised the subject of Monarto. The first land the Venning family farmed as their own land in South Australia was at Monarto. I can go there and I know where the farm is and everything else: it is quite historic. I agree that it was a good initiative of the Dunstan government to try to move sections of the government out there, in fact build a city out there, but it was the bureaucrats, the Sir Humphreys, who killed it.

They did the same thing in New South Wales at Orange. They moved the department of agriculture out there and it has worked very well. Of course, the ironical thing is that much of the money that was spent developing Orange for this purpose, you would not believe it, was money from Super SA, our own state monies. I could not believe it. That was a long time ago. I understand it is still very successful.

Farmers have also been the backbone of our state and our country. The link between farmers and their land has always been a very important issue. My great-grandfather campaigned all over the state and the country on land issues. It is all documented. We have a pictorial address hanging on the wall at home which talks about these issues.

This led to setting up the Strangways Act, for anyone who studies land tenure here. There is a picture of Mr Strangways in the corridor here. This allowed farmers to own land, and the government actually helped them get it. It is all tied up with governments and it is all tied up with a lot of history here. My great-grandfather, for the record, started the State Bank. That will raise a few eyebrows. I support my colleagues. We welcome a bill such as this. It is certainly tidying things up. I am happy to give the government kudos any time. Give us good legislation and we will say it is good legislation.

Apart from the one amendment (which I hope the government will support in relation to the powers of the minister versus the Governor), I hope that the minister will see the merit of our case

and then we can make this bill even better. It is not bad for a start but it could be better. I support the bill with the amendment.

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Environment and Conservation, Minister for Early Childhood Development, Minister for Aboriginal Affairs and Reconciliation, Minister Assisting the Premier in Cabinet Business and Public Sector Management) (16:40): I thank members for their contributions. I am happy to address the matters that have been raised in committee.

Bill read a second time.

In committee.

Clauses 1 to 4.

Clause 5.

Mr WILLIAMS: The minister might take this as a question or merely as a statement, but I do acknowledge—and I said this in my second reading contribution—that this bill is more about the management of the land that still remains with the Crown rather than the previous act, and having the object to further the economic benefits of using land for economic development and growth in the state. Some of my colleagues raised the issue with me about clause 5(2)(a), 'Principles of crown land management', which states:

> that principles of ecologically sustainable land management be observed in the management and administration of crown land.

They asked me to get onto the public record some examples of the government's intention with regard to this clause. By way of example of the confusion that is caused at least in my mind, if not in the minds of my colleagues, subclause (2)(a)(iii) talks about 'avoiding, remedying or mitigating any adverse effects of activities on the environment'. I note that only several weeks ago the very same minister declared a number of marine parks in South Australia and failed to declare a marine park over the two most degraded pieces of our marine environment, namely, the metropolitan beaches and the Coorong. I am wondering what the government's standards are particularly with regard to remedying adverse effects and activities on the environment and how it sees the way it would instigate the use of the principles of ecologically sustainable land management.

The Hon. J.W. WEATHERILL: The marine parks are based on protecting habitat and the science dictated which areas were looked at. Of course, it is the case that in those areas that are the most affected by human activity there is less of that natural habitat to be protected. So representative samples of each of the biodiversity regions were chosen and hence the marine parks focus on those areas. So it is no surprise that the more trafficked areas of the metropolitan coastline and other areas do not find their expression in marine parks.

Mr WILLIAMS: I was hoping the minister might express the principles of ecologically sustainable land management and where he sees issues with regard to crown lands that are under his management.

The Hon. J.W. WEATHERILL: I think the principles of ecologically sustainable land management are self-evident. I do not think I can add anything to that phrase to make it any clearer. It is a question of making sure that we use the land in a fashion that balances the economic, social and environmental matters, and it really underscores that, instead of preferring one of those elements—the economic—it is balanced with both the social and environmental factors. It is sometimes called the triple bottom line. It is becoming a pretty commonly used phrase. The notion of sustainability really encompasses the way we now realise we have to deal with all our natural resources. I do not think I can add much more than that.

Mr WILLIAMS: During the second reading debate I mentioned the number of parcels of land to be managed under this regime. I guess there is some concern, in the opposition ranks at least, that there may be a burgeoning growth in the bureaucracy to manage these and that, given the principles of crown land management and the way it has been set out in the act, this might obligate the minister to set up a significant team of people to physically go out and manage, quite differently, these parcels of land. There are many thousands of parcels of land across the state—I think I got to over 30,000 of them—and we are a little concerned about any cost implications to the state.

The Hon. J.W. WEATHERILL: This does not oblige the government to take any particular steps. It just sets down the principles by which the activity of the government (the minister) should

be guided in exercising its functions and responsibilities under the act. So it guides, if you like. It provides a framework for how powers and responsibilities that reside in the act should be exercised. It does not dictate that they should be exercised in a certain way, and there is certainly no intention to establish a large bureaucracy to do things differently in relation to the management of crown lands.

Clause passed.

Clauses 6 to 9 passed.

Clause 10.

Mr WILLIAMS: This clause will establish advisory committees, and I can understand why you might want to do that. I can understand why you might want to do that, and I can understand why you might want to, under clause 11, establish a management committee; I do not have any problem with that. For some reason I was thinking that there was a clause that said there would be some sort of remuneration for members of such committees and, in re-reading the bill last night, I could not find the clause. However, is it intended that members of such committees will receive remuneration?

The Hon. J.W. WEATHERILL: No, not other than that which is provided under section 66, which is the valuation review. That committee does have a provision that the members of it should be paid, but not under clause 10, advisory committees.

Clause passed.

Clauses 11 to 18 passed.

Clause 19.

Mr WILLIAMS: I move:

Page 12, after line 22—After subclause (1) insert:

(1a) If land subject to a dedication under this or any other act has been granted in fee simple, the dedication can only be revoked by proclamation made by the Governor.

I have four amendments on file, but they are all consequential on this amendment.

The Hon. J.W. WEATHERILL: This amendment is accepted.

Mr WILLIAMS: You accept this? In that case, I thank the minister. Just by way of explanation, because I did not explain my thinking in the second reading, clause 16 gives the minister power to delegate powers and that would include the powers that I see, the power that currently is enjoyed by the governor and not the minister, and that is to sign off on a grant in fee simple of a piece of crown land. I am delighted to learn that the minister accepts the amendment that I am putting.

The Hon. J.W. WEATHERILL: That is not quite the reason we agree but this clause refers to the resumption of declarations of trust lands which were issued by proclamations which also provided for resumption by way of proclamation by the governor. The government's view is that the requirement for the governor to proclaim the resumption adds unnecessary red tape. However, these resumptions occur very rarely and so their overall addition to red tape is small. Because the opposition feels strongly about this we are prepared to accept the amendment.

Amendment carried.

Mr WILLIAMS: I move:

Page 12—

Lines 23 and 24 [clause 19(2)]—Delete 'minister must not revoke the dedication' and substitute:

dedication must not be revoked

Line 26 [clause 19(3)]—Delete 'the minister revokes a dedication of land' and substitute:

, under this section, a dedication of land is revoked

As I said, the four amendments (in total) are all based on the same premise—that is, that the opposition believes that it is no small matter to dedicate a piece of land, to revoke a dedication or a proclamation and, indeed, to dispose of crown land by a grant in fee simple. So I am speaking to all four amendments; they are all based on the same principle. We do not see that as a small matter.

I again refer to clause 16, and this is one of the reasons we do not see it as a small matter. Clause 16 gives the minister the power to delegate any authority. The minister would have these various authorities which are addressed by my amendments. Under clause 16 he can on-delegate those authorities to a person or a body. It does not necessarily even mean that it would be to a person in the bureaucracy. I am assuming that that would be where the authority would be delegated, but clause 16 gives the minister the power to delegate his authority to any person. The opposition believes that, in dealing in this manner with crown land, the long-held view that the Crown via the Governor should be involved in the process is well worth keeping.

I take the point that the minister made a moment ago in regard to amendment No. 1 that, even though it may impose some small burden (referred to as a bit more red tape), I suspect that these matters will happen rarely, and I do not think it will be onerous on the Governor to be required to still be part of the process in all these matters. The opposition stands by those reasons for moving the amendments.

Also, clause 16(3), which deals with the minister's ability to delegate his powers, provides that those powers can be further delegated. We could have the situation where powers dealing with crown land, which we see as quite extensive, could end up being delegated to a very minor bureaucrat who may not have the full understanding which we believe should be brought to bear in these matters. For that reason, we think it is paramount that the Governor is involved in the process.

The Hon. J.W. WEATHERILL: I indicate that we support amendments Nos 2 and 3.

Amendments carried; clause as amended passed.

Clauses 20 to 23 passed.

Clause 24.

Mr WILLIAMS: I move:

Page 13, after line 25—After subclause (2) insert:

(3) The Minister may only dispose of Crown land by grant of the fee simple with the approval of the Governor (and such approval may be given without the advice and consent of Executive Council).

We are making great progress. The power of the argument has been doing very well. I would like to hear that the minister will accept this amendment. The earlier three amendments were consequential; this one is the key amendment.

The opposition believes that this is the most important one because we are talking about the actual disposal of crown land by a grant of fee simple. We often talk about checks and balances, and I think the mere fact that we are going to be disposing of crown land means that the bill does set certain conditions. It is probably important for the committee to understand that when we look at clause 25(1), and I know we are not quite there yet, it provides:

A disposal of Crown land by transfer or grant of the fee simple must be by public auction, public tender or such other open competitive process as the Minister may determine, unless—

Then the options available are detailed. If we ended that clause after the words 'such other open competitive process', the opposition may not have been so keen to insist on this amendment, but it goes on with the options the minister has in the disposal of crown land by the grant of fee simple.

[Sitting extended beyond 17:00 on motion of Hon. J.W. Weatherill]

Mr WILLIAMS: We think this is the important one. Again, it is, as I have said, and you probably alluded to it in your second reading contribution, about now managing the remaining crown lands. It is not our expectation (and I am sure it is not your expectation) that the issue of a land grant in fee simple will be something that happens very often. You may correct me; you may have reason to believe that there will be a flood of these. I do not expect that it will happen very often.

I would be somewhat disturbed if it could be argued that the Governor would be overwhelmed with having to sign off on these. It is one of those checks and balances that the opposition thinks is important. I hope that the government would have a little feel for the historic context of what we are doing here today. That is one of the reasons why I mentioned in the second reading that this has been a gradual process in the way that we have changed the importance that

the various iterations of crown land management acts have had in the development of this state. I think it is not only important to have the Governor remain involved in this process, but it would also be a break with the historical context not to have the Governor involved.

The Hon. J.W. WEATHERILL: The requirement for the Governor to grant land on behalf of the Crown is largely ceremonial, dating back to the commencement of settlement of South Australia. Under the Crown Lands Act 1929, those grants can be issued only on approval of the minister. So, while grants are currently prepared and personally signed by the Governor—I note, without the involvement of the Executive Council—the land grant document is never issued to the grantee.

Instead, the grant document is lodged with the Registrar-General and a computerised freehold title is issued to the grantee by the Registrar-General. Over the last 10 years, work has been done to facilitate automated processing of subsequent documents lodged against the title under the Real Property Act 1886. Since 1982, the minister has been authorised to issue land grants for easement purposes. Currently, signing and sealing land grants is a manual process that inhibits the adoption of automated processing of crown land transactions.

To look at other legislation, notably the Harbors and Navigation Act 1993, it already provides for the Registrar-General to issue titles directly over crown land, that is, the sea bed, on authority of the minister to whom the act is committed. The Minister for Environment and Conservation represents the Crown in the administration of the bill, and replacing the role of the Governor in signing grants will not lead to any diminution of probity or quality control.

It really is a classic piece of red tape. As for the suggestion that there will not be many more of these, if the opposition gets its way there will be lots more. There will also be the question of surplus crown land that is routinely processed from time to time. It creates a sort of manual bottleneck to an automated system, that is just not desirable, including all the paraphernalia that goes into preparing a submission to go before the Governor and the processes of Executive Council. It ties up a lot of people: a lot of ministerial officers, cabinet subcommittees, cabinet submissions, Executive Council submissions, proclamations and gazettes. It is a lot of red tape for something that really is of no consequence.

Amendment negatived; clause passed.

Clauses 25 to 65 passed.

Clause 66.

The Hon. J.W. WEATHERILL: I move:

Page 30—

Line 1 [clause 66(4)(b)]—Before 'review panel' insert 'Ministerial'

Line 2 [clause 66(4)(b)]—Before 'review panel' insert 'Ministerial'

Line 6 [clause 66(6)]—Before 'review panel' insert 'Ministerial'

Line 10 [clause 66(7)]—Before 'review panel' insert 'Ministerial'

Line 25 [clause 66(11), definition of reviewer, (b)]—Before 'review panel' insert 'Ministerial'

Line 26 [clause 66(11), definition of reviewer, (b)]—Before 'review panel' insert 'Ministerial'

This arises out of consultations which have occurred on the bill with the Hon. John Darley of the other place. He was concerned to ensure that there was clarity, that the valuation review panel posed under the bill is not confused with a similar review panel set up under the Valuation of Land Act 1971. Accordingly, we seek to insert the word 'ministerial' in front of 'the review panel' in section 66 of the act in order to make that situation clear.

Amendments carried; clause as amended passed.

Clauses 67 to 81 passed.

Schedule 1.

The Hon. J.W. WEATHERILL: I move:

Page 38, lines 30 to 39—Delete Part 5

This amendment removes the proposed related amendment to section 93 of the Real Property Act 1886. The government now intends to introduce other amendments to the Real Property Act 1886,

and parliamentary counsel has advised that amendments to section 93 of that act should be dealt with by those amendments, rather than in this bill. This will avoid possible conflict in the timing of the assents of the various amendments. It is a highly technical change we seek to make.

Amendment carried; schedule as amended passed.

Title.

Mr WILLIAMS: I take this opportunity to put a proposal to the minister. I still feel fairly strongly about clause 24, but I do accept his point. However, I suggest, minister, that between the houses you look at a possible further amendment. The opposition would feel much more comfortable about clause 24 if clause16, the delegation of powers, did not apply to clause 24. If the minister would undertake to look at that, we would be most happy.

Title passed.

Bill reported with amendments.

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Environment and Conservation, Minister for Early Childhood Development, Minister for Aboriginal Affairs and Reconciliation, Minister Assisting the Premier in Cabinet Business and Public Sector Management) (17:09): I move:

That this bill be now read a third time.

I thank all those who have worked for so long on this bill, particularly Mr Doug Faehrmann, who I think has been working on it since 2000 and who was hoping to have it completed and through the house before he retired. I think he is planning to retire soon, so I promised him that I would seek to achieve that.

This is probably not the most exciting bill that has ever been brought before parliament, and that is probably why successive ministers have not put it at the top of their list. However, it is work like this that our public servants do on important pieces of legislation that operate the very important principles of property management and enable our state to operate in an effective and functional way. So, I just want to pay tribute to him for his work, and to his manager, Jack Nicolaou, and also Aimee Travers from parliamentary counsel for her work in relation to this particular piece of legislation. I also thank the opposition for their support.

Bill read a third time and passed.

STATUTES AMENDMENT (TRANSPORT PORTFOLIO—ALCOHOL AND DRUGS) BILL

Second reading.

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Environment and Conservation, Minister for Early Childhood Development, Minister for Aboriginal Affairs and Reconciliation, Minister Assisting the Premier in Cabinet Business and Public Sector Management) (17:11): I move:

That this bill be now read a second time.

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

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

Clauses 1 to 3 are formal.

Part 2—Amendment of *Harbors and Navigation Act 1993*

4—Amendment of section 4—Interpretation

This clause inserts definitions of terms used in provisions that are inserted or amended by the Bill. It also relocates some definitions from other sections and updates existing definitions in section 4.

5—Amendment of section 13—Production of identity card

This clause amends section 13 by deleting the reference to 'member of the police force' and substituting 'police officer'. The term *police officer* is defined in the *Acts Interpretation Act 1915.*

6—Amendment of section 70—Alcohol and other drugs

This clause amends section 70 to make it an offence for a person to have a prescribed drug present in his or her oral fluid or blood while operating a vessel or while a member of a crew of vessel who is, or ought to be, engaged in duties affecting the safe navigation, operation or use of the vessel. The monetary penalties are the same as those for an offence against section 47BA(1) of the *Road Traffic Act 1961* (namely, a minimum fine of $500 and a maximum fine of $900 for a first offence, a minimum fine of $700 and a maximum fine of $1,200 for a second offence, and a minimum fine of $1,100 and a maximum fine of $1,800 for a subsequent offence). As in the case of an offence against section 47BA(1), it is a defence if the defendant proves that he or she did not knowingly consume the prescribed drug present in his or her oral fluid or blood (but not if the defendant consumed the prescribed drug believing that he or she was consuming a substance unlawfully but was mistaken as to, unaware of or indifferent to the identity of the prescribed drug). The clause also amends section 70 so that previous drug offences are taken into account in determining whether an offence against that section is a first, second or subsequent offence.

7—Substitution of sections 71 to 72B

71—Authorised person may require alcotest or breath analysis

Section 71 empowers an authorised person to require an operator of a vessel or a member of the crew of a vessel to submit to an alcotest or breath analysis. The section has been redrafted to make it consistent with section 47E of the *Road Traffic Act 1961*.

72—Authorised person may require drug screening test, oral fluid analysis and blood test

New section 72 empowers an authorised person to require a person who has submitted to an alcotest or a breath analysis under section 71 to submit to a drug screening test. The section empowers an authorised person to require an oral fluid analysis or a blood test if the drug screening test indicates the presence of a prescribed drug in the person's oral fluid. If a person has submitted to an alcotest or breath analysis as a result of a requirement made under section 71 in prescribed circumstances (as defined in section 4), the authorised person may require the person to submit to an oral fluid analysis or a blood test without first requiring a drug screening test.

This section is consistent with section 47EAA of the *Road Traffic Act 1961*.

72A—Schedule 1A further regulates blood and oral fluid sample processes

New section 72AB provides that Schedule 1A sets out detailed procedures for taking and dealing with blood and oral fluid samples. This section is consistent with section 47F of the *Road Traffic Act 1961*.

8—Substitution of section 73

73—Evidence

Section 73 has been redrafted to make it consistent with Schedule 2 clause 15 of the *Rail Safety Act 2007* and section 47K of the *Road Traffic Act 1961*. It includes evidentiary provisions required to support the drug testing provisions, and a number of evidentiary provisions are relocated from sections 72 and 74.

9—Insertion of section 73B

73B—Oral fluid analysis or blood test where consumption of prescribed drug occurs after operation of vessel

New section 73B applies in relation to proceedings for an offence against section 71(1) or (3) in which the results of an oral fluid analysis or blood test under the new section 72 are relied on to establish the commission of the offence.

The section provides that a court may find a defendant not guilty of the offence charged if he or she satisfies the court that he or she consumed the prescribed drug during the period between the person's conduct that gave rise to the requirement to submit to the oral fluid analysis or blood test and the performance of the analysis or test, and the prescribed drug was not consumed after an authorised person first exercised powers under section 72 preliminary to the performance of the analysis or test.

This section is consistent with section 73A which applies in relation to proceedings for an offence in which the results of a breath analysis are relied on to establish the commission of the offence. It is also consistent with Schedule 2 clause 8 of the *Rail Safety Act 2007* and section 47GB of the *Road Traffic Act 1961*.

10—Amendment of section 74—Compulsory blood tests of injured persons including water skiers

This clause amends section 74 to lower the age from 14 to 10 for the compulsory blood testing of persons injured in vessel accidents who attend at or are admitted to a hospital or are dead on arrival at a hospital. It removes a number of evidentiary provisions relocated to section 73 and provisions relating to procedures for blood testing relocated to Schedule 1A, and provides for previous prescribed alcohol or drug offences to be taken in account in determining whether an offence against section 74 is a first or subsequent offence.

11—Insertion of Schedule 1A

This clause inserts a new Schedule containing procedural provisions setting out how samples of blood and oral fluid taken under Part 10 Division 4 of the Act must be dealt with.

Schedule 1A—Blood and oral fluid sample processes

Part 1—Preliminary

1—Interpretation

This clause defines terms used in the Schedule.

Part 2—Processes relating to blood samples under section 71, 72 or 74

2—Blood sample processes generally

This clause set out what must be done in relation to a sample of blood by the medical practitioner who takes the sample and the analyst who analyses the sample. The clause is consistent with Schedule 2 clause 10 of the *Rail Safety Act 2007* and Schedule 1 clause 2 of the *Road Traffic Act 1961*.

3—Blood tests by registered nurses

This clause enables blood samples to be taken by registered nurses outside Metropolitan Adelaide. This provision has been relocated from section 72B and is consistent with Schedule 2 clause 16 of the *Rail Safety Act 2007* and Schedule 1 clause 3 of the *Road Traffic Act 1961*.

4—Police officer to be present when blood sample taken

This clause requires a police officer to be present when a blood sample is taken. This provision has been relocated from section 72 and is consistent with Schedule 1 clause 4 of the *Road Traffic Act 1961*.

5—Costs of blood tests under certain sections

This clause provides for the taking of a sample of blood under certain sections to be at the expense of the Crown. This clause is consistent with Schedule 2 clause 14 of the *Rail Safety Act 2007* and Schedule 1 clause 5 of the *Road Traffic Act 1961*.

6—Provisions relating to medical practitioners etc

This clause includes provisions relocated from section 74 and is consistent with Schedule 2 clause 17 of the *Rail Safety Act 2007* and Schedule 1 clause 6 of the *Road Traffic Act 1961*.

The provisions protect medical practitioners and registered nurses from liability for acts in good faith in compliance or purported compliance with the Act, and specify the circumstances in which a medical practitioner must not, or is not required, to take a blood sample.

The clause also makes it an offence for a medical practitioner to fail, without reasonable excuse, to comply with a provision of, or to perform any duty arising under, section 74 and prohibit the commencement of proceedings for such an offence without the authorisation of the Attorney-General.

Part 3—Processes relating to oral fluid samples under section 72

7—Oral fluid sample processes

This clause sets out what must be done in relation to a sample of oral fluid by the police officer who takes the sample and the analyst who analyses the sample. The requirements are consistent with those of Schedule 2 clause 11 of the *Rail Safety Act 2007* and Schedule 1 clause 7 of the *Road Traffic Act 1961*.

Part 4—Other provisions relating to blood or oral fluid samples under Part 10 Division 4

8—Blood or oral fluid sample or results of analysis etc not to be used for other purposes

This clause limits the purposes for which a sample of blood or oral fluid taken under Part 10 Division 4 (and any other forensic material taken incidentally during a drug screening test, oral fluid analysis or blood test) may be used.

The clause limits the evidentiary use of the results of a drug screening test, oral fluid analysis or blood test under Part 10 Division 4 of the Act, an admission or statement made by a person relating to such a test or analysis, or any evidence taken in proceedings relating to such a test or analysis (or transcript of such evidence).

This clause is consistent with Schedule 1 clause 8 of the *Road Traffic Act 1961*.

9—Destruction of blood or oral fluid sample taken under Part 10 Division 4

This clause requires a sample of blood or oral fluid taken under Part 10 Division 4 (and any other forensic material taken incidentally during a drug screening test, oral fluid analysis or blood test) to be destroyed after a specified period.

This clause is consistent with Schedule 1 clause 9 of the *Road Traffic Act 1961*.

Part 3—Amendment of *Motor Vehicles Act 1959*

12—Amendment of section 5—Interpretation

This clause inserts a number of new definitions and relocates to section 5 existing definitions in other provisions of the Act.

13—Amendment of section 72A—Qualified supervising drivers

This clause removes definitions relocated to section 5.

14—Amendment of section 74—Duty to hold licence or learner's permit

This clause amends section 74 to make it an offence for a person to drive a motor vehicle on a road if the person has been disqualified from holding or obtaining a licence because of a conviction for drink driving offence and the person has not, since the end of the period of disqualification, been authorised to drive a motor vehicle. A maximum penalty of $5,000 or imprisonment for 1 year is prescribed.

15—Amendment of section 75A—Learner's permit

This clause amends section 75A to remove definitions relocated to section 5.

16—Insertion of section 79B

79B—Alcohol and drug dependency assessments and issue of licences

New section 79B provides that if an applicant for a licence has, during the period of 5 years immediately preceding the date of application, expiated or been convicted of 3 or more category 1 offences, 2 category 1 offences and 1 category offence, or 2 or more serious drink driving offences, the Registrar must, before determining the application, direct the applicant to attend an assessment clinic to submit to an examination to determine whether the applicant is dependent on alcohol.

The section also provides that if an applicant for a licence has, during the period of 5 years immediately preceding the date of application, expiated or been convicted of 2 or more drug driving offences, the Registrar must, before determining the application, direct the applicant to attend an assessment clinic to submit to an examination to determine whether the applicant is dependent on drugs.

If the Registrar is satisfied, on the basis of a report of a superintendent of an assessment clinic that the applicant is dependent on alcohol, the Registrar must refuse to issue a licence to the applicant until the applicant satisfies the Registrar that the applicant is no longer dependent on alcohol (unless the applicant is willing to accept a licence subject to the mandatory alcohol interlock scheme conditions, in which case the Registrar can issue such a licence to the applicant). If such a licence is issued, the mandatory alcohol interlock scheme conditions are effective until the holder of the licence satisfies the Registrar that the holder is no longer dependent on alcohol.

If the Registrar is satisfied, on the basis of a report of a superintendent of an assessment clinic that the applicant is dependent on drugs, the Registrar must refuse to issue a licence to the applicant until the applicant satisfies the Registrar that the applicant is no longer dependent on drugs.

17—Amendment of section 80—Ability or fitness to be granted or hold licence or permit

This clause amends section 80 to increase the maximum penalty for an offence of contravening a condition or restriction of a temporary driving permit from $250 to $1,250.

18—Amendment of section 81—Restricted licences and permits

This clause amends section 81 to ensure that there is a penalty for contravening a condition endorsed on a learner's permit under this section and to increase the maximum penalty for an offence of contravening a condition from $250 to $1,250.

19—Amendment of section 81A—Provisional licences

This clause removes definitions relocated to section 5.

20—Amendment of section 81AB—Probationary licences

This clause amends section 81AB to ensure that if a probationary licence is issued subject to alcohol interlock scheme conditions, the probationary conditions are effective for the same period as the alcohol interlock scheme conditions or 12 months (whichever is the longer). It also amends the section to ensure that if a probationary licence is issued after a person is disqualified for a serious drink driving offence the probationary conditions are effective for a period equal to the disqualification period or 3 years, whichever is the lesser. The clause also removes definitions relocated to section 5.

21—Amendment of section 81B—Consequences of holder of learner's permit, provisional licence or probationary licence contravening conditions etc

This clause amends section 81B to remove a definition and a provision relating to the period of disqualification that applies to a person who is given a notice of disqualification under subsection (2). The amendments are consequential on the repeal of Part 3 Division 5A of the *Road Traffic Act 1961*.

22—Amendment of section 81C—Disqualification for certain drink driving offences

This clause amends section 81C to require that offences against section 47BA(1) of the *Road Traffic Act 1961* be taken into account in determining what is a first, second, third or subsequent offence for the purposes of section 81C.

23—Amendment of section 81D—Disqualification for certain drug driving offences

This clause amends section 81D to require that offences against section 47B of the *Road Traffic Act 1961* be taken into account in determining what is a first, second, third or subsequent offence for the purposes of section 81D.

24—Insertion of sections 81E to 81H

Sections 81E to 81H establish a mandatory alcohol interlock scheme.

81E—Circumstances in which licence will be subject to mandatory alcohol interlock scheme conditions

Section 81E requires a licence issued to a person to be subject to the mandatory alcohol scheme conditions if the applicant has been disqualified on conviction for a serious drink driving offence committed on or after the commencement of the section and the person has not held a licence since the end of the period of disqualification. A serious drink driving offence is defined as any drink driving offence other than a category 1 offence or a first category 2 offence. The section specifies the period for which the mandatory alcohol interlock conditions are to be effective. It also provides that a licence will not be subject to such conditions if the applicant satisfies the Registrar that prescribed circumstances exist in the particular case.

81F—Mandatory alcohol interlock scheme conditions

Section 81F specifies the mandatory alcohol interlock scheme conditions. It also requires a person to nominate a motor vehicle for the person.

81G—Cessation of licence subject to mandatory alcohol interlock scheme conditions

Section 81G provides that if a person ceases to hold a licence subject to the mandatory alcohol interlock scheme conditions before the person qualifies for the issue of a licence not subject to such conditions, a licence subsequently issued to the person will be subject to the provisions until the person qualifies for a licence not subject to the mandatory alcohol interlock scheme conditions.

81H—Contravention of mandatory alcohol interlock scheme conditions

Section 81H makes it an offence for the holder of a licence subject to the mandatory alcohol interlock scheme conditions to contravene any of the conditions and specifies a maximum penalty of $2,500. It also makes it an offence for a person to assist the holder of such a licence to operate a motor vehicle, or interfere with an alcohol interlock, in contravention of the conditions. The maximum penalty for this offence is also $2,500. The section also contains a number of evidentiary provisions to assist in the prosecution of such offences.

25—Amendment of section 93—Notice to be given to Registrar

This clause amends section 93 to require the proper officer of a court that makes an order under section 47J(9) of the *Road Traffic Act 1961* revoking a disqualification to notify the Registrar in writing of the date of the order, its nature and effect and short particulars of the grounds on which the order was made.

26—Insertion of Schedule 6

This clause inserts a new Schedule to continue in operation the current voluntary alcohol interlock scheme established by Part 3 Division 5A of the *Road Traffic Act 1961*.

Schedule 6—Transitional voluntary alcohol interlock scheme

1—Interpretation

This clause defines terms used in the Schedule.

2—Voluntary alcohol interlock scheme conditions to continue to apply to certain licences issued before commencement of Schedule

This clause provides that if a licence in force under the Act on the commencement of this Schedule is subject to the voluntary alcohol interlock scheme conditions, those conditions continue to be effective after that commencement for the balance of the required period unexpired on the commencement of this Schedule.

3—Voluntary alcohol interlock scheme conditions to apply to certain licences issued on or after commencement of Schedule

This clause provides that a person is entitled to the issue of a licence subject to the voluntary alcohol interlock scheme conditions for the required period if—

(a) —

(i) before the commencement of the Schedule, the person expiates a relevant drink driving offence to which section 81C applies and is given a notice of disqualification under that section stating that, despite the disqualification imposed for that offence, the person will, on application made to the Registrar

at any time after the half-way point in the period of disqualification, be entitled to be issued with a licence subject to the alcohol interlock scheme conditions; or

(ii) before the commencement of the Schedule, the person is convicted of a relevant drink driving offence and disqualified by order of a court and the court also makes an order against the person under section 51 of the *Road Traffic Act 1961* to the effect that, despite the disqualification imposed for that offence, the person will, on application made to the Registrar at any time after the half-way point in the period of disqualification, be entitled to be issued with a licence that is subject to the alcohol interlock scheme conditions; or

(iii) before the commencement of the Schedule, the person commits or allegedly commits a relevant drink driving offence and in consequence of the commission or alleged commission of that offence, the person is, after the commencement of this Schedule, disqualified for a period of at least 6 months; and

(b) after the half-way point in the period of disqualification and within the period of 5 years after the commencement of this Schedule, the person applies for a licence subject to the alcohol interlock scheme conditions; and

(c) the person meets the requirements of this Act for the issue of the licence; and

(d) no disqualification (other than the disqualification for the offence referred to in paragraph (a)) is in force at the date of the application or will commence at a later date.

4—Period for which licence is required to be subject to voluntary alcohol interlock scheme conditions

This clause provides that the required period for which a licence is subject to the voluntary alcohol interlock scheme conditions is a number of days equal to twice the number of days remaining in the period of the person's disqualification for the relevant drink driving offence immediately before the issuing of the licence.

5—Voluntary alcohol interlock scheme conditions

This clause specifies the voluntary alcohol interlock scheme conditions. It also requires a person to nominate a motor vehicle for the person.

6—Cessation of licence subject to voluntary alcohol interlock scheme conditions

This clause provides that if a person—

(a) voluntarily surrenders a licence subject to the voluntary alcohol interlock scheme conditions; or

(b) ceases to hold such a licence for another reason (other than cancellation of the licence in consequence of the person being convicted of a serious drink driving offence),

before the conditions have applied in relation to the person for the required period, the person is, from the day on which the person surrenders or ceases to hold the licence, disqualified from holding or obtaining a licence or learner's permit for a period equal to the number of days remaining in the period of the person's disqualification for the relevant drink driving offence immediately before the issuing of the licence.

7—Contravention of voluntary alcohol interlock scheme conditions

This clause makes it an offence for the holder of a licence subject to the voluntary alcohol interlock scheme conditions to contravene any of the conditions and fixes a maximum penalty of $1,250.

It also makes it an offence for a person to assist the holder of a licence subject to the voluntary alcohol interlock scheme conditions to operate a motor vehicle, or interfere with an alcohol interlock, in contravention of any of the conditions and fixes a maximum penalty of $1,250. A court convicting a person of such an offence may order that the person be disqualified from holding or obtaining a licence or learner's permit for a period not exceeding 6 months.

The clause contains a number of evidentiary provisions necessary to assist in the prosecution of offences against the clause.

8—Financial assistance for us of alcohol interlocks

This clause provides for the financial assistance scheme established under section 53AA of the *Road Traffic Act 1961* to continue in operation after the repeal of that section to enable persons entitled to the issue of a licence subject to the voluntary alcohol interlock scheme to obtain means tested loans or other assistance.

9—Fees

This clause requires the holder of a licence subject to the voluntary alcohol interlock scheme conditions to pay the fees prescribed by regulation.

Part 4—Amendment of *Rail Safety Act 2007*

27—Amendment of Schedule 2—Provisions relating to alcohol and other drug testing

This clause amends Schedule 2 to enable blood and oral fluid samples to be transported by couriers approved by the Minister. It also makes an amendment to ensure that an authorised person is not required to facilitate an oral fluid analysis if a person who refuses or fails to have a blood test on the ground of a medical or physical condition has already refused or failed to submit to an oral fluid analysis on such grounds or has been unable to produce sufficient oral fluid for an oral fluid analysis to be performed.

Part 5—Amendment of *Road Traffic Act 1961*

28—Amendment of section 5—Interpretation

This clause amends section 5 to define the terms *drink driving offence* and *drug driving offence*.

29—Amendment of section 47—Driving under influence

This clause amends section 47 to require that offences against section 47BA(1) be taken into account in determining what is a first or subsequent offence for the purposes of section 47.

30—Amendment of section 47A—Interpretation

This clause amends section 47A by altering the definition of *prescribed circumstances* so that a requirement to submit to an alcotest, breath analysis or drug screening test under section 47E or 47EAA, or a direction to stop a vehicle for the purpose of making such a requirement, is made or given in prescribed circumstances (ie, not in the exercise of random testing powers) if it is made or given up to 8 hours after a person has—

(a) committed an offence of a prescribed class; or

(b) behaved in a manner that indicates that his or her ability to drive a motor vehicle is impaired; or

(c) been involved as a driver in an accident.

Currently such a requirement or direction is made or given in prescribed circumstances if it is made or given up to 2 hours or, in relation to a drug screening test, 3 hours, after a person has done any of those things.

31—Amendment of section 47B—Driving while having prescribed concentration of alcohol in blood

This clause amends section 47B to require a court that convicts a person of a first offence against the section that is a category 1 offence to order that the person be disqualified from holding or obtaining a licence or learner's permit for at least 3 months. Section 47B(1) makes it an offence for a person to drive a motor vehicle, or attempt to put a motor vehicle in motion, while the person has present in his or her blood the prescribed concentration of alcohol.

The clause also amends the section to require that offences against section 47BA(1) be taken into account in determining what is a first, second, third or subsequent offence for the purposes of section 47B.

32—Amendment of section 47BA—Driving with prescribed drug in oral fluid or blood

This clause amends section 47BA to require a court that convicts a person of a first offence against the section to order that the person be disqualified from holding or obtaining a licence or learner's permit for at least 3 months.

The clause also amends the section to require that offences against section 47B(1) be taken into account in determining what is a first, second, third or subsequent offence for the purposes of section 47BA.

33—Amendment of section 47E—Police may require alcotest or breath analysis

This clause amends section 47E to require that offences against section 47BA(1) be taken into account in determining what is a first or subsequent offence for the purposes of section 47E.

34—Amendment of section 47EAA—Police may require drug screening test, oral fluid analysis and blood test

This clause amends section 47EAA by inserting a provision that empowers a police officer to require a person to submit to a blood test if the person is unable to produce sufficient oral fluid for a sample of oral fluid to be taken. It also makes an amendment to ensure that a police officer is not required to facilitate an oral fluid analysis if a person who refuses or fails to have a blood test on the ground of a medical or physical condition has already refused or failed to submit to an oral fluid analysis on such grounds or has been unable to produce sufficient oral fluid for an oral fluid analysis to be performed.

35—Amendment of section 47I—Compulsory blood tests

This clause amends section 47I to lower the age from 14 to 10 for the compulsory blood testing of persons injured in motor vehicle accidents who attend at or are admitted to a hospital or are dead on arrival at a hospital. It also amends the section so that all previous drink driving or drug driving offences are taken into account in determining what is a first or subsequent offence for the purposes of the section.

36—Amendment of section 47IAA—Power of police to impose immediate licence disqualification or suspension

This clause amends section 47IAA to enable a police officer to issue a notice of immediate licence disqualification or suspension to a person who the police officer believes has committed an offence against section 47EAA(9).

37—Amendment of section 47J—Recurrent offenders

This clause amends section 47J so that it applies only to persons convicted of prescribed offences committed before the prescribed day. It also updates the language of the section.

38—Amendment of section 47K—Evidence

This clause amends section 47J to include an evidentiary provision which enables proof of matters relating to oral fluid analyses and drug screening tests to be given by certificate.

39—Repeal of Part 3 Division 5A

This clause repeals sections 48 to 53AA of the Act which established the alcohol interlock scheme.

40—Amendment of Schedule 1—Oral fluid and blood sample processes

This clause amends Schedule 1 to allow oral fluid and blood samples to be transported by couriers approved by the Commissioner of Police. It also makes a minor technical amendment to clause 9 to ensure that forensic material taken during a drug screening test, oral fluid analysis or blood is required to be destroyed if proceedings for an offence against the *Motor Vehicles Act 1959* or a driving-related offence under some other law (such as the *Criminal Law Consolidation Act 1935*) are not commenced within the period allowed.

Debate adjourned on motion of Mr Williams.

CRIMINAL INVESTIGATION (COVERT OPERATIONS) BILL

The Legislative Council agreed to the bill without any amendment.

ADMINISTRATION AND PROBATE (DISTRIBUTION ON INTESTACY) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

ADJOURNMENT DEBATE

MEMBERS OF PARLIAMENT

The Hon. G.M. GUNN (Stuart) (17:13): I am pleased that you are in the chair, Mr Speaker, because I want to talk about the rights and privileges of individual members of parliament and the importance of those rights and privileges in a democracy. As you are a supporter of democracy, and the upholder of those rights and privileges, you clearly understand that the ability of members of the public to get justice requires that members of parliament be free from threats, intimidation, having their documents searched or their offices ransacked by the bureaucracy. This place, above all, is here to ensure that members of parliament can feel free from threats or intimidation.

Recently, a terrible miscarriage of justice in the United Kingdom occurred. The Conservative member, Damian Green—who was previously a well-known journalist with the BBC in London—was arrested and held for nine hours. His office at Westminster was searched by the police without a warrant. Both his home and his parliamentary office were searched. The police did not have a warrant and they did not have the permission of the Speaker. Unwisely and foolishly, the then Sergeant-at-Arms, who was actually appointed by the Speaker, granted permission.

Since that occasion, all hell has broken loose in the United Kingdom. I would draw members' attention to this matter and they ought to do a little research, because the privileges we have in this place and the protection we get is not for our own benefit, it is for the benefit of the people of this state; and the privileges we exercise are there to ensure that we can act on their behalf, we can protect their rights and we can ask any reasonable question of a minister without fear of retribution.

The Hon. M.J. Atkinson: You can ask unreasonable ones, if you like.

The Hon. G.M. GUNN: Yes, but there are rules in relation to them. I will give an example of why I am so concerned about this. Some few years ago, the now Treasurer was in receipt of leaked documents which annoyed the premier of the day—not an unusual thing—and the premier of the day made a comment that he was going to send the police to Parliament House. I was contacted and I said, 'There will be no police enter Parliament House under any circumstance.' This is the process in a democracy and the more governments try to hide things, the more opportunities they give to the opposition.

Damian Green has been arrested for doing his job because the bureaucrats in the Home Office were embarrassed because he was provided with certain information which was embarrassing to the minister and the government. If people were going to be locked up, I am told that the current Prime Minister used to receive more leaked documents than anyone else when he

was in opposition. It is interesting to follow what the United Kingdom newspapers had to say. I think the editorial in *The Daily Telegraph* of Wednesday 10 December is very applicable. Members ought to be very careful and ministers should not under any circumstances set out to undermine the rights and privileges of members. The editorial states:

> The Speaker of the House of Commons performs an important role in the defence and preservation of British democracy. He defends the integrity of the House of Commons, and protects the freedoms that all its members require, both to debate issues in the House, and to represent the needs and concerns of their constituents. He embodies the dignity of the House, which is why he is treated with great respect by its members, most of whom recognise that to demean the Speaker is to demean parliament.
>
> To discharge his role, the Speaker must exhibit several qualities. He must be impartial; he must be independent; and he must be strong enough to stand up to the executive and to provide clear and unambiguous leadership. We have to come to the conclusion that Michael Martin, the present Speaker, is unfit for the office he holds. We reach that conclusion with regret: change is always disruptive, particularly so where its subject is the office of the Speaker. But Mr Martin has demonstrated that he lacks almost all the qualities required to discharge his duties of office in effective and dependable fashion.
>
> He faced a critical test when the police came to search Damian Green's office in the Commons over a week ago. He failed it. Mr Martin did not stand up for an MP's prima facie right to keep correspondence with his constituents private. Claims have been made to the effect that the situation he faced was comparable to the one that confronted William Lenthal, the Speaker when Charles I attempted to arrest five MPs for high treason in 1642. It was not. It did not require heroic courage from Mr Martin. But it did require him to stand up for MPs' privileges, and to say 'No' to the officers from the Met who, on the spurious grounds that Mr Green posed a threat to national security, claimed the right to search his Commons office.
>
> Instead, Mr Martin meekly capitulated. He only made matters worse last week when, in his statement to the Commons, he attempted to blame the Serjeant-at-Arms—although Jill Pay, the present holder of that office, kept him informed throughout. The Serjeant-at-Arms is under the authority of the Speaker, and has no independent power. Mr Martin's statement therefore showed a deplorable lack of leadership, and a lamentable failure to accept or even to understand the responsibilities of his office. He insisted that the 'next time' the police come to search an MP's private office, he would require that they have a warrant. But 'next time' is too late: the damage to the integrity of Members has been done. There is not much point in saying, after the horse has bolted, that you will now shut the door.
>
> Bob Marshall-Andrews, the long-serving Labour MP, has called for Michael Martin to stand down as Speaker.

I raise this issue because I have been following it very carefully. I know that certain elements within the bureaucracy do not like members of parliament. They regard backbenchers as a jolly nuisance: they ask difficult questions and they get in the way of ministers. You have parliamentary committees at which members ask questions and challenge ministers and senior bureaucrats. However, if our democratic process is to continue to be effective, those members who sit in this and the other place must do so knowing they can challenge the government and the bureaucracy without fear of retribution.

That is the system that has developed over generations. It is a system that has stood this state, this country and the parliaments throughout the Westminster system in good stead. If anyone does not believe me, read Erskine May, read the practice of the House of Commons, and understand—

The Hon. M.J. Atkinson: You did that after you retired as speaker.

The SPEAKER: Order!

The Hon. G.M. GUNN: No. It was a pity you did not read it while I was speaker, you would have had a better understanding of standing orders. There were times when you had—

Mr Goldsworthy interjecting:

The Hon. G.M. GUNN: No, only once. It is important that members have confidence raising issues knowing that, when they step outside this place, they will not be hindered or harassed. I know that, from time to time from my experience in this place, I have greatly annoyed sections of the bureaucracy, and I know that other members have. But I have always felt confident that the system is there, and it is so secure that we can go about our business free from threats or intimidation either directly or indirectly. That is why we have parliamentary privilege, that is why we have the ability to have limited parliamentary privilege in our offices and that is why we should never surrender our rights.

The courts should not have power to start seizing members' documents. That is a breach because, if an honourable member collects information, once you break down that ability to keep that confidential, there is no end to the abuse of the ability of an honourable member to collect

information properly which they can use in the future. Many constituents come to us who are faced with the most difficult circumstances. They have nowhere to go. They have no resources.

I know that a senior police officer was terribly cross with me a few months ago because I made him apologise to one of my constituents who had her home raided at 7.30 in the morning by six police officers. She was getting out of the shower. She had committed no offence, the poor woman. False allegations had been made against her. She was terrified. I got very cross with a senior police officer and he got very cross with me but I demanded that he apologise to her, and he did.

Time expired.

KANCK, HON. S.M.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (17:23): Good manners dictate that we speak well of departing legislative councillors at a joint sitting of the house to replace them. Now that the joint sitting is over it is time to speak frankly. I served in the parliament with Sandra Kanck from the time she filled a casual vacancy, and we were on opposite sides on debates that were decided by a conscience vote. Any person who had teenage children or loved ones who were prone to depression would remember Sandra Kanck as the person who, on 30 August 2006, sought to publish under parliamentary privilege easy ways to commit suicide.

In debates on euthanasia Sandra Kanck was always irritated by the contribution of members of the Catholic Church. It seemed to me that Sandra thought that Catholics did not have the same rights as other citizens to lobby about the law. She thought that for Catholics to lobby in concert was a kind of conspiracy, and for Catholic MPs to vote against physician-assisted suicide a breach of constitutional principle.

Although she was not religious, Sandra's references to Catholics and the church had the sound of pre-war protestant sectarianism and implied that the Catholic Emancipation Act 1828 was a mistake. During the 2006 general election, the Democrats issued a news release referring to the death of Karol Wojtyla (Pope John Paul II) as the death of an 85 year old Polish man in Italy, without using his name or title, and criticised the state government for spending money on a memorial service for him. The news release was headed, 'He's dead. How much money does he need?'

My opinion is that the author of this news release was Hendrik Gout, now a reporter with *The Independent Weekly*. I asked him to confirm or deny this by email yesterday but, most unlike him, he has not responded. I tried searching for this news release in the Democrats online archive but could find it only in a bowdlerised form re-headed, 'When was the last time three lines worked for you?' Owing to my drawing the attention of Matthew Abraham of ABC Radio 891 to this masterpiece in the course of the election campaign, Hendrik has punished me ever since in the columns of *The Independent Weekly*. The news release did not win friends for the Democrats in the Polish-Australian or Catholic communities, and they finished with 1.76 per cent of the Legislative Council primary vote.

Members of parliament who were associated with the church were a target of Sandra's. I, along with Joe Scalzi and Stewart Leggett, served with her for two years on the Social Development Committee's inquiry into prostitution. Some of our deliberations were stormy, and I am still impressed by Terry Cameron's intimate and detailed knowledge of the topic. On one inspection of Adelaide's brothels, Terry hopped out of the minibus in which we were travelling and jumped into the front passenger seat of a red sports car driven by a brothel madam to complete the tour.

Sandra Kanck wanted the legalisation of brothels and their registration or licensing. Some of us were sceptical, including Terry Cameron. Sandra feared she did not have the numbers, so her allies sought to disband the committee. After discussions between Sandra Kanck and a sex worker who had been a witness before the committee (Helen Vicqua), the witness petitioned the Governor to disband the committee owing to the aggressive and humiliating questioning by men on the committee. If asking the Governor to shut down a parliamentary committee was Sandra's purpose, the English Civil War and the Glorious Revolution of 1688 were not strong points in her reading of history. When I asked Sandra to give an example of my being aggressive on the committee, she paused and said that I had tapped my pencil aggressively when asking a question of a witness.

Sandra's real gripe was Terry Cameron, but she had thrown a blanket over all of us and, in any case, her complaints about Terry stopped the minute he voted with her on the committee report. Once she was in the majority, Sandra no longer wanted the committee disbanded. In 1998 Sandra Kanck suggested in a question to the then attorney-general that brothels be able to issue gift vouchers.

Members will all recall I think that in November 2004 Sandra Kanck publicly demanded a state funeral for her mentor, former Democrats senator Janine Haines, and then attended a public entertainment rather than the funeral. On another occasion, parliament had to adjourn because she would not sacrifice her evening choir practice.

In the aftermath of the Port Lincoln bushfires, Sandra Kanck told the parliament that the living victims and grieving families could be administered the drug MDMA or, to give it its street name, ecstasy. In 2008 she extended this suggestion to war veterans. Ravers then named an ecstasy pill in her honour. Sandra Kanck invited members of the outlaw motorcycle gangs into Parliament House for a so-called balanced justice forum, but she did not invite any of their victims.

Sandra Kanck's hatred of America was so great that in foreign affairs she applied the principle 'My enemy's enemy is my friend'. In debate in parliament on 19 February 2003, she tried to clear Chemical Ali and Saddam Hussein of the gassing of the Kurdish population of the town of Halabja. Kurdish-Australians know differently and told her so.

In the 2007 federal election the Australian Democrats (South Australian Division) ran a loud and vigorous campaign to hold retiring senator Natasha Stott-Despoja's Senate seat. The candidate was Ruth Russell, whom I debated during the campaign. By contrast, the Democratic Labor Party (DLP) contested the Senate election in South Australia for the first time since the mid-1970s. None of their candidates was from South Australia and they ran no campaign of any kind. All they did was put their name on the ballot paper. It would have meant nothing to any South Australian, bar political junkies and the devout elderly. The Democrats polled 8,908 votes or 0.88 per cent of the total; the DLP polled 9,343 votes or 0.93 per cent of the total.

In the 1980s and early 1990s, an elderly constituent of mine, Albert Geisler, lived alone in a room on the corner of Drayton Street and Fifth Street, Bowden. Albert had often been a victim of break-ins and beatings; he was deaf. One night he heard his window break and realised that it was yet another burglar breaking in. Albert had been a skeet shooter in his younger days. He reached for his rifle and shot the intruder.

Not long after this incident I spent an afternoon alongside Sandra Kanck in a Canberra brothel named A Touch of Class—on the Social Development Committee fact-finding mission—when I heard her tell ABC Radio in Adelaide that Mr Geisler should be charged with homicide. Sandra Kanck has since denied to me that she called for Albert to be charged with murder but, if she did not call for him to be charged with murder—and it is my recollection that she did—she at least called for him to be charged with homicide or some indictable offence.

Negotiating with Sandra about second preferences for the upper house and about legislation was difficult because she did not know how these things worked. Late on election night 2006, when it was clear that Nick Xenophon's ticket was polling about 21 per cent of the statewide vote and the Democrats were polling under 2 per cent, the Democrats were saying that it was still early days and preferences could still see them through. What part of 21 to 2 did they not understand?

The contrast between Nick Xenophon and Sandra Kanck could hardly be greater. Nick respected the humanity of his fellow MPs and tried to understand their values, the legislative process, and the art of compromise so that a constructive conversation with other parties was possible. The South Australian statute book has many marks made upon it by Nick Xenophon, some of them indelible; Sandra Kanck leaves no legislative monument. I may be wrong but I cannot remember, in all those years, her getting a single private member's bill through parliament.

It is as if she had never been.

At 17:32 the house adjourned until Tuesday 3 March 2009 at 11:00.