HOUSE OF ASSEMBLY

Thursday 5 March 2009

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

CRIMINAL LAW (CLAMPING, IMPOUNDING AND FORFEITURE OF VEHICLES) (PRESCRIBED OFFENCES) BILL

Mr HANNA (Mitchell) (10:33): Obtained leave and introduced a bill for an act to amend the Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007. Read a first time.

Mr HANNA (Mitchell) (10:33): I move:

That this bill be now read a second time.

This bill is identical to a bill I have previously introduced. The concept is very simple. In the government legislation brought into this place about two years ago, the government set out a series of offences for which wheel clamping could be applied as a penalty. I seek to extend that to include trespass on private property with a vehicle.

I have a particular property in mind, and that is the Sheidow land around the Field River in my electorate, where motorbikes and four wheel drive vehicles occasionally go and trash the environment, which dates back to pre-colonial times. So it is a serious offence and is having an impact in my electorate. It is an appropriate penalty for this sort of offending. For any further information, I simply refer to the legislation which I introduced in March 2008, but I think the basic principle is very clear. I commend the bill to the house.

Debate adjourned on motion of Mrs Geraghty.

BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT BILL

Mr KENYON (Newland) (10:35): Obtained leave and introduced a bill for an act to provide payments for construction works carried out, and related goods and services supplied, under construction contracts; to make a related amendment to the Commercial Arbitration and Industrial Referral Agreements Act 1986; and for other purposes. Read a first time.

Mr KENYON (Newland) (10:36): I move:

That this bill be now read a second time.

This bill seeks to secure that a person who undertakes construction work or who supplies related goods and services under a construction contract is entitled to receive and is able to recover progress payments for the carrying out of that work or the supplying of those goods and services.

The bill addresses what is commonly known in the building and construction industry as the 'security of payment problem'. This problem arises when the subcontractors and suppliers in the building and construction industry are unable to secure in a timely fashion, or sometimes at all, payment for work performed or goods and services supplied, despite, in many cases, having a contractual right to such payments.

As much of the building and construction industry operates under a system of hierarchical contract chains (head contractor, subcontractors, suppliers and consultants), the industry is particularly vulnerable to security of payment problems, because the failure of any one party in the contractual chain to honour its obligations can have a flow-on effect on other parties by restricting cash flow and ultimately causing insolvencies.

There have been a number of inquiries into the security of payment problem in Australia. In general, these reviews have concluded that the security of payment problem was a matter that warranted government action. A consistent theme across the reviews was that traditional legal remedies provide inadequate protection to subcontractors and suppliers. These reviews initiated government action. New South Wales, Queensland, Victoria, Western Australia, the Northern Territory and New Zealand have all legislated to address the security of payment problem in their building and construction industries.

To date, there has been no formal detailed review of the extent of the security of payment problem in South Australia. However, I, along with a number of other members (particularly the members for Torrens and Hartley), have been approached by industry participants who have

reported the existence of a problem in this state. I am convinced that action in the form of legislation is required.

The bill I put before the house today is based on the Building and Construction Industry Security of Payment Act 1999 of New South Wales. The bill applies to most forms of construction contracts other than contracts involving 'resident owners' under the Building Work Contractors Act 1995. The bill will, however, cover owner/builders who engage contractors and trades people in a building contractor role.

The bill provides that, irrespective of the terms of a construction contract, a person who performs work or supplies related to goods and services under the contract is entitled to a progress payment. The amount and timing of a progress payment is calculated either in accordance with the terms of the contract or, if the contract does not provide for this, in accordance with a formula set out in the legislation.

The notorious 'pay when paid' and 'pay if paid' provisions are rendered invalid. Under the bill:

- a person who has carried out construction work or provided related goods or services may make a claim for progress payments;
- upon receipt of a payment claim, the respondent will have 10 business days in which to serve a payment schedule on the claimant. If the respondent seeks to withhold in whole or in part a claimed progress payment, he or she will be required to state the reason in the payment schedule;
- if the respondent fails to provide a payment schedule, he or she becomes liable to pay the whole amount of the payment claim on the due date;
- if the respondent serves a payment schedule that includes reasons for withholding payment, the claimant will have 10 business days to accept the response or submit the payment claim to adjudication. (A claimant will also be able to submit a claim to adjudication where no payment schedule is provided);
- adjudicators will be non-government individuals or companies offering specialist adjudication services to industry participants. Their fees will be payable by the parties to an adjudication. Adjudicators will be nominated by nominating authorities and nominating authorities will be authorised by the minister;
- after an adjudicator accepts an adjudication application, he or she will have 10 business days to make a determination. The parties may extend this;
- upon completing adjudication, an adjudicator will be required to determine the amount (if any) of progress payments due to the claimant, the due date for payment and interest. A successful claimant will have the right to suspend work under the contract and enforce the adjudication decision in court.

The rights and liabilities created under the bill do not affect any other entitlement a person may have under a construction contract or any other remedy a person may have for recovering any such entitlement. However, in court proceedings in relation to a matter arising under a construction contract, the court must allow for an amount paid to a party to the contract as a result of an adjudication under the legislation in any order or award it makes to those proceedings and may make orders for the restitution of any amount paid as a result of the adjudication.

The time frames set out by the bill for responding to payment claim and for the making of an adjudication are tight and aimed at ensuring that the disputes under legislation are resolved rapidly and at minimal expense to the parties. It is my intention for this bill to remain available for consultation for the next six weeks before proceeding with it, and I commend it to the house.

Debate adjourned on motion of Hon. I.F. Evans.

PARLIAMENTARY COMMITTEES (BUSHFIRES COMMITTEE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 February 2009. Page 1640.)

Mr VENNING (Schubert) (10:43): This bill, moved by the member for Davenport, seeks to continue the task of investigating all matters relating to bushfires following the 2010 election,

through the formation of a standing committee to look specifically at the issue. This task will be undertaken up until that time by the Natural Resources Committee if the other motion the member for Davenport has before the house is agreed to.

The aim of the bill is for parliament to take a proactive role with legislation in relation to bushfires. The Australian people and our economy have suffered greatly because of the Victorian bushfires. The question we must ask ourselves is whether we are prepared to look hard at and learn from the lessons it teaches us. Through the formation of a standing committee we can, as from 2010 and as outlined in the other motion the member for Davenport has before the house, take over from the Natural Resources Committee the task of investigating the wide range of issues associated with bushfires.

It is a logical and responsible step for this parliament to take, and there are many legislative areas that relate to bushfires, including planning, native vegetation, emergency services and infrastructure, among many others. To have one committee examine all areas relating to bushfires would be not only beneficial in preparing a uniform, well thought out approach to dealing with bushfires, should they occur, but may also save lives.

Also, it will keep the issues alive, as we are all guilty of becoming very blasé We get lulled into a false sense of security as we have not had a fire for almost a year and we forget what has happened. If we have an active standing committee of the parliament consciously and diligently looking at this matter all the time, it will serve well both the parliament and the people of South Australia.

While it was Victoria's turn in February, the tragedies of Eyre Peninsula and the Adelaide Hills are not just a distant memory. More importantly, there is nothing more certain than that South Australians will face a fire emergency again. How much we pay in pain, loss and suffering will be determined by what we learn from the Victorian experience and how much better prepared we can make ourselves to minimise the impact of any bushfire.

As the member for Finniss said in this house yesterday about the risk of the Mount Lofty Ranges, which does include my electorate, with the Barossa Ranges as part of that, we will be seeing a serious bushfire event there, not if but when, because it will happen. We have to make sure that we do all that we can to minimise that.

This is a very good initiative, and I believe there will be many members in this parliament keen to serve on this committee, including me, if given the opportunity. I pay tribute to all of our CFS and SES volunteers, their officers and supporters. The forgotten people in all this are those who employ CFS and SES volunteers; they are the ones who wear the cost. They pay these people while they are out there fighting fires for us, for the community and for the state, and there ought to be some compensation for the people who do this. So, I pay tribute to them.

Finally, I commend the member for Davenport. He is certainly very much affected by this legislation, and that is why he has brought it in here. He has a large section of the Adelaide Hills in his electorate. He is a very compassionate member, and he, like the rest of us, certainly felt the emotion, the anguish and the anxiety of the recent Victorian fires, and he does not want to see his constituents suffer in the same way. I commend the member for Davenport on bringing this initiative to the house and I hope that we all support this bill.

The Hon. R.B. SUCH (Fisher) (10:47): I will make a brief comment. I am supportive of the member for Davenport in trying to ensure that the parliament is more closely involved in the whole aspect of bushfire prevention, management and control. As members know, only yesterday we debated the motion of the member relating to the NRM committee having a look at this issue.

The bill before us now would set up a specialised committee, as I understand it. The reality is that we live in a country and a state that are prone to bushfires. The worst thing we could do, after what has happened recently in Victoria and what has happened here previously in 1983 and so on, is to fall asleep at the wheel or to become apathetic. So, anything that keeps the issue in front of members of parliament and, in effect, the Public Service, the better.

The member for Schubert made a couple of valid points, which I wish to add to. I pay tribute to the people of the CFS, not only the actual members but also the many employers who allow the members of the CFS to take part in fighting fires. I think that is a very generous thing for them to do.

In relation to getting young people involved, many years ago when I was minister for youth, what became the Activ8 program when John Olsen was premier was actually an idea that was

formulated under my ministry. It got a different name when he became premier, and that is fine. One thing that I envisaged was that in schools we could have CFS cadets, or have an arrangement where young people in schools in those areas that are prone to fires could be part of the CFS in a junior way, because it is not only an opportunity to learn useful skills and awareness of bushfires and so on but also character building exercise. As a parliament and as a community I think we should look at how we can involve young people more actively at a very early age in bushfire management and control.

I make one final point: I know that the member for Stuart is very hot (pardon the pun) on the issue of native vegetation. I remind members that when we are talking about native vegetation it is probably more accurate to call it habitat because, if you get rid of the native vegetation, you basically get rid of many birds and other animals, and this is an issue we need to manage. We are not simply talking about some euphemistic plants, we are talking about habitat. The Minister for Environment yesterday mentioned that the state government has a 'no lost species' policy. If you get rid of the native vegetation on a broad scale (which we have already done in many areas), you get rid of the species not just temporarily but permanently.

To return to the main point, this is something that we should focus on and, in some ways, it dovetails in with the proposal I have put before the parliament for a foresight committee, where we look at issues that are likely to confront us, and we deal with them well in advance. If we had been looking at bushfires in the context of a foresight committee, we might have helped prevent some of the tragedies that have occurred in this state.

Mrs PENFOLD (Flinders) (10:51): I strongly support the Parliamentary Committees (Bushfires Committee) Amendment Bill. I want to continue to put on the record the issues I am aware of that require scrutiny. The recent fires in Port Lincoln in January this year highlighted the valuable lessons that are finally being learnt, with cooperation between services, better equipment, training and communication making a huge difference this time. The fantastic cooperation between all our emergency services, air support and police resulted in a far better outcome than we might have had with such a fast-moving fire.

However, there still needs to be improvement, as it was obvious that a number of private and public landholders' preparations were substandard. In some instances, native vegetation, open grassland and rubbish on properties were not cleared up and made safe. From my own observations, and numerous contacts with the public since the fire, I have put together some of the issues that might be addressed to make further improvements in fire response across the state.

The following are some issues that should be looked at. In my view, fire prevention preparations could be improved if burning was allowed after 3pm into the evenings, when the wind often drops. It is generally cooler and sometimes even damp, and it is safer to burn. Extra hours for burning, once people have finished work or sport, may encourage more people to put in the required effort. Currently, there are only limited times when people can burn, and these may not coincide with the safest times.

After fire bans come into force each year, burning off is allowed on suitable days with a permit from an authorised officer. This system, from my experience, is not working well, as authorised officers must be readily available. People are more often able to undertake their fire prevention work on weekends, and burning rubbish depends on weather and winds being suitable, which cannot be forecast in advance. Obtaining a signed permit from the council during working hours days before it may or may not be able to be used is not practical, even if the authorised officer is available to sign it and, in my experience, they are not.

In an interview with the ABC on 15 January 2009, the mayor made the following comments regarding backyard burning in the non-fire danger season, and I understand his questions were mainly taken from the *Port Lincoln Community Guide 2008/09.* He stated:

...backyard burning in the non-fire danger season May to September must be in accordance with the EPA burning policy? What is the EPA burning policy? Where do you get it?

...burn materials using an approved incinerator in your backyard. What is an approved incinerator and where do you get one?

...burning is permitted Monday to Saturday between 10 and 3pm but not allowed on Sundays and public holidays. Now remember, we function on daylight saving, OK so that means between 9 and 2pm. Now any firefighter will tell you in terms of burning off, the best time to burn off is towards the cool of the evening...somewhere to say between 4 to say 7 o'clock in the evening with daylight saving that is 5 until 8pm.

But not allowed on Sundays and public holidays. Now they might be the best days to burn. When are we supposed to clear our blocks? You burn your material in the most appropriate day and time, not according to some bureaucratic rule.

...should your fire smoke it is probably 'illegal' you can be prosecuted by the EPA for your fire smoking, that's how stupid the system is.

Does the information need to be changed and/or should guidelines be altered? I think so. If private citizens do not or will not clean up their holdings, then others must and send landowners the bill. I understand this used to be undertaken by city councils but in recent years it appears not to have been actively enforced. Perhaps an official method to enable the public to draw councils' attention to properties that need fire prevention work would help. A council inspector could then inspect the site and, if they agree, send the owner a warning letter. If the prevention work is not undertaken within a specified time the council, MFS or CFS could be asked to do the work and send the landholder the bill.

Government-owned land—federal, state or local—must not be exempt from rules that apply to the public. Many Housing SA homes were reported to have long grass in front and back yards that would have made it very difficult to save those houses had spot fires occurred, and these could have pulled the fire directly into city housing. It is Housing SA's responsibility to ensure that its properties are maintained by tenants or do it for them and charge for it. I am aware of some large pieces of government-owned grassland within the city which used to be well maintained and burnt off every year but which have not been burned or mown for a number of seasons.

In terms of native vegetation, the Greater City of Port Lincoln bushfire prevention plan must be implemented as soon as possible. The sector that burnt in the most recent fire was the next to be dealt with, but that was too late to help. We have to speed up that process. National parks have improved their fire prevention, equipment and training significantly since Wangary but, again, I understand that they have not done everything in their plan. This could be a time factor with the huge number of parks for which they are responsible, but one would have thought that Kathai Park, which burnt, should have been a priority (Kathai Park is on Northside Hill overlooking the city of Port Lincoln.) It appears it was not, and that is surprising, as the Port Lincoln city dump is so close, and fires at dumps are renowned.

It is time for another fire truck and crew to be allocated to the city—MFS or CFS. Relying on volunteer CFS crews to travel from other areas of Eyre Peninsula is not ideal, particularly on bad days such as 9 January. Fire trucks from up country are not always immediately available, and there is the very real issue of leaving other areas without adequate protection. The outskirts of the city are being developed, resulting in a larger area and an increased number of houses to be protected. The Puglisi development alone is 272 blocks on the northern perimeter of the city, and the third stage of the marina has had another 280 blocks recently approved. These two subdivisions will considerably increase the number of properties within the city boundaries.

I am aware of problems relating to the dumping of rubbish, tyres in particular, on the roadside in areas near the dump. Was this an issue for crews when they were fighting the fire? Is it something that needs to be addressed? Sightseers posed a significant problem for residents and fire crews during the recent fire, and after the Wangary fire looting occurred. Should a penalty be introduced for sightseers and looters? There was one reported case of a family's evacuation from their home being prevented by a car blocking their driveway.

The MFS attended a fire at the Incitec Pivot site on Monday 12 January and experienced problems sourcing a water supply to refill their trucks. Was this a problem at this fire? If so, what needs to be done to improve the situation? Expansion of housing will compound the existing deficiencies.

Port Lincoln is very dependent on the power line from Port Augusta. If problems are experienced the diesel generators at the back of Winters Hill can be used. What arrangements can be put in place to reduce the risk of power failure in the city?

The situation with approximately 2,000 tonnes of pilchards being buried on site demonstrates the need for a management plan for the safe disposal of frozen pilchards, etc. A number of years ago a similar situation occurred when tonnes of dead tuna had to be disposed of. It would therefore be a reasonable assumption, because of the location of many of the fishing industry buildings and the nature of the industry, that this type of incident could happen again. A system needs to be put in place to handle imported fish and the disposal of fish to ensure that inappropriate ad hoc measures are not taken. Quarantine issues are a federal responsibility and

would need to be taken into consideration. A desktop exercise with members of the fishing industry would be a good way to identify the risks, problems and possible solutions and would be an opportunity to identify any equipment that could be made available in an emergency situation. Emergency management plans could be drafted.

I am pleased that valuable lessons have finally been heeded following the Tulka and Wangary fires, and I particularly note the use of aeroplanes. However, there are still many things that must be addressed. Any changes that are required that are not within the jurisdiction of the city councils, CFS and MFS need to be addressed by the state and federal governments to ensure that any necessary changes to policies, procedures, regulations and laws are made.

A standing committee of this parliament, with the responsibility to investigate what is done and needs to be done, should help to avoid the delays in implementing recommendations that we saw after the Tulka fire and that I believe resulted in the deaths and destruction that we saw from the Wangary fire. I commend the member for Davenport for proposing this bill.

Mr HANNA (Mitchell) (11:00): The member for Davenport has proposed legislation to create a bushfires committee of the parliament to take effect after the next election. This is a very worthy proposal. I reckon that it might be better to have a committee that is actually broader to cover all manner of natural disasters.

Bushfires are very much in the front of our minds at the moment because of the horrific Victorian experience these last few weeks. Indeed, South Australia has suffered seriously from bushfires in the past and, no doubt, will again in the future.

The member for Davenport is quite right to focus, then, on bushfires and to insist that there be some careful review and planning for future eventualities. I do think, however, that the committee could have a broader focus and consider other natural disasters, even if things like earthquakes and floods are a smaller part of their considerations.

I support the bill. If it gets through to the stage where amendments might be considered, I shall consider amending it to broaden the scope somewhat, but I appreciate that bushfires will be the main focus, probably, in South Australia.

Mr GOLDSWORTHY (Kavel) (11:02): I, too, am pleased to speak in support of the proposed bill that the member for Davenport has brought to the house to specifically establish a parliamentary committee that covers the issue of bushfires.

I said yesterday, in a contribution to the house in relation to another motion that the member for Davenport brought before the parliament, that bushfires are really part of our life. They are part of life in South Australia, particularly in those areas, obviously, that are prone to fires: for example, the Adelaide Hills. I represent part of that region in this place.

I have listened to other members' contributions, and they have outlined their concerns in relation to the threat and the damage and devastation that fires bring. We have obviously witnessed the extreme devastation and destruction of those fires in Victoria on Black Saturday.

Speaking about fires specifically here in South Australia, we witnessed what could have been a horrific fire in Port Lincoln where we saw considerable infrastructure in relation to the fishing industry destroyed as a consequence of that fire. It was only through an act of nature—an act of God, if you like—that the fire did not push down onto the town of Port Lincoln.

The South Australian community tends to focus on fire threats in those communities in the Adelaide Hills and the South-East, down on the Fleurieu Peninsula. I know that the emergency services do look at this and assess these risks, but I think, as a general community, we do not take into consideration the actual threat that metropolitan Adelaide is under as a consequence of bushfires.

One only has to think about those peri-urban areas of metropolitan Adelaide, the outer suburbs, particularly those that come up to the foothills, that is, the areas that the members for Newland and Morialta represent. The electorate of Morialta does actually come up into the hills some way.

I think the majority of people who live in metropolitan Adelaide do not regard their residences as being under threat from fire. If that is the case, they are mistaken. You would only need to get the climatic weather conditions prevailing in a certain manner so that, if there was a fire in Upper Hermitage, Anstey Hill or further along in Ashton, or anywhere in those near Hills districts on the outskirts of metropolitan Adelaide, the fire would push down into suburbs like Tea Tree

Gully, Golden Grove and Athelstone and along the escarpment. That is a very serious situation we face. I know from my short time as shadow minister for emergency services, in talking to the chief officer and other senior officers of the CFS and MFS, that they are aware of these risks and have a strategy and plans in place to deal with that possibility.

I may be wrong—and I will stand corrected if I am—but I get a feeling that residents of metropolitan Adelaide do not identify with the risk of bushfires as perhaps the residents of the Adelaide Hills do. However, bushfire can threaten anybody and everybody at a particular time, and it is a compelling argument for the establishment of a parliamentary committee, as proposed by the member for Davenport.

Parliamentary committees look at a whole range of issues involving administration and management for which the state government is responsible, and I think that bushfire risk must also be considered via these means. Given the fact that climate change is upon us which arguably will increase the level of bushfire risk, the parliament needs to embrace this issue seriously. I think we do treat it seriously but we need to take further steps in dealing with it, namely, by establishing a parliamentary committee for this purpose.

The member for Schubert is quite right in saying that in the winter months our focus as a community turns away from the risk of bushfires. In a year of average rainfall, our environment greens up and there is plenty of green grass around and, clearly, the risk of bushfire in those winter months is significantly reduced, not to zero, but significantly reduced for obvious reasons.

When October and November come around and things start to dry off, not everybody implements their bushfire action plan, but a section of the community does and starts to take measures to minimise that risk to their property. We tend to switch off in the winter months from the risk of bushfire because the risk is minimal.

It is incumbent upon this place—the parliament being a body responsible to the South Australian community—to embrace the member for Davenport's proposal. There are compelling arguments for the establishment of the committee. I understand that it will not occur immediately; it will be after the March 2010 election in the next term, which is a reasonable proposition. I am pleased that the member for Davenport has brought this matter before the house and, obviously, I have pleasure in supporting the proposal.

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.)

The Hon. R.B. SUCH (Fisher) (11:11): I support this proposal which, as I understand it, really extends the type of protection councils currently have in relation to matters involving roadways and so on. I am also told that the general protection against legal action does not extend to things like playgrounds, but it does in respect of roadways.

In recent times, as we all know, our society has become more litigious—it is a good word to say at dinner parties. People are now more prone to take legal action if something happens to them they feel aggrieved about, and I think that, in our society, it should be their right. However, we need to try to balance people's enjoyment and their opportunity to participate in worthwhile activities against likely risks. I think in some ways, we have now come to a point where there has been an attempt to take out any aspect of risk and, if one takes that to its logical conclusion, we might as well all stay in bed all morning, because life has risks. It is not about eliminating risk altogether: it is about managing risk and making sure that there are reasonable provisions.

We do not want to protect people who have no regard for the welfare and safety of others or who deliberately create danger spots or activities, but we do not want to get to a point where people acting in good faith for the wellbeing of the community feel threatened because someone might take legal action on what many of us would regard as an unfair basis.

As I understand it, this measure relates to designated trails—the Heysen Trail, and so on. I have spoken to the member for Davenport and, unfortunately, it does not cover things like orienteering or rogaining. He tells me that it was very difficult to encompass those particular activities, which clearly are not confined to a specified trail. My brother and others are very active in orienteering and encouraging young people to get involved, and also rogaining—the night-time activity which parallels orienteering—but those activities are not covered in this bill.

Just to quickly reinforce that point, I think that society—and that means parliament as well as government—needs to focus on trying to get a balance between risk and reasonable activities. I think we have gone too far towards trying to cottonwool everyone in our society to the extent that, in Queensland recently—unless it has changed—a policy was brought in banning cartwheels in schools by junior primary and primary schoolchildren.

Anyone who knows anything about children will know that they go through a stage where they love doing things like cartwheels. It is a bit more difficult at my age. As I have said, if we are not careful, we will end up with an excessively nanny-type state. On the pretext of making everyone safe, we will get to a ridiculous point, where people are unable to engage in reasonable sorts of activities because of the fear of litigation and compensation.

I think this is a good proposal, limited as it is, and I accept that there are difficulties in extending it beyond these specified trails. However, I think it is very important that we allow people to enjoy life and do worthwhile things, including bushwalking and so on, without the fear imposed on the landholder or others that someone will take legal action over something which, in essence, is quite unreasonable. I commend the bill to the house.

Mr KENYON (Newland) (11:16): I will make some brief remarks on this private member's bill. The government encourages South Australians to remain active and to enjoy our national parks and wildlife. We live in a state that is rich in native flora and fauna, and we have invested heavily in our parks and wilderness since the government was elected in 2002.

The trails mentioned in this bill—Heysen, Yurrebilla, Riesling and Kidman—wind through our national parks and wilderness areas, and they are a great asset to our state. We need to look after our trails, but this bill is limited to the issue of maintenance and public risk of recreational trails and does not add any benefit to existing arrangements with landowners; therefore, the government does not support the bill.

The bill seeks to amend the Civil Liability Act so that an owner or occupier of land on which there is a prescribed trail is not liable for a failure to maintain, repair or renew the trail or to take other action to avoid or reduce the risk of harm that results from a failure to maintain, repair or renew the trail.

Currently, the trails referred to as 'prescribed trails' are included in a landowner licence agreement process used by the Department for Environment and Heritage and the Department for Recreation, Sport and Racing, where the landowner and the minister responsible for the trail enter into an agreement which covers public liability, maintenance, trail alignments and other special conditions agreed to.

The current landowner licence agreements go further than the proposed bill and are favoured amongst landowners, with 100 landowners having signed landowner licence agreements. Current conditions which are allowed for by negotiation in the voluntary landowner licence agreements are also included under the provisions of the Recreational Greenways Act 2000, which I suspect is an act introduced by the member for Davenport when he was minister.

The Recreational Greenways Act was produced to provide for the establishment and maintenance of trails for recreational walking, cycling, horseriding, skating and other similar purposes. The act allows for proclamation of a greenway across land for the purpose of recreational trails and includes private land. The act also provides for entering into agreement with the minister for the purpose of a greenway. The access agreement may include indemnity and the placement of an easement over the land for the purpose of the act.

To date, no landowners have been signed up for a greenway on their property. This is evidence of lack of support for a legislative approach by occupiers of land; therefore, it is unlikely that the introduction of this bill will encourage any further landowners to allow trails to cross their land. The landowner licence agreements enable the government to build long-term relationships with landowners, so this proposed legislation will not provide any benefit to current arrangements.

The Hon. I.F. EVANS (Davenport) (11:19): I thank members for their contribution, particularly those who supported the bill. I will respond to the member for Newland. If he goes back and reads his contribution, he will see exactly why this legislation is needed. I advise him to speak to his Minister for Recreation, Sport and Racing; in fact, better than that, he should speak to the departmental staff. They are essentially disinterested in recreational trails. The money spent by this government on recreational trails was the $6 million allocated in the last budget of the former

government seven years ago. Other than that, the government has failed to invest in recreational trails at all.

The Yurrebilla Trail that has been developed is the result of an announcement by me as the then minister and the money allocated at that time. Likewise, the same set of conditions apply to the Kidman Trail. The reality is that, if the member for Newland goes out and speaks to those private citizens who have properties where the government wants to locate public trails, the first thing they will question him about is liability.

This bill gives a watertight guarantee that a private citizen giving public access over designated trails would have no liability. The problem with the Heysen Trail, the Kidman Trail, the Tom Roberts Trail, the Yurrebilla Trail, the Riesling Trail and other designated trails is that the land ownership changes all the time.

The Heysen Trail is a long trail—1800 kilometres. Land ownership changes all the time, and the department is consistently out there renegotiating with new landowners to try to get new agreements, debating public liability issues. The bill that we moved would have solved those public liability issues. I invite the member for Newland to go and speak to the Friends of the Heysen Trail, or to Horse SA, Walking SA or Recreation SA, and they will tell you that the type of legislation that we proposed is desperately needed.

This government is way behind on recreation and sport development, particularly in the field of recreation. The recreational services legislation, which I tried to abolish and replace with waivers, is another example of where the government is years behind where the law needs to be to promote active recreation within the community. They rant and rave about the obesity programs that they are bringing into the state, but for simple measures to make it easier for people to enjoy their normal recreation risk free, and for private citizens to provide their property risk free, the government simply turns a blind eye.

I invite the member for Newland to go and talk to those groups, and he will find that there is a big problem out there involving public access to private land for public recreational purposes. The department used to turn a blind eye to my efforts for years. We got through a series of legislation despite the department's reluctance to pursue it. The department for recreation and sport tends to be more about sport; they are not too much about the recreation aspect. That is a pity, but that is the reality of it. They tend to focus on the gold medals and the high-profile sports—cricket, football, netball and those sorts of sports.

If you go in there and talk to them about a simple thing like bushwalking, for instance, they have little or no interest because it has no media profile. There is a big issue involved here in relation to providing public access to private land, and this bill would have solved it. I think the government has been closed to the idea and conned by its departmental advice. I thank those who chose to support the bill.

Second reading negatived.

SUMMARY OFFENCES (PIERCING AND SCARIFICATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 February 2009. Page 1644.)

Mr GOLDSWORTHY (Kavel) (11:23): The member for Schubert is the lead speaker on this legislation, but I am pleased to make a contribution to this debate.

The Hon. R.B. Such: Show us your tattoo!

Mr GOLDSWORTHY: I don't have any tattoos, for the benefit of the member for Fisher, thank goodness. To give a bit of background to the legislation, the house may well be aware that the bill had been introduced in the other place by the Hon. Dennis Hood on 24 September last year. I might say, Mr Speaker, that, for one reason or another, 24 September is a very important date. It is the day I came into this world, quite a few years ago now; but we will not digress with minutiae. The Hon. Dennis Hood had introduced a similar bill over 12 months prior to that in June 2007, but that measure lapsed, obviously, when the parliament was prorogued.

I want to make a couple of points in relation to the effect of the bill. Currently, it is illegal to tattoo a minor, and section 28A of the Summary Offences Act refers to that particular aspect. This bill makes it an offence to pierce any part of the body of a minor unless the minor is accompanied by a parent or guardian—who, obviously, consents to it. The second point is that it extends the

existing prohibition in section 21 to include tattooing and scarifying. I think scarification is a relatively new invention.

Ms Fox interjecting:

Mr GOLDSWORTHY: The member for Bright says it's not.

Ms Fox interjecting:

Mr GOLDSWORTHY: Okay; not in some ancient societies. It involves cutting the flesh—and I do not understand why anyone would cut themselves to create scar tissue—or perhaps branding it with words. Perhaps in the dark history of activity on the North American continent branding was an activity that took place, but that is a short description of what scarification or scarifying means. This practice is becoming increasingly popular. I imagine it would include people placing objects under the surface of their skin. We see people putting—

Ms Breuer: Horns.

Mr GOLDSWORTHY: Horns on their forehead—that is right, member for Giles—and bumps, lumps and different sorts of configurations that alter their appearance. I am at a loss to understand why people would undertake that activity, but such is the diverse nature of civilisation.

In relation to the history of the bill, the member for Fisher introduced an almost identical bill in 2001, and in July 2002 the member for Enfield introduced a similar piece of legislation, which included the provision of a three-day cooling off period, medical costs and practices, and so on.

The prohibition of piercing and scarification has been on the legislative agenda for a number of years. It has been refined, I guess, over that period to prohibit the piercing of particular parts of the body of minors, excluding earlobes, without their parent's or guardian's consent.

We know that a number of cultures have the ears of quite young children, even babies and infants, pierced. A young daughter was born into the family of some friends of our family many years ago, and she was only a few months old when her ears were pierced; I thought it was quite a nice thing to happen. I remember that they used to pull pieces of cotton through the ear to keep the hole open, instead of putting in earrings. That practice has really been a long established and accepted part of our culture, whereas other piercings of other parts of the body certainly have not. The parliament believed that it was a sufficiently important issue to be investigated and referred the matter to a select committee, the Select Committee on the Tattooing and Body Piercing Industries. The committee produced a voluminous report.

Debate adjourned.

PUBLIC HOLIDAYS

The Hon. R.B. SUCH (Fisher) (11:30): I move:

That this house calls upon this state government to join with the federal government and other state/territory governments in initiating a nationwide review of public holidays, with a view to achieving appropriate designations and scheduling in a framework of national consistency.

As the motion says, I am calling for a review—and I am not arguing for any particular stance. The Hon. Bob Sneath, the President in another place, raised the issue of taking away workers' rights and, clearly, that is not what I am seeking to do. I think any arrangement which has been in place for a long time and which has grown in a topsy-turvy way warrants review. In an editorial on 27 January this year, *The Advertiser* summed up the issue very well under the heading 'Australia's allocation of public holidays is archaic, jumbled, confused and badly in need of review'. The article stated:

The debate which has broken out over when to celebrate Australia Day again highlights the many incongruities surrounding this and other days of importance on our calendar.

Should monarchists be able to celebrate the Queen's birthday on the day, or wait for the most convenient day off?

Should the race that really does stop a nation in terms of productivity—the Melbourne Cup—be a public holiday, given that the Adelaide Cup attracts such an honour?

There is a sound case for the Adelaide Cup public holiday, particularly to ensure the event flourishes. But it is ironic that Melbourne Cup day is a working day hampered by long lunches which grind the business community to a halt every first Tuesday in November.

Why is Labour Day celebrated on different days throughout the nation, with all the confusion that entails for those trying to coordinate across state boundaries? Why are South Australia and Western Australia the only states to celebrate their Proclamation Day with public holidays?

Think you have the system worked out, thing again. Anzac Day falls on a Saturday this year so that will be the so-called public holiday, not the following Monday, thanks to Section 3A of the Holidays Act 1910. This all may have made sense to our law makers of 1910 and later when the holiday system was worked out, but we clearly have lost our way between then and now.

For one thing the massive changes to the Australian workforce in recent years have left the system behind. A century ago, even 50 years in the past, a public holiday meant just that—everyone stayed away from work and workplaces simply closed for the day.

Now, more and more workers are required to show up on public holidays. Times have changed and our public holidays should reflect this.

That editorial provoked quite a few responses, and I outline them without passing judgment one way or another on what people said. There was a call to get rid of Adelaide Cup day and the Queen's birthday holiday on the grounds that they are insignificant—this was a claim. More than one person said that Australia Day should be celebrated on the day of Federation. Someone pointed out that atheists and non-Christians can cancel Christmas and Easter, and likewise republicans should cancel the Queen's birthday. Someone indicated that they cannot wait for the 'Republic day' public holiday. Others pointed out there are few countries that take the Easter Friday and Monday off as a public holiday, and one person indicated that the Queen's birthday is not a public holiday in Britain. There was a comment:

Why do we get a public holiday for the Queen's birthday but not for Anzac Day when it falls on a weekend? Anzac Day is more significant to many people than the Queen's birthday. We commemorate Anzac Day in schools but not the Queen's birthday.

An article that appeared in *The Advertiser* on the same day highlighted issues raised, including those raised by Australian of the Year, Professor Mick Dodson, who referred to Australia Day as 'invasion day' for the nation's indigenous people. A claim was made that 27 May would commemorate the 1967 referendum, when discriminatory statements about indigenous people were removed from the constitution.

The Prime Minister, Kevin Rudd, ruled out a change of day for Australia Day because, he said, 'Australia had resolved to build a nation for Australians all, not just for some Australians'. Some also argued that another day for Aboriginal people should be brought in, and former New South Wales premier Bob Carr argued that Australia Day should 'accommodate all Australian stories'. He said, 'This would include mourning of Aborigines and the celebration of survival against the odds.'

I believe that those points canvass a lot of the issues relating to public holidays. To clarify things, I ask for leave of the house to have inserted in *Hansard* a statistical table listing the public holidays in Australia at the moment and the inconsistent days where different days are celebrated in different states.

The SPEAKER: Is the table purely statistical in nature?

The Hon. R.B. SUCH: Yes. It has the dates of the public holidays with the names alongside.

Leave granted.

Public Holidays	
National Public Holidays in 2009	
1st Jan	New Years Day
26 Jan	Australia Day
10 April	Easter Friday
13 April	Easter Monday
25 April	Anzac Day
8 June	Queens Birthday (except WA)
25th Dec	Christmas Day
26th Dec	Boxing Day except SA Proclamation Day (public holiday on 28th)
SA	
9 Mar	Adelaide Cup Day
11 April	Easter Saturday
5 Oct	Labour Day

Public Holidays	
VIC	
9 Mar	Labour Day
11 April	Easter Saturday
3 Nov	Melbourne Cup Day
NSW	
11 April	Easter Saturday
3 August	Bank Holiday
5 Oct	Labour Day
WA	
2 March	Labour Day
1 June	Foundation Day
28 September	Queens Birthday
QLD	
11 April	Easter Saturday
4 May	Labour Day
12 Aug	Royal QLD Show Day
TAS	
9 March	Eight Hours Day
14 April	Easter Tuesday
2 Nov	Recreation Day
ACT	
9 Mar	Canberra Day
11 April	Easter Saturday
5 Oct	Labour Day
3 Nov	Family and Community Day
NT	
11 April	Easter Saturday
4 May	May Day
3 August	Picnic Day

Inconsistent Days in 2009	
2 March	Only WA (Labour Day)
9 March	SA, VIC (both Labour Day) TAS (Eight Hours Day) and ACT (Canberra Day)
14 April	TAS (Easter Tuesday)
4 May	NT (May Day) and QLD (Labour Day)
1 June	Only WA (Foundation Day)
3 August	NSW (Bank holiday) and NT (Picnic Day)
12 Aug	Only QLD (Royal QLD Show Day)
28 Sept	Only WA (Queens Birthday)—rest of country celebrates this on 8th June.
5 Oct	SA, NSW and ACT celebrate Labour Day on this Day
2 Nov	Only NORTH TAS (Recreation Day)
3 Nov	VIC (Melbourne Cup), and ACT (Family and Community Day)

The Hon. R.B. SUCH: To briefly elaborate on that point, the national public holidays in 2009 are: New Year's Day, Australia Day, Easter Friday, Easter Monday, ANZAC Day, the Queen's Birthday (except Western Australia), Christmas Day and Boxing Day (except South Australia, where Proclamation Day is on the 28th). I will not go through all of them, because members can read them in *Hansard*, but members will note the inconsistent days in the second table. Only Western Australia has Labor Day on 2 March, Tasmania celebrates Eight Hours Day on 9 March, and the ACT has Canberra Day, and so it goes on.

Members might ask: what does it matter if we have different days throughout the nation? It makes it very difficult in terms of operating businesses and, obviously, economic efficiency, because we will have inconsistent public holidays across the nation, and there are quite a few of them. So, that is another point.

However, we are a nation and have been for quite a while (I would like to see this replicated in many of our laws, and I am sure the Attorney-General is working towards getting

some national template), and one would think that we would have consistent public holidays. I think that is important.

Obviously, the debate about what we call some of them—and whether we have the Queen's birthday holiday or when we have Australia Day—I think, will continue for a long time, and it is good that we have the debate and listen to various views and opinions on it. I am simply suggesting that the various state, territory and federal governments have a look at this whole issue of public holidays to see whether we as a nation can come up with something that is more in tune with being a nation rather than the current mishmash of public holidays across the nation.

It is not germane to this particular motion—and I have written to the federal government about this—but I think it would be opportune, in a separate focus, also to look at sick leave and long service leave because time has moved on. Once again, I am not arguing for their removal; I just think it is time we had a look at those as well. This motion focuses on public holidays. I think it is reasonable that we look at the issue nationwide, and I commend the motion to the house.

Debate adjourned on motion of Ms Breuer.

MEMBER'S REMARKS

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (11:41): I claim to have been misrepresented and seek leave to make a personal explanation.

Leave granted.

The Hon. M.J. ATKINSON: In another place yesterday the Hon. R.D. Lawson said in reference to my reply to a question on notice in the house on Tuesday:

> The Attorney used the occasion to make gratuitously offensive remarks about Channel 7 and the producer of the *Today Tonight* program, Graham Archer.

I have read the entire *Hansard* report from question time on Tuesday and there is no reference in it to Graham Archer or the Executive Producer of the *Today Tonight* program. The *Today Tonight* reporter who broke the Terry Norman Stephens stories was Rohan Wenn, and I made no criticism of him, either. Indeed, I quoted his remarks about the member for Schubert at length.

I ask the Hon. R.D. Lawson to correct the record in the other place and to apologise for deliberately misleading it.

NATIONAL DENTICARE SCHEME

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (11:42): I move:

> That this house urges the federal Minister for Health not to proceed with a national Denticare scheme.

I refer to the Hon. Nicola Roxon, whom I have met at national conferences and who is now the new Minister for Health and Ageing and has responsibility for this program proceeding if the National Health and Hospitals Reform Commission interim report recommendation is taken up. There are certainly sympathetic indications by Ms Roxon that this will be done as part of the health reform agenda of the new federal government. I move this motion to urge Ms Roxon not to proceed in this manner because of two things: first, it will not solve the problem and, secondly, it will be fiscally irresponsible.

Let me highlight the problem, and in this regard I agree with and note what the commission chairman, Dr Christine Bennett, said in the interim report, namely, that 670,000 adults are on public dental care waiting lists across Australia and that there is an average waiting time of 27 months for dental care and treatment, as distinct from the separate problem of those seeking dentures, for which there is sometimes a wait of three and four years, usually in the mature aged population.

She goes on in the committee's report to suggest the imposition of a .75 per cent increase in the Medicare levy to pay for the scheme, which would be called Denticare Australia and replace the existing premiums paid for private dental health insurance. It would provide a universal dental scheme without the need for private health insurance.

Everyone would pay. We have heard all this before, but herein lies the problem: will it address the fact that some 35 per cent of the population relies on and is in need of public health amenities to deal with accessing dental care? A relatively small amount of the population is uninsured at present as distinct from the population who have health insurance. We have, in fact, almost the reverse, where a significant proportion of the population relies on public health services

that are non-dental. The rest of the population currently pays it for private care or private health insurance to cover their expense and access the private sector.

This recommendation came after, I note, the publication of significant health issues arising out of the public dental sector. I note that the President of the Australian Dental Association nationally, Dr Neil Hewson, made some comments in January this year (before the commission's publication of its report) on a new report from the Australian Institute of Health and Welfare which, in summary, highlighted the high prevalence of inadequate dentition and the increased presence of decayed teeth and periodontal pockets in the low-income and disadvantaged group in our oral health status.

In other words, the poor had an even higher prevalence of dental decay, etc., and that is probably not surprising to many in this house. Dr Hewson made the very clear point at the time that the public sector needs much better funding in order to retain dentists by providing improved working conditions and careers, and this is in the public dental sector. Also, more funding is needed to improve and expand the public dental infrastructure and ensure that payments for treatment to public and private clinics are regularly increased in line with costs.

He also goes on to say that there had been some impasse in the sort of blame game between the previous federal government and the current federal government as to who had the better scheme in the meantime. Dr Hewson states:

> ...the ALP's call for the introduction of an ill-defined and under-funded commonwealth dental health program.

That is one where patients with chronic illnesses can be referred to their medical GP for dental treatment covered by Medicare. He goes on to say:

> An effective compromise between the conflicting positions espoused would be to accept the ADA's long-held recommendation to limit eligibility of federal dental schemes to financially disadvantaged Australians.

In other words, its clear message has been, 'You need to target those who are most in need.' Notwithstanding this and other parliamentary inquiries (and I will refer to those in a moment), still this recommendation comes from the commission; and I think that it makes an interesting read as to the identification of where such an idea would emanate, but, more dangerous, financially that is, would be if the federal government—in particular the federal minister—takes up this idea, which is misplaced and, clearly, will be expensive and waste the already precious health resources that we have.

I do not doubt for one minute that some members of the Australian Labor Party in this state parliament will think, 'This is a great idea. We'll just shove all this cost over to the feds and they'll pick it up', but if they muck it up and waste the money we are the victims, because, clearly, there will be less money available to spend properly for health needs. The Australian Dental Association again looked at this commission report, and said:

> The recommendation is impractical, nonsensical, overly simplistic and flies in the face of much of the deliberations that have taken place on this issue over the past decade. It shows no appreciation of the real problems facing dental delivery in Australia. Two comprehensive federal parliamentary inquiries and Australia's National Oral Health Plan saw no sense in attempting to deliver a universal dental health scheme such as proposed in the commissioner's report. Recognising that about 35 per cent of the community have not been able to access proper dental care, the Australian Dental Association has for some considerable time now been calling on the federal government to focus its attention on the delivery of care to those that find difficulty accessing dental care. 'Targeted funding to those who need it is what is required,' Dr Hewson had said.

I further quote him:

> To make all dentistry universally available to the community through Denticare, as is suggested by the commission, is not necessary and would be 'fiscally irresponsible' and unlikely 'to deliver quality dental care'. With current expenditure on dentistry being over $6 billion per annum, the funding of a universal scheme would be crippling and could exceed $11 billion. The ADA says target the funding where it is needed—to those who are not currently able to access dental care.

He goes on to say:

> Creating a mix of private and public cover where public services are identified in the report as inadequate suggests that most will operate for the private dental health plan. The community already have complaints about health funds—so why would you place universal dental health care deliberately in their hands? The proposed scheme will create two tiers of dental care, and is supporting health funds: both inappropriate outcomes for government funding. Under any new scheme the federal government must be careful not to limit the nature of the dental care to be delivered. To generalise that some treatment is elective and other treatments are not elective is a gross oversimplification.

The fact some Australians have difficulty in accessing care should not mean that a compromised level of care is delivered to them. All Australians are entitled to expect that care delivered to them will be both safe, the highest quality. The Australian dentists are among the best in the world and general access to them for treatment should be available. Provision of poor dentistry for the poor is just unacceptable.

I understand that the ADA, which represents dentists, obviously, most of whom provide a private service. There are dentists who work in the public sector in each of the states and provide a service as best they can with limited resources for 35 per cent of the population, on average, across Australia, but they are struggling. So, rather than pour in billions of dollars to create a scheme in which, inevitably, there will be waste and which will be directed to people who do not need the service, we are reminded over and again to target the population who need it. The dentists have nothing to win or lose, and they will do the job anyway. It is important that we listen to what they are saying: where we need to have the care.

A classic example in South Australia is the Glenside hospital which has a chair, and dental services are provided to people who use the hospital services. Obviously they are people with a mental illness and it is a challenging situation for professionals to come in and provide a service to the patients or clients at the Glenside hospital. It needs to be done, it is a targeted service. We are told that the Glenside hospital will close, so rather than abandon those most in need it is important that we target those most in need and not waste it on a whole lot of the population who have an adequate service.

I strongly urge Ms Roxon to reject this recommendation. It will be expensive, woefully financially irresponsible, will not target the people who most need it and will set up a level of inequity in the community and produce two levels of care, which I suggest is inappropriate when we have a much higher demand for an ever increasing aged population who need dental just to be able to eat and stay healthy. I urge the house to support the motion.

Ms SIMMONS (Morialta) (11:54): I oppose the motion. One in four Australian adults has unfavourable access to dental care, with the cost of dental treatment being the main barrier to appropriate levels of dental care. The National Health and Hospital Reform Commission reported that poor access to affordable and timely dental care was a consistent message from its consultation process. It also reported that people with unfavourable access to dental care were almost four times as likely to have teeth extracted and receive far less preventative dental care, such care being really important as we grow old.

As I have explained to the house previously, the former federal government, the Liberal government, magnified this situation by withdrawing from the commonwealth dental health program in 1996.

Ms Fox: Shame!

Ms SIMMONS: The member for Bright is quite right, it is a shame. Closure of the program removed annual funding of $10 million from the South Australian Dental Service at that time, halving the funding available for the dental treatment of pensioners and other concession card holders in South Australia. As a result, the average waiting time for routine dental care peaked at 49 months in 2002. Since that time, this state government has provided an additional $56 million for public dental services, reducing average waiting times to 19 months. That is still not acceptable, but it is a lot better than 49 months.

The new federal government announced its intention to reintroduce the CDHP from July 2008. This would have provided $24.7 million over three years ($7.5 million in 2008-09, which has now gone) in additional funding for South Australian public dental health services from that date. This was projected to rapidly reduce the average waiting time for public general dental care to around 11 months by June 2009. What an opportunity lost.

The reintroduced CDHP was to be funded with savings achieved through the cessation of the previous federal government's Medicare chronic disease dental program. In short, the chronic disease dental program allows people with chronic disease to receive high-end dental treatment, regardless of their income, whilst pensioners and other concession card holders who are otherwise healthy miss out on basic dental care. The cessation of this program was blocked by opposition and minor party senators, as I have reported to the house before.

Between September 2008 and the end of January 2009, 8,000 pensioners and low income earners in South Australia have missed out on dental care because of the non-implementation of the Commonwealth Dental Health Program.

Today, the South Australian Liberal Party is opposing any consideration being given to the proposed Denticare scheme. It would appear that the Liberal Party is fundamentally opposed to pensioners and low income earners receiving dental care, and I think it is important that the South Australian public is aware of this.

The National Health and Hospital Reform Commission key proposals for oral health are: the introduction of Denticare for universal access to preventative and restorative dental care regardless of people's ability to pay; a 0.75 per cent increase in the Medicare levy to provide the funds; the introduction of a one year internship (post-qualification, pre-registration) for dentists, dental hygienists and dental therapists; a national expansion of the preschool and school dental services; and increased funding for oral health promotion. These are measures that are worthy of further consideration.

People would be able to opt to have their levy allocated to a private insurer and receive their dental treatment from a private provider. Those who selected the private insurer option would pay a gap payment to the private dental provider for their dental care, as is currently the case. Alternatively, people could elect to have their levy provide access to an expanded public dental sector.

Denticare would significantly increase the availability of affordable and timely dental care for many low to middle income earners in Australia, with resultant improvements in their oral health. This would result in a major enhancement of public dental services, contrary to what the Deputy Leader of the Opposition has just told us.

It is not clear what proportion of people would opt for the public dental care option under Denticare. However, as the Denticare levy funds would follow the patient, the recurrent cost of the proposal would be made available to public dental services to meet the demand. It would be important that this funding reflects the full cost of service delivery.

The proposed dental intern program would provide more than 100 additional dental providers in the public sector in SA. This would assist the South Australian Dental Service to provide services to the additional patients who select the public sector option for their insurance.

The public sector would still have the option of purchasing dental care from the private dental sector. Denticare would provide additional funding to the public dental sector, enabling it to implement targeted programs for disadvantaged groups that the private dental sector has difficulty reaching. This includes targeted dental programs for Aboriginal people and people in residential aged care facilities or supported accommodation.

Denticare would not fund specialist dental services such as orthodontics and more complex oral surgery. The PricewaterhouseCoopers supporting documentation points to the likelihood that the combined public and private dental workforce would not cope with the increased demand for dental care under Denticare in the early years; it suggests staged implementation will be needed. This is a really important initiative, particularly for us in South Australia, and I oppose the motion.

Ms THOMPSON (Reynell) (12:01): I rise to make a contribution to this debate because of the importance of a new dental system to the people in my community. I will give some brief examples of situations that we have encountered in the past few months. Lesley Smith, a single mother in her late 30s, is now retraining for the workforce at a business college. She came to us because she did not have the confidence to go to a business college because of the state of her teeth. She was very stressed about dental issues and the waiting lists and, because of the barrier that the state of her teeth—in terms of the image, the decay and the resulting odours—presented to her. We were able to help her articulate her case, and she did get earlier treatment. However, she had been on the waiting list for months and months.

Belinda is in her late 30s. She is about to have all her teeth extracted because of poor care and poor oral hygiene and insufficient funds to access regular dental treatment. Another woman in her late 20s recently called because her dentist had told her that she was going to lose all her teeth if she did not get a proper clean soon. My assistant talked to the dentist about this matter, because it had really panicked our constituent, and he expressed despair about the inadequate knowledge about oral care and the benefits of regular maintenance by a dentist that he encountered in this young woman and in many others.

This is why we need a national system that places emphasis on preventive care and early intervention rather than directing the funds to the high end of the market. My assistant who has been dealing with these issues was so concerned that she put together some information about the

history of how we got to this state where my constituents are facing this dreadful problem. These are just three that were pulled out of the many because of their youth. We have had many older people who have come in to show us some rather ugly mouths. I am now at the stage where I manage to get my assistants to see them, because I have seen enough of these rather ugly mouths over the years.

It was not ever thus. Under the Keating Labor government the 1993-94 budget provided funding through the commonwealth dental health program until 1996-97. The aim of introducing that commonwealth dental health program was to improve the dental health of financially disadvantaged adults, reduce barriers to dental care, ensure equitable access and improve prevention of dental disease. That program provided $245 million for about 1.5 million services, with 200,000 patients accessing the program annually.

When the Howard government gained office in 1996, one of its first actions—and I remember the fury I felt at the time—was to terminate the commonwealth dental health program, arguing that the backlog for public dental services had been reduced. In other words, the Howard government acknowledged that the previous scheme was working.

The termination of the CDHP placed responsibility for the funding of public dental services on states and territories, and public dental waiting lists increased dramatically. In South Australia, I recall that, under the previous Liberal state government, the waiting lists blew out to more than four years. Commonwealth expenditure on dental services fell from $105 million in 1995-96 to $6 million in 1998-99. At the same time, the subsidisation of private dental health care increased, with the contribution made by the commonwealth going from $32 million in 1997-98 to $119 million in 1998-99.

The dental scheme which the Liberal government introduced and which it continues to argue in favour of is neither effective nor equitable. Individuals on higher incomes using private dental insurance receive a significantly greater government subsidy than those on low incomes, who rely on public dental care. Under the Howard government, the initial uptake of dental services available under the Allied Health and Dental Health Care initiative was low.

Over its first three years of operation, from July 2004 to June 2007, $1.8 million in Medicare benefits was paid to around 16,000 dental services, as opposed to the 200,000 patients annually accessing the Labor scheme. Additional funding of $377.6 million was allocated in the 2007-08 budget over four years, and the benefits cap was set at $2,000 per year. The Howard government estimated that this would assist 200,000 patients with chronic dental conditions, and around 171,000 did access the funding. The cap was then increased to $4,250 over two years.

However, in the meantime, the public dental waiting lists have achieved record heights, and 650,000 Australians are on the public dental waiting list because totally inadequate funding has been provided for those in greatest need. The current federal government again seeks to direct funding to those in greatest need, rather than top up funding for those who already have access to dental health care.

The following figures from the National Survey of Adult Oral Health from 2004-06 indicate the need for a redirection of funds towards a sustainable, equitable and preventative public dental health program. Nearly 6 out of every 10 adults who still have their teeth said that they needed a dental check-up; 16 per cent of Australians rated their oral health as fair or poor; 22.6 per cent had experienced orofacial pain in the preceding month; 15.1 per cent had experienced toothache in the preceding 12 months; 17.4 per cent said that they had avoided some foods due to problems with their teeth, mouth or dentures; 30 per cent of Australians reported avoiding dental care due to cost; 20.6 per cent said that the cost had prevented them from having recommended dental treatment; 18.2 per cent reported that they would have a lot of difficulty paying a $100 dental bill; and 40 per cent said that they could not access dental care when they needed it. This is a disgrace in Australia, where we seek to protect those most vulnerable.

Of course, we know that poor dental health leads to poor overall health, and my understanding is that this relates particularly to heart health, that is, there is a connection between dental health and heart health. We do not need to set up a national health scheme, as the Liberals did, that attacks those who are most vulnerable in our community.

The Liberals continue to support a scheme that does not provide dental—and therefore physical—health care to the most vulnerable in our community. Of course, the dental health situation of the Aboriginal population is absolutely appalling and brings disgrace upon us in the world situation. This increases their burden of disease in relation to so many other conditions.

If people cannot chew properly, they eat pap food that is often calorie and fat-laden and contributes to obesity and, therefore, diabetes. The Liberals in this state and nationally need to have a really good look at their consciences about what they are doing in terms of not making dental care available to the most vulnerable people in our community.

Debate adjourned on motion of Mr Goldsworthy.

VISITORS

The DEPUTY SPEAKER: It has been drawn to my attention that we currently have with us a group from Woodcroft College, who are the guests of the member for Mawson. We welcome you.

MEMBERS, STATEMENT OF PRINCIPLES

The Hon. R.B. SUCH (Fisher) (12:12): Woodcroft is a great area and there are very good schools in that area, too. I know they would like to be in my electorate but not everyone can be!

In relation to my motion, as printed on the *Notice Paper*, I move:

That this house adopts the following statement of principles for members of parliament:

1. Members of parliament are in a unique position of being accountable to the electorate. The electorate is the final arbiter of the conduct of members of parliament and has the right to dismiss them from office at elections.

2. Members of parliament have a responsibility to maintain the public trust placed in them by performing their duties with fairness, honesty and integrity, subject to the laws of the state and rules of the parliament, and using their influence to advance the common good of the people of South Australia.

3. Political parties and political activities are a part of the democratic process. Participation in political parties and political activities is within the legitimate activities of members of parliament.

4. Members of parliament should declare any conflict of interest between their private financial interests and decisions in which they participate in the execution of their duties. Members must declare their interests as required by the Members of Parliament (Register of Interests) Act 1983 and declare their interests when speaking on a matter in the house or a committee in accordance with the standing orders.

5. A conflict of interest does not exist where the member is only affected as a member of the public or a member of a broad class.

6. Members of parliament should not promote any matter, vote on any bill or resolution, or ask any question in the parliament or its committees, in return for any financial or pecuniary benefit.

7. In accordance with the requirements of the Members of Parliament (Register of Interests) Act 1983, members of parliament should declare all gifts and benefits received in connection with their official duties, including contributions made to any fund for a member's benefit.

8. Members of parliament should not accept gifts or other considerations that create a conflict of interest.

9. Members of parliament should apply the public resources with which they are provided for the purpose of carrying out their duties.

10. Members of parliament should not knowingly and improperly use official information, which is not in the public domain, or information obtained in confidence in the course of their parliamentary duties, for private benefit.

11. Members of parliament should act with civility in their dealings with the public, ministers and other members of parliament and the Public Service.

12. Members of parliament should always be mindful of their responsibility to accord due respect to their right of freedom of speech within Parliament and not to misuse this right, consciously avoiding undeserved harm to any individual.

And that:

(a) upon election and re-election to parliament, within 14 days of taking and subscribing the oath or making and subscribing an affirmation as a member of parliament, each member must sign an acknowledgement to confirm they have read and accept the statement of principles; and

(b) a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

This particular statement of principles—some would call it a code of conduct—was developed and endorsed in an all-party or joint committee of the parliament. It has not got to the point where the

parliament has adopted it and I think that it is time that we did. As members can see at the bottom, if we agree to it, then it goes to the other place for consideration.

Some would say that the final arbiter in relation to the conduct of members is the electorate, and no one disputes that. In fact, the statement of principles acknowledges that, but the reality is that some people in what is euphemistically called 'a safe seat' are not subject to the same threat of dismissal as someone who is in what is also euphemistically called 'a marginal seat'. So, that argument, whilst in essence accurate, does not really reflect the reality of the political system.

However, if people do not like a member of parliament, they can get rid of that member of parliament, in theory at least. So, this statement does not in any way suggest that that situation should change. If the electors do not want a member, they should be able to vote him or her out.

Other professions have a code of conduct, and I do not see—and this was the view of the committee—why MPs should be different. We do have some current provisions relating to disclosure of things that we own or that family members own. We are subject to the standing orders of the parliament and can be dealt with through the Privileges Committee of the parliament as well.

I think it is important to spell out what is expected of an MP, and my motion states that we should perform our duties with fairness, honesty and integrity. One would hope that that is always the case. It acknowledges political parties and that political activities are part of the democratic process, so this statement reflects reality: that political parties exist and they are a legitimate part of the democratic process.

It reinforces the point that we should declare where there is a conflict of interest in terms of private financial interests and the carrying out of our duties. It makes clear that we should not promote things in here in return for any financial or pecuniary benefit. We should declare gifts and benefits. I must say that I do not seem to have received many gifts. I think it is only when you are a minister.

Mr Hanna: You were born with it.

The Hon. R.B. SUCH: The member for Mitchell is very kind and said that I was born with gifts, but I was actually born into a very financially poor family that was rich in other ways. I think it is only ministers. I saw the Premier yesterday receive a gift at the Motor Trade Association, but it did not look big enough to be a BMW. Members should not accept gifts if they create a conflict of interest. Members should use their public resources for the purpose of carrying out their duties, and they should not knowingly or improperly use official information.

This is a good one: members should act with civility in their dealings with the public. As to ministers—and that includes the new ministers—we should act in our dealings in a civil way, as we should with other members of parliament and the Public Service. We might take that for granted but I am aware of some cases, albeit rare cases, where members of parliament have not always acted in a civil way towards members of the Public Service. In fact, I know of a couple of situations where people have brought female members of the Public Service to tears, and that is completely unacceptable behaviour.

The statement of principles also reinforces the importance of freedom of speech within parliament and that it must not be misused, and that is important. It has not been misused in here for a long time, but I can remember a member getting up and saying something about someone's family which meant that the wife and the child, who were completely innocent of any wrongdoing, had to leave the state because of what was said. I think all members are mindful that we do have privilege in terms of what we can say but that means that we have a responsibility not to misuse or abuse it.

Also, the statement of principles states that, within 14 days of taking and subscribing the oath, each member should sign an acknowledgment confirming that they have read and accepted the statement of principles. I think that is incontestable in a sense. You should sign something to say that you have read and understood your obligations.

The final point is that, depending on what this house decides, the message be sent to the Legislative Council seeking its concurrence to the statement of principles. The statement is self-explanatory, so I do not need to add much more, but I encourage members to support it because I think it is important that MPs are not only doing the right thing but seen to be doing the right thing and that we do not have a double standard where we say to others that they should have a code of conduct when we are not prepared to have one ourselves.

I think if we adopt this statement of principles it can only help in terms of improving the standing of MPs in the community which is often under attack, usually unfairly, but if you do not have a code of conduct (a statement of principles), I think you leave yourself vulnerable to the question: what is your code of conduct, your statement of principles?

I urge members to support this statement of principles so that we can have it adopted. As I said earlier, a multi-party joint house committee looked at this matter and recommended the principles it in the form presented here today.

Mr HANNA (Mitchell) (12:20): I support the member for Fisher in his efforts to have a statement of principles adopted for members of parliament. The subject of the behaviour of members of parliament comes up frequently in my discussions with members of the community. Admittedly, most of the community see the worst of parliament. Question time is treated as a theatrical breast-thumping exercise, when aggression and name-calling is let loose, and that is what usually appears on the evening television news. So, people have a distorted idea of what goes on in parliament. I explain to people that, 90 per cent of the time, parliament is quite boring and we all agree with each other. I hope that that will be the case in respect of the motion of the member for Fisher.

No statement of principles or bit of paper that we sign can really guarantee the good behaviour of members of parliament. At the end of the day, it is up to our own conscience and, ultimately, it is up to political censure through the ballot box if members behave sufficiently badly. However, it can only help to have a clear statement of principles along the lines that the member for Fisher has suggested. There is nothing in there which any of us would really disagree with. It is simply a matter of whether or not we adopt this proposal put forward by the member for Fisher. I hope that members will see fit to do so.

Debate adjourned.

VISITORS

The DEPUTY SPEAKER: Before I call the next speaker, I want to acknowledge that there are now more students from Woodcroft College in the gallery. I think the member for Mawson has sought the assistance of the member for Light in conducting a tour. I welcome the students from Woodcroft College to our workplace—or one of our workplaces.

MEMBERS, STATEMENT OF PRINCIPLES

Debate resumed.

Mr RAU (Enfield) (12:22): I just want to say a few words about the code of conduct. This is something that has been a fairly long time coming. I think it is an appropriate time, really, for members to reflect on what we expect of one another and what the public should reasonably expect of us.

An honourable member interjecting:

Mr RAU: I never do. I think it is very interesting that we are talking about this. It just seems to me that some of the points that have been made by the member for Mitchell are good points in the sense that the community does have a very unrepresentative view of what goes on in this place most of the time. I think that is a pity, because there is actually a lot of good work that goes on here, in both the chamber and in committees—

An honourable member interjecting:

Mr RAU: —and in the corridors—which is very useful and ultimately produces results that are often very beneficial to the community. Not only should we be in the business of trying to do the right thing but, as much as possible, we should be observed by those who care to look into it to be doing the right thing. That said, there is a point to which you can twist yourself into a position where you go so far overboard in appearing to be doing the right thing that the substance is not there, and that needs to be borne in mind as well.

The only matter that I think might be worthy of reflection is that, whatever might be thought by some commentators in the media and by some people who sit at home in front of their television set or by the radio, members of parliament, at the end of the day, are just human beings. Indeed, from observation, we have a representation here of all the good and bad things that one might expect to find in the community, roughly in the same proportions.

I think it is important for us not to set for ourselves unrealistic or unachievable trip-wires which, inevitably, will lead not to members of the public having a higher view or a more realistic view but to members of the public being disappointed that members of parliament, collectively or individually, have not achieved a certain standard. I will be listening, as always, with great interest to the rest of this debate because—

Mr Pengilly: What are you going to do? Support it or vote against it?

Mr RAU: It will depend on what you have to say. Whatever the member for Finniss has to say may be the final element in my decision-making process. It does strike me that anything which imparts a more realistic view to members of the public about what is achievable by the parliament and what should or should not be expected of members of parliament is a good thing. By the same token, there should be some comprehension in whatever scheme is put together that there are reasonable expectations that should be imposed upon human beings, not unreasonable expectations.

Along with the member for Fisher, I served on a committee that looked at this issue some several years ago now. We actually ranged over a number of different sources to look at what might or might not be a reasonable consideration of these matters. We looked at other jurisdictions in Australia and, I think, New Zealand, Canada, the United States and Great Britain. We even went as far as to look at other sophisticated systems such as those in France and Italy.

It might surprise members to know that, certainly in Italy and I believe in France, those who hold executive office—in particular, the president of those countries—are immune from suit in their courts, including for criminal matters. I found that a bit surprising. In fact, I have read in the newspapers, and I do not know whether this is true or false, that one of the great advantages accruing to the current President of Italy is that, whilst he holds the office he presently holds, investigations into certain aspects of his corporate behaviour are unable to proceed, and the longer he is there the more the statute of limitations eats into the time during which those investigations might occur. It would seem that this gentleman has a particular advantage in being in that office, at least until the statute of limitations expires.

I also understand that at least one of the former presidents of France was a person against whom certain allegations were made of improper behaviour. Again, by virtue of his holding that office, those were matters which were not capable of either being investigated or pursued through the ordinary courts.

The Hon. R.B. Such interjecting:

Mr RAU: No. The honourable member asks whether I think we should introduce such a system here. I am not advocating that, and I would like that on the record. I am not suggesting that anything like that should occur. The point I want to make really dovetails into what I was saying before; that is, in countries we would regard as having sophisticated legal, parliamentary or legislative systems, there are some things which to us would seem a little peculiar. That does not mean that country is not a proper member of the civilised world or a country which is run by a despotic government or anything of the sort.

The point I am trying to make is that being too prescriptive about what is or is not correct may not be the best way to proceed. A statement of general principle seems to me to have a better appeal than something which sets up a series of very detailed and perhaps inadvertently unachievable trip-wires.

That is just a general reflection on the matter and I am sure that after I have heard the contributions from the members for Finniss, Stuart and Schubert and others on this topic—and the member for Kavel, of course—I will have a far clearer picture on this. I will listen with great interest to what—

The Hon. S.W. Key: What about the other side? Do you want to hear from them as well?

Mr RAU: Of course, I do.

The Hon. S.W. Key interjecting:

Mr RAU: Absolutely. The member for Ashford asks whether I am interested in hearing from people on this side. Of course, I am, but I have had the benefit of hearing some of their views already, and I was very impressed with them as well. It is really the ladies and gentlemen on the other side, whose views I have not yet had the benefit of hearing, who are weighing in the balance.

Obviously, I will be very interested indeed in hearing what they have to say as this debate meanders through the Thursdays to come.

Debate adjourned on motion of Mrs Geraghty.

STATE PLEBISCITE

Adjourned debate on motion of Hon. R.B. Such:

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.

(Continued from 19 February 2009. Page 1655.)

Mr GOLDSWORTHY (Kavel) (12:32): When I focus on particular issues that are brought before the house on Thursday mornings and in the early afternoon, I feel compelled to speak on some of these matters. The issue the member for Fisher has before the house at the moment in relation to state election plebiscites is one such issue I do feel compelled to speak about. I speak in opposition to his proposal, which states:

...a plebiscite at the next state election so that voters can indicate their views on a range of social and economic issues.

To me, it is quite a nebulous proposition, and there are no real specifics. I read part of the member's second reading contribution—and it is a matter he raised in 2006—and the state Liberal parliamentary party opposed it then, and we obviously continue to oppose it.

The member says that there is a distinction between a referendum and a plebiscite, and it is sometimes referred to as an 'indicative' referendum. I think we are getting a little bit technical, a little bit cute by half (if I can describe it that way) in the way the member for Fisher is looking to pursue and progress this matter.

Reading further the contribution he made on 19 February, the member talks about a range of issues. He says that the community could also be asked about their priorities in terms of funding for health, education and social issues. He talks about abortion, prostitution and a whole range of other social issues. He also talks about a questionnaire he undertook with 1,300 households within his electorate and how he structured that questionnaire.

It is all very informative, but I do not regard it as a necessity at the time of a state election. I think it is an indulgence—and a very expensive indulgence—if I could describe it in that way. For the past seven years, we have heard the mantra of this state Labor government on health, education, and law and order—which encompasses social issues, and so on. I know there has been significant feedback from the community in relation to those issues that the government continually bangs on about. It is totally unnecessary, to be quite frank, to look at this proposal of the member for Fisher for a plebiscite.

The parliament has traversed the issue of prostitution over many years. At the time of the last Liberal government, I understand that that debate came to the fore but was not progressed in terms of reforming the legislation on that social issue. The issue of abortion has been traversed at length throughout the history of the parliament. It does not take a state operated plebiscite to understand the views of certain sections of the community on those issues. I am happy to speak on these matters when they come before the parliament. I understand it is the state Liberals' position that we oppose the proposition of the member for Fisher and, as such, I am compelled to make these remarks in the parliament.

Debate adjourned on motion of Mrs Geraghty.

FOREIGN AID

Adjourned debate on motion of Ms Chapman:

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.

(Continued from 19 February 2009. Page 1657.)

The Hon. R.B. SUCH (Fisher) (12:38): I support this motion. I do not like abortion; I do not welcome any act of abortion in any sort of pleasurable sense. Nature itself can cause an abortion to occur. It is not something about which any of us rejoice, but I believe a woman has the right to decide whether or not she carries a child full term.

The American government under president Bush had a ban on any organisation receiving funding from the US government if, as part of its family planning approach, it gave advice or assisted in any way in respect of abortion. My view is that people making choices should have maximum information and a maximum provision of services. I point out that, in providing information about abortion as an option, clearly the risks, as well as the possible benefits, should be indicated.

This motion refers to other countries. Even in our own country some people have the view that a person can have repeated abortions without any possible long-term or other consequences. I do not favour abortion being used as an easy way of birth control. It should be an option for a woman, of course, but it should not be simply a way of avoiding other forms of birth control. I support this motion. I believe that Australia should lift the ban on counselling services and abortion services.

However, as I say, I put on the rider that any information that is provided should be based on proper medical evidence and be balanced, in the sense that it is not simply a pro-abortion service irrespective of (and devoid of) information about any possible risks or avoiding what should be the greater focus on other mechanisms and means of birth control and family planning. With those few words, I support the motion and I believe it deserves support.

Debate adjourned on motion of Mrs Geraghty.

HYDE, CONSTABLE W.

Adjourned debate on motion of Ms Chapman:

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.

(Continued from 19 February 2009. Page 1659.)

Mr PENGILLY (Finniss) (12:42): It gives me great pleasure to rise on this motion. I need to put on the record the fact that William Hyde, who was murdered in 1909, was my great great-uncle. Indeed, on 4 January, when we attended the re-dedication of his grave at the Catholic section of the West Terrace Cemetery, we had four generations in attendance, which was quite remarkable, including—

The Hon. S.W. Key: Standing up or lying down?

Mr PENGILLY: All standing up—two of William Hyde's nieces from my side of the family—that is, the Hyde side of the family—Aunty Ann Sharrock who was 95 and who came up from Portland and Mrs Sheila Dowsing from Victoria. It was a remarkable situation. We had probably 70 or 80 people there. I had my son and my mother with me. My 85 year old mother was sitting alongside her 95 year old aunt throughout the period of the service, which was very ably conducted by the Catholic police chaplain and addressed by Commissioner Mal Hyde, who, incidentally, is no relation to William Hyde.

William Hyde was shot in early January 1909. He played cricket in the morning for his local cricket side and I think he hit 59 runs, and that afternoon he had to go to work. He was a foot constable and, in the course of his work, he was called to the Marryatville Hotel, where some people who were regarded as villains and who were wearing jackets with their collars turned up and hats looked as though they were going to raid the nearby tram station.

Constable Hyde went there, called to them and chased them. He actually caught one of them and brought them to the ground. He had him pinned to the ground when the other two came back and one started firing shots. One of the shots hit Constable Hyde in the cheek and he died a couple of days later in hospital.

It is worth noting that 15,000 people attended his funeral. This was in January 1909—15,000 out of Adelaide's population, which was quite remarkable. My mother is very clear, they used to go for a drive up there. They lived at Royston Park when she was younger and they quite often used to visit the place where Uncle Bill Hyde (they always called him 'Uncle Bill') was shot. Members of the family have always referred to the fact that William Hyde was shot—they preferred that terminology; they never said he was murdered—but the reality is that the police records quite clearly show that he was murdered; there are no two ways about it. The perpetrators were never caught.

The Police Association of South Australia sought to restore and rededicate Constable William Hyde's grave, and that was done on 4 January. It was a very pleasant occasion. It was also a very poignant occasion to stand there with so many of his relatives who had come from near and far, all over Australia. Some had come from Queensland. I had brought my mother over from Kangaroo Island the preceding night, and my great aunt had come from Portland: Barbara Lightbody and her husband Max had brought Aunty Ann over from there. The service was conducted particularly well and was followed by a morning tea at the Police Club in Carrington Street. I cannot applaud loudly enough the efforts of the Police Association of South Australia. I wrote to Mark Carroll and congratulated him on what they did.

It was not necessarily a sad occasion, it was an occasion of remembrance, and the media followed it quite well. I was talking to the chaplain (who was Catholic) after the gathering (at some stage one side of our family changed their religion from Catholic to Anglican, for some reason), and I said, 'There's not much room here,' because if you walk down that aisle section you can barely move between the end of the graves. I said to him, 'Why are they so close together at the end?' and he said, 'To keep us away from the protestants.'

It was a very great occasion, and to sit 100 years later in that cemetery where William Hyde was buried so long ago and to recall that 15,000 people had attended that funeral was really quite remarkable. I know that it meant an enormous amount to his two nieces who were there. Aunty Ann Sharrock, whom I have known for a long time, of course, and who is as bright as a button at 95—and I hope that if I make that great age I am as good as she is; she is quite remarkable—

The Hon. R.B. Such interjecting:

Mr PENGILLY: I may still be in this place, member for Fisher, but I doubt it. I would like to think that I was capable of being here. Aunty Ann was born some four or five years after Constable Hyde was murdered. A large picture of him hangs in the Police Club in Carrington Street, and he was a very good looking and upstanding chap. He was not married, unfortunately—or fortunately, I guess, at the time.

It is a story that has remained in our family for well over 100 years now, going into the next decade, and we have passed it down. My eldest son Tim, who is 28, attended the ceremony and he certainly took a lot of it on board. Other cousins of mine were there, along with my mother and my uncle, David Morris, who is also over 80.

This meant a great deal to us, and I once again want to mention what a wonderful job the Police Association of South Australia did. I thought we were tremendously fortunate that it chose to restore this grave and remember those events of so long ago. I will forward this speech to the relatives I can find who were there that day. To those who organised the event, those who worked with the Police Association and everyone involved, I extend the grateful thanks of a great, great cousin of William Hyde.

Mr GOLDSWORTHY (Kavel) (12:50): I will make some brief remarks in relation to the motion brought before the house. I commend the deputy leader (the member for Bragg) for moving this motion congratulating the Police Association on the rededication of the grave of Constable William Hyde. I noticed with interest an article in the most recent edition of the Police Association magazine concerning the rededication of the grave of Constable Hyde. As we have heard from the member for Finniss, this particular policeman was a relation of his—a great, great uncle.

It draws to our attention that policing is certainly in certain circumstances quite a dangerous profession to engage in. It is very rewarding, no doubt. I know quite a number of policemen and policewomen who serve the community of South Australia extremely well in fulfilling their duties as police officers. My next door neighbour, in fact, is a policeman, with whom I grew up. He originated from Broken Hill but used to come and stay with his grandparents, our neighbours, during the school holidays and we would play together as young lads. He lives in that property now, so our friendship has continued through the decades into adulthood, and I understand he fulfils his duties extremely well, even though he has had some personal tragedy to deal with in his life.

Speaking more broadly in relation to police matters, I have enjoyed establishing a quite strong relationship with the police in my district of Kavel, particularly Superintendent Tom Reinerts. I enjoy the relationship that I have with Superintendent Reinerts and, if there is any issue that arises concerning law and order, or whatever the related matter might be, Superintendent Reinerts is only a telephone call or an email away, or I can make a quick visit to the Mount Barker station to discuss those issues, and he is more than prepared to take up those matters.

I think it is an indication of how the police operate, for want of a better word, within the community and that they do engage actively within the community. They are not just enforcers of law and order: they engage in community activity and, obviously, with local elected representatives—council members and members of state and federal parliament—and no doubt through the history of the state that relationship has been good.

I note from previous comments made in *Hansard* that the member for Goyder made some comments in relation to reading some of the articles of a historical nature concerning the plight of police officers in days gone by. I also enjoy reading those particular articles about how policing was carried out in earlier decades, particularly before we had modern forms of communication and transportation. Transportation was by walking, bicycle, horse or, particularly in the rural regions, train. To bring criminals to justice they often brought them on trains to the city to face court.

I know that train transport was the mode of the day to travel any particular distance. Even when they became more common, the reliability of cars and the pace at which they could cover a distance was limited, and so train transport was obviously the mode of transport to get from one part of the state to another in a reasonable time and with some form of reliability.

The point I want to make is that Constable Hyde died in the course of carrying out his duty. We know that, over the past century (and Constable Hyde's death took place in 1909), a number of police officers have been killed in the line of duty, and we should always be respectful and honour the contribution they make to the safety of this state's community. With that brief contribution, I commend the motion to the house.

Debate adjourned on motion of Mrs Geraghty.

COMMONWEALTH DENTAL PROGRAM

Adjourned debate on motion of Ms Simmons:

That this house condemns the federal Liberal opposition for failing to support the commonwealth dental program.

(Continued from 13 November 2008. Page 941.)

Ms SIMMONS (Morialta) (12:58): I have already spoken today about the previous Liberal government withdrawing the Commonwealth Dental Health Program (CDHP); so, even though there has been quite a time lapse since this debate, I will not give the background to that. However, already major impacts have arisen out of the withholding of the Commonwealth Dental Health Program funding. The delay to the CDHP has caused significant difficulties in funding projects already approved under the CDHP, and the South Australian Dental Service has needed to put strategies in place to manage these projects whilst continuing to provide essential services to the public.

The availability of funding, the lack of workforce and the cost of outsourcing have all had a major effect on waiting times for public dental services. Already over 14,000 patient visits have been lost since July 2008, resulting in the waiting list for routine care being four months longer than planned. The provision of priority dentures through private sector authorisations has virtually ceased, with the South Australian Dental Service salaried staff no longer providing routine dentures. I therefore commend the motion to the house.

Motion carried.

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

ROADSIDE MEMORIALS

The Hon. I.F. EVANS (Davenport): Presented a petition signed by 229 residents of South Australia requesting the house to urge the government to make roadside memorials legal in South Australia.

MUNNO PARA TRAFFIC INCIDENTS

Mr PICCOLO (Light): Presented a petition signed by 500 residents of Munno Para and greater South Australia requesting the house to urge the government to consider strategic positioning of traffic calming measures and an increase in policing to reduce traffic incidents and reckless driving in the Munno Para area.

ANSWERS TO QUESTIONS

The SPEAKER: I direct that the written answers to questions as detailed in the schedule I now table be distributed and printed in *Hansard*.

PENSIONER CONCESSIONS

358 Mr HANNA (Mitchell) (4 November 2008). To what extent will the minister or his department increase pensioner concessions to address the effect of inflation on low income recipients?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations): The government is aware of the financial difficulties faced by people on low and fixed incomes.

The State Government provides a range of concessions on major charges (water and sewerage rates, electricity, council rates, public transport, the Emergency Services Levy and motor vehicle registration) to eligible South Australians.

In recent years, the government has introduced enhancements to a number of these concessions aimed at assisting people on low and fixed incomes meet the costs of living.

In January 2004, the government raised the annual Energy (electricity) concession from $70 to $120 (a 71 per cent increase), extended eligibility for this concession to self-funded retirees who hold a Commonwealth Seniors Health Card and provided a $50 once-off Electricity Transfer Rebate to concession recipients who switched to a market contract.

As part of the 2005-06 State Budget, Energy Concession recipients, which included self-funded retirees who held a Commonwealth Seniors Health Card, were provided with a once-off $150 Energy Bonus.

In July 2004, the government increased the annual water rate concession to $95 per annum. The government has introduced a further increase in the water concession from 1 July 2008.

The new water concession is set at 20 per cent of a customer's total water bill up to a capped amount of $200 for owner-occupiers. There is also a minimum concession of $95 per annum. The water concession has also been extended to include Commonwealth Low Income Health Care Card holders and qualifying tenants for the first time. For tenants, the amount of the concession is capped at $160 per annum, with a minimum of $55, in recognition of the fact that tenants aren't generally liable for the supply charge component of water bills.

The government has also recently announced that the sewerage concession (set at 60 per cent of the customer's bill up to $95) will be extended to Commonwealth Low Income Health Care Card holders from 1 July 2009.

As much as the State Government would like to be able to do more on the concessions it provides to low income earners, any further increase in the overall level of concession expenditure needs to be balanced against the many other spending priorities of the State Budget, including provision of adequate essential services such as health, education and police, and the need to keep the State's finances in a sound position.

AUDITOR-GENERAL'S REPORT

398 Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (17 November 2008). With respect to the report of the Auditor-General 2007-08—part B, volume 4, page 1027—Why did medical malpractice claims increase by $46 million in 2007-08?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations): I have been provided the following information:

The outstanding position of medical malpractice claims for SAICORP Insurance Fund 1 (both current and non-current) as at 30 June 2008 changed by an amount of $45.7 million relative to 30 June 2007.

This increase is a combination of new claims reported during the year and existing claims that increased in value during the year. Some of the increase in the value of claims was attributable

to a revaluation using revised discount factors and prudential margins, as well as an increase in provisions for claims incurred but not reported.

AUDITOR-GENERAL'S REPORT

400 Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (17 November 2008). With respect to the report of the Auditor-General 2007-08—part C, page 61:

(a) does the surplus cash paid into the accrual appropriation excess funds account get paid to the consolidated account and if not, what happens to the surplus cash; and

(b) while past Auditor-General reports have commented on the inconsistent use of this account by agencies, has this improved?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations): I have been provided the following information:

(a) No, the surplus cash paid into the Accrual Appropriation Excess Funds Account (AAEFA) does not get paid into the Consolidated Account as the AAEFA is exempt from the operation of the Cash Alignment Policy. The cash remains in the AAEFA and is then used in accordance with the 'Budgeting for Employee Entitlements etc.' document referred to by the Auditor General in part C, page 60.

(b) The Department of Treasury and Finance has implemented improved procedures relating to the use of the account and as reported by the Auditor General in part B, page 1352, processes were found to be operating satisfactorily in 2007-08.

WATER TRADING

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) (14:01): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: For many years, this government and the people of South Australia have been demanding justice for the River Murray. We fought the former Howard federal government to allow the River Murray to be placed on the national COAG agenda, and finally won. That led to a federal government, $10 billion Murray-Darling Basin rescue plan. Then we fought for an independent authority to run the river system, and after months of dogged negotiation and much resistance from Victoria, we won.

We later, under the Rudd government, fought for the $13 billion intergovernmental agreement between all Murray-Darling Basin states and the commonwealth, and we won it at a COAG meeting here in Adelaide. We argued for the large scale reduction of over-allocated water licences and won over $3 billion for a buyback scheme.

That agreement, signed last July, also triggered the start of $3.7 billion in infrastructure works along the entire length of the basin, including $610 million in priority projects for South Australia that could result in water savings of more than 100 gigalitres of water in the Murray-Darling Basin.

For over 100 years, upstream states have deliberately used and abused the water of the River Murray. The river has suffered. All this has continued despite the repeated warnings and complaints from South Australia, dating back to federation and before. In fact, Alexander Downer's grandfather, as premier of South Australia, was making similar warnings.

This has been more recently exacerbated by the extreme and unprecedented drought that has been experienced across south-eastern Australia. We all now stand witness to the result. The Lower Lakes and Ramsar-listed Coorong face environmental disaster.

The fight to save the Murray has entered a new phase. I can now reveal to the house that there has been a series of meetings to explore a constitutional challenge to the upstream states to protect South Australia's rights. The states' rights in this matter are referred to in the Australian Constitution.

Members interjecting:

The SPEAKER: Order, the member for MacKillop!

The Hon. M.D. RANN: I have asked that a team be assembled to bring together all of the legal and scientific expertise necessary to prepare a constitutional court challenge—

Members interjecting:

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

The Hon. M.D. RANN: —that I am prepared to take all the way to the High Court of Australia.

Members interjecting:

The SPEAKER: The house will come to order. I have already warned the member for MacKillop.

The Hon. K.O. FOLEY: Sir, as Acting Leader of Government Business, the opposition's continued interjecting is making it very difficult for the government to fulfil its role here in question time. I do not know what constitutes an offence to be thrown out of this place but the behaviour of both of those two members—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: —has to be called into line.

Members interjecting:

The SPEAKER: Order! The Speaker is on his feet. The house will come to order. The Premier has been given leave. I have already warned the member for MacKillop once.

The Hon. M.D. RANN: I have asked that a team be assembled to bring together all of the legal and scientific expertise necessary to prepare a constitutional court challenge that I am prepared to take all the way to the High Court of Australia. Our Solicitor-General will lead the legal team and we will recruit eminent constitutional law experts and private practitioners to develop our case. We will not undertake such an action lightly. We will commit the same consideration and resolve as we did in winning our case to stop a nuclear waste dump being in imposed on South Australia. Our objective shall be to return sufficient permanent fresh water to the river to restore its health. I have asked a legal team to examine all avenues to secure South Australia's rights to water.

The upstream states continue to place barriers in the path of that long-term solution. Victoria's 4 per cent cap on trading water licences out of Victorian districts is one such barrier. That cap on trade lifts to 6 per cent by the end of this year but will not be abolished completely until 2014. But we believe that by 2014 it could be too late. We need that cap lifted well before 2014. We see it as a cap on reform and a cap on the rescue of the River Murray.

This government will now enter the temporary water market to purchase water needed to provide a healthier flow to the river while we continue to fight for a lasting solution. I will repeat that because I think it is really important that every member realises this: the government will now enter the temporary water market to purchase water needed to provide a healthier flow to the river while we continue to fight for a lasting solution.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: The state will not shirk its duty to keep the Lower Lakes and their environment in a sustainable condition—

Members interjecting:

The SPEAKER: Order! I should not have to repeat my calls for order.

The Hon. M.D. RANN: Our state will not shirk its duty to keep the Lower Lakes and their environment in a sustainable condition until the commonwealth can purchase enough permanent water licences to send additional environmental water down the river. But there will be little benefit in the commonwealth using its allocated $3 billion to buy permanent water to restore healthy environmental flows to the river if the environment has already been destroyed in the meantime. That is why we need to remove the barriers to water trading in the upstream states as a matter of some urgency.

At the same time, we are also acting to insure ourselves against catastrophe. This week the government has submitted a draft environmental impact statement to the commonwealth government for approval for construction, in the event that it becomes necessary, of a temporary weir on the River Murray just below Wellington. The weir will take nine months to build and so preparatory steps must be taken now.

I have repeatedly said, and I say it again today, that this government will do all it can to avoid building that weir. For us it has always been an action of last resort. It is a step that I do not want to be forced to take, but we have to be prepared for the possible incursion of seawater into the Lower Lakes to prevent acidification. Only then will the temporary weir be put in place to protect the fresh water supplies of Adelaide and regional towns that rely on River Murray water for their drinking water supplies. The EIS is expected to be released within the coming week or so for a full public consultation process.

This government has a responsibility first and foremost to guarantee our critical human needs for Adelaide and the other towns and regions that rely on the River Murray for their drinking water. We must put the needs of people ahead of all other considerations.

As everyone here is aware, this government is building a new $1.3 billion desalination plant to substantially reduce our reliance on the River Murray. That desal plant will come online at the end of next year. We are also investing millions of dollars in waste water recycling and stormwater re-use, far more than any other capital city in Australia.

This government has exhausted all diplomatic channels available to it, and its message today is that it is not prepared to stand by and passively watch the decline of our natural environment at the end of the Murray-Darling system. This government's fight for justice for the River Murray will go on until the health of the river system is restored. In the meantime, I look forward to hearing what the Leader of the Opposition says about his counterpart in Queensland who is threatening, if elected, to tear up the River Murray agreement.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Mr Speaker, I refer you to two standing orders. Standing order 131 relating to interruptions not allowed by members opposite—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Sir, I also draw your attention to standing order 137: if a member 'persistently or wilfully obstructs the business of the house'. The behaviour of the deputy leader, as well as that of the member for MacKillop, has for many months now—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: —been making it very difficult for government ministers to properly discharge their duty in answering questions.

Members interjecting:

The SPEAKER: Order! I will deal with one point of order at a time.

The Hon. K.O. FOLEY: I cannot speak for every minister, but our ability to communicate information to the house is being wilfully obstructed by the behaviour of both the deputy leader and the member for MacKillop.

Mr Pengilly interjecting:

The SPEAKER: Order! The member for Finniss.

The Hon. K.O. FOLEY: I ask, sir, that you give consideration to what actions can be taken to ensure that the house behaves properly.

Members interjecting:

The SPEAKER: Order! I thank the Deputy Premier, and also point out to him standing order 132 regarding responding to interjections—something of which he is rather fond, I have noticed.

I ask all members to assist me in keeping the house in order. It is often a judgment call on my part when to intervene because, if a minister is speaking and being interjected upon, my intervention can often be just as disruptive to the minister or can result in the disruption which I think that a member of the opposition is trying to achieve. It is often a difficult judgment call for the chair when or when not to intervene. If I think the minister on their feet is doing okay, then I am reluctant to intervene, unless I sense that the minister is having some difficulty.

However, interjections are out of order, as the Deputy Premier points out, and I ask members to observe that standing order and, in particular, to refrain from persistent interjections. The occasional interjection, which can be witty, is one thing, but constant, ongoing interjections, which even though they may not be particularly loud are deliberately designed to interrupt the minister, are out of order. I ask all members to assist me in keeping the house in order so that it does not become a disgrace to the state.

BUSHFIRE TASK FORCE

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (14:14): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.J. WRIGHT: The devastating bushfires that occurred in Victoria will be remembered as one of the darkest days in Australia's history. While it seems that the worst is now over, the grieving and rebuilding has just begun. As a government, it is important that we take steps to do all that we can to prevent a similar incident happening here in South Australia. We learnt lessons from the Ash Wednesday fires in 1983, after the Wangary fires in 2005 and from KI, and there is no doubt we will also learn lessons from these horrific bushfires.

South Australia is not impervious to a bushfire of this magnitude and the devastation that occurred in Victoria. Climate change and drought are altering the nature, ferocity and duration of bushfires. Today I announce the formation of a specialist task force, consisting of experts in various fields who will be working side by side to bring South Australia to a new level of bushfire preparedness. It will analyse key issues arising from the Victorian bushfires and look into immediate, medium and long-term solutions needed to improve bushfire management practices and strategies in South Australia.

The task force will be headed by CFS Chief Officer, Mr Euan Ferguson, with other members including: Department for Environment and Heritage Chief Executive, Mr Allan Holmes; SAFECOM Chief Executive, Mr David Place; MFS Chief Officer, Mr Grant Lupton; cabinet office Deputy Chief Executive, Ms Tanya Smith; State Recovery Office Director, Ms Ronnie Faggotter; South Australia Police Assistant Commissioner, Ms Bronwyn Killmier; Department of Planning and Local Government Deputy Chief Executive, Mr John Hanlon; and Deputy Under Treasurer, Mr Brett Rowse. The task force will consult other agencies such as PIRSA, DECS, SA Water, Native Vegetation Council and the Bureau of Meteorology and will report to state cabinet.

Fire behaviour and weather conditions across South Australia and Victoria on 7 February set a new frame of reference for fire management authorities. Usually the accepted fire danger index is in a range of one to 100, with 50 to 100 being rated as extreme. On 7 February, across South Australia and Victoria, many stations had forecasts of 120 to 300—in other words, off the scale. This is uncharted territory.

Our bushfire strategies need to be adapted to include a new 'upper extreme' risk and identify new and different actions to be taken to combat the increased risk factor. The task force will focus on:

- defining 'upper extreme' bushfire risk and provide advice to those affected and what the community needs to do about it;
- improving timely and accurate information to the community during emergencies and investigate new technologies and ways of providing up-to-the-minute information such as SMS;

- identifying the new vulnerabilities of critical infrastructure which could be at risk of bushfire in 'upper extreme' conditions;
- engaging with local community agencies to coordinate timely messages;
- considering Victorian Bushfire Royal Commission findings as they emerge before the next bushfire season;
- considering any evidence and lessons from the Victorian experience/royal commission as they emerge;
- analysing our readiness for 'upper extreme' bushfire risk events;
- revising the state's Bushfire Hazard Plan to take into account this new risk; and
- developing standards for construction of bushfire bunkers.

Since the devastating fires in Victoria, the state government has already announced a review of current arrangements for managing the interaction of native vegetation and bushfire, with a particular emphasis on developments near urban areas and townships; a review of bushfire protection areas to determine whether the risk ratings need upgrading; and fast tracking the implementation of an all risk, telephone-based warning system.

While many of our bushfire policies have been developed over many years and have served us well, the Victorian bushfires have highlighted an overall need to re-examine strategies and policies. As I advised this chamber on 16 February, the state government will not wait for the outcome of the royal commission. If there is evidence that immediate changes need to be made to our bushfire policy, we will take the necessary action.

Since 2002, this government has implemented a number of important initiatives relating to bushfire prevention and we will continue to do so to ensure that South Australia has the most effective bushfire management practices in place.

VISITORS

The SPEAKER: I advise members of the presence in the gallery today of students from St Michael's College, who are guests of the member for Colton.

QUESTION TIME

BUSINESS INVESTMENT

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:19): My question is to the Premier. What new fiscal action will the state government take to protect jobs from the present downturn in business investment, which is supported by ABS information released today confirming that export growth in South Australia in the past year has been the lowest of all mainland states? In response to national account figures showing a 14 per cent slump in South Australia's business investment, the Treasurer told the house yesterday:

> The quarterly state final demand figure is disappointing, but we have an economy that is measured through the course of the financial year.

However, the ANZ Bank said yesterday, referring to South Australia and New South Wales business investment over the course of the coming year:

> With non-residential building approvals weak in both these regions, we expect investment to become a bigger drag on growth in these states over 2009.

The ABS also confirmed today that, in the past 12 months, export growth in South Australia was the lowest of all mainland states at 6.6 per cent, whilst national growth was 34.2 per cent.

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:20): What part of the global financial crisis doesn't this Leader of the Opposition understand? We know about the scene in his office. For 19 months in a row, at 11 o'clock on a Thursday, we know that the Leader of the Opposition wrung his hands in despair when we broke every single jobs growth record in this state's history. He did not like the fact that we had 10 times the mining exploration rate of the past—a 10-fold increase under us—because you are anti-mining. You believe that mining—particularly uranium mining—is some kind of 'mirage in the desert'. You

did not like it on the day when I got a phone call saying, 'And the winner is South Australia'—with the biggest defence project in Australian history.

Basically, you are not on South Australia's side. So, what is your economic solution? What is your vision for this state? Your vision is a stadium. It is a vision that you borrowed, because you were told, 'If you come out and back the stadium, we'll back you. If you address the State Press Club, we'll put you on the front page, and maybe 4 and 5.' Of course, we still have not seen the story yet—or, at least, I have not seen it—about the Western Australian Liberal Premier cancelling their stadium because he wanted to concentrate on the priorities—the fundamentals—of health, education, schools, and so on.

So, while you flounder around—we have seen your hospital: it is like an ambulance on wheels going from every site around town. You have no vision for this state, and you do not even support us when we are winning. You are going to put your colleagues in another state in a headlock. Today, you criticised and carped about a High Court challenge—

Ms CHAPMAN: Point of order, Mr Speaker.

The Hon. M.D. RANN: —but you will not take on your counterpart in Queensland.

The SPEAKER: Order! The Deputy Leader has a point of order.

Ms CHAPMAN: There is some opportunity for some licence to be given, but we have had about five minutes now of the Premier's rendition of what is happening everywhere else in the state except—

Members interjecting:

The SPEAKER: Order! The Premier is, I think, straying into debate. The member for Norwood.

WOMADELAIDE

Ms CICCARELLO (Norwood) (14:23): Can the Premier update the chamber with details of the seventh annual WOMADelaide Festival, which is due to commence tomorrow night?

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) (14:23): I am looking forward to seeing the Leader of the Opposition in cheesecloth or maybe even a caftan, and maybe even holding a crystal—I do not know. But I can say this: starting tomorrow night, we are set for another fabulous weekend of the sights, sounds and culinary delights of our globe. Maybe he could take down a copy of Albert Camus—I don't know. Anyway, I will ask Catienne later.

Over three magical days and nights, 380 artists from 30 different countries will perform in Adelaide's Botanic Park. Opening WOMAD tomorrow night will be the infectious rhythms of Egypt's Bedouin Jerry Can Band and, throughout the weekend, both local and international acts will play side by side. A small taste of those international performances include New Zealand's Neil Finn. Of course, the Finn brothers, from memory—because they were contemporaries of mine, as you would imagine—came from Te Awamutu, just near Te Kuiti in the North Island of New Zealand, while I was down the road in Mangakino, which means muddy stream. They also include the West African music with a modern edge of Rokia Trerore; one of East Timor's leading musicians, Ego Lemos; the fierce energy of Paprika Balkanicus, playing music of the Balkans and Eastern Europe; the exotic sounds of Mauritania's Dimi Mint Abba (that is not the Swedish Abba; this is the Mauritanian Abba); and the Kaki Kings' edgy solo acoustic guitar performance.

Couple these performances with Australian acts like the Audreys, Geoffrey Gurrumul Yunupingu, and also the Cat Empire, of which I know the Deputy Premier is a keen fan, it is easy to see why this WOMAD promises to be an amazing experience.

Everyone there can take the opportunity to relax and indulge in the delights of delicious food and wine as they explore the special WOMAD Woods Bagot global village of arts, crafts and workshops. With recent rains, Botanic Park promises to be in pristine condition.

WOMADelaide is a wonderful experience for the whole family, with KidZone providing entertainment, arts and crafts, and workshops for the popular samba parade on Sunday evening. In keeping with WOMAD's green themes, they have again engaged Greening Australia to revegetate local bushland to offset carbon generated by the festival. One dollar from every ticket sold for WOMADelaide 2009 will go towards this local biodiverse tree replanting scheme.

Of course, already this cabinet, including its newest members, the new ministers, is the first carbon neutral cabinet in the nation, one of the first of I have ever heard of in the world. Last year's WOMADelaide produced an estimated net economic impact of $7.1 million in gross state product and brought 9,000 visitors to South Australia specifically for the event.

The result is a demonstration of the continued strength of this festival. Even though I am a sensitive soul, I have to say that I was stunned by the criticism about making WOMAD and the Fringe annual. Since going annual in 2003, they have had massively increased sales and attendances.

I have to say that, despite the deplorable condition of the River Torrens last week and the predictions that the Adelaide Film Festival would be a wipe-out, I am pleased that there has been a 30 per cent increase in attendances. So, if members wish to enjoy the fabulous sights, sounds and tastes of WOMADelaide this weekend, I would suggest buying a ticket quickly if they have not already done so.

Of course, a couple of weeks from now we will host the Clipsal 500. The Adelaide Cup is on Monday, and then, coming up, is the fabulous Rugby Sevens, an area in which I have special expertise.

TAXATION

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:27): Does the Treasurer agree with business leaders who today described the state government's tax regime as having 'the potential to destroy a flagging economy'? Has the Treasurer undertaken modelling on the impact of Labor's land taxes on jobs, and what is the result of that modelling?

Modelling by consultants Hudson Howells in partnership with the Adelaide University's Business School, commissioned by the Property Council of South Australia, revealed that thousands of jobs would be created through tax reform. Business SA and the Motor Trade Association have echoed the Property Council's statement in response to the economic downturn that the tax regime is 'driving away investment and hurting businesses at a time when we can least afford to do so'.

According to the Commonwealth Grants Commission in South Australia, the government is levying its taxes more severely than any other state.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:29): Can I answer the question by saying this. If the shadow treasurer were to be treasurer, can I give him some advice that, in the pre-budget period in the month or two that leads up to a budget, one thing is as predictable as Christmas, that is, that interest groups, business at the forefront, will argue publicly and in the media for tax cuts. It actually happens every year. What you have to do is be confident enough in your position that you can withstand that overt lobbying—

Ms CHAPMAN: On a point of order, Mr Speaker, we do not need a lecture from the Treasurer; we want an answer—

The SPEAKER: Order!

Ms CHAPMAN: —about whether he agrees with it or not.

The SPEAKER: Order! There is no point of order. The deputy leader must not use points of order to simply make debating points. If she has a point of order, she should raise the point of order and I will make a ruling.

Ms CHAPMAN: On a point of order, so far, in the answer to this question—

Members interjecting:

The SPEAKER: Order!

Ms CHAPMAN: —the Treasurer has announced what he thinks the opposition should do in the lead-up to an election. It has nothing to do with the question—

The SPEAKER: Order!

Ms CHAPMAN: —it is entirely debate.

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

The Hon. K.O. FOLEY: No; it was a lead-up to a budget, deputy leader, not a lead-up to an election—and that was three minutes before, not five. It is normal for business to be arguing for tax cuts—and you do not have to be a rocket scientist to work out that people do not like paying taxes.

Mr Pengilly interjecting:

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

The Hon. K.O. FOLEY: Since coming to office—up to calendar year 2010 since the day we were elected—the government has cut $3 billion in total value of taxes, largely business taxes. We have eliminated a whole raft of nuisance taxes on business and we have abolished a whole series of taxes on business transactions. We have also made two or three cuts, from memory, to payroll tax. We have lifted the threshold to $600,000—the first government to do that for many decades. We have reduced the rate. It is now down to 4.95 per cent, one of the most competitive in the nation.

Against stringent verbal opposition and undermining by members opposite, we have reformed, and are reforming, WorkCover to ensure that in as short a time as possible we will have a WorkCover scheme that is as competitive for business as any other scheme in Australia. That is the tax equation in terms of what we have delivered for business.

On land tax: I have acknowledged for some time now that we have an issue with land tax in this state. I have not walked away from that. I understand that, as a result of increasing property values in this state over the past five years or so, many companies and many individuals have gone into different thresholds and are paying more land tax. What I have been also honest and open about is my limited ability to—

Mrs Redmond interjecting:

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

The Hon. K.O. FOLEY: —redress that issue. As the Premier quite eloquently put earlier, as well as quite eloquently speaking about WOMADelaide on the weekend—if anyone wants my tickets, see me after question time: no, I will be there, but not in cheesecloth—the global financial crisis has greatly constrained our capacity to deal with this matter. Is that just me saying that, or could someone else have said that the financial crisis and the fiscal position confronting the government has severe limitations? If members listened to the Leader of the Opposition they would think that he is advocating wholesale land tax cuts. That is the only interpretation they could put on the question.

Well, let us see what the Leader of the Opposition said only three days ago on ABC 891 morning radio when he criticised the government on land tax. The question was put to Mr Hamilton-Smith, 'What would you do? How do you fix it?' The Leader of the Opposition said:

> First of all, it's going to be very, very hard. It is going to take time. We will have a Mid-Year Budget Review in January 2010. Now that we have a downturn, they ratcheted these prices up during the best of times—

I don't know what that means: I think he means that land values have gone up—

> Now that we have had a downturn—

We have not increased the rate: in fact, land values have gone up—

> we'll have to look at that Mid-Year Budget Review and start the long and painful process of getting this down, and it is going to be hard, and we'll have to spell that out after we've seen that Mid-Year Budget Review, but the message is when governments ratchet these taxes up at the best of times it is very hard and painful and it takes time to turn back the clock.

What he is saying is that he has no intention of cutting land tax quickly. He has no intention of cutting land tax. If he has any plan whatsoever, he will not volunteer it now. He will wait until February or March 2010, just like they did at the last election, when that rocket scientist of a shadow treasurer—admittedly, he was dumped by this leader—said, 'We're going to cut land tax by $70 million, but we can't tell you where, how, by what amount or which properties until we get into government.' It is a lazy, lazy opposition that is quick to criticise and they never ever come up with a constructive answer.

I conclude on two more points. One is that the global financial crisis, to a large extent, has both been the cause of and the result of serious property value decline in the western world. You have seen 250,000 houses repossessed per month for the last 11 months in the United States

alone. You have seen property prices decrease by 20, 30, 40 per cent. You have homes in Detroit for sale for $1. In the United Kingdom, you are seeing prices plummet 20 or 30 per cent. We are now having trouble recruiting police officers out of the United Kingdom. Why—because they cannot sell their homes, even if they wanted to come to Australia. Right throughout Europe you are seeing big property crashes.

One of the great resilient elements of our economy is that we have stable house prices, stable commercial value and industrial value land and, if anything, it still continues to grow. I accept that land tax has to be dealt with at a point and at a time when we can afford it, but I would much rather have a regime and a system here that is underpinned by a strong property market that has some people—admittedly those who feel that they are having an unjust tax put on them—complaining, against what the business leaders of this state would be saying to this government if we had presided over a 20 or 30 per cent property valuation fall. The comparisons are stark and real, and this government, whilst acknowledging the problem, can only deal with it when we can afford it, which is exactly what the Leader of the Opposition said three days ago.

EARLY CHILDHOOD SERVICES

Mr PICCOLO (Light) (14:36): My question is to the Minister for Early Childhood Development. Will the minister please inform the house about the importance of investment in early childhood services?

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) (14:37): I thank the honourable member for his question, and I really appreciate the opportunity that he afforded to me to tour his electorate the other week. He showed me a fantastic example at a childhood centre at Trinity—

Mr Piccolo interjecting:

The Hon. J.W. WEATHERILL: —Evanston Gardens, where we saw a fantastic example of great services being provided to young children. A growing body of research is telling us that the early influences and experience in the life of a child have enormous implications for the rest of their life. I suppose that does not sound very earth shattering, but what is new is what we know about the neuroscience and the way in which a child's brain is wired up in those first years. Things that we instinctively knew were good for children, we now know have a very profound scientific basis.

Last week, we were very privileged to have in South Australia Professor Joseph Sparling of Georgetown University. He is an internationally recognised expert in the field of early childhood development and is a key author of a very important body of expertise and research which examines the impacts on parental engagement on children's life outcomes. Actively reading to a baby and the pointing out of names and colours of objects might seem like a fairly basic and natural way of interacting with a young child, but what the work of Professor Sparling and others shows is that the quality of these interactions can have profound impacts on the lifelong development of children.

His seminal work looking at the North Carolina Abecedarian program demonstrates the importance of providing opportunities for parents to learn actively with their children, like those we have provided in South Australia for parents in our children's centres. It is this critical issue of parents learning alongside children. Professor Sparling's report found that the benefits for children whose parents participated in centre-based programs manifest years later in life. In fact, participation in a quality early childhood program—

Members interjecting:

The SPEAKER: The deputy leader is warned.

The Hon. J.W. WEATHERILL: —was a predictor of later college attendance and employment status, even amongst the most disadvantaged families. It is research like this that endorses the investment that the state government is making in early childhood development and the reason why we created the early childhood development portfolio.

What cannot be overestimated is the profound effect that investment in the early years has on later life. I know that many of us, on both sides of politics, over many years, have spent a lot of our time and attention on primary and secondary schools. We, of course, are beginning to now understand in great detail the effect of those early years.

To answer the member for Morphett's question, Professor Fraser Mustard's work is based on the raw material of this professor. The Abecedarian program, and this study, is the raw material upon which both Professor Fraser Mustard and the Nobel laureate James Heckman based their incredibly important and recent work on the importance of the early years.

South Australia has a proud history of investment in the state's future through the provision of quality care and education to our children in support of our families. The recently released report on government services helped to quantify what we have known for some time; that is, that South Australia is leading the way when it comes to the services provided to the youngest children.

This report revealed that the Rann government is investing in our children at more than twice the rate of the rest of the country. The South Australian expenditure on children's services at $423 per child eclipses the average state expenditure of $195 per child. The work of people like Professor Sparling demonstrates the critical importance of this investment for our children, not only for their development but for the general level of productivity of our whole community.

This is the real productivity agenda: the investment in our children in those earliest years. That is why South Australia in years to come will be a much more prosperous and equitable place to live than anywhere else in the world if we continue to keep this leadership in early childhood development.

AIR WARFARE DESTROYER

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:42): My question is to the Premier. Has he failed to deliver on his promise to demand that a fourth vessel be built as part of the air warfare destroyer program at ASC Osborne?

In parliament on 20 June 2007, and in a public statement on 5 August, and at other times in the lead-up to the last federal election, the Premier personally led the people of South Australia to expect that he would ensure that Labor would deliver a fourth vessel, but on 16 February 2008 it was reported that the federal Labor Party had decided against a fourth destroyer and that it would not be built. Has the fourth vessel been torpedoed, Premier?

The SPEAKER: Order!

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:42): We have had the breaking news today of the 20 March election next year. I can also announce that Tasmania will be going to the polls on the same day. Just in terms of this: who was it who came out publicly against the Navantia Spanish design ship? The Leader of the Opposition.

The Leader of the Opposition opposed the building of the air warfare destroyer with a Spanish design in Adelaide. He came out against it. At a very critical time in the negotiations he came out against Adelaide's case. He white-anted the ship that has starred in the Spanish Armada.

We will know within a month or so whether we have been successful in getting a fourth ship or 12 brand new submarines. So, if members opposite want to put their industry credentials on defence against ours, we have won the biggest defence contract in the history of Australia. We have won $14 billion worth of defence contracts and we are going in hard to win the next generation of submarines built here in South Australia, $20 billion worth. When we win it, no doubt the opposition will be whinging once again, because it always puts itself and its party ahead of this state.

FILM CLASSIFICATION

Mrs REDMOND (Heysen) (14:44): My question is to the Attorney-General. Is the Attorney satisfied with the Australian film classification given to the film *Donkey Punch*, and is he familiar with the meaning of the term 'donkey punch'?

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (14:45): I confess I am not familiar with the term 'donkey punch' or the motion picture, and I ask the member for Heysen to please explain.

The SPEAKER: I am happy to give leave for an explanation to the question.

FILM CLASSIFICATION

Mrs REDMOND (Heysen) (14:45): I have another question for the Attorney and my explanation to that question will, in fact, form an explanation that might satisfy the Attorney-General, to coin a phrase. My question is: does the Attorney question the Premier's endorsement yesterday in the house in response to a question through the member for Newland about film-maker Mark Herbert (producer of *Donkey Punch*, the film) as one of an impressive group of professionals suitable for a key role as an adviser at the SA Film Lab? Does this reflect poorly on the Premier's judgment as both leader of the government and Minister for the Arts?

With your leave, sir, I will explain for the benefit of the Attorney. The film *Donkey Punch* is rated R, involves extreme violence, drug taking and explicit sex scenes, including the act referred to in the title. The term 'donkey punch'—and I am glad that the young students have left—refers to the act of anal sex where the perpetrator strikes their sex partner in the back of the head supposedly forcing the anal passage to contract and thereby increase the stimulus to the perpetrator. A long way from *Storm Boy*, Mr Attorney.

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (14:47): The member for Heysen's question is—

Mr Pisoni interjecting:

The SPEAKER: The member for Unley is warned!

The Hon. M.J. ATKINSON: The member for Heysen's question is gratuitous and exhibitionist and not worthy of an answer.

ADELAIDE CITY COUNCIL VOTING

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:47): My questions are to the Attorney-General. Is the government introducing legislation to expand the electoral roll to allow people who work in the Adelaide City Council area a right to vote in that council's elections? Has the matter been through cabinet and the caucus room? What are his motives in relation to the matter?

On 17 October last year the SDA Employees Association called for an expansion of the electoral roll for the Adelaide City Council to include city workers. The Attorney's factional opponents have advised the opposition that he has set wheels in motion to change the voting rights of the city council as part of a long-term plan to block his old enemy Ralph Clarke from making his run as lord mayor.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (14:48): The statement was a joint statement of the Shop Distributive and Allied Employees Association and Business SA. The member for Bragg was careful to deliberately omit Business SA from her question. The answer is: no wheels are in motion.

OPERATION NOMAD

Ms PORTOLESI (Hartley) (14:48): My question is to the Minister for Police. What are South Australian police doing to keep the community safe on high fire risk days?

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (14:49): South Australian police are working tirelessly to ensure our state is as safe as possible from the risk of fire, particularly on high fire risk days through Operation Nomad. The primary focus of Operation Nomad is to ensure the safety of the public, the prevention of property damage and the detection of arson-related crimes. This statewide, centrally coordinated initiative utilises a range of policing strategies to reduce the likelihood of intentionally lit fires. High visibility policing and the active targeting of known arsonists play a significant part in ensuring the continued success of Operation Nomad.

In accordance with the execution of Operation Nomad, SAPOL members make contact with nominated persons of interest during days of extreme fire danger. Automatic numberplate recognition is also utilised in areas that are considered high risk. Numberplates of persons of

interest are uploaded and police are alerted if a person of interest passes an automatic numberplate recognition camera.

I am advised that during the winter months SAPOL prepares for the fire season by looking at all its intelligence holdings and at known arsonists, and prepares profiles on each of them. To date, about 40 persons of interest have been identified, visited and checked on by SAPOL on high fire risk days. The Commissioner of Police has advised that during the recent heatwave up to 120 officers per day were dedicated to the operation, and that together they completed over 4,000 hours of work for Operation Nomad and the South Australian community.

Last Thursday, when Adelaide experienced a day of extreme fire danger with temperatures above 38° and strong northerly winds across much of the state, SAPOL had 67 patrols dedicated to Operation Nomad; 20 in metropolitan areas and 47 in country areas. I am further advised that since the start of the fire danger season 35 persons have been arrested or reported by police for offences relating to bushfires, including deliberately lighting a bushfire. This offence has a penalty of up to 20 years' imprisonment—the toughest arson law in the country. In addition, 54 persons have been issued with on-the-spot fines for breaches of the Fire and Emergency Services Act. Of these, 35 were issued for 'light or maintain fire in open during fire danger season'.

Through Operation Nomad police are sending a strong message to would-be arsonists that they are under 24 hour a day surveillance and that we are on their tail. As highlighted in an article printed in *The Age* last Friday, other jurisdictions are now pushing for their police forces to adopt similar measures to those used by Operation Nomad.

VLASSAKIS, JAMES

The SPEAKER: The member for Heysen.

Members interjecting:

The SPEAKER: Order!

Mrs REDMOND (Heysen) (14:51): No; this time I am most pleased to have a question for the Minister for Correctional Services. What special arrangements have been made to accommodate the reported wedding of serial killer James Vlassakis, and what visiting rights has he been allowed during the period of his relationship with the woman who claims she will be marrying Vlassakis in a prison ceremony? An Adelaide woman has told a national magazine that she plans to marry Snowtown killer James Vlassakis on 2 September. Vlassakis pleaded guilty to four of the Snowtown murders and was gaoled for life, with a non-parole period of 26 years.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister for Youth, Minister for Volunteers, Minister Assisting the Minister for Multicultural Affairs) (14:52): I can inform the honourable member that I knew this question was coming; her colleagues like to talk. I would like to say that while this government is in place there will be no conjugal visits allowed at any of our prisons. I can also inform the house that the department will not allow Mr Vlassakis to marry. Mr Vlassakis is a high security prisoner and it is a policy of corrections that only low security prisoners, on rare occasions, be permitted to marry. I am advised that Mr Vlassakis has not made any request of the department to marry; indeed, the government is not even sure whether the claim that the marriage is to take place is legitimate.

Having been just recently married myself I can say that I take marriage very seriously. I believe it is a beautiful institution, and I do not think the families of the victims in the 'bodies in the barrel' case would appreciate seeing a hard and ruthless criminal such as Mr Vlassakis being married in a beautiful ceremony. It will not happen on my watch.

RURAL TRAINING AND APPRENTICESHIPS

Ms BREUER (Giles) (14:54): It is with great pleasure that I ask my first question of a former schoolmate of mine, the Minister for Employment, Training and Further Education—although, of course, it is quite obvious that I am much younger than he is. I was the brainbox, he always told me, but look who's the minister! Minister, what is the government doing to retain trainees and apprentices in drought-affected rural areas of South Australia?

The Hon. M.F. O'BRIEN (Napier—Minister for Employment, Training and Further Education, Minister for Science and Information Economy) (14:54): I thank, or I think I thank, the member for Giles, my former classmate, for her question. She was always the brainy one. As members would be aware, areas of south-eastern Australia have been in the grip of drought for

over seven years. The impact has been particularly pronounced in the Murray-Darling Basin and has severely impacted South Australian rural communities along the River Murray. Additionally, most of our grain producing areas have been impacted by drought to varying degrees.

The economic impact of drought is felt not only by the men and women on the land but also by the supporting rural communities and townships. One of the most important things that governments can do during a time of prolonged drought is to assist rural communities to retain their young people and prevent the de-skilling of regions.

To this end, the government will be committing an additional $1.1 million to the Drought Apprenticeship Retention Program to ensure that the program can continue to run for a further 12 months. As members may be aware, particularly those representing rural electorates, the program commenced in the 2007-08 financial year and enabled 600 employers to retain over 1,000 trainees and apprentices. This is a significant outcome.

When times are tough and cash flow is under stress, the first and second year apprentices can be the first to go. From my own experience in employing apprentices—and I think this is a fairly universal observation—it is only some time into the second year of an apprenticeship that apprentices or trainees begin to pay their way. Up until that time, they are on a steep learning curve and their contribution to the financial welfare of the business is fairly marginal.

The act of the employer in taking on an apprenticeship in the first year and part of the second year is more an investment in the future and, up until that time for many employers, it can be a real drain on cash flow. So, this action by the government in investing an additional $1.1 million in the Drought Apprenticeship Retention Program is a tightly focused application of taxpayers' funds that will pay extraordinary dividends to regional and rural communities.

The program applies to selected qualifications in rural and horticultural production, automotive engineering, electrical and plumbing. This package brings total state government commitment to drought affected areas to more than $146 million. The state government will be contacting all eligible employers so that they can be in the running for a total of $1,500 per apprentice or trainee. This will be paid in tranches of $750 per six months over the period of a year on the proviso that the trainee or apprentice is continually employed during that six month period.

I also acknowledge the federal government's recent $155 million plan to encourage employers to take on trainees and apprentices and to assist those employers during the challenges of the current economic downturn to retain their current trainees and apprentices. I think we have a real synchronisation of policy at federal and state levels on this issue.

PRISONERS

Mrs REDMOND (Heysen) (14:59): I was so impressed with the answer that I got from the Minister for Correctional Services that I have another question for him. What is the government's policy on departmental officers' or contractors' meal breaks while accompanying prisoners in transit, and is it acceptable for handcuffed prisoners to accompany staff while they have a meal break at a family restaurant?

The minister may have received a copy of a complaint, originally referred to the Premier's office on 11 December last year, describing how two departmental officers or contractors accompanied a handcuffed prisoner into the Kentucky Fried Chicken outlet on Glen Osmond Road at lunchtime on 27 November. Other customers on the premises at the time included a family with children and two groups of school children. If the minister's office has a copy of the complaint, why has the complainant not yet received a reply?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister for Youth, Minister for Volunteers, Minister Assisting the Minister for Multicultural Affairs) (15:00): I thank the member for her first opening charitable question. It is a less charitable one this time. I will get a detailed report for the member. Obviously, there are concerns about this, and I understand that it is being investigated. When I get a more detailed answer, I will get back to the house as quickly as I can.

HOMELESSNESS

Ms BEDFORD (Florey) (15:00): My question is to the Minister for Housing. What is the government doing to assist young women into secure and safe housing options?

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

(15:01): I thank the member for Florey for her question. I know that she has a strong interest in this particular area. Last week, I had the pleasure of going to Port Lincoln to open new accommodation facilities for Yarredi Services.

The Hon. M.J. Atkinson interjecting:

The Hon. J.M. RANKINE: Yes, I did actually. These facilities for women and children escaping domestic violence are vital in responding to the issues of disadvantage and homelessness in our community. What we know is that homeless people form one of the most powerless and marginalised groups in our community, and women with accompanying children are even more so. Today, we understand more about the factors that cause homelessness and the factors that sustain it. We also have a far greater understanding of what works in addressing homelessness.

Importantly, through our Premier, we have been able to put homelessness on the political agenda here in South Australia to such an extent that Monsignor David Cappo now leads much of the Prime Minister's work in this area. Homelessness extends beyond simply a roof over one's head to a lack of a home and community. It has enormous ramifications in every aspect of a person's life, be it access to health care, employment, education and so on.

Domestic and family violence continues to be the major driver of homelessness in this country. Escaping violence is the most common reason provided by people who seek help from specialist homelessness services. In fact, 55 per cent of women with children and 37 per cent of young single women who seek assistance from specialist homelessness services do so because they are escaping domestic violence.

Moira Shannon, founder of Yarredi Services and chief executive officer for, I think, about 10 years, told us at the opening that this service has assisted something like 3,000 women and 5,000 children during the past 30 years that it has been operating. The state government is very proud to be a partner in their services.

The now Minister for Environment and Conservation and member for Cheltenham approved $2.3 million from the Crisis Accommodation Program to replace the former women's shelter with the facility I opened last week. A fortnight earlier, I was honoured to open an exciting renovated Louise Place facility in Fullarton, which lifts and keeps young mums out of homelessness. Louise Place provides crisis accommodation and support to young mothers in a safe and therapeutic environment.

Through a successful partnership between Housing SA and Centacare Catholic Family Services, funding of more than $300,000 was provided for a significant upgrade of their existing facilities. Six units have been significantly renovated and upgraded to become eight units, so the two new units will now provide a haven for two more young mothers and their children. Both facilities send a very strong message to women and children, that is, that they matter and that there is a better way forward for themselves and their children. These are just two of the many important projects undertaken by this government, and they are a fine example of why we continue to lead the nation in social inclusion.

EASLING, MR T.

The Hon. I.F. EVANS (Davenport) (15:04): My question is to the Attorney-General. When the Attorney-General stated in his answer of 27 November 2008 that the member for Davenport would know exactly the incident in the trial—in the summing up—to which the minister was referring, was the only alleged occasion the Attorney-General was referring to the time of departmental officer Mr Craig Reed's attendance at Mr Easling's home on 22 December 1992 to pick up one boy to take to the Glandore unit?

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (15:05): There is a summing up in the Easling trial running to something like 200 pages. There are lever arch files containing masses of evidence led in the trial. I suggest the member for Davenport, for the first time, familiarise himself with them.

SMOKE ALARMS

Mr RAU (Enfield) (15:05): My question is to the Minister for Emergency Services. What is the government doing to encourage South Australians to replace smoke alarms that are 10 or more years old?

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (15:05): I thank the member for Enfield for his question. On Monday 23 February, in conjunction with our fire services, I had the pleasure of launching the Smoke Alarm Retirement Campaign. This initiative is another demonstration of South Australia's leadership in ensuring the safety of its community.

Domestic smoke alarms represent the single greatest improvement in the built environment in preventing fire fatalities. Australian and international studies have provided strong evidence that smoke alarms play a significant role in minimising and preventing fire risk within a community.

House fires, especially those that occur while we sleep, can be deadly. When we sleep our sense of smell switches off. Toxic fumes from the smoke generated by burning synthetic building and furnishing materials produce a deadly cocktail of poisonous fumes that are capable of overwhelming us in our sleeping state and cause death. It is in situations such as these that we are most vulnerable, and it is in situations like this that smoke alarms can save lives.

South Australia was one of the first states in Australia to mandate that it is compulsory to install smoke alarms in domestic residences. In 1995 South Australia and Victoria led the way nationally by introducing legislation to make smoke alarms compulsory in all newly built homes. As a result, there is a large number of smoke alarms in the community that are now around 10 to 13 years old, and with each passing year that number increases.

For a smoke alarm to perform its life-saving function, it is important that it is in good working order. I am advised that smoke alarms over the 10 year use-by-date may malfunction or their efficiency may be compromised because of accumulated dust, insects, airborne contaminants or corrosion of electrical circuitry.

Further, smoke alarm technology has improved significantly since legislation was introduced, and it is highly recommended that, when homeowners replace their old smoke alarms, they upgrade to better technology and better warning systems.

Our fire services recommend that smoke alarms are interconnected, so that when one alarm is activated within a home all alarms are activated. Working smoke alarms provide a home with 24 hours a day and seven days a week protection from the risk of fire. Working smoke alarms lower the risk of major property damage and, more importantly, save lives.

South Australia is the first state in Australia to actively campaign the replacement of smoke alarms once they pass their effective lifespan of 10 years. I urge all South Australians to check their smoke alarms, and, if they have passed their 10 year use-by date, to arrange to replace them immediately.

EASLING, MR T.

The Hon. I.F. EVANS (Davenport) (15:08): My question is to the Minister for Families and Communities. When the minister made the claim that 'we had people go into that house and find semi naked boys in his bed', was the only alleged occasion the minister was referring to the attendance of departmental officer Mr Craig Reed on 22 December 1992, who attended Mr Easling's home to pick up one boy to take him to the Glandore unit? Is that the occasion, minister?

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability) (15:09): When I answered the member for Davenport's question and made that reference, as I have said before, I used my words to summarise a range—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: —of incidences, where I had read that boys had given evidence that they were in Mr Easling's bed, and a range of very unpleasant circumstances occurred.

SOUTH AUSTRALIAN CERTIFICATE OF EDUCATION

Ms THOMPSON (Reynell) (15:09): My question is to the Minister for Education. What support will teachers and students have during 2009, as the first new SACE subjects are being introduced for year 10 students this year?

The Hon. J.D. LOMAX-SMITH (Adelaide—Minister for Education, Minister for Mental Health and Substance Abuse, Minister for Tourism, Minister for the City of Adelaide) (15:09): I thank the member for Reynell for her question. As members would know, she has been a great advocate for senior secondary reform, the introduction of trade schools—she has given support for trade training centres—and, in addition, she has supported the development of the new SACE.

She quite rightly points out that 2009 is an important year in the development of the new SACE program and that year 10 students this year will be the first to take part in the new compulsory subject. Our suite of reforms also included lifting the age of compulsory education to 17 and making sure that young people are in school, in work or in training. This learning or earning initiative will support ongoing training and education for young people.

The first subject introduced as a new subject in year 10 is called the personal learning plan. Of course, students now in year 10 will be the first in 2011 to be completing year 12 with the entirely new SACE curriculum. These students with their personal learning plans have been involved across all government, Catholic and independent schools. They have been supported through training by the SACE board of their teachers over the past year. The SACE board has also accredited this new subject, and it is a compulsory subject for all students.

Of course, teachers play a very important role in working with young people in their training to undertake the SACE. This new subject was trialled in all schools with year 10 students. In addition, teachers were prepared to teach the revised subjects across a range of curriculum areas, taking into account the new requirements for performance standards that will grade students between A and E on a scale for the first time in stage 1.

As part of their professional development, teachers have been supported with $3 million for schools wherever there are students in years 10, 11 and 12. This has built on professional development, and pilot funds totalling $5.3 million have been provided since 2007 to support thousands of teachers in their new role. Also, we have provided 55 schools with grants and support totalling $1.9 million as part of a three year investment in school-to-work initiatives.

I know the member for Reynell knows about these initiatives, because they help schools to pioneer innovative ways in which to develop the work skills of young people, particularly vocational industry skills, as well as literary, numeracy, science and maths, with a particular program called First Generation, which helps young people, like me, who are the first in their family to ever attend university. For those people who have never had anyone in their family attend university, being the first is an enormous, and sometimes frightening, barrier.

This week I have been advising principals in Catholic, independent and government secondary schools of grants totalling $1.2 million that are available to them. This funding is for another new compulsory subject called the research project, which will be undertaken at stage 2 as part of the year 12 portion of SACE.

I commend Catholic, independent and government schools, as well as the SACE Board, for the work they have done together across all sectors to support the government's $54.5 million investment in delivering a new SACE. The purpose of this new program is not just newness for the sake of a new program but, rather, to help young people complete their secondary education and gain employment, as well as having an opportunity to go on to post-secondary training. Of course, that does not mean just university; it means apprenticeships, vocational courses and other on-the-job training to give them opportunities in their future life.

MURRAY RIVER

Mr PEDERICK (Hammond) (15:13): My question is to the Minister for the River Murray. Has the government's report on riverbank slumping been released yet? If not, when will it be released? Slumpings along the banks of the lower reaches of the River Murray have been reported for the past two years. It was apparent that falling river levels were the primary contributor to this risk, yet we understand that no specific preventative or corrective actions have been taken and it is only now that a report is being undertaken.

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (15:14): Through the government's drought liaison manager, Dean Brown, a community and agency group was established to investigate the issue of bank erosion and concerns in relation to potential slumping. That work has been undertaken and a report has been completed. I understand that that report is about to be distributed for public release.

The remediation actions are not evident because of the fact that a range of issues are contributing to the bank slumping incidences. They include issues in relation to the structure of those particular banks. It also includes the low water levels and bank erosion, as a consequence of motor boats and the like.

There are a number of contributing factors to the banks slumping. It is of major concern and the government has instigated a policy to ensure that public safety comes first and foremost in these issues. We are also working very closely with the council and we have established a cross-agency working group. Remediation action in advance of slumping is extremely difficult and not likely to prevent slumping occurring in the future. We have established a hotline for people to report incidences and cracking so that we can investigate what is happening in specific areas, and we have also written to landholders within identified areas of concern. It is of major concern.

Remedial action on the banks is not possible, in most areas. The cracking is as a consequence of a range of issues, as I said a moment ago, but we will work with the community to minimise any impacts that we possibly can and also to ensure that public safety is foremost.

SUPPORTED RESIDENTIAL FACILITY SECTOR

Ms SIMMONS (Morialta) (15:16): My question is to the Minister for Housing. Will the minister inform the house about new arrangements with the supported residential facility sector?

Members interjecting:

The SPEAKER: Order!

Members interjecting:

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

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability) (15:16): The supported residential facility sector is largely a user pays business sector in South Australia, licensed and regulated by local government under the Supported Residential Facilities Act. Most of the people who live in these facilities have a range of health and disability issues which impact on their capacity—

The Hon. M.J. Atkinson interjecting:

The SPEAKER: The Attorney!

The Hon. J.M. RANKINE: —to sustain independent living. I understand that up to 60 per cent of residents have a mental illness and many have other chronic health conditions. Most facilities around South Australia are largely of a boarding house nature, with residents paying a large portion of their pension benefits in return for meals and a relatively low level of care.

The Hon. M.J. Atkinson interjecting:

The SPEAKER: The Attorney-General!

The Hon. J.M. RANKINE: It is interesting to note that there are almost twice as many men as women resident in this sector and the age profile of residents has changed over time, with fewer younger and older people balanced by significant increases in people in their middle years. In 2003, the Rann government provided support to the sector for the first time, with a five year funding package in the wake of several closures at that time. The funding focused on responding to the crisis and, ultimately, the sustainment of the sector, and included the introduction of a board and care subsidy paid to proprietors on behalf of residents. A fire safety subsidy scheme was also introduced to enable the SRF sector to meet South Australian fire safety requirements.

Late last year, I met with the Supported Residential Facilities Association and they again raised their concerns about their sustainability. The government's focus has been on reforms which will make life better for the people living in these homes. On 8 December last year, the government approved extra funding of around $2.3 million per year for private operators in the SRF sector to address critical viability issues, provided the sector agrees to work on long-term reform. This has now been agreed and the payment (which effectively doubles the current subsidy) is now being paid.

The government recognises that there needs to be a longer term reform and investment plan for the SRF sector. The supplementary payment brings with it a commitment from the SRF Association and all proprietors to work with my department and the Department of Health on a

longer term plan that will address service standards and the quality of accommodation and support for the people living in the SRF sector.

GRIEVANCE DEBATE

WATER TRADING

Mr PEDERICK (Hammond) (15:20): I rise today to respond to the Premier's constitutional challenge on water trading. What has happened since he was party to signing the COAG agreement, which he was more than happy to sign up a few months ago (last July)?

We are being told across the chamber many times by both the Premier and his minister that, no, we are under one authority. There will be no state interference. There will not be any problems. We are going to get water. Look what has happened already: a constitutional challenge.

I do not think we need to have this challenge because if Prime Minister Rudd had the courage he would step in and invoke emergency legislation and override it—just get on with it and override the legislation. The minister has just been a party to overriding all the work they did leading up to July of last year.

The minister has stated at public events that, no, there will not be any state intervention. Already we have seen that it has completely unravelled and Victoria still rules the roost. This is the problem. It should have been sorted out before it was signed over. South Australia sold its soul to Victoria when it signed the agreement, so it got an extra $1 billion. It sold us out down the track.

It has taken two years and four months for this Premier to realise that not only is there an environment but that people actually live south of Wellington, and most of them are Liberal voters—thank God for that. Do the numbers. The Premier could have done the numbers two years and four months ago when he announced the $20 million structure at Tailem Bend, but he had no idea where he was going. He probably did not know where Tailem Bend was. He certainly does not know where Meningie is, because he did not have the courage to go down there the other day and meet with the people at the launch of the stock and domestic pipeline.

He was more than happy to cut off the irrigation rights to the people on the Narrung Peninsula. He was more than happy to take the $12.5 million out of the Langhorne Creek and Currency Creek communities so that they could have access to irrigation water; he was more than happy to just cut them off. He is more than happy to have increasing salinity at Wellington already. He is more than happy to have plans on the table for a desalination plant at Tailem Bend. Desalinating river water: what a joke! Because this government held back from coming up with a desalination policy. The state Liberals came up with a policy and then the government followed 12 months later. Why do we have to keep pushing?

There were grand statements in this chamber today that the government is doing so much work with stormwater harvesting. What a joke! Colin Pitman has done more work in the last 20 years than the state Labor government will ever do, because we plan to be there next year and we will bring in an 89 gigalitre policy to capture stormwater in Adelaide to help reduce Adelaide's reliance on the river.

We do not seem to understand whether the government wants to build a weir or not. It has Robyn McLeod stating that, 'We want a permanent solution', and then we have the Premier coming out with a mixed message, 'We are going to lease in some temporary water.' Again, after we have been pushing from this side of the house that there is another solution to more weirs in the river; there is the solution of leasing in temporary water, and finally the government has woken up.

Someone in the Premier's office has listened to the radio and said, 'Hang on, the Liberals are saying this. What do we need to do?', and the numbers add up. For $10 million you can lease in 30 gigalitres of water. You do the rest of the sums. All the programs that the government has down the Lower Murray, if you count all the weirs and structures that this government wants to put in place: $300 million of not only money from this government but New South Wales and Victoria would be putting in as well.

I want to talk about the ridiculous assertion that pump station modifications can only go to minus 1.5. An SA Water document, dated 4 June 2008, notes that Mannum, Swan Reach and Tailem Bend can go down to minus 3 AHD, and Murray Bridge can go to minus 2.1. Yet the government is still saying that it has to build the weir to hold back critical human needs at minus 1.5. It is just not right. This is its own document.

Time expired.

Members interjecting:

The DEPUTY SPEAKER: Order!

MEALS ON WHEELS

Ms FOX (Bright) (15:25): I wish to speak today on a matter that I am equally passionate about.

An honourable member interjecting:

Ms FOX: It is, but my passion is not quite as florid as perhaps the member for Hammond's might be in this instance. I do admire passion; I think it is a good thing. I wish to place on record my admiration and celebration of my local branches of Meals on Wheels.

An honourable member interjecting:

Ms FOX: Indeed. I am sure we all do. I am prompted to do so by my recent attendance at the Brighton branch AGM where I was with my good friend, Andrew Southcott, also a supporter of Meals on Wheels, but apparently not actually a member of the Canberra Friends of Meals on Wheels—something I am sure he will be rectifying very soon. The parliamentary Friends of Meals on Wheels was established by the member for Hindmarsh, Steve Georganas, and it is doing great work in Canberra at the moment.

It is always an enjoyable affair at the Brighton Meals on Wheels Annual General Meeting; always a good scone at the end. Some 19 per cent of the residents of Bright are aged over 65, so I have the privilege of representing many older Australians in my electorate, and I know very well how important Meals on Wheels is in my immediate community, but it is not just Brighton, it is not just Hallet Cove; Meals on Wheels assists more than 5,000 South Australians who are elderly, housebound or have a disability.

The first Meals on Wheels kitchen was launched in Port Adelaide in 1954 with 11 volunteers who delivered meals to eight people. Of course, this excellent organisation has now gone nationwide. It should be noted that the first president of Meals on Wheels was the late Don Dunstan, a former premier of this great state, who served as president from 1954 to 1956.

Ms Ciccarello interjecting:

Ms FOX: Of course, the member for Norwood leaps in and precedes me: I was, in fact, just about to mention that Meals on Wheels was the vision of the late Doris Taylor MBE, born in Norwood in 1901. She was injured as a young person and was permanently disabled when she was 16. She became aware of the very serious problems faced by those who are physically disadvantaged and cannot cook for themselves. It was in 1953 that she managed to make it incorporated.

South Australia has more volunteers than any other state, and their hard work is evident within Meals on Wheels. Meals on Wheels in South Australia has 10,000 volunteers through 100 branches across the state. As I said before, I was honoured to attend the recent Brighton Meals on Wheels annual general meeting and I met many people who dedicate their time and hard work to ensuring that people in our community are eating correctly and have regular contact with others.

One lady at that meeting had been volunteering for Meals on Wheels for 45 years, which is absolutely astonishing. In this day and age, when most people cannot watch television and stay on one program for longer than three minutes, being a volunteer for 45 years with one organisation is truly commendable.

I have seen at first-hand the amazing work that the Brighton branch of Meals on Wheels has done for my community, and I am comforted in the knowledge that people all over Adelaide are receiving this service. It is one of the many ways that we can ensure the safety and happiness of elderly or disabled members of our community.

The cost of meals is very affordable, and that is something important to talk about because, as climate change hits, as the price of food goes up, and as drought affects our friends in the country, we know that keeping the price of meals to a reasonable cost is very difficult. Meals on Wheels struggles to do that but it does so, and it does so because of the high volume of dedicated

volunteers. It truly is a community based organisation operating for the benefit of others, and it can always do with more volunteers.

It does not require a huge commitment. If you have the ability or the time it is certainly something to think about in the future. Different branches have different needs, so volunteers are guaranteed a varied role which is extremely rewarding.

I would like to take this opportunity to commend Meals on Wheels across South Australia and encourage you all to promote the local branches in your electorates. I think you will all agree that it is a service that the elderly and the disabled in South Australia cannot do without.

MARINE PARKS

Mr PENGILLY (Finniss) (15:30): There is a huge con being perpetrated on the people of South Australia; probably more than one, but in particular there is a large one being perpetrated regarding the marine parks issue. Let me tell the house about some of the nonsense going on and about the hidden agendas.

The other day in *The Advertiser* there was an article under the auspices of Mr Chris Thomas that said that everything was dying down, everything was tickety-boo, everything was sweet, and people were not alarmed. Well, I have attended a couple of meetings myself, I have had staff attend meetings, and I have also had acquaintances attend meetings, and I can tell you that there are a few people who are alarmed—and I will read out extracts from some letters to the editor of a local paper in a moment.

I think the minister has been out and about as well, but what people just do not understand is that, once these outer boundaries are set in concrete, they are done and dusted. I believe that the minister is trying to put people's minds at rest that it is not about fishing, it is not about this and it is not about that. I understand that he may have successfully conned a couple of mayors on the West Coast, but I am here to tell you that things are not too good.

One of the hidden agendas (people will find if they research it deep enough) is that they will have control over beaches as well, up to the high water mark. So, under this act the department, shiny-bum bureaucrats, can go in there and issue a stop on the beach; they can stop people from going onto the beach. On another issue, I would also like to add that this was never meant to be about fishing, but what is the main ad they are using? A dirty, great, big picture of a snapper, saying 'Leave it for your grandkids and your children and future generations.' It is an absolute nonsense.

I would like to read some extracts from letters in today's edition of *The Islander*, the local Kangaroo Island paper. Mr Scott Walden, president of the KI Crayfishermen's Association, wrote:

> Currently the DEH has failed to identify any specific threats due to fishing that will cause serious or irreversible damage to the marine environment. All fishing threats are currently being addressed under existing fisheries management. So what is the purpose of these parks?
>
> The media campaign the department is currently running is hugely misleading to the public. It implies that the parks are going to improve fish stocks, and actually claims that existing parks have delivered 550 per cent increase in biomass of plants and animals. I thought they were supposed to be set up to protect biodiversity, not to manage our fish stocks in fisheries that are currently considered to be some of the best managed in the world.
>
> Before we can set park boundaries we need to know what specific threats there are to the environment, and what action is to be taken to negate those threats. About 80 per cent of our island's inshore waters are included within park boundaries.

Listen to this one, from Mr David Churchill of American River. He wrote:

> In the act, one of the objects…states, in part, that 'costs associated with protecting and restoring the marine park should be allocated or shared equitably…and people who obtain benefits from the marine environment…should bear an appropriate share of the costs that flow from their activities.'

Mr Churchill said:

> Translated it means we are going to be charged for all activities in the marine park. Considering that the park(s) includes most of the waters around KI, including the seas around Kingscote, Bay of Shoals, American River, Island Beach, Baudin Beach, Penneshaw and D'Estrees Bay up to the high water mark and in some cases beyond we should not only be concerned, but alarmed.

That is forgetting about the NRM's control over these beaches as well; so they will have a double whammy! Mr Churchill continued:

Persons who obtain benefits from these waters and beaches would include, but not limited to, beach goers and their families, surfers, beach fishermen, boat fishermen, and pleasure boaters of all types. What was once our right to walk on a beach, or swim, or sail the seas, will now be taken from us and be at the whim of the DEH and their permit system. In other words the government creates an unnecessary new empire covering half the state's waters, under DEH, and we have to pay for it. We, meaning the country people of the state—there were no marine parks off [the city of] Adelaide.

What absolute nonsense. The most degraded part of the coast in South Australia and there is no park. It is pure political manipulation. If you were fair dinkum about putting in marine parks to care for the environment the first one you would put in place would be off the coast of Adelaide, 50 or 60 kilometres, and try to do something about it; not try to halt everything in the rest of the state. It is a ludicrous situation. There are 1.3 million people, or whatever it is, in Adelaide but no park.

Yesterday, when I went for my morning walk adjacent to the stormwater that flows down past the airport, water flowing everywhere straight out to the Gulf St Vincent—

Time expired.

HOLDEN HILL POLICE STATION

The Hon. L. STEVENS (Little Para) (15:35): I begin today by congratulating the two new ministers on this side of the house: my friend and neighbouring member, the member for Napier, and also a young colleague, the member for West Torrens. I wish them well and I am sure they will do a fantastic job. I also congratulate the retiring ministers McEwen and Zollo for the work they have done. In particular, I pay tribute to minister Zollo who demonstrated, in all my observations and certainly in the time that I worked with her as a co-minister, that she was conscientious, capable and committed at all times when carrying out her role. I congratulate her, wish her well and hope she has an enjoyable time in the future in the parliament.

I also want to spend time today talking about a very successful initiative that has been underway in parts of my electorate covered by the Holden Hill Police Station. About a year ago, after a number of complaints about hoon driving in the Fairview Park area of my electorate, I decided that I would have a meeting with the superintendent, Barry Lewis, who is the officer in charge of the Holden Hill local service area, so that we could talk about the issue and how it might be dealt with better.

He brought with him Senior Sergeant Leonie Holland, the traffic manager at Holden Hill. They talked about how they were now undertaking a much more focused approach to dealing with hoon driving in that area. Fairview Park is characterised by a lot of winding streets. It has a large golf course in one section of it which means that the streets have to curve around a very large blocked out space, and that makes it difficult for people to be tracked easily. There are some through roads but lots of winding roads. Residents complained about hoon driving on a regular basis.

Under the leadership of Senior Sergeant Leonie Holland, the police have made a considerable difference. Essentially, they have put somebody with good communication, good organisational skills and leadership skills—dare I say it: she is also a female—in charge of following up, attention to detail, answering and replying to the concerns of residents, and allocating tasks to various members of her team to deal with the issues in the locations that have been reported in order to place people there and to provide feedback to residents. It has definitely borne results.

She gave me some statistics on how things have changed over the period July to November 2007 compared to July to November 2008. The statistics are: instant loss of licence, 241 in the 2007 period and 280 in the 2008 period; vehicle impounds, 37 in the 2007 period and 267 in the 2008 period; hoon apprehensions, 39 in the 2007 period and 238 in the 2008 period. I think this has come about because we had a focused approach, great leadership and management by the traffic manager with a team of police officers all committed to the task, working in partnership with residents, listening to concerns, following them up and getting back to the people. I have had lots of comments from residents about how well this has gone and I congratulate the police on their efforts.

Time expired.

BUSHFIRES

The Hon. G.M. GUNN (Stuart) (15:40): The subject I am going to talk about is one of extreme importance. When the Minister for Emergency Services stood up to make a contribution today in relation to responding to the fires in Victoria, I thought: here we go, we are really going to

get some positive action, but what did we get? We got a committee. If you want to lose something, get it off the agenda and refer it to a committee.

I read through the press release carefully, because I wondered who was going to be on the committee. With two exceptions, I doubt whether any of the people on this committee have ever been involved in firefighting, controlled burning off or any other aspects of hazard reduction.

Let us just examine this committee. We have the chief of the CFS. This is totally appropriate, and we have full confidence in him. We have Mr Holmes from the Department of Environment and Heritage, who I understand was a forester, so he would have knowledge in this area. I also do not have a problem with the chief fire officer, but why do we not have someone from local government? The Mayor of Mitcham has been before the NRM committee advising of the hazards in Mitcham. Why do we not have someone like the chairman from Mount Remarkable where, unfortunately, bushfires have occurred on a regular basis.

Mr Pengilly: The member for Stuart. They should put him on it.

The Hon. G.M. GUNN: I'm just a simple farmer.

Mr Venning: You'll be available, too, in 12 months' time.

The Hon. G.M. GUNN: Perhaps with the exception of the member there, I am one of the few people left in this parliament who has actually been involved in land clearing and lit decent scrub fires. I did it on a regular basis in my younger days. We are still involved in burning off stubble and grass, and we absolutely know what it is like and how to light a fire.

Mr Pederick: And how to manage it.

The Hon. G.M. GUNN: And how to manage it in the public interest. I say to the minister: I do not know who concocted this particular task force, but I ask him to come into this house and tell us, and justify why there are no ordinary agricultural people on this committee who actually understand—

Mr Pengilly: Practical.

The Hon. G.M. GUNN: —and have some practical experience. For God's sake, why do we have to have one set of bureaucrats sitting in judgment of others? This is the government's second attempt. It brought this document in here when we came back a couple of weeks ago: 'The Code of Practice for the Management of Native Vegetation to Reduce the Impact of Bushfire'. When this was put in our letterbox, I thought perhaps we had had another win but, when I read through it, I saw that it was the same old nonsense.

I will give you one example. If you have a shed and a water tank with your fire pump, whether it be electric or petrol/diesel driven, you are only allowed to clear five metres. I would like to put the minister and the bureaucrat who wrote this in a situation where fires are coming over the hill, because they really would get more than scorched pants. It is a nonsense. If you had any practical understanding, you would know it is a nonsense. Why do they continue to insist?

The Hon. M.J. Atkinson: Why, Gunny, why?

The Hon. G.M. GUNN: Because they are either bigots or they do not have an understanding of the dangers they are creating for the people of this state. The government has been warned, it has been pleaded with, but it takes no notice. When more of these areas in South Australia go—as they will—and a great deal of damage is done, the government will have no-one but itself to blame, because it has not listened.

Anyone knows that, to control or contain these vast areas of native vegetation, you have to back-burn, and you have to do it at the right time of the day. You have to be able to get in there and you have to have decent access tracks. Five metres is an absolute nonsense, and anyone who knows anything about it knows that it is a nonsense. So, I appeal to the minister and the government to add to the task force at least two or three people who are not public servants, who have had practical experience. I suggest the Mayor of the Adelaide Hills Council or the Mayor of Mitcham, someone like Trevor Roocke, and other people who have had practice and experience—

Mr Pengilly interjecting:

The Hon. G.M. GUNN: Well, someone who at least has some responsibility. The Mayor of Mitcham told us that his fire prevention officers are having trouble with native vegetation, and that

they do not want him to mow the edge of the roads because they might chop off orchids, even though there are hundreds of them in the paddock through the fence—

The DEPUTY SPEAKER: Order!

The Hon. G.M. GUNN: But, you cannot have that—

The DEPUTY SPEAKER: Order!

The Hon. G.M. GUNN: —you might do something constructive.

The DEPUTY SPEAKER: Order, the member for Stuart! I allow members to complete sentences relating to facts but not rhetoric.

ROYAL ADELAIDE HOSPITAL

Ms CICCARELLO (Norwood) (15:46): There are many great aspects of being a South Australian, but one thing I cannot fathom is our state's resistance to change and its unwillingness to, at times, tread upon the path of progression. In this context, I am talking today about the Royal Adelaide Hospital, although, truth be known, I could be speaking about any number of issues on the government's reform agenda.

I find it so depressing that this government's fantastic work to improve the services in our health system has been overshadowed by the efforts of a vocal minority and a desperate opposition. Let's start with some facts:

1. This government is investing record amounts of money into public health. This year we will spend $1.3 billion more than in 2002.

2. This government has employed an extra 902 doctors and an extra 2,883 nurses in the public health system.

3. According to the latest Productivity Commission Report on Government Services, South Australia has more doctors, more nurses, more beds, more public dentists and more health spending per capita than any other state in this country.

There is no doubt that we have invested a great deal in ensuring that we continue to enjoy a first-class reputation in this area; but, we also need to make the necessary investment in hospital infrastructure, which is why we announced that we would spend $1.7 billion to build a new central hospital to replace the Royal Adelaide Hospital, which is outdated and not equipped to meet current and future needs.

This new hospital will provide an extra 120 beds, the best patient and surgical facilities, and it will be a brand-new state-of-the-art facility that will enhance our health reputation worldwide. I would have thought that South Australia would have cheered; I certainly did.

I would have expected the public to be thrilled about the benefits that this new hospital will offer, the extra services it will provide and the extra space there will be for better equipped and larger patient rooms and operating theatres. Yet, the water cooler conversation, the subject of numerous online polls, the issue of talkback day and night has been the hospital's proposed name.

On speaking to people at functions or on the street, the topic of the hospital arose. The conversation was invariably limited to whether or not they approved of its proposed name. So, many times I was tempted to use the lines of William Shakespeare: 'What's in a name? That which we call a rose by any other name would smell as sweet.'

While I support the right of everyone to express an opinion, the fact that only the name seemed of consequence, and nothing else, was disappointing, but perhaps it should not have been. It reminded me of my time as a founding board member of the Women's and Children's Hospital, which was to oversee the amalgamation of the Adelaide Children's Hospital with the Queen Victoria Hospital.

Then, as now, much if not all public debate centred on what to call the new hospital, which was originally to have borne the name Adelaide medical centre for women and children, which was a mouthful. Proposed names, ranging from the 'bluebird of happiness' to the 'Princess Diana hospital', 'Vicky and the kids', along with many Aboriginal names, were hotly debated. The *Sunday Mail* held a competition to find the perfect name, adding further grist to the mill. Again, the benefits of improved services and facilities were almost completely disregarded. I thought that maybe we had moved forward.

I respect the decision of Marjorie Jackson-Nelson, unfortunate as it was, to withdraw her name because she too believed that this controversy was overshadowing the great benefits that the new hospital would provide. The justification for the new hospital, as opposed to the redevelopment, has been outlined on many occasions by the minister.

It would take twice as long as building a new hospital on a new site. The disruption would be enormous, and patients would be severely affected. Temporary accommodation would need to be built during demolition. The infrastructure and design problems currently plaguing the RAH would never be solved, and, perhaps the biggest fact that the opposition does not want to hear is that it would cost more than constructing a brand-new hospital on a new site.

However, what is lost in this debate is that, while a name might have emotional ties for people, what is more important is that a hospital gets recognition for what it does. The reputation of the Women's and Children's Hospital, with all the changes it underwent, including a new name and the amalgamation of two hospitals, has not suffered in any way. It is still renowned worldwide for what it does. It still boasts a world-class team of doctors and researchers, including professors Grant Sutherland, John Hopgood, Geoff Davidson, David David and the cranio-facial unit, and many others whose work continues to bring recognition to the hospital.

Let's start ignoring the political red herrings and focus on the real issue, that being what it is in the best interests of patients, hospital staff and the whole South Australian community.

ELECTORAL (MISCELLANEOUS) AMENDMENT BILL

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (15:51): Obtained leave and introduced a bill for an act to amend the Electoral Act 1985 and to make related amendments to the Constitution Act 1934 and the Local Government Act 1999. Read a first time.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (15:51): I move:

That this bill be now read a second time.

The Electoral Act (Miscellaneous) Amendment Bill 2009 amends the Electoral Act 1985 and the Constitution Act 1934 to increase participation in the electoral process and improve the efficiency and operation of the state's electoral system. Most of the amendments in the bill were recommended for our consideration by the former state electoral commissioner in his reports on the 1997 and 2002 general elections. Some were contained in the former government's Electoral (Miscellaneous) Amendment Bill that was passed by another place in 2001. That bill lapsed upon the calling of the 2002 election.

The bill also addresses other matters raised by the Electoral Commissioner since the 2002 election report was released and contains government-initiated reforms to improve participation in the electoral process. The amendments will:

- allow the commissioner and her office to make better use of technology;
- protect roll information from commercial exploitation and improve accuracy of the roll information provided to members of parliament and registered political parties;
- introduce compulsory enrolment for both houses in state elections;
- encourage participation in the electoral process, including giving homeless people the right to vote and voters with caring responsibilities the right to make declaration votes—in this case, postal votes;
- tighten the registration requirement for political parties—so we might get an answer to the question that the member for Finniss asked me informally at the beginning of question time;
- guarantee a 10-day grace period for enrolments after the calling of a state election;
- clarify the grounds of ineligibility for nomination as a candidate at a state election;
- improve the format and display of electoral material produced by the Electoral Commission of South Australia;
- improve the electoral information provided to voters by candidates and parties;

- allow scrutineers greater access to election activities;
- make changes to the declaration voting regime, including imposing obligations on intermediaries who volunteer to lodge applications and votes on behalf of electors;
- allow a voter who changes address within the one electoral district, and who has been removed from the roll by objection, to make a declaration vote at the next state election;
- improve the efficiency of the scrutiny;
- clarify the grounds on which an election can be challenged in the Court of Disputed Returns;
- prohibit organisations, without a candidate's consent, claiming the candidate is associated with or supports the policies or activities of the organisation or advocating a first preference vote in the House of Assembly or a vote in the Legislative Council for the candidate;
- prohibit the exhibition of electoral advertisements on a public road or public structure with appropriate exceptions—
- improve the commissioner's powers to enforce—

Mrs Redmond interjecting:

The DEPUTY SPEAKER: Order! The Attorney will proceed with his speech.

The Hon. M.J. ATKINSON: I was happy to communicate with the house by gesture and to accept its acclamation.

The DEPUTY SPEAKER: Unfortunately, Hansard has trouble recording gestures.

The Hon. M.J. ATKINSON: I continue:

- improve the commissioner's powers to enforce the Electoral Act, including increasing penalties for breaches of provisions of the act;
- give the Electoral Districts Boundaries Commission the authority to employ its own administrative staff and more flexibility to conduct electoral redistributions ensuring it is able to consider the most up-to-date information about the South Australian electorate.

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

Leave granted.

Amendments to the Electoral Act 1985

Public access to the electoral roll

Section 26 of the *Electoral Act* provides that copies of the latest prints of the electoral rolls must be available for inspection without fee at the offices of the Electoral Commissioner, the electoral registrars and returning officers and such other places as the Electoral Commissioner determines. Copies may also be purchased from the Office of the Electoral Commissioner.

The Bill makes these amendments to section 26.

Firstly, the Commissioner advises that maintaining up-to-date copies of the electoral roll in printed form at the offices of all electoral registrars and returning officers is no longer cost effective. It is easier and cheaper to provide electronic versions of the roll for inspection. Secondly, returning officers do not have access to a copy of the electoral roll for inspection until some time after their appointment as it takes some time to establish their offices.

To accommodate these matters, the Bill contains two amendments to section 26(1). These amendments remove the requirement that rolls be available for inspection at the offices of returning officers and that, elsewhere, an electronic or printed copy of the roll be made available for inspection. The Commissioner advises that, for the foreseeable future, a hard copy of the roll will be made available for inspection at the Electoral Commission of SA.

Thirdly, in his report on the 2002 election, the former Commissioner recommended the Government consider an amendment to section 26 to prohibit the use of roll data for commercial purposes, including by companies to build marketing databases. The Government agrees with this. There is strong feeling about the misuse of electoral roll information. The Federal Privacy Commissioner has found that 70 per cent of consumers do not think that the electoral roll should be available for commercial marketing purposes. As such, the Bill repeals subsection (2) of section 26 that requires that copies of the latest print of the roll must be made available for purchase.

Fourthly, to ensure that Members of Parliament and registered political parties have access to up-to-date electoral roll data, the Bill adds a new subsection to section 26 to require the Commissioner to make available on request (at no cost):

- to each Member of the House of Assembly, an updated electronic version of the electoral roll for that member's district;
- to each Member of the Legislative Council, an updated electronic version of the roll for the Legislative Council; and
- to the Registered Officer of a Registered Political Party, an electronic copy of any electoral roll for any district.

Power of the Electoral Commissioner to obtain information

Section 27 of the Act provides that the Commissioner may require any officer of the public service to provide information in connection with the preparation, maintenance or revision of electoral rolls.

The former Commissioner advised that there would be benefit in the Electoral Commission of SA having access to information from Government agencies and instrumentalities, such as the SACE Board of South Australia and the Residential Tenancies Tribunal whose officers are not officers of the public service. He advised that being able to obtain this information would be useful in maintaining up-to-date and accurate electoral rolls. For example, being able to obtain a list of year 12 students from the SACE Board would enable students to be sent information about enrolment, and being able to obtain information from the Tribunal would assist in ensuring that voters' addresses are kept up to date.

The Bill therefore extends section 27 to apply to any agency or instrumentality of the Crown or any other prescribed authority or any public sector employee. To ensure that the Commissioner's access to information can be appropriately limited, a new subsection will enable particular officers or agencies, or particular types of information, to be exempted from section 27.

Provision of information by the Electoral Commissioner

Section 27A of the *Electoral Act* provides for the provision of information held by the Electoral Commissioner about an elector. Subsection (2) provides that the Commissioner may, on application, provide a person of a prescribed class with:

- the elector's sex
- the elector's place of birth
- the age band within which the elector's age falls.

Subsection (4) authorises the Commissioner to impose conditions on and a fee for the provision of information. Breach of a condition is an offence under subsection (5).

The Government believes that the service that Members of Parliament can provide to their electors would be improved if they had access to an elector's date of birth rather than age band. For example, Members would be better placed to direct electors to age appropriate services. The Government also believes that, as Members of Parliament access roll information for legitimate public purposes, they should be exempt from the fees charged by the Commissioner.

The Bill therefore amends section 27A to—

- require the disclosure of the elector's date of birth rather than age band;
- exempt a Member of Parliament from any fee charged by the Commissioner for provision of the information.

The penalty for a breach of section 27A is increased from $1,250 to $10,000 in line with advice from the former Commissioner.

Homeless voters

Section 29 of the *Electoral Act* sets out the criteria for enrolment to vote. In addition to age and citizenship requirements, a person is entitled to be enrolled only if he has his principal place of residence in a subdivision and has lived at that place of residence for a continuous period of at least one month immediately preceding the date of the claim for enrolment.

This requirement precludes the homeless from enrolling and voting in State elections.

The Government accepts that many people are homeless owing to circumstances beyond their control. That they have no home, and therefore no principal place of residence, should not, of itself, preclude them from enrolling and voting.

The *Commonwealth Electoral Act* recognises the plight of the homeless and makes provision for the enrolment of itinerant voters.

To ensure that homeless people can also vote in State elections, the Bill inserts a new section 31A into the *Electoral Act*.

New section 31A provides that a person without a principal place of residence who is in South Australia and who otherwise satisfies the requirements for enrolment under section 29 may apply to the Electoral Commissioner for enrolment. The Commissioner is given authority to nominate a subdivision having regard to certain information provided by the applicant and must place a special notation on the roll to indicate the person is enrolled

under the new provision. A person so enrolled remains on the roll for the specified subdivision and may vote as an elector for that subdivision. Provision is made for the removal of an elector who qualifies under section 31A where they intend leaving or leave the State for more than one month, where they secure a principal place of residence that can be used to qualify for enrolment under section 29 or where they cease to be entitled to enrolment for some other reason.

Compulsory enrolment

Section 29(1) of the *Electoral Act* imposes no requirement on a person eligible for enrolment to enrol. Section 29 is couched in terms of a person's entitlement to be enrolled. However, under section 32, once enrolled, an elector must maintain his enrolment.

This can be contrasted with the position under the *Commonwealth Electoral Act* and in the other States and Territories where enrolment to vote is compulsory.

The Government supports compulsory enrolment. It believes that engagement in the political process through casting a vote at an election is an important civic duty. A person cannot vote if he is not enrolled. Increasing the proportion of eligible young South Australians (18-19 years) enrolled to vote to better the Australian average by 2014 is a State Strategic Plan Target.

As such, clause 9 of the Bill inserts new section 32 into the *Electoral Act*. New section 32 provides that a person who is entitled to be enrolled under section 29 must, within 21 days from the date on which he becomes entitled to be enrolled, must make a claim for enrolment. Persons entitled to be enrolled provisionally under section 29(2) or who are entitled to be enrolled as an itinerant voter under new section 31A are excluded from this requirement.

Criteria for Registration as a political party

Currently, a party seeking registration under the Act must have either:

- 150 members; or
- an elected member of an Australian Parliament (a 'parliamentary party').

The former Electoral Commissioner raised concerns about the registration of sham political parties qualifying under the low membership requirement and its potential effect on voting patterns, particularly in the Legislative Council. He recommended, in his report on the 2002 State Election, that the Government evaluate the criteria for party membership being adopted interstate.

The Government agrees that this is a risk and that measures ought to be taken to prevent it. Raising the minimum membership number is one way of reducing the opportunity for sham parties to obtain registration.

The question is what should the minimum number of members be?

In New South Wales the minimum number is 750. Obviously, South Australia's smaller population justifies a lower number. A more balanced figure would be that adopted in Western Australia, a State with a population closer to that of South Australia. The minimum number of members in that State is 500, a number the Government thinks strikes an appropriate balance between the need to ensure a reasonable level of public support for registered political parties and the need to ensure that minority groups are able to form political parties and take advantage of the provision of the Act about parties.

The Government also believes that, to qualify as a 'parliamentary party' a party, should have either a member who is a member of the South Australian Parliament or one who represents South Australians in the Commonwealth Parliament.

The Bill amends section 36 of the Act so that, to qualify as an eligible political party, a party must have either 500 members or a member who is a member of the South Australian Parliament, a Senator for South Australia or a member of the House of Representatives chosen in South Australia. Consequential amendments:

- prohibit two or more political parties relying upon the same member for the purpose of qualifying as a party. A person relied upon by two or more parties will have to choose which party is to rely on his membership or he cannot be relied upon by any party;
- require a registered officer of a political party to provide an annual return and declaration to the Electoral Commissioner containing details of the party's membership or parliamentary representatives or both;
- authorise the Electoral Commissioner to deregister a party whose membership falls below 500 or that ceases to have an elected member in the South Australian Parliament or representing South Australia in the Commonwealth Parliament;
- make it an offence to provide false and misleading information to the Electoral Commissioner;
- protect the confidentiality of the names and addresses of electors provided to the Electoral Commissioner for the purposes of registration under the new provisions.

To protect parties already registered under the Act, the Bill includes a transitional provision to the effect that parties already registered under the Act need not comply with the new minimum membership requirements for a period of six months from the date of commencement of the amended provision.

Application for registration

Section 39 of the *Electoral Act* provides that an application for the registration of a political party may be made to the Commissioner by the secretary of the party (or any person authorised by the secretary), and the application must set out:

- the name of the party;
- any abbreviation of the name;
- the name and address of the person who is to be the registered officer of the party;
- the name and address of the applicant;
- copy of the party's constitution.

Apart from meeting the definition of 'eligible political party', providing the information under section 39 and meeting requirements about the party's name, no other registration criteria need be met.

The Commissioner advises there are just fewer than 30 parties registered under the South Australian legislation. This is higher than those States who have more stringent registration criteria aimed at stopping the registration of bogus parties.

For example, in New South Wales an application for registration must, in addition to requirements such as those specified under this State's legislation:

- set out the names and addresses (as enrolled) of the 750 members the party is relying upon to meet the membership requirements;
- be accompanied by declarations from those members;
- be accompanied by the payment of a registration fee of $2,000.

In his report on the 2002 election, the former Commissioner recommended more stringent registration requirements be considered.

The Government believes that more stringent registration requirements, based on those in force in New South Wales, will act as disincentive to the registration of sham political parties under the South Australian legislation.

As such, the Bill contains amendments to section 39 to:

- require an application for registration to be accompanied by the names and addresses of, and declarations from, the members on which the party relies to meet the minimum membership requirements; and
- require parties seeking registration to pay a fee of $500.

The Bill contains one further reform. Currently, once registered, a political party can immediately contest the next State election. The former Electoral Commissioner cited this as one factor in encouraging sham parties to register.

The Bill amends section 42 so that a party is required to be registered for at least six months before it can contest a State election as a political party.

Registration

Section 42 of the Act requires the Electoral Commissioner to determine a party's application for registration. Subsection (2) provides that the Commissioner must refuse an application where the party's name infringes conditions, including that it adopts or incorporates the name of another unrelated party so as to imply falsely some connection.

Concerns have been raised about the practice of some parties of registering names that, although permissible under section 42(2) because they do not adopt enough of an existing party's name to infringe against that section, nonetheless are misleading because they incorporate words that constitute a distinctive part of another party's name.

Amendments to section 42 address these concerns by authorising the Commissioner to refuse to register the name of a party where she is of the opinion that the proposed name for the party contains words that constitute a distinctive part of another registered party or parliamentary party, unless the other party consents.

Close of the rolls

Section 48 of the *Electoral Act* provides, at subsection (1), that a writ must fix the date and time for the close of the rolls, and, at subsection (3), that the date fixed for the close of the rolls must be a date falling not less than 7 days nor more than 10 days after the date of the issue of the writ.

Although providing some flexibility to the Government of the day in terms of setting the critical dates for the election period, subsection (3) creates uncertainty for those people who have not yet enrolled to vote before the election is called.

The Government believes that giving people as long as possible to enrol to vote after an election is called will encourage participation in the democratic process.

The Bill therefore amends section 48(3) to fix the date for the close of the rolls at 10 days after the date of the issue of the writ.

Qualifications of candidates

Sections 17 and 31 of the *Constitution Act* set out the grounds on which a member of the Legislative Council or House of Assembly must vacate his seat. Relevantly, these grounds are that the Member:

- is not or ceases to be an Australian citizen;
- takes any oath or makes any declaration or act of acknowledgment or allegiance to any foreign prince or power;
- does, concurs in, or adopts any act whereby the member may become a subject or citizen of any foreign state or power;
- becomes bankrupt;
- takes the benefit of any law relating to insolvent debtors;
- becomes a public defaulter;
- is attainted of treason;
- is convicted of an indictable offence; or
- becomes of insane mind,

The qualification of candidates for election is set out in section 52 of the *Electoral Act.* Section 52 provides that a person is not qualified to be a candidate for election as a member of the House of Assembly or Legislative Council unless the person is an elector. The criteria for being on the roll are set out in section 29. No other criteria (other than not nominating for more than one election) are specified. The disqualifying criteria prescribed in sections 17 and 31 of the *Constitution Act* are not replicated in section 52 meaning that, technically, a person who would be disqualified under section 17 or 31, could, nonetheless, nominate as a candidate in an election.

In his report on the 2002 State election, the former Commissioner recommended amendments to section 52 to provide that a person is not eligible to be a candidate for election if the person would be required to vacate his seat in the Legislative Council or House of Assembly under section 17 or 31 of the *Constitution Act*. This recommendation is taken up in the Bill.

Grouping of Candidates in Legislative Council elections

Section 58 of the *Electoral Act* provides for the grouping together of candidates on the ballot paper.

In general, parties put forward fewer candidates than the number of vacancies to be filled. Most major parties put forward six, seven or eight candidates for the 11 Legislative Council vacancies to be filled.

In his report on the 2002 State election, the former Commissioner raised concerns about the potential for a group or groups to put forward a higher number of candidates than the number of vacancies to be filled. This would distort the ballot paper and may make it impossible to create a ballot paper that can reasonably be used by voters. He recommended amendments to section 58 to prohibit a group putting forward more candidates than the number of vacancies to be filled. This recommendation is taken up in the Bill.

Printing of Legislative Council Ballot Papers

Section 59 of the *Electoral Act* prescribes how the ballot papers for the Legislative Council are to be set out. Currently, it does not deal with the situation where, because of the number of candidates, a second or subsequent row of candidates is necessary.

The Bill amends section 59 to deal with this situation by providing that the prescribed sequence (grouped candidates before individual candidates) may continue onto a second or subsequent row.

Voting Tickets

Section 63 of the Act provides for the lodgement of voting tickets. It provides that:

- notice must be given to the Electoral Commissioner of an intention to lodge a ticket at or before the hour of nomination;
- the ticket must be lodged within 72 hours of the close of nominations.

The ticket becomes the basis on which preferences are distributed for votes above the line. In the absence of a ticket, the Commissioner has no way of knowing how to distribute preferences to other candidates.

Ballot papers are printed over the weekend after the close of nominations. The papers contain a square for every candidate who has lodged a notice of intention.

The Commissioner is concerned about the potential for a candidate to lodge a notice of intention but not a ticket. Where this occurs, the Commissioner does not know how to distribute the candidate's preferences. Although this has not happened, a serious risk remains.

The Bill amends section 94 to provide that where a notice of intention, but no ticket, is lodged, the vote is classed informal unless it is formal below the line.

To provide protection to candidates who lodge tickets, section 59 is amended to provide that where a notice of intention to lodge a voting ticket has been lodged, the Commissioner must ensure that an additional square above the line is put on the ballot paper and section 63 is amended to provide that, where a notice of intention, but no ticket, is lodged the Commissioner must take all reasonable steps to notify the candidate, party or group, but need not take any further action about the notice.

Printing of descriptive information on ballot papers

Section 62(1)(d) of the *Electoral Act* enables a candidate to apply to the Electoral Commissioner to have a description consisting of the word *independent* followed by not more than five additional words printed adjacent to their name on the ballot paper.

The Electoral Commissioner has expressed concern that, if a political party objects to the use of its name as a description for an independent candidate, the party could seek to prevent the printing, distribution or even use of the ballot papers by way of injunction. This could cause serious disruption to the electoral process and, if the injunction were granted, the incurring of heavy costs in recalling, destroying and reprinting the ballot papers.

To address these concerns, the Bill amends section 62 to provide that a decision of the Electoral Commissioner to accept or reject an application under section 62(1)(d) is final and conclusive and not subject to review or appeal.

Consequential to the amendments to section 42 about the registration of a party's name, the Bill also amends section 62 to authorise the Commissioner to refuse to approve a description where the word or words constituting the description would infringe new section 42(2)(e).

Properly staffed polling places

Section 65(2) of the Act provides that no premises licensed to sell liquor may be used as a polling station.

Some polling booths, particularly in the country, are located in community halls and sporting clubs that have liquor licenses. This means that the Commissioner must approach the Liquor Licensing Commissioner for a temporary cancellation or suspension of the licence for the days of polling. This is resource intensive in that the relevant premises must be identified and applications made to the Commissioner about them.

The Commissioner has recommended an amendment to section 65(2) to allow licensed premises to be used as a polling location provided no alcohol is consumed or sold on the premises while the booth is open for voting or otherwise being used for the purpose of the poll.

The Bill amends section 65(2) as recommended by the Commissioner.

Display of electoral material

Section 66 of the Act sets out the material that the Electoral Commissioner must make available for display in polling booths on polling day. This includes the how-to-vote cards submitted by candidates.

The Bill repeals section 66 and replaces it with a new provision.

Consistent with the amendments to section 62 prohibiting a candidate requesting a description where the word or words constituting the description would infringe new section 42(2)(e), new section 66 provides that how-to-vote cards must not identify a candidate:

- by reference to the registered name of a political party or composite name of two registered parties; or
- by using words that could not be registered as the name, or part of the name, under new subsection 42(2)(e),

unless the candidate is endorsed by the relevant party or the relevant party has consented to the use of the relevant name or names or word or words.

Section 66 also sets out the requirements for material displayed in polling booths. Currently, subsection (1) provides that the Electoral Commissioner must display posters, formed from the how-to-vote cards submitted by candidates, and for the Legislative Council election, posters containing the voting tickets registered for the purpose of the election. Subsection (4) provides that the order in which the electoral material must be displayed in the posters is to be determined by lot. Subsection (6) provides that posters containing the how-to-vote cards must be displayed in each voting compartment and the poster containing the voting tickets must be displayed at the booth.

Consistent with recommendations made by the former Electoral Commissioner in his report on the 2002 State election, new section 66 incorporates these changes.

New section 66(1)(b) provides that the Electoral Commissioner may display the Legislative Council voting tickets in either posters or booklet form. Currently, these have to be displayed on posters.

New section 66(2) provides that the posters and booklets must list candidates in the same order as their names will appear on the relevant ballot paper. Currently, the order of names must be determined by lot.

New section 66(5) requires the posters and booklets be displayed in a prominent place in each polling booth. Currently the requirement is that they be displayed in each voting compartment.

Scrutineers

Section 67 of the *Electoral Act* provides that a candidate may, by notice in writing to a district returning officer, appoint scrutineers for polling booths in the district and to represent his interests at the scrutiny.

The Bill makes two changes to section 67, both at the recommendation of the former Electoral Commissioner. First, scrutineers are to be appointed for the purposes of the election. This will overcome any doubts as to whether a scrutineer may be present at pre-polling activities. Second, rather than requiring a candidate to provide notice in writing of an appointment to the district returning officer, a scrutineer will be required to present a signed form of appointment to the electoral officer in charge of proceedings.

The Bill also amends section 119 of the Act to authorise the removal of a disruptive candidate or scrutineer from a polling booth. This was also a recommendation of the former Electoral Commissioner.

Manner of voting

Sections 32(1) and (2) of the *Electoral Act* provide, respectively, that:

- an elector whose principal place of residence changes from one subdivision to another must, within 21 days of becoming entitled to be enrolled for that other subdivision, notify an electoral registrar of the address of the principal place of residence;
- an elector whose principal place of residence changes from one address to another within the same subdivision must, within 21 days of the change, notify an electoral registrar of the address of the elector's current principal place of residence.

Where an electoral register determines that an elector has failed to update his principal place of residence, he may be removed from the roll by way of objection under sections 33 and 35 of the Act. This disqualifies the person from voting even though he would, but for failing to notify the Commissioner of his change of address, remain enrolled in that District or subdivision.

The Government believes it is reasonable that a person be required to notify the Commissioner of his change of address. It is inappropriate that such a failing on the person's part to carry out his legal obligation should preclude him from voting where he remains in the same District or even the same subdivision.

To ensure that electors in this situation can still vote at the next State election or by-election, the Bill amends section 71 of the *Electoral Act* to add, as an additional category of person entitled to lodge a declaration vote, a person who been objected off the roll because he has failed to notify a change of address where his previous and new address are both in the same House of Assembly district.

Registration as a declaration voter

The Bill makes amendments to section 74 of the Act that deals with registration as a declaration voter.

Firstly, the former Electoral Commissioner advised that a number of electors who had continuing caring responsibilities were experiencing difficulties attending polling booths. The Bill adds to the list of people entitled to register for declaration voting an elector who is unable to attend a polling booth because she is responsible for caring for a person who is seriously ill, infirm or disabled.

Secondly, the criteria to be satisfied by electors who live remotely are amended. Currently, section 74(3)(b)(iii) provides that an elector is entitled to register as a declaration voter if the remoteness of his place of residence is likely to preclude him from attending at a polling place. So to ensure consistency with the *Commonwealth Electoral Act* this is amended so as to set a 20km limit. A transitional provision will protect those electors currently registered under the remoteness provision who would not qualify under the new 20km rule. This will streamline the Electoral Commission's administrative processes and will also be easier for electors, who will need to fill in only one form for the purpose of claiming declaration status for both State and Federal elections.

Thirdly, section 74 is amended, on the advice of the former Commissioner, to allow for declaration voting papers to be issued or dispatched by post or in a manner prescribed by regulation.

Finally, the former Commissioner reported concerns that some party officials were failing to forward declaration voting papers given to them by electors in a timely manner. The Bill adds a new subsection (7) to section 74 that requires a person who is given an application for declaration voting papers by an elector to transmit the application to an appropriate officer as soon as possible.

Assistants

Section 80(1) provides that where a voter satisfies the presiding officer that he is unable to vote without assistance, the voter may be accompanied by an assistant of his choice in the polling booth.

To address concerns raised by the former Electoral Commissioner about the potential for inappropriate pressure or influence being applied to electors, the Bill amends section 80 to make it clear that candidates and scrutineers are prohibited from offering assistance.

Forwarding of declaration votes

Consistent with new section 74(7), the Bill amends section 82 of the Act (Declaration vote, how made) to require a person given a declaration vote for lodgement by an elector to do so as soon as possible.

Security of facilities

The term 'ballot box' is used in several provisions in the Act.

The former Electoral Commissioner advised that live ballot material is actually kept in secure facilities rather than ballot boxes as using ballot boxes has become impractical owing to large volumes. It is therefore recommended that the relevant provision (sections 82, 84 and 87 of the Act) be amended to take account of the use of secured facilities.

Amendments to sections 82, 84 and 87 to add 'secured facilities' are included in the Bill.

Compulsory voting

Section 85 of the Act imposes the requirement on every elector to vote or, more particularly, comply with the formalities of voting. Where an elector fails to vote, the Electoral Commissioner may send the elector a notice calling on him to show cause why proceedings for failing to vote without a valid and sufficient reason should not be instituted against him.

Section 85(5) requires an elector to whom a notice is sent to complete the form stating the reasons (if any) why proceedings for failing to vote at the election should not be instituted against him. Section 85(5) provides, expressly, that an elector do this by completing the form *at the foot of the notice*. In fact, the declaration is printed on the second page of the declaration. The Bill amends section 85(5) to reflect this.

Preliminary Scrutiny

Section 91 of the Act provides for the preliminary scrutiny of declaration votes. Subsection (1) provides that the returning officer or a deputy returning officer must produce all applications for declaration voting papers, and produce unopened all envelopes containing declaration ballot papers received and, before admitting the vote into the scrutiny, satisfy himself, by scanning the booth rolls, that the voter is entitled to vote at the election and, in the case of declaration voting papers of voters whose votes were not taken before an officer:

- that the signature of the declarant corresponds with the signature on the application for declaration voting papers; and
- that the vote was recorded before the close of poll.

The requirement to scan the rolls before admitting declaration votes into the scrutiny is intended as a safeguard against an elector voting more than once. However, advice from the Commissioner suggests that this is not a major problem. Firstly, the numbers of electors voting twice is a small number. The Commissioner advises that, for example, at the 2002 election a total of 12 people voted more than once. Secondly, section 91(1) applies only to declaration votes. An elector could still vote more than once by attending more than one booth and providing false information to the electoral official under section 72.

The problem is that the requirement that the returning officer scan the booth rolls before the vote is admitted into the scrutiny means declaration votes cannot be included in the preliminary count.

The Commissioner no longer considers the preliminary scrutiny necessary. She advises that the requirement be dropped so that declaration votes can be included in the preliminary count.

The Bill therefore amends sections 89 and 91 to allow declaration votes to be admitted into scrutiny before the scanning of the booth rolls.

De-centralised final scrutiny of Legislative Council ballot papers

The scrutiny of Legislative Council ballot papers is governed by section 95 and 96D.

Section 95 sets out the procedure to be followed when conducting the scrutiny of Legislative Council votes. This procedure requires the final scrutiny, including above-the-line votes, to be conducted centrally by the Returning Officer for the Legislative Council.

The procedure for conducting the scrutiny was established in 1985. At that time, there were 846,250 ballot papers, eight groups and 36 candidates seeking election.

Since 1985, Legislative Council elections have become more complicated in that more votes are cast and more groups and candidates are contesting the election. In 2002, for example, there were 983,567 ballot papers, 48 groups and 76 candidates. Complying with the prescribed procedures for the scrutiny is causing administrative and logistical problems for the Commissioner's office.

The Commissioner has recommended amendments so that, where it is appropriate to do so, the final scrutiny of ticket ballot papers (of above-the-line votes only) and obvious informal votes can be conducted by the Deputy Returning Officers at their office. Under this new procedure:

- the Deputy Returning Officer for each division will conduct the second scrutiny of the ballot papers to determine formality;
- the Deputy Returning Officer will count the valid ticket (above-the-line) votes for each candidate and informal votes but parcel up all non-ticket (below-the-line) votes, which would be sent to the Returning Officer for central scrutiny as now;
- the Deputy Returning Officer will transmit the results of his scrutiny (the number of valid ticket votes for each candidate and informal votes) to the Returning Officer who would ensure input into the count software;

- the Returning Officer will continue to oversee the final scrutiny of non-ticket (below-the-line) votes, the data input and processing of those preferential votes, amalgamation of all count data, and the determination of the quota and transfer values.

Where the new procedure is used, and this will be up to the Commissioner, all that will change is that the scrutiny and recording of ticket votes and obviously informal ballot papers now conducted by the Returning Officer will be conducted at the relevant Deputy Returning Officer's office.

Disputed Elections and Returns

The Bill addresses two matters about petitions to the Court of Disputed Returns.

Firstly, section 105 provides that the Commissioner is the respondent to any petition to the Court of Disputed Returns. Both the Commissioner and the Crown Solicitor have recommended that the candidate whose election is being challenged should be added as a respondent under section 105.

This would avoid any argument before the Court as to the candidate's standing to appear.

This is addressed in the Bill.

Secondly, the Bill clarifies the grounds on which an election may be declared void.

Although not expressly stated in the Act, the common law of elections applies in South Australia. At common law, the grounds on which an election may be declared invalid are:

- that there was no real election, that is, where it can be shown that the electors did not in fact have a free and fair opportunity of electing the candidate that the majority might prefer; or
- that the election was not really conducted under the requirements of the Act—that is, the conduct of the election departed so far from the requirements of the Act that it could not be said the election was conducted under those requirements;

In South Australia the common law principles must be modified to take account of section 107.

Section 107(3) provides that an election will not be declared void on the grounds of a defect in a roll or certified list of electors, or an irregularity in, or affecting, the conduct of the election, unless the Court is satisfied, on the balance of probabilities, that the result of the election was affected by the defect or irregularity. Section 107(4) provides that an election may be declared void on the ground of defamation of a candidate but, again, only if the Court is satisfied, on the balance of probabilities, that the result of the election was affected by the defamation.

The Bill makes several amendments to section 107 to better clarify the grounds on which an election may be declared void.

Firstly, a new subsection (5) is inserted. This expressly provides that an election may be declared void on the ground of misleading advertising, but only where the Court is satisfied on the balance of probabilities that the result of the election was affected by the advertising. This clarifies an inconsistency between the Court of Disputed Returns' judgment in *King* and the Full Court's judgment in *Featherstone* about petitions founded on misleading advertising.

The Bill also adds to the grounds on which an election may be declared void, these grounds:

- bribery (this is already an offence under s109 of the Act);
- undue influence (this is also an offence under s110 of the Act);
- interference with political liberty (an offence under s111).

Where anyone of these breaches is committed by the successful candidate or by a person acting on the candidate's behalf with that candidate's knowledge, the election may be declared void irrespective of whether the illegal conduct affected the outcome of the election.

Where someone other than the successful candidate, without the candidate's knowledge, commits the breach, the election may be declared void only if the court is satisfied, on the balance of probabilities, that the conduct affected the outcome of the election.

Printing and publication of electoral material (s112)

Section 112 prohibits a person publishing or distributing (or authorising the publication of) an electoral advertisement in printed form unless—

- the name and address (not being a post office box) of the author of the advertisement or the person who authorised its publication appears at the end;
- in the case of an electoral advertisement that is printed but not in a newspaper—the name and place of business of the printer appears at the end.

The Bill makes these amendments to section 112.

Firstly, section 112 refers to advertisements 'in printed form'. Political parties and candidates can, like any other person or organisation, place advertisements on the Internet.

The Bill amends section 112 so that it clearly applies to advertisements published in electronic form, including on the Internet.

Secondly, although section 112 requires that the name and address of the author of the advertisement (or the person who authorised the advertisement) appear at the end of the advertisement, there is a loophole that allows some authors to disguise their identity by using, in the case of a woman, her maiden name.

This loophole was highlighted in the matter of *King v Electoral Commissioner*. In that case, the petitioner alleged that some advertisements were misleading and in breach of s112, and sought to have the election of the successful candidate declared void. One of the advertisements for another candidate (a pamphlet) was authorised by the candidate's mother, using her maiden name.

The Bill amends section 112 to close this loophole by requiring, in subsection (1)(a) that the name and address cited is the name by which the person is usually known.

The Bill also increases the penalties for a breach of section 112 from $1,250 if the offender is a natural person and $5,000 if the offender is a body corporate, to $5,000 and $10,000.

Bogus how-to-vote cards

The Commissioner has raised concerns about the potential for bogus how-to-vote cards to be used at State elections.

The main type of bogus how-to-vote card that has caused problems interstate is the second-preference card, which is aimed at capturing the second preferences of persons who intend voting for one party, particularly a minor party or independent. These bogus cards, although advocating a vote for the minor party or independent, allocate preferences to one of the major parties. They are constructed to look like a minor party or independent issued them.

Although the Government believes there is nothing wrong with attempting to solicit the second-preferences of voters honestly, it does not believe the same can be said where bogus cards, purporting to be issued by an independent or minor party, dishonestly direct preferences to a major party (or any party or candidate). Bogus how-to-vote cards could, in a worst-case scenario, affect the outcome of an election decided on preferences. At the very least, they could affect voter confidence in the electoral process.

To address this problem, the Bill inserts two new sections, sections 112A and 112B, into the Act.

New section 112A requires that how-to-vote cards distributed during an election must include both the name and address of the person who authorised the card and the name of the relevant party (or independent candidate).

New section 112B prohibits a person from publishing or distributing how-to-vote cards or electoral advertisements that identify a candidate by reference to the name of a registered political party, or uses words that constitute a distinctive part of the name of another party, unless that person is an endorsed candidate of the party or the party has consented to the use of the particular words.

Publication of matter regarding candidates

The Bill inserts into the *Electoral Act* a new provision that replicates section 351 of the *Commonwealth Electoral Act.* New section 112C prohibits a person, on behalf of any association, league, organisation or other body, making an announcement or distributing material:

- in which it is claimed or suggested that a candidate in an election is associated with, or supports the policy or activities of that association, league, organisation or body; or
- that advocates or suggests that a voter should give his first preference vote in the House of Assembly to a candidate or allocate a valid preference to a candidate in a Legislative Council election not greater than the number to be elected,

without the consent of the candidate.

Misleading Advertising

Section 113 of the *Electoral Act* prohibits misleading advertising. The current penalties for a breach of section 113 are $1,250 if the offender is a natural person and $10,000 if the offender is a body corporate.

In light of advice from the former Commissioner about the adequacy of these penalties, the Bill amends section 113 to increase the penalties to $5,000 and $25,000.

Heading to electoral advertisements

Section 114 of the *Electoral Act* requires the printing of the word *advertisement* above electoral matter published in a newspaper after the payment of consideration. The Bill amends section 114 so it will apply to any publication in a 'journal', which is defined as a newspaper, magazine or other periodical whether published for sale or distributed free of charge. The penalties for a breach of the section are increased from $750 for a natural person and $2,000 for a body corporate to $1,250 and $5,000.

Electoral Advertisements

The display of electoral advertising is regulated under section 115 of the *Electoral Act*.

Subject to some exceptions, section 115 prohibits the exhibition of an electoral advertisement on a vehicle, vessel, building, hoarding or other structure (e.g., a fence) that occupies an area in excess of one square metre.

The Bill amends section 115 to further restrict electoral advertising. As amended, section 115 will prohibit a person exhibiting an electoral advertisement in public places or on public roads. The Bill also provides that the prohibition will expire after the 2014 State election.

Published material

Section 116 of the Act provides that the publication of material with political content during an election must include a statement containing the name and address of the person responsible for the publication of the material, with the exception of particular types of publications (newspaper articles, reports of meetings).

To address concerns about the application of section 116 to letters that already carry the name and address of the author, the Bill amends section 116 to add a new subsection (2)(e) allowing for the further exclusion of particular types of material from section 116 by regulation.

Protection of the Commissioner and her staff from liability

There is at present no provision in the Act that protects the Commissioner or her staff from liability for losses suffered as a result of the acts or omissions of her office.

Many other Acts of a similar nature provide indemnity for persons working in the administration of the relevant Act, and provide that any liability will be against the Crown.

The Bill inserts a new section 137 that provides:

- immunity from liability for all persons involved in the administration of the Act for any act or omission in good faith in the exercise or purported exercise of powers or functions under the Act; and
- that any such liability would lie instead against the Crown.

Proposed Amendments to the Constitution Act 1934

The Bill also amends the provisions governing electoral redistributions in the *Constitution Act.*

Appointments to the Electoral Districts Boundaries Commission

Section 81 of the *Constitution Act* provides for the appointment of a Secretary to the Commission and allows for that person to be remunerated, as determined by the Commission. However, the Commission has no authority to appoint other staff to do things to assist the Commission in discharging its legislative responsibilities.

This amends section 81 to allow the Commission to appoint support staff to assist the Commission in discharging its legislative responsibilities.

Commencement of Electoral Districts Boundaries Commission proceedings

The Electoral Commissioner advises that with the 2001 amendments to the *Constitution Act* introducing fixed four-year terms, the current framework for conducting an electoral redistribution, which requires the Electoral Districts Boundaries Commission to commence its proceedings within three months of the election and complete those proceedings with all due diligence has caused logistical and operational difficulties for the Commission.

The data necessary to perform the process so that the boundaries reflect the demographics of the State as accurately and as up-to-date as possible are not, generally, available until the second or third year after an election.

For example, following the last State election the Commission was required to commence its proceedings by June 2006 and complete them with all due diligence. The last population census was conducted in August of 2006. The 2006 census data was not then available. This meant the Commission had to rely upon census data from 2001, with annual updates to 2006, and then project possible population data out to the timing for the subsequent election in 2010. The demographers have raised their concerns with using this method for determining population movements and trends so far into the future.

A similar problem will arise with the redistribution required to be conducted after the 2010 State election.

The Commission would benefit greatly, in both the currency and accuracy of demographic projections, if it were able to deliberate later in the parliamentary term.

The Bill therefore amends section 82(2) so that the Commission is required to commence its deliberation within 24 months of polling day (the half-way point of the electoral term). This will still leave two years to determine and implement the new boundaries. The Commissioner advises that this would give the Commission enough time to complete the process in time for the next election.

The Commission will still be able to commence the process earlier; however, it will not be required to commence a redistribution until two years after the election.

I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Electoral Act 1985*

4—Amendment of section 4—Interpretation

This clause inserts a definition of *voting ticket square* into the Act, reflecting its use in the amendments made by this measure.

5—Amendment of section 26—Inspection and purchase of rolls

This clause amends section 26(1) to make it clear that copies of the roll may be made available for inspection in electronic form and to delete the requirement that copies be available for inspection at the offices of returning officers. The clause also amends section 26(2) to require the Electoral Commissioner to provide a copy of the relevant electoral roll to the specified persons, namely a member of the House of Assembly or the Legislative Council, or the registered officer of a registered political party.

The clause also inserts a new subsection (3), setting out procedural matters related to the operation of subsection (2).

6—Amendment of section 27—Power to require information

This clause extends the bodies or persons from whom the Electoral Commissioner can require information under section 27 to include an agency or instrumentality of the Crown or any other prescribed authority, or a public sector employee, and also provides for an exemption power under the regulations related to those bodies or persons, or certain information or material in their possession or control.

7—Amendment of section 27A—Provision of certain information

This clause amends section 27A to enable the Electoral Commissioner to give the relevant person information about an elector's date of birth. The penalty for contravention of a condition related to the giving of the information is increased to $10,000, and Members of Parliament are exempted from the need to pay a fee for the provision of the information.

8—Substitution of Part 5 Division 3

This clause inserts new Division 2A into Part 5 of the Act, dealing with the enrolment of itinerant persons. The new clause 31A sets out procedures for enrolment and disenrolment in such cases.

The existing Division 3 is replaced with a new Division providing for compulsory enrolment. Failure to make a claim for enrolment is an offence punishable by a maximum penalty of $75. The Division also includes the provisions currently in Division 3 regarding transfer of enrolment and notification of a change of address within the same subdivision.

9—Amendment of section 36—Definitions and related provisions

This clause makes amendments to section 36 to modify the definitions of *eligible political party* and *parliamentary party*. To be an eligible party for the purposes of the Part, a political party must, if it is not a parliamentary party, have at least 500 electors in its membership. A parliamentary party is now defined by the presence of at least 1 member who is a member of the South Australian Parliament, or a South Australian Senator or member of the House of Representatives.

The clause also inserts new subsections (3) and (4), setting out procedures in the case of a member that is relied on by 2 or more parties.

10—Amendment of section 39—Application for registration

This clause inserts new paragraphs (f), (g) and (h) into section 39(2) of the Act, setting out additional required contents in relation to applications for registration of an eligible political party consequential to the amendment of section 36 and providing for payment of a non-refundable application fee of $500.

11—Amendment of section 42—Registration

This clause substitutes section 42(3). Proposed new subsection (3) enables the Electoral Commissioner to refuse an application for registration of a political party if the name, or an abbreviation or acronym of the name comprises or contains a word or words that constitute a distinctive aspect or part of the name of another political party (not being a related political party) that is a parliamentary party or a registered political party, or that so closely resembles a distinctive aspect or part of the name etc of such a party that it appears that that distinctive aspect or part of that name is being adopted by the political party applying for registration. Proposed new subsection (3a) provides that this will not apply if the relevant parliamentary party or registered political party consents to the use of the word or words.

The clause also inserts new subsection (5a), providing that a registration under the section will not have effect for the purposes of Parts 8, 9 or 10 of the Act until 6 months after publication of the gazette notice under subsection (5)(d).

12—Insertion of section 43A

This clause inserts new section 43A into the Act. The new section requires the furnishing of annual returns by the registered officer of a registered political party. The new section sets out procedural matters related to such returns.

13—Amendment of section 45—De-registration of political party

This clause amends paragraph (b) of section 45(1) to enable the Electoral Commissioner to de-register a political party that has ceased to fulfil the membership requirements.

14—Insertion of sections 46A and 46B

This clause inserts new sections 46A and 46B into the Act.

Section 46A provides that it is an offence for a person to make a false or misleading statement when furnishing information for the purposes of this Part. The maximum penalty is a fine of $5,000.

Section 46B provides for the protection and confidentiality of the names and addresses of electors provided to the Electoral Commissioner in connection with the membership requirements for registration, or continued registration, as a political party. That information is not available for public inspection under the Part.

15—Amendment of section 48—Contents of writ

This clause substitutes a new section 48(3), providing that the date fixed for the close of the rolls must be 10 days after the issue of the writ (unless that day would be a Saturday, Sunday or public holiday, in which case the date must be the next day after that, not being a Saturday, Sunday or public holiday).

16—Amendment of section 52—Qualifications of candidate

This clause inserts new subsection (1a) into section 52, which provides that a person is not qualified to be a candidate for election as a member of either House if he or she would, if elected, be required to immediately vacate his or her seat under the specified provisions of the *Constitution Act 1934*.

17—Amendment of section 58—Grouping of candidates in Legislative Council election

This clause inserts a new subsection (4) into section 58 of the Act, requiring that the number of candidates in a group not exceed the number of candidates required to be elected at the relevant Legislative Council election.

18—Amendment of section 59—Printing of Legislative Council ballot papers

This clause amends paragraph (a) of section 59(1) of the Act, regarding the setting out of the candidates' names on the Legislative Council ballot paper where there are grouped and non-grouped candidates. The clause also substitutes a new subsection (2) providing that if a notice of intention to lodge a voting ticket has been given then an additional square must be printed on the ballot paper (currently this provision only applies where a voting ticket has actually been lodged).

19—Amendment of section 62—Printing of descriptive information on ballot papers

This clause substitutes the current section 62(3), dealing with the question of when the Electoral Commissioner can reject an application to have a description consisting of the word 'Independent' followed by not more than 5 additional words. Currently the Commissioner may reject such an application if the description is obscene or frivolous but under the proposed subsection the Commissioner may also reject it if the words are caught by the operation of section 42(2)(e) or proposed section 42(3)(b) and the relevant party has not indicated that it supports the application. Such a decision of the Electoral Commissioner is not reviewable.

20—Amendment of section 63—Voting tickets

This clause amends section 63 to require the Electoral Commissioner to take reasonable steps to contact the relevant candidates where notice of intention to lodge a voting ticket has been given but no voting ticket has been lodged.

21—Amendment of section 65—Properly staffed polling booths to be provided

This clause amends section 65(2) of the Act, allowing premises the subject of a licence to sell liquor to be used as a polling booth, provided the Electoral Commissioner has taken reasonable steps to ensure that liquor will not be sold or consumed on the premises while the polling booth is being used for the purposes of the poll.

22—Substitution of section 66

This clause substitutes a new section 66 in the Act. The new provision sets out the electoral material that the Electoral Commissioner must have had prepared for use in polling booths on polling day and sets out requirements relating to the materials.

23—Amendment of section 67—Appointment of scrutineers

This clause amends section 67 of the Act, requiring notice of the appointment of a scrutineer by a candidate to be given to the presiding officer at the relevant place before the scrutineer can so act.

24—Amendment of section 71—Manner of voting

This clause inserts new subsections (3) and (4) into section 71 of the Act, setting out an additional circumstance in which a person can make a declaration vote at an election, and making a related provision.

25—Amendment of section 74—Issue of declaration voting papers by post or other means

This clause amends section 74 of the Act by inserting a new subsection (2a), enabling declaration voting papers to be issued or dispatched by means (other than by post) set out in the regulations, and also extends the circumstances in which a person can register as a declaration voter to include carers of seriously ill, infirm or disabled persons, and electors who live more than 20km from any polling place (including a place where a mobile polling booth is likely to be established).

The clause also provides an offence for a person who, when given an application by an elector for the issue of declaration voting papers on the basis that the person will deliver the application to the appropriate officer, fails to transmit the application to the appropriate officer as soon as possible.

26—Amendment of section 80—Voter may be accompanied by an assistant in certain circumstances

This clause inserts a new section 80(4) into the Act, providing that a candidate, or a scrutineer appointed by a candidate, must not act as an assistant to a voter under that section. To do so is an offence punishable by a maximum penalty of $1,250.

27—Amendment of section 82—Declaration vote, how made

This clause makes consequential amendments to section 82 of the Act, and also provides a new offence in new subsection (4a) for a person who is given an envelope containing a declaration vote of an elector for transmission to a returning officer, and who fails to lodge it with, or forward it by post to, the appropriate district returning officer as soon as possible.

28—Amendment of section 84—Security of facilities

This clause amends section 84 of the Act to reflect the fact that secured facilities other than ballot boxes may be used at an election.

29—Amendment of section 85—Compulsory voting

This clause makes minor consequential amendments to section 85.

30—Amendment of section 87—Ballot boxes or other facilities to be kept secure

This clause amends section 87 of the Act to reflect the fact that secured facilities other than ballot boxes may be used at an election.

31—Amendment of section 89—Scrutiny

This section inserts new subsection (3) into section 89, allowing the returning officer or a deputy returning officer in relation to an election to undertake a preliminary scrutiny of declaration voting papers (without opening any envelope) before the close of the poll.

32—Amendment of section 91—Preliminary scrutiny

This clause substitutes a new subsection (1) into section 90, setting out the procedures relating to preliminary scrutiny at an election and reflecting the broader amendments made by this measure.

33—Amendment of section 94—Informal ballot papers

This clause amends section 94(1) to reflect the fact that secured facilities other than ballot boxes may be used at an election and inserts a new subsection (4a) into that section. The new subsection sets out the circumstances in which a ballot paper is informal in a case where a notice of intention to lodge a voting ticket for a Legislative Council election was given under section 63(2)(a), but a voting ticket was not then lodged in accordance with section 63(2)(b) and a voter uses the voting ticket square on the ballot paper.

34—Amendment of section 95—Scrutiny of votes in Legislative Council election

This clause makes amendments to section 95 to accommodate the effects the amendments made by this measure have had on the procedures for scrutiny in a Legislative Council election.

The amended subsection (3), and the new subsection (4a), set out the amended scrutineering process for such an election.

35—Amendment of section 96D—Use of approved computer program in election

This clause makes a consequential amendment following the insertion of new section 95(4a).

36—Amendment of section 105—Respondents to petitions

This clause amends section 105 of the Act to provide that the Electoral Commissioner and the person who was the successful candidate at the relevant election are both respondents to any petition in which the validity of an election or return is disputed.

37—Amendment of section 107—Orders that the Court is empowered to make

This clause inserts new subsections (5) and (6) into section 107 of the Act. Subsection (5) provides that an election may be declared void on the ground of misleading advertising if the Court of Disputed Returns is satisfied that the result of the election was affected by that advertising.

Subsection (6) sets out circumstances in which a breach of section 109, 110 or 111 of the Act can lead to a declaration that an election is void.

38—Amendment of section 112—Publication of electoral advertisements, notices etc

This clause amends section 112 of the Act to include electoral advertisements published electronically on the internet in the operation of the section, increases the penalty for contravention of subsection (1) and makes a minor technical amendment.

39—Insertion of sections 112A , 112B and 112C

This clause inserts new sections 112A, 112B and 112C into the Act.

New section 112A sets out provisions regulating the distribution of how-to-vote cards during an election period.

New section 112B sets out provisions prohibiting the use of certain descriptions in electoral advertisements or how-to-vote cards. In particular, candidates must not identify themselves by reference to a registered political party, or by using words that could not be, or may not be able to be, registered because of section 42(2)(e) or (3)(b), unless he or she is endorsed by the party, or the party has consented to the use of the names or words.

New section 112C creates an offence relating to the publication or announcement of certain kinds of material relating to a candidate in an election without the authority of the candidate and is based on section 351 of the *Commonwealth Electoral Act 1918*.

40—Amendment of section 113—Misleading advertising

This clause increases the penalty for a contravention of section 113 of the Act to a maximum fine of $5,000 for a natural person, or $25,000 for a body corporate.

41—Amendment of section 114—Heading to electoral advertisements

This clause extends the type of publication to which the section applies, and increases the penalty for a contravention of the section to a maximum fine of $1,250 for a natural person, or $5,000 for a body corporate.

42—Amendment of section 115—Limitations on display of electoral advertisements

This clause increases the penalty for a contravention of section 115(1) of the Act to a maximum fine of $5,000 and inserts a new offence (in proposed section 115(2a)) of exhibiting an electoral advertisement (regardless of the size of the advertisement) on a public road or in a public place, punishable by a fine of $5,000. The offence does not extend to material exhibited on private land but so as to be visible from a public road or place. Proposed section 115(2b) provides that proposed section 115(2a) will expire after the 2014 State election.

43—Amendment of section 116—Published material to identify person responsible for political content

This clause extends the type of publication which is exempt from the operation of the section to include prescribed material, and increases the penalty for a contravention of the section to a maximum fine of $1,250 for a natural person, or $5,000 for a body corporate.

44—Amendment of section 119—Offender may be removed from polling booth

This clause amends section 119 of the Act to make it clear that candidates and scrutineers may be removed from a polling booth if they engage in conduct in breach of section 119(1).

45—Insertion of section 137

This clause inserts a new section 137 into the Act, providing a standard immunity from civil liability for the Electoral Commissioner and other persons administering the Act.

Schedule 1—Related amendments and transitional provision

Part 1—Related amendment to *Constitution Act 1934*

1—Amendment of section 81—Staff

This clause amends section 81 of the Act to allow the Commission to appoint staff.

2—Amendment of section 82—Electoral redistributions

This clause amends section 82 of the Act to require the Commission to commence proceedings for the purpose of making an electoral redistribution within 24 months after each polling day rather than the current 3 months.

Part 2—Related amendment to *Local Government Act 1999*

3—Amendment of section 226—Moveable signs

This clause amends section 226 consequentially to proposed section 115(2a) (see clause 42).

Part 3—Transitional provisions

This Part sets out transitional provisions related to the enactment of this measure.

Debate adjourned on motion of Mrs Redmond.

SURVEY (FUNDING AND PROMOTION OF SURVEYING QUALIFICATIONS) AMENDMENT BILL

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (15:58): Obtained leave and introduced a bill for an act to amend the Survey Act 1992. Read a first time.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (15:59): 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.

The *Survey Act 1992* provides for the licensing and registration of surveyors and makes provisions relating to the surveying of land boundaries. Surveyors play a critical role in the economic development of the State's land development and subdivision processes. Only licensed surveyors can carry out surveys of property boundaries.

I am advised that there are approximately 100 licensed surveyors actively lodging surveys in the Lands Titles Office and a number of others holding administrative roles in government and the private sector. Surveying is an aging profession and there is a shortage of surveyors both nationally and locally and little opportunity to attract surveyors from other parts of Australia or overseas.

In 2005 the University of South Australia ceased offering the undergraduate course necessary for a person to become a licensed or registered surveyor. As a consequence surveying qualifications are no longer offered in South Australia.

The Government is concerned that the closure of the surveying program will have a significant and ongoing impact on the ability to supply the number of surveyors required to support development in the State and has been working with the Institution of Surveyors to explore opportunities to re-establish appropriate courses in South Australia.

The Institution of Surveyors has responsibilities under the *Survey Act 1992* to license and register surveyors and to provide a general oversight over the professional practice of surveyors. Funding to enable it to undertake these responsibilities is provided by way of a levy on plans certified by licensed surveyors and lodged in the Lands Titles Registration Office.

This Bill enables the Institution to utilise money gathered from the plan levy to contribute to the cost of running these courses in surveying and promoting surveying as a career.

Negotiations are currently taking place between the Institution and the University of South Australia to develop an appropriate program of study.

The proposal has the full support of the Institution of Surveyors and has been endorsed by the Survey Advisory Committee. The Housing Industry Association has advised that it believes it essential that surveying courses continue to be provided in South Australia and support this approach.

I commend this Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Survey Act 1992*

3—Amendment of section 10—Functions of Institution of Surveyors under this Act

The following function is assigned to the Institution of Surveyors: providing financial and other assistance for the conduct by a university of, or participation of a student in, a course of instruction and training that provides qualifications for licensing or registration as a surveyor, and otherwise promoting surveying as a career, as agreed with the Minister.

Debate adjourned on motion of Mrs Redmond.

STATUTES AMENDMENT (ENERGY EFFICIENCY SHORTFALLS) BILL

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (16:00): Obtained leave and introduced a bill for an act to amend the Electricity Act 1996 and the Gas Act 1997. Read a first time.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (16:00): 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.

The Bill I am introducing today is a key step in implementing the Government's Residential Energy Efficiency Scheme (REES), which commenced on 1 January 2009.

The REES delivers on the Government's commitment to assisting South Australian families, particularly low income families, reduce their energy bills, cut their greenhouse emissions, and help them prepare for price increases arising from emissions trading in 2010. The Honourable Mike Rann announced the REES at the Solar Cities Congress in Adelaide in February 2009.

The REES takes effect as a licence condition for all retailers of electricity and gas in South Australia who supply more than a threshold number of residential customers. The framework for the scheme has been established by regulations under the *Electricity Act 1996* and *Gas Act 1997*.

The REES requires obliged retailers to meet three targets in respect of each of their licences. Firstly, they must achieve a set amount of greenhouse gas savings, measured in tonnes of carbon dioxide equivalent, by implementing energy efficiency activities such as ceiling insulation in households. Secondly, they must ensure a set proportion of these savings are achieved in a Priority Group comprising low income households and those in hardship. Thirdly, they must deliver a set number of energy audits to Priority Group households.

Scheme targets are set by myself, as Minister for Energy, and are apportioned to obliged retailers by the Essential Services Commission of South Australia (ESCOSA). I also set the minimum requirements for an energy audit; and the initial list of eligible energy efficiency activities retailers can implement, their deemed value in tonnes of greenhouse savings, and their minimum specification. ESCOSA has the role of maintaining the list of energy efficiency activities going forward.

The REES is similar to schemes being established in other jurisdictions, including the Victorian Energy Efficiency Target and New South Wales Energy Efficiency Target. These schemes also commence in 2009.

This Bill amends the *Electricity Act 1996* and *Gas Act 1997* to provide for a new and flexible penalty regime specifically for the REES and which is designed to motivate retailers to comply with their obligations.

In essence, the penalty regime applies where ESCOSA finds that a retailer has not met more than 90 per cent of one or more of its targets for the year. If this occurs, ESCOSA may issue a notice giving the retailer a choice to either pay a monetary penalty, which varies depending on the size of the shortfall; or be prosecuted for breach of licence which carries a criminal conviction and a fine of up to one million dollars. If the retailer has met more than 90 per cent of its target, any shortfall is simply carried over to the next year without penalty.

The monetary penalty has two components:—a flat rate of up to $100.000 which is payable regardless of the size of the shortfall; and a dollar value for each tonne of carbon dioxide equivalent not saved, and for each energy audit not undertaken. Dollar values are to be set above what it would cost retailers to comply, and at a level sufficient to deter non-compliance. The actual dollar values will be considered by the Government and set by Regulation once this Bill has been passed. Any penalties are paid to the Consolidated Account.

If the retailer ignores the notice or refuses to make a choice, ESCOSA has discretion to either enforce the monetary penalty as a debt, or prosecute for breach of licence. Nothing stops ESCOSA from commencing proceedings for breach of licence at any time, but if it does so, then it cannot also recover the monetary penalty.

A 'make good' provision has been included for a shortfall relating to a retailer's energy audit target. This means that even though a retailer pays a penalty or is successfully prosecuted, the entire audit shortfall is added to the retailer's target for the next year. Without this provision, there is a material risk that retailers may pay the penalty rather than comply. The energy audit is an important component of assisting low income families, and the Government has sought to ensure the primacy of this measure.

The amendments provided for in this Bill and the anticipated amendments to the regulations will come into force after the commencement of the REES (1 January 2009). Accordingly, the Bill specifically provides that the penalty regime applies to any relevant shortfall arising in its first year of the operation.

In addition to the penalty regime, retailers face significant commercial, prudential and reputational risk in not complying with their obligations under their licence. All of these things in combination will assist in ensuring South Australian families, including low income families, benefit from reduced energy costs, as well as delivering environmental benefits from reduced greenhouse gas emissions.

The Department for Transport, Energy and Infrastructure consulted extensively with retailers, their potential contractors, ESCOSA, welfare groups and other stakeholders during 2008. This included specific consultation on the penalty regime established by this Bill.

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 *Electricity Act 1996*

4—Insertion of section 94B

This clause inserts new section 94B.

94B—Energy efficiency shortfalls

Proposed section 94B provides that an electricity retailer is liable to a penalty imposed by the Essential Services Commission of South Australia if the retailer has failed to engage, in accordance with and to the extent required by the regulations, in activities relating to energy efficiency identified by the regulations (an 'energy efficiency shortfall'). The penalty is comprised of a prescribed base penalty and an additional amount to reflect the extent of the energy efficiency shortfall. Procedures for recovering a penalty are set out in the measure. A retailer may elect to be prosecuted in respect of a shortfall instead of paying the shortfall penalty.

Part 3—Amendment of *Gas Act 1997*

5—Insertion of section 91A

This clause inserts new section 91A.

91A—Energy efficiency shortfalls

Proposed section 91A is to the same effect as proposed section 94B of the *Electricity Act 1996*. Retailers required to engage in energy efficiency activities hold licences under both the *Gas Act 1997* and the *Electricity Act 1996*. Hence, it is necessary to insert the penalty provision into both Acts.

Debate adjourned on motion of Mrs Redmond.

CROSS-BORDER JUSTICE BILL

Adjourned debate on second reading.

(Continued from 4 February 2009. Page 1368.)

Mrs REDMOND (Heysen) (16:02): I indicate that I am the lead speaker for the opposition on this bill. Subject to the possibility of perhaps moving some amendments, to which I will allude later, we do support, in essence, the principle of the bill.

First, I thank the officers of the Attorney's staff and the department for their briefing. The bill aims to facilitate the administration of justice in a region known as the NPY lands, which captures an area that crosses the borders of South Australia, the Northern Territory and Western Australia.

It is a bit hard to describe without a map in front of one just where the area is, but it starts with the area in South Australia with which many of us would be reasonably familiar, the APY lands, up in the north-western corner which, of course, borders the Northern Territory and South Australia. We take that area as the starting point and include across the Northern Territory border an area which stretches from the Western Australian border all the way across to, basically, the Queensland border, but does not go up as far as Alice Springs, and then an area known as the Central Reserves in Western Australia, which comes down the Western Australian border, with the Northern Territory and South Australia, but is not exactly at the same point as those areas from the Northern Territory and South Australia that I have described.

It covers an area of, I think, about 450,000 square kilometres, so it is quite a big area. It is obviously quite remote and it is populated almost exclusively by indigenous peoples from various groups. In the act, as I understand it from the briefing, the description will be made as to the area by reference to latitude and longitude reference points, and the act is designed so that, if necessary, other areas can be introduced at a later stage, if it all works out at this stage. So, for short reference in the rest of my discussion on this bill, I will refer to it as the NPY lands.

As I said, it is very remote but it is quite obvious, when you think about it, that the groupings of indigenous people who live in those lands do so without any reference to state borders. I know from when I represented the Mirning people, although we based the claim mostly out of South Australia, it basically went from Fowler's Bay in South Australia in a big arc across the Nullarbor to a point called Point Culver in Western Australia without any notice of the border between those two states. I am familiar with the idea that people living in those areas do not recognise or take any notice of state borders.

This legislation is modelled on some legislation that has already passed the West Australian Parliament and essentially, from my memory and notes of what happened, there was a

what was called a tri-jurisdictional justice initiative round table which occurred in 2003. That involved, amongst other people, the NPY Women's Council. That council exists basically to support and to advocate for women's issues, in particular, and obviously, connected with that, children's issues within that area. It was already operating within that tri-state area. The round table also involved judicial officers and police and other people working in the criminal justice system, and that would clearly have included people like social workers and so on.

Their aim was to find better ways of providing more efficient and more effective justice services within that area of the NPY lands. A lot of the provision of services in those areas is often hampered by the fact that there are state borders, so state authorities are providing services that only go up to the border. It was described at the briefing as putting a rubber band around the area so that the state borders are no longer relevant for the provision of services or the provision of access.

Why did they decide to get together and do this? Primarily because on the NPY lands, as we would be aware in this state from the APY lands, at times there are quite significant problems with alcohol abuse, substance abuse, petrol sniffing—which, of course, people will be familiar with—sexual abuse and domestic violence issues. Because most of our legislation and attempts to deal with those things at this stage are stopping at the border, there was a problem with—for instance, to take the simplest example—someone who committed an offence in South Australia could just get across the border into Western Australia and the police would effectively have to stop their pursuit at the border and then go through a process of arranging an extradition of the person, which is a lengthy and complicated thing to do.

There was a roundtable in 2003 and the outcome was that, in 2007, the three governments—that is, the West Australian, Northern Territory and South Australian governments—agreed that they would develop a bill and, indeed, agreed that the model bill on which the other two jurisdictions could base their legislation would be developed by Western Australia. I guess it is important, from a legal perspective—and the Attorney certainly stated it in his second reading, or it was in his second reading as inserted in *Hansard*—that this bill does not attempt to change the substantive law as it applies in any state. It is not actually changing the law of the state or the Northern Territory or Western Australia, obviously, and nor do their laws change their substantive law. I will come to a couple of minor exceptions in due course. What it aims to do is to make our law applicable in the Territory or Western Australia with things that are connected to the lands. We will come, in due course, to how it is defined to come within the lands or have a necessary nexus to the lands.

What it does, though, is basically enable the operation of our law to extend beyond South Australia's borders but still operate as though it was in South Australia. For instance, a court in Western Australia could deal with an offender in Western Australia (but who lived in the APY lands and committed an offence in South Australia) subject to the laws of South Australia.

As I said, the Western Australian parliament was the first one to pass legislation and they already have that in operation—

The Hon. M.J. Atkinson: Surely it should be 'it'. Surely the parliament is singular.

Mrs REDMOND: The members of the Western Australian parliament passed the legislation, which received royal assent on 31 March last year. I cannot recall exactly from the briefing, but I think the legislation currently before us is roughly equivalent to legislation that is also before the Northern Territory parliament as we speak.

The intention of the bill is to allow for easier, cheaper and faster prosecution of alleged offenders by removing the need to extradite between the states, but it is more complex than simply allowing police (as in my illustration) to run across the border to apprehend someone. The bill provides that police, magistrates and so on will be able to use the nearest, most convenient court facility.

So, an offender in South Australia who seeks to escape across the border can be chased across the border, apprehended, and either brought back to South Australia (if that is the most convenient thing to do) or brought before an appropriate court in the other state or territory but dealt with in that court as if the court were in the state of South Australia. The magistrate would apply South Australian law, albeit that it is in Western Australia.

This necessitates the court in the other state or territory having magistrates who have been specially trained in the laws of the respective states and territories, and, similarly, police being

authorised as special constables trained in the laws of the other states and territories. It also requires some modifications to sentencing, which I will also deal with in due course.

It occurred to me, when I was looking at the bill, that someone who lives in the APY lands and who commits an offence in the APY lands could run across the border into Western Australia and into the area of the Central Reserves (as it called), which is part of these NPY lands. Clearly, the bill provides that the act will apply to them and that the cross-border provisions will apply. They can be captured and dealt with without extradition under this legislation.

However, I am very familiar with the way the bush telegraph works in some of these remote areas—it works with amazing effectiveness—and it occurred to me that someone might run into Western Australia but specifically go further down the border, out of the area bounded by these NPY lands, and thus avoid the problem. However, the act addresses that by making provision that the alleged offence has to have a nexus with the scope of those lands; it is not necessary that it be committed there.

So, one of the factors is that the alleged offence occurred within the region, and that factor alone enables the chasing, even though the chasing might have to go to somewhere outside the region, or if the offender is arrested in the region (so, even if the offence were committed somewhere else), or if the alleged offender was normally resident in the cross-border region either on the date they commit the offence or the date on which they are charged, basically the date of arrest.

There is also another provision which says that if, when the person comes before the court, he ordinarily resides in the region, or is before the court for a different matter that has a connection with the region, then that will also activate these provisions.

That may have some interesting consequences. For instance, theoretically, someone who lives in suburban Adelaide might run away up into the APY lands, having committed an offence in suburban Adelaide, and be caught and arrested there. One wonders what effect that might have on where things might happen because it provides that the alleged offender was arrested in the region. I would have thought that it could create some complications and, indeed, I will come to what the Aboriginal Legal Rights Movement (ALRM) says about the matter; I think they mention it.

The onus of proving that you have not activated the application of this legislation is going to rest with the person who is the alleged offender. So, the police make the assertion and if you say, 'Hang on a minute. No, I am not subject to the cross-border territorial jurisdiction', you have to prove it, and I think that is another issue that ALRM has mentioned in its letter.

As to the matters which are covered, essentially, they are Magistrates Court matters and Youth Court matters, provided it is a Youth Court constituted other than of a judge or someone sitting with a judge. The vast majority of youth offenders are dealt with in a Youth Court which is constituted by a magistrate sitting alone. Under this legislation, if one of the other conditions is met to activate it, the sorts of matters that a magistrate can deal with are basically summary offences, offences before the Youth Court which are of the sort which a magistrate would normally deal with, and a number of more serious or indictable offences which come before a magistrate, for instance, for a bail application or a committal matter; then those can also be dealt with.

It is basically intended to ease the accessibility of that lower level—or, in the more serious cases, the first level—of the justice process without having the need to extradite. You can imagine the difficulties of extradition if someone was running away and crossed the state border into another state where the police cannot chase. They then have to make application for the other police to apprehend the person; they then have to deal with resistance to an extradition order which has to be legally funded and so on. A range of issues, not covered by the legislation, will simply be practical issues that are likely to arise in the whole of what will happen in the course of these provisions being triggered.

I want to highlight the example the Attorney gave in his second reading explanation of the sort of thing that can happen regarding the jurisdiction and so on. He said:

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

I thought that was a straightforward way of expressing just what happens. As I said, there will still be a need for certain modifications which are considered necessary for the implementation of the scheme.

When they began to think about having this legislation, after this round table, and they decided that it was necessary to have this cross-border justice legislation, and having resolved that they would have this cross-border jurisdictional regime apply, they began to look at where the differences in the law would occur and whether there was any incompatibility.

As I have said, it will be necessary that particularly magistrates and police officers will need to be trained in the law that applies in the other, in our case, state or territory so they can then be special constables or magistrates for that state or territory if an offender is apprehended within South Australia for an offence committed elsewhere. They did that. There was a detailed examination of the law, and the main differences were fines enforcement. From recollection, the territory and Western Australia are, I guess, more heavy-handed in their application of fines enforcement in that, if you do not pay the fine, a warrant will be issued and you will be arrested; whereas, in South Australia, a precedent is issued to have you brought back before the court, effectively, but not to just throw you in the slammer straightaway.

According to the second reading speech of the Attorney-General, South Australia does not allow police to issue short-term restraining orders. I have not had time to check how things work in the other states by way of comparison, but my understanding of it is that—and it is now more than seven years since I have been in practice, and I am not aware of any change—if you are in fear of someone, you go to the police station, put the facts before a police officer and that police officer does, indeed, issue an interim restraining order.

The Hon. M.J. Atkinson: Ex parte.

Mrs REDMOND: The restraining order is then issued, as the Attorney says, ex parte. It must then be served on the person to whom it relates, and that person has the opportunity to go before the court and dispute the restraining order, although that is generally singularly unsuccessful. Why would anyone object to having a restraining order against them? Just as an aside, my experience of restraining orders is that they are only as good as the person who is willing to comply with them and, therefore, they are of little assistance with the really difficult circumstances that can arise.

I do not dispute for one minute that there is a difference between our state and the Northern Territory and WA in terms of how they operate restraining orders. However, I was a little puzzled by the Attorney's assertion in his second reading speech that the difference arises because South Australian police are not authorised to simply issue a short-term restraining order. Maybe it is just a difference in the technicality that our restraining order must be—once issued ex parte—served as soon as possible on the person against whom it has been issued, and they must have the opportunity to take the matter to court and dispute that order. So, perhaps the Attorney can clarify that in his response in due course.

There is not really a major difference between the states and territories, but there is a commonwealth act, the Service and Execution of Process Act, which also needs amendment. I understand that the commonwealth supports the basic thrust of the legislation and has agreed to amend the act. It intends to do so by introducing legislation for that purpose this month.

The bill also provides for a review of the operation of this legislation after three years. I suspect that, if it operates well, it may well then be extended to other areas. As I said earlier, the bill is designed so that other areas can be incorporated into the same system. For instance, the area that I used to be involved in, in the far West Coast native title claim which stretched well across into Western Australia, could be the sort of area that is incorporated into a new area covered by this legislation.

When I read through the legislation and had the benefit of the briefing from the departmental officers—whom I thanked at the beginning of my comments but who are not here to hear them—it occurred to me that there are a number of questions I would like to explore. The first question is that of indirect discrimination.

The bill for equal opportunity will be in this chamber shortly; it is currently in the other place. It may not be here very soon, but it will eventually arrive, probably. In any event, the notion within that legislation is that one could be guilty of direct discrimination by simply saying, 'I am not going

to employ females as lawyers'—as an assistant Crown Solicitor once said to me—and, 'if they must be lawyers, they are only going to do conveyancing while I am the assistant crown.'

The Hon. M.J. Atkinson: Would that be in New South Wales?

Mrs REDMOND: That was in New South Wales, and it was a long time ago. That is direct discrimination. An example of indirect discrimination is that, if you do not want to employ women and, instead of saying, 'I'm only going to employ men in this job,' you say, 'I'm only going to employ people who are more than five feet nine tall.' I am sorry, I cannot convert that into centimetres; I still work on old measurements in terms of height, and I am sure the entire population works on old measurements in terms of height.

The point is that, with indirect discrimination, if you do not want to employ women, you do not say, 'I'm not going to employ women,' you simply say, 'I'm only going to employ applicants who are more than five foot nine or five foot ten,' or whatever. Most women will be shorter than that, so it can be argued that that sort of thing creates a barrier for women, which is reasonable if there is a reason for the height requirement but not reasonable if all you are doing is trying to exclude a class.

It occurred to me, in reading this legislation, that there is potential for the same problem here. In applying a particular regime to this area, there is potential for someone aggrieved by it to say, 'I am being discriminated against,' because this regime will clearly apply predominantly to indigenous people. It is perfectly reasonable to say, yes, that is true, but it is not designed to apply just to indigenous people; it is designed to apply to anyone within the lands.

That is absolutely true; nevertheless, I think there could be at some future time an argument by someone aggrieved by this legislation and its effect that they are being discriminated against. That occurred to me. I noted in the ALRM submission, which I will come to shortly, that they also raised the same sort of issue.

I also wondered about the practical aspects of interpreters. People from certain groups within that area, should they run away and be caught in a far-flung area, may well be people for whom English is not even a second language, for whom English is not a language, and who will find significant difficulty in terms of understanding the processes being applied to them. As I said, it is a practical aspect of how this will all be implemented rather than a complaint about the legislation.

I recognise that we cannot put everything into legislation, but I suspect that some difficulty may arise in terms of not just interpreters but even in the provision of legal aid. For example, someone in another state or territory who needs legal aid to appear in a Western Australian court for an offence committed in the Northern Territory may reside in the APY lands. I think there will be some complications. Again, when I read the ALRM submission, it was something that had also occurred to them.

I also thought about the choice of what we used to call the forum conveniens and at whose convenience that forum is chosen, whether the person who is the alleged offender gets any say about whether the matter is heard interstate or they are taken back to their original place. I have no doubt that all those decisions will impact on each other. In order to hear a matter with a person who does not speak any language which is relevant to where they are and with whom one cannot communicate, I think it would automatically direct that the matter be referred back to a jurisdiction where they can be understood and can obtain appropriate legal advice. I think there will be some complexities in how that comes out in the wash.

If this system seems to work and seems to be effective enough to be spread to other regions, will we end up with separate sets of laws that apply to one group of people as opposed to another? I have a real concern about an apartheid aspect to any problem that might arise; and I accept the Attorney-General knows much better how to pronounce the word 'apartheid'. Those questions occurred to me.

I was interested to receive a letter from the Law Society, which indicated that both its Aboriginal Issues Committee and its Criminal Law Committee had considered the legislation. Essentially, they endorsed what ALRM had to say about it. They did talk about some things, which I will deal with in more detail when I talk about the ALRM position on it. They talked about the width of the application and how you define something being triggered by this legislation. They raised the problem of an offence being committed in Adelaide by a person who lives in Adelaide but who is

arrested on the APY lands. Suddenly, this seems to be triggered in spite of the fact that normally that would not be necessary at all.

They raised a question about retrospectivity in clause 18. They raised some concern about the reverse onus, about which I have already spoken. They felt the meaning of the word 'suspected' might be capable of a more precise definition; they thought it was a bit rubbery.

I want to deal in some detail with what ALRM had to say about the bill. In a fairly lengthy paper they set out about 15 concerns. I do not intend to read them in detail but, like the Law Society, they refer to the problem of the reversal of the onus of proof. They say that if the person being arrested disputes they were in the cross-border region at the time of the arrest or that they ordinarily resided there, the onus of proof of that is on the person who has been arrested. The ALRM submits that that is not appropriate. They would like to see that opposed and, indeed, deleted from the legislation.

I indicate that I only got ALRM's submission this morning. I have read it and considered it, but it has not been considered by our party room, so at this stage I will not be indicating our position in relation to any of these proposed amendments. However, they are worthy of being noted because the ALRM has done a lot of work in considering the bill. Like the Law Society, they express concern with the provision of section 18 about retrospectivity. They felt that the legal concept of residence was very elastic.

Their fourth point is that they say:

> ...effectively the only Court that can exercise uniform jurisdiction over cross border appeals is the High Court of Australia, since it is the only Court of Appeal from each of the State and Territory Supreme Courts. Whether the High Court will be able to develop uniformity between the State and Territory Supreme Courts remains to be seen.

They suggest that, indeed, there not only needs to be uniformity of interpretation but a kind of cross border common law. They think that that will need to be developed.

Their fifth point is one of the things that I had thought about. They expressed some major concerns about resource implications, because obviously they are already significantly underfunded, and the option of having police and magistrates who are trained in the laws of other states is likely to necessitate lawyers able to represent people who are arrested, for instance, for South Australian offences in other states and thereby the Aboriginal Legal Rights Movement (or their equivalent people) being required to also be familiar with processes and so forth in other states. They already have some concerns about their ability to provide and maintain adequate training for the lawyers involved and they do raise the question (although they do not point to anything specifically) of professional indemnity insurance.

They talk about limited cross admission for practitioners. They say that the cross admission practitioners would not have the same status as fully admitted practitioners in the states and territories, but, no doubt, in due course, that will be taken care of by the Legal Profession Bill. Like me, they raise the question of what happens if an interpreter is needed and was not or cannot be provided. Interestingly though, they made a couple of comments that I think are quite positive in terms of suggested improvements to the legislation.

In particular, they raise the issues of what about guardianship boards and mental health legislation? They recommended that there be a consultation with the Nganampa Health Council to find out from the medical practitioners associated with that health council whether they should have the extension of those particular bits of legislation, and they also considered that similar considerations would apply to guardianship orders and the role of the Public Advocate.

I think that there is some merit in what they say. It is self-evident that the original impetus for this whole legislation has come from the fact that we have significant alcohol and drug dependency problems, substance abuse problems and even domestic violence problems and so on. If we are to make the administration of justice across the borders simpler, those sorts of issues will often come into contact with issues of guardianship orders, mental health issues and the need for the involvement of the Public Advocate.

In a number of their submissions, they recommend that these extra areas will be taken up. They do not specifically say one way or the other in their fairly lengthy submission, but I take it that they are relatively comfortable with the overall thrust of the legislation—its being initiated (as it was) with the NPY Women's Council. However, they do suggest that it might be appropriate to consider including guardianship and mental health aspects.

At item No. 11 of their submission they raise this issue that I raised, although they do not call it 'indirect discrimination'. They say that they have concerns that this complex legislation is being enacted to cover the tri-state region, which will have the effect of singling out the people who live on the APY lands. I think the point that they are making is the one to which I have already alluded; that is, it could be seen as indirect discrimination. They also talk about what I referred to as the 'forum conveniens', but they talk about the danger of forum shopping and raise the issue of the number of criminal files which will be aggregated and dealt with at the same time.

They say it will be entirely possible for a South Australian magistrate, sitting in Western Australia, to deal with Northern Territory, South Australian and Western Australian offences in relation to the same individual, and the likelihood of custodial sentences being imposed is, accordingly, increased.

The ALRM then raise an interesting little issue of work sharing and custody notifications. They point out that there is a general order 3015 applicable to SAPOL which requires South Australian police to notify ALRM of the arrest of Aboriginal people in South Australia. They simply raise the query: has the equivalent of that been thought of?

Clearly, the actual laws in place in each place have been thought of, but in practical terms is there going to be an obligation to notify ALRM or its equivalent? How is that communication going to occur? So, they are raising some of the practical difficulties, although I take it that they are not unhappy with, as I said, the basic thrust of the bill.

The ALRM simply state that it would be desirable for there to be uniformity on this topic, preferably by legislative requirement, that the state and territory police make relevant notification to the relevant people. They go on to state:

> In addition, protocols will need to be arranged to ensure that the appropriate [people are] notified of an interstate arrest by its jurisdiction's police, interstate.

They use the firm ATSILS, but what they talk about is having a conference to resolve those issues and discuss the full implications of what it is going to mean in practical terms to implement all of this.

The last issue that the ALRM raise concerns the operation of the Coroner's jurisdiction under the tri-state legislation, particularly regarding the proposed effect on the Coroner's jurisdiction for deaths in custody. They state:

> At this stage it appears the state Coroner will have interstate jurisdiction over deaths of SA people in SA police custody interstate, by virtue of section 3 of the Coroner's Act 2003, as well as geographical jurisdiction over all deaths in custody that occur in South Australia, regardless of whose custody the person was in.

As I said, the ALRM did quite a bit of work in looking at the detail of the bill, but more especially in trying to consider in practical terms—and they are probably the ideal group to do that—how this is going to impact.

I did not get a sense from their submission that they are opposed overall to the introduction of the legislation, but that they do raise these issues, some of them quite particularly about retrospectivity and so on, but in other areas they simply think that, when you start thinking about how this is going to work, they are so familiar with what happens in criminal cases, being virtually the only legal service provider for people in the APY lands, that they are alive to the various practical considerations that are likely to come about in implementing the legislation.

I think there is some merit in their idea that there be some sort of a conference for those who are involved in the practical implementation of this legislation, so that all those issues can be worked through as part of the introduction, rather than simply waiting to see what happens three years from when it commences when the legislation itself will be due for review.

As I said, it is a bill which I indicate that those of us on this side of the house will be supporting. At this stage we are not in a position to indicate whether we will be seeking to take up any of the matters raised by ALRM in their submissions but, as I understand their position, it is not that they are seeking opposition or seeking to defeat the bill, they are merely seeking to raise what they consider to be reasonable difficulties which could arise in its implementation and to offer some constructive criticism on how best to overcome those particular problems. So, with those few words, I indicate—

The Hon. M.J. Atkinson: Few!

Mrs REDMOND: The Attorney says 'few'—and he could be inviting me to speak for even longer, but I will resist the temptation.

The Hon. M.J. Atkinson interjecting:

Mrs REDMOND: I will resist the temptation to speak for longer to allow some of my colleagues to speak. I thank the member for Mitchell for alerting me to the Law Society's submission in the first instance. I know the member for Mitchell and a couple of other members on this side want to add a couple of comments in relation to the bill.

Dr McFETRIDGE (Morphett) (16:45): I rise to support the Cross-Border Justice Bill. My colleague the shadow minister spoke about a number of issues, and I will raise some concerns in my contribution. This bill is going to cover an area over parts of Western Australia, the Northern Territory and South Australia. There is a map available (put out by the Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council) which covers most of the Central Desert and Western Desert communities. I assume this is about the region that is going to be covered by this bill. It goes from Tjirrkarli in Western Australia in the Ngaanyatjarra Shire to not quite up to Kintore in the Northern Territory, across to Finke (or Aputula, as the Aboriginal people call Finke) in the Northern Territory, down to Mimili and Indulkana, Watarru and to Wallatinna.

The issues of law and order, family violence, crime and domestic violence have been well covered by a number of pieces of legislation that have gone through this place. One of the problems that has been around for quite a while is the way that people who live in these areas move around from community to community. The borders do not really mean a lot to them. Their land is part of their culture and has been for thousands and thousands of years. This bill will enable police officers who are working in South Australia, the Northern Territory and Western Australia to act across borders to implement legislation, despite which state it originates in.

Northern Territory police officers can go into South Australia or Western Australia; South Australian officers can go into Western Australia and the Northern Territory; and Western Australian officers can go into the Northern Territory and South Australia. It is long overdue. There has been some opportunity to use special constable provisions, as is the case with the South Australian police officers going to Victoria at the moment to assist over there, in these cross-border regions in the Northern Territory and Western Australia. This piece of legislation smooths out that whole process and puts it into a much longer term of action which is absolutely necessary.

The need to do this has been highlighted, particularly in the recent Mullighan report and in several Coroner's reports. It is interesting to note that in October 2008, in the APY Lands Task Force's most recent report, there was some mention of safety issues, some of the achievements that the government had either achieved or were aiming towards were increasing penalties for trafficking petrol and other substances; establishment of mobile drug and alcohol services; and the substance misuse centre that opened at Amata. I went there last year to have a look at it. It was interesting that the only people there at the time were a local rock band practising in one of the halls and some people who were involved in housing upgrades who were using the facility as temporary accommodation. It is a good facility and certainly one that is long overdue.

The issue of police officers on the lands has been one of contention in this place. The government says that there were no police on the lands before 2004, and that is correct inasmuch as there were no police officers actually living on the lands and stationed on the lands before then but there were patrols going out there regularly. The tyranny of distance is a real issue out there. Just to remind people in this house that if you drive from Adelaide to Pipalyatjara, which is in the north-western corner of South Australia, by road miles it is actually further than driving to Sydney. The last part of that trip is a very difficult drive over some very ordinary roads. The need to get police into the communities is something that is absolutely necessary. The APY Lands Task Force has been working on that.

It is interesting that the senate inquiry into petrol sniffing was in Adelaide yesterday receiving submissions. I understand that members of the Aboriginal Affairs and Reconciliation Division were witnesses there, but were unaware that this bill was being debated in the house today. I hope they have now been brought up to speed, because the department's submission, of August last year, to the Senate Committee Inquiring into Petrol Sniffing and Substance Abuse in Central Australia said that a draft bill had been developed and was still being discussed at cross-jurisdictional meetings, and that specific operational protocols were also being discussed. I hope the minister can enlighten us regarding what is happening with those protocols; whether discussions have progressed and whether the protocols have been laid out. Without those

operational protocols it will be difficult for police officers to do their job—that is, chase crims and crooks and others they want to catch across borders.

Operation Midrealm was established in 2004 by the Northern Territory, South Australian and Western Australian police with the help of the federal government. It was aimed mainly at cracking down on illicit substance abuse and semi-organised drug organisation throughout the Ngaanyatjarra Pitjantjatjara Yankunytjatjara lands. This legislation is another step forward.

The bill does have some areas about which the Attorney, a much more learned legal mind than mine, will perhaps be able to enlighten me. One issue relates to the differences between South Australian and Western Australian legislation on P-plate drivers. I understand that in Western Australia one can have a blood alcohol content of .02; in South Australia it is zero, and I am not sure what it is in the Northern Territory. It is those sorts of issues, and I am sure there are one or two others out there, that need to be worked through before the protocols can be put in place and any ambiguities sorted out.

The need for this bill is well and truly supported by all the communities up there. I have spoken to them recently about this legislation and they are keen to see it come into effect, because there have been a number of occasions when communities up there were aware of offenders within their communities and from other communities who were evading the law by going across the border—whether from South Australia to Western Australia or the Northern Territory or vice versa. Of course, there was a well publicised case of an elder from a community, an alleged paedophile, who moved from South Australia to the Northern Territory. I am told that some of the stories around that were fiction, but the concern is still there that people who commit crimes are able to avoid apprehension by going across borders. We hope this legislation will fix that.

The member for Heysen, the shadow attorney-general, has been through her concerns and those of the ALRM, and from the ALRM's point of view I would like to see the Attorney-General come out and say that he will help it with its funding for these cases. I would like to see that happen because back in 1991, when discussing the royal commission into deaths in custody, the Premier, the then minister for Aboriginal affairs, said that he would do that, he would increase ALRM funding. I would like to see that funding increased by this government as the Premier, the then minister for Aboriginal affairs, said it would be back in 1991. It is a shame it is not happening now.

I ask the Attorney to make sure that this legislation is able to work, that the people who are expected to both enforce it and deal with its legal technicalities are able to do so and are not limited by funding. It is not a matter of whether or not it is Liberal Party policy: it is a matter of whether this legislation, that the government has put before this house, will be properly funded and whether all the participants who are caught up in it will be able to deal with the legislation in the way intended.

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order, the Attorney!

Dr McFETRIDGE: I wish the legislation speedy passage through the house.

[Sitting extended beyond 17:00 on motion of Hon. M.J. Atkinson]

Mr HANNA (Mitchell) (16:55): It is amazing how often I hear comments like 'they should just abolish the states' when I am amongst my local community discussing politics or general issues. I do not know whether to some extent that is a reflection of their perception of members of parliament. The logic goes something like this: MPs behave badly; if we had fewer of them, there would be less bad behaviour. That perhaps drives some of that.

People also see some practical issues with our multiplicity of states and the rigidity of state borders in many cases, not to mention the duplication of funds that is required. For example, people see that there are nine or more police forces in Australia and, quite rightly, people ask whether there is some wastage in having all these separate structures. A country like South Africa is quite a good comparison in terms of its constitutional set-up, to some extent, and they have one national police force that covers the whole country. Why can't we have that?

The Hon. M.J. Atkinson: What's the crime rate there, Kris?

The SPEAKER: Order!

Mr HANNA: I believe that one day it will happen. I am quite sympathetic to the notion that the states should be abolished. I do not feel at all hypocritical in serving in the state parliament until that happens—

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order! The Attorney-General will have an opportunity to respond.

Mr HANNA: —and I will serve the community to the best of my ability while we have the state parliament. I believe that, perhaps before the end of this century, we will find that we can actually do without them. The Canberra government will become stronger in terms of its relative financial power and people will also see more sense in having regional governments based around water catchments.

Returning to the legislation before us, another of these practical issues that people think is ludicrous is that people can cross over a state border and thereupon throw up a great barrier to pursuing them for either criminal matters or civil remedies. While it is true that, if a debtor in South Australia escapes to Queensland, for example, it is possible to engage local debt collectors or lawyers in Queensland to pursue them there. The fact is there is extra expense. It is a foreign jurisdiction with different civil procedures, and that is ludicrous in a country of 21 million people.

In criminal matters, the same thing applies. We have a situation like that I have seen in some B-grade American crime movies where the felons drive as fast as they can to get across the state line and, magically, they appear to be immune from apprehension once they have crossed a state border in the US. It is actually like that in real life here in Australia. The elaborate procedures for extradition are carried out in relation to serious offenders but I know for a fact that, in relation to a number of minor offenders, police simply do not bother to go through the extradition procedures that are available. It is just not worth it for some minor offending.

The government is taking a constructive step in bringing in this cross-border justice legislation which makes South Australian borders more porous for law enforcement and judicial procedure purposes. The bill throws up a host of practical issues, and I will have a dozen or so questions to ask when we have the opportunity to examine the clauses in detail, but I do support the bill.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (17:00): I thank the members for Heysen, Morphett and Mitchell for their contributions and I note what I interpret as a pledge from the member for Morphett that a Hamilton-Smith government will fund, for the first time, the Aboriginal Legal Rights Movement from state taxpayers' funds.

The member for Heysen asked whether the legislation would have a disproportionate effect on indigenous people. I think she answered her own question—yes, it will. The whole cross-border scheme is a response to problems faced by indigenous people living in the region, but it will apply to any offender in the region.

It is true that more indigenous people live in the region than non-indigenous people. The legislation is a response to safety concerns brought to the governments of the three jurisdictions by representatives of the indigenous communities. But the law applies to everyone who has a connection to the region. People who are passing through the region and commit offences and people who go into the region to commit offences such as alcohol and drug running may be dealt with under this legislation. It is enabling, not mandatory, in its application.

Crime statistics indicate a much higher rate of offending in the APY lands than in the rest of South Australia. There has been a reduction in offending or, if you like, increased public safety over the past few years because of increased police presence and enforcement in the region. We are still trying to increase the number of police on and living within the APY lands. We think that the cross-border scheme will give the police the tools to apprehend offenders who have avoided detection in the past by crossing state or territory borders.

On the question of the reversal of onus, there are three ways to establish a connection with the region. One is substantive, the place of the offence. The others are procedural, the place of arrest and the place of residence. It would, of course, have been inappropriate to reverse the onus about the place of offence as that is a substantive matter going to the proof of the offence. An accused is required to prove place of arrest or residence on the balance of probabilities. If the onus on procedural matters were not reversed, the prosecution would have to prove an additional non-substantive element that the prosecution would not normally have to prove.

If the prosecution were required to prove the procedural matters, there would be the potential for a finding of not guilty to be entered because of the failure to prove something that was not an element of the offence. Reversal does not remove the alleged offender's right to challenge the proceedings on the basis of non-compliance with the procedural matters: it just relieves the prosecution of the need to prove matters that are not elements of the offence.

It is unlikely that an accused person would challenge on the basis of residency or arrest. If he or she did, the court could proceed by way of extradition. In most cases, it will be to the accused's advantage to use the cross-border scheme, because it will be more convenient for everyone.

The member for Heysen asked about the meaning of 'ordinarily resides'. That does not have any technical or special meaning. They are ordinary English words. It is not possible to prescribe a minimum length of time as being sufficient to conclude that a person is ordinarily resident in a particular place. There has been no attempt to define it. Like the term 'domicile', its meaning depends very much on the circumstances of the case. Whether a person is ordinarily resident in the region would be a question of fact in each case.

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: Yes, indeed. The member for Heysen is right on that. Regarding restraining orders, the Northern Territory police can make restraining orders that are later dealt with in a court, and they can issue a restraining order on the spot. My advisers rather doubt that that can be done in South Australia. On the question of legal aid, it is for the agencies to work together and develop protocols. Agencies are working up service level agreements to deal with the practicalities of this legislation.

The member for Heysen asked why it was decided to focus only on the central area. Well, the cross-border scheme is a response to particular concerns about community safety brought to the NPY Lands Tri-Jurisdictional Justice Initiatives Round Table in Alice Springs by the NPY Women's Council in 2003. Police statistics, as I have said, indicate a much higher APY offending rate than the South Australian public generally. There has been a reduction—

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: The member for Heysen said that she did not ask this question. I will go on and answer it anyway, whoever asked it. As I said, there has been a reduction in offending over the past few years. We hope that the scheme will increase community safety by giving police the tools to apprehend offenders who have been evading police by crossing state and territory borders. It may be that I was asked that question on radio; that might be the origin of it. At that time, I said that I did not think we had a great problem with offenders going to ground in Lucindale or Robe and hiding out in Casterton and Edenhope; therefore, we concentrated on the Central Australian region rather than the South-East of our state. The legislation is drafted so that it can apply to other prescribed cross-border regions.

I also seem to recall that there was a question about retrospectivity. The legislation allows an offence that occurred before the commencement of the legislation to be heard with a cross-border matter. It may be an offence from the week before. It is to the advantage of all parties, otherwise the matter is dealt with at another time and place. The person must be bailed. The matter may be dealt with, but it does not have to be dealt with; not to deal with the other offences sends the wrong message to offenders about the scheme.

I believe we have been asked about custody notification. This will be the subject of discussions with police. Senior police will place this into their service level agreement. It is currently dealt with under police protocols in general orders.

On the question of the Coroner's jurisdiction, a decision was made after discussion with the Coroner not to interfere with the Coroner's jurisdiction. If a prisoner dies during an extradition, this may already involve more than one Coroner. Western Australia and the Northern Territory do not have to carry out an inquest where one is already being done.

On the question of protocols, there is a project executive meeting in Alice Springs next week. Police have, as have other relevant agencies, been working out service level agreements that will be signed when regulations are finalised. Work is continuing on service level agreements and protocols. I hope that covers the questions that the member for Heysen asked—and also the questions she did not ask.

Bill read a second time.

In committee.

Clauses 1 to 4 passed.

Clause 5.

Mr HANNA: I thank the Attorney-General for addressing some of the unanswered questions in his concluding remarks to the second reading contributions. Indeed, he answered questions that had not been asked. In the course of doing that he referred to the office of the coroner and explained fairly well that the current situation will continue; that both coroners could get involved in the investigation of the death of someone who was in the course of being taken across the border in custody, but that if one coroner had already began an inquiry an interstate coroner would not need to get involved. If that is not the case, perhaps the Attorney-General could clarify the situation.

There is a definition of 'office holder' in the interpretation section of the legislation. On my reading of it, it could also refer to the Public Advocate, for example. I wonder what the situation would be if someone under the care of the Public Advocate was taken interstate to answer a charge, whether the Public Advocate could intervene across the state border, so to speak, perhaps by providing advice or even arranging representation.

The Hon. M.J. ATKINSON: Could the honourable member reformulate the question in relation to the Public Advocate?

Mr HANNA: If someone was transported interstate to answer a charge and that person was under the care of the Public Advocate, would the Public Advocate be able to effectively carry out their caring role if the person was taken out of the South Australian jurisdiction in custody?

The Hon. M.J. ATKINSON: I do not think this bill is intended to address that situation. If a South Australian under the care of the Public Advocate has removed himself or herself into the Northern Territory or Western Australia and been processed for criminal offences there, it is hardly down to the Public Advocate that they are there. They have already flown the jurisdiction. Perhaps the member for Mitchell could reformulate the question; perhaps I am not understanding his question.

His earlier commentary that I can address is that in South Australia there is an obligation on the Coroner to have an inquest into a death in custody whereas in Western Australia and the Northern Territory, if there is another inquiry, the coroner is not obliged to hold an inquest.

Mr HANNA: In relation to the question about the role of the Public Advocate in certain cases, I take it that, as this act is applied, a person could be arrested in one state and be taken to another state for judicial process. If a person leaves this jurisdiction, not of their own will but, rather, in custody, how is the Public Advocate able to effectively carry out their role to care for that person?

The Hon. M.J. ATKINSON: I do not think there is anything to stop the Public Advocate, who is based in Adelaide, ministering to a client ordinarily resident in the APY lands who happens to be detained in the Northern Territory.

Clause passed.

Clauses 6 to 16 passed.

Clause 17.

Mr HANNA: Can the Attorney explain how these cross-border laws do provide an alternative procedure to the Service and Execution of Process Act of the commonwealth (known as the SEPA legislation for short)?

The Hon. M.J. ATKINSON: It means we do not extradite.

Mr HANNA: Is it not conceivable that the criminal procedure laws of either Western Australia or the Northern Territory will be different about service of notices to a defendant? If that is the case, how is service to be affected if they reside in a state other than the place where they are being dealt with judicially?

The Hon. M.J. ATKINSON: If the offender is ordinarily resident in South Australia, offends in South Australia, flees to Western Australia and is apprehended in Western Australia, the South Australian law can apply in a Western Australian court to that offender and is therefore portable.

Clause passed.

Clause 18.

Mr HANNA: Why did the Attorney-General propose to make these laws retrospective?

The Hon. M.J. ATKINSON: Convenience.

Mr HANNA: Obviously convenience is a different matter to justice. I ask the Attorney: the convenience of whom and why?

The Hon. M.J. ATKINSON: The convenience of all, including the accused person, so all his offences can be gathered up and dealt with at once, which, maybe while the George Mancinis of the world do not want that to happen, normally the accused do.

Clause passed.

Clause 19.

Mr HANNA: I realise that the initial application of the legislation will be to the cross-border region represented by the APY lands. Does the Attorney-General have any inkling of future areas that might be prescribed by regulation?

The Hon. M.J. ATKINSON: No.

Mrs REDMOND: I have a question on that. My reading of it, in spite of what is said in clause 19, is that because of what appears earlier in the bill, at this stage other states, such as Queensland and New South Wales, cannot just opt in. It still has to be somewhere with a border. So, it could be, for instance, the area that I used to act in out on the Nullarbor, where we have the SA/WA border, but you cannot actually go anywhere outside these two states and one territory without bringing legislation back to encompass another state within the scheme.

The Hon. M.J. ATKINSON: It could be done by regulation. I take it that that is the member for Heysen's question?

Mrs REDMOND: I was looking more specifically, I think, at clause 4, which has already passed. Clause 4 provides:

> This act gives effect to one or more cooperative schemes between the state and one or both of the other participating jurisdictions...

I would have thought that at that point you have then limited it to South Australia, Western Australia and the Northern Territory and that you would have to bring the legislation back and amend that little bit before you could actually expand it under clause 19.

The Hon. M.J. ATKINSON: The member for Heysen is correct. If you were to bring in Queensland, New South Wales or Victoria, you would have to change the act.

Mr HANNA: Notwithstanding that in his second reading explanation the Attorney-General referred to the APY lands as in Australia's central desert region, if somebody was driving along the highway between Eucla and Kalgoorlie in the vicinity of the border, they could be dealt with under this cross-border region legislation, could they not?

The Hon. M.J. ATKINSON: The answer is that they would have to be in the prescribed region, and in the example given by the member for Mitchell they are not in the prescribed region.

Mr HANNA: I find that answer difficult to understand, in light of clause 19. Clause 19 provides:

> A cross-border region is a region that—
>
> (a) straddles the border between the state and one or both of the other participating jurisdictions.

I know there is a second part to that which refers to areas prescribed by regulation, but clearly the road that I am talking about straddles the border between South Australia and Western Australia. So, is the Attorney-General correct in that last statement?

The Hon. M.J. ATKINSON: The answer to that is that we could prescribe that section of highway to which the member for Mitchell refers, but we know that we are not going to.

Mr HANNA: It is already in the legislation.

The Hon. M.J. ATKINSON: I say this with great reluctance but, in fact, on this occasion I am correct. What clause 19 says is that a cross-border region is a region that:

(a) straddles the border between the state and one or both of the other participating jurisdictions, and—

two requirements—

(b) is prescribed by the regulations to be a cross-border region.

The road to which the member for Mitchell refers does not fulfil the second requirement.

Clause passed.

Clause 20.

Mr HANNA: In the Attorney-General's concluding remarks to the second reading speech he did refer to the question of the ordinary residence of people. He said that such a thing would be decided as a matter of fact in each case. Does he appreciate, though, that the question of ordinary residence for a number of the people likely to be the subject of this legislation might, indeed, be very difficult to establish, given their lifestyle and cultural obligations?

The Hon. M.J. ATKINSON: Yes, I do. The member for Heysen has already made that point in the course of the debate, and I accept it. To return to an earlier question: why was I answering questions which were not asked in the course of the debate? That was because questions were asked by the Aboriginal Legal Rights Movement and the Law Society. Those two organisations were mentioned in debate by the member for Heysen so I thought it would be convenient to answer the questions, even though they were not asked explicitly by the member for Heysen.

Mr HANNA: Is the legislation being too broadly cast when it catches people for whom the offence is suspected of having been committed in the cross-border region? I mean, we may be talking about an offence that occurred some years ago, the person may have been a resident of Adelaide for some years, and there may be very little present connection to the cross-border region in respect of a particular accused person.

The Hon. M.J. ATKINSON: The proposed law is not cast in a mandatory way; it is cast in a facilitative way. It is meant to be the servant of South Australians not their master. I am sure that the agencies that are charged with applying this law will apply it in a sensible and non-tyrannical way. If we were to make the bill so prescriptive and detailed that it covered every circumstance that the member for Mitchell is canvassing, we simply would not have a workable bill.

We just want to get on with it in the cross-border region and make things work. If someone is alleged to have committed an offence on the APY lands in 1989 and is now living in deepest Trott Park, and has been for the past 10 years, I do not think they are going to be pulled into the maelstrom of the cross-border region law.

Mrs REDMOND: Just to follow on from that, I want to be very clear about the potential of clause 20 in particular and the legislation, and the clear government intention. My understanding, on reading clause 20, is that, as a theoretical possibility, you could have someone who lived in the heart of Adelaide who committed an offence in the heart of Adelaide, who was apprehended for that offence in, say, the APY lands and brought before a court in the Northern Territory or Western Australia. However, I understand from the Attorney's statement that he is assuring this committee that, although that is a theoretical possibility the way the law is cast, it is not the intention of the law to capture that type of scenario.

The Hon. M.J. ATKINSON: The member for Heysen is correct.

Clause passed.

Clause 21 passed.

Clause 22.

Mrs REDMOND: This relates to the issue of restraining orders, because I am still puzzled as to how restraining orders differ from jurisdiction to jurisdiction.

The Hon. M.J. Atkinson interjecting:

Mrs REDMOND: I know it is not the main game, but since we are here anyway I thought we would just stop for a little peek at this section. It is still my understanding that in South Australia an applicant for a restraining order can approach a police officer and obtain an ex parte order. That ex parte order then has to be served on the person against whom it is named, and that person then has the opportunity to dispute that in court. Things may have changed since I was in practice, but that is how it used to work. I am curious as to what it is about restraining orders here and in other states that makes it necessary for us to have a differential provision in terms of those orders.

The Hon. M.J. ATKINSON: My recollection, as I expressed it, is that to get restraining orders, AVO orders, South Australian police officers have to go to court, even if it is a telephone application. They can and do get those orders ex parte. Indeed, my recollection is correct. So, despite having aeons of suburban law practice, on this occasion (and it is a rare occasion) the member for Heysen's recollection is incorrect. Coppers do not go flinging around restraining orders without approaching the court first.

Clause passed.

Clauses 23 to 26 passed.

Clause 27.

Mr HANNA: I heard what the Attorney said before we started examining the clauses in detail about the onus of proof in relation to a persons whereabouts at the time of arrest. The legislation would have it that the person has to prove they were not in a particular place at a particular time if they want to avoid the application of the law. However, in many cases police officers will have a vastly better idea of the precise location at which an arrest takes place.

This will be so particularly when a person is walking from place to place in the APY lands, for example, when the likelihood is that the police officer will have GPS tracking, satellite navigation, or whatever, with his or her vehicle, whereas the person walking between two towns, or even out into the desert, is unlikely to be able to describe the location in terms satisfactory to a court. So it seems to me to be unduly onerous for a person accused in that situation to have to prove whereabouts to avoid the application of the law. I trust that the Attorney would at least acknowledge that generally it will be much easier for police officers to prove this point of location than an accused person.

The Hon. M.J. ATKINSON: I dealt with this during the second reading reply, and I do not intend to elaborate. No-one will be avoiding the application of the law. They will have South Australian law applied to them wherever they are taken.

Mr HANNA: I simply make the point, then, that if the law was cast in the way one would usually expect, with the prosecution having to prove points such as this, and if the prosecution was not confident of being able to prove the matter of location, of course, it could just deal with the accused in the way that it would prior to the passage of this legislation, which means that the matter would be dealt with either under the law of Western Australia/Northern Territory or South Australia; therefore there would be no loss in terms of the administration of criminal justice. Thus it seems to me that it is a dangerous and unnecessary precedent to have the reversal of onus of proof in this matter.

The Hon. M.J. ATKINSON: In the years I have been Attorney-General, I have probably lost count of the number of times the member for Mitchell has said that. One recalls his militant opposition to the law against hoon driving. In fact, I think he was the only member of the house to oppose it. He opposed it on the voices, and he went on the radio claiming that the hoon driving legislation was a dangerous derogation from normal standards of criminal law and—

Mr Hanna interjecting:

The Hon. M.J. ATKINSON: That is right, yes. The member for Mitchell refreshes my memory as to the grounds upon which he opposed our law on hoon driving. If the member for Mitchell had got his way not a single vehicle would have been impounded or wheel clamped in South Australia in the past five years. He was the only honourable member of this house who opposed it. Now, I noticed on my seat today when I came into the chamber the member for Mitchell wanting to improve it and extend the law. So, is this repentance? Is this amendment of purpose to his life? I do not know. However, if I were to take the member for Mitchell's criticism along the lines of, 'We'll all be rooned', I would not have done anything in this house in the last seven years.

Clause passed.

Clause 28.

Mr HANNA: Again, we have the same issue, but I cannot let this clause go past without making a comment that this is highly unusual legislation in requiring a person to prove where they did or did not live at a particular time. I say again that if this reversal of the onus of proof was not present the person would still be dealt with according to law. So, it is unnecessary.

Clause passed.

Clauses 29 to 31 passed.

Clause 32.

Mr HANNA: How will the Attorney ensure that, when Aboriginal people are arrested, ALRM will be informed?

The Hon. M.J. ATKINSON: The task of police informing ALRM of the apprehension of an Aboriginal person will be a matter for police general orders and protocols, as it is now.

Mr HANNA: To follow up that point, has the Attorney-General given consideration to the resource implications for ALRM, given that their clients normally resident in the north of South Australia may be dealt with in Western Australia or the Northern Territory? If so, how is the Attorney-General going to ensure that there are adequate resources for those people to be represented?

The Hon. M.J. ATKINSON: ALRM was fully consulted on the bill, and we acknowledge that all agencies concerned in the Northern Territory, Western Australia and South Australia need to work together to make this function as best it can. On the whole, this law is welcomed, and we are not going to hold it up until every possible glitch is avoided. We want to get on with it and do it, and I think we have the goodwill of all the agencies involved.

Clause passed.

Clauses 33 to 68 passed.

Clause 69.

Mr HANNA: I return to this issue of forum shopping. Does the Attorney acknowledge this could be a problem if there are different reputations gathered by magistrates in each of the three jurisdictions? Aren't there going to be arguments on behalf of defendants (and possibly on behalf of prosecutors) about removing matters to the jurisdiction where they are going to get a result which they would prefer?

The Hon. M.J. ATKINSON: I am interested that the member for Mitchell is finally starting to see things my way after all these years because that is an observation that I began to make when I was in opposition. Alas, magistrates get reputations amongst lawyers, particularly defence lawyers; there is a regular oral form guide going around the Crown and Sceptre Hotel, where defence lawyers gather, about the sentencing reputation of magistrates.

I can recall early in my time as Attorney-General calling in at the court registry at Port Lincoln and being told that defence lawyers would have a cockatoo out at the Port Lincoln airport to see which magistrate was flying in for the day and, once the identity of the magistrate had been determined, as the member for Heysen said, a decision was taken as to whether everything would come on for trial or sentencing or whether everything would be adjourned.

Yes, this is a problem, quite apart from the form guide of magistrates across the other side of the border. I urge the magistracy to be uniform in applying the law of this state. Yes, some defence lawyers will always play the adjournment game and try to get his or her client in front of the most lenient magistrate possible and, if that includes trying to defeat the intent of the cross-border legislation to get his or her client, say, out of the Territory and back into South Australia, it would not surprise me that some lawyers might try that. I just hope they do not.

Clause passed.

Clauses 70 to 94 passed.

Clause 95.

Mr HANNA: I am one of the first to say that the legislation we have about dealing with mentally impaired accused has been working well. If anything, the problem is a lack of resources in

being able to refer mentally impaired people so that they can actually get well. Do the other jurisdictions of Western Australia and the Northern Territory have similar legislation, and do they have the resources to deal with people who are mentally impaired and who need treatment, either while pending or after sentencing?

The Hon. M.J. ATKINSON: We will take that question on notice.

Mr HANNA: I thank the Attorney for that. The concern I have is that somebody who normally resides in South Australia and who might be arrested in South Australia for an offence committed across the border might be dealt with interstate according to interstate law or, even if it is South Australian law, not dealt with the same benefits that our mental impairment legislation would allow.

Clause passed.

Clauses 96 and 97 passed.

Clause 98.

Mr HANNA: My question is about incarceration. I am concerned that, if South Australians with connections to family and other support in South Australia are dealt with in Western Australia or the Northern Territory, they might be incarcerated far away from those supporting people. If somebody is the subject of an order for imprisonment in South Australia, if they are from the north of the state they might end up in Port Augusta, for example, which, although a long distance, they are at least familiar with people in the north of the state. However, if people are imprisoned in Western Australia or the Northern Territory it may be that they are far removed from those supports. Has this problem been contemplated by the Attorney?

The Hon. M.J. ATKINSON: The member for Mitchell has just gone through a series of reasons why he should not be voting for the second or third readings of the bill.

Clause passed.

Remaining clauses (99 to 147), schedule and title passed.

Bill reported without amendment.

Bill read a third time and passed.

CHILD SEX OFFENDERS REGISTRATION (REGISTRATION OF INTERNET ACTIVITIES) AMENDMENT BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

Amendment No. 1 [Finn-1]—

Clause 3, page 2 line 22 [clause 3, inserted paragraph (p)]—

After 'email addresses,' insert:

Passwords,

Amendment No. 2 [Finn-1]

Clause 3, page 2, line 23 [clause 3, inserted paragraph (p)]—

After 'or any other' insert:

access code,

At 17:51 the house adjourned until Tuesday 24 March 2009 at 11:00.