HOUSE OF ASSEMBLY

Wednesday 14 October 2009

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

PUBLIC WORKS COMMITTEE: ADELAIDE SHOWGROUND PHOTOVOLTAIC PROJECT

Ms CICCARELLO (Norwood) (11:03): I move:

That the 331st report of the committee, entitled Adelaide Showground Photovoltaic Project, be noted.

With less than 8 per cent of the nation's population, South Australia has about 58 per cent of its wind capacity and about 32 per cent of the grid connected domestic photovoltaic capacity. As part of the government's policy of supporting demonstration programs, it is proposed to install the largest roof-mounted solar system in Australia at Adelaide Showground. A one megawatt solar photovoltaic installation interpretive display has been constructed through a grant awarded to the Royal Agricultural and Horticultural Society by the government.

The Adelaide Showground has been identified as the preferred location for the solar installation because it has large roof spaces covering about 10,000 square metres and is visited by over one million people annually. The buildings/pavilions to accommodate the solar panels include the Goyder Pavilion, Jubilee Pavilion, Wayville Pavilion, Ridley Centre, Alpaca Pavilion and Dairy Cattle Pavilion.

The society has separately funded an interpretive display promoting the benefits of solar voltaic systems to the South Australian public. A prominent signage project will include a main street sign on Goodwood Road and other interpretive signage features in the northern plaza area north of the Goyder Pavilion. The main street sign will, in real time, indicate the benefits and outputs of the photovoltaic system and the level of water in the underground stormwater storage tanks on the Adelaide Showground site.

The interpretive signage will showcase the outputs of the environmentally sustainable systems operating in the Showground. For example, LED images will denote the equivalent carbon emissions reduction of the solar power system with the equivalent number of cars that could be taken off the roads or houses that could be powered.

The contractor was required to design a system that met a guaranteed one megawatt peak system output and guaranteed annual yield range. The design also considered requirements for modifications to roof framing structures to accommodate the increased weight of the solar PV panels and framing. The new Goyder Pavilion boasts a number of energy efficiency principles in its design. The solar project will enhance these and assist the whole site in reducing energy demand from non-renewable sources. The overarching environmentally sustainable objectives of the project are to:

- raise public awareness of the environmental benefits of renewable energy and promote/reinforce environmentally sustainable values, objectives and initiatives in place at the Showground;
- maximise the output of the solar power system with optimum panel orientation and incline;
- provide accurate metering of electricity being produced and electricity being fed into the electricity grids; and
- significantly reduce greenhouse gas emissions for the lifecycle of the solar photovoltaic system.

Establishing a large scale solar photovoltaic system in metropolitan Adelaide is the next natural progression in pursuing a comprehensive understanding of these technologies. The capacity of the system is approximately nine times that at the Adelaide Airport, and both the grid infrastructure and the physical layout will provide sufficient challenges to deliver appropriate learning.

The project is expected to generate approximately 1,400 megawatt hours of electricity annually. This is approximately 30 per cent of the electricity requirement at the Adelaide Showground. It will also achieve a reduction of greenhouse gas emissions equivalent to that produced by approximately 200 households. The revenue from renewable energy credits is estimated to be approximately $70,000 annually. The environmental and financial benefits will be

promoted with the public and industry, together with promotion of the technological and organisational solutions developed in overcoming any challenges in delivering the project.

A cost benefit analysis estimates that the net present value amounts to approximately minus $6 million. However, due to price uncertainties, the cost of carbon has not been included, and this would further support the project. An additional cost benefit analysis undertaken prior to establishing the tender scope tested the estimated performance of the system with varying degrees of panel tilt support. The results were used to scope the most cost-effective solution to maximise the power output.

This project is funded under a grants and subsidies allocation in the 2007-08 Department of the Premier and Cabinet operating budget. The funds were transferred to the Royal Agricultural and Horticultural Society through a funding agreement on 19 June 2008. The project capital cost is $7.36 million (excluding GST), with a further cost of approximately $1 million to cover professional costs and contingencies. The project budget has been granted by the Department of the Premier and Cabinet to the value of $8 million. The balance of the total cost of $8.4 million is to be met from interest accrued by the society since the grant was made.

The construction was completed in August 2009, and the Premier recently officially opened the project. I am pleased to say that the Solar Shop, which is in my electorate, was the contractor responsible for the solar panels. I would like to commend Mr Adrian Ferraretto, the owner of the Solar Shop, which is the biggest of its kind in the southern hemisphere.

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

Mr PENGILLY (Finniss) (11:08): I rise to indicate my support for this project. Indeed, it is a good project. The point needs to be made that this project never would have taken place had it not been for the remarkably generous donation by the former Howard Liberal federal government towards the Goyder Pavilion at the Adelaide Showground. In fact, at the time, I think it was the finance minister, Senator Minchin, who made the announcement and got this thing off the ground after the sad demise of the much-loved Centennial Hall.

It was significant that this project did go ahead. It was also extremely significant that the water tanks that went underneath it and the photovoltaic cells that went on top of it in the final analysis came to fruition. It was a good project. It is all there and working well. I spent some time there during the recent Royal Adelaide Show. It is a great building. The very fact that we are harvesting energy from the sun and using it in the manner for which it was devised is good but, if it had not been for the former federal Howard Liberal coalition government, it probably would never have taken place.

I note that all those on the government side of the benches rushed down to the opening to have a jolly good time, but it needs to be put well and truly on the record that this only came about because of the contribution made by the former federal Howard Liberal government. It is a good project. I listened with interest to what the member for Norwood had to say. There was no dissension at the Public Works Committee over this project, and we followed it with interest. I support the project.

The Hon. S.W. KEY (Ashford) (11:11): I am very pleased to support this report from the Public Works Committee. As members would know, the Royal Show is held at the Adelaide Showground in Wayville, which is in the electorate of Ashford. As we are very concerned in the electorate of Ashford to make sure that we promote sustainable and alternative energy, it has been really important for the Adelaide Showground to be a bit of a showcase for the rest of the community.

Having been to the show a number of times—in fact, I am a member of the Royal Society, the only Royal Society of which I am a member, being a republican—I am very impressed with the work that the Royal Show has been involved with. Certainly, the workers at the show have been very supportive of the different projects, particularly community projects, that have been put forward to try to enhance our area, one of them being the subway project (about which I have talked in this house before), where we are looking at Goodwood Road and particularly the Millswood underpass as an art space. I am pleased to say that the show is right behind us in looking at Goodwood Road as an entry point into the city and also as an exit point into the south. So, we really appreciate their support on that project.

There have been a number of other areas in which the showgrounds have now become a place where community organisations are able to look at that space. I think one of the attractions is the fact that there is this commitment to sustainable energy and also, as the members for Finniss and Norwood mentioned, the fact that there has been a big commitment to re-using the water that flows under the show. This has been a problem for quite some time, and it is good to see that the showgrounds are going to move closer to being self-sufficient in regard to the use of the water in that very big space.

It is an important part of our community. The farmers market has been a great initiative and, of course, we all know the delight of going to the show. I, along with other members of this place, was very privileged a couple of weeks ago to go to the launch of the first GIendi at the Adelaide Showground. It is interesting to see not only organisations that have not necessarily thought of the showgrounds as a venue for their very big events in the past now looking at the beautiful Goyder Pavilion but also the different initiatives that have taken place in the showgrounds.

I congratulate all those who have been involved in making this, as I said, a showcase of sustainability. I also pay special tribute to the Premier because I know that he has been one of the initial ministers—if not the first—to have taken up the issue of climate change. Part of that whole agenda has included solar energy and looking at what we do with our stormwater. There is certainly room for improvement, but we are actually looking at that area and making sure that we look at re-using greywater, and other really important sustainable initiatives. I have been very proud of the fact that South Australia is up there in the international sphere in this area.

While members on the other side would probably say that it is typical of a Labor member to congratulate their leader, their Premier, this is an issue that is very important. Members in this place would know that we now have solar and photovoltaic energy in many of our big institutions; Parliament House is one, and there is also the State Library, as well as others along the North Terrace promenade. We are leading the way, and I am very proud that, particularly in the case of the Adelaide Showground, the electorate of Ashford gets to show the way as well.

The Hon. R.B. SUCH (Fisher) (11:15): I, too, am a member of the Royal Agricultural and Horticultural Society, and I love the annual show; it is fantastic. I commend the photovoltaic project there, as well as the water capture program, which involves large storage tanks under the new building. That is also fantastic.

The other great thing that I have noticed is that the Royal Agricultural and Horticultural Society is showing the way by planting native trees in its grounds fronting Goodwood Road. I have not looked at them closely, but from a distance they look like corymbia maculata or corymbia citriodora. It is a lesson that could be followed by the Adelaide City Council in terms of what it should be planting in greater numbers in the CBD.

I congratulate all those involved in this project, and I wish the show society all the best for the future.

Ms CICCARELLO (Norwood) (11:17): I would like to thank members for their contribution, and say that yes, it is a fantastic project. For the benefit of the member for Ashford I would like to point out that the Italian community had the initiative to go to the showgrounds for Carnevale earlier this year, and that, having seen the success of that event, the Glendi committee decided to go there as well. We now hope that other communities will look at those facilities as being ideal for their events, because many of our festivals are held in very hot weather and the Goyder Pavilion now offers a great facility with air conditioning.

Motion carried.

NATURAL RESOURCES COMMITTEE: ANNUAL REPORT

Mr RAU (Enfield) (11:18): I move:

That the 32nd report of the committee, entitled Annual Report 2008-09, be noted.

I will not say very much about the annual report; it stands for itself, and those who are interested in the activities of the committee will be able to read the report for themselves. However, I will say that it has been a busy year; in fact, the committee had been using a working title for the report, which did not find its way into the final publication. To try to give it a little bit of oomph and colour, the committee took a leaf out of Her Majesty's book—where one of her years was described in Latin—and used the working title 'Annus Maximus', because it had been a big year. However, it never got into print.

An honourable member interjecting:

Mr RAU: No; it was never even put up. Any member who wants to know what the committee does should have a look at the report.

I would like to say thank you very much to the staff of the committee. Patrick and Knut have been a tremendous support to us. I would also like to thank all the members of the committee, who have again worked really well this year. In this chamber the members for Ashford, Stuart and Little Para have all been great contributors, and, of course, there are three members in the other place who have also been great contributors, and I would like that to be noted.

The Hon. S.W. KEY (Ashford) (11:19): I would like to make a small contribution to this motion. Having had the opportunity to serve on the Natural Resources Committee over the past, I think, 3½ years, I can say that it has been a very important committee to me. It is all very well to hold the sorts of views that I do with regard to the environment and natural resources, but this is a very good opportunity to find out some of the facts and to hear from expert witnesses. This is particularly the case on issues like stormwater which has been something that I have been very interested in and campaigned on for quite some time. To actually have the opportunity to speak to the experts and find out what some of the examples and problems are has been particularly important.

As our chair, the member for Enfield, has mentioned, it is a very good committee. We are very lucky to have not only a fantastic secretary and researcher who I think really complement our committee, but also the members. One of the sad things about our committee is that, depending on what happens after the election next year, there is no way that our committee can be repeated, because the Hon. Caroline Schaefer is retiring and we have already lost the Hon. Sandra Kanck. She has been replaced by the Hon. David Winderlich, and it will be interesting to see whether or not he returns.

We have been very fortunate in having the member for Little Para, the Hon. Lea Stevens, and the member for Stuart, the Hon. Graham Gunn. Whatever happens after the election, while I am not sure about David Winderlich, certainly the rest of the team will not be there in the new formation.

Members interjecting:

The Hon. S.W. KEY: As they have both interjected, they are going to a higher place. I am not quite sure what they mean by that but, certainly, their contribution has been really important. As much as I hope to be on the Natural Resources Committee again, who knows what the future will hold but we will certainly miss those members. The member for Enfield, the Hon. Russell Wortley and I (as the member for Ashford, hopefully) will just have to see whether we can manoeuvre our way back onto this committee but, as I said, who knows what the future holds?

I think we have made some really important recommendations to the government, and as much as we have been having a good time and really enjoying each other's interests and expertise, I feel that we have actually been very useful to the government. I know from the feedback we have had from the different natural resources committees and from other witnesses who have come before us that they have been very impressed in the main with our committee and our interest. We have had a few difficulties which I will not go into: I think they have been covered in different reports that we have made, but this is definitely a parliamentary committee that needs to be included when, and if, we have a review of parliamentary committees in the future.

The Hon. L. STEVENS (Little Para) (11:23): I just have a few brief comments to make following the presiding member and the member for Ashford. I too have enjoyed very much the time on this committee. I believe that we have done some very sound work, and the annual report reflects the breadth of issues we have covered during the year. In particular, the reports and the work done on the topic of the Murray-Darling Basin have been for me the most compelling and significant.

I would also like to pay tribute to our secretary, Knut Cudarans, and our researcher, Patrick Dupont. Both of those people have served the committee very well indeed and enabled us to reach the conclusions that we have, to really analyse the enormous amount of material we receive and to come up with, I think, some very solid reports for the consideration of this parliament and the public at large. I thank the other members of the committee. I have enjoyed the time very much. I wish them well, and I wish the committee well in the future.

Motion carried.

NATURAL RESOURCES COMMITTEE: ARID LANDS NATURAL RESOURCES MANAGEMENT BOARD

Mr RAU (Enfield) (11:25): I move:

That the 33rd report of the committee, entitled Arid Lands Natural Resources Management Board Levy Proposal 2009-10, 'Ask not what your Board can do for you...', be noted.

I will be very brief in relation to this matter as well. This is one of the reports the committee has prepared in respect of an NRM board. This particular NRM board is one that we had had not much to do with before and we were somewhat shocked, I think you could say, with their proposal to raise the water based levy for people within their zone by about 1,000 per cent, given the fact that CPI at that period was, I think, 5 per cent. I am happy to say that the committee unanimously formed the view that an increase of 1,000 per cent was a little over the top and made that view known; and, after consultation between the board and various other interested parties and, in particular, the one ratepayer who was going to be bearing the full burden (almost) of the increase, the increase was agreed at 200 per cent.

I have to say that, had that one ratepayer not been content with that, I am not quite sure what the committee's opinion might have been as to an unagreed position, but given the fact that the one party who was basically going to be doing the paying and the other party who was going to be doing the collecting had agreed, we formed the view that it was not for us to disturb what appeared to be an amicable resolution of the problem. However, that does explain why the title of this report is 'Ask not what your board can do for you...', because we did form the view that the board was doing very nicely, thank you very much!

I do want to say, though, that there are legitimate reasons for boards to be raising money. In this particular instance, capping of the uncapped bores in the Great Artesian Basin is an important matter. In summary, basically the committee formed the view that, having seen the reduction in the water based levy to a level that was accepted by the players, some consideration needs to be given to increasing the land based levy to make up any shortfall in the future in relation to funds.

Again, I commend my fellow committee members for their work in relation to this matter and I thank again our staff Patrick and Knut who, once again, did an excellent job. I recommend that members who have any interest in these NRM matters at least have a passing view of the report.

Motion carried.

NATURAL RESOURCES COMMITTEE: MURRAY-DARLING BASIN—CRITICAL WATER ALLOCATIONS IN SOUTH AUSTRALIA

Mr RAU (Enfield) (11:28): I move:

That the 27th report of the committee, entitled Murray-Darling Basin—Critical Water Allocations in South Australia, be noted.

This is a very discrete report: it deals with one particular issue, which was supplementary water being supplied to irrigators in the Riverland on the same basis as had been applied in the previous year. The committee visited the Riverland, spoke to people involved in the horticultural industry, particularly those people with permanent plantings, and we recommended that, if the opportunity existed for the government to offer a supplement to their water entitlements in the same way as had occurred in the previous year, that should occur.

The committee thought it was a timely reminder to give to the relevant executive officers because the people in the Riverland, at this time, were needing to start making plans about where they were going to go. That was a recommendation from the committee. We were trying our best to assist those people with permanent plantings to be able to get through another year if, indeed, the rains and the water allocations were not as they hoped.

Mr PEDERICK (Hammond) (11:29): I commend the committee for its work on this matter, and point out that members on this side of the house pushed for critical water allocation for close to 12 months before it was put up by the government for the water year prior to June this year.

It was implemented belatedly in September last year, so people were already having to make decisions about water they had to purchase. I note in the report that it was certainly welcomed by growers throughout the Riverland. It did assist some growers south of Lock 1 on the river system and some growers around the Mypolonga area. It is a pity that, because of rising

salinity, it was not of benefit to permanent plantings at Langhorne Creek and Currency Creek. There are also issues with water access in the area.

I note in the summary of the report that the Natural Resources Committee recommended that the policy be extended on the same terms for another 12 months in order to give growers time to adapt and restructure their operations in line with reduced allocations and difficult market conditions. The government has not implemented similar critical water allocations for this water year but, rather, gone against the committee's recommendation.

I acknowledge that the government has instigated a subsidy for irrigators at $260 a megalitre instead of the critical water allocation. The excuse from the minister and the government is that the Eastern States would not allow South Australia to purchase water for critical water allocation. I believe that New South Wales has not even signed the water sharing arrangement for this water year, but here we are again bowing to interstate colleagues or counterparts on the issue of water.

In that context it is interesting to note that various witnesses who appeared before the committee raised the issue of unequal water allocations across the basin. Even in this water year allocations are totally out of whack. There is 95 per cent allocation for high security in the Murrumbidgee in New South Wales and 97 per cent water in the Murray in New South Wales. The two jurisdictions in Victoria are already on 29 and 30 per cent high security water. South Australia, once again, is the bunny in this whole water allocation debate.

The reason that South Australia has high security water is because of our level of permanent plantings. Probably 90 per cent of our water is used on permanent plantings, which goes to show how much so-called high security water we have. Even general or low security water licences are allocated out, and I believe one is on the Lower Darling at 29 per cent. That is another inequity that needs to be sorted out with a proper national takeover of the river.

I note the comments about the wine industry and its access to water. The wine industry is oversupplied, but it would take a major investment to make it profitable. I put on the record that the vine industries at Langhorne Creek and Currency Creek have had to invest $10 million of their own money so they can access water from Jervois. That pipeline has been constructed and distribution, if it has not started already, will start shortly. Critical water is certainly a good thing, but a lot of people have not had access to it. The committee's findings state:

> The committee found
>
> 1. Critical Water Allocations have provided an important stop-gap measure for Riverland irrigation businesses in 2008-09, enabling many growers to maintain permanent plantings and (with the exception of grape growers who are experiencing oversupply and prices below costs of production) the viability of their businesses.
>
> 2. There is widespread support amongst irrigators for the state government's Critical Water Allocations program and irrigators hope that it will be extended for another season.

I note that recommendation No.1 of the committee stated:

> Subject to the availability of sufficient water, including transmission water, that the state government approve for the 2009-10 season an allocation of critical water on the same terms—

I stress 'on the same terms'—

> as was provided in the 2008-09 critical water allocations.

Recommendation 2 states:

> Any decision by the state government to allocate critical water for the next season, subject to availability and transmission water, is communicated as soon as possible to irrigators of permanent plantings in the Riverland so as to enable them to most effectively plan for the next 12 months.

It is blatantly obvious that the government went completely against these recommendations. No money was allocated in this year's budget after putting up $23 million. I commend the government for putting forward that money last year. Why would you spend $23 million and then hang out to dry the Riverland and the permanent plantings in my electorate of Hammond? It is just ludicrous. It is like making an investment and then saying all of a sudden that it is all too hard and that we will not do anything.

Because the government believed it had to kowtow to the Eastern States, it had come in with a subsidy program of $260 a megalitre of top-up water. Does it not think the Eastern States will whinge about that when we get to negotiations before the next water year? It has put a floor in

the temporary water market. We have a situation in the Riverland where people have not known where they are going to go forward. At least 200 people are looking at exit packages up there, and I wish they would progress faster. They have made the tough decision to get out, and the federal government needs to get on board and sort out the situation with exit packages.

A reasonable number of people have been written off in this situation as irrigators in the Meningie and Narrung Peninsula areas, having sold permanent water to the federal government back in April, and are still waiting for their money. It is outrageous. You could not run a business like this. The federal government is not honouring its commitment to put up the money. John Howard put up $10 billion in 2007, yet we see inaction across the board to get things working in the River Murray.

I want to make some comments about the conclusion of the report. The committee heard that the critical water allocations for permanent plantings are widely supported by Riverland irrigators and have provided an effective lifeline for growers in this time of extremely low water allocations to keep permanent plantings of citrus, stone fruit and grapevines alive and to prevent numerous businesses from collapsing. It is obvious, with the number of people applying for exit packages, that businesses are collapsing. I note again that the committee recommended that this policy be extended on the same terms for another 12 months to give growers time to adapt and restructure their operations in line with reduced allocations and difficult market conditions.

I certainly wish growers all the best. I note that some industries have noted that with allocations at 25 per cent it is hardly worth filling out the paperwork to pick up the subsidy rate per megalitre. Some say that the citrus industry needs up to 50 per cent of allocation to get through, but people need to look at it on an individual basis. It is something, but it is not what was put in place last year, especially after pressure from this side of the house. The best thing would have been if that same critical water allocation process had been put in this water year.

Motion carried.

PUBLIC WORKS COMMITTEE: UNIVERSITY COLLEGE LONDON—TORRENS BUILDING ACCOMMODATION FITOUT

Ms CICCARELLO (Norwood) (11:41): I move:

The University College London has established a branch campus in Adelaide from which it will deliver a master of science, energy and resources from 2010. The degree will be the first British degree granted in Australia. It will also be an Australian accredited qualification and will be delivered only in Adelaide.

Santos is providing $2 million from a $10 million contribution as seed funding to establish a separate research institute, the International Energy Policy Institute. University College London is required to provide matching funds to establish this institute. The University College London School of Energy and Resources Australia will be provided with essential administrative and teaching space comparable to that provided for Carnegie Mellon University in the Torrens Building at 220 Victoria Square. This will involve the fitout of office accommodation, and lecture theatres and tutorial rooms of approximately 1,030 square metres at an estimated cost of $4,001,000, excluding GST.

Places will be offered for up to 60 full-time master students and a small number of doctoral students. The degree will be modularised so that part-time and working professionals can undertake accredited executive education programs, which will be assessed and count towards a graduate certificate, graduate diploma and/or masters level award. Students in the second year of the masters degree will undertake industry placement in energy companies throughout the world to solve problems relating to energy issues.

Built in 1881 as government offices, the Torrens Building use by government has been continuous, with only limited internal fabric changes, the only major alteration being to the central courtyard and services. The cultural significance of the building is recognised by its inclusion on the South Australian Heritage Register. Due to the historic nature of the building, it is not proposed to remove any existing fabric without careful consideration and the application of good conservation principles.

The state government is actively encouraging foreign universities to establish a presence in South Australia as part of a program to attract international institutions, which is in line with South Australia's International Education Plan 2008-2014. The Premier must be commended for his

initiative in this area to actively encourage the participation of these universities, South Australia being the only place in Australia where they have a presence.

The University College London is one of the world's leading universities. In fact, just this week, I think, it was listed as No. 4 of the top 200 universities in the world, after Harvard, Cambridge and Yale, and it is now listed ahead of Oxford University. So, it is truly significant—

Ms Simmons: Cambridge has always been better than Oxford.

Ms CICCARELLO: Yes, okay. This will be its first campus overseas, making it the highest ranking UK university to set up an overseas satellite campus. The development of the partnership with the government of South Australia and Santos represents a dynamic response to the current challenges of international higher education, as more of the world's leading academic institutions recognise the need to operate globally to address world issues such as energy use.

The amount of $3,820,000 of the capital costs has been provided by the Department of the Premier and Cabinet via funding obtained through the 2008-09 budget, whilst the residual $280,000 will be absorbed from the Department for Transport, Energy and Infrastructure capital projects funding. The net present value of the business case (including the contributions of both Santos and the state) is $12 million over nine years. Construction is expected to be completed by December 2009. Significant benefits associated with this proposal include:

- co-location with the Carnegie Mellon University and Cranfield University will create an International University Precinct within the Torrens Building;
- close business/working arrangements between the three universities to enhance the diverse international university community, making the International University Precinct a unique entity in its own right.

University College London will build on the capacity of existing universities in the key areas of energy and resources. It will foster further international linkages in the energy and resources sectors, which is important for the development of the state's capacity to deal effectively with these important issues. It will also build on the government's initiative to attract more foreign students to Adelaide, particularly in relation to the national international student market, where the government has a goal of doubling the state's share of international students by 2014.

In addition, last week the Duke of Kent came here to open the Royal Institution. This institution has been operating in London for a couple of hundred years and South Australia has been chosen as the only other place in the world where the Royal Institution operates. Again, it shows the significance of Adelaide in being able to provide top-class education in South Australia.

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

The Hon. P.L. WHITE (Taylor) (11:46): I would like to support the member for Norwood in her motion regarding this particular public work examined by the Public Works Committee. The Torrens Building accommodation fitout to accommodate the arrival of University College London is a project to be applauded. As the member for Norwood outlined, this particular public work will enable the University College to offer in Adelaide the first British degree on Australian soil.

This follows a number of achievements in bringing international campuses of renowned overseas universities to Adelaide, an initiative by our Premier, the Hon. Mike Rann. Bringing the first one—Carnegie Mellon, about four years ago—to South Australia necessitated a change in federal legislation which was spearheaded by our Premier.

The advantage brought to our fine state by having these university campuses located in Adelaide is immense. With this particular campus, Santos is contributing in a very admirable way. Our largest publicly-listed company is contributing to a new institute (the International Energy Policy Institute) which will be based in Adelaide. With all these campuses of international institutions we get an enormous benefit, not only from the students who come to our state but from the exposure and prestige of the degrees awarded to our local students who study at these institutions.

There are immediate benefits to our state and our student population but also benefits when these students stay in South Australia, stay in Australia or return to other countries with a good impression of their student experience in Adelaide and with links and networks that may,

indeed, benefit us as a community in the future. I commend this particular public work and very warmly welcome the establishment of the University College London here in Adelaide.

Motion carried.

PUBLIC WORKS COMMITTEE: POLICE ACADEMY REDEVELOPMENT

Ms CICCARELLO (Norwood) (11:50): I move:

That the 333rd report of the committee, entitled Police Academy Redevelopment, be noted.

The South Australian Police Academy is on a 14.6 hectare site at Taperoo that was originally developed by the defence department and transferred to SAPOL in 1961. The buildings on site were mainly constructed in the 1880s, 1930s and 1960s.

A study by Colliers International in 2003-04 to develop a strategy to meet SAPOL's long term training facility requirements concluded that there was minimal financial advantage to be gained from moving to another site. It was in SAPOL's best interest to consolidate the academy's activities on a smaller portion of the existing site, enabling surplus land to be released for residential development.

This project involves constructing new facilities for the Police Academy on the eastern side of the existing site. Surplus land will be transferred to the Land Management Corporation for development for residential purposes, and funds from the sale will contribute to the cost of the new facility.

The heritage listed old fort will be vacated and handed over to the LMC to find a sympathetic and compatible future use. The following facilities are proposed:

- a two-storey administration and teaching staff building;
- a two-storey classroom training building;
- a two-storey technology and resource centre;
- a single-storey auditorium, dining and parade viewing facility;
- a two-storey accommodation block to provide motel style accommodation in 20 units for long and short stay terms;
- a fitness and defensive tactics training building;
- a building containing the facilities management function and quartermaster store;
- a staff change building and a cadet change building; and
- a scenario village containing replica buildings, such as a hotel, bar, pharmacy, bank, suburban house and police station.

The grounds' development will include:

- a 4,000 square metre parade ground;
- 287 car parks for staff, course participants and visitors;
- an obstacle course for recruit applicant testing and fitness and training purposes;
- a memorial garden to honour the lives of police officers who have died in the line of duty;
- relocation of a 66kV powerline and two Stobie poles;
- general landscaping;
- general fencing and gates; and
- items of cultural significance that emphasise the role and importance of a professional police service to cadets, police officers and the community.

The new academy has been designed with a recognisable and distinctive campus setting in zones. These comprise a public zone, an academic zone, a training zone, an accommodation zone and various support zones. Space has been incorporated in the design of each building for 10 per cent growth. Space has also been allowed between building footprints for a 30 per cent to 50 per cent expansion in the future.

The existing academy will remain operational throughout the construction period, and the existing weapons training facility is to remain in situ. These requirements have played an important part in the site master planning process. Fitout of the classroom training and technology and resource areas is readily adaptable to future teaching methods and/or requirements. The locations of buildings, paving and underground services have been designed to allow retention of existing significant trees.

The location and orientation of buildings and structures on site has also been developed to minimise the requirement for acoustic attenuation structures. Buildings, and the spaces between them, have been designed to minimise the breakout of noise from training activities to adjacent residential and park facilities.

The redevelopment of the academy has been driven by the need to upgrade teaching, training and accommodation facilities for all users of the academy. This is important when attempting to attract recruits and provide the best possible training to serving police officers. The redevelopment will also address non-compliance issues associated with the existing facilities, in particular, disability access and ongoing risks associated with the presence of asbestos.

Construction will commence in February 2010, and it will be completed in September 2011. The pre-tender cost estimate for the project is $59 million. Of this, $32 million is expected to be recouped through the sale of surplus land. SAPOL will be responsible for the operating costs of these facilities and, so, ongoing management expenditure will be met from within SAPOL's existing budget.

A redeveloped Police Academy will provide a purpose-built training facility with state-of-the-art technology that supports SAPOL's strategic training objectives. It will also allow a degree of rationalisation through the sharing and consolidation of training activities.

It is anticipated that a modern and improved working environment will foster communication amongst co-workers and support team building and supervision. It is also expected that improved access to country-based course participants through the use of improved technology and improved accommodation will cater for short-term family stays and thus encourage their participation.

After sale of the surplus land for residential purposes, 15 per cent of dwellings will contribute to achieving the State Housing Plan's affordable housing criteria. Buildings which incorporate best practice design measures will comply with government ESD initiatives and will achieve a five star Green Star equivalent rating and landscaping which is sustainable.

It is expected that this project will result in improved amenity and presentation of the site for the wider community and provide the opportunity for compatible community use of the old fort. It is great that the Minister for Police is actually in the chamber today to hear this report being noted.

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

Mr PENGILLY (Finniss) (11:56): I rise to support this report. I also wish to briefly recognise some visitors in the gallery from Yorkshire in the UK, who have been constantly reminding me who won the Ashes.

The fact is that this is a highly required facility, and it was something that the Public Works Committee had no hesitation whatsoever in supporting at that meeting. We were given an excellent tour of the current facility, and the need for the enhancement and the further redevelopment that was proposed was made quite clear to us.

The very things that have been happening in South Australia over the past couple of weeks with this crime wave, the break-ins and violent robberies only indicates to me just how important it is that we do give our police officers every opportunity to be trained properly and to be brought into the community in their working capacity properly.

A matter of great interest was the visit we made to the firing range and the explanation from the SAPOL people made it very clear to us how often the officers go through the procedures for firearms. We all stood well back. We were kept behind bulletproof glass; whether that was because we were members or for another reason, I am not quite sure. That alone made it very clear to me that these facilities need to be the best possible for South Australia and, indeed, perhaps they need to be the best possible facilities in Australia.

I am not sure that I am all that happy with the sell-off of some of the land, although I can understand the reasoning behind it. I am of the opinion that, with a large piece of public land like that and the future needs of the state, it would possibly be better if it was kept—if not developed at this stage, then perhaps kept for the future. However, the decision was made, and the effects of the sell-off of the land will help to fund the redevelopment.

Clearly, some of the existing facilities down there are outdated, they are not big enough, and they are badly in need of a makeover. Questions were asked in committee as to whether the development that was brought before the committee would meet the needs of the South Australia Police for an extended period, and it was made pretty clear to us that, yes, they would.

I think, generally speaking, that the SAPOL officers who I have spoken to are all highly supportive of it. Inside that facility on the day there were a number of cadets going through their training regime, and there were also large numbers of officers from around the state who had come in for upgrades. I was greatly encouraged that we do have a very good police force in South Australia. We are very lucky to have the police force that we have.

Whether they are held back in some of their capacities to operate as they should is out for the jury I would say. This is a good and much-needed project. It probably should have happened a number of years ago but, given that the former Labor governments in South Australia were broke, the money just was not there to do this, but at last it will happen. I look forward to attending the opening of that facility in due course and seeing it function as it should.

Debate adjourned.

STATUTES AMENDMENT (PUBLIC SECTOR CONSEQUENTIAL AMENDMENTS) BILL

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) (12:01): Obtained leave and introduced a bill for an act to amend various acts consequent on the enactment of the Public Sector Act 2009 and the Public Sector Management (Consequential) Amendment Act 2009. Read a first time.

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) (12:01): I move:

That this bill be now read a second time.

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

Leave granted.

The South Australian Public Sector is the State's largest employer. The recently enacted *Public Sector Act* provides a modern and streamlined employment framework in support of a high performance public sector. We need a high performance public sector to capitalise on the State's prospects for strong economic recovery and sustained growth, as well as improving community wellbeing and environmental sustainability. Under the Act, agencies and employees across the whole of the public sector (not only the Public Service) will be governed by a comprehensive set of principles, with greater emphasis on 'one government'. The principles are intended to help make the South Australian public sector an employer of choice, encouraging the development of its employees, and providing rewarding and flexible working conditions.

This Bill is the next stage in implementing the new framework. It amends various Acts consequent on the enactment of the *Public Sector Act 2009* and the *Public Sector Management (Consequential) Amendment Act 2009.*

Those Acts replace the *Public Sector Management Act 1995* with 2 measures:

- the *Public Sector Act 2009* – containing annual reporting, employment management and immunity provisions; and
- the *Public Sector (Honesty and Accountability) Act 1995*—containing conflict of interest and other honesty and accountability measures.

The changes effected by this Bill include:

- replacing all references in Acts to the *Public Sector Management Act 1995* (or its predecessors) with reference to either the *Public Sector Act 2009* or the *Public Sector (Honesty and Accountability) Act 1995*, as appropriate;

- removing provisions in Acts relating to conflicts of interest for public sector administrators and others to ensure consistency through reliance on the approach in the *Public Sector (Honesty and Accountability) Act 1995*;
- removing provisions in Acts providing immunity from liability for public sector administrators and others to ensure consistency through reliance on the immunity provision contained in the *Public Sector Act 2009*;
- substituting references to particular departments and officers with references that will continue to work despite rearrangements of the Public Service structure;
- making other consequential amendments to update references to the terminology and approach of the *Public Sector Act 2009* (for example, by modifying references to Public Service positions, the title of the Commissioner and altering references to departments to references to administrative units so as to include attached offices where appropriate).

The conflict of interest provisions in the *Public Sector (Honesty and Accountability) Act 1995* will be complemented by provisions in the *Public Sector Corporations Act 1993* and the *Local Government Act 1999*. In the case of the public sector, exemptions in relation to particular interests are currently set out in the *Public Sector Management Regulations 1995*. The Bill brings most of those exemptions up into the relevant special Acts. Where considered appropriate, the Bill applies the public sector provisions to committees of a statutory body as if they were advisory committees within the meaning of the *Public Sector (Honesty and Accountability) Act 1995* (see for example the amendments to the *Environment Protection Act 1993* and the *Zero Waste SA Act 2004*). Provisions that provide special conflict of interest provisions for persons to whom functions and powers are delegated and for inspectors will remain on the Statute Book.

The immunity provisions in the *Public Corporations Act 1993* for bodies to which that Act is applied are brought into line with the public sector immunity provision. Immunity for local government officers is dealt with in the *Local Government Act 1999*. Immunity provisions for public sector bodies will remain on the Statute Book as follows:

- provisions forming part of a uniform legislative scheme (for example, the electricity, gas and rail safety schemes);
- provisions providing immunity for criminal liability for dealing with emergencies;
- provisions providing immunity to police officers under the *Police Act 1998*;
- provisions providing absolute immunity to courts, including non-judicial officers and mediators, and tribunals; and
- provisions providing absolute immunity (to officers and the Crown) in certain areas of potentially high risk, including, for example, the administration of the food laws and genetically modified crop laws, clamping and impounding of vehicles, carrying out forensic procedures, the making of public statements under the *Fair Trading Act*, the preparation of storm water management plans under the *Local Government Act*, the destruction of animals and plants under the *Natural Resources Management Act* and matters covered by the *River Murray Act*.

I commend the Bill to Members.

Debate adjourned on motion of Mr Griffiths.

FIRST HOME OWNER GRANT (SPECIAL ELIGIBLE TRANSACTIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 September 2009. Page 3756.)

Mr GRIFFITHS (Goyder—Deputy Leader of the Opposition) (12:02): It is my pleasure to make a contribution and to indicate that I am the lead speaker on the First Home Owner Grant (Special Eligible Transactions) Amendment Bill. I also confirm that the opposition will be supporting the bill without amendment.

There is no doubt that in recent times governments of all persuasions, be they federal or state, have supported enormously the opportunity for young people and first home buyers to get into the home market. It is part of the Australian psyche. There is a desire, I hope, for every young person to purchase a home, to own a home and to be a part of Australia's property tenure to ensure they have a roof over their head that they are responsible for. For many, that opportunity is taken away through a variety of circumstances but, for the majority of people, for decades now and for generations, it has been an opportunity that has been pursued with vigour; and I commend everybody who has taken up that opportunity.

I remember building my first home in 1984 and the pleasure that brought me. Grants were not available in those days, but they are now. This bill amends the First Home Owner Grant Act 2000.

The Hon. K.O. Foley interjecting:

Mr GRIFFITHS: Must have been. The Treasurer points out that he thinks they were available.

The Hon. K.O. Foley interjecting:

Mr GRIFFITHS: Okay, that was a silly ignorance on my part at that stage. This bill is designed to provide the Commissioner of State Taxation with greater flexibility in dealing with the discretions relating to the eligibility of the federally funded First Home Owners Boost and the state government funded First Home Owners Grant.

The boost was a decision by the federal government to extend on 14 October 2008, with the intention of finishing regionally on 30 June this year, but as part of the federal budget announced on 12 May this year the decision was made to extend it in two stages: the full level until 30 September—and there was a lot of publicity about the fact that many in the first homeowners market were intending to make purchases by that date—and a 50 per cent level of that grant from 1 October to 31 December.

The bill aims to provide legislative backing for the First Home Owners Boost, and I will give members some history on that. The First Home Owners Boost provides $7,000 to first home buyers purchasing an established home or $14,000 for people entering into a contract for a newly constructed home before 30 September, and those figures are reduced by half for the period from 1 October to the end of December. This has resulted in a significant number of contracts being entered into.

I reviewed some figures probably six months ago where concern was expressed in recent years about the decrease of first home owners into the residential market. I think in the early 2000s it was about 18 per cent of home purchases, and it had dropped down to the 12 or 13 per cent range. I could be corrected on that, but I am advised that, as a result of the boosts both state and federally, that market percentage has increased and is back into the 19 or 20 per cent range. So, that is a good move. It shows that there are young people out there who have confidence in the future of home ownership in South Australia and in Australia and that, even with the economic uncertainty that exists and with many people concerned about their future with respect to employment, people are going out there and taking the opportunity to purchase a home.

We need to do that because, on the documentation that has been presented about population growth in South Australia (and that is something that I welcome and encourage, with the two million mark being set, I believe, in the early 2030s), we have an average occupancy rate in the range of about 1.85 people per home, or thereabouts. If we are to house an additional 400,000 people, in round figures we need a little over 200,000 homes. There will naturally be some people who currently own homes who move into other properties—to either upsize or downsize—but a large percentage of those will be young people coming through the system and those who are taking up the opportunity to purchase a home for the first time.

It is important that this bill is in place because, in the short term, before 31 December when the boost runs out completely, there needs to be some flexibility for the Commissioner of State Taxation (and I commend the fact that the commissioner is exercising flexibility on that) to review the circumstances to ensure that the completion date will be within the 26 weeks, as the contract will demand, but also to recognise that on some occasions it is completely beyond the control of the home purchaser to have their home built within that 26 week period. So, the commissioner's being able to exercise some flexibility will ensure that people in those circumstances are not disadvantaged and still have the opportunity to access at least that 50 per cent of the boost that will remain until 31 December for contracts that are entered into.

The bill will allow the commissioner to vary legislative time periods relating to the eligibility criteria of the First Home Owners Grant and give the commissioner the flexibility to consider whether to write off a liability. In the briefing, I asked a question about where a liability might be in place, and I believe (I stand to be corrected) that it could be in a circumstance where a grant had been supported but then evidence might have come about that the conditions attached to that grant were not necessarily being met. My understanding is that occupancy needs to take place within the first 12 months for at least a six month continuous period for people to be eligible for the grant.

Some press has been circulated about young people who are looking to build up a real estate portfolio, who meet the criteria and access the grant, but then go back into shared accommodation. I understand that is occurring. My preference would be for people to take up this grant and reside in those homes permanently to give them the chance to have a roof over their head.

A point was also made to me in a general debate that I had with some people about this bill. An example was quoted to me of a two year old child who, for some reason, was put onto the property ownership records of a property. That property was later sold by the parents, who were also involved in the property ownership. When that child had matured and become, as they thought, eligible, because they were not aware of this previous property ownership, they were then actually ineligible to attract the grant.

The only circumstance that I could directly think of in that respect was holiday homes that people would have owned that were shared as shack site leases in coastal areas. However, that did not involve permanent tenure; it was a lease. The Treasurer might have an explanation about where, indeed, this circumstance has been met. Presumably some people have been caught up in this crazy situation. They have no real memory of the fact that, for whatever reason, they have been part of a property ownership as a child and now, when wanting to access the grant, they are not able to do so. I understand that an objection opportunity is in place whereby an applicant has been deemed not to be compliant with that, and that is certainly appropriate.

It is important that we all have the opportunity to have decisions reviewed, so I am pleased that that will also be part of the bill. I want to put on record my thanks to the Treasurer's staff and to the departmental staff who briefed me on this. The briefing did not take a long time because it seemed fairly obvious to me that this matter should be supported. However, I thank them again for their support in answering any questions that I had. This bill certainly will assist people before 31 December to enter into a contract in the knowledge that, if it is a first home purchase, they have the opportunity get some money which is available to them and which has been in the market for several years now.

Certainly, I recognise the fact that state support is continuing and that this bill relates only to the federal government funds which were part of an impetus announced quite some years ago to support the continuing opportunity for our young people to get into home ownership. With those brief comments, I confirm again that the opposition will support the bill without amendment, and I look forward to its swift passage through the house.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (12:20): I thank the honourable member for his contribution. Obviously, this scheme was one of a suite of emergency measures put in by the Rudd government to stimulate building activity at the beginning of what was clearly going to be a significant economic downturn, and it has fulfilled that task exceptionally well. There will be ramifications. There was a degree of pull forward and there will be a degree of readjustment in the market as this unwinds.

I thank the honourable member for his comments. On that issue of the two year old, I am not sure whether that is the right analogy. I preface my comments by saying that there have been many incidents where the tax commissioner and/or his staff have made what, on the surface (and perhaps even below the surface), appear to be very harsh decisions when it comes to eligibility. Let us bear in mind that the state tax office is given the task of overseeing the implementation of these schemes but with very strict guidelines from the commonwealth. It is our officers interpreting the requirements of the commonwealth government, which is providing the money.

The commonwealth government has been extremely strict in its criteria for it. If there was any previous interest in a property, that person was simply not eligible. You really have no other way of doing it because, if you start to introduce ambiguity or a degree of flexibility in the interpretation, it becomes a very slippery slope. In a perfect world they probably should have got access to one of these loans, but we have taken advice, as required by the commonwealth (initially from the commonwealth Liberal government and now the commonwealth Labor government) to adhere to very strict criteria.

On the issue of the two year old, as I have said, I am not sure whether that is quite the right analogy. What has occurred is that adults of today who are wanting to take advantage of a tax break to get into home ownership have been deemed ineligible because their parents, 15 or 20 years earlier, availed themselves of a tax break by putting their child or another family member on a title of a property to avoid land tax, for example. Members will recall some years ago now—and this created some angst—that we closed a legitimate loophole (other states had closed it off) whereby people were able to apportion property they had purchased in the name of a family member to avoid paying land tax.

My guess would be—and I am looking at my officers to get a nod, yes or no—that if a home owner, an adult, previously had put a child on the title to avoid paying land tax (or some other tax) at the time, they would then be ineligible for this home owner's grant.

Mr Pengilly interjecting:

The Hon. K.O. FOLEY: It is an issue of equity. If the parent took advantage of a way to minimise their tax bill two decades earlier, good luck to the parent, but the penalty unfortunately for the child as he or she has got older is that they have had an interest in a property, even if they did not even know it, because the old man was getting a bit of a tax break 20 years earlier. Officers, is that a reasonable analogy? I have one nodding and one shaking his head. I had better take some further advice. As always, good, frank and fearless advice: we—these officers—do not have an opinion or a view as to why someone would put their two year old on a title, because our Treasury department and our tax officers are not allowed to have moments of flight of fancy of their opinions on what they reckon the motivation was. They just have to look at everything in black and white.

I just happen to think that, if someone has put their two year old son's name on a title, they have done it for tax reasons, not through a generosity of spirit where they somehow want to be able to put a title on a wall with their kid's name on it. That is all good and well. There was a day up until recently where that enabled someone to avoid paying land tax; therefore, the parent took advantage of the tax system. We take the view now, quite properly, that they had an interest in a property, whether they like it or not. That is really it.

So, when a constituent complains, tell them to go home and say that the old man owes them about five or six grand. But then again, if they have left a holiday home in their will, they should probably just shut up and accept the fact that they are going to do very well out of the old man's investment some years earlier. That may not always be the case, but that is an explanation for that. It is very difficult. I have had a number of cases where MPs and constituents have written to me about that very point: that they had no idea their parents had them on a title some years earlier. That property may no longer exist in the family, for whatever reason.

It is a pretty brutal realisation and decision by our people. What I have learnt in this job—and I sincerely hope that one day, but not too soon, you have a chance to do this job; in about 20 years—is that, what you will find is that you just have to make hard decisions. You have to accept that there is no grey in most things when it comes to deciding who is eligible and who is not, because the minute you enter into consideration of who may or may not be eligible, you just set a precedent, and there will always be another one coming up behind it. Sometimes it is better to just say, 'That's the law. That's it!'—no flexibility. I am romancing now. I thank the member opposite and the opposition, and I move that this bill now be read a second time.

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

Mrs GERAGHTY: Madam Deputy Speaker, I draw your attention to the state of the house.

A quorum having been formed:

STATUTES AMENDMENT (CHILDREN'S PROTECTION) BILL

Adjourned debate on second reading.

(Continued from 16 July 2009. Page 3629.)

Ms CHAPMAN (Bragg) (12:20): This bill was introduced by the Attorney-General on 15 July this year, contemporaneous with the tabling of the Children's Protection (Implementation of Report Recommendations) Amendment Bill 2009 by the Minister for Families and Communities. Both these bills purport to effect a number of the recommendations made by Commissioner Mullighan, which arose out of his reports to the government—

Members interjecting:

The DEPUTY SPEAKER: Order! Conversations will occur outside.

Ms CHAPMAN: —and which were ultimately presented in this parliament on 1 April 2008, as well as a further report in respect of questions of abuse on the APY lands. These matters resulted in the government presenting a report to the parliament on which of the recommendations it proposes to implement. Subsequent to that there has been provision of some information—particularly via the government's website—regarding how the government has progressed the implementation of a number of the recommendations that did not require legislative attention.

This particular bill is a very important one within that spectrum of reform arising out of Commissioner Mullighan's recommendations. It has been quite long coming, and the opposition is a little disappointed that some of its aspects were not introduced earlier, particularly given the opposition's public commitment to and support of those parts of this bill which came directly from the commissioner's recommendations. Indeed, the opposition pointed out that some of Commissioner Mullighan's recommendations were consistent with the Liberal Party's 2005 policy prior to the last election. So, it is disappointing that we have had to wait so long for this bill to be introduced.

However, there is one aspect of this bill which is not a recommendation of Commissioner Mullighan's and which, we understand, has been developed by the government—in particular, its Department for Families and Communities. That does not mean it is a bad thing, but I make the point that the child protection restraining order regime proposed under this legislation does not have its origins in the Mullighan report and does not form the basis upon which he presented his recommendations for implementation by the government. This is an initiative of the government's own, and there are aspects of it about which the Liberal opposition is concerned.

One of those aspects has been the subject of discussion with other parties, and the opposition has received a copy of an amendment drafted by the Hon. Ann Bressington. That is a matter we have discussed with her office and, as we understand it, the government has indicated that it will support the amendment, as will the opposition. That certainly covers one of the aspects we were concerned about.

I indicate to the house that the opposition will support this bill. It amends the Children's Protection Act 1993, the Criminal Law (Sentencing) Act 1988 and the Summary Procedure Act 1921 and essentially establishes measures to prevent and punish the exploitation of runaway children. What is omitted from this bill is something about which I wish to make some comment. The government has decided—and it has published this decision—to reject recommendation 43 of the Mullighan report presented to the parliament on 1 April 2008, and it has indicated that it will not proceed with its implementation.

I mention this because it is an important omission—to provide a secure facility for runaway children. One of the concerns raised by Commissioner Mullighan in his report regarding the many children he interviewed was that it was simply not safe to leave runaway children on the streets, that this was not a place where they could have any security against the risk of being exploited or abused, and he therefore recommended that 'a secure care therapeutic facility to care for children exhibiting behaviour placing them at high risk be established as a last resort placement'.

That was recommendation 43 of his report. At the time, the opposition had publicly stated that it welcomed this recommendation regarding youth runaways amongst others (the others have been covered by this bill), but we are very disappointed to note that the government has made no commitment either to establish such a facility or to any funding to do the same. What is particularly concerning is that cases of runaway children who have got into trouble have been brought to the attention of the parliament, the Attorney-General and the Minister for Families and Communities.

I can think of one case in particular, which has been the subject of questions in this parliament, relating to a young woman who ran away and who, within a period of about seven months, became a drug and alcohol addicted person, became pregnant and had been the victim of exploitation to the extent that ultimately she became homeless and on the streets. Subsequently, she had the child and, 'for her own safety' were the words used, was placed for a short time at the Magill Training Centre, which of course is a detention facility for children who commit offences.

To find that a child who has ultimately become such a victim and who has committed no offence is ultimately held in a prison facility for children because she is uncontrollable is very concerning. So, when Commissioner Mullighan recommended in his report that we should have a secure facility that provided safety for children in this situation, we understood full well what he was talking about, and we had cases that had already been brought to the attention of the parliament that were being dealt with in a manner that was totally inappropriate for those children.

In fairness, it was acknowledged by the Minister for Families and Communities in her correspondence and to this parliament at the time that it was not the best option available, but it was the only option they felt they had; that is, to place a child in a children's prison, even if they had not committed an offence, for their own safety in those circumstances. That is totally unacceptable, and, therefore, the omission by the government in not making provision for it in this tranche of legislation is even more concerning.

However, I go back to what we do at least have in the bill. Under the current law, we have a provision, to some degree, to protect children who run away from home and who find themselves in circumstances in which they are at risk. Under the current law, it is unlawful to take a child from his or her placement or to harbour or conceal the child. That is already an offence. The defect which has been highlighted by Commissioner Mullighan and with which both the government and the opposition agree is that the children who abscond are rarely willing to give evidence against a person who provides them with refuge—in other words, someone who helps them to hide from their parents or from the guardian who has been appointed if they are state wards (as they are sometimes called)—but we need to be able to ensure that they are protected.

Of course, they have a different view. They want to get away from that situation, and therefore they are usually unwilling to give evidence against someone who is helping them to hide. That is the difficulty with that. Obviously, it is already an offence to abduct a child under 16, but again this requires proof that the child was taken and other evidentiary requirements. A general restraint order can be made against a person upon proof of intimidating or offensive behaviour on two or more occasions. Again, evidence is required.

There are paedophile restraint orders where the police can apply—and that does not rely on the child's evidence. That stops a person from loitering near children, but has limited use, as the parliament, I am sure, would appreciate for the children whom we are trying to protect with this legislation. The Youth Court can also make an order requiring a person not to have contact with a child. This applies to a care and protection order. Again, it can be used against a parent, guardian or custodian but it is limited.

The government's way of dealing with this is to introduce this child protection restraining order. This is what has emanated from the Department for Families and Communities. It is fair to say that neither I nor the colleagues with whom I have discussed this have ever heard of this proposal. It does not appear to have been floated in any discussion paper, although that does not mean that it is not a good idea. However, briefings by government officers indicate that this originated from the Department for Families and Communities.

We do not yet have the select committee report on the Department for Families and Communities. We are still awaiting that. Hopefully, we will have that before the end of the year. An expanded terms of reference was set down for a comprehensive inquiry into the operation of the department. In the submissions that have been published to date in relation to that inquiry, I have not seen it put forward as an idea by the Department for Families and Communities. It does not mean it has not happened, I just simply have not seen it. This seems to have come completely out of nowhere. Let us consider what it is though.

There will be power for a court, if it is satisfied of certain things, to restrain an adult person from having contact with a child—that is, someone under 17 years of age to be defined under the act—provided the court is satisfied that the child will be exposed to sexual abuse or drug offending. In terms of aspects of this which would apply, within the last 10 years the adult in question would have had to be convicted of a prescribed offence (rape, indecent assault, incest, gross indecency or child prostitution) and that adult is or has been subject to a child protection restraining order and, as a consequence of the child's contact or residence, the child would be at risk of those two specific things (namely, sexual abuse or drug offending) and the making of the order would be appropriate in all the circumstances.

There is a balance of probability threshold for the court to make that determination, and there can be power to make temporary placements of the child pending the proceedings. Our observation on this side of the house is that this would be a very limited application. There is no question that sexual abuse and drug offending are two areas of behaviour that are heinous and unacceptable, especially if a child is exposed to them, but it is fair to say that, although Commissioner Mullighan's inquiry related to sexual abuse of children under the guardianship and responsibility of the minister—that was the limited aspect of his inquiry—there is no question that children can also be exploited by other means and in other ways once they run away.

The most obvious and most common of which the house would be aware is children being used in the commission of crime—in stealing, committing robberies and the like—which do not come within the definition of their being at risk or exposed to sexual abuse or drug offending. That is concerning in the sense of its limitation, but we understand the reason that it is limited to that and couched on the basis that it is being presented as part of the Mullighan reform.

I make it absolutely clear to the house that this particular recommendation and proposal did not emanate from Commissioner Mullighan but, rather, it has come from the Department for Families and Communities. I think we need to know why it is being implemented because it might help to identify the reason for such limitations and whether there might be an opportunity to expand it.

My understanding from the briefing is that, notwithstanding this was not Commissioner Mullighan's recommendation, there has been some form of informal approval by him of the bill. I am not sure whether he has been given a copy of the bill or a briefing on the detail of it, but my understanding is that that has occurred. Certainly during the consultation we were concerned to ensure that Commissioner Mullighan was at least asked because, after all, this is being presented to the parliament as a Mullighan recommendation response and we wanted to be sure that it was consistent with that, particularly as it became clear in the briefing that it was not part of his recommendations but, rather, had a different origin.

The second aspect of this bill relates to the harbouring and concealing of a child. The two-step process, if I can describe it as that, is consistent entirely with Commissioner Mullighan's recommendation. First, the Chief Executive of the Department for Families and Communities will be authorised to direct a person by written notice not to communicate with or harbour or conceal a particular child. This is restricted to children who are under the guardianship of the minister, and severe penalties will apply in the event of non-compliance with that direction. It does introduce the offence of harbouring or concealing a child, preventing a child from returning to a state placement knowing the child is absent without lawful authority.

I would hope—and I am sure other members of the house would also hope—that this legislation will help to deal with a number of cases that come to us in our electorate offices. Concerned parents or relatives of children who are under the guardianship of the minister and who run away from their secure accommodation or from foster parents' residences and are at large, feel that they do not have any legal control over the matter. Nonetheless, they are very concerned about the safety and well-being of their child. There will have been occasions, I am sure, when members have had parents contact them in that situation to express their concern and ask what can be done to ensure the child is returned safety, even if not to their own home. Sometimes there are concerns about exposure to risk of abuse or exploitation in some manner—if a 14 year old girl has gone off with her 18 or 20 year old boyfriend—and the parents feel completely impotent to do anything.

That is one category dealt with, and it is restricted in the bill to those under the guardianship of the minister. Obviously, there are penalties, including imprisonment for up to one year, which will help deal with that, but there is another group in the community who are also responsible for the correspondence that many of us in this place receive, namely, the parents of children who are not under the guardianship of the minister but who run away. They are the children who, as a result of some disagreement as to arrangements within the family, run away from home. I specifically exclude children who escape an abusive situation within the family home as we have a whole child protection umbrella to protect them, and I am sure that everyone in this place supports that situation being maintained for those children, who must be protected.

However, disagreements can arise in a household as to the level of discipline and the arrangements a child will have for their schooling, who they might be friendly with, or whether they can associate with a particular person of the same or opposite sex: they are issues that confront households and families and affect relationships between children and their siblings or parents. Sometimes they result in a child running away and therefore being on the street. They may run away to another relative and still be in the sanctuary and safety of a household that is supportive and protective of them, but we are talking of those who run away, nobody knows where they are and they do not show up on the radar in a hurry as they are hiding because of a disagreement they have had with their parent or guardian back in the household.

These are disturbing situations for the parents who contact police and say that their child is missing. They might indicate where they suspect the child has gone, but they have a harrowing time not knowing where their child is. Not surprisingly, in certain circumstances the police will say that they will record the child as being a missing person but, if there appears to have been a domestic dispute, after examination of the situation they may not treat it as a major crime or regard the child as being at risk, and they will apply their attention to other duties. So the parents are left in a situation where they then contact government agencies.

They may be told by officers that they do not know where the child is, but they undertake to contact the parent if that child turns up. At that stage a genuine attempt is made by all concerned to locate the child to ensure they are safe, and efforts are usually made to return the child to their home. That is in the good cases. Obviously, in the more difficult cases, where the child might ultimately be located, either by police or by other agencies, the child expresses a wish not to return to the family home, indicating their disquiet at the relationship, or lack of such, that they have with their parents.

It may be something as simple as whether the child is allowed to have their ears pierced or something. These are situations where there is a breakdown of the relationship in the family and the child is at large and, as Commissioner Mullighan says, is at risk. Frankly, those children are at risk irrespective of whether their legal guardianship vests with the parents or with the minister. Just because these children are under the guardianship of the minister does not give them any greater protection. These children are at risk because there are predatory people out there who will abuse and exploit them if they are given the opportunity.

So, it is very important that, whilst Commissioner Mullighan's terms of reference were quite narrow in relation to the children he can give recommendations on—and that is to be commended and understood—there is a whole group of other children out there who are not under the guardianship of the minister and who also need to be protected.

One of the matters that were under discussion during the consideration of this bill was how we ensure that the parents of the non-state ward children (that is, the children who are still under their legal guardianship) also have the capacity to ensure that their child is protected and that they can have access to the benefits of this legislation. That forms the basis of what I would describe as the Bressington amendment, which I understand the government is prepared to support and the opposition will do likewise.

I do not think for one moment that this legislation will be some panacea of protection for runaway children, but we do acknowledge that the government has acted on these recommendations. We made our position very clear back in 2008 that we supported these recommendations. So, while we are disappointed that it has taken such a long time to bring this to the parliament, we will support it and hope that it has a quick passage through the parliament and that its implementation can then be available for consideration in the courts, where necessary.

There is one resource issue I want to touch on, and that is the issue of dealing with the number of cases that may now come before the Magistrates Court to protect children in these circumstances. It will, of course, impose an extra responsibility on the courts. How many of these applications are made we are yet to see. It may be that a flurry of work will be undertaken in respect of the notice procedure and that the chief executive might be inundated with requests to issue notices under the directions provision not to harbour, conceal or communicate with a child and that the courts are not rushed with applications.

What we would like to hear from the government is that, in introducing this legislation, for which the government has our support, it will ensure that some assessment is made and data recorded as to the applications that are brought before the court and that, if the number or complexity of these applications in any way overburdens the court services, adequate resources will be available to deal with it. In the absence of having any indication of how many cases this will be, it is difficult for any government to make any provision. However, we say that it is something the government should track and should be observing in other jurisdiction—if it applies in any—in relation to the child protection restraining order process and certainly in other departments where there is any kind of notice or direction procedure.

The only other notice or direction procedure I can think of that is in some way equivalent is the notice procedure which can be utilised under the Education Act and which enables principals of schools, for example, to issue a notice on a person who is in some way causing a disturbance around a school. I cannot recall the details specifically, but it was largely to deal with situations where parents have separated and there is a disturbance outside the schoolyard, with confrontations between the estranged parents regarding disputes over access arrangements with children and the like.

There is another example (and I can recall one incident in a school in the north-eastern suburbs where this was a problem) where children, who were former students at the school, were coming back to the school precinct, waiting outside the schoolyard for current students to leave the premises at the end of the school day, and questions were raised about selling drugs and the like.

There is a procedure that enables the principal of a school—it may be a lower position, as well, but it is at least the principal and perhaps the deputy principal as well—to have the capacity to issue a notice against a person. That can be referred to the police, and the police can ask them to move on if they loiter within the precincts of the school. So, there are some precedents for this type of notice arrangement.

If a large increase in resources is required, we would want some commitment from the government that that would occur in order to ensure that this does not remain as just bald legislation, that it will be applied and that it will not cause significant delay to other cases. One of the difficulties we already know of—and I am sure the Attorney is aware of it—is that we have a number of cases in which there is a proposed prosecution and charges are laid for criminal offences arising out of the Mullighan inquiry.

The government has announced certain initiatives to accommodate the express resolution and expedition of those cases, given the time that has elapsed already. The opposition recognises that that is appropriate, but there is a direct consequence; that is, people who are awaiting the determination of other cases (not just other criminal cases but also civil cases) are delayed. I am sure members of this house know of a number of cases in their electorates to which that is pertinent.

I had one case in the past week, when a woman complained that she had pending de facto property action in the Supreme Court (or it may have been the District Court) in which she was seeking relief to access settlement for her share of property with her former de factor partner, and that included her registered half interest in their former residence. She has now been advised that her case will not be heard until March or April next year, and that is a very long time to wait.

It is particularly difficult—and this is where it affects other policies–because there is a policy that states that, if you are a registered proprietor of property, you cannot access or even get onto the list for people seeking public housing through the South Australian Housing Trust. So, you have a situation where, because someone is a registered proprietor of property—even though they cannot live in it at the present time, access it, use the money from it or even borrow against it to secure other accommodation—the legal status means that they are excluded from being on a public housing list or having access to it, and yet at the same time they face a significant delay in the resolution of the civil proceedings in the court.

So, be under no illusion. I am sure that members would not be, because I am sure that they also have these cases where we introduced legislation here, or we all agree that something needs to be expedited because it is worthy of expeditious resolution and justifies some advance. However, be very clear that something else has to take a second seat. It is very important that the government at least commit to ensuring that it will monitor this and that it will make provision to ensure that this is fulfilled without adverse impact on others seeking justice.

Mr HANNA (Mitchell) (12:56): I wish to make a few remarks about the government's latest efforts to extend protection for children who are at risk. This legislation specifically provides greater protection in respect of children who are under the care of the minister. It allows orders to be made for adults not to harbour those children. I am, possibly, more concerned about the more prolific situation where children who are not in the care of the minister have run away from home and are living with people who are unsavoury one way or another.

I am glad to say that this legislation allows for child protection restraining orders to be made against the adult in that situation. I have been in favour of this sort of legislation since cases in my electorate were brought to my attention. I can think of two examples. One is the case where a teenage girl had run away from home. She lived with a drug dealer. She was certainly at risk of being in a sexual relationship with him, even if it did not, in fact, happen. She was certainly exposed to drug dealing. And, yet, when her mother complained to Families SA, one of the social workers said, 'Well, at least she's got a roof over her head.' That was said because the volume of cases that Families SA deals with is so great that this was very much a lower order issue and it was not going to be the subject of investigation by the authorities. So, I hope this legislation will help that case.

The other case I had was, again, a teenage girl who ran away because she had disagreements with her sole parent mum, and she went to live with a guy who had been grooming her when she was younger. He was one of the few figures who had shown her some affection outside the family. He was about three times her age. That is the sort of situation which I hope will

be covered by these child protection restraining orders. It is beneficial legislation, and I am very glad to see its passage through the parliament.

Mr GOLDSWORTHY (Kavel) (12:59): I am pleased to make a contribution to the legislation before the house, the Statutes Amendment (Children's Protection) Bill 2009. I join with my colleagues, particularly the shadow attorney-general, in speaking in support of the bill. I seek leave to continue my remarks.

Leave granted; debate adjourned.

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

MEMBERS' REGISTER OF INTERESTS

The SPEAKER: I lay on the table the Register of Members' Interests—June 2009.

Ordered to be published.

COORONG

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

Leave granted.

The Hon. J.W. WEATHERILL: The South-East of our state has been blessed with reliable rainfall. So much so, in fact, that the landscape has been periodically flooded, and prior to European settlement a vast wetland system stretched as far north as Kingston and Keith. Confronted with this 150 years ago, early settlers in the Lower South-East—probably relatives of the honourable member—sought to open up the land for agriculture and began constructing drains to divert these floodwaters to the sea. Unfortunately, these actions were taken without the understanding that we now have of how water flows through the South-East.

Historically, floodwaters from the South-East gradually made their way north-west through the natural waterways, filling up wetlands along the way, and eventually reaching the Coorong. However, with the South-East now a highly altered agricultural landscape, this process has been disrupted and, combined with land clearing, has left us with fragmented ecosystems and a landscape increasingly degraded by salinity.

Thankfully, we have learned from past mistakes, and smart drains, constructed more recently through the Upper South-East drainage program, have been designed to remove saline groundwater, manage flood risk and divert water to key wetlands for environmental purposes.

In July this year, I was pleased to announce that the state government would proceed with construction of the Bald Hill drain near Kingston to complete the Upper South-East drainage network. I also announced that we would commence construction of floodways to redirect water from the Lower South-East to the Upper South-East to replicate the historical natural flows as best we can and, in the process, help restore water to the Coorong.

The benefits that a completed drainage network could deliver are now becoming evident. With above-average winter rains, water from the existing drainage network has been diverted to wetlands throughout the Upper South-East in recent months, and starting today, more than 14 gigalitres of water collected through the Upper South-East drainage network will be released into the Coorong. This water will continue to flow for about three months and will be the largest volume of water ever to be released into the Coorong from the South-East drainage system.

The last time high volumes of water were released was in 2003-04 when 10.7 gigalitres provided refreshing flows to the Coorong. The Bald Hill and floodways projects will add to these benefits. With construction work on these projects scheduled to commence this month, I will soon be introducing a bill to extend the Upper South East Dryland Salinity and Flood Management Act beyond December 2009 so that they have the certainty needed to proceed as soon as possible.

Delivering water to the Coorong is good news for this precious ecosystem and shows that South Australia will do what it can to restore it to health. But long-term health depends on increased flows from upstream states, which take 93 per cent of the water extracted from the

Murray-Darling Basin. Until a long-term solution is provided, South Australia is taking emergency action to protect the Coorong and lakes at the Murray Mouth.

Measures already being taken include bioremediation, liming acid sulfate soils and purchasing an additional 50 gigalitres of environmental water. Today's announcement is a further measure that will help. However, with only 7 per cent of Murray-Darling water taken out in South Australia, we need to keep focusing on a national solution that ensures fairness.

PAPERS

The following paper was laid on the table:

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

Director of Public Prosecutions—Annual Report 2008-09

LEGISLATIVE REVIEW COMMITTEE

Mrs GERAGHTY (Torrens) (14:05): I bring up the 28th report of the committee.

Report received.

QUESTION TIME

ELECTIVE SURGERY

Mrs REDMOND (Heysen—Leader of the Opposition) (14:06): My question is to the Minister for Health. Following today's AMA report on the public health system, does the minister now acknowledge that he has not only lost control of the health budget but also mismanaged the health system, allowing South Australian elective surgery waiting lists to be—

The Hon. P.F. CONLON: I think you would understand my point of order, Mr Speaker.

The SPEAKER: The question is entirely debate. However, now that it is on record it would be unfair of me not to provide the minister with an opportunity to respond. The Minister for Health.

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:07): I am like one of those aquifers in the South-East—totally unconfined. Mr Speaker, I appreciate both the opportunity to answer this question and the amount of latitude that I think is implicit in your commentary to the Leader of the Opposition, but I will not abuse it, sir, unlike her.

I am very pleased to get this question, and I am surprised that the opposition has asked it, because I think generally the opposition has seemed terribly disinterested in health issues.

The Hon. M.J. Atkinson: Uninterested.

The Hon. J.D. HILL: Okay; uninterested.

The Hon. M.J. Atkinson: They're not disinterested in the least.

The Hon. J.D. HILL: Uninterested, then. The public hospital report card released today by the AMA is based on information which is now 15 months old; it is based on data for the financial—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: I will answer this in a great deal of detail and I will insist that those opposite listen, because they make claims which are based on falsehoods, and it is important for them to get the facts. It is regrettable, I have to say, that the AMA, with whom I have a great relationship, chose not to discuss their report with us, because we could have helped them with the facts that are in that report.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: The point is that this report is based on data from 2007-08; in fact, it is based on data which was obtained during the last year of the Howard government. Of course, that was a year when the health system in South Australia was underfunded by the Howard government. Since then, we have had a change of government and we have had additional flows of funding, and I will go through it bit by bit, chapter by chapter.

The Howard government failed to keep up with the growing demand for hospital services, allowing the commonwealth share of South Australian hospital funding to fall from 43.7 per cent when they came to office in 1996-97 to just 36.7 per cent in 2007-08—so, a huge reduction in commonwealth funding. Since the election of the Rudd government, better collaboration with and investment from the commonwealth has resulted in dramatic cuts to South Australia's elective surgery waiting lists and shorter waiting times in our public emergency departments. That is not just a claim; I will prove that claim with facts.

This is reflected in the additional $13.6 million investment from the commonwealth to complete an additional 2,262 elective surgery procedures in South Australian hospitals in the 2008 calendar year. That has taken our number of elective surgical procedures in South Australia in that year to 44,000—the greatest number in the history of our state. As well, we have had an investment of $8.1 million to improve elective surgery infrastructure in South Australian hospitals.

I do not know why the former deputy leader of the opposition, the member for Bragg, keeps interjecting—she should realise she has been dumped from the health portfolio. I know she does not have much regard for the new shadow minister, but really she should leave the interjection pathway to him. Unfortunately, he does seem to be following the same pathway as the former spokesperson.

The commonwealth funding is in addition to the Rann government's investment of an extra $55 million to increase the number of elective surgical procedures over the four years from 2006-07 to 2009-10. The AMA's old 2007-08 data says that 73 per cent—

Dr McFetridge: You said 90 per cent occupancy in February, John.

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

The Hon. J.D. HILL: The AMA's 2007-08 data says that 73 per cent of category 2 elective surgery patients—this is what it says about South Australia—were seen within clinically acceptable time frames. Following the collaboration with the commonwealth, I am pleased to say that this has risen to 84 per cent, and overdue waiting lists were slashed by 98.5 per cent in 2008-09.

Those figures for 2008-09 are available, yet the AMA in its report chose to use old figures, and based on those old figures it has come to conclusions that are wrong—absolutely wrong. If the AMA had spoken to us, we could have given it the most recent information. It is selective choice of statistics to mount an argument which is wrong.

The median wait for elective surgery has been cut from 42 days in 2007-08, which was reported by the AMA, to 36 days in 2008-09, which was not reported by the AMA. Performance in emergency departments has also improved from the old data relied upon by the AMA. In emergency departments, the number of urgent category 3 patients seen on time has risen from 54 per cent in 2007-08, as reported by the AMA, to 59 per cent in 2008-09, not reported by the AMA.

In 2007-08, 61 per cent of all emergency department patients were seen on time, as reported by the AMA, and that has risen to 65 per cent in 2008-09, not reported by the AMA. In emergency departments, further improvements will occur as a result of the commonwealth's additional investment of $61.7 million over five years, which will be invested in programs designed to reduce congestion in the emergency department, such as $23.7 million for new acute medical units and $18.3 million for more nurse practitioners and nurse liaison.

The job of cutting waiting times in EDs and waiting lists for elective surgery is not finished, and what is clear from the data is the toxic legacy that the Liberal governments leave in our public hospital system through years and years of neglect and persistent refusal to invest in building new infrastructure and funding more procedures.

We have a wonderful health-care system in Australia and we have a wonderful health-care system in South Australia. This is something that every single Australian knows and should be proud of. The facts are that our citizens live longer than just about anybody else on the planet, on average. I think only some people in Japan live longer than Australians, and we live longer, with good health. Unfortunately, our system is under pressure because of the ageing of our population.

The Hon. K.O. Foley interjecting:

The Hon. J.D. HILL: And technology, as the Deputy Premier says. Attempting to score political points on the basis of information which is old is not only misleading but dangerous, because it tells the public that they cannot trust their health system. I am here to say that the public

of this state can trust their health system. We have excellent doctors and nurses and other care workers who provide fantastic services in our hospitals.

The Hon. J.W. Weatherill interjecting:

The Hon. J.D. HILL: I won't comment on that. As a state we have continued to put more and more funding. When we came to office, the annual expenditure on public health and hospitals in this state was about $2 billion. In the seven or eight years that we have been in office, we have doubled that: it is now $4.1 billion. We have increased the number of doctors in our employment by over a thousand.

Dr McFetridge interjecting:

The Hon. J.D. HILL: I'll get to that interjection, Mr Speaker. We have increased the number of nurses by over 3,300. We have increased the number of allied health workers by over 900, and we are in the process of reducing the number of non-service providing public servants who work in our system. We are targeting hundreds of jobs that are in financial management and in human resources—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Every single time I attempt to do this the opposition objects and takes political points and goes out to the media and says, 'Isn't it a terrible thing that the government is cutting these jobs in health?' They do it in the country and they do it in the city. They are full of claptrap. They are hypocritical and full of claptrap. They have no policy for health except to object to every single reform measure that this government attempts to put into place to make sure that we have a sustainable system for the future. Please ask another question.

ROYAL INSTITUTION OF AUSTRALIA

Ms FOX (Bright) (14:15): My question is directed to the Premier. Can the Premier update the house on the official opening of the Royal Institution of Australia?

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) (14:16): I am delighted to respond to this.

An honourable member interjecting:

The Hon. M.D. RANN: Pardon? As I know the Leader of the Opposition would know, on 8 October the Royal Institution of Australia (RiAus) was officially launched in Adelaide by its patron, His Royal Highness The Duke of Kent, with the enduring mission of bringing science to people and people to science and, certainly, the RiAus opening did just that.

The opening was spread over four days and included more than 16 events that resulted in close to 5,000 people visiting the new home of the RiAus, the newly renovated Science Exchange Building at Exchange Place, formerly Adelaide's old stock exchange building, which is a very historic building. It was opened in 1901 and it has magnificent stained glass windows by William Morris. It is a place where Sir Donald Bradman operated as a stockbroker.

We had an idea, basically, out of the Thinkers in Residence residency of Baroness Susan Greenfield, for a whole series of programs and then eventually we said, 'Okay, there's a great historic link between South Australia and the Royal Institution in London,' and that is the fact that Nobel Prize winning father and son team William and Lawrence Bragg were both directors of the Royal Institution. Of course, the Royal Institution in London has produced many Nobel Prize winners, but there was another Australian link, and that is that it was founded by Sir Joseph Banks, and of course one of its previous directors was Michael Faraday, essentially, the discoverer of electricity. The RiAus creates real and virtual spaces in which people can listen, talk and think about science in all its shapes and forms.

The old stock exchange (which, as I said, began its life at the time of Federation) began its new life last week as a national hub for science education and awareness. I am very pleased to say that the Prime Minister (I know that he is in South Australia today) very generously donated $15 million of commonwealth funding, which is built into the base of the continuing operations of the Royal Institution of Australia. Santos also has contributed $5 million and we have spent, I think, about $14 million in purchasing the building and then developing it.

A fire in the old stock exchange building back in the 1980s or 1990s meant that one part of the building obviously had been substantially changed. One part was a very historic, wonderful heritage building, and it means that we have been able to restore the heritage part of the building but then have the latest in information technology communications links at the other part. I think that its state-of-the-art communications and demonstration equipment will service a vital element of the Royal Institution's charter which, in the words of the Adelaide Nobel laureate Lawrence Bragg, is 'not just talk to people about science, but show it to them'. So, it will have high definition technology, which will be linked to other institutions and organisations around the globe and be streamed live on the internet.

The RiAus launch brought fun science shows, interactive art exhibits and even 3D films to the Science Exchange. However, the launch spilled beyond the Science Exchange into Victoria Square. Thousands of people had a family fun day on Sunday. Obviously, we are delighted that the launch appropriately featured some of Adelaide's own scientists and, of course, the South Australian Film Corporation has produced a documentary on the Braggs. These amazing sons of Adelaide, who both became directors of the Ri, were represented by two daughters of William Lawrence Bragg—Lady Margaret Heath and Mrs Patience Thomson—who travelled from the United Kingdom to be part of the RiAus opening celebrations.

The launch was also attended by a host of influential science thinkers, including Nobel Prize winner Professor Barry Marshall—in fact, there were several Nobel Prize winners at the launch—who helped to discover that stomach ulcers are caused by bacteria; Professor Graeme Clark from La Trobe University who developed the bionic ear; and Professor Fiona Wood, Director and burns surgeon from the Royal Perth Hospital, who greatly influenced the future of burns treatment by developing a spray-on skin treatment for burns victims. Messages came in from Sir David Attenborough and astronaut Andy Thomas.

It is very important to recognise that this is a national initiative that is based here in South Australia. For so long, 'national' meant either Canberra, Sydney or Melbourne. This is a national hub for science education based in Adelaide and comes out of our Thinkers in Residence program. I should say, I was asked after the launch: is this one of the first initiatives of the Thinkers in Residence? But, of course, the Bioscience Institute at Thebarton; the incubator, part of a major precinct down there; the work of Rosanne Haggerty and the Common Ground apartments for people who are homeless, with specialist support; the climate change legislation which was the first of its type in Australia; and the feed-in laws—a whole series of initiatives have come out of the Thinkers in Residence program, which I think has been important in challenging us—

Mr Williams: That is just not right. It was an initiative of Rob Kerin's.

The Hon. M.D. RANN: The bioscience precinct was, but the bioscience incubator was an initiative of this government, and let met tell you we funded it and we went down to the opening, and Moira Smith, who was a Thinker in Residence, played an integral part in its development. Turn your back on science; turn your back on bioscience; turn your back on thinking; turn your back on policies: we will continue to get on with the job of innovating for South Australia's future.

CENTRAL NORTHERN ADELAIDE HEALTH SERVICE

Mrs REDMOND (Heysen—Leader of the Opposition) (14:22): My question is again for the Minister for Health. Why did the minister or his department not detect the $11 million major accounting error which showed that the Central Northern Adelaide Health Service had $11 million more revenue than it was supposed to for the 2008-09 financial year?

In the Budget and Finance Committee on Monday 12 October 2009, Tony Sherbon, Chief Executive of the Department of Health, explained that part of the reason why the Department of Health has a significant $120 million overspend was that 'there was a deterioration in the final month of the financial year that was not expected by the Department of Health'. He then went on to say, 'The Central Northern Adelaide Health Service informed us of an accounting error that meant they had provided for what was expected to be $11 million worth of revenue.'

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:23): I think the question was: why didn't the department or the minister detect this error? Well, the reality is they did, and when they did, it was reported.

AGRICULTURE, YOUNG PEOPLE

Ms BREUER (Giles) (14:24): My question is to the Minister for Agriculture, Food and Fisheries. What is the government doing to foster and recognise the achievements of young people in agriculture?

The Hon. P. CAICA (Colton—Minister for Agriculture, Food and Fisheries, Minister for Industrial Relations, Minister for Forests, Minister for Regional Development) (14:24): I thank the attentive member for Giles for her question, and certainly she, like the government, values the important contribution that agriculture makes to the South Australian economy and its importance in sustaining many of our regional communities. As a result of agriculture's key economic role in meeting these ongoing challenges like global economic uncertainty and climate variability, supporting innovation and enterprise among our farming sector is a key part of the government's strategy to build a strong and sustainable agricultural sector for the future.

Earlier this year the government launched the Ignite program, a joint initiative of PIRSA and the Office for Youth; and I commend my colleague the Minister for Youth for his contribution to this program.

An honourable member interjecting:

The Hon. P. CAICA: He is the youngest one in here, isn't he?

The Hon. A. Koutsantonis: No; the other Tom is.

The Hon. P. CAICA: I apologise, Tom, and I thank you for the correction. This program currently provides 40 young up-and-coming agrifood producers with professional development, networking opportunities and mentoring through four regional clusters established at Clare, Naracoorte, Murray Bridge and Kangaroo Island. The government also supports the SA Rural Leadership program, which offers emerging leaders the chance to hone their skills as part of a network of rural leaders across the primary production sector.

I also draw the house's attention to another initiative. The Agricultural Bureau of South Australia's Spirit of Excellence in Agriculture Awards recognise some of our state's most dedicated, inspiring and innovative people. There are four awards, including the Lois Harris Scholarship, which is presented to the first year student in the Bachelor of Agriculture at the University of Adelaide who achieved the highest tertiary entrance rank score. This year's winner of the $2,000 grant is Jared Schmaal, who hails from Saddleworth.

The Peter Olsen Fellowship provides a young farmer aged between 18 and 35 with $8,000 to carry out a project, undertake further study or participate in a study tour. Jason Schulz from Coonalpyn runs a beef and sheep farm with his family and is this year's winner. At 26, Mr Schulz has a keen interest in cattle breeding, and he and his wife started a new beef cattle stud on the property last year. He plans to use the grant for a study tour of the US to help in the development of his new stud.

The Rural Youth Bursary allows a young person aged between 18 and 30 to advance their career through a grant that can be used for undertaking courses, a study tour or conducting a special project. The inaugural winner of this award is Naracoorte teacher Abbey McKenna, who has proved to be a real inspiration in working at Naracoorte High School's Independent Learning Centre, which focuses on re-engaging students with our education system. Ms McKenna plans to use her grant to travel to Sudan to gain first-hand experience of programs in that country designed to assist young people who have been affected by various kinds of trauma.

The Service to Primary Production Award for long-term commitment and contribution to agriculture in South Australia this year has been won by Phil Roberts, an agriculture teacher at Coomandook Area School. Mr Roberts is a terrific advocate. I know the member for Hammond would agree that he is a terrific advocate both for his local community and in promoting agriculture education, including having established a website aimed at connecting agriculture teachers around our state and, indeed, around this great nation.

I am sure all members would join with me in congratulating the winners of the Agricultural Bureau's awards for this year. The government certainly recognises the importance of supporting innovation and the development of new leadership in our primary industries. It is an investment of support that will bring benefits to all South Australians going forward.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Ms CHAPMAN (Bragg) (14:28): Does the Premier now support the call for a state independent commission against corruption, as published by the Director of Public Prosecutions, or does he stand by his previous statements that his government will not announce a policy prior to the 2010 election?

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) (14:28): I have already made it patently clear on countless occasions in this house and outside the house that the concept of a national ICAC has merit, rather than its being replicated at a cost of tens of millions of dollars in each state. Of course, we have heard that the Liberals were apparently going to find their ICAC commissioner before the election and as a political party announce that person's name, which would mean that the appointment process would have to be the subject of an ICAC inquiry itself, because it would be patently political and corrupt. But, never mind, the fact is that a national ICAC, like the National Crime Authority, would guarantee independence from any administration and would have a roving brief over every state, because crime does not abide by borders.

HEALTH BUDGET

Mr GRIFFITHS (Goyder—Deputy Leader of the Opposition) (14:30): My question is for the Minister for Health. How will the government achieve additional savings targets in health when in the Budget and Finance Committee on 12 October 2009 it was revealed that the health portfolio has been consistently unable to control expenses within its budget?

Dr Tony Sherbon, Chief Executive for the Department of Health, confirmed in the Budget and Finance Committee on 12 October that the Department of Health has consistently overspent its budget, including some $120 million in the 2008-09 year, totalling $280 million in the last three financial years. In relation to the 2008-09 overrun of $120 million, Dr Sherbon stated:

> The department is required to make up not only the overrun but also any additional savings target.

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:31): I thank the deputy leader for his question. I acknowledge that the issue of managing health budgets is a difficult one, and it was a difficult one for Dean Brown when he was health minister. The interesting arrangement that applied when the Liberals were in office was unique; it is not like the one we have. The Treasurer and I actually speak about these issues, we talk about them. In the Olsen government, I understand, the treasurer and the minister for health did not talk to each other and did not show each other their submissions, so there was no—

The Hon. K.A. Maywald: And they shut theatres in the country.

The Hon. J.D. HILL: And they shut theatres in the country. If you look at the cuts in hospital beds, theatres and services in country South Australia, it was the high water mark for reductions in the Brown period, as minister for health. That is not our process; that is not what we are doing. We are trying to maintain not only the system we have but to grow the system. As I indicated before, we have increased the number of—

Ms Chapman interjecting:

The Hon. J.D. HILL: The shadow, shadow minister for health still cannot resist her interjections. Our government is committed to expanding services in health, and every year we put in more resources. It is true that a number of times expenditure has been greater than the budget that has been allocated. That is partly explained by more people turning up and requesting services than were budgeted for. Of course, that gets to the first question asked by the Leader of the Opposition: what are we doing about these services? Well, we are spending more money, but, of course, when we spend more money we are criticised.

How are we going to make the savings? One of the ways we are going to make the savings is by getting rid of waste, getting rid of duplication. That means moving services from one hospital to another, having a more rational allocation of services. Of course, when we do that, the opposition criticises. The opposition says, when we take out some services from Modbury and put them in Lyell McEwin, that they will put them back if they are in government. If we take services from QEH and put them into the Royal Adelaide, they say they will undo that when they are in

government. If they have not said that, I apologise. Every time we try to do anything that is hard, every time we try to—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Mr Speaker, the reaction of those opposite to that comment just demonstrates how obsessed they are with trivia and how little interest they have with actually dealing with the issues of—

Mr PISONI: Point of order! The question was quite specific. It was about how the minister is going to manage his budget. We have not heard any of that yet.

The SPEAKER: There is no point of order. The minister has been answering the question.

The Hon. J.D. HILL: Thank you, Mr Speaker. I was interjected upon and I responded to the interjections. The point I was making is that we are making tough decisions to try to bring health spending into reasonable control, and part—

Mr Williams: And not winning.

The SPEAKER: Order, the member for MacKillop!

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: I was making the point that we are doing a couple of things. First, we are trying to make existing services run as efficiently as we can to reduce whatever waste is in the service.

Mr Pisoni interjecting:

The SPEAKER: The member for Unley!

The Hon. J.D. HILL: That requires a lot of detailed, complex work and, of course, the cooperation of doctors. I had an excellent meeting yesterday with a group of senior surgeons, who put to me a range of things that we could do to reduce costs in the health service, and I said we would be happy to work with them on some of their ideas.

We need to make the services run more efficiently. Why use a device in a procedure that costs, say, $4,000 when there is another one which is available, which is just as good or better and which costs $400? Those decisions, of course, are made by clinicians, not by the health department and not by the minister. We have to get their cooperation to do those things, but we need to do work of that order.

We also need to do more in terms of reducing the bureaucratic load on the system, and we are doing that. The point I make now it is the point I made before: every single time I, Ernst & Young or somebody else brings out a report that highlights ways in which we can run the system more efficiently, the opposition attacks it. The opposition does not have credibility on this issue because, on the one hand, it attacks blow-outs or overruns, as it describes them, yet every single time we try to reform the system and make it run more efficiently without waste, it attacks every single one of the initiatives. You cannot have it both ways.

It is difficult to run a health system, and this is true not just of this government and it is not just true of this state. Every state in Australia and every government—both Labor and Liberal—have had the same kinds of pressures. We have an ageing population, and more older people require more services, so we have to run the services as efficiently as we can.

We have programs currently in place to find the savings through more efficient use of existing resources. For example, Ernst & Young put a proposition to us that would see a saving of 300 or so jobs in the finance and human resources areas by changing some of the arrangements. We are very keen to do this, and we are working through that. In other areas, we have made some changes.

For example, in the running of pathology services, we have combined the pathology services in this state, bringing together the IMVS, the service that was run at Flinders Hospital (SA Path, I think from memory) and the one that was run at the Women's and Children's. We

brought those services together and, as a result we have a better service. It is more integrated, it is more efficient and it saves money, and we are producing better outcomes for the public.

We have done similar things in the use of trauma services. In the past, the Royal Adelaide Hospital had its own remote recovery service, as did Flinders. We brought them together, we have reduced the waiting times people have to wait to get a service and we have saved money. So, there are lots of things—all of them are difficult and complex and none of them is without political pain.

However, the opposition wants to make political pain out of all the gains we make trying to make our service run well. If it were in government now, it would be facing the same issues, and it would be forced to do similar things or see its budgets blow out. Unfortunately, we live in the real world, not in the dream world the Liberal Party occupies.

CENTRAL NORTHERN ADELAIDE HEALTH SERVICE

Dr McFETRIDGE (Morphett) (14:38): My question is to the Minister for Health. Will the minister advise whether he is aware of and will take responsibility for the budget blow-out in this year's budget of the Central Northern Adelaide Health Service; if not, why not? The Minister for Health in this house stated on 24 October 2007:

There are clear and strong community expectations that the Minister for Health be accountable for the public health system, as I have said many times. The buck stops with me.

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:38): Under the Westminster system—

Mr Williams interjecting:

The Hon. J.D. HILL: I am not blaming anybody. I was explaining to people why systems—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Well, I wasn't blaming anyone. I was criticising the opposition for being hopeless—

Mr Pisoni interjecting:

The SPEAKER: Order, the member for Unley!

The Hon. J.D. HILL: —but I was not blaming you for our budget.

The Hon. P.F. Conlon: I think that is Chris Pyne's job.

The Hon. J.D. HILL: I won't go there. Under the Westminster system of parliament, I am responsible for the running of our services, and I come in here and I answer questions. I point out to the shadow minister, who asked the question, that it was his party that opposed the changes to the health care legislation that gave me that responsibility. In the past, individual boards were responsible, and there was nothing that ministers of the day could do, other than through crude mechanisms.

It is true that I have brought those responsibilities into our head office, and I have brought them into my own office, so I am responsible for the running of the health service. I think our service is a very good service. We can do more to improve it in a whole range of ways, including financial management, and we are working with Treasury, going through those improvements all the time. We are bringing the system under control, but it does take considerable effort and it does take considerable toughness, and we are prepared to put both those qualities behind this effort.

CENTRAL NORTHERN ADELAIDE HEALTH SERVICE

Dr McFETRIDGE (Morphett) (14:40): My question is again to the Minister for Health. Has the minister received any advice regarding the Central Northern Adelaide Health Service that for the 2009-10 financial year it is already in deficit of over $100 million, and it is not even Christmas?

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:40): I would find that hard to believe. For the first three months of the year it is unlikely that it would be that far in deficit. I certainly have not received advice to that end.

PRIMARY HEALTH CARE

Ms BEDFORD (Florey) (14:40): My question is to the Minister for Health. What is the government's response to the commonwealth government's Building a 21st Century Primary Health Care System draft report?

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:41): I thank the member for Florey for her question and for her strong support for the health care system. The Building a 21st Century Primary Health Care System draft report builds upon the broad health reform agenda of the current federal government. This reform agenda acknowledges that preventative care, primary health care and acute or hospital care are all intertwined and interdependent elements of our health system. In fact, earlier today the Prime Minister delivered a presentation to health people in Murray Bridge, in the member for Hammond's electorate. I am sorry that he was not there, but the federal member was present, representing the Liberal Party.

Mr Pederick interjecting:

The Hon. J.D. HILL: No, it is true, you cannot be in two places at once; you are not Dr Who. So, the Prime Minister went through the reform agenda in front of that audience today and made that very point, that all of the elements in health—acute, primary, preventative, nursing, aged care facilities—are all intertwined and you cannot fix up one bit in isolation from all of the others.

That view underpins South Australia's Health Care Plan, which was released in 2007. We do welcome strongly the commonwealth's agenda and we look forward to continuing to working closely to progress our shared reform agenda. In fact, I am very enthusiastic about the reform agenda that the Rudd government has proposed. I think there are real benefits for South Australia in it. It is to good to see a commonwealth government, for a change, engaged in health care reform, wanting to be partners and wanting to put dollars on the table.

In the past, the health system concentrated on treating people only once they were sick, and that usually occurred in a hospital. The aim of the health reform being undertaken at both the state and federal level is to recalibrate our health care system so that it focuses on keeping people fit and healthy and out of hospitals in the first instance, but if they do become ill we want to detect and treat their illnesses early so they can be managed outside of hospital settings. So, there is a greater emphasis on chronic disease management and also out-of-hospital care.

Our most significant initiative in the preventative health field is the Obesity Prevention and Lifestyle (OPAL) program. This is a $22 million, five year program, which is being jointly funded by the state, commonwealth—with the majority of the funding, I must say, coming from the commonwealth—and local government. OPAL will work across the whole community—in schools and sport and recreation organisations, as well as with a range of health, transport, retail, community and other sectors—to increase the amount of healthy eating and physical activity, particularly, of course, for young people. The member for Florey's noble efforts and endeavours to improve the image of broccoli have been noted and are most welcome.

Aside from encouraging people to take up healthier diets and to do more exercise, we are also increasing our primary health care network to detect and treat illness before those illnesses become acute and to help people manage existing conditions outside of hospital settings.

Our GP Plus network, which now has operational sites in Aldinga and Woodville, with major sites being constructed at Marion and Elizabeth, will bring primary health care closer to where people live. These centres will provide various combinations of doctors, allied health professionals, dentists and community health staff, who will work together under the one roof. They will offer high quality and well coordinated primary health care services in modern, accessible and family-friendly surroundings.

Another focus of the GP Plus health care centre will be helping people to manage chronic disease and to stay healthy and out of hospital. The GP Plus model has been adopted, largely, by the commonwealth government, and here in South Australia we are jointly developing GP super clinics at Modbury, Noarlunga and Playford North.

One area which I know is of particular interest to the member for Florey and which is covered in the Building a 21st Century Primary Health Care System draft report is the development of the e-health project which aims to see all medical records kept electronically. The national e-health strategy was endorsed by health ministers in December last year, and the strategy

provides a framework and plan aimed at delivering a safer, better connected and more sustainable health care system and, in the longer term, a national electronic health record.

I am very pleased that the Prime Minister made particular reference to this in his commentary today at Murray Bridge. He understands how important it is that wherever you are in Australia your health records can be obtained by those in hospitals or GP centres. An e-health record will be particularly important heading into the future where, as the member for Florey often points out to me, increasingly people do not have what we refer to as a family doctor. A record that can follow the patient easily will have enormous benefits.

Here in South Australia we are working towards an integrated electronic health records system across the South Australian health system. The aim is to establish a personal web-based entry point or portal to access integrated patient health information. The state government will invest over $300 million over the next 10 years to achieve this aim and create other efficiencies in how we manage our ICT networks. We look forward to continuing to work with the commonwealth to progress the e-health record and our shared health reform agenda.

CENTRAL NORTHERN ADELAIDE HEALTH SERVICE

Mr GRIFFITHS (Goyder—Deputy Leader of the Opposition) (14:47): My question is to the Treasurer. Given the Minister for Health's response to the question from the member for Morphett, has the Treasurer been advised of a budget blow-out of the Central Northern Health Service? The Treasurer in this house stated on 20 November 2007:

> ...overall, with our monthly monitoring by Treasury and our quarterly monitoring by ERBCC, we keep a pretty good check on government expenditure.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:47): I am happy to inform the junior shadow minister for finance—

Mr PISONI: Point of order, Mr Speaker: it is disorderly, sir, to address people by other than their title or their constituency.

The SPEAKER: I am not sure it is disorderly but it is the practice of the house that members only be referred to either by their official title or by their electorate. I encourage the Deputy Premier to stick to that practice.

The Hon. K.O. FOLEY: Mr Speaker, I certainly will follow your lead. I am pleased that the member for Unley—a stickler for probity, truthfulness and authenticity—would jump and rise. What was that old saying? We used to be able to go down to Semaphore jetty and fish for whiting with Twisties on a hook. Throw the hook out. They're up. The line has not even hit the water and then two jumped out. To the deputy leader, and I shall refer also to the shadow minister or junior minister for finance—

Mr PENGILLY: Point of order, Mr Speaker: standing order 123 quite specifically provides that a member is either to be referred to as, in this case, the member for Goyder or the deputy leader—not the junior minister. He is not the junior minister. As I said, he is the deputy leader or the member for Goyder.

Members interjecting:

The Hon. K.O. FOLEY: I did.

The SPEAKER: Order! We can sit here for 18 minutes and go backwards and forwards about something which I think is pretty trivial or we can actually get on with question time.

An honourable member interjecting:

The SPEAKER: Order! Perhaps some members can be a little less sensitive and perhaps if the Deputy Premier just sticks to referring to the members by their proper title. The Deputy Premier.

The Hon. K.O. FOLEY: To the member for Goyder, the deputy leader, all I say is that when I get attacked three mornings a week by Rob Lucas in another place, when I have TV cameras coming to see me—

Mr PISONI: Point of order, Mr Speaker: the question was quite specific. We are having a debate here by the Deputy Premier.

The Hon. M.J. Atkinson: What standing order is that?

The SPEAKER: Order!

Mr PISONI: Relevance.

Members interjecting:

The SPEAKER: Order! Perhaps if the Deputy Premier just gets on with his answer.

The Hon. K.O. FOLEY: This is funny; this is therapeutic!

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: All I am saying is that if Rob Lucas looks like the shadow treasurer, acts like the shadow treasurer, to me he is the shadow treasurer.

The SPEAKER: Order! The Deputy Premier has made his point; if he gets on with the answer, please.

The Hon. K.O. FOLEY: I think I've made my point. When I came to office as Treasurer of the state, the then health minister (the member for Elizabeth) and I were astonished that the regime in place for monitoring the expenditure of the Department of Health was non-existent. A budget would be set and an appropriation bill would pass the parliament and there would be no further checking until the end of the financial year.

Why was that? Because the division between then treasurer Rob Lucas and then minister for health Dean Brown was such that the treasury department and the Department of Health had no relationship in terms of financial controls. So riven with distrust and hatred was that Liberal cabinet that not only did the most senior minister in health and a most senior cabinet minister, the treasurer, not speak but their departments did not share information.

The SPEAKER: Point of order. The member for MacKillop.

Mr WILLIAMS: This may be of great interest to members of the government, but it has absolutely no relevance to the question that was asked and it is debate. I suggest that it is out of order on at least two counts.

The SPEAKER: Order! No, the explanation was about reports given to the Treasurer on expenditure in the health portfolio and the Treasurer is answering the substance of the question. The Treasurer.

The Hon. K.O. FOLEY: It is contextual, because when I came to office and there was this incredible—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: I'm getting to it.

Members interjecting:

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

The Hon. K.O. FOLEY: No; as I said, this is quite therapeutic. When we came to office, on advice from Treasury—

Mr Williams interjecting:

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

The Hon. K.O. FOLEY: The genius that caused Martin's downfall.

Ms Chapman: A hundred million dollars worth of therapy.

The SPEAKER: The member for Bragg!

Mr Williams interjecting:

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

The Hon. K.O. FOLEY: What we did on coming into office was set up monthly reporting of agencies to Treasury as to how they were tracking towards their budget. We have quarterly ERBCC reporting. We have financial accountability of CEOs where they are required to come to me as Treasurer and their minister when we have problems with their budget. Treasury, in the last seven years, has developed a system and a process where we are all over, to the extent that we can be, financial performance of agencies, so that when we see problems early we can put in place either remedial action or make provision for those cost overruns. It is no secret that the costs of health have bedevilled governments for the last decade or two at both state and national level—

Mrs Redmond interjecting:

The SPEAKER: If the Leader of the Opposition wants to ask a question, I would be happy to give her the call.

The Hon. K.O. FOLEY: Both Labor and Liberal governments—because, without having the facts right in front of me, I think I could confidently say that the health department overspent its budget each and every year of a Liberal government. I do not have that information right in front of me, but my guess would be that that is correct.

With respect to our health budget and what is occurring at present, there is no question that we are struggling to maintain our budgets because of the high demand for patient care. I was on the record as Treasurer following the COAG meeting when there were some treasurers out there publicly, nationally—and some premiers for that matter—saying that they had signed a fantastic deal with the commonwealth government when it came to the commonwealth-state health agreement. I was on the record at the time saying that it was not an outstanding agreement. It was much better than what Howard had given the states, but it was not good enough. The old 50:50 parity between state and commonwealth has not been restored. Howard has taken it down; Labor has lifted it back up, but not far enough.

This is an issue that we can politicise, that is obvious, but it is a problem bedevilling future governments: how do we manage the health budget when it is growing in excess of 9 per cent per annum compounding—a factor of wage inflation, technology development and, as the minister said, ageing? The average person in our new hospital when it is built will be 70 years of age.

These are problems confronting not only this government but every government in the western world. As it relates to the Central Northern Adelaide Health Service, I am advised that the budget is currently between $19 million and $20 million year, to date, over budget. It is not the $100 million as claimed by the opposition. That is the advice I have. The central northern region is going through extensive reform to reduce waste and create efficiencies so that more funding can be invested in services. I come back to this point, that the—

Ms Chapman interjecting:

The Hon. K.O. FOLEY: It is difficult to manage a health budget with the incredible demands of an ageing society where technology is being developed almost on a weekly basis to keep—

Mr Williams interjecting:

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

The Hon. K.O. FOLEY: The management of health is the most difficult task that any government, any minister or any chief executive officer could have anywhere in government. And it is not just here; it is in every single state. As far as I am concerned as Treasurer, the minister and his chief executive officer are doing an outstanding job—

Ms Chapman: You wouldn't even know.

The SPEAKER: Order!

The Hon. K.O. FOLEY: —of managing what is a very difficult period.

Mr Williams: It's a disgrace.

The Hon. K.O. FOLEY: Oh, a disgrace. The member for MacKillop: 'A disgrace.' Let us have a look at the hypocrisy of members opposite. Members opposite want to support the rebuilding of the Adelaide hospital on the current site.

Mr GRIFFITHS: I rise on a point of order, Mr Speaker. My question was specifically about the Central Northern Adelaide Health Service. The Treasurer is now debating other issues.

The SPEAKER: Yes, the Deputy Premier is debating. Have you finished, Deputy Premier?

The Hon. K.O. FOLEY: The Royal Adelaide is part of the central health region. The point I am trying to make is that the reason we are building a new hospital, in part, is the efficiencies we can get in operating the hospital as a greenfield site with a whole raft of new ways, new logistics, new technologies, new patient care models and a new configuration of rooms that can bring down the operating costs anywhere from $50 million to $100 million per annum. These people opposite do not want that.

How hypocritical of them to come in here and say, 'What are you doing to manage health pressures?' We are going to build a brand new hospital that could save between $50 million and $100 million a year on operating costs, and these members oppose it. They oppose it, because, when it comes to doing something substantial, having a proper, decent policy going forward, the members opposite are bereft of any. They have no imagination, they have no vision—

The SPEAKER: Order!

The Hon. K.O. FOLEY: —they have no concept of government.

The SPEAKER: Order!

The Hon. K.O. FOLEY: You are a lousy lot sitting there in opposition.

The SPEAKER: Order! The Deputy Premier is now debating. The member for Morphett.

EDWARDS, DR KARLEEN

Dr McFETRIDGE (Morphett) (14:59): My question is to the Minister for Health. Can the minister advise if the resignation of Dr Karleen Edwards, former CEO of the Central Northern Adelaide Health Service, is a result of the budget blow-out, and why is the minister not taking responsibility?

The Hon. J.D. Hill: I just missed what you said then. Can you start again?

Dr McFETRIDGE: Can the minister advise if the resignation of Dr Karleen Edwards, former CEO of the Central Northern Adelaide Health Service, is a result of the budget blow-out, and why is the minister not taking responsibility? The Minister for Health stated in this house on 24 October 2007:

There are clear and strong community expectations that the Minister for Health be accountable for the public health system, as I have said many times. The buck stops with me.

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:00): The former English teacher in me really wishes to analyse the text for the subtext that is in it. The shadow minister makes a number of points which are only vaguely connected with each other and then sort of leads to a particular conclusion. Karleen Edwards has announced her resignation—fact No. 1—there is a budget overrun and then I said I am responsible; and then tries to draw a link through that that somehow or other she is resigning because she is taking the bullet for the budget being overrun and I am avoiding my responsibilities. I take it that is what he is implying. They are facts but they are not related to each other. Karleen Edwards has—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Karleen Edwards, who is the CE of Central Northern, has announced that she is taking another job leading another health service in Victoria. I gather that is a promotion for her and that is something she has sought. She has not been sacked. She has voluntarily made that decision, so it is not related to anything other than her own professional interest. That is fact No. 1. Fact No. 2, the issue in relation to who is responsible: will I take responsibility? I have already answered that. I have said, under the Westminster system, I take responsibility. I said that, when I introduced legislation to make that plain, you objected to it.

ATTORNEY-GENERAL

Ms CHAPMAN (Bragg) (15:01): My question is to the Premier. Can the Premier advise whether cabinet has indemnified or has been asked to indemnify the Attorney-General for costs in respect of the Colin James v Atkinson defamation action pending in the District Court and, if so, what is the estimate of the costs?

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (15:02): The answer is yes and the plea is truth in every respect. I wish I could give the member more detail about it, but the short answer is yes, and I will give the member more detail on a later occasion. But the plea is truth and it is an extensive plea of truth.

ATTORNEY-GENERAL

Ms CHAPMAN (Bragg) (15:02): I have a supplementary question. Has the government agreed to indemnify the Attorney-General on any other actions and, if so, what is the estimated cost to taxpayers in respect of those actions?

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (15:02): The answer to that is no.

PRIMARY INDUSTRIES AND RESOURCES SA

Mr PEDERICK (Hammond) (15:03): My question is to the Minister for Agriculture, Food and Fisheries. Can the minister advise how many more positions PIRSA is seeking to shed, further to the 90 staff who have already accepted targeted voluntary separation package offers; what specific services have already been cut; and how many are from regional South Australia? It is understood separation package offers were finalised at the end of last month. There is considerable concern throughout rural communities which stand to lose local officers and services through these cuts.

The Hon. P. CAICA (Colton—Minister for Agriculture, Food and Fisheries, Minister for Industrial Relations, Minister for Forests, Minister for Regional Development) (15:03): There is no doubt that each minister has been responsible for finding savings in their portfolios. That almost goes without saying, but I will say it to help—

An honourable member interjecting:

The Hon. P. CAICA: Look, we have been required to find some savings. Prior to that, when I came into this job as minister for agriculture, I asked for an assessment (if you like) of where we have people, where our offices are located, how we were servicing those areas and how the people in those areas were using those services. That was even before a decision was made in respect of the separation packages which have been announced. That is ongoing.

I have no doubt in my mind—and I think I have provided you with a briefing to date, and if I have not, you are quite welcome to come to one, and you know that I offer them continually—that certain changes will occur in our rural areas regarding what services are being provided, where they are being provided and how they can be provided most effectively and, in fact, that will relate to their level of use by the community that we are there to help. If people are not using it, do we spend $100,000 or $200,000 per year providing a service that only a handful of people might use? Are there better ways in which we can do things? I am responsible—

Mr Pederick interjecting:

The Hon. P. CAICA: Well, I will give you the detail when it is finally worked out, but part of this process is to ensure that we do things properly and correctly and that we are able to provide a service at the end of the process. We are going through that process. Quite simply, one day—and I am not being disrespectful in any way—the honourable member may be on this side of the house sitting on the front bench and he will be required to do exactly the same thing; that is, make decisions that are appropriate for the delivery of service.

I make no apology for having to make some difficult decisions in the context of the economic climate in which we live. At the same time I am also responsible for ensuring that the outstanding presence that is PIRSA in the rural areas will continue, but it will be focusing on—

Mr Pederick interjecting:

The SPEAKER: Order, the member for Hammond!

The Hon. P. CAICA: —the services the community wants and, importantly, (as my colleague says) the community uses. I am happy to meet with the honourable member every day in order to help him understand this process, so he can meet with me—

Mr Pederick interjecting:

The Hon. P. CAICA: I have told the honourable member that we are working through a process. If he wants to understand the process I am happy to sit down with him, without any problems at all. Again, I make no bones about it: there will be changes and we will be doing things differently—that is what is required—but at the same time we will minimise, if you like, the impact of those changes to provide services that are not only warranted but also the community tells me and my department it requires.

GRIEVANCE DEBATE

YORKE PENINSULA FIELD DAYS

Mr GRIFFITHS (Goyder—Deputy Leader of the Opposition) (15:06): I want to tell the house about a wonderful event. The Yorke Peninsula Field Days at Paskeville occurred a few weeks ago and I had the opportunity to be in attendance for most of the three days. I want to make the house and, indeed, the public of South Australia a little more aware of the attractiveness of the Yorke Peninsula Field Days and the reasons that they should travel there when the event is next held in two years.

It is an amazing effort by the volunteers who create this opportunity. Mr Don Evans is president—and I believe he was president on the last occasion—and Mrs Elaine Bussenschutt is the full-time administrator. She did an amazing amount of work to not only coordinate the site, which has many permanent structures, but also attract some 730 exhibitors this year, including machinery operators who provide agricultural services to people on the land. A lot of other providers of general services were there. Many schools, especially boarding schools, were there trying to attract students from regional South Australia to use their services; and I am pleased that my daughter's school Loreto College was there.

Ms Fox: A fine school!

Mr GRIFFITHS: It is a fine school, as the member for Bright confirms. The field days have a long history and Yorke Peninsula is proud of it. The field days were first held in 1895. They are held every two years. I presume there was a break during the war years when it would have been impossible to hold these sorts of events, but for 114 years this biennial event has showcased the latest in agricultural machinery, rural services and information.

It was especially pleasing that the Minister for Environment and Conservation (Hon. Jay Weatherill) was there on the Wednesday. He launched the Northern and Yorke Integrated Natural Resources Management Plan for 2009-18 and had the chance to visit the field days for a few hours and to speak to some of the people. The Governor was also in attendance on the Wednesday as part of the official opening, which was done by famed cricketer Mr Merv Hughes. I found it interesting that a cricketer would open the field days. He admitted that he had never done it before, but it was part of his sponsorship with Metaland that, in turn, supports the field days by providing a lot of the infrastructure and sponsorship.

The program included fashion parades, working sheep dogs, wool and sheep, excellent guest speaker presentations, crafts and general interest products, and services and, as confirmed, the boarding schools were there. Every product one could imagine was available to inspect and purchase at the field days.

I have been lucky enough to spend time at the last three field days. It was a little hit and miss last time because I had some parliamentary responsibilities, but it is a wonderful opportunity to see people I have not seen for a while. In my stand, which became a remote electorate office for three days, we had an especially busy Tuesday. I basically talked myself rather hoarse until breaking away for lunch at about a quarter to two. However, people continually came in to talk about issues important to them, and in some cases I caught up with people from other regions, whom I had met before, who wanted to drop by, say hello and talk about what is happening in their lives. My staff were certainly kept busy. The federal member for Grey, Rowan Ramsay, was also at the stall, so we discussed federal and state issues with people. It really is a chance for people to understand what agricultural and regional areas of South Australia are especially wonderful for.

The site occupies some 30 hectares. Yes, you have the big sites where there is large machinery. After the field day, *The Stock Journal's* front page referred to the sale of a header for some $720,000. That shows the potential scope of the machinery that is sold at the field day sites, but there are a lot of very low price opportunities to buy products and services also.

It is really hard not to focus on the people who make it work. Every day, volunteers man the canteens to raise funds for the community groups that they represent in their local areas. People ride around in a rubbish truck making sure that the bins emptied all of the time, and people clean the toilets. It is just a complete community effort by many people within the Copper Coast that goes in to ensuring that Yorke Peninsula Field Days are a success.

As a local member for that area, I have great pride in welcoming visitors to the area. Many people buy a three-day pass, and how they are not exhausted at the end of each day after looking around at so much is beyond me. It is a great challenge to visit every site. Regrettably, because I was working on my stand, as part of my remote electorate office, I did not get the chance to visit everyone, but I tried to walk around as much as I could to say hello.

Whilst generally the numbers attending was a little bit lower than in previous years, there was a real positiveness about it. I think that has come from the fact that the rains in regional areas in the last few months have been fantastic. People are optimistic about a good future. They are frustrated by the current low dollar value available for the grains that they will grow, but they believe that agriculture will be strong and positive for many years to come.

Time expired.

WORLD TEACHERS DAY

Ms FOX (Bright) (15:12): I rise to speak today about the role of teachers in our community as a way of marking World Teachers Day, which occurred last week when his house was not sitting. World Teachers Day is held annually on 5 October and commemorates the anniversary of the signing in 1966, between UNESCO and the IOO, of the recommendation concerning the status of teachers.

It is an occasion to celebrate the essential role of teachers in providing quality education at all levels. Sadly, I was reminded of the need to do this in our community yesterday when I was reading readers' comments on *The Advertiser* website Adelaidenow. The comments were made in relation to a story the paper ran reporting on a suggestion that underperforming teachers be given a payout of $50,000 to leave the profession.

Now, no matter what one's views are on such a scheme (certainly not one that I would support at this point in time), some of the subsequent comments on the website revealed a woeful attitude towards teachers in our community. One person called Nathan said that, as far as he was concerned, teachers took up too much of his taxes anyway (I think he meant 'too many'). Another person complained about teachers having too many holidays. And then there was the bright spark, Darren, who announced that, 'Teaching was the easiest job on the planet.' He has clearly never been vomited on by a year 8 while trying to explain what the Crusades were.

I read these comments with some concern. They highlighted for me a basic lack of understanding about the teaching profession and about what being a teacher entails. I know for a fact that if one was to have a conversation with Nathan, Darren, etc., and suggest that they become teachers, they would immediately say, 'Not for all the money in the world.'

Teaching is a profession, but it is also a vocation. I have never thought it was brilliantly paid. I noticed the minute I became a teacher that my perceived status in society dropped, although, clearly, as a politician my stocks have not risen much higher. Why would young men and women choose to follow this career path when they face uncertain employment with temporary contracts, a lack of community support, and a continual need to justify their profession to others? The answer is: because it is a vocation.

Despite all these things, many people are called to teaching because of the public service that they can perform, the intangible dynamic of the classroom which can result in wonderful, precious moments when knowledge is shared. You cannot put a price on these things. It is very difficult to quantify the rewarding nature of a lesson well taught, even for a teacher, and it can be near nigh impossible to explain to somebody who has never taught.

So, we know that teachers are not in the profession for the money, the status or the glory. They tend to be in it because they genuinely enjoy the dynamic of education and their impact on the students they teach. Once again (and this is personal opinion), I am convinced that the excellence of a child's education is threefold: a happy home, outstanding teachers and parents who support those teachers with the respect due to professionals.

Teachers, of course, cannot control a child's home life, and they cannot control the attitude of their parents, but they can try—and I know they do—to be the best teachers they can be. My mother's first school experience was on a mission in Africa, where her teacher, Mr Ndhlovu, used to teach under a tree. My mother would draw in the dirt, and that is how she learnt to read and write; nevertheless, she has a passionate interest in education, and Mr Ndhlovu imparted a thirst for knowledge that has stayed with her forever. Of course, I am not advocating that modern-day teachers go back to this, and I think it is great to have new buildings.

However, at the end of the day, it comes back to the teacher—the teacher who will be lucky to teach at all because they are also playing the role these days of psychologist, parent and social worker; the teacher who has to justify his or her professional position on a daily basis to parents, colleagues and students; and the teacher whose work never ends at 3.30pm, even though the teacher bashers would like you to think that is true.

Has anybody ever dropped into an expensive wine bar at 4pm? I can tell you that it is not full of teachers leaning casually against the bar, consulting their Gucci watches. They are still at school, marking at home, supervising sport or participating in some Kafkaesque middle management inspired meeting about whether or not year 10s should be allowed to wear brown socks—but I digress.

Let us take a moment to celebrate our teachers, to thank them for educating our children and to think about how we, not just in government but as a community, can better support these selfless individuals.

PENFOLD, MRS E.M.

Mrs PENFOLD (Flinders) (15:16): As the 2009 school year draws to a close, and young people everywhere are contemplating their future after school, I am contemplating my career in politics drawing to a close. After some words of advice, I will tell my story from tin hut to marble halls.

To all students young and old, first, believe in yourself, set short-term and long-term goals, believe you can make a difference and embrace lifelong learning. When I was a school leaver, never would I have ever imagined that one day I would be a member of state parliament elected to represent the wonderful people living on Eyre Peninsula.

The first six years of my life were spent in Lock, initially living in a corrugated iron house, built in a day, I am told, by my father and uncle. It was located behind the garage my parents bought after dad returned from serving in Papua New Guinea during the war. Later, my father purchased a farm because he wanted to be a farmer, like his father. Sadly, his family farm near Port Broughton was sold when he was about nine, after his three brothers were killed in the First World War.

The Lock school went only to grade 7 in those days, so many children did not go beyond that grade. Even so, many have gone on to be very successful as farmers, fishers, businesspeople, professionals and academics—one even a judge. Despite money being very short, at the age of 12 I was able to attend Port Lincoln High School, boarding initially with my grandmother and later at the Bush Church Aid Hostel. I was desperately homesick, but I rarely went home as it was too far away and over dirt roads.

After school, I studied at Wattle Park Teachers College in Adelaide for two years and, in May 1966, as a bonded schoolteacher I was sent to Tumby Bay. It was there I met and married Geoff, who farmed there with his father at the time. In 1969, we went to Papua New Guinea to fast-track ourselves in different careers. Over the next 6½ years, we had two children, worked and studied. I volunteered in a Cheshire Home for the disabled, and we both taught English as a second language. We also travelled for three months through Europe, Scandinavia, Britain and Ireland.

When we returned to Australia, we put our studies into practice and, for the next 10 years, I was the manager of our accounting practice, dealing with a wide range of people and businesses, and became director of several family companies. I started work by necessity as Geoff was being treated in Adelaide for cancer, but we had two small children, a house and an accounting practice to pay off.

Volunteering has always been part of my life, and I encourage all young people to volunteer their time and expertise. At the end of the day, by this experience you will get far more

back then you ever give. You will have the opportunity to meet new people, work for those less fortunate and have lots of fun along the way, while gaining invaluable skills and experience.

Back in Australia, I was a volunteer and secretary for the Pioneer Park in Port Lincoln, and I became President of the Port Lincoln Liberal Party branch, as I realised that politics affects everything in our life. One of our successes included the establishment of the Patient Assistance Travel Scheme. Our branch submitted a resolution asking for government assistance for travel expenses to get country people to specialists in Adelaide for treatment. The Liberal and Labor parties agreed and when the Tonkin Liberal government got in, the PAT scheme began, which is so appreciated by rural people to this day.

After 10 years in the accounting practice, I studied real estate sales through TAFE in Port Lincoln. I also started my own business in management, helping to develop one of the first micro computer stock and debtor control programs. I wrote a handbook for this system, used by Canon computer staff for training, which was the subject of an article written by Malcolm Newell in the business section of *The Advertiser* in the 1980s.

It was during a coffee break discussion when I was teaching a 'running a small business for women' course at TAFE when I discovered that country women needed better access to breast cancer scanning. From these discussions, I researched and eventually was put on to a doctor in the Queen Elizabeth Hospital. From this contact, and the actions of many others, funds were raised for the first mobile breast cancer screening unit in South Australia, which later saved my life.

I joined the Lower Eyre Enterprise Committee, becoming chairman for a time. This committee was later superseded by the current Eyre Regional Development Board.

Every bit of knowledge I gained during those very busy years I have used during the 16 amazing years that I have been in parliament. It bemuses me to regularly be described as a former school teacher and public servant prior to being in politics, when those activities only accounted for about five years of more than 40 years in the paid workforce. Life, its experiences, our attitude to it and the choices that we make count for much more than the labels people put on us, as school leavers soon begin to discover.

I suspect that I have more experience than most people across a wide variety of fields, even if my grammar and pronunciation does not meet the approval of the current Attorney-General from time to time.

Time expired.

ADOPTION

Ms BEDFORD (Florey) (15:22): Rex Jory wrote in *The Advertiser* on 21 September about celebrity adoptions and noted:

> Celebrities think wealth can offer adopted kids more happiness than the love of the biological mother.

Overseas adoption has become an important issue in recent years. People mostly unable, for many reasons, to have their own biological children, look to other countries to offer homes to children because the Australian adoption rate has dropped significantly over the decades. Many social changes have meant that women have been able to exercise choice and keep their babies, when in the past stigma, ostracism and dreadful economic circumstances meant that giving up their babies was their only option. I can only imagine what implications such a sacrifice would entail.

Some of my constituents are involved with a Relinquishing Mothers Group, and I am indebted to one, a wonderful woman, a former workmate, who raised my awareness of an impact of adoption that for many does not even register. Adoption is often raised, so it is essential that all sides of the debate be taken into consideration when developing policies and guidelines.

There are many stories from files of the fifties, sixties and seventies here in South Australia, seen by staff who work in the area, about how adoptions were managed in those days. The Post Adoption Support Service is a vital link for relinquishing mothers and adopted children alike. Most babies adopted in South Australia were born at the Queen Victoria Hospital, where I had my two wonderful children under the care of Dr Ross Sweet.

There is no doubt that the care of mothers whose babies were to be adopted was, unfortunately, not very sensitive, partly, I imagine, because of the hospital protocols based on what was called a 'practised wisdom' and partly because of the beliefs of individual medical staff, no doubt reflecting the moral judgments of the time.

I would like to draw the house's attention to remarks on this topic made on 25 June by the member for Pascoe Vale in the Victorian state parliament when she spoke on adoption loss. She congratulated the Queensland government, Queensland Health and named Professor Ian Jones, Executive Director of the Women's and New Born Services at the Royal Brisbane and Women's Hospital, who had issued the following statement to members of the Adoption Loss Adult Support Group:

> Thank you for meeting with senior members of Women's and New Born Services at the Royal Brisbane and Women's Hospital on 10 February 2009 and sharing your stories with us about the care you received at the hospital some time ago. It was very moving and indeed saddening to hear how your experiences have adversely affected your lives, and many other lives that are near and dear to you.
>
> From our frank discussions, we understand that each of you was denied the right to experience the natural relationship between mother and child, to care for and to raise your children yourselves, but because of hospital practices were not permitted to do so.
>
> In summary, you have described to us how your much wanted babies were taken from you by the practices of the hospital operating at the time and that you feel you were coerced by hospital staff to sign over your babies for adoption.
>
> In this regard, we acknowledge the hurt and suffering you have described and sincerely apologise for any ill treatment experienced by you as single women during your pregnancy and confinement at the Royal Women's Hospital. This is a profound letter which acknowledges the extreme hurt in the lives of many women, many children and many extended families and we should learn from it.

Apologies, as we know, are a very important fact in righting wrongs. We saw the powerful effects of the Prime Minister's apology to the Aboriginal people a year ago.

I have been seeking information and a history on any laws associated with adoption in South Australia but, due to the sensitivity around adoption, very little information exists on what was official policy at the hospitals at the time. At a later date, I hope to bring additional information to the house on what was known as state-sanctioned adoption of illegitimate children and, furthermore, personal stories of the lifetime damage that has been done through giving up babies, sometimes without even seeing it.

Children are precious and this government is committed to giving every baby the best possible start in life. This includes the best possible birthing experience for mother and child, and I am particularly proud of the work being done by midwives to provide choices in birthing and the safest possible beginning in life to every baby.

There is much debate at the moment about young people in the justice system and a good deal of research showing how important the years 0 to 8 are in establishing an individual's life. I know from talking with relinquishing mothers the impact such an act has had on their lives, their subsequent children's lives and the lives of their entire families. I know, too, that many adopted children always know they are different and yearn to know their history despite having happy home lives—happy enough to have seen them grow into fully functioning adults in the community. Even so, as perhaps Rex Jory's story suggests, happiness just cannot be measured.

Time expired.

PORT AUGUSTA HEALTH SERVICES

The DEPUTY SPEAKER: The member for Stuart.

Ms Breuer: Good member. We'll miss you, Gunny.

The Hon. G.M. GUNN (Stuart) (15:27): I am thrilled beyond the realms of expression with those comments. I commend the member for Flinders for the hard work she has done and the dedication she has put into serving her electorate. Last week the Labor Party held a health forum at Port Augusta. It was a fairly selective invitation that went out to elderly people.

Ms Breuer: Two thousand invites to everyone over 60.

The Hon. G.M. GUNN: I suggest the honourable member listen to what I have to say. She might learn something. This particular forum, this stunt that was put up—and I have seen the invitations that went out; they made a number of assertions that were not correct. As the local member, I did not get an invitation but they had the Independent there because we know the Labor Party is promoting Independents to try to make life difficult. We know that; it is not hard to work that out.

Just listen to this. We had the usual spiel about how much was spent, but they did not go on to say how much extra money they had got from the GST or anything like that. They did not acknowledge the fact that the previous Liberal government built a new hospital up there, fixed up the hospital at Hawker, and put in a health centre at Orroroo—and I could go on. They did not explain why they would not support Nalya Lodge (the aged care facility) expanding at Peterborough; they did not talk about that. Do not worry; they are not going to get away with that; we will talk about it, all right.

One of the things the minister said was that there will be more general facilities at the Port Augusta Hospital and the introduction of a more centralised Aboriginal focused hospital at Port Augusta. What does that mean? I want to know what services at Port Augusta are going to be taken away, what services are going to be curtailed, how much more emphasis is going to be placed on looking after the Aboriginal members of the community, and what is going to happen to the other members of the community who want to use those facilities. They are the questions that need—

Ms Breuer: They'll get them. They'll get the services, too.

The Hon. G.M. GUNN: No, hang on. There has been a downgrading because the minister says there are going to be four general hospitals: Port Lincoln, Whyalla—

Ms Breuer: Yes.

The Hon. G.M. GUNN: Yes, Whyalla has been given a boost and Port Augusta has been downgraded. That is what has happened.

Ms Breuer interjecting:

The Hon. G.M. GUNN: Yes. I wonder what the mayor of Port Augusta thinks about this. It will be interesting—I am looking forward to the discussion.

Ms Breuer: Gunny, this is not news. You're talking about something that's 12 months old. Have you only just woken up to it?

The Hon. G.M. GUNN: No; this is what your minister told the forum. You don't even know what he said.

Ms Breuer interjecting:

The Hon. G.M. GUNN: The honourable member was there and she did not know what was said. These notes that I have in front of me were taken at the meeting. It is no good the member trying to gild the lily. I know exactly what took on.

The Hon. A. Koutsantonis: You weren't there?

The Hon. G.M. GUNN: No, I didn't go. I wasn't invited, but someone went and got the story. Don't worry about it! I might not know much about politics but I actually understand what goes on in my parish and how to get the information. What we want to know is exactly what services are going to be changed at the Port Augusta Hospital. Is there going to be a reduction in the number of general-purpose beds available? We have good hardworking people running the hospital and they have enough difficulties now without having services removed, so I want to know.

It is up to the minister, because with all this nonsense going on about how much better they are than the Liberal Party, he failed to tell the people that the previous Liberal government paid off the Bannon-Arnold Labor government's debts, paid those off as well as building these new facilities at places like Port Augusta, so I want to know exactly what is going to take place at that hospital because it is important.

There is a lovely new $19 million hospital up there providing a service so that the Flying Doctor can bring people back there and serve the general area. We did other things. We fixed the hospital at Booleroo Centre; we put those new health services in there at Orroroo; and there were all those other things we did around the electorate including fixing up things at Jamestown and all those sorts of improvements.

None of that was mentioned, but there was a general backhander at the previous government, when we paid off the debt so that they were in a better position. They never mentioned all the extra money they got from the GST taxes, which they complained about, which has lined their pockets with gold. Nothing was said about that, but they make these general

sweeping statements so I am interested to know exactly what the plans are and how long it is going to take to put them into effect.

Time expired.

LIGHT ELECTORATE, SCHOOLS

Mr PICCOLO (Light) (15:32): Today, I would like to talk about a couple of schools in my electorate but before I do that I would just like to echo the comments of the member for Bright in terms of her support for teachers and also celebrating World Teachers Day.

During my time in this place I have had the opportunity to bring to the house's attention the centenary of Gawler High School (my old high school) and also the centenary of Evanston Gardens Primary School. Today I would like to talk about two other schools in my electorate which have celebrated milestones this year, namely, Xavier College, the Catholic secondary school in my electorate, which celebrated its 15th year, and Trinity College, an Anglican school which celebrated its 25th year of service to the community in my electorate.

I need to say upfront that, in the time available to me, it is going to be very hard to do justice to the two schools so I do apologise for that. However, I think it is important to mention that Xavier College started as a result of some local Catholic community people expressing a desire to establish a school in the local area because secondary education for Catholic students was not available in the region and most students had to go to either Parafield Gardens or the city.

In August 1993, the report of a local working party was accepted by the Catholic education commission and the Gawler Regional Catholic College was approved and that is why Xavier Day—its birthday—is celebrated in August each year. Commonwealth government funding approval came in March 1994. The first principal of the new college was the late Father Dennis Handley, who he was appointed in 1994. The college opened on Monday 6 February 1995 and, on that day, 83 students made history by being the first year 8 students to attend Xavier College.

The official opening of the college took place on Sunday 28 May on what is now called the Bosco Lawn and at the end of that first year students, parents and staff all attended the very first presentation night at St Peter and St Paul's Catholic Church in honour of St Francis Xavier, after whom the college is named. At the conclusion of the mass, the students were presented with their academic awards and the very first student was awarded the Xavier Medal.

As with any new school, the following four years were full of firsts and new additions and the student population gradually increased to just over 600 by the time the first group of year 12 students graduated four years later. There were a number of highlights, one of which was when a temporary railway station, referred to as the Handley Station, was established near the college to take 800 students to the Jubilee celebration in the city.

The other school, Trinity College, the concept of a small, low-fee Anglican parish school, started as a glint in the eye, if you like, of Father John Kinsman, the then parish priest. After a range of public meetings in 1982, government applications were submitted and the college was opened on 6 February 1984 at St George's Parish Hall. The college moved to its current site at Evanston after one year with 189 students and its inaugural headmaster at that site, Mr Michael Hewitson.

The school has grown from humble beginnings to become one of the biggest schools in the country, and I understand it may be the biggest independent school in Australia. There are over five schools as a part of the group and they offer an R-12 inclusive program, including a preschool program through the Montessori school. Michael Hewitson retired in 2001 after 17 years, and at that stage there were 3,058 students at that school. In 2002, the current principal, Mr Luke Thomson, took over and the school has gone from strength to strength. In 2001 it also opened Starplex, which is the facility funded by the parents and the school community as a sports, arts and recreation centre.

These two schools are part of a number of schools in my electorate, and I must confess that my electorate is well served by education, whether it is primary, secondary, post-secondary, in terms of TAFE, including the tertiary sector.

Time expired.

PERSONAL PROPERTY SECURITIES (COMMONWEALTH POWERS) BILL

The Legislative Council agreed to the bill without any amendment.

STATUTES AMENDMENT (CHILDREN'S PROTECTION) BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 4265.)

Mr GOLDSWORTHY (Kavel) (15:38): I am pleased to recommence my contribution on what is an important piece of legislation. Just prior to the luncheon break I indicated that I am certainly more than prepared to support the legislation, in line with the comments of the shadow attorney-general, the member for Bragg.

I will just provide the house with some background in relation to the bill. Under the current law, it is an offence to unlawfully take a child from his or her placement or to harbour or conceal a child. Children who abscond rarely are willing to give evidence against the person who provides them with refuge. It is also an offence to abduct a child under 16, but this requires proof that the child was taken. Again, this requires proof of force or fraud and requires a child to report and give evidence. That is a basic outline of the current law.

The proposals within the bill offer three new mechanisms: first, the child protection restraining order; secondly, the direction not to harbour, conceal or communicate with the child; and, thirdly, an offence of harbouring or concealing a child. I will direct my contribution to the first mechanism that I highlighted, that is, the child protection restraining order, which restrains an adult person from having contact with a child under 17 years.

The court must be satisfied that the child will be exposed to sexual abuse or drug offending. It can apply when, first, the adult has within the preceding 10 years been convicted of a prescribed offence, that is, rape, indecent assault, incest, gross indecency, child prostitution; secondly, the child is or has been subject to a child protection restraining order; thirdly, as a consequence of the child's contact or residence, the child is at risk of sexual abuse or drug offending; and, fourthly, making of the orders appropriate in the circumstances.

I highlight the third point; that is, as a consequence of the child's contact or residence, the child is at risk of sexual abuse or drug offending. In my time as the member for Kavel, I have had some real life experience in terms of a constituent speaking to me about this issue. The circumstances were that this lady spoke to me about her 15 year old daughter who had, it could be described as, taken up with a 20 year old adult male. She had left home and was living with this adult male. The mother was powerless to do anything about that relationship. We went to the police. They called around and interviewed the 15 year old girl. They interviewed the male. There was denial of any sexual relationship; however, that was highly contested.

At that stage, I wrote to the then minister for families and communities, and I have to say I received what you could regard as a pathetic response. I do not have a copy of the correspondence with me, but I have—

The Hon. M.J. Atkinson: You should you have; you have had about two hours' notice.

Mr GOLDSWORTHY: I have highlighted this issue in the house previously, Attorney-General. I have quoted the contents of that letter in the house previously. One sentence was along these lines: we have to be mindful that this girl is in a transitional phase of her life, transitioning from young teenagehood to older teenagehood, if you like. As a 15 year old girl, obviously she had four years left of her teenage years. The minister's response, obviously on advice from the department, was inadequate and really pathetic. I am glad to see that the government is looking to change that. It is not before time, to be totally honest.

The government has had eight years and, no doubt, I would not be the only member in this house to raise issues such as this with the minister. The government has had ample time and at the eleventh hour, before we finish sitting for the year and running up to an election, it has decided to introduce the bill; so the Attorney-General cannot gloat that he is doing an outstanding job in introducing the bill to the house now. Those points need to be made.

In relation to this example, I went to the minister and we got a pathetic, limp-wristed response. It was actually humiliating and galling for the mother to receive information that she could avail herself of counselling. Her 15 year old daughter was shacked up with a 20 year old no-hoper and all that the government at the time could offer was counselling. I think the mother needed more than counselling. She needed some legislative power to be able to extract her daughter from that situation and force her not to continue living in that manner.

There was a good ending, I must say, given the fact that the mother did not give up. Her love for her daughter endured. Her efforts were tireless in trying to convince her daughter that her life had taken an extremely inappropriate and wrong direction and finally, as a result of continued contact with her daughter and talking to her, showing her support and love, the daughter did eventually realise that her life at that stage was going nowhere fast—going nowhere at all—with this no-hoper and his brother who was living in the flat sponging off the daughter. This lass left school at the age of 15 and took on a part-time job in the local supermarket, and these two characters were sponging off the meagre wages she generated on a fairly low pay structure working in the local supermarket. I am glad that the government has seen fit—not before time—

The Hon. M.J. Atkinson interjecting:

Mr GOLDSWORTHY: I will not be generous at all. There is no need to be generous because the government has had plenty time of time to address this matter—and it has not done so until now.

The Hon. M.J. Atkinson interjecting:

Mr GOLDSWORTHY: We are not opposing it: we are supporting it.

The Hon. M.J. Atkinson interjecting:

Mr GOLDSWORTHY: I have a reasonable record in this place of giving credit where credit is due. On numerous occasions I have congratulated the government on whatever initiative it might have taken, but on this occasion—

The Hon. M.J. Atkinson interjecting:

Mr GOLDSWORTHY: Probably the last speech I made actually, if you look back through the *Hansard.*

The Hon. M.J. Atkinson interjecting:

Mr GOLDSWORTHY: Last sitting week.

The Hon. M.J. Atkinson interjecting:

Mr GOLDSWORTHY: It was on the Fire and Emergency Services (Review) Amendment Bill, if my memory serves me correctly, so I encourage the Attorney-General to read the *Hansard*. I can remember what I have talked about—which is perhaps different from the Attorney-General remembering what he may have said at certain stages of his political career.

The Hon. M.J. Atkinson: I am outstanding at that.

Mr GOLDSWORTHY: Well, we'll see. I understand that when issues are raised you use copious notes to remind you of your previous comments.

The Hon. M.J. Atkinson: I am about to become the longest serving Attorney-General in this state.

Mr GOLDSWORTHY: Well, look who is gloating now, for goodness sake. Mr Speaker, that mother was put through an enormous amount of stress and grief. She would contact me, and I would see her any time that she wanted to make an appointment, and we were working through the issue. I have to commend the efforts of the local police. They would go around and try to put the fear of God into these two creeps who were really pooling on this young lass, and—

The Hon. M.J. Atkinson: What? What's the verb?

Mr GOLDSWORTHY: Pooling.

The Hon. M.J. Atkinson: Pooling?

Mr GOLDSWORTHY: Yes. As I said, there was a good outcome. The girl realised that the direction their life had taken was not at all beneficial to her future, and she ended the relationship and moved back with her mother. From all accounts, she went back to school and is leading a very positive and fruitful life. That is a good news story. I like to highlight good news stories in the house, and that is an example of just that.

As I said, there are some other key areas in relation to the bill, for example, the direction not to harbour, conceal or communicate with a child, and there is an offence for doing so. I do not need to expand on any other aspects of the bill. The shadow attorney-general, in her usual

manner, has done an outstanding job in her contribution to the house in relation to the legislation. As I indicated earlier, I am more than happy to support the legislation.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (15:52): I thank honourable members for their contribution to the debate. The bill uses new methods of civil restraint to prevent the exploitation of runaway children. It sets up a system of administrative direction and criminal offences to prevent people preying on vulnerable children who are in state care. In doing so, the bill repeals provisions that are ineffective because they rely on proof of inducement and on the evidence of the exploitative child.

The opposition wishes that we had legislated for a last resort therapeutic detention for these vulnerable children. To illustrate the plight of these children and the dilemmas they pose to authorities and to highlight the problems around the member for Bragg's proposed therapeutic detention, I would like to read the words of a witness to the Mullighan Inquiry into Children in State Care. At a public hearing in Adelaide on 28 September 2005, Commissioner Mullighan asked for a comment on the option of placing runaway children in forcible, albeit therapeutic, detention. The commentators were mainly senior social workers with experience of working with these children. One of them was Karen Harvey, representing Anglicare South Australia. I quote from her evidence:

> From our experience we're suggesting that young people that choose to live in risky situations do so for many complex reasons. A common theme seems to be that the young person has in their younger childhood been subject to all sorts of abuse by another perpetrator. Although we acknowledge that it is not and should not be assumed to always be the case, the abuse appears to make the young person particularly vulnerable to the skilled and manipulative approaches used by abusive adults or other people. That's during the young person's adolescence.
>
> Another factor for the young person might be the absence of safe, flexible and acceptable housing for the young person. Sometimes, when this housing is unavailable, the young person makes a choice between living with an older person who places them at risk and of course they don't have access to suitable housing. In other words, they are presented with no reasonable choice at all.
>
> We work with young people who have lived with an older adult in abusive relationships. In most of the incidences they have ended those relationships usually after a period of several months, so the young person has often—with the assistance of professionals—then come to the understanding that their relationship is not in their best interest and usually either at that time or some later date, they've categorised the relationship as abusive or exploitative and often may seek legal redress.
>
> Our experience with young people who live at risk suggests that the majority are, for at least a short period of time, utterly convinced that they want this relationship more than any other. While they are so convinced, the form of detention that would be successful in the short term is a facility which prevented young people having any unsupervised movement for 24 hours seven days a week.

That is the therapeutic detention that the member for Bragg is proposing. I return to the quote:

> Such a restriction of freedom and civil liberties is clearly a very serious step that requires significant debate and discussion.
>
> Anglicare suggests that it would seem that any proposal to detain young people forcibly in these situations has a number of very significant risks for young people. Forcible detention may create long-term mental health problems. Forcible detention for young people with existing mental health problems has the significant risk of creating additional diagnosed mental health problems.
>
> Forcible detention comes with it a social and psychological stigma. Forcible detention places young people in close proximity to other young people with similar profiles, which presents a high risk of perpetration and abuse to and from each other—

Ms Chapman: Especially at Magill.

The Hon. M.J. ATKINSON: The member for Bragg interjects again, not wanting the Gang of 49 to go into youth detention. She obviously regards it as a breach of their human rights

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: How terrible that the Gang of 49 should be put at risk by being stuck out at Magill, says the member for Bragg. Well, she can be responsible for her own views on this. I am happy where she is, and I am happy where I am on the Gang of 49. But, to return to the quote from the Anglicare social worker:

> and that forcible detention will prevent the young person from making a choice to leave the abusive relationship voluntarily, which places them at a very high risk of returning to the paedophile, the abusive person or connecting with another person or abusive person after their release from detention.

It is these children whom the child protection restraining order provisions seek to protect. They are vulnerable children with complicated needs, some running away from home, others from care. These children have not committed any crime, nor do they have a mental illness that necessitates detention for treatment.

There is ample evidence that detaining wayward children has not worked in the past. That is distinct from detaining criminal children, whom the member for Bragg would not have us detain because, according to the member for Flinders, it is a violation of their human rights, and that is on the *Hansard* record now. The government recognises that forcibly detaining these children is not the answer.

Ms Chapman: You're doing it: you're putting them in Magill.

The Hon. M.J. ATKINSON: No; I refer to detaining wayward children, as distinct from the Gang of 49. We have focused instead on separating the exploitative adult from the child by means of a child protection restraining order directed at that adult. I commend the bill to the house.

Bill read a second time.

MEMBER'S REMARKS

Ms CHAPMAN (Bragg) (15:58): I seek leave to make a personal explanation.

Leave granted.

Ms CHAPMAN: The Attorney-General, in his response to the debate on the bill we are currently dealing with, a few moments ago asserted that I had made a statement in respect of some persons to whom he referred as the Gang of 49.

At no time have I made a statement during the course of this debate in respect of the Gang of 49. He knows that, and his attempt to assert statements in relation to runaway children, who are the subject of these matters and who have nothing to do with those who have criminal convictions, is an entirely different matter. He knows that, and I seek that that be noted.

The DEPUTY SPEAKER: Order! The member is moving to debate.

STATUTES AMENDMENT (CHILDREN'S PROTECTION) BILL

In committee.

Clauses 1 to 3 passed.

Clause 4.

Ms CHAPMAN: This clause relates to the power to remove children from dangerous situations, and it sets out the circumstances under which will be taken. In relation to where children may be placed, in the absence of there being a therapeutic detention secure facility, which has just been referred to, and in the circumstance where there is no accommodation available, is it the intention of the government that it will continue, in these circumstances, to place children, albeit for short periods of time, at the Magill Training Centre when, clearly, they do not have a criminal record but it has been deemed that the only safe place available to them, and where they will be protected, is a children's prison? I gave the most recent example of that during my second reading contribution. Is it the government's intention that it will continue to place children at the Magill Training Centre in these extreme cases in the absence of a therapeutic detention facility?

The Hon. M.J. ATKINSON: I do not think the question is relevant to the text of the bill.

Ms CHAPMAN: I will put it this way. Does the list of places where the government proposes to place children, having taken them away, include the Magill Training Centre?

The Hon. M.J. ATKINSON: The bill does not contain a list of such places.

Clause passed.

Clauses 5 to 11 passed.

Clause 12.

Ms CHAPMAN: This is the clause which essentially provides for the child protection restraining orders, in particular, who can apply, what are the circumstances that need to prevail to satisfy a court, and a number of other aspects in the machinery of this. The prescribed offence

which is referred to means a child sexual offence or an offence under part 5 of the Controlled Substances Act. Are there any other offences that are proposed to be prescribed by regulation?

The Hon. M.J. ATKINSON: No.

Ms CHAPMAN: We were advised in the briefing that this child protection restraining order came from the Department for Families and Communities as one of its initiatives. As I indicated in the course of debate, this was not a recommendation of Commissioner Mullighan in his report, or in any other report that I have seen of his. Can the minister identify who or what division within the Department for Families and Communities came up with this idea and whether there was any report, investigation or assessment of where it might be operating in some other jurisdiction for the purposes of presenting it to the parliament in this bill?

The Hon. M.J. ATKINSON: Families and Communities talked with the Attorney-General's Department about an alternative to therapeutic detention and came up with this alternative which acts on the potential abuser rather than the child. The Attorney-General's Department explained what we were proposing to Commissioner Mullighan and, as we understand it, he was happy with what we are proposing.

Ms CHAPMAN: I understand that, minister, but my question was actually: where did this come from in the department and was it based on any report or investigation done by them before they put it to your department, which you then adopted and explained how it happened from there? I am trying to find the origin of it.

The Hon. M.J. ATKINSON: The Attorney-General's Department, after studying the question, decided that therapeutic detention was not a good idea.

Ms CHAPMAN: I think we are at cross-purposes. I am not talking about therapeutic detention: I am talking about the idea that is the root of this child protection restraining order. This is your idea and nothing to do with the therapeutic facility. It is this idea. What was the data, research or review that was undertaken by either department (yours or Families and Communities) which led to this idea coming in from the department?

The Hon. M.J. ATKINSON: The Attorney-General's Department studied what was done in other jurisdictions and what was done in South Australia. We discussed it with Families and Communities and this is what we came up with.

Ms CHAPMAN: Is that correct then that this is something that has come out of the Attorney-General's Department or is it an idea that has come from Families and Communities? What we were told at the briefing is that this came from Families and Communities. If your department initiated it, then my same question is to your department. I really want to know because, if you say that studies have been done and consideration of other jurisdictions has been conducted, then can you tell us in what other jurisdictions this operates and what other study was done?

The Hon. M.J. ATKINSON: Families and Communities decided that it did not think therapeutic detention was a good idea. It asked the Attorney-General's Department to work up an alternative to it and we did.

Ms CHAPMAN: Having then come from the Attorney-General's Department, what other jurisdictions that you referred to were investigated and what research was done to identify whether this was a proposal that was worthy of proceeding with?

The Hon. M.J. ATKINSON: The member for Bragg just does not quite seem to get it.

Ms CHAPMAN: You said you looked at other jurisdictions.

The Hon. M.J. ATKINSON: That is right.

Ms CHAPMAN: What were they?

The Hon. M.J. ATKINSON: We looked at other jurisdictions but, as it happens, no other jurisdiction has this; it is our idea. Is that what you wanted to know?

Ms CHAPMAN: That is fine.

The Hon. M.J. ATKINSON: What a breakthrough!

Ms CHAPMAN: In your department, what was the basis upon which this idea was born as being the answer whether it is alternative, therapeutic or any other method? Where did this come

from? There is no other jurisdiction that you know of that operates it. What was the other data or research that was done?

The Hon. M.J. ATKINSON: We consulted Families and Communities and then we were creative.

The CHAIR: The question is that clause 12—

Ms CHAPMAN: Madam Chair—

The CHAIR: Member for Bragg, I have been very indulgent but these questions are not even committee stage questions. They are more appropriate to the second reading speech, so could you—

Ms CHAPMAN: Madam Chair, this is what the child protection restraining orders were on. The major initiative of this bill—

The Hon. M.J. Atkinson interjecting:

The CHAIR: Order! The matters raised were appropriately raised in the second reading speech when the Attorney could have answered them. Do you have questions about the detail of the bill as opposed to its genesis and origins?

Ms CHAPMAN: When your department decided that it was going to make up this idea of doing something which was completely novel and which it had not found anywhere else in any other jurisdiction, what was the basis on which it decided which people could make the complaint as set out in subclause (1)?

The Hon. M.J. ATKINSON: The applications need to be made by a responsible public official, not helter-skelter by anyone who wants to interfere and is not accountable. We do not want these applications to be used vexatiously or to damage the reputation of people who do not deserve it. We want a considered decision by a responsible public official to apply for one of these orders. So, it is the child or the guardian or a police officer. We do not want some busybody coming along and trying to damage a third party by taking out an application against them. The mere process of applying would be enough, I think, to damage the target's reputation.

Ms CHAPMAN: This having emanated from your department, as we now know, and not out of Families and Communities, what was the basis upon which you formulated section 99AAC(2)(c)(ii) which sets out the circumstances in which the restraining order may apply—namely, that there has to be some history that would put them at risk of sexual abuse or drug exposure?

If this had come out as a Mullighan recommendation, I could understand that, because he had very strict terms of reference, but now that we know that it has emanated out of your department, what was the basis for deciding that other forms of risk to children, including exposure to undertaking criminal activity or expectation of being exploited in other ways, are not to be included? Why did it have to be confined to just these two areas?

The Hon. M.J. ATKINSON: Commissioner Mullighan identified the mischief. We then set about dealing with the mischief. This is the result.

Ms CHAPMAN: I think, Attorney, you would agree that the mischief that Commissioner Mullighan was confined to be able to investigate, of course, was sexual abuse of children who were state wards. As prescribed by this parliament, he had a very narrow term of reference to investigate. Of course, he could not look at the question of whether children were necessarily going to be at risk by exploitation or undertaking other illegal activity—for example, being used in the commission of criminal offences and the like.

The Hon. M.J. Atkinson: What's your point? What point are you making?

Ms CHAPMAN: My point is that, this having emanated from your office and not from Commissioner Mullighan and the restrictions relating to that, why would your child protection restraining orders not also be available as a relief when children are, on the evidence, at risk of being used in criminal activity?

The Hon. M.J. ATKINSON: The criminal activity that was identified by both Commissioner Mullighan and others was unlawful sexual activity and unlawful exposure to non-therapeutic drugs and, accordingly, it is to that that we have responded in our law. If the unlawful activity that had been identified was some Fagin having artful dodgers under his roof and shoplifting we would have

addressed that, but that was not what was identified. What was identified was illicit sexual activity and illicit supply of drugs.

Ms CHAPMAN: When the Attorney's department came up with this idea, did it even consider any other areas of risk that might need to be included, or did it not even address that issue?

The Hon. M.J. ATKINSON: First of all the member for Bragg takes the view that we should have taken a more rigid approach and only confined ourselves to what Commissioner Mullighan recommended and not be creative and find a different solution, and then in this question she asks, 'Why weren't you more creative?' and go out and find mischiefs to remedy, to which no-one in the consultation referred.

Ms CHAPMAN: Madam Chair, I rise on a point of order. This is the committee stage, during which questions are asked of the mover of the bill in relation to its application—

The CHAIR: Order! The member for Bragg has been indulged by the chair to the extent so far of 10 questions when three is the standing order.

Ms CHAPMAN: —and my point of order is that the Attorney is simply putting back—

The CHAIR: Order!

Ms CHAPMAN: —a rhetorical question that is not only inaccurate but—

The CHAIR: Order! The member is engaging in debate. A personal explanation is the suitable way to address those issues. Are there any further questions on clause 12?

Ms CHAPMAN: No, Madam Chair.

Clause passed.

Clause 13 passed.

Clause 14.

Ms CHAPMAN: With respect to the issue of the restraining order and the absence of the defendant, what is the process that is to occur in relation to the service of the order when it is made in his or her absence?

The Hon. M.J. ATKINSON: The orders do not take effect until they are served on the subject of the application.

Ms CHAPMAN: So, is it the situation that an application for the order to be made can be served on the defendant? The defendant does not turn up to court, the order is made in his or her absence, and it will not take effect until the service of that order on him or her?

The Hon. M.J. ATKINSON: Yes; the same arrangements as under the Summary Procedure Act with apprehended violence orders.

Ms CHAPMAN: I need to clarify that, because at the moment if you are served with the application and you do not turn up to court you run the risk of the court making that order, and that is your bad luck. These are not interim orders; these are orders upon which they have been served and orders made in the absence of the defendant because they have skipped the state or do not want to turn up or ignore the jurisdiction completely. Is the Attorney saying that if they do that—an order is made and they just avoid service—they will be able to avoid any penalty for a subsequent breach thereof in that action?

The Hon. M.J. ATKINSON: I refer the member for Bragg to section 99E of the Summary Procedure Act.

Ms CHAPMAN: That is why I am seeking clarification, because, at present, if you do not turn up to court under the Summary Procedure Act, you run the risk that an order will be made and that it will be binding on you irrespective of whether the defendant snubs their nose at the court. That is why I want to be clear about this. In fact, under the intervention orders which we are in the middle of debating, there will be special provision to ensure that, once the interim order is made and served and it is later confirmed, the police are not required to serve it again. I think that has merit, but I want to be absolutely clear under this new procedure that, if an order is made in the absence of the defendant, will it only be able to be prosecuted for any future breach of conduct if they are served with it?

The Hon. M.J. ATKINSON: Yes, because it is the same as any other restraining order.

Clause passed.

Remaining clauses (15 to 19) and title passed.

Bill reported without amendment.

Bill read a third time and passed.

LIQUOR LICENSING (PRODUCERS, RESPONSIBLE SERVICE AND OTHER MATTERS) AMENDMENT BILL

Second reading.

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability) (16:24): 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.

It is Government policy to promote a competitive business climate, responsible service and consumption of alcohol, and reduction in unnecessary red tape and cost for business within a framework of strong enforcement. The *Liquor Licensing (Producers, Responsible Service and Other Matters) Amendment Bill 2009* is a reflection of that policy.

Producer's licence

A survey of the holders of producer's licences conducted by the Liquor and Gambling Commissioner and the SA Wine Industry Association identified various proposals to ensure that the licence keeps pace with the growth of the wine industry, changes in structure, grape supply, production practices and new business models including capturing and catering to tourist markets.

Currently, the *Liquor Licensing Act 1997* allows the holder of a producer's licence to sell liquor that is their own product, and to sell or supply liquor for sampling. The Bill provides for amendments to the Act that will benefit the holders of a producer's licence by allowing liquor other than their own product to be provided as a sample in comparative tastings, and to be offered to consumers in a designated dining area. This initiative will encourage further educational and innovative experiences to be developed at the cellar door. It will also enable a producer to provide a complete dining experience without the requirement to hold both a producer's licence and an additional licence to sell other types of liquor for special functions. This should reduce red tape and cost for business.

The Bill provides that 'an amount of liquor of a particular kind will not be considered to be a sample if it exceeds the prescribed amount for that kind of liquor'. The 'prescribed amount' will be included in the Regulations at a later date following consultation with industry.

Currently, a licence may only relate to one licensed premises. The Bill provides that, in the case of a producer's licence, a licensee may have up to two licensed premises approved under a single licence, one at the licensee's production premises and one elsewhere, for example in a nearby town. If a licensee does not have a production premises or does not wish to have an outlet at the production premises, the licensee will only be able to have one licensed premises. In the case of a producer of wine with production premises in a wine region, the second outlet must be in that wine region. The region for a wine producer is determined by the wine regions defined in accordance with the *Australian Wine and Brandy Corporation Act 1980*.

Currently, the Act does not allow two or more licence holders to operate from the same premises. The amendments will allow the holder of a producer's licence to enter into an arrangement with other producers to participate in a collective outlet. A collective outlet is the part of the licensed premises where each of the producers can sell or supply their own products. The area to be used for the collective outlet will be approved under individual producer's licences and to the extent that premises are shared, each participating licensee would be responsible for all compliance matters and the employment of a 'responsible person' at the collective outlet. An additional licence will not be required for the collective outlet thereby reducing cost to business. The number of producers permitted to form a collective will be determined by the licensing authority and an application will not be approved if the number of licensees involved or the nature and extent of the trade mean that it would be better authorised by the retail liquor merchant's licence or a licence of some other category. The establishment of a collective outlet is designed to enable producers to reduce administrative, staffing and other overheads and also to assist in the promotion of tourism in various wine regions.

Currently, holders of a producer's licence cannot sell or provide samples of their product off the licensed premises unless they apply for a limited licence each time they wish to attend a local market or festival. The Bill will allow producers with production premises to sell or sample their products at regional festivals and farmers markets under their producer's licence. This will effectively extend the producers retail outlet to farmer's markets and will assist to optimise tourism. The details of the markets will be endorsed on the licence and, in the case of wine, the approval will be limited to sites and events occurring within the same region as the producer's licensed premises.

The licensing authority will have the power to impose conditions of licence to ensure noise and disturbance issues are addressed.

It is not intended that large festivals such as the Schutzenfest, Glendi and various food and wine festivals be included because the nature and scale of these are such that it would be more appropriate to continue to cover them by limited licence. This will enable the licensing authority, SAPOL, local councils and organising committees to develop appropriate conditions to address noise, behaviour and safety issues.

The Bill provides the licensing authority with the power to exempt a producer from the requirement that a substantial proportion of blended wine is the licensee's own product in special circumstances beyond the control of the licensee, such as a failed crop. This will allow producers to continue to operate, reducing the financial and other impacts of the circumstances on wine production. The amount of wine that can be purchased will be limited by the licensee's own production capacity. This does not in any way diminish the effect of laws applying to the labelling or marketing of wine.

The Bill amends and inserts various sections that are consequential to the amendments of section 39 and relate to the addition, removal or variation of a licensed premises on a producer's licence.

Previously producers had to obtain a special circumstances licence to conduct their business if the nature of their operations was not permitted under a producer's licence within the current Act. Transitional provisions are provided in the Bill to enable those producers to convert their licence to a producer's licence or satisfy the licensing authority that the licence could not appropriately be converted.

Codes of practice

The Act currently provides for the Liquor and Gambling Commissioner to issue codes of practice that minimise the harmful and hazardous use of liquor; and promote responsible attitudes in relation to the promotion, sale, supply and consumption of liquor. A code of practice effectively contains mandatory licence conditions.

The Bill provides for the scope of the codes to be broadened to allow a code to deal with any matter designed to promote compliance with the provisions and objects of the Act including:

- requiring staff to undertake specified accredited training;
- prohibiting advertising that is likely to result in the liquor having a special appeal to minors;
- regulating schemes for the promotion of liquor on licensed premises;
- preventing offensive behaviour on licensed premises (including offensive behaviour by persons providing entertainment);
- measures designed to minimise offence and disturbance to residents, protect the safety, health or welfare of minors, customers and staff; and
- ensuring public order and safety at events attended by large crowds.

Sale and supply of liquor to intoxicated persons

The Bill provides for an expansion of section 108 which relates to the sale and supply of liquor to intoxicated persons.

It is currently an offence for liquor to be sold or supplied to an intoxicated person. The offence is committed by the licensee, responsible person and the person by whom the liquor is sold or supplied. The Bill also makes it an offence to serve liquor to a person in circumstances in which the person's speech, balance, coordination or behaviour is noticeably impaired and it is reasonable to believe that the impairment is the result of the consumption of liquor. It is a defence for bar staff if the defendant believed on reasonable grounds that the impairment of the speech, balance, coordination or behaviour of the person to whom the liquor was sold or supplied was not the result of the consumption of liquor and it is a defence for licensees and responsible persons if the defendant exercised proper care to prevent the sale or supply of liquor in contravention of the provision. The amendments will bring the provision more into line with the approach in other jurisdictions and are designed to make it easier for licensees, bar staff and those enforcing the Act to make an assessment of a person in those terms.

The Act provides powers to refuse entry to or remove a person from licensed premises if the person is intoxicated or behaving in an offensive or disorderly manner. The Bill provides an additional power to remove persons who it is reasonable to suspect have supplied liquor, or are about to supply liquor to an intoxicated person or to a person in circumstances where that person's speech, balance, coordination or behaviour is noticeably impaired and it is reasonable to believe that the impairment is the result of the consumption of liquor.

These amendments will encourage licensees and responsible persons to take a more proactive role in managing the sale and supply of liquor on licensed premises and were refined following comments made by the industry during recent consultation.

Prohibition of manufacture, sale or supply of certain liquor

Currently there is no provision in the Act that enables the Minister to ban certain liquor products that appeal to minors in the way they are packaged. For example, alcoholic milk such as Moo Joose and alcoholic ice blocks have been banned in other jurisdictions because of the potential for them to be confused with products that traditionally have been consumed by minors such as flavoured milk and ice blocks.

The Bill gives the Minister for Consumer Affairs the power to prohibit the manufacture, sale and supply of undesirable liquor products in South Australia if satisfied that because of its name, design or packaging the liquor is likely to have a special appeal to minors or be confused with confectionery or a non-alcoholic beverage. This further supports harm minimisation as the first object of the Act.

Except where an exemption under the *Mutual Recognition (South Australia) Act 1993* is in force, a ban on the sale of a certain product will be enforceable for a period of 12 months.

A ban can be brought into effect quickly by means of a Gazette notice. Such a ban expires after a maximum of 42 days. Before any permanent ban is brought into effect by means of regulations, a consultation process must be undertaken and the manufacturer, distributor or importer given the opportunity to show cause why the product should not be prohibited.

Ministerial power to ban undesirable liquor products operates in the interstate jurisdictions of New South Wales, Queensland, and Western Australia.

Expiation of certain offences

The Bill provides for the expiation of certain offences.

Expiation notices will only be issued for offences which are 'clear cut' and of a less serious nature where the breach is clearly defined in law, the facts are easily verified and the evidence is non controversial. The use of expiation notices to deal with these types of offences will enable enforcement in a quick, easy and inexpensive process without costly court action as is currently the case. As minor offences will be diverted from the court system, this proposal will result in a reduction in the time and costs involved for the offender, the Police, OLGC and the courts.

The Bill provides for expiations that range from $160 to $1200.

Removal of unfinished liquor from licensed premises

Currently, section 104 of the Act permits a person who has brought liquor onto licensed premises for consumption with a meal provided by the licensee, to take the unconsumed portion home from the licensed premises. The Bill will extend this concept in order to enable a patron to remove from the licensed premises a partially consumed bottle of wine purchased on the premises.

This will have a positive impact on the community as it will facilitate the responsible consumption of liquor on licensed premises.

Entertainment consent

The Bill makes it an offence for a licensee to provide entertainment unless the entertainment is provided while the licensed premises are open for the sale or supply of liquor or unless the licensing authority has expressly allowed entertainment to occur at other times. This is designed to ensure that licensed premises cannot be used as entertainment venues at times that have not been taken into account in relation to disturbance and noise in the neighbourhood.

Technical amendments

Finally, the Bill makes some technical amendments designed to improve the administration of the Act including:

- empowering the licensing authority to release information held by the authority in whatever manner it considers appropriate, in the exercise of its absolute discretion;
- empowering the licensing authority to seek further documentation as part of the application process; and
- amending the defence provisions in section 110 to restrict requests for evidence of age to prescribed forms of identification.

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 *Liquor Licensing Act 1997*

4—Amendment of section 4—Interpretation

A definition of sample is added to enable the regulations to limit the quantity of liquor that may be sold or supplied as a sample.

5—Insertion of section 11A

New section 11A takes the place of current section 42(1). The Commissioner's codes of practice effectively impose mandatory licence conditions. Under the new section the codes will be subject to disallowance by resolution of either House of Parliament and must be approved by the Minister. The new section lists matters that may be the subject of codes but also allows a code to deal with any matter designed to promote compliance with the provisions and objects of the Act.

6—Amendment of section 39—Producer's licence

This clause makes some significant changes to the activities authorised by a producer's licence.

Currently a producer may have an outlet located either at the producer's production premises or with the approval of the licensing authority at some other location. The new provisions allow a producer to have an outlet at both a production premises (if the producer has one) and at another location. It also allows licensees to share premises as a retail outlet for each of the licensees or as a production outlet for 1 licensee and as a retail outlet for other licensees.

Currently a producer may, if the conditions of licence so provide, offer samples of the producer's product on a part of the licensed premises approved for the purposes by the licensing authority. Under the new provisions the producer will also be able to offer samples of other liquor of the same type as the licensee's product for the purposes of comparison.

Currently a producer may, if the conditions of licence so provide, sell the licensee's product in a dining or other approved area. Under the new provisions this is, in the case of the dining area, extended to any liquor.

Currently a producer may obtain a limited licence to sell product at a market or special event. Under the new provisions standard authorisations of this nature may be included in the producer's licence by way of a producer's event endorsement.

In order to facilitate the promotion of wine in a region, the new provisions require that second outlets and events authorised for a producer of wine with a production premises in a region be located in that region.

The new provisions also allow the licensing authority to temporarily authorise a producer of wine to produce wine other than wine comprised of, or including a substantial proportion of, wine fermented by or under the direction of the licensee or a related body corporate. This may be allowed where warranted by circumstances beyond the control of the licensee.

7—Amendment of section 42—Mandatory conditions

This clause is consequential on the insertion of new section 11A.

8—Amendment of section 45—Compliance with licence conditions

The section currently relies on the penalties set out in section 132. The amendment enables the regulations to specify breaches of licence conditions that will comprise expiable offences.

9—Amendment of section 48—Plurality of licences

This clause is consequential on the amendments to section 39.

10—Amendment of section 51—Form of application

The form of an application is already a matter for the Commissioner. The amendment expressly contemplates the Commissioner requiring an application to be accompanied by particular documents or material.

11—Amendment of section 52—Certain applications to be advertised

The amendment requires a notice advertising an application to specify where and when the application and associated material may be inspected.

12—Insertion of section 52A

The new section requires the Commissioner to make material associated with an application available for inspection to a person with a genuine interest except in circumstances described in subsection (2) requiring confidentiality.

13—Insertion of section 62A

The new section clarifies that application for removal of producer's licence in respect of one outlet to another is to be dealt with in the same way as an application for the removal of the licence to premises or proposed premises under the Division (even if the licence is not removed in respect of some other outlet).

14—Insertion of Part 4 Division 4A

This new Division contains new sections 62B and 62C. Section 62B (Addition of outlets to producer's licence) provides for the addition to a producer's licence of premises or proposed premises as a production outlet or retail outlet. It mirrors the current provision of the Act (section 60) relating to the removal of a licence to premises or proposed premises. Under the provisions an outlet is assessed in the context of its construction, planning issues and disturbance to the amenity of the surrounding area. Similarly, section 62C (Certificate of approval for addition to producer's licence of proposed premises as outlet) mirrors current section 62 of the Act, albeit in relation to a production outlet or retail outlet.

15—Amendment of section 68—Alteration and redefinition of licensed premises

This amendment allows for the removal of a production outlet or retail outlet from the licensed premises without it being substituted with another outlet.

16—Insertion of Part 4 Division 8A

The new Division contemplates variation of a producer's event endorsement and is consequential on the amendments to section 39.

17—Amendment of section 97—Supervision and management of licensee's business

The amendment makes an offence comprised of a responsible person not wearing identification expiable.

18—Amendment of section 100—Supply of liquor to lodgers

The amendment makes certain offences relating to the supply of liquor to lodgers expiable.

19—Amendment of section 101—Record of lodgers

The amendment makes an offence of failing to keep records relating to lodgers expiable.

20—Amendment of section 102—Restriction on taking liquor from licensed premises

The amendment makes an offence of taking liquor away from licensed premises when this is not authorised by the licence expiable.

21—Amendment of section 103—Restriction on consumption of liquor in, and taking liquor from, licensed premises

The amendment makes an offence of purchasing or consuming etc liquor in a manner not authorised by the licence expiable.

22—Amendment of section 104—Liquor may be brought onto, and removed from, licensed premises in certain cases

Section 104 currently contemplates a person taking the unconsumed portion of BYO liquor brought for consumption with a meal away from the licensed premises. The provision is amended to require the liquor to be in the container in which it was brought onto the licensed premises. The provision is extended to enable the unconsumed portion of bottled wine purchased on the licensed premises for consumption with a meal to be taken away.

23—Amendment of section 105—Entertainment on licensed premises

The amendment makes it an offence for a licensee to use a part of the licensed premises or an adjacent area for the purposes of entertainment unless, in the case of a licence that authorised consumption of liquor on the licensed premises, the entertainment is provided while the licensed premises are open for the sale or supply of liquor for such consumption or unless the licensing authority has expressly allowed entertainment on the premises without the premises being open for the sale or supply for such consumption. The amendment also makes the offences in the section expiable.

24—Amendment of section 108—Liquor not to be sold or supplied to intoxicated persons

Section 108 makes it an offence for liquor to be sold or supplied on licensed premises to a person who is intoxicated. The amendment extends this to sale or supply to a person in circumstances in which the person's speech, balance, coordination or behaviour is noticeably impaired and it is reasonable to believe that the impairment is the result of the consumption of liquor.

The defence in section 108(2) is modified so that in the case of contravention of subsection (1)(b) (as inserted) by the person by whom the liquor was sold or supplied, it is a defence to prove that the defendant believed on reasonable grounds that the impairment of the speech, balance, coordination or behaviour of the person to whom the liquor was sold or supplied was not the result of the consumption of liquor.

25—Amendment of section 109—Copy of licence to be kept on licensed premises

The amendment makes an offence of failing to display a copy of the licence expiable.

26—Amendment of section 109B—Returns

The amendment limits the expiable offence to one of failing to make an annual return.

27—Amendment of section 110—Sale of liquor to minors

Section 110 makes it an offence to sell liquor to a minor. One of the elements to a defence is that the licensee or some person acting on behalf of the licensee required the minor to produce evidence of age. The amendment requires the request to comply with the requirements of the regulations.

28—Amendment of section 113—Notice to be erected

The amendment makes an offence of failing to display a notice relating to minors expiable.

29—Amendment of section 124—Power to refuse entry or remove intoxicated persons or persons guilty of offensive behaviour

Under section 124 an authorised person may remove a person from, or prevent the entry of a person onto, licensed premises if the person is intoxicated or behaving in an offensive or disorderly manner. This is extended, in

line with the amendments to section 108, to any person whose speech, balance, coordination or behaviour is noticeably impaired if it is reasonable to believe that the impairment is the result of the consumption of liquor.

It is also extended to a person who it is reasonable to suspect has supplied or is about to supply liquor to another person on licensed premises in circumstances in which the other person is intoxicated or in which the other person's speech, balance, coordination or behaviour is noticeably impaired and it is reasonable to believe that the impairment is the result of the consumption of liquor.

30—Amendment of section 131—Control of consumption etc of liquor in public places

Dry areas are set up under section 131. If a person in taking the unconsumed portion of a container of liquor away from licensed premises under section 104 enters a dry area and the person is prosecuted for the dry area offence the question of the lawfulness of the action under section 104 will arise. The amendment places the onus of proving that the possession was lawful under section 104 on the defendant.

31—Insertion of Part 10A

New section 131AA enables a Ministerial notice or regulations to be made declaring certain liquor to be prohibited. The Minister must be satisfied that, because of its name, design or packaging or for any other reason, the liquor is likely to have a special appeal to minors or be confused with confectionery or non-alcoholic beverage.

If the declaration is by notice it will expire after a maximum of 42 days. Before a regulation is made the Minister must give manufacturers, importers and distributors of the liquor known to the Minister at least 7 days within which to comment on the proposed regulation.

32—Substitution of section 131A

Section 131A makes it an offence for a person not to leave licensed premises when requested in certain circumstances. The provision is extended in line with the amendments to section 108 and 124.

33—Amendment of section 138—Regulations

The amendment fixes the maximum expiation fee that may be imposed by regulation.

Schedule 1—Transitional provisions

1—Conversion of special circumstances licence to producer's licence

This clause gives certain holders of existing special circumstances licences 2 years within which to seek conversion of the licence into a producer's licence or convince the licensing authority that the licence could not appropriately be so converted.

Debate adjourned on motion of Ms Chapman.

CHILDREN'S PROTECTION (IMPLEMENTATION OF REPORT RECOMMENDATIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 July 2009. Page 3641.)

Ms CHAPMAN (Bragg) (16:25): This bill was introduced by the Minister for Families and Communities and it is certainly a matter for which her department has had responsibility. In any event it was introduced on 16 July 2009 at the time that the Statutes Amendment (Children's Protection) Bill (which we have just debated) was introduced. As I indicated in that debate, both that bill and this bill follow publication of reports by Commissioner Mullighan who was appointed to undertake a commission of inquiry into children who were victims of sexual abuse, first, for those who had been in state care and, secondly, for children on the APY lands. The first report was published on 17 June 2008 and the latter on 24 July 2008.

The government announced that it would file a response to the parliament—which it did—as to what action it would take as a result of the recommendations. Largely, those recommendations have been identified as being accepted. Many of them have been reported on via websites, indicating that implementation of those recommendations had been undertaken or was under consideration or progressing in some way and did not require legislative reform.

We still do not have a full update as to how a lot of those recommendations are progressing, but during the course of briefings on this bill, which related to some of the recommendations that require legislative amendment, we were advised that a number of them are still under consideration. Certainly, during the course of the briefings we were provided with confirmation as to which areas requiring legislative amendment have become the subject of this bill and the preceding bill. During the course of the briefings this bill was described as 'purely Mullighan'; that is, it was a package of legislative reform to amend the Children's Protection Act 1993 and the Health and Community Services Complaints Act 2004 in direct response to Commissioner Mullighan's recommendations.

The opposition will support this bill, as it did the preceding bill under the responsibility of the Attorney-General. At present, the Children's Protection Act 1993 requires all government, local government and non-government organisations to provide a child safe environment; and that is defined in the legislation that we currently have. It is fair to say that, as a general rule, all government and non-government schools, for example, must conduct criminal history checks on persons occupying or acting in prescribed positions. This includes regular contact with children or working in close proximity with children on a regular basis, and supervising or managing personnel working in or around children on a regular basis or accessing records about children.

Commissioner Mullighan, in his inquiry, interviewed a lot of children. He took the view, particularly having identified an extraordinary number of children, many of whom were now adults who had come forward, who sustained exposure to the risk of and perpetration of abuse, that it was absolutely imperative that there be a big change in the way we deal with children whilst working with them, whether in education, recreation, health services, or the like, and that, also, there be some very strict new rules as to the records we keep on them.

From memory, the first report of Commissioner Mullighan identified a number of cases where the records had been destroyed and/or lost and that there had been reporting, which, I think it is fair to say, left a lot to be desired, and that that reporting and recording of events in respect of children was very unsatisfactory. There also needed to be some strengthening as to how we supervised that in the future to ensure that there was full accountability for those who were vested with the responsibility of providing care for these children and that they be accountable to this parliament.

Certainly, for the first time, we see in this bill a proposal that involves the reporting to this parliament by an officer, who holds a position as a result of legislation from this parliament, with a very specific direction that no minister is allowed to interfere with it. I have not seen that in other legislation. On the face of it, it implies that there have been circumstances in the past where a minister has in some way written, drafted, or caused to be rewritten, or caused information to be excised, removed or added to a statutorily-appointed person's report. If that has ever happened, then that would be reprehensible.

The very fact that the commissioner has required that consideration be given by this parliament to ensuring that there be reporting by this particular officer—the person holding this position—to this parliament without interference or influence from a minister of the Crown, I think is concerning in itself. Commissioner Mullighan clearly takes the view that this is necessary to ensure that we hear that the truth, the whole truth and nothing but the truth in the future.

In that regard, I accept the briefings and information that have been provided personally. I thank those officers who were present both at the briefings for the provision of information to myself and other members of parliament and for their comprehensive provision and prompt following up of information, as requested, to assist us in the consideration of this bill—ultimately, the favourable consideration of it by the opposition. I was aware that other, Independent members, or their members of staff, were present, so I do thank them for that. It has certainly assisted the opposition in considering these matters.

Can I say that, for the child-safe environments, which, I suppose, is one of the most detailed new regimes to be imposed on a whole lot of parties, it has not been an easy aspect to consider. We have moved from having this general obligation to keep children safe in certain environments (we have police checks on a number of different people who come in contact with his children) to a much more rigid regime. So, it is not just a general duty of care anymore to provide this safe environment. We are now under a regime that has been described as an enhancement of the provision to promote child-safe environments, and an even broader number of organisations—all our social and sporting organisations and the like—must have criminal history checks for their personnel who are working with children.

In addition, each group has to lodge a statement setting out details of its policies and procedures. In this case, that lodgment or registration is with the Chief Executive of the Department for Families and Communities. They must have policies in place to undertake criminal checks on those persons working in prescribed positions. The sporting and recreational bodies, as well as church groups and health professionals, are required to strengthen their child protection policy overall.

So, you have not only a general obligation to provide a safe environment, and you carry some responsibility to do so, but also, as some commitment to that, you must register a set of

policies you will implement to ensure that the criminal history reports of this broader group are obtained.

We were informed and I note from the report that the current obligations to prevent registrable offenders from engaging in child-related work under the Child Sex Offenders Registration Act are not in any way overridden, and that legislation still prevails. Probably still the most powerful initiative of this whole regime is the very hefty penalties to organisations that do not comply.

In relation to the imposition of this new regime that Commissioner Mullighan suggested was necessary, when we look at other jurisdictions in other states that have gone down the road of implementing these procedures, what has come to pass is that in one jurisdiction, for example, a massive number of criminal reports have been sought.

It is probably not surprising that church groups, sporting groups, recreational bodies and social bodies, where children could be potentially exposed to this, and therefore they have an obligation of care to the children who come within their organisation, would take the most conservative view on what they should undertake.

The best way for them to do this is to do two things: first, to have just about everybody checked so that they do not fall between the cracks in their obligation—in other words, just in case, they cover people who may or may not need a criminal check—and, secondly, to have a policy plan which they register with the department and which covers everything.

The departmental personnel who attended the briefing provided us with some fact sheets and pro forma type agreements, plans or programs (I am not sure what they were called) that were a protocol of the policies that were to be implemented or could be used to be implement them. I think these were used as a guide to help organisations so that they did not have to write all these things but, if they committed to a pro forma, so to speak, they were likely to be covered.

So, it is quite possible that, in the interests of simplicity and security against any potential breach of their obligation in what could be a cloudy area as to whether one might or might not be relevant for the purposes of having to undertake this obligation, they have erred on the side of caution or conservatism and covered the lot. As a result, we might find that, under this new legislation, thousands or tens of thousands more police checks need to be done than were previously required, and that may be an extra cost to the public purse.

It seems, at least in one jurisdiction, that there has been a sort of explosion of numbers of criminal reports (criminal history checks, as they are) that have been called for, and that is a public expense. From the point of view of trying to make this easy for organisations to comply, as distinct from whatever extra cost there might be for some reports that may be unnecessary, on balance this is probably the best way to go.

I accept that in developing a formula, or a way around to comply with the recommendations of Commissioner Mullighan, it has been a difficult exercise and, because some of the ways in which they are operating interstate are still fairly embryonic in their implementation, it is hard to judge yet how effective it is going to be.

I have said to the house before that I am cautious of this whole question of, I suppose, relying on criminal history checks as some kind of panacea of protection for children. I am not suggesting for a moment that the government is trying to promote the fact that, by having a criminal history check, everything is fine. Clearly, the people who have a criminal record are the ones who have acted in a manner that is inappropriate and illegal towards children and have been caught.

I am sure that the people in this parliament fully appreciate that there are often situations where children have been victims of abuse of which the perpetrator is still at large or, certainly, has not been apprehended or prosecuted. So, it is by no means some panacea of protection, but it is a start and it is one way of, at least, I think, making it harder for people who have some propensity in this area, if they have at least been caught, and to be able to exclude them from being able to continue to have access to children and an opportunity to perpetrate some abuse on them.

It is not a comprehensive answer but we support the government's formula in this regard. It might be a bit more expensive than if some other restrictions had been placed on it but, on the other hand, that needs to be balanced against the extra workload that would place on sporting, recreational and church facilities, and the like.

The other areas in respect of additional protection for mandatory notifiers is important. This is to protect people from intimidation or unfavourable treatment, including that they may be a victim of a departmental officer. I think that is an important initiative. It is purely Mullighan, as it has been described, in that it becomes an offence. It certainly strengthens that area.

I have already briefly referred to the Guardian for Children and Young People as the person who is to have absolute independence. They must be expressly recognised and have powers extended for the guardian to act as an advocate for a child in state care. This is important because Commissioner Mullighan has finished his charter (his commission) and we must, obviously, have some way of ensuring that there is an independent party who can receive and act for children in state care in the future when they have made a disclosure of sexual abuse, or want to do so, and have some representation, and that there be immunity from ministerial direction when they bring reports to this parliament, of which there is an extra obligation on them to do so in respect of child abuse victims for children in state care. So, it is a good initiative, it is good to see it in the bill, and I thank Commissioner Mullighan for that.

The Health and Community Services Complaints Commissioner is a relatively new role. I think the member for Little Para, when she was the minister, introduced this legislation. It now covers complaints, not just in the public health system but in the private sector and the community sector. There has been some query over whether children themselves can lodge complaints, and the time frame to do so. That has been clarified in this bill, and we welcome that.

There is the promotion of participation of children in government decision-making. This recommended a specific youth advisory committee. To be frank, I did not think this was a glaring omission. A number of youth advisory committees report to government and advise ministers, and I am sure they do very important work. I think what Commissioner Mullighan had in mind here was to provide an opportunity for that advisory committee, via the Guardian for Children and Young People, to focus specifically on meeting regularly for consultation and to give advice.

I am sure other members of the house would have received rather emotional pleas from constituents or their family members about cases where children had been victims of abuse or where they themselves had grown up and lodged a complaint or concerns and submissions with each of us who have expressed appalling histories in relation to child abuse.

I am sure that other members would have also received correspondence and personal representations from a number of those who came forward as a result of the commission of inquiry by Mr Mullighan. Possibly members have received submissions, as I have, from many who did not go to Commissioner Mullighan for lots of different reasons. Sometimes they had been so bruised and burdened by what had occurred that it was very difficult for them to come forward, even though Commissioner Mullighan and those working with him on the inquiry did everything possible to create an environment where they would feel welcome and comfortable in coming forward to recount those often extraordinarily painful events.

Recently, I became aware of the case of a person who had given evidence to Commissioner Mullighan. It was a female person now in her 60s who had given evidence of child sexual abuse perpetrated by her stepfather over a period of five years from which she had three pregnancies—one aborted, one full term which the stepfather and this child's mother took and raised as their own, and the third pregnancy went to full term and the child was adopted. Although this person had spent three years with other siblings in a state care institution (an orphanage), the actual abuse occurred outside of the orphanage and outside of the time during which she was legally a state ward, as were the other siblings.

Commissioner Mullighan, in that instance, referred the matter to the police and identified that it was strictly outside his terms of reference but that it needed to have some attention. I am pleased to say that, from ongoing discussions with the South Australian police force, it is continuing to review that case having issued charges against the alleged perpetrator, but it is currently impeded by some extradition action.

I am sure other members are aware of many cases where people have come forward and that we need to make sure that we do our best in the future to facilitate a voice for children who are placed in this situation, ensure that their records are intact and ensure that they are protected as best we can in the first instance and that they have some redress if they are not.

I think it is fair to say that the most disappointing aspect of this legislation—not specifically this bill, because I think the minister has quite properly acted upon Commissioner Mullighan's recommendations in this regard—is the singular and notable absence of support for

recommendation 43. The government has failed and refused to support it, and this is the recommendation by Commissioner Mullighan that there be a therapeutic facility for the secure care of children who are the very few at the pointy end who have no other service.

The minister may not have been present during the previous debate or in a position to listen to all of that, but it was of concern to me—and I think all members of this house—that we have a situation where, as the minister is aware, children from time to time for short periods in this state end up in a child prison (in particular, the Magill Training Centre) because there is nowhere else to put them even though they have not committed a criminal offence.

This is the best we can do in the circumstances: to offer a child prison as a place of last resort in order to protect a child from themselves or others. The child might be a runaway. The minister would be aware of a case I have raised here in the parliament of a runaway who ultimately became a drug addict and pregnant with a child who I think, after she was born, went into the care of the department. For her own protection—and I have no reason to think otherwise—she was placed at the Magill Training Centre in a children's prison because there was no other safe and secure place for her to stay.

Obviously, the government funds foster carers and secure supported accommodation for children who are in its care, and sometimes for periods they live in motels and things like that. The government does what it can, and I am not here to be critical of that today. What I simply say is that in this state from time to time there are children out at the Magill Training Centre who are there because there is nowhere else safe for them to be. As painful as it probably was for him to deal with this issue in his report, Commissioner Mullighan had made it absolutely clear that, in some circumstances, it is just not acceptable that we leave children on the street. It is not safe. They are vulnerable to predatory behaviour by others, and it is unacceptable that we leave them.

In that very narrow beam of cases of children, we need to provide a place that is secure—that is, that can be locked up—and where they can have a safe environment pending their reintroduction to family, restoration of education, opportunity to pursue employment, independent living etc., and getting themselves back on track. It is very disappointing to me that in the tranche of legislation that is presented both by the Attorney-General and now the minister that that recommendation has been rejected and is not being pursued.

I do wonder, minister, whether there had been any inquiry made or assessment done by the department as to what the cost might be to establish a secure facility of up to, say, four or five rooms that would accommodate four or five young people so that they might be independent of children who had committed crimes, whether it was just dismissed out of hand, whether it did not get past the Treasurer or how far it had progressed. It is fair to say that we on this side of the house are very disappointed that that initiative has not been followed through or at least some investigation done to ascertain why it was not implemented.

It is rather churlish, I think, of the Attorney-General to have advised the house an hour or so ago that his answer to this was that a particular witness to the inquiry had said that there could be some concerns about having a therapeutic secure facility. That is one witness. He has quoted a statement that was made by somebody who I think gave evidence from Anglicare. The fact is that Commissioner Mullighan heard all the evidence and all the information and, having heard all that, he recommended that we actually have a therapeutic secure facility.

To cherry pick a little piece of one party's evidence to the inquiry and use that as justification for not proceeding with that recommendation, when the only alternative for some of these children is to be put into a children's prison, I think is just an abrogation of responsibility. I would hope to hear at least a more convincing response from the Minister for Families and Communities, and I hope at least to hear that there has been some investigation into this before it was dismissed out of hand on the basis of a piece of someone's evidence to the inquiry.

The second aspect that is very disappointing for the opposition is that now, having the second part of this reform recommended by Commissioner Mullighan, we still do not have any redress fund for the victims who have come forward. A very clear recommendation of Commissioner Mullighan was that there be an investigation into the establishment of a redress fund. We understand that a committee had been established consistent with that occurring. We have never seen this committee's final recommendation, if it ever came to one. I do not know. We have never had any report back from the Attorney-General as to what this committee ever recommended and we would certainly like to know.

What we do know is that the Attorney-General simply says to us here in the parliament, 'If they want to make a claim, they can lodge an application for an ex gratia payment to me,' for which of course the threshold is so high they have no chance of ever getting it, or, alternatively, they can apply under the victims of crime legislation where they have to prove beyond reasonable doubt that they have been a victim of child sexual abuse, years ago—in some cases decades ago—where the witnesses and/or alleged perpetrator may not even be alive.

Clearly, there is no real opportunity for the victims who have gone down there and poured out their heart sometimes through multiple sessions with Commissioner Mullighan or one of the persons assisting him in that inquiry, told the most intimate detail about what had happened to them, and all around Australia we have in different jurisdictions redress schemes available for people to get some compensation. Sometimes it is only a small amount and sometimes they are capped—for example, I think, in Western Australia.

There are different maximum amounts that can be applied for but, when we come to deal with all this legislation, there is nothing here in South Australia, not even the decency of an answer as to what the committee recommended. I think that is an insult to those who have suffered, those whom we all urged to come forward and speak to Commissioner Mullighan and who were brave enough and bold enough to do so. Yet as a parliament we have no capacity to say to them, 'We will recognise that as other jurisdictions have around Australia and we will give you some financial redress.'

The reason we, as a parliament, cannot do that is that obviously it is a monetary expenditure and it is a matter that requires the government's endorsement. It is extremely disappointing that this issue has been left unresolved. Some people ask me why these people do not go and apply for what we used to call a criminal injuries compensation case—a Victims of Crime Act compensation. Under that bill, if you are the victim of a crime and you can prove beyond reasonable doubt that you are a victim of a crime and have suffered injury and personal damage as a result of that, under current law you are entitled to seek up to $50,000 for compensation. However, that law operates a formula. So, if you are assessed at say $40,000, a formula then operates for you to receive a portion of that—and, of course, that is only for the ones who might have been victims of abuse in recent years.

This legislation and the opportunity to even seek compensation only dates back to the 1970s, and I am sure it would not have escaped the attention and understanding of most of the members here in this house that many of the people who lined up before the Mullighan inquiry were victims of abuse predating the Victims of Crime Act, or what was the Criminal Injuries Compensation Act. So, they do not have a hope in hell of receiving anything under the current scheme, and it is a cruel blow to them that each time this issue is raised the Attorney-General simply spouts off and says, 'Well, they can go off to the Victims of Crime Fund. I am not going to be considering any redress fund,' as he clearly is not prepared to do.

I think that, after a multimillion dollar inquiry, after the extraordinary work undertaken by Commissioner Mullighan and after the goodwill, I think, and intent of a number of initiatives of the government in at least initiating the beginning of a response to sensible recommendations, it does two things. It refuses to give the victims that we know of any real access to any redress and, secondly, the future victims, the ones who are out there at the moment for which we have no facility, are effectively still going to be sentenced to spending time in our criminal children's prisons even though they have not committed an offence because there is nowhere else for the Minister for Families and Communities to put them.

There is nowhere else available that is safe enough for them, and I just think that that is a shame. It is a shame on us as a parliament, and I believe that the government should again think very carefully about what it is sentencing future children to and recognise that it is failing to respect the extraordinary courage that it has taken for past victims to come forward, who it is going to leave out in the cold.

Mr HANNA (Mitchell) (17:02): Years ago I raised concerns about the need for better protection of children who are in the care of the minister, and it is very pleasing to see the government moving forward with recommendations from the Mullighan inquiry. I believe that inquiry would not have taken place had there not been a hung parliament in the previous parliament. Nonetheless, I commend Commissioner Mullighan for doing his work. We have a series of recommendations that will be of benefit to those who are in the care of the minister.

There is a range of beneficial measures, including a strengthening of the role and powers of the guardian and the Health and Community Services Complaints Commissioner. There is the promotion of the participation of children in government decision-making through the Youth Advisory Committee, and the Guardian for Children and Young People must develop a charter of rights for children and young people in care. These are all good things.

There is just one issue that I want to raise in the parliament, and this was raised with me by a constituent. It came to me through a short email, which I will read out to the parliament so that the minister understands the issue. This constituent writes:

> I was very concerned to hear about legislation in train re children sporting clubs and activities. I don't have a problem with making those responsible for children more accountable. But at a time when we are trying to get our kids more active we should be thinking of ways to make it easier for parents not harder. The reality is that if a parent drops off a child it is not for baby sitting purposes. We have 2 children and on soccer practice nights for my son, my daughter also has dance classes. Drop off one, take the other to the class pick up the other and then pick up the other. While all this is going on the other parent works until 6 and then has to try and get home and get a meal on. The only way to arrange it so that a parent is always with each child is to deny one of them an activity, or cut our working hours and income.
>
> In my 12 years of following kids around, I am yet to meet a parent that just drops a kid off without at least the coach or another parent being informed and contact numbers available. Some of my sons friends just wouldn't be able to play sport at all with parents increasingly having work commitments on weekends, and single parent families with no transport relying on other parents for help. I hope that these elements can be accounted for in this legislation or we will be making club sports and other children's activities increasingly the realm of those families who are already privileged.

The question that I would really like the minister to address is in relation to the requirement for criminal checks on volunteers who are running sports activities. Are the activities of this bill going to make it more difficult for those sporting activities to proceed?

Dr McFETRIDGE (Morphett) (17:07): I rise to speak to this bill. I want to make a contribution particularly about the input that Commissioner Ted Mullighan has had in the role of child protection not only in the broader community but particularly in the Aboriginal community in South Australia. Having met Ted Mullighan on a number of occasions now and talked to him about some of the issues, I know that he has done a very good job. I hope this government does implement the report recommendations and not just talk about it, and I will say more about that when referring to the history of this government and this Premier in a few moments.

The bill aims to create child safe environments. It aims to improve the notification of abuse and neglect, and to strengthen the role of the Guardian for Children and Young People. The ability for young people to seek the assistance of the Health and Community Services Complaints Commissioner is to be commended and the measure to promote the participation of young children in government decision making is one which I will watch with great interest. A sad fact of life, though, is that some very serious issues need addressing to protect young people and children not only in remote Aboriginal communities but also in communities within the metropolitan area.

The implementation of the report's recommendations takes us back to 1991 when the then minister for Aboriginal affairs (now Premier Mike Rann) addressed the house through a ministerial statement concerning the Royal Commission into Aboriginal Deaths in Custody. He said what a wonderful thing the government was doing in responding to the Royal Commission into Aboriginal Deaths in Custody. He said: 'No state is equal to South Australia in its commitment to implementing the recommendations of the interim report.' That was the Muirhead report.

The then minister for Aboriginal affairs (now Premier Rann) also went on to say that Aboriginal justice advisory committees had been established for some time to monitor preventative programs and to ensure that opinions and views of Aboriginal people were taken into account in our justice system. That all sounded very good. The bottom line is that there are still serious issues out there. Admittedly, there have been Liberal governments in the meantime, but this government has been here nearly eight years. It has had a lot of money and opportunities, and the Premier cannot say he has not been aware of these issues, because, as the minister in 1991, he was making statements about the need to go forward.

The need to go forward was recognised by the Premier as recently as July this year on his Twitter site, when he said:

> Progress so slow, too slow. First Australians are still the last Australians on virtually every social and economic indicator.

The Premier is well aware of the lack of progress both from his 1991 pontifications and in the last eight years. We do need to ensure that we fund the various bodies which are being set up and the various organisations which are already there and which are being given extra responsibilities. One of those organisations, which, in the past, has tried to do its very best is the Aboriginal Legal Rights Movement. In 1991, the Premier said:

> I have also signalled to the Commonwealth Government that the South Australian Government would seek matching funds from the Commonwealth for crime prevention initiatives and would support additional funding to the Aboriginal Legal Rights Movement to ensure adequate legal representation for Aboriginal people.

It is not just about the protection of Aboriginal people now: it is about the protection of Aboriginal children and our youth.

A sad fact of life with this Labor government in South Australia is that it introduces bills like this to implement reports but it fails to act. For further evidence of this, in March 1992, the then Labor federal minister for Aboriginal affairs, Robert Tickner, described South Australia's response to the Royal Commission into Aboriginal Deaths in Custody as a sick joke. In *The Advertiser* of 28 March 1992, the then Labor federal minister for Aboriginal Affairs said:

> The South Australian government has claimed that $76 million spent recently on upgrading gaols and police systems was sufficient. If that's the South Australian government's response to the royal commission, it's a pretty sick joke.

Lock them up then: lock them up now! It really is not the answer. Mr Tickner went on to say:

> The South Australian government outlined its funding in a letter to the federal government claiming it spent $36.5 million on major police and court complexes, $30 million on corrective services institutions and $10 million on prison redevelopment.

It was all about locking them up then and it is all about locking them up now. This is not good enough from this Premier and former minister for Aboriginal affairs. I just hope that the Children's Protection (Implementation of Report Recommendations) Amendment Bill today will not be one of the pieces of legislation that is all talk and no action.

The other person who has been in the news just lately and who is of the same mind as me—that is, we hope that it is not just talk: we want to see the action—is Professor Lowitja O'Donoghue. Professor O'Donoghue is a very well respected member of the Aboriginal community and, in fact, was appointed as an adviser by this Premier when the initial activities on the APY lands were being undertaken. She speaks her mind. In 2005, Lowitja O'Donoghue said—and this is why she is being vilified by this government now because she is unrepresentative:

> The Government's responses are driven by the desire to neutralise potential criticism. So they put in 'quick fixes' rather than going to the heart of the problems.

Lowitja O'Donoghue actually swore and Lowitja never swears, but she said, 'I was so angry.' She went on to say:

> The things that they are saying about Aboriginal leaders are equally appalling. They say we're negative, unco-operative, too emotional and have a chip on our shoulders...I have never, ever, in my whole experience in Aboriginal affairs, been treated in the way I have been treated by the Rann Government. But I'm not going to walk the line.

That is why this government needs to not just talk the talk with implementing reports: it needs to walk the walk. It needs to put its money where its mouth is and ensure that things are not allowed to continue.

The government has done something positive by appointing Klynton Wanganeen as the new Commissioner for Aboriginal Engagement and forming the advisory body. I hope they listen to Klynton and the Aboriginal Advisory Council.

Back in 2007 I contacted Father Chris Riley who is a well-known Catholic priest in Sydney. Father Riley conducts some wonderful programs in Sydney for troubled youth and people who need serious guidance. They need protection from themselves, as well as from those who would take advantage of them. I worked very hard to try to get Father Riley to come here as a speaker for Aboriginal groups. It became quite complicated.

I sent an email which I will not read into the *Hansard* but which indicated that there was some negative talk around the place about Father Riley coming here. It indicated that, while he was not being warned off about coming here, he was not going to be welcomed by the government. That is what I have been told, but at the same time I was also told he was trying to organise a visit

to Magill Training Centre—which would have been a real eye-opener for him had that occurred in 2007. I would have been interested to hear what Father Chris Riley would have said at that time.

Mr Hanna: He would be a good thinker in residence.

Dr McFETRIDGE: Father Chris Riley would be a very good thinker in residence, as the member for Mitchell says. The principal of the youth education centre at Magill Training Centre, through the Department of Education and Children's Services, was trying to get Father Chris Riley over here. I do not know what happened, but we should invite him here. This fellow has the runs on the board with child protection. He is a member of the Catholic Church so he should fit in with Commissioner Cappo. We should be listening to people like him. We should not just be talking the talk but, rather, walking the walk and getting good ideas. We should not just lock them up and vilify them and treat them as media events.

I sincerely hope that this bill does exactly what the legislation says and that it does offer increased protection for children in this state because there are many issues that affect both Aboriginal and non-Aboriginal communities. I plead with the government do something. It has been in office for nearly eight years and there are 10 sitting days after today in which to make sure they can come in here, hold their head high and say, 'We will do this,' and there is no more talk, it is not just about politics or short-term fixes (as Lowitja O'Donoghue said). It is about the real deal and that is what we want from this Premier. He was there in 1991 as the minister for aboriginal affairs. He was criticised then and he is being criticised now. Now is the time for him to be a real leader and step up and do what is required for the people, particularly the children, of South Australia.

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability) (17:17): I thank members for their contributions. I will try to respond briefly to some of the issues that they have raised along the way—and forgive me if I forget some of them. The shadow minister initially raised concerns about the progress of recommendations from the Mullighan inquiry and indicated that prior to the briefing she not aware of how things were going. From memory, two reports have been lodged with the parliament and another one is due on the 12 months' anniversary. We committed to annually reporting against those recommendations—and we will continue to do so.

The honourable member referred to recommendation 43 where Commissioner Mullighan recommended a secure therapeutic facility for children and said that the government had dismissed that out of hand. That is not correct. In fact, we received some submissions in relation to that particular recommendation. The Guardian for Children and Young People was very strong in her opposition to a secure facility. I was quite open minded about it and looked at facilities myself in relation to that. As best my memory serves me, we have not yet reported on a clear decision in relation to that.

I appreciate the honourable member's support for the bill and recognition that an enormous amount work has been done to ensure that the legislation is workable in the community. We have done our best to make the processes as simple and streamlined as possible for organisations in our community to which this legislation refers. Certainly, the Children's Protection Act in any case has a number of requirements for many of the organisations to which the amendments refer.

These amendments do go a step further. In many instances, for example, medical and dental practices and sporting clubs are required to have child safe policies. This goes a step further where organisations are now required to lodge those policies. As the member for Bragg recognised, this is about the department being able to keep some oversight on what is happening in our community to ensure that people do comply. I know some organisations with which we consulted were quite surprised that they were required to do this. They had not thought in terms of child protection before, although they deal with children on a daily basis. Already the legislation is having a positive impact.

Some concern has been expressed about the costs, but we have a very good system in South Australia where volunteers who work with vulnerable children get free criminal history checks in any case. We are doing our best to support community organisations in relation to those costs. It will be a cost to those people who are in employment, but it is about $50 for a check that spans three years. It is a minimal cost, indeed. I am hoping that this legislation alerts people to practices that they should have had in place in any case.

The legislation will help to provide an environment for our children that the community expects in any case. The member for Mitchell raised the issue of sporting clubs. Parents who take

their child to a sporting club have an expectation they are leaving the child in a safe environment with responsible people. This legislation is about helping those organisations understand their responsibility and ensuring that those community expectations are met. I understand that many parents are not involved in their children's sporting activities, for example; many are. We want to encourage volunteering and involvement in children's activities, but what we want to do also is deter those who would harm children.

The member for Morphett's comments are incredibly disappointing, I have to say. Since this government came to office, it has done more to improve the safety of children in South Australia and recognise inappropriate past practices than any other government in our history. To say that we need to put our money where our mouth is just indicates how little he understands and knows about what this government has been doing.

Just a budget ago there was a $190 million injection into child protection in South Australia; so I think we have well and truly put our money where our mouth is. We have put our money where our mouth is in relation to young offenders and Monsignor Capo's report, in excess of $10 million for Breaking the Cycle initiatives. It is disappointing that the member for Morphett has chosen not to take notice of what has occurred, but I do appreciate the support of the opposition in the passage of this bill.

Bill read a second time.

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability) (17:25): I move:

That this bill be now read a third time.

I very much thank the officers of the Department for Families and Communities for the enormous amount of work that they have put into progressing this legislation and consulting with our community. It has been quite a mindset change for a number of organisations, and they have done an outstanding job in consulting with people and preparing this legislation for the house, so my deepest appreciation to them.

Bill read a third time and passed.

STATUTES AMENDMENT (VICTIMS OF CRIME) BILL

Consideration in committee of the Legislative Council's amendments.

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

That the Legislative Council's Amendment No. 1 be disagreed to.

The government bill extends the right to make a victim impact statement that exists now only for indictable offences to 'prescribed summary offences'. A prescribed summary offence is a summary offence that results in the death of a victim or that causes total incapacity. The purpose of this measure is to capture those cases where, for example, an offender has been reckless or negligent in his or her driving and death or total permanent incapacity to the victim results, but the offender has been convicted for a summary offence as opposed to a major indictable charge of cause death by dangerous driving.

There are not many of these cases, but the impact of these offences warrants a victim impact statement being read. It should be noted that it would also apply, for example, to industrial accidents constituting summary offences under workplace safety law. The amendment proposed by the other place seeks to broaden this general right to include those victims who have incurred serious harm as a result of a summary offence. The government thinks this is impractical. The exigencies of the business of the Magistrates Court and the need to deal with a list in an expeditious manner means that business cannot be interrupted or delayed except at great disruption to the summary dispensation of justice.

A glance at the cause list on any day in any Magistrates Court in South Australia provides the proof of this. However, the government did take on board the thrust of the amendment and included a provision in the bill for the benefit of victims of serious harm and other offences.

Clause 5 amends section 7 of the Criminal Law Sentencing Act so that, in cases where the offence is not an offence to which a victim impact statement may be furnished in accordance with section 7A, the court must nevertheless allow particulars to be furnished, which includes a victim impact statement unless a court determines it would not be appropriate to do so. The government

provision respects the balance between a victim's right and the necessity to deliver summary justice in a summary court. The amendment is not workable, particularly when the court system is under stress with delays and heavy caseloads.

Ms CHAPMAN: I note the schedule of amendments made by the Legislative Council. I understand, from the Attorney's contribution, that the government is rejecting the Hon. John Darley's amendment No. 1, but otherwise is accepting the balance, if I heard his presentation correctly.

My understanding was that this was coming back. I have not viewed it in any detail but, in general, we accept the position as espoused in the Legislative Council. Obviously, we do not have the numbers here to make any difference in that sense, but I indicate that, as a general principle, we support the position of the Legislative Council. We are hardly in a position to make any difference to amendment No. 1, but I note the Attorney's comments.

Motion carried.

Amendment No. 2:

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

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

Amendments Nos 2, 4 and 7 in the schedule form a series of amendments designed to fix an inconsistency between the provisions of the Victims of Crime Act and the Criminal Law (Sentencing) Act. Sections 32(7) and 32(8) of the Victims of Crime Act provide that a court must impose the Victims of Crime levy set for each offence, and only the Governor not the court can remit or forgive any levy or part of a levy. The levy is enforceable under the Criminal Law (Sentencing) Act.

However, section 13(1) of the Criminal Law (Sentencing) Act provides that the court must not make an order requiring a defendant to pay a pecuniary sum if the court is satisfied that the means of the defendant, so far as they are known to the court, are such that the defendant would be unable to comply with the order or compliance with the order would unduly prejudice the welfare of dependants of the defendant. In such a case, the court may, if it thinks fit, order the payment of a lesser amount.

Section 14 provides that the court, faced with a defendant who has insufficient means to pay compensation and a fine or other pecuniary sum, must give preference to compensation. The definition of a pecuniary sum includes the Victims of Crime levy. It necessarily follows that, under the Criminal Law (Sentencing) Act that the levy is treated just like any other monetary sum.

Sections 70I and 70J of the Criminal Law (Sentencing) Act confer general powers to remit or reduce the levy if it has been imposed. This is inconsistent with the section 13 of the Victims of Crime Act. The inconsistency should be fixed. The government believes that the policy should be that the victim's levy should not be treated as just another pecuniary sum.

It is not feasible or desirable to set up an entirely separate regime just for victims' levies. A set of amendments to the bill has been drafted to make sure that the levy cannot be remitted or varied by the court of sentence, and the levy cannot be remitted or varied by a registrar. The levy can be remitted or varied by the court on review.

The act already has a test for remitting or reducing a pecuniary sum. The test is: if the court is satisfied that the debtor does not have or is not likely within a reasonable time to have the means to satisfy the pecuniary sum without the debtor or his or her dependants suffering hardship. This is an appropriate case to be applied by the court when considering remission or reduction of the Victims of Crime levy.

Ms CHAPMAN: The opposition notes the importance and retention of the Victims of Crime levy maintaining a position of priority, other than its being subject to variation or suspension in the circumstances indicated by the Attorney.

Motion carried.

Amendment No. 3:

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

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

The effect of this amendment is that if any court is intending to impose a sentence that requires community service in any form, and the court is informed that the victim wants the community service to be performed for the benefit of the victim or of a kind requested by the victim, the court should do it or give reasons why not.

Further, if such an order is made, Community Corrections has to consult with the victim before issuing any directions requiring the person to perform projects or tasks. The government opposes this amendment for the same reasons as when it was proposed in the bill. The amendment seeks to make the victim the Community Corrections officer, equipped with the power of veto if he or she disagrees with what has been suggested by the department or Corrections. This is not the role the government believes victims should have in the sentencing process of offenders.

Consideration must be given to a circumstance in which an offender refuses to do community service directed by the victim. It is currently the case that the imposition of community service as a punishment is dependent upon the consent of the offender. If the offender is not prepared to do it or, for whatever reason, is prepared only to do community service that does not involve the victim, what occurs then?

The amendment fails to consider the delays that could be caused when the magistrate or judge decides to sentence an offender immediately after submissions on sentencing, as is often the case in the Magistrates Court, and it is decided that community service is to be imposed. If the victim is not present in court, must the court be adjourned and the matter held in the list to enable the prosecutor to make contact with the victim?

Another consideration is the logistics of putting this amendment into effect. The impact this may have upon Correctional Services should not be underestimated. Issues that spring to mind include: insurance problems, about various places of community service; practical problems, about not putting offenders into designated programs; and resource issues, because supervision will be scattered over so many individual programs, rather than concentrated on joint programs. So, the offender will not be part of a team any more; he will be an individual clearing out a gutter or weeding someone's front yard.

Thousands of hours of community service are ordered each year. If the department were required to consult with victims in circumstances suggested in the amendment, it would be time consuming and create delays in work being completed. In the spirit of compromise, and in an attempt to avoid another deadlock, clause 7 of the bill includes a provision that will enable victims to comment upon the sentence to be imposed by the court in their victim impact statement. This, of course, will be a choice: it is not mandatory on the victim. If the victim did elect to make a comment or suggestion for penalty, the court could take notice of that suggestion in the same fashion that it currently takes notice of the prosecutor's and defence counsel's submission.

The government believes that permitting victims to comment on sentence is an important step forward in victims' rights, but that amendment No. 3 in the schedule goes too far. One might describe it as the Saudi Arabian amendment.

Ms CHAPMAN: Well, it did not take long, did it? After all the shouting by the government as to how important it is that victims of crime be considered and recognised and participate and be consulted, here is an opportunity where they could have a direct involvement in a community service—this is incredible, after all of the wind-bagging of the Attorney out there in the public about how he cares about victims—here is a classic opportunity for the Attorney to welcome with open arms an initiative for victims of crime to have any serious say, and what does he do, he rejects it.

That really demonstrates how shallow and insincere the Attorney's comments are about victims of crime. At least he recognises that in the victim's impact statement the victim will have an opportunity to give an indication of where a certain area of community service might be able to deal with this. What the Attorney might not be aware of is that the Minister for Correctional Services is here in the parliament this afternoon to continue amendments to the Correctional Services Act.

One of the things that is being presented to the parliament right at this moment is that we abolish the committees that give advice on community service orders. We have had these committees for decades as part of the sentencing options, which, incidentally, for the last, I think, 7½ years have not actually been operational because this government does not like them. So, the government is proposing to abolish them in some legislation that we are going to be considering shortly.

It is of concern that we are now going to be left with a situation where victims might have a chance to have a say about what might be useful—we have nobody in the community having a say any more—and we have correctional services officers who are currently, and are going to be, the sole advisers to magistrates and judges as to what may be available and/or imposed. So, I thought this was quite an important initiative of the Hon. John Darley, as a real and demonstrable way of including it.

For the Attorney to say, 'Well, what happens if the victim didn't turn up? Would we have to adjourn the proceedings?' is ridiculous. What is clearly proposed here is that the victim would have an opportunity to have a say, and if he or she elected not to be there or have a say then, of course, the magistrate would proceed with the matter, but at least there would have been an opportunity for the victim to make that contribution.

Obviously, if a magistrate or judge were to say, 'Well, look, there is a recommendation that they do some gardening work when clearly the offender is 85 years of age and is hardly fit to do such work, so I'm not going to direct that, even though the victim says that this would preferable for them to do,' then they can say so. There does not seem to be any reason why they cannot do it.

In any event, I am disappointed that the government has not taken up this initiative, given all its wind-bagging about caring for victims of crime, and there is this real and demonstrable opportunity to be able to do it and they have rejected it. I am very disappointed, not that we can do much about it, given the numbers.

Motion carried.

Amendment No. 4:

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

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

This amendment forms part of a series of government amendments to the bill explained in amendment No. 2.

Motion carried.

Amendment No. 5:

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

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

In the spirit of compromise and in an attempt to ensure that this bill does not suffer the fate of its predecessor, the government supports this amendment. Upon consulting with the Commissioner for Victims' Rights, the government agrees that there is merit in reviewing the operation of section 7A as amended under the Criminal Law (Sentencing) Act and the impacts of extending the definition of prescribed summary offences. The inquiry and report into the operation of the revised form of section 7A of the Criminal Law (Sentencing) Act will allow parliament to assess the extended provision and should provide valuable information about the implications of any further extension.

Ms CHAPMAN: I note the government's acceptance of this. I simply make the point that the Attorney, in saying that he accepts this in the spirit of compromise but, on the other hand, accepts that it actually has some merit, seems to be somewhat inconsistent. However, we note the government's preparedness to accept this and the opposition does, also.

Motion carried.

Amendment No. 6:

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

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

This amendment grants the Commissioner for Victims' Rights the status of an exempt agency under the Freedom of Information Act but places unworkable and ambiguous limitations upon that exemption. The government takes the view that the commissioner's exemption should not be limited and so opposes the amendment.

Currently, a person can make an application for access to documents held by the Commissioner for Victims' Rights as the commissioner is an agency as defined under section 4 of

the Freedom of Information Act. Under such an application, documents of any type are able to be accessed by an applicant, unless the document falls within the grounds for refusal set out in section 20 of the Freedom of Information Act.

Under the current provisions of the FOI Act, the commissioner could not refuse access with respect to the bulk of documents in his possession, and this has caused the Commissioner for Victims' Rights alarm enough for him to lobby for the exempt agency status under section 2 of the FOI Act. This amendment only affords exemption to the commissioner under the FOI Act for functions involving the provision of assistance to particular victims, but not functions involving the provision of assistance to victims generally, or any other functions.

Imagine the abuse of the FOI act if someone like Rob Lucas was allowed to invade the privacy of victims of crime in this state. Therefore, under this amendment, documents that relate to specific and identifiable persons who are victims of crime in the possession of the commissioner will be protected. Those that do not currently fall within the exemptions of the act will not be.

The task will, therefore, fall upon the commissioner to plough through each and every document to determine whether each constitutes an exempt document or relates to a particular victim. Much of the information held by the commissioner, I tell the member for Bragg and the Hon. Rob Lucas, is of a highly sensitive and personal nature. Victims of crime—and, indeed, the public of South Australia—need to have confidence that their interactions, communications and matters generally raised with the commissioner's office will not be released to an applicant under the FOI act. Classifying the Commissioner for Victims' Rights as an exempt agency pursuant to schedule 1 of the act is the only means by which this can be achieved.

Of most concern is that 'functions involving the provision of assistance to victims generally or any other functions will not be exempted under this amendment'. It appears the intended purpose of this distinction is to admit access to documents where victims are discussed generally as opposed to individually. Applying in practice such a distinction would undoubtedly be a difficult task, given that often practice or procedural changes in the criminal justice system arise from an individual circumstance or case. Equally, one document could contain aspects of both—that is, discussion about victims generally and a specific victim.

I think it is very difficult to establish specifically what the phrase 'provision of assistance' means. Does it relate to written correspondence or communications to a victim or does it also extend to minutes to various interested parties? Most functions performed by the Commissioner for Victims' Rights described under section 16 of the Victims of Crime Act could be considered as providing assistance in one form or another.

The amendment is not workable and creates more ambiguities than it solves. For this reason, the amendments should be opposed. Victims of crime in this state need to be protected from scandal mongers using their gratis access to FOI.

Ms CHAPMAN: We know the government's history in respect of freedom of information. We have an act which is there to ensure the reasonable access by members of the public to government and public records. We have very specific provisions in it—some would argue that overly restrict access—but one of them is to protect personal information. It is a direct obligation of the freedom of information officer who might have the supervision of the determination of any application to identify when those exemptions should apply. Obviously, personal information is one of them.

We have other restrictions in relation to cabinet documents. I remember just a few weeks ago the Premier espousing how he felt it was important that his government, which was open and accountable and transparent, was going to open up the access to cabinet documents, that his government was going to make sure that all those barriers of secrecy were going to be shed. The logical argument is that he wanted to dive into any previous government's information—that is the truth of it—but under the umbrella of being an open, accountable and transparent government. He was going to change the rules and open it all up.

Sure enough, when there is a potential embarrassment to government they want to keep restricting it. A number of different reviews are happening even at the federal level right at the moment to open up access to public documents and records and there are some legitimate reasons why some or part of those documents would not be disclosed. But here, what the government wants to do, while the Premier is out there dancing his approach to present as an open and accountable government, we have the Attorney-General in here refusing to accept a reasonable presentation. The Commissioner for Victims' Rights, as an agency, involves the

provision of assistance to particular victims, and we understand why that would be protected but not functions involving the provision of assistance to victims generally or any other functions.

That is exactly what a freedom of information officer is supposed to be able to do: go through documents and if there is personal information about an employee or a record which it is determined needs to be protected, and that is reasonable, then they can issue that determination. If the applicant for that information objects to that and says that it is not reasonable, then they can ask for a review by the chief executive officer of the department that has responsibility for it. If the chief executive says no, that you cannot get that information and the applicant is still unhappy, they can go off to the Ombudsman. The Ombudsman can issue a determination about whether they think the rules have been complied with.

If the Ombudsman makes a decision that you can or cannot get it then either party can go off to the District Court. The Attorney-General would be familiar with this because right at this minute his government is appealing in the District Court against a decision of the Ombudsman where his government has been directed to produce documents in compliance with the Freedom of Information Act, and he does not want to produce them. They are all about the correspondence between the Chapley group of companies, the Glenside Hospital development and the government. But they want to keep them secret. For the first time in the history of the act, they are rushing off to the District Court to appeal against the direction by the Ombudsman. That just tells you the extent to which this government will go right here in the District Court to object to having the Ombudsman, which is that second level of assessment, being able to make a direction to disclose documents.

They will do whatever it takes, members of this house, to stop anyone getting documents that are embarrassing to them. They have decided that, in relation to the Commissioner of Victims' Rights, who sits of course in the Attorney-General's Department, who would have an advisory role on a number of issues of public significance and importance, not just the advocacy of the individual information on a particular victim, and that information of the former should be available.

This government pretends with its Premier out there that it is going to open up cabinet documents and records of the public about how open and transparent it is, and yet the Attorney comes and sits in here and tries to protect a person in his department from the same obligation as applies to every other public officer in this state to have to present the documents for adjudication by the Freedom of Information officer and go through that proper process. It is an insult to the people of South Australia.

The Hon. I.F. EVANS: I just want to make some comments in relation to this matter about FOI'ing and victims of crime because it does raise the interesting question in relation to who becomes the victim. The Attorney is aware in his role as acting minister for families and communities that I have FOI'd a series of documents in relation to the Easling matter.

The Hon. M.J. Atkinson: Fielders Steel Roofing made a donation yet?

The Hon. I.F. EVANS: The Attorney asks me whether Fielders has made a donation. I will get that on the record because what the Attorney of course is alleging, for those who are not aware, is an improper motive. What the Attorney is alleging is that Tom Easling's brother—who was employed by Fielders and now runs his own company, for the Attorney's information—has made a donation to me or the Liberal Party. Actually, through Fielders, he was a member of the Labor Party's Progressive Business Alliance and he has attended at least two fundraisers in the Premier's presence to my knowledge.

The Hon. M.J. Atkinson: Because he wanted to raise this issue.

The Hon. I.F. EVANS: No, he was a member well before this issue.

The Hon. M.J. Atkinson interjecting:

The Hon. I.F. EVANS: Well, to my knowledge. I don't see his accounts, but I do know this and I will put this on the record for the Attorney-General who of course is fearlessly independently looking at this matter with no bias, I am sure. I did say to Tom Easling's brother when I took this matter up that under no circumstances was he to make a donation to the Liberal Party or attend a function so that people like the Attorney-General could not make that allegation with any accuracy.

The Hon. M.J. Atkinson: He took display advertising in *The Independent Weekly*, and got the story he wanted.

The Hon. I.F. EVANS: Someone is allowed to advertise in a publication but he has made no donation and I specifically gave him instructions not to so that the allegation could not be made, so get over it.

The reason I wanted to comment about this is that this victims of crime issue is an interesting one because at what point do you become a victim of crime? I questioned the commissioner for victims the other day in a committee on this matter. I will not go into the details of the answer because the committee has not reported. The question I am raising is this: one could argue that, having been falsely accused of a crime, the person falsely accused becomes the victim, and at what point do you become a victim? I do not think the victims of crime legislation deals with this issue adequately. The reality is that I have FOI'd—

The Hon. M.J. Atkinson: So, now you are reflecting on the eight alleged victims.

The Hon. I.F. EVANS: Well, the court did not believe the testimony of the eight alleged victims.

The Hon. M.J. Atkinson: No; they didn't make a finding beyond reasonable doubt. That's different.

The Hon. I.F. EVANS: They found Mr Easling not guilty.

The Hon. M.J. Atkinson: Some of them.

The Hon. I.F. EVANS: Well, as the Attorney had to come back and apologise to the house, I am sure he is across the detail and we enjoyed the apology. Twelve verdicts were unanimous and six were majority so one or two out of the 12 believed the evidence of the claimants but the vast majority did not.

The Hon. M.J. Atkinson: Beyond reasonable doubt.

The Hon. I.F. EVANS: Attorney, go and reflect on the *Hansard*. I will say this to you quite openly because you are in a position to have to look at this issue without bias. There was a report by Mr Moss tabled in the house this week that reflects on the capacity to look at things without bias. If you feel that you do not have the capacity to look at that issue without bias, excuse yourself from the position on that issue.

Mr Easling, through me, has FOI'd numerous documents about allegations made in this place and, when we have sought the information, even though all of that information should have been released under subpoena to Mr Easling, the FOI process does not release it on the basis of the Child Protection Act. Then, what right Mr Easling? I will continue my remarks on another occasion.

Progress reported; committee to sit again.

At 18:00 the house adjourned until Thursday 15 October 2009 at 10:30.