HOUSE OF ASSEMBLY

Wednesday 21 July 2010

The SPEAKER (Hon. L.R. Breuer) took the chair at 11:00 and read prayers.

ADELAIDE OVAL

The Hon. I.F. EVANS (Davenport) (11:01): I move:

That this house establish a Privileges Committee to investigate whether the Treasurer has deliberately misled the house in relation to his knowledge about the cost increase of the proposed Adelaide Oval upgrade prior to the 2010 state election.

The reason I move this motion today is that this is the only avenue open to the opposition to move a privileges committee. The house will recall that on 22 June the opposition raised a matter of privilege into whether the Treasurer had deliberately misled the house. You gave an opinion, Madam Speaker, that you would not give it precedence that particular day and that, if the opposition wished to, it could raise it another day. The opposition attempted to suspend standing orders, but the government used its numbers to quash that move, so the option for the opposition was to give notice, which we did, to debate the motion today.

The government tried to be smart by offering to bring the motion forward on another day and, of course, that was the day that Julia Gillard knifed Kevin Rudd, because they did not want any publicity on the matter, and the opposition quite rightly held the position that today was the appropriate day to debate the motion. The reason we are here is that the Treasurer said to the house, 'that I was not made aware in any way, shape or form prior to the election that the 450 would not be sufficient'.

The Treasurer said those words to the house in the full knowledge that what he was saying simply was not true—it was simply not true. All the evidence that has come out since that statement backs up the opposition's argument that that statement simply was not true and that the Treasurer knew that that statement simply was not true.

Let's go through some of the evidence as to why the opposition reaches this position. I remind the house that this motion is about the principle as to what standard the house wants to set for ministers. What standard does this house want to set for ministers telling the truth to the chamber? If the house simply accepts the excuse that 'I forgot', then every single minister will use that excuse ad infinitum and there will never ever be a minister held accountable to the house for misleading the chamber, and that will essentially give the government carte blanche to abuse their power and abuse the chamber. They will be able to come in here and be serial misleaders and simply nothing will happen.

Some would argue that we are getting to that point now; that is, the government tactic is to mislead the chamber at the start of question time and then sneak in at 5 to 6 when the media are not here and correct the record. So they get the media reporting one story and then they correct it to try to protect themselves. The chamber should protect itself from that tactic.

The reason we are here is that the Treasurer said to the house that in no way, shape or form was he advised before the election that the Adelaide Oval project was going to blow out. That is simply not true. The Treasurer has this defence (which, in my view, is laughable) that he was honest enough to come out and correct the record immediately on coming back to parliament and, indeed, on 2 June, five days after he had made these particular comments. I want to walk through why this defence is a crock. I want to walk through why the parliament should not accept this particular defence and why the Treasurer came out and clarified the record.

The reason the Treasurer came out and clarified the record on 2 June is simply this: on 26 May, the very same day that the Treasurer misled the house, the upper house established a Budget and Finance Committee, where the government do not have the majority of votes. The Budget and Finance Committee is an upper house committee. It can call witnesses, but the minister does not attend. It is a separate committee from this chamber, and new members to the house should appreciate that the minister from this chamber does not attend that particular committee, and therefore it is limited in its inquisition of the minister. That is why we need a separate committee in this chamber to examine just one issue: did or did not Kevin Foley tell the truth to the chamber? That is the principal question we need the committee to establish.

The upper house committee is established. The Budget and Finance Committee was established on the same day that Kevin Foley misled the house. A couple of days later, the Budget and Finance Committee established a reference to the Adelaide Oval project. Kevin Foley then knows that witnesses can be drawn to that committee—Ian McLachlan, Leigh Whicker, Kevin Cantley, Bruce Carter—to test their knowledge about whether the Treasurer was telling the truth. Kevin Foley becomes aware of that on 26 or 27 May. The reason that is important is Kevin Foley then realises that he has lost control of this issue. He has lost control of the issue because the evidence is going to come out in the Budget and Finance Committee in the other place.

In the Budget and Finance Committee in the other place, Kevin Cantley, the senior Treasury officer on the government steering committee, confirms to the committee in his evidence that Leigh Whicker did contact him on 25 or 26 May, very angry, in Mr Cantley's words, that a set of minutes are not a complete set of minutes and they leave out a very important set of words—this is the government steering committee minutes. They are words to the effect that Leigh Whicker had told the government steering committee that he had met Kevin Foley on 19 February, a day before the state election was called, and advised him of a budget blowout, the blowout now being to the figure of 469 million.

So, Kevin Cantley is aware that Leigh Whicker is angry on 25 or 26 May. Kevin Cantley confirms in his evidence to the Budget and Finance Committee that he speaks to Stephen Mulligan on 27 May about a ministerial statement about this, Stephen Mulligan being the Treasurer's chief of staff. There is a direct link on this issue. It goes from Leigh Whicker telling Kevin Foley on 19 February to Leigh Whicker ringing Kevin Cantley very angry. The reason he was very angry is that the Stadium Management Authority was being accused of misleading the government, because on 27 May Kevin Foley had announced the new government figure, the $530 million figure.

All the media were going to the Stadium Management Authority asking, 'Have you misled the government?' Leigh Whicker was very angry about that, so he rang Kevin Cantley and said words to the effect, 'We haven't misled the government. Look at the minutes of 22 February and the minutes will show you, if you look at the full set of minutes, that I actually told Kevin Foley on 19 February.' That is why Leigh Whicker rang: specifically to draw to Kevin Cantley's attention that the Treasurer had been told on 19 February. That is why Whicker rang Cantley.

What did Cantley do? As a dutiful senior Treasury officer he rang Stephen Mullighan and drew to his attention the fact that there are two sets of minutes (one on 1 April and one on 13 April) that relate to the Adelaide Oval project; and that brings to the attention of the Treasurer's office that the Treasurer has a problem. He has misled the parliament—and knowingly misled the parliament, in the opposition's view.

So, we know there is a direct link. Leigh Whicker told Kevin Foley on 19 February—before the election was called—that there had been a blowout to $469 million. Leigh Whicker went to the Stadium Management Authority meeting on 22 February (three days later) and advised the group that he has told the Treasurer. A set of minutes is produced—an abridged version that leaves out that section of the minutes.

So Leigh Whicker rang Kevin Cantley and Bruce Carter, and said, 'Gentlemen, you have a problem. We want the full set of minutes distributed please.' So they distributed the full set of minutes, and it is crystal clear that the Stadium Management Authority knew that Kevin Foley had been told. Kevin Cantley then rang Stephen Mullighan and we can only surmise whether Stephen Mullighan told the Treasurer.

The reality is that the Treasurer wants us to believe this fantasy that he was told on 19 February—

An honourable member interjecting:

The Hon. I.F. EVANS: No; but then he told no-one—not a soul—for the whole campaign. Every time it was raised in the media—on 6 March, 9 March, 10 March and 13 March—even on the soul of his grandmother, Kevin Foley said that he had received no advice. He hid it from the public and his own colleagues for the whole of the election campaign. Then he wants us to believe that when he comes to the parliament he forgets. He remembered during the whole intense pressure of the election campaign: 'Don't reveal the figure.' Then he comes in here and he wants us to simply believe that he forgot. If the parliament accepts that argument then every minister in the future will simply use that defence.

The Treasurer said, 'What is the political benefit to me for saying this? There is no political benefit.' That is what he said. He said that 'there is no political benefit'. The political benefit is simply this: had he got away with it, he would not have been branded the dishonest Treasurer he has been branded for misleading the public for the whole election campaign. He would have escaped that public criticism and criticism from his own party members. There is a huge political benefit for Kevin Foley in trying to hide this particular issue.

But he got caught out because the Budget and Finance Committee was going to call the witnesses, and they were going to tell the truth. Leigh Whicker in his evidence to the Budget and Finance Committee said that he was going to tell the truth and, if asked, he would say that he told Kevin Foley before the election. He told Kevin Cantley that and Kevin Cantley rang Stephen Mullighan. Members can put two and two together and see where the story goes. The other reason why Kevin Foley came out was that Ian McLachlan was on radio on 2 June saying that he had sent numerous signals to the government before the election about the cost blowout. That sent a message to Foley's office that, again, they had a problem.

What day did they pick to come out? He did not come out on the first day available. He could have come out the day after he found he had misled the house. He could have rung the opposition spokesman and said, 'I'm just letting you know that I have made an error. Here it is. I correct it for you straightaway.' He could have rung you that day, Madam Speaker, and done the same thing: he did not. He waited five days, and he waited five days when Ian McLachlan was on the radio. He called a press conference at the very time the opposition was being briefed. Why did he do that? He did that because it was a politically motivated move. It was not about honesty, it was not about clarity, it was not about behaviour to the house; it was simply a politically motivated move because he had been found out.

There is no doubt in the opposition's mind that we should establish a privileges committee. A privileges committee looks at three elements. Was there a misleading? There was a misleading; the Treasurer has admitted he misled the house. Was it deliberate? Well, that is a matter for the committee to establish. They can call treasurer Foley, they can call Stephen Mullighan, they can call all the evidence of the minister's staff, they can call all their emails and all the documents in the minister's office. Let's have a look at the email trail and see exactly who knew what when. We will not get that unless we have a privileges committee, of course.

The third element as to misleading is: was it consequential to the house? No-one in their right mind could possibly argue that the Adelaide Oval blowout and the Treasurer's knowledge before the election have not been central issues to the house. So, there is only one question for the house, and that is: should we establish a privileges committee to see if the Treasurer deliberately misled the house and the Treasurer was deliberately dishonest? The opposition says the evidence is crystal clear. There is a need for a committee, and we urge the house to support the motion to establish a committee of privileges into the Treasurer's honesty.

The SPEAKER: The Minister for Industry and Trade.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Industry and Trade, Minister for Small Business, Minister for Correctional Services, Minister for Gambling) (11:17): I noticed a difference between the way the government behaved during the Treasurer's speech compared with the way the opposition behaved. This is not about what the opposition claims this motion is about. This is about the ambition of one man.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: We have been here before. We have done this. This is *Groundhog Day*. The opposition had its opportunity. They moved a motion in the parliament; it was defeated. They went out and claimed it was defeated on party lines. They ignored the fact that Independents did not support their motion.

I wonder really what this is about, because there were three speeches on the day. There were three addresses to this parliament: two were mediocre and, actually, one was embarrassing. We all know that one member gave the speech of his life, and that was the member for Davenport. His colleagues were impressed and his leader and his deputy leader were embarrassed.

What this is about is a second bite of the cherry. It is a do over. He wants to show again how good he really is because he never got a chance to face an election as leader. He never got the chance to show his skills in a debate. He never got his chance to show his skills in the last six months in the parliament leading up to an election. He never got that chance, but he had a brief glimpse of what could have been, a brief glimpse of what might have been.

What we are seeing today are the last gasps of a failed leadership—a man so committed to South Australia, so committed to this parliament that he wanted to resign and contest Mayo and cause a by-election. He is a man so committed to the Liberal Party that he sooked the entire time of the last campaign and was nowhere to be seen. Now, after we have had the debate and the Treasurer has rectified his remarks, everyone has moved on except one person—the shadow treasurer. Why? Because he is clinging to this like a desperate man. It is so obvious. After the election—

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: —he was promised greatness by his leader. He was promised the deputy leadership, but, of course, there is one thing the member for Davenport cannot do: he can make great speeches, but he cannot count, and he got rolled by a much better operator. But, of course, that operator was unacceptable to the current leader, so she rolled him in the most undignified way.

The Hon. I.F. EVANS: Point of order, Madam Speaker.

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

The Hon. I.F. EVANS: There are only six minutes to go in the honourable member's contribution. Is he going to actually mention the Treasurer?

The SPEAKER: Minister.

The Hon. A. KOUTSANTONIS: So, the deputy leadership—

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: —was then decided by a man—

Members interjecting:

The Hon. A. KOUTSANTONIS: The deputy leader of the Liberal Party—

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: The opposition is so bereft of any form of policy that all it has is something that was cleared up two weeks ago—like an old bone. The member for Davenport reminds me of a dog that goes into his backyard and digs up a bone he buried two weeks ago. The truth is that this has been dealt with by the whole house, and the matter has been dealt with and settled. The Treasurer has corrected the record.

The Hon. I.F. Evans interjecting:

The Hon. A. KOUTSANTONIS: The member for Davenport, being disingenuous, says, 'The chamber must protect itself.' Well, yesterday—

The Hon. I.F. Evans interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: I did not interject once during your remarks, not once. The former deputy leader said, 'This chamber must protect itself.' Yesterday, when the Deputy Premier attempted to correct and give more information to the house at the soonest possible time, opposition members objected, and why did they object? They objected so that they could say on morning radio today that the Deputy Premier had to come back after question time to correct. That is why—completely disingenuous. If we are here—

An honourable member interjecting:

The Hon. A. KOUTSANTONIS: Here he is. The feathers are in full bloom—all feathers and no meat; no meat at all. The former deputy leader had his opportunity yesterday—didn't do it—

The Hon. I.F. Evans interjecting:

The Hon. A. KOUTSANTONIS: Is that right?

The Hon. I.F. Evans interjecting:

The Hon. A. KOUTSANTONIS: It has been cleared; it has been done; it has been finished. This opposition, in a desperate attempt to get any form of traction it possibly can to try to hold its own misgivings—because this is the one important fact: Adelaide Oval is an election commitment of this government. The opposition is doing everything it can to destroy football coming home. The opposition has a choice to make: does it support football in the city?

Mr PENGILLY: Point of order, Madam Speaker.

The SPEAKER: There is a point of order. The member for Finniss.

Mr PENGILLY: What has football in the city got to do with the question of forming a privileges committee? It has absolutely nothing to do with it.

The SPEAKER: I do not uphold that point of order. Minister.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: Only the opposition would think that a motion about a proposed Adelaide Oval upgrade is not about football coming back to the city. Only the opposition would think that.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: The truth is, this opposition cannot bring itself to support football coming home. This opposition cannot not bring itself to support South Australia. Two AFL football clubs want to come home to the city, and the only people who want—

Mr PENGILLY: Point of order, Madam Speaker. How can the minister talk about bringing football back to the city, when they can't even get Barton Terrace West open?

The SPEAKER: That was very frivolous, member for Finniss.

The Hon. A. KOUTSANTONIS: It is a real shock that he got sacked. The truth is, this is all about the ambitions of one man: a failed leader, a failed deputy leader, a failed candidate for Mayo and soon to be a failed shadow treasurer. This shadow treasurer said yesterday that football does not want to come to Adelaide Oval. He said to this parliament that the football teams do not want to come to Adelaide Oval. Well, I would ask the shadow treasurer to provide evidence to the house of his statement yesterday. Provide that evidence. Silence; silence! But hang on; the shadow treasurer said that football does not want to come to the city.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: The problem is, if people do not want to come to the city, why would they have gone to your $1.2 billion stadium?

Mrs Redmond interjecting:

The Hon. A. KOUTSANTONIS: That's right; yes. They are questions we don't need to answer—that's right. Football doesn't want to come to the city unless they build it. Is that right? It is the Kevin Costner model. If we build it, they will come; that is their model. It is the field of dreams. One minute he says, 'They do not want to come.' The next he says, 'They will come if we build it.' Now, the leader of the opposition wants to build it behind a public school, Adelaide High School.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: The opposition is a farce.

Members interjecting:

The SPEAKER: Order!

The house divided on the motion:

AYES (21)

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

NOES (25)

Atkinson, M.J.	Bedford, F.E.	Bignell, L.W.
Caica, P.	Conlon, P.F.	Foley, K.O.
Fox, C.C.	Geraghty, R.K.	Hill, J.D.
Kenyon, T.R.	Key, S.W.	Koutsantonis, A. (teller)
O'Brien, M.F.	Odenwalder, L.K.	Piccolo, T.
Portolesi, G.	Rankine, J.M.	Rann, M.D.
Rau, J.R.	Sibbons, A.L.	Snelling, J.J.
Thompson, M.G.	Vlahos, L.A.	Weatherill, J.W.
Wright, M.J.		

Majority of 4 for the noes.

Motion thus negatived.

SOCIAL DEVELOPMENT COMMITTEE: DENTAL SERVICES FOR OLDER SOUTH AUSTRALIANS

Ms BEDFORD (Florey) (11:33): I move:

That the 31st report of the committee, on Dental Services for Older South Australians, be noted.

In conducting this inquiry the committee agreed to focus on a range of areas, including the current and future dental care needs of older South Australians, factors that impact on their oral health, the broad implications of poor oral health, the adequacy of current and proposed government programs and funding, and possible measures to improve the oral health of older South Australians.

While a final draft report was prepared by the membership of the Social Development Committee as constituted for the 51st Parliament, it was not able to be adopted before the state election in March this year. I, therefore, thank the former membership of the committee for the effort and energy expended in putting forward this very important report in such a vital area for so many South Australians.

Inquiries such as this would not be possible without the cooperation and contribution of the many individuals and organisations that came forward. We thank all those who presented evidence to this inquiry whether through written submissions or by appearing before the committee. I also thank the staff of the Social Development Committee for their contribution.

In the course of this inquiry the committee received 19 written submissions and heard testimonies from 10 separate groups of witnesses. The committee commenced hearing public evidence on 15 June 2009 and finished hearing evidence on 9 November 2009. A number of submissions expressed concern that the oral health of adult South Australians is, on average, poorer than that of their same age counterparts in comparable countries. Indeed, the total economic cost of poor oral health in older Australians has been estimated to be more than $750 million per year.

The committee heard that across Australia thousands of hospital admissions could be avoided each year if early intervention for oral health problems was available. The impact of poor oral health, however, should not simply be measured in economic terms. The broader health and

social implications are significant. Poor oral health has been linked to a number of serious health problems including cardiovascular disease and diabetes. The inquiry heard that poor oral health can also have far-reaching effects on a person's social and psychological wellbeing.

The inquiry was told that older people living in rural areas are more likely to suffer oral health problems and experience greater difficulty in accessing appropriate dental services. Recruiting staff for rural and remote dental health services is a major problem, with the overwhelming bulk of dentists and allied health practitioners employed in urban locations.

Older people living in aged-care facilities often have significant oral health problems. The inquiry heard that some aged-care facilities have been resistant to implementing oral health programs. Although current aged-care accreditation standards require proper care of resident's oral health, the committee was told repeatedly that, broadly speaking, the oral health of aged-care residents is poorly maintained.

The impact of long public dental waiting lists and inadequate public dental health funding was raised in evidence to the inquiry. There is no doubt that lengthy waiting lists act as a significant deterrent to older people accessing public dental care.

The committee heard about the limited availability of professional dental equipment in aged-care facilities. Concerns about the dental workforce's capacity to meet future demands were also raised. Fortunately, some evidence to the committee was more promising. The committee was heartened to hear firsthand about the enormous contribution made by a number of dentists and their staff, who take time out from their very busy private practices to provide oral health care services to aged-care residents.

The committee commends the work of the South Australian Dental Service in leading and developing a range of programs which have been successful in delivering better oral health to older South Australians living in the community and in aged-care facilities. Nevertheless, the committee recognises that these types of trial programs are typically small scale and fragmented.

The recent announcement by the commonwealth government that aged-care workers will be trained in oral health as part of the nursing home oral and dental health plan was generally well received. The committee considers that this is an important step forward in improving oral health standards in aged-care homes. It is certainly apparent that there are a number of positive initiatives in place; however, changes are still needed.

To that end the committee is pleased that the state government has recently released its seven-year dental health plan, entitled South Australia's Oral Health Plan 2010-17. The plan, aiming at improving access to dental health care for all South Australians, was released on 21 June this year.

The committee is pleased that many of the plan's commitments build on the recommendations of the committee's report. The plan's emphasis is on health promotion and early intervention, providing dentists with access to portable equipment to enable easier treatment of nursing home residents, and ensuring those who are disadvantaged have access to timely and affordable dental care, and is entirely consistent with the committee's recommendations.

The committee considers that the implementation of these initiatives and the other recommendations contained in the report should lead to further improvements in dental health care. Such efforts will help alleviate some of the burden placed on the overall health system by reducing, among other things, the need for surgical intervention and hospital admissions. Most importantly, it will improve overall wellbeing of older South Australians, particularly those in nursing homes who are unable to access help in their own right.

Mr PEDERICK (Hammond) (11:40): I, too, rise to support the reference and committee report on the inquiry into dental services for older South Australians. I will reflect quickly on the terms of reference of the committee. In the last parliament, I was on this committee, and some very interesting submissions were made to the committee, both written and orally, on the dental health of older South Australians. The terms of reference included looking at:

(a) current and future dental care needs of older South Australians,

(b) factors that impact on the oral health of older South Australians including physical and cognitive impairment and the effect of medications,

(c) the social, economic and health implications of poor oral health on older South Australians and the South Australian economy,

(d) the adequacy of current and proposed State and Commonwealth dental health services, programs and funding for older South Australians,

(e) factors that impede the provision of quality dental health care to older South Australians including dental workforce issues,

(f) possible measures to improve the oral health of older South Australians, and

(g) any other relevant matters.

What interested me in this inquiry was the fact that, as Australians and as South Australians, the more we look after our teeth, and the better dental health we have in our younger years, the more it becomes a problem in our older years. This was a surprise to me and seemed to be totally the wrong way around.

The simple fact is that we are looking after our teeth far more than our parents and our grandparents did. As we get older, especially as people enter aged-care facilities, we find that more people still have their original teeth, or most of them. This is where good dental care is so vital, especially in aged-care facilities.

My father is in low-category care in Resthaven in Murray Bridge, and they do a very good job looking after him. However, there are certainly people there who, sadly, have lost their memory or the function to speak (and this would be reflected in all aged-care facilities across the state), so sometimes the message cannot get out as to what is wrong with the person—for instance, why they are not eating correctly—and especially people who cannot communicate properly cannot get the message through that they have a major dental problem, whether it is gum disease or just a tooth that is hurt or infected.

We heard evidence about some people receiving different levels of care. It was only after some time, when people realised that the problem was actually in their mouth and there was something wrong with their teeth, that the problem for some of these people in aged-care facilities was remedied and they could get on with life in a much more comfortable manner.

In relation to people retaining their teeth, during the 1970s only 10 per cent of people living in residential aged-care facilities had most or all of their teeth. Today, this percentage has risen to around 50 per cent. The increasing rate of teeth retention, coupled with the ageing population, means that we need to deal with the predicted increase in demand for services from an already overstretched public dental healthcare system.

The committee also noted that there was a lack of availability of professional dental equipment in aged-care facilities. One of the recommendations from the committee was:

...that in the short term, the State Government should provide additional funding to increase the availability of mobile portable dental units and, in the longer term, investigate the feasibility of ensuring all new-build designs for aged care facilities, or those undergoing a major upgrade, integrate a multipurpose health room for use by health professionals, including dentists.

It was interesting to note that the committee heard presentations from several dentists who allocate some of their time to visit aged-care facilities, and it might only be for a couple of days a week or a couple of days a fortnight. I take my hat off to them because, when these people could be making more money elsewhere, they found it part of their professional and, I guess, part of their moral obligation to assist people in these aged-care facilities. I do salute these dentists and their staff who do their work.

Sadly, a lot of this work is done just with people sitting in chairs or sitting up in their beds, and it is very awkward for everyone involved. I know there have been some second-hand dental chairs already going into some facilities, which does make it a lot more convenient for both the dental staff and the patients to get their oral care.

There were also concerns raised about the dental workforce's capacity to meet the future demand as far as staffing is concerned, and there was some evidence to the inquiry that suggested that allied oral health practitioners, such as dental hygienists and dental therapists, are underutilised and could play a greater role in providing preventive oral healthcare services.

For that reason, the committee has recommended that consideration be given to reforming the dental workforce and developing strategies to help attract and retain more dentists and allied healthcare professionals in both the public and private sectors.

One of the overriding themes that emerged from the inquiry is that oral and general health are inextricably linked and should not be separated. I mentioned before how there were people in

all sorts of grief in these facilities who could not get their message through as to what was really wrong and that, in the end, affected their health quite significantly.

The committee also heard, however, that oral health has been a largely ignored area of public health policy, so the committee has also recommended that oral health be better integrated into overall health in all aspects of policy development, funding decisions and service delivery.

There were 20 recommendations made by the committee, and I have mentioned some of them in my speech. Recommendation 16 states that the committee recommends that the Minister for Health investigate the feasibility of ensuring all new build designs for aged care facilities, or those facing major upgrades integrate a multipurpose health room for use by health professionals, including dentists.

I think that is something that really needs to be taken up in this state because, as I said before, more of us are retaining our teeth and more of us over time, whether we like it or not, will possibly end up in these facilities. I would like to think that we would get appropriate care when we get there, but everyone in society needs this care.

I note that recommendation No. 20 states that the committee recommends that the Minister for Health, in conjunction with the commonwealth and other key stakeholders, ensure that all aged-care facilities have a designated senior staff position responsible to oversee oral health services in the facility, including the provision of appropriate and ongoing staff training in oral health care. I think that is also a significant recommendation. It may be someone who already has a senior role in health in the facility, someone who is already seeing residents on a regular basis.

As noted by the committee, oral health is linked directly to the health needs of older South Australians and I, for one, am very pleased with the report that the committee has put out. I just hope that the state and federal governments will act and implement these recommendations so that older South Australians have a better time in these residential aged-care facilities and get the appropriate care.

Ms THOMPSON (Reynell) (11:50): I want to congratulate the Social Development Committee on raising this matter. It is one of those problems that have sort of sneaked up on the community in many ways. I note that there are some very difficult issues to be worked through, particularly in relation to the dental workforce.

The relationship of dental health and general health has not been well understood. The fact that dental health has not been part of the Medicare system is in itself a huge problem. The measures introduced by the Howard government in which people could get certificates from their doctor in relation to ongoing general health problems relating to their dental health and then get dental health treatment has actually served to narrow the number of people who can access dental health care using commonwealth funds. It is very sad that the measures to widen the commonwealth dental scheme proposed by the Rudd government were blocked in the Senate by the opposition and by a number of the minor parties as well.

One of the involvements I have had in dental care relates to the excellent work done by Steve Parker and his team at the Noarlunga Health Village, under the community-based Noarlunga Towards a Healthy Community initiative, now Onkaparinga Towards a Healthy Community. As the group that was looking at health issues in industry went around to small businesses, the matter that was most commonly raised was the interruption to the workforce when people had to suddenly take time to attend emergency dental appointments.

The team put together a package of simple dental information, which was taken out into the workforce, about the need for preventive action. It included such basic techniques as: if you insist on having a sticky bun for morning tea please rinse your mouth out afterwards, because that will help decrease the amount of oral decay likely to occur from sugary substances. However, the member for Hammond made the point that those of us who look after our teeth in our early days do present more of a problem in our older days.

When I was growing up in the country I remember that a quite common 21st birthday present for a young woman was to have all her teeth extracted. The view seemed to be not so much that this would not be a problem in the nursing home; it seemed to be that this would make her more marriageable because her husband would not have to pay the expense of dental treatment. What a birthday present!

Ms Bedford: Where was that?

Ms THOMPSON: Cambrai. I am assured that this practice was not confined to Cambrai but that in those far distant days it was quite a common practice. However, we do now have a situation with so many more people in nursing homes and in all sorts of settings in aged care facilities and in the community who are older and who still have their own teeth. I do not think we have to reflect very long to recall how uncomfortable it is to have your teeth cleaned and scaled; how, as you are a bit older, just holding your mouth open for all that time is not easy; and how difficult it is for the therapists, hygienists and dentists undertaking that process.

I commend to members the discussion on page 43 onwards in the report about the issue of the role of dental hygienists, therapists and dentists. In the public sector there is a much greater role for hygienists and therapists than in the private sector. There is a view put forward by some that, indeed, hygienists and therapists who have a bachelor degree can do far more dental care work. The dentists are fairly committed to the fact that this should be under the very close supervision of dentists.

It might surprise members to know that the last time I was involved in stacking a meeting it was at a meeting of the senate of the University of Adelaide at which we, the senate, endorsed the decision of the university council to introduce a bachelor course for dental therapists (I think) into the university and the School of Dentistry. The dentists themselves were not at all keen on this notion. They had a nice little world there, and they did not like all these women coming in and doing some of the things that they have traditionally done, which is why I was able to roll up quite a large number of women in support of hygienists and therapists. It is my experience that we, as a parliament, and leaders in our community need to carefully watch the protective work practices that might happen there, and look carefully at the industrial and health grounds being put forward and maybe look to the public sector as a model.

Another issue that has recently been raised with me about dental treatment—and one which, on checking with the Chair of the Social Development Committee, was not raised with the committee—is the impact of no intervention orders in relation to treatment for dental problems. The case to which I am about to refer was not something that happened in South Australia; it was another state, and it was brought to my attention by a distressed dentist who works in the nursing home area. He had a situation where a patient had 17 abscesses in her mouth, which would have caused tremendous pain. A no intervention order was issued in relation to this woman, and the nursing home and her daughters maintained that that meant no treatment at all, which included no treatment of the abscesses. Death would almost certainly be hastened by not treating the abscesses; it would be a cruel and difficult death.

I discussed this matter with my dentist and asked his opinion. He said that the way he treats this is: if a person had a bed sore on their body, would a no treatment order apply? So far, if anyone has been concerned about that, he has always been able to argue the point on that basis. He was aware of the problem, but he was not aware of any situation where a dentist's advice in South Australia had not been complied with. This might be an area that we have to look at more carefully, in terms of just what the interpretation of a 'no intervention' or 'no treatment' order is in relation to dental care.

The final point I make is to again emphasise the importance of the relationship between dental care and general health, and the fact that a greater effort is needed not only in the older community but among all our citizens. Unfortunately, when the Howard government abolished the commonwealth dental scheme, waiting lists in South Australia blew out to 49 months; they are now down to 18 months, but it has taken us a long time.

In 2002, when the Rann government came to power, the waiting lists for dental treatment in South Australia were 49 months; they are now 18 months. We had hoped to do better, and we have very firm plans to do better. The goal of eliminating dental waiting lists is going to be greatly enhanced in my area by the GP super clinic, which will double the number of dental chairs available at Noarlunga. I do not know what Tony Abbott is going to do about funding the GP super clinics, and this is another area of great concern to me.

Motion carried.

GAMING MACHINES (MISCELLANEOUS) AMENDMENT BILL

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Industry and Trade, Minister for Small Business, Minister for Correctional Services, Minister for Gambling) (12:00): Obtained leave and introduced a bill for an act to amend the Gaming Machines Act 1992;

and to make related amendments to the Casino Act 1997, the Independent Gambling Authority Act 1995 and the State Lotteries Act 1966. Read a first time.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Industry and Trade, Minister for Small Business, Minister for Correctional Services, Minister for Gambling) (12:00): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill seeks to amend the *Gaming Machines Act 1992* to create better responsible gambling environments in South Australia, to reduce the cost and risk associated with regulation, and for a number of administrative improvements.

On 23 June 2010 the Australian Government released the Productivity Commission report on Gambling.

The inquiry was conducted in accordance with terms of reference received by the Productivity Commission on 24 November 2008. At that time, work and consultation on the Bill now before the House was well advanced.

The decision was taken that further consideration of the Bill should be deferred until after the Productivity Commission had released its Final Report. It is important for the community, industry and Parliament to be confident in the amendments proposed. This Bill has now been assessed against the Productivity Commission Report and the Bill is considered to not be inconsistent with the Final Report. Details of the assessment are reported in the Final Policy Position Paper released today and available from the Department of Treasury and Finance website.

Importantly, the steps taken to develop this Bill are consistent with the Productivity Commission's recommendations regarding strengthening consultation processes and the incorporation of stakeholders' views into policy development processes.

The policy that underlies this Bill was developed by extensive public consultation. It included two inquiries by the Independent Gambling Authority, the 2004 Amendments Inquiry and the 2006 Review, and a detailed consultation on the contents of the Bill completed in October 2008. The inquiry reports are available on the Independent Gambling Authority's website. The September 2008 Consultation Paper, the July 2010 Final Policy Position Paper and stakeholder submissions are available on the Department of Treasury and Finance website.

I would like to take this opportunity to thank every person who was involved with the Independent Gambling Authority inquiries and the consultation on this Bill conducted by the Department of Treasury and Finance. While it is often a difficult area, the quality of the submissions was impressive, as was the desire by all participants to improve the regulatory framework for gaming machines in South Australia.

This Bill signals the government's first steps in addressing the recommendations of the Productivity Commission. The South Australian Government will be working in the coming year with other Australian governments on a national response to the Productivity Commission's recommendations.

As noted by the Productivity Commission, this policy development work should involve a strong consultative element and incorporate stakeholder views into the policy development process.

In the last quarter of 2010, the Department of Treasury and Finance will release a Consultation Paper that addresses the changes necessary to gambling legislation to allow a national response to be developed and implemented.

The Consultation Paper will also address:

- the recommendations of the Independent Gambling Authority's Barring Inquiry;
- the Responsible Gambling Working Party's recommendations on signage; and
- other Productivity Commission recommendations that are not part of the national response.

A Bill will be developed following this careful consultation.

It is important that the Bill before us should not be delayed or fundamentally changed to further address the Productivity Commission report. To do so would only delay the implementation of good measures that are well understood by industry and the community sector.

This Bill and the forthcoming Bill are two important pieces in a co-ordinated effort by this government to prevent and tackle problem gambling. Other parts of that effort include: improved gambling help services, new Codes of Practice from the Independent Gambling Authority, the creation of new industry responsible gambling agencies Club Safe and Gaming Care, and pre-commitment trials being evaluated by the Responsible Gambling Working Party.

Nationally, the government is working with other jurisdictions on responsible gaming environments, gaming machine standards and pre-commitment. This is expected to be accelerated with the proposed national response to the Productivity Commission.

Together this work is about creating better responsible gambling environments.

This Bill brings to the mix seven measures that will help.

The first of these is the proposal to remove the fixed price of $50,000 on gaming machine entitlements traded through the approved trading system. This fixed price was identified by the Independent Gambling Authority as the reason why the trading system had failed to deliver the additional reduction in gaming machine entitlements required to achieve the 3,000 target.

The government is committed to achieving this target. Details of the proposed new approved trading system have been released for public consultation and are available on the Department of Treasury and Finance's website. The focus of the trading system is to remove impediments from trade and to make the trading system fair for all types of gaming machine licensees. To that end, the Bill also includes a Stamp Duty exemption on the trades conducted through the approved trading system. This exemption is also available to clubs that transfer entitlements as part of a merger or to Club One.

The government is planning to hold the first trading round under the new approved trading system next year.

The second measure strengthens the Social Effect Test for new venues by providing the Independent Gambling Authority the power to prescribe an inquiry process to be conducted by the applicant, and the power to prescribe principles for assessing the social effect that must be applied by the Liquor and Gambling Commissioner.

This measure is consistent with the recommendation of the Independent Gambling Authority in its 2004 Amendment inquiry report.

As a result of the consultation process, the Bill was amended to allow the Commissioner to apply the Social Effect Test to applications by venues that seek to increase the maximum number of gaming machines and other licence variations, if the Commissioner is of the opinion that the variation may significantly alter the social effect on the local community.

The third and fourth measures formally recognise the solid work of the Independent Gambling Authority, Clubs SA and the Australian Hotels Association in creating Club Safe and Gaming Care responsible gambling agencies. This approach is about working with venues to create the necessary cultural change so that gaming venues have consistently high standards for the responsible delivery of gaming. The Independent Gambling Authority, through its recently released Codes of Practice, created incentives for gaming venues to participate in Club Safe or Gaming Care.

It is proposed in this Bill to formally recognise the industry responsible gambling agencies and to identify the Independent Gambling Authority's powers in relation to them.

Also, the Bill proposes to reinforce the incentive created in the Independent Gambling Authority's new Codes of Practice by imposing longer closing hours on those gaming venues which do not have a responsible gambling agreement with an industry responsible gambling agency. Those venues will be required to close from midnight to 10 am on weekdays and between 2 am and 10 am on weekends. This was recommended in the 2006 Inquiry Report.

For those venues that sign up to a responsible gambling agreement and have late trading, it is proposed that obligations for training, referrals to gambling help services and restrictions on the use of automatic coin machines be imposed during late trading. These obligations aim to identify and support gamblers who may have problems with gambling at an early stage.

It is considered that these measures together are superior to the Productivity Commission recommendation regarding closing hours.

The fifth measure is the strengthening of the compliance and enforcement provisions.

Compliance and enforcement is an area that occupied a significant part of the submissions received. There is no doubt that the work of the Liquor and Gambling Commissioner, Mr Paul White, in changing the approach to compliance and enforcement will address many of these concerns.

The draft Bill proposed a relatively complicated system of civil penalties. Given the submissions received and advice from the Commissioner, the Bill has adopted a simpler system of expiation notices for minor offences which can be issued on-the-spot by South Australian Police and authorised officers. The approach adopted is broadly consistent with the *Liquor Licensing Act* which is also administered by the Commissioner.

The penalty provisions have been reviewed and certain penalties have been increased.

The sixth measure makes it clear that gaming machines must be located in enclosed areas where smoking is not allowed.

The seventh measure provides a mechanism to extend responsible gambling regulation to those venues located on airport land controlled by the Australian Government.

I commend these seven responsible gambling measures to Members.

Reducing red tape is important in all industry sectors. It is also important for clubs and hotels because it can free up the industry to concentrate on implementing better responsible gambling environments. This Bill also includes seven measures aimed at reducing the cost and risk associated with the gaming machine regulatory framework.

The first measure goes hand in hand with the responsible gambling measure to strengthen the social effect test. It is proposed to create a social effect certificate, the purpose of which is to bring forward the assessment of the social effect of a proposed gaming venue so that it can occur before the costs associated with development and liquor licensing approvals have been incurred.

This will avoid unnecessary costs from being incurred by the proponent if the venue is ultimately determined to fail the social effect test.

The second and third measures bring in concepts implemented in the Liquor Licensing Act to the Gaming Machines Act. These are conciliation of contested applications and the proposed premises certificate. These measures have been successful in lowering cost and risk to applicants and objectors.

The fourth measure seeks to clarify the arrangements regarding gaming machine entitlements as collateral in finance arrangements by holders of gaming machine licences. It replaces existing exemptions made under the *Gaming Machine Regulations* to provide the industry and financiers with greater certainty.

The fifth measure responds to concerns that some clubs have had over the provisions that allow the transfer of gaming machine entitlements to facilitate club mergers or amalgamations. It is a minor change that allows the club to de-merge if the objectives of the merger are not met.

The sixth measure removes the requirement that a government inspector be present at the installation of a gaming machine to seal the machine. This allows the Liquor and Gambling Commissioner to better allocate the Office's resources as part of its compliance and enforcement function based on the Commissioner's assessment of risk.

The seventh measure changes the regulatory arrangements regarding the sale and supply of gaming machines. Currently, the State Procurement Board is the only organisation from which gaming machine licensees can procure gaming machines. The role, however, can best be characterised as an intermediary between sellers and buyers of gaming machines for which an additional cost is imposed on the industry.

The current arrangements are not essential to ensuring either integrity or responsible gambling. The proposed arrangements include a series of measures to ensure on-going integrity of gaming machines. In particular, there are new provisions relating to the approval of supply contracts, a new offence for selling gaming machines without an approved supply contract, a new offence for offering or providing inducements to purchase gaming machines and extending existing prohibitions on links between gaming machine dealers and other licensees.

I commend these seven red tape reduction measures to Members.

The Bill also includes a number of proposals to improve the administration of the Act. The proposals include restructuring the Act to better describe the role of the Independent Gambling Authority as a rule maker which includes changes to the review period from 2 years to 5 years and an extension of the consultation period for changes to Codes of Practice from 14 days to 28 days.

The Bill also includes proposals to allow the Commissioner to release non-confidential information and to allow the Commissioner to refer matters to the Licensing Court.

Before I conclude, I would like to make some comments regarding section 15A which requires gaming venues not be located under the same roof as shops or within shopping complexes. Clubs SA raised in its submission a concern that section 15A prevented a gaming venue from being located on a site which had previously been shops, even though there were no shops at the time of application for a gaming machine licence or planned for the future.

The scenario highlighted by Clubs SA was clearly not the intent of the Parliament at the time. To have this arrangement would have placed an unreasonable burden on the club and hotel sector. In response to Clubs SA's submission, section 15A has been considered in detail. It has been concluded that section 15A does not, in general, prevent a gaming venue on a site on which shops had previously been located.

In summary, this Bill is part of a co-ordinated effort. It is not a knee-jerk response to a headline or two. It is well considered and well understood. Some people may not like all of the elements. That is no surprise. In the past the sides of the gambling debate have been diametrically opposed. What has impressed me throughout this process is how the community and industry have found a common ground to work from. This work is occurring in the Responsible Gambling Working Party, Gaming Care and Club Safe and it is evident in the thoughtfulness of the submissions received.

This approach will again be applied by the South Australian Government in the coming year to address a range of issues arising from reports of the Productivity Commission, the Independent Gambling Authority and the Responsible Gambling Working Party.

This Bill currently before the House is but one important step in creating better responsible gambling environments.

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 *Gaming Machines Act 1992*

4—Amendment of section 3—Interpretation

This clause inserts definitions into the principal Act that are required for the purposes of the measure.

5—Amendment of section 4—Application of Act

Clause 5 proposes to amend section 4 of the principal Act to allow the Governor, by regulation, to apply provisions of the Act to a person who is not required to hold a gaming machine licence because of a Commonwealth law as if the person holds a gaming machine licence. This is designed to address venues on airport land.

6—Amendment of section 7—Conduct of proceedings

Clause 6 proposes to amend section 7 of the principal Act to require the Commissioner to attempt to achieve agreement between an applicant and an objector by conciliation. If agreement is reached, the Commissioner must have regard to the agreement in determining the matter.

7—Amendment of section 7A—Powers to make interim or conditional decisions and accept undertakings from parties

Clause 7 is consequential on the proposal to have a proposed premises certificate and a social effect certificate—see inserted sections 17A and 17B.

8—Insertion of section 8A

Clause 8 inserts new section 8A into the principal Act to provide that the Commissioner may refer to the Court proceedings that involve questions of substantial public importance, a question of law or any other matter that should, in the public interest or in the interests of a party to the proceedings, be heard and determined by the Court.

9—Amendment of section 9—Power to disclose information to certain authorities

Section 9 of the principal Act provides that the Commissioner may disclose information gained in the course of the administration of the Act to certain authorities. Clause 9 proposes to extend the provision to provide that if the information is disclosed in a form that does not identify the person to whom it relates, the Commissioner may disclose the information to any other person, or in any other way, the Commissioner considers appropriate in the public interest.

10—Insertion of sections 10A and 10B

Clause 10 inserts 2 new sections into the principal Act. Proposed section 10A provides that the Independent Gambling Authority may, by notice in the Gazette, prescribe—

- an inquiry process that must precede an application for a social effect certificate or, if required by the Commissioner, a variation of a gaming machine licence (a *social effect inquiry*);
- principles for assessing the social effect of the grant or variation of a gaming machine licence (*social effect principles*);
- principles for assessing whether a game is likely to lead to an exacerbation of problem gambling;
- an advertising code of practice;
- a responsible gambling code of practice;
- the form of a responsible gambling agreement.

It is proposed that the Authority may include provisions in the advertising and responsible gambling codes of practice that—

- designate a provision of the code as a mandatory provision for the purposes of section 47; and
- declare whether contravention of a mandatory provision is a category A, B, C or D offence; and
- if the offence is expiable, whether the offence is a category A, B, C or D expiable offence.

The proposed clause further provides that the Authority must review the process, principles, codes and form prescribed under the clause at least every 5 years.

Proposed section 10B provides that the Authority may, by notice in the Gazette, recognise a person as an industry body with whom a licensee may enter into a responsible gambling agreement and recognise a course of training as advanced problem gambling intervention training.

11—Amendment of section 12—Criminal intelligence

Clause 11 is consequential to the inclusion of social effect certificates and proposed premises certificates—see inserted sections 17A and 17B.

12—Amendment of section 14—Licence classes

Clause 12 proposes an amendment to section 14 of the principal Act to remove the gaming machine supplier's licence. This licence is currently held by the State Procurement Board—see section 26 of the principal Act. The proposed amendment would authorise the holder of a gaming machine dealer's licence to sell or supply approved gaming machines, prescribed gaming machine components and gaming equipment to the holder of a gaming machine licence or a gaming machine service licence or to another holder of a gaming machine dealer's licence.

13—Amendment of section 15—Eligibility criteria

Clause 13 inserts the proposed new concepts of a social effect certificate and a proposed premises certificate into section 15 of the principal Act. It provides that a gaming machine licence will not be granted unless the applicant for the licence held a social effect certificate for the site of the premises in respect of which the licence is sought at the time of making the application for the licence. It also allows a gaming machine licence to be granted if the applicant holds a proposed premises certificate for the premises and satisfies the Commissioner that the conditions (if any) on which the certificate was granted have been complied with and that the premises have been completed in accordance with the plans approved in the certificate or a variation of those plans later approved by the Commissioner.

14—Insertion of sections 17A and 17B

Clause 14 proposes 2 new sections be inserted into the principal Act. New section 17A provides that a proposed premises certificate approving plans submitted by the applicant for the certificate will not be granted unless—

- the applicant holds a social effect certificate for the site of the proposed premises; and
- the applicant satisfies the Commissioner that the eligibility criteria required under section 15(5)(a) will be met in relation to the proposed premises if completed in accordance with the plans and that any approvals, consents or exemptions that are required under the law relating to development to permit the use of the proposed premises for the conduct of gaming operations have been obtained.

Proposed new section 17B provides that a social effect certificate will only be granted if the applicant satisfies the Commissioner that the grant of a gaming machine licence in respect of premises on the site would not be contrary to the public interest on the ground of the likely social effect on the local community and, in particular, the likely effect on problem gambling within the local community. In assessing the social effect of the grant of a gaming machine licence, the Commissioner must apply the social effect principles, and must not have regard to the economic effect that the granting of a gaming machine licence might have on the business of other licensed premises in the relevant locality (except insofar as that economic effect may be relevant to an assessment of the likely social effect of the grant of the licence on the local community) and must take each site in respect of which a social effect certificate is then in force into account as if a gaming machine licence were held for licensed premises on the site.

15—Substitution of heading to Part 3 Division 3

Clause 15 is a drafting amendment necessitated by the inclusion of additional material in the Division.

16—Amendment of section 18—Form of application

Clause 16 is consequential on the proposed new social effect and proposed premises certificates.

17—Insertion of section 23A

Clause 17 inserts a proposed new section 23A into the principal Act to provide that the Commissioner may treat an application for a gaming machine licence for proposed premises as if it were an application for a proposed premises certificate having regard to the extent to which the proposed premises are uncompleted.

18—Repeal of section 26

Clause 18 is consequential on the removal of the gaming machine supplier's licence.

19—Amendment of section 27—Conditions

Clause 19 proposes to amend section 27 of the principal Act to provide that if a licensee has not entered into a responsible gambling agreement, gaming operations cannot be conducted on the premises before 10am on Monday to Friday and between 2am and 10am on Saturday and Sunday.

20—Insertion of section 27AA

Clause 20 proposes a new section 27AA relating to variation of licence, with some provisions that were formerly in section 27 and 3 new subsections. The proposed new subsections provide that the Commissioner may require an applicant for variation of a gaming machine licence to complete a social effect inquiry if of the opinion that the variation of the licence in respect of the premises may significantly alter the likely social effect on the local community and, in particular, the likely effect on problem gambling within the local community.

21—Amendment of section 27A—Gaming machine entitlements

Clause 21 proposes to amend section 27A of the principal Act to provide that the Commissioner must keep a register of licensees holding gaming machine entitlements.

22—Amendment of section 27B—Transferability of gaming machine entitlements

Clause 22 amends section 27B of the principal Act to provide, amongst other things, that no liability to stamp duty arises in relation to a transfer of gaming machine entitlements under section 27B(1)(b), (c) or (f) executed after the commencement of the measure.

23—Amendment of section 29—Certain applications require advertisement

Clause 23 requires advertisement of applications for the new proposed premises certificate and the social effect certificate and for variation of a licence in a case where a social effect inquiry is required.

24—Amendment of heading to Part 3 Division 6

Clause 24 is consequential on the new proposed premises certificate and the social effect certificate.

25—Insertion of section 32A

Clause 25 proposes to insert a new section 32A into the principal Act to provide that the holder of a social effect certificate may, by notice in writing to the Commissioner, surrender the social effect certificate and the certificate will cease to be in force on acceptance by the Commissioner of the surrender. The proposed section also provides that the Commissioner may, by notice in writing to the holder of a social effect certificate, revoke the certificate if satisfied that the holder has ceased to have a proprietary interest in the site to which the certificate relates.

26—Amendment of section 36—Cause for disciplinary action against licensees

Section 36 provides the circumstances in which there is proper cause for disciplinary action against a licensee. The proposed amendment adds the ground of the licensee contravening or failing to comply with the advertising code of practice or the responsible gambling code of practice.

27—Amendment of section 36B—Taking of disciplinary action against licensees

Clause 27 proposes to increase the fine that may be imposed by the Commissioner if satisfied there is proper cause for disciplinary action against a licensee from $15,000 to $20,000.

28—Substitution of section 39

Clause 28 substitutes section 39 of the principal Act. Currently, section 39 deals with the approval of a person to act as an agent of the State Procurement Board. As a consequence of the removal of the gaming machine supplier's licence the section is no longer required. The proposed new section 39 instead deals with the approval of the form of a supply contract. It provides that the Commissioner may approve the form of a contract to be entered into by the holder of a gaming machine dealer's licence and the holder of a gaming machine licence, the holder of a gaming machine service licence or the holder of another gaming machine dealer's licence for the sale or supply of approved gaming machines, prescribed gaming machine components or gaming equipment.

29—Amendment of section 40—Approval of gaming machines and games

Clause 29 amends section 40 of the principal Act to require the Commissioner, when determining whether a game is likely to lead to an exacerbation of problem gambling, to apply the principles prescribed by the Authority—see inserted section 10A.

30—Amendment of section 41A—Applications to be given to Commissioner of Police

Clause 30 is a consequential amendment.

31—Amendment of section 42—Discretion to grant or refuse approval

Clause 31 is consequential on the removal of the gaming machine supplier's licence.

32—Amendment of section 43—Intervention by Commissioner of Police

Clause 32 is a consequential amendment.

33—Amendment of section 44A—Prohibition of links between dealers and other licensees

Section 44A of the principal Act prohibits the holder of a gaming machine dealer's licence from being associated with a licensee of some other class under the Act. Subsection (4) lists the situations where a person is considered to be associated with a licensee. The proposed amendment inserts into that list that a person is associated with a licensee if the person and the licensee are parties to an agreement or arrangement under which one participates in, or is remunerated or paid for something by reference to, the proceeds or profits of the business of the other.

34—Amendment of section 45—Offence of being unlicensed

Clause 34 is a drafting amendment, partly consequential on the removal of the supplier's licence.

35—Amendment of section 46—Offence of breach of licence conditions

Section 46 of the principal Act provides the penalty for a licensee contravening or failing to comply with a condition of his or her licence. The proposed amendment makes the offence expiable if it is constituted of the contravention of or failure to comply with a condition imposed under Schedule 1(o).

36—Substitution of section 47

Clause 36 deletes section 47 of the principal Act and proposes 2 new sections—section 47 and section 47A. The current section 47 deals with the offence of a breach of agency conditions by an agent of the State Procurement Board. As a consequence of the removal of the gaming machine supplier's licence this is no longer required. The proposed new section 47 provides that the holder of a gaming machine licence must not contravene or fail to comply with a mandatory provision of the advertising code of practice or the responsible gambling code of practice. The proposed penalty for such a breach is—

(a) for a category A offence—$10,000;

(b) for a category B offence—$5,000;

(c) for a category C offence—$2,500;

(d) for a category D offence—$1,250.

It also provides expiation fees for such a breach.

(a) for a category A expiable offence—$1,200;

(b) for a category B expiable offence—$315;

(c) for a category C expiable offence—$210;

(d) for a category D expiable offence—$160.

The codes will determine the category of offence. Proposed new section 47A creates 2 offences with maximum penalties of $35,000 or imprisonment for 2 years. It provides that the holder of a gaming machine dealer's licence must not—

- enter into a contract to sell or supply a gaming machine, a prescribed gaming machine component or gaming equipment unless the contract is in a form that has been approved by the Commissioner; or
- provide or offer to provide any form of inducement to a person to enter into a contract for the sale or supply of a gaming machine, a prescribed gaming machine component or gaming equipment other than a discount that is calculated on a basis that has been fully disclosed in the contract and depends on the number of machines, components or items of equipment to be supplied under the contract.

37—Amendment of section 50A—Approved gaming machine managers and employees must carry identification

Proposed clause 37 amends the penalty provision . Currently, the maximum penalty for an offence against this section is $2,500. The proposed amendment maintains the $2,500 penalty for an offence committed by a licensee, but adds that if the offence is committed by any other person the maximum penalty is $1,250. It also proposes an expiation fee of $210 for an offence allegedly committed by a licensee and $160 in any other case. This amendment brings the clause into line with a similar provision in the *Liquor Licensing Act 1997*.

38—Amendment of section 51—Persons who may not operate gaming machines

Clause 38 proposes to amend the penalty provision for offences against section 51(1) and (2). Currently both offences have maximum penalties of $10,000 or imprisonment for 6 months. This is maintained for offences committed by the holder of a gaming machine licence or a person who occupies a position of authority in a trust or corporate entity that holds such a licence, but adds that in the case of an offence committed by an approved gaming machine manager or gaming machine employee the maximum penalty is to be $5,000. The amendment also proposes an expiation fee for an offence allegedly committed by an approved gaming machine manager or gaming machine employee of $315.

39—Amendment of section 54—Licences to be displayed

Section 54 of the principal Act creates an offence if the holder of a gaming machine licence does not display a copy of his or her licence. The current penalty provision provides for a maximum penalty of $2,500. It is proposed to amend this to a maximum penalty of $10,000 with an expiation fee of $1,200. This is designed to match comparable offences in the *Liquor Licensing Act*.

40—Amendment of section 57—Licensee must erect warning notices

Section 57 of the principal Act provides that a licensee who fails to erect a warning notice is guilty of an offence. The current maximum penalty is $5,000. Clause 40 proposes increasing the penalty to $10,000 and adds an expiation fee of $1,200. This is designed to match comparable offences in the *Liquor Licensing Act*.

41—Amendment of section 58—Powers in relation to minors in gaming areas

Clause 41 is a drafting amendment ensuring section 58 properly reflects the *Liquor Licensing Act* provisions.

42—Amendment of section 62—Interference with machines, equipment or games

The principal Act provides a maximum penalty of $20,000 or imprisonment for 4 years for an offence against section 62. Clause 42 proposes an increase in the monetary penalty to $50,000. This brings the penalty into line with other penalties in the Act.

43—Amendment of section 63—Interference devices

The principal Act provides a maximum penalty of $20,000 or imprisonment for 4 years for an offence against section 63. Clause 43 proposes an increase in the monetary penalty to $50,000. This brings the penalty into line with other penalties in the Act.

44—Substitution of section 64

Clause 44 proposes to substitute section 64 of the principal Act. Currently, only an authorised officer is permitted to seal or break a seal on any part of a gaming machine. The proposed clause would permit an approved gaming machine technician to also seal or break a seal on any part of a gaming machine.

45—Amendment of section 71—Powers of authorised officers

Section 71 of the principal Act contains the powers of authorised officers. Clause 45 adds to those powers that an authorised officer may require a person who has custody or control of books, papers or documents relevant to a business conducted under a licence to produce them at a specified place for inspection at a specified time or within a specified period, and that an authorised officer may inspect books, papers or documents so produced and retain them for as long as is reasonably necessary for the purposes of copying or taking extracts from any of them.

46—Amendment of section 73A—Sport and Recreation Fund

47—Amendment of section 73B—Charitable and Social Welfare Fund

48—Amendment of section 73BA—Gamblers Rehabilitation Fund

These clauses update references to Ministers and Departments.

49—Amendment of section 74—Annual reports

Clause 49 is a consequential amendment.

50—Repeal of sections 74A and 74B

These provisions are now substantially contained in the proposed new section 10A.

51—Insertion of section 76A

Clause 51 proposes to insert a new section 76A into the principal Act to provide for financing of a licensee's business. This matter is currently dealt with in the regulations. It allows the Minister to grant an exemption from such provisions of the Act as necessary for the purpose of enabling—

- the holder of a gaming machine licence or a gaming machine dealer's licence and a credit provider to enter into any arrangements (including leasing arrangements) for the financing of the licensee's acquisition of gaming machines or gaming machine entitlements or otherwise financing the business conducted on the licensed premises; and
- a credit provider to exercise rights of repossession and sale over gaming machines, and gaming machine entitlements, subject to any credit arrangement.

52—Amendment of section 77—Certain agreements and arrangements are unlawful

Clause 52 is consequential on the removal of the gaming machine supplier's licence.

53—Amendment of section 79—Bribery

The principal Act provides a maximum penalty of $20,000 or imprisonment for 4 years for an offence against section 79. Clause 53 proposes an increase in the monetary penalty to $50,000. This brings the penalty into line with other penalties in the Act.

54—Repeal of section 86A

Clause 54 is a consequential amendment.

55—Amendment of section 87—Regulations

Section 87 provides for the making of regulations by the Governor. Clause 55 proposes to increase the penalty that may be fixed for breaches of the regulations from $2,500 to $10,000. The clause also proposes to allow for the fixing of expiation fees not exceeding $1,200 for alleged breaches of the regulations.

56—Amendment of Schedule 1—Gaming machine licence conditions

Clause 56 makes technical amendments to the conditions to which a gaming machine licence is subject and requires any licensee conducting gaming operations between 2am and 8am (in accordance with the terms of the licence) to ensure that:

- a gaming machine manager or gaming machine employee who has completed advanced problem gambling intervention training is present in the gaming area at all times; and
- arrangements are in place under which the gaming machine manager or gaming machine employee may immediately refer a person identified as engaging in problem gambling to a service to address the problem; and
- measures are in place that prevent machines designed to change a monetary note into coins and located on the licensed premises from being operated between the hours of 2am and 8am.

Schedule 1—Related amendments and transitional provisions

Part 1—Amendment of *Casino Act 1997*

1—Amendment of section 41C—Review and alteration of codes

This clause proposes to amend the *Casino Act 1997* to bring it into line with the amendments proposed to the *Gaming Machines Act 1992* by this measure.

Part 2—Amendment of *Independent Gambling Authority Act 1995*

2—Amendment of section 15B—Voluntary barring of excessive gamblers

This clause proposes to amend the *Independent Gambling Authority Act 1995* to provide that the Authority may bar a person from an area within which gaming machines may be operated under a Commonwealth law.

Part 3—Amendment of *State Lotteries Act 1966*

3—Amendment of section 13D—Review and alteration of codes

This clause proposes to amend the *State Lotteries Act 1966* to bring it into line with the amendments proposed to the *Gaming Machines Act 1992* by this measure.

Part 4—Transitional provisions

4—Principles

This clause contemplates continuation of the principles for assessing whether a game is likely to lead to an exacerbation of problem gambling without subjecting them to a disallowance process. Any variations of the principles will be subject to disallowance.

5—Application for gaming machine licence

6—Exemptions

These clauses contain necessary transitional provisions.

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

PROFESSIONAL STANDARDS (MUTUAL RECOGNITION) AMENDMENT BILL

The Hon. J.R. RAU (Enfield—Attorney-General, Minister for Justice, Minister for Tourism) (12:02): Obtained leave and introduced a bill for an act to amend the Professional Standards Act 2004. Read a first time.

The Hon. J.R. RAU (Enfield—Attorney-General, Minister for Justice, Minister for Tourism) (12:03): 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.

All States and Territories have enacted legislation that provides for the approval of schemes under which the occupational liability of members of occupational associations is limited in return for the members:

- holding compulsory insurance (or minimum business assets) up to a prescribed level; and
- adopting risk management and dispute resolution procedures.

The Commonwealth legislated in 2004 to amend the *Trade Practices Act 1974* and related Acts to provide for the application in Commonwealth law of schemes in force under State and Territory professional standards legislation.

The South Australian Act, the *Professional Standards Act 2004* (the *Act*), commenced on 1 October 2006.

This legislation fulfilled a commitment given by Insurance Ministers nationally in response to the insurance crisis.

Under the Act, an occupational association may submit a scheme that limits the occupational liability of all or some of its members for approval by the Professional Standards Council (the *Council*), an independent body corporate established by the Act. There are requirements for public notification and consultation (including public hearings) on proposed schemes, including a minimum 28 day consultation period.

Once in operation, a scheme caps the occupational liability of a member of the occupational association if that member holds approved insurance or business assets up to the level of the cap.

It was always the intention of the Commonwealth, State and Territory Governments that, if possible, there should be a national system of professional standards legislation. Many professions, and their corresponding professional associations, operate across State and Territory borders. Practitioners may serve clients anywhere in Australia.

To this end an inter-governmental agreement, the *Professional Standards Agreement 2005* (the *Agreement*), was negotiated and signed by Ministers on behalf of all Australian Governments. The Agreement provides for (among other things)—

- the appointment of common members to each State or Territory Professional Standards Council (so that, in fact, although not in law, the State and Territory Councils will operate as one). As the law requires that each Council comprise up to 11 members, the Agreement allocates nomination rights according to population size. New South Wales and Victoria are to have 2 nominations each, and other jurisdictions, including the Commonwealth, 1 nomination each;
- the establishment of a common Secretariat by the New South Wales Attorney-General's Department to provide administrative services to the State and Territory Professional Standards Councils. The Agreement provides for each jurisdiction to enter into a service agreement with the New South Wales Attorney-General's Department under which that jurisdiction's Council will purchase necessary administrative services from the New South Wales Attorney-General's Department; and
- the making of uniform regulations about fees, penalties and the disclosure that people covered by schemes must make on documents provided to clients and prospective clients.

There remains a further obstacle to national operation.

At present, a professional's liability is capped only for acts and omissions occurring in jurisdictions where the professional has the benefit of a scheme. Although a professional can obtain the benefit of a cap in liability outside his home jurisdiction, this is a cumbersome, expensive and time-consuming process involving much duplication and inefficiency and involves either the professional's occupational association applying for schemes in all jurisdictions or occupational associations permitting interstate members.

To address this, and to promote the national operation of schemes, the Standing Committee of Attorneys-General (*SCAG*) has agreed to a model for mutual recognition, in all jurisdictions, of schemes approved in 1 jurisdiction, to enable professionals to have capped liability outside their home jurisdiction.

The Bill reflects the nationally agreed model, which incorporates these key features—

- State and Territory based associations will be able to apply to the Council in their jurisdiction and national associations will be able to apply to the Council in the jurisdiction in which their head office is based. When applying to a Council, an association will have to indicate which jurisdictions it wants the scheme to operate in;
- proposed national schemes will have to be advertised in newspapers in all relevant jurisdictions;
- for national schemes, the relevant Council will have to consider the application in a national context. Issues such as claim information, level of liability cap, insurance arrangements and consumer protection measures will be considered from a national perspective;
- for a scheme to operate in a particular jurisdiction, the relevant Minister in that jurisdiction would have to have the scheme gazetted under that jurisdiction's legislation;
- the scheme (and that scheme's cap) will apply to a member of the occupational association covered by the scheme in every jurisdiction in which the scheme has been gazetted;
- a scheme may be challenged in any State or Territory;
- income derived from fees payable by an occupational association for the national scheme (an application fee and annual membership fees for each participating member) will be divided among the relevant State and Territory Councils in accordance with a formula based on the number of members of the association resident in each jurisdiction.

Under the proposed model, national occupational associations (for example, the accounting associations) would be able to register a scheme in 1 State or Territory that covers its members in all jurisdictions. Members of State and Territory based associations (for example, the Law Society) will be able to have the benefit of their association's scheme for occupational liability arising in another State or Territory.

Importantly, under the proposed model, sovereignty is maintained in that a scheme, national or otherwise, will only operate in a jurisdiction that has gazetted it.

The *Professional Standards (Mutual Recognition) Amendment Bill 2010* makes the necessary amendments to the South Australian *Professional Standards Act 2004* to give effect to the SCAG agreement.

I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

Clauses 1 and 2 are formal.

Part 2—Amendment of *Professional Standards Act 2004*

3—Amendment of section 4—Interpretation

This clause proposes to insert definitions into the principal Act that are necessary for the measure. In particular, *corresponding law* is defined as being a law of another jurisdiction that corresponds to the Act, and includes a law of another jurisdiction that is declared by the regulations to be a corresponding law of that jurisdiction for the purposes of the Act.

4—Amendment of section 8—Preparation and approval of schemes

Section 8 of the principal Act provides that a scheme for limiting the occupational liability of members of an occupational association may be prepared and approved. The proposed amendment provides that a scheme prepared under the section may indicate an intention to operate in South Australia only, or in both South Australia and another jurisdiction.

5—Amendment of section 9—Public notification of schemes

Section 9 of the principal Act provides that before approving a scheme, the Council must publish a notice in a daily newspaper circulating throughout the State explaining the scheme, advising where a copy of the scheme may be obtained and inviting comments and submissions. The proposed amendment provides that if the scheme indicates an intention to operate in both South Australia and another jurisdiction, the Council must publish a similar notice in the other jurisdiction in accordance with the requirements of the corresponding law of that jurisdiction.

6—Amendment of section 11—Consideration of comments, submissions and other matters

Section 11 of the principal Act sets out a number of matters the Council must consider prior to approving a scheme. The proposed amendment provides that if a scheme indicates an intention to operate as a scheme of both South Australia and another jurisdiction, the Council must also consider any matter that the appropriate Council for the other jurisdiction would have to consider under the provisions of the corresponding law of that jurisdiction, and all of the matters to be considered by the Council are to be considered in the context of each of the jurisdictions concerned.

7—Amendment of section 13—Submission of approved schemes for gazettal

Section 13 of the principal Act provides that the Council may submit a scheme approved by it to the Minister. The proposed amendment provides that if a scheme indicates an intention to operate as a scheme of both South Australia and another jurisdiction, the Council may also submit the scheme to the Minister administering the corresponding law of the other jurisdiction.

8—Amendment of section 14—Gazettal, tabling and disallowance of schemes

Section 14 of the principal Act provides that the Minister may, after taking into account such matters as he or she thinks fit, authorise the publication in the Gazette of a scheme submitted by the Council. The proposed amendment provides that in the case of an interstate scheme, the Minister may authorise the publication of a scheme submitted by the appropriate Council for the jurisdiction in which the scheme was prepared.

9—Amendment of section 15—Commencement of schemes

Section 15 of the principal Act provides that a scheme commences on such day after the date of its publication as specified by the Minister by notice in the Gazette or, if no such day is specified, 2 months after the date of its publication. This commencement is subject to an order of the Supreme Court on a challenge to the validity of a scheme under section 16 of the principal Act. The proposed amendment provides that the commencement of a scheme is also subject to an order made by the Supreme Court of another jurisdiction under the corresponding law of that jurisdiction.

10—Amendment of section 16—Challenges to schemes

Section 16 of the principal Act provides that a person who is, or is reasonably likely to be, affected by a scheme may apply to the Supreme Court for an order that the scheme is void for want of compliance with the Act. The proposed amendment provides that the Court may make an order that an interstate scheme is void on the ground that the scheme fails to comply with the provisions of the corresponding law of the jurisdiction in which it was prepared.

11—Amendment of section 17—Review of schemes

Section 17 of the principal Act provides for the review of the operation of a scheme. In the case of a scheme prepared under the principal Act, a review may, but need not, be conducted in order to decide whether a scheme should be amended or revoked or whether a new scheme should be made. The proposed amendment provides that, in the case of an interstate scheme, a review may, but need not, be conducted in order to decide whether the operation of the scheme should be terminated in relation to this jurisdiction.

12—Amendment of section 18—Amendment and revocation of schemes

Section 18 of the principal Act provides for the amendment to, or revocation of, a scheme. The proposed amendment provides that this section does not apply to an interstate scheme.

13—Insertion of sections 18A and 18B

Clause 13 of the measure proposes to insert 2 new sections into the principal Act.

18A—Notification of revocation of schemes

Proposed new section 18A provides that on the revocation of a South Australian scheme that operates as a scheme of another jurisdiction, the Minister must cause notice of the revocation to be given to the Minister administering the corresponding law of that other jurisdiction. On receipt of notice that an interstate scheme has been revoked under the corresponding law of the jurisdiction in which it was prepared, the Minister must cause a statement to that effect to be published in the Gazette.

18B—Termination of operation of interstate schemes in this jurisdiction

The Council may, on the application of an occupational association, prepare an instrument terminating, in this jurisdiction, the operation of an interstate scheme that relates to members of the association. The scheme terminates from a date specified or 2 months after the date of publication.

14—Amendment of section 34—Duration of scheme

Section 34 of the principal Act provides that a scheme remains in force for such period (not exceeding 5 years) from its commencement as is determined by the Council unless it is revoked, its operation extended or its operation ceases because of the operation of another Act. The proposed amendment provides that a South Australian scheme will also cease to operate if the scheme is declared void by the Supreme Court or by the Supreme Court of another jurisdiction under the corresponding law of that jurisdiction, or if it is disallowed under the *Subordinate Legislation Act 1978*. The proposed amendment also provides for the duration of an interstate scheme. An interstate scheme remains in force for such period (not exceeding 5 years) from its commencement as is determined by the Council unless its operation in relation to this jurisdiction is terminated, or the scheme ceases to have effect in the jurisdiction in which it was prepared, or the scheme is disallowed under the *Subordinate Legislation Act 1978*.

15—Functions of Council

Clause 15 is a drafting amendment.

16—Insertion of section 46A

Clause 16 of the measure proposes to insert new section 46A into the Act.

46A—Cooperation with authorities in other jurisdictions

This clause provides that for the purposes of dealing with a scheme that operates in both this jurisdiction and another jurisdiction, the Council may act in conjunction with the appropriate Council for the other jurisdiction.

Schedule 1—Transitional provision

1—Expiry date of existing schemes

The transitional provision provides for the expiry date of existing schemes.

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

STAMP DUTIES (PARTNERSHIP INTERESTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 July 2010.)

The Hon. I.F. EVANS (Davenport) (12:04): I rise to be the opposition's lead and only speaker on this matter, which is the Stamp Duties (Partnership Interests) Amendment Bill 2010. I indicate to the house that this will not be a long debate. There will be no need to go into committee, as the opposition has no amendments. We will be supporting the bill in its current form.

This bill arises out of a decision of the Full Court of the Supreme Court in the matter of Cyril Henschke Pty Ltd & Ors v the Commissioner of Taxation, commonly known as the Henschke case. At the outset, I thank the Treasurer, the Treasurer's staff and the departmental officers who gave the opposition a full briefing on this matter in a timely way so that we could debate this matter today. I thank all those involved for their briefing.

The Full Court found in the Henschke case that a partner's interest in partnership property is not an interest in the underlying assets held by the partnership but is rather a chose in action, entitling each partner to their share of the profits derived from the assets and the value of the partner's share of the assets upon dissolution. Therefore, although upon retirement a retiring partner may agree to sell his or her chose in action to the continuing partners, a retirement may also occur with no transfer, and it is the retirement with no transfer that I think is the issue that the court case was about and also that this legislation is about.

Essentially, without getting into the legal technicalities (which I know is my strength and that of the Treasurer), my understanding of the briefing is that if there is no transfer of property or an asset then, clearly, there is no stamp duty payable, because you only pay a duty on the transfer of the asset as such. So the question the court dealt with was: if people change their partnership

arrangements using the same technique as occurred in the Henschke case, would there be a duty payable?

At this stage, the Full Court has decided that there is not a duty payable and the Commissioner of Taxation, through the government, is appealing that to the High Court, I understand. However, we want to give certainty to the legislation and we also want to give certainty to the revenue stream. The advice from the Commissioner of Taxation is that this would have a significant hit on the revenue stream of the state, and I think it is clear to the opposition that the type of actions that occurred in the Henschke case were clearly always intended to be caught by the legislation as it stood. So the opposition supports this particular piece of legislation because it closes that loophole, both retrospectively and prospectively.

My understanding of the briefing is that it will not impact on the Henschke case specifically. The government will wear whatever the High Court decides in relation to that individual case. The government has advised us that it has not been alerted to any other case where there is an attempt to claim a refund or exemption from the duty on the same basis as the Henschke matter. So, as far as the government's advice to the opposition is concerned, there is only the one matter, and that is the Henschke matter, that falls into that particular category at this point.

The legislation applies retrospectively, and I have sought further advice from the commissioner in relation to this matter. The opposition's understanding of the briefing is that the reason it applies retrospectively is so that if someone who has paid duty becomes aware of the Henschke matter and thinks they might not have to pay duty, then this legislation will clarify the fact that they do actually have to pay duty and Henschke's matter is a one-off, stand-alone case. That is my understanding as to why we are applying this retrospectively. I put that on the record for the sake of completeness.

This matter has the support of the opposition and we will not hold the house any longer. Again, I thank the Treasurer's personal staff, the Treasurer, and the commissioner and his staff for their briefings. The opposition supports the bill. We have no amendments and no questions. We are happy to go to the third reading.

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

STATUTES AMENDMENT (DRIVING OFFENCES) BILL

Adjourned debate on second reading.

(Continued from 24 June 2010.)

Mr GOLDSWORTHY (Kavel) (12:11): I am pleased again to be the lead speaker in relation to these important issues concerning road safety matters here in the good state of South Australia. I am looking through my briefing papers to get the correct references so that I can engage in meaningful debate with the Minister for Road Safety. It was noted in the house yesterday, during debate on the first bill for which the Minister for Road Safety had responsibility, that the minister thought I had launched a withering attack on him. Perhaps he will not be looking at a withering attack today, but certainly there are some issues we will be looking to raise in relation to the Statutes Amendment (Driving Offences) Bill 2010.

The government introduced this bill a couple of weeks ago, on 24 June. A major element of the bill is to introduce a new section 19AD—Street racing, into the Criminal Law Consolidation Act, which would make the offence of street racing a criminal indictable offence. Importantly, the Criminal Law Consolidation Act also lists street racing as an aggravated offence.

As it stands, under the Criminal Law Consolidation Act, there is currently a section 19A—Causing death or harm by dangerous use of vehicle or vessel. If the dangerous and negligent use of a vehicle causes death, the maximum penalty is a gaol sentence; and if someone causes serious harm as a consequence of that activity, the maximum penalty for a first offence is a gaol sentence. It is my understanding and from my reading of the act that, even if a minimal level of harm is caused by dangerous and negligent driving, a gaol sentence is also the maximum penalty applicable. However, the act talks about death and serious harm and then, in 19A(3)(b), under maximum penalty, it provides:

(b) where a motor vehicle or motor vessel is used in the commission of the offence but serious harm was not caused to any person—

(i) for the first offence that is a basic offence—imprisonment for five years—

and it then goes on to list some other parts of the penalties.

So, within the current law there are some pretty heavy penalties for motorists who drive a vehicle in either a dangerous or reckless manner. What the government is looking to achieve is to create a new offence of street racing. As I said, new section 19AD is to be placed in the Criminal Law Consolidation Act where, by its very nature, street racing would have to be classed as dangerous or negligent driving.

A new offence of street racing is to be placed in the act, and it does not matter whether an accident has taken place or a crash has occurred. Just on the fact that a street race is taking place, irrespective of any crash or injury (whether it be serious or not), the maximum penalty for a first offence is a gaol sentence and loss of licence. If a first offence is deemed to be an aggregated offence, or for any subsequent offence, then the gaol sentence is increased to five years.

That all seems quite acceptable on the surface, and we on this side of the house are prepared to support the intent of the bill. However, there are some issues that we want to raise in relation to the legislation. The minister and I had a radio interview on the day that the minister announced the legislation. There was a press release and some television and, that afternoon, we did a radio interview on 891 Drive, from memory.

One could incorporate this offence in the Road Traffic Act, because there is a lot in the current Road Traffic Act—

The Hon. J.J. Snelling interjecting:

Mr GOLDSWORTHY: Isn't that a concession? The minister is saying he is not giving us any answers; that's pretty good.

The Hon. J.J. Snelling interjecting:

Mr GOLDSWORTHY: Yes; talking about that, the Deputy Speaker will pull me up, but we have heard that the current Minister for Road Safety is being groomed for bigger and better things down the track so, even under your admission, minister, that you are only assuming a junior portfolio at the moment—

The Hon. J.J. Snelling: I also might be a deputy assistant under cabinet secretary.

Mr GOLDSWORTHY: You may well be that after the next election, given that you will lose the next election. Let us get back to the very important matter before the house, and that is the matter of trying to save people's lives.

We had an interview and a bit of a debate on the radio that afternoon. There is a significant amount of legislation, obviously, in the Road Traffic Act and these provisions could have been placed in that act. However, the minister said publicly that the government was not looking to do that, because it wants to communicate to the public that this is a very serious issue, a very serious offence and a very serious crime and that the place for it is the Criminal Law Consolidation Act and that, hopefully, it will have an educative effect on the community.

I have a few questions for the minister during the course of the debate. First, does the minister really think that, if we have two young lads in cars, pulling up at the traffic lights, on a spur of the moment thing, one driver looks over at the other—

The Hon. J.J. Snelling: A bit of revving.

Mr GOLDSWORTHY: —a bit of revving, a bit of encouragement and so on—they will think, 'Hell's bells, we'd better not do this, because this is in the Criminal Law Consolidation Act.'

The Hon. J.J. Snelling: Or, 'We could go to gaol.' That might have some effect.

Mr GOLDSWORTHY: Sure, but there is no reason that you cannot put that provision in the Road Traffic Act.

The Hon. J.J. Snelling: No, you can't do that. It is an indictable offence; it has to be put in the Criminal Law Consolidation Act, but anyway.

Mr GOLDSWORTHY: Well, we will hear it. Okay, we will hear it. I am sure in the Road Traffic Act there is—

The Hon. J.J. Snelling interjecting:

Mr GOLDSWORTHY: Okay, that's good. That clarifies that issue. Perhaps the word will get around to these car clubs that run these activities and so on that, if you do this, you could go to

gaol. I am still not convinced that for two lads at the stop lights it will necessarily have an educative effect, but we are happy to support the government's intention and see how it works. We are not going to stand in the way of the intention of the government in relation to this issue. I am not convinced on that point, but we will see.

As I said, we are looking at creating a new offence, that is street racing, and, as the minister pointed out, it is an indictable offence. Being an indictable offence, what court would hear that? I do not know whether indictable offences are heard in the Magistrates Court or the District Court. I think they are heard in the Supreme Court. When the minister closes the debate, we will listen to what he has to say about that. I am not a lawyer, as you know, so I do not—

The Hon. J.J. Snelling: You're a banker.

Mr GOLDSWORTHY: I was a banker in a previous career.

The Hon. J.J. Snelling: High finance.

Mr GOLDSWORTHY: I don't know.

The Hon. J.J. Snelling interjecting:

Mr GOLDSWORTHY: I think you are exaggerating that somewhat.

Members interjecting:

Mr GOLDSWORTHY: Don't put that tag on me. If I had my way, we would not have had the global financial crisis, because much of that resulted from poor banking practices, throwing prudent and conservative banking practices and principles out the window. That is one of the reasons the GFC happened. I was regarded as a pretty prudent and conservative banker, which perhaps I am as a member of parliament.

An honourable member interjecting:

Mr GOLDSWORTHY: Nevertheless. The bill also looks at providing a defence to a charge for emergency workers. The second significant part of the bill is to provide a defence to police officers and other emergency workers should they be charged with section 19A, causing death or harm by using a vehicle (which obviously is in the Criminal Law Consolidation Act), and section 45, careless driving, or section 46, reckless and dangerous driving, under the Road Traffic Act. For example, the new provisions will provide some protection for a police officer who is charged with dangerous driving during a high-speed chase when in pursuit of a criminal in the course of their duty.

There are some exclusions in the bill, including an amendment to the South Australian Motorsport Act 1984 to exclude those specific motorsport events from this legislation. There is some detail that we need to traverse in relation to who may be found guilty of participating in a street race. New section 19AD(2) provides:

> For the purposes of this section, a person participates in a street race, or in preparations for a proposed street race, if the person—
>
> (a) is present in a motor vehicle whilst it is driven in the street race; or
>
> (b) promotes, or assists in the promotion, of the street race or proposed street race in any way; or
>
> (c) engages in any other conduct that assists, or is intended to assist, in the street race or proposed street race taking place.

I understand that the Hon. Ann Bressington in the other place has said that she may move some amendments to this particular part of the bill. I refer to proposed new subsection 2(a), which provides: if a person 'is present in a motor vehicle whilst it is driven in a street race'. That means everyone—this is a question the minister can answer when he wraps up the second reading—it means the driver and all the passengers. That is how it was explained at the briefing that the Attorney-General's departmental staff, the minister's staff and some of his departmental people attended. So, that means anyone in the car that is engaged in a street race.

There is a definition in the bill of a street race, which we do not have to go over; I think it is relatively clear. Anyone in a car that gets pulled up, the police can say, 'Righto, you're all done. You're all being charged. Come down to the station.' Potentially, they all will be arrested, charged and put through the courts.

I know that the Hon. Ann Bressington in the other place has some concerns with that provision. We on this side of the house are interested in listening to the debate when it goes to the other place in terms of the arguments in favour of the Hon. Ann Bressington's amendments. We are prepared to have a good hard look at that and make a determination in the other place about whether or not we support those amendments.

During the consultation phase when preparing to debate this legislation, I have gone to a range of stakeholders who have an association with road safety. There is quite a number and I will list them. We have not received a response from a great number of them, but we have the whole winter break between when we finish with the bill here and it goes to the upper house, because, obviously, they will not be debating it tomorrow as it is the last sitting day before the winter break.

We have been to the RAA, CASR, MTA, Australian Driver Training Association, Motor Accident Commission, Australasian College of Road Safety, Adelaide Hills Community Road Safety Group, Motorcycle Riders Association (MRA), Law Society, the Australian Lawyers Alliance, and a number of others. We received a handful of replies. Between the houses I will be interested to receive communication and correspondence from those organisations we have consulted with and garner their view in relation to the issue, particularly concerning the defence to a charge for emergency workers and the outlining in the bill of anybody who is in the vehicle.

The Hon. J.J. Snelling interjecting:

Mr GOLDSWORTHY: I am just reading from the bill. It says 'a person who participates in a street race if the person is present in the vehicle', so it is anybody in the vehicle. I will be interested to receive feedback on that from those organisations.

The Hon. J.J. Snelling: What is your issue with the emergency workers?

Mr GOLDSWORTHY: We are just keen on getting more information from the key stakeholders. We do not necessarily have any entrenched opposition to it, obviously, because I said at the beginning of my comments that it is our intention to support the intent of the bill. We did have some concerns that maybe the wording was a little too broad and that the wording could be tightened up a bit in relation to that. We will consider that between the houses as well.

In relation to the passengers being in the vehicle (and I am sure the minister would be aware of this), that issue is actually already covered, I think, in the Criminal Law Consolidation Act. Part 7B, under the heading Accessories, section 267—Aiding and abetting, provides:

> A person who aids, abets, counsels or procures the commission of an offence is liable to be prosecuted and punished as a principal offender.

So if somebody is a passenger in the vehicle and is aiding and abetting the street race, then they are captured under the existing law. I will be interested to hear the minister's comments in relation to that question because it is already covered in the act in which the minister wants to place this new provision. Basically, that is the outline of the bill.

There are a couple of other points I want to raise in the context of the debate. The minister said, in the radio interview that afternoon, that the government had not undertaken any consultation. The minister can correct that, but it was my clear memory that when the interviewer—the radio journalist—asked the minister who he had spoken to in relation to the bill, what consultation he had done and what they thought about it, I got the strong impression that the minister and the government department had not necessarily gone out to those key stakeholder bodies to consult, in particular those I listed—the MTA, the Motor Accident Commission, RAA, the Centre for Automotive Safety Research (CASR), and the driver trainers association. I include all those bodies that have a firsthand relationship with road safety issues. If that is incorrect, I would be interested to hear the explanation and the answer from the minister.

I admit, absolutely shocking circumstances took place when those two cars were, from memory, drag racing up Magill Road. There was a collision and one driver was extremely seriously injured—I think that he had to have his legs amputated—and the other driver was killed. Then, in the western suburbs more recently, two cars were racing each other. They did not collide with each other but with another vehicle, and there was a fatality as a consequence of that.

I do not have any particular issue in terms of ramping up the law and increasing the penalties in relation to street racing, but I do have some issues about how the government is portraying this as a new initiative. I did make the comment, in some earlier statements, that I thought that it was a form of window-dressing. I was going from some pretty scant detail at that

time. I had a copy of the minister's press release, and only about three lines in that press release gave any idea of what the government was trying to achieve.

I will be interested to learn from the minister what consultation has taken place. As I said, we are waiting for some feedback from those key stakeholders in relation to our consultation process. We will assess that feedback from the key stakeholders between the houses and give due consideration to the debate which, obviously, I understand, will come forward from the Hon. Ann Bressington, and also in relation to the defence for emergency workers, which, obviously, includes the police.

I have spoken to a fairly senior police officer in relation to the procedures and protocols when a police pursuit is undertaken. It is my understanding that the officers in the patrol car must radio back to a senior officer, a sergeant, I think. The member for Little Para would probably have an understanding of this, having been a police officer in a previous career, that there is constant radio contact from the patrol car back to senior officers when a police pursuit is being carried out. So, there is some 'control', if you like, some management from more senior officers in relation to how that pursuit is undertaken.

We do have an understanding on this side of the house of how that takes place. As I said, we contacted a senior police officer, and that police officer was able to explain the practices, protocols and procedures when a police pursuit is undertaken. I do not know whether we necessarily need to delay the house any further. I think that, in relation to my contribution, and as I said at the outset, we support the intent of the bill but flag those couple of issues that will be considered between the houses and when the bill gets to the other place.

Mrs VLAHOS (Taylor) (12:39): I rise to support the bill. One of the most common complaints that I receive in my office—having an electorate with the outer suburbs and agricultural and horticultural lands—is the ability for people to commit drag racing offences around there. I certainly commend the government for its attempt to make sure that the seriousness of these offences is recognised with this bill.

It is particularly prevalent in the suburbs of Two Wells, Virginia and Lewiston. I often have information about the issues brought to my office which I then have to relay to the local police stations. It is not only disruptive to the local farmers, who may be coming along these roads in early twilight hours or late in the evening with animals or farm implements that are particularly dangerous on the edge of the roads if someone spins out and hits them. It is also disruptive to people who have animal husbandry and housing in rural living areas, that their children wake up frightened when they hear these drag racing offences occurring in their neighbourhood.

One of the things that I would like to raise about the matter is that it does actually ensure that drivers taking part in legitimate motorsports events—which are very popular in the northern suburbs of Adelaide and which are done within a declared area—are exempt from this bill during the declared period when the motorsport activities take place. They will be safeguarded from any penalties, and I think that is a very good and worthy thing, considering the popularity of the motorplex issue in my electorate.

I also think that the emergency services and police workers need to be protected from prosecution. This bill recognises that and allows them to carry out their duties as emergency workers and people of that nature in attendance to make sure that they employ their authority reasonably in the circumstances they need to do that. So, I commend the bill and seek the rest of the house's support, to ensure that the people in the northern suburbs are adequately protected from people who are intending to flout the law, as they currently do.

Mr PENGILLY (Finniss) (12:41): The opposition will, obviously, be supporting the bill. The question I raise is that here we are, once again, waving a big stick and threatening all sorts of penalties, but we are not actually getting to the root cause of this sort of stuff. Earlier this year in my electorate, we had an appalling accident at Mount Compass in which three young men were killed. They were not drag racing, but they were, I think, going at a reasonably rapid rate of knots when the accident occurred.

I have a constituent, Mr Bill Jerram, who lives at Mount Compass. Mr Jerram lost his daughter I think 15 years ago now—do not hold me to that; it was around about that time. He has been passionate about road safety ever since—very, very passionate—and he has come up with some mechanisms to introduce into schools to educate children. Now, you cannot take testosterone out of boys. It just does not work; you cannot do it. You are looking at someone here

who had his fair share of drag racing in the past, in his younger days, and they are going to be doing it in another 50 years. You are not going to stop that.

By increasing penalties and threatening gaol and whatnot, you may deter some, but you are not going to deter all of them. You are not going to deter the ones that have had a belly full of grog, or are on drugs or whatever. You are not going to deter them when they are out in the middle of nowhere and have got nothing else to do apart from have a race up the road. The point that I am trying to make is that Mr Jerram (and I have forwarded information; I am not sure whether it is to the former or current minister) is dead keen to start educating children in their early years and in their teen years at school in how to drive, using computer programs. I think there is an enormous amount of merit in it.

It could well be—and out of small ideas come great solutions, sometimes—that this legislation will stop some. It could well be that an education process through schools will stop some of these appalling accidents and people getting killed and maimed. It could well be, but we have to look at a broadbrush approach. I have got two road safety groups in my electorate—the Fleurieu Road Safety Group and the KI Road Safety Group—which, with the involvement of the police, go to the schools and talk to young people. You cannot legislate against stupidity and madness—we all know that. You cannot do that.

I am sure the government and the minister have brought this legislation in with the right intent, but we have to get to the core of what the problem is, and this is just not enough on its own. I am more than happy to bring Mr Jerram along for a meeting with the minister to sit down and talk about his ideas. He has tried to promote it through the education department and seemingly has got nowhere; they do not want to know about it. Here is this great monolithic education department that consumes copious amounts of the state budget and they just did not want to know about it. They have no money for anything unless it comes to doing something they want to do.

I say to the minister that, yes, we will support the legislation but we have to go further than that and we have to do far more than just wave a big stick, threaten people with increasing fines or threaten them with gaol terms because, while we are here, we have a responsibility to do what we can to try to stop it. We are not going to stop it but this may help.

Mr KENYON (Newland) (12:46): I noted the discussion of the member for Kavel and his questioning of the movement to the criminal code, and in the interchange between him and the minister it was established that he needed to do this so that people could be sent to gaol for committing these offences of street racing. A number of speakers from the opposition on this bill today—and on a bill yesterday we were discussing in the house—were talking about how it is not going to be a deterrent. It came up again today, of course.

There is certainly an intent of some deterrent. Part of the deterrent that comes from putting things in the criminal code is the punishment—actually sending someone to gaol or providing massive fines or whatever it might be. The person committing the offence is educated but you would hope that an education would extend a little more broadly to their friends, family and associates and so on who may also see that one of the consequences of this sort of behaviour is that you can go to gaol. Not only that, there has to be an element of punishment in these things.

It is a right and proper function of the justice system that people are punished for crimes that they commit and there is an element of deterrence, an element of education, and there is an element of punishment. That is no bad thing. Simply saying that this is not going to be a deterrent to people street racing—well, that is true. Certainly not everybody is going to stop street racing simply because you can go to gaol for street racing, but I would be surprised if there was a crime in the entire criminal code that had not been breached at some point in our history. The whole point is that we do not introduce these laws just to deter people and then expect that every law on our books will prevent wrong behaviour happening. It does not work like that, so there has to be an element of punishment to it, and that is part of this bill.

It is something I support because it is a very serious offence with very serious consequences, as a number of speakers have already outlined. It is often committed by people who have set themselves up to be in that position, who have modified their vehicles so that they go faster, accelerate more quickly and so that they handle and stop better. There is an enormous amount of money that goes into modifying vehicles, and it is not surprising that these people who have spent all this time and money modifying their vehicles might want to try it out at some point. Another element of the bill that I am quite pleased to see is the aggravated circumstances that are

introduced as part of this bill, allowing the court to consider the offence more serious if certain criteria are met such as a knowledge of the risks or an increase in the risk by that behaviour.

Most people can reasonably be expected to know that the faster you go the more dangerous it is. Also, with regard to the weather, knowing the circumstances you are driving in, most people would accept. In fact, some drivers would know because they would like to take advantage of the situation that when the roads are wet they are more slippery, there is less grip and you are more likely to either lose control of the vehicle or lose grip. There may be some semblance of control as you move sideways around a corner, but there is certainly not as much grip as when it is dry. The very knowledge that there are less safe driving conditions aggravates the offence, and I think that is reasonable.

A further cause of aggravation is passengers in the car. That is another good thing, because most of us at some point would remember, while growing up, that with four or five boys in a car there can be a lot of pressure on the driver to go faster or to do more stupid things. So, that is another reason why I think it is important that passengers are included in these provisions because often they contribute to the situation. Sometimes they do not, and there is a defence included in the bill in the event that you have requested a driver to slow down or not undertake street racing, but where the passengers have encouraged a driver to involve himself in this behaviour it is right and proper that passengers are included in the penalties.

Finally, the other part of the aggravated offence is the defective vehicle, including modifications to it. I suspect that most people who have modifications made to their vehicle do so with the intent of making them go faster or to increase performance or handling, knowing that they will then drive faster as a result of the modifications. Lower profile tyres, chips or chipping vehicles and bigger exhausts all contribute to the culture of speed, and it is fitting that that is included as part of the circumstances surrounding aggravated offences.

I am pleased to see an exemption for emergency service workers. It is important that any lingering worry or doubt that may have been hanging around the police force in particular but also fire and ambulance vehicles is removed. They should not have to worry about criminal sanctions simply because they are doing their job. I am very pleased to see that included. I am also pleased to see that there is a protection for genuine motor racing, where an attempt is made to improve safety, where innocent people are much more unlikely to be affected as a result of the behaviour and where all participants go in well trained and fully cognisant of the risks.

While I do not expect that this will stamp out street racing, I would be surprised if it did not reduce it. More importantly, I am pleased to see that it is being treated with the seriousness it deserves and that there will be an element of punishment for those people who undertake this behaviour and put not only themselves but also non-participants and innocent people—people who are completely unaware of what is going on—in danger of injury or of losing their lives. I am pleased to support the bill and I commend it to the house.

Mr PEDERICK (Hammond) (12:54): In rising, I note the comments made by the member for Kavel and the member for Finniss in that we do support the Statutes Amendment (Driving Offences) Bill 2010, although we will certainly be looking at some factors of it, possibly between the houses and in the other place, to make sure that we get the best result we can with this bill before it is made into an act.

This bill was introduced on 24 June 2010. The large inclusion in this bill is the new section 19AD—Street Racing, into the Criminal Law Consolidation Act, making the offence of street racing a criminal indictable offence. Importantly, it also lists street racing as an aggravated offence under the Criminal Law Consolidation Act.

Under the current law, section 19A of the Criminal Law Consolidation Act—Causing Death or Harm by Dangerous Use of a Motor Vehicle or Vessel, the maximum penalties are: for a first offence causing death, 15 years' gaol and 10 years' loss of licence and, for an aggravated offence or subsequent offence, life imprisonment and 10 years' loss of licence; for a first offence causing serious harm, 15 years' gaol and 10 years' loss of licence and, for an aggravated offence or subsequent office, life imprisonment or 10 years' loss of licence; for a first offence causing harm, five years' gaol and one year's loss of licence and, for an aggravated offence or subsequent offence, seven years' gaol with three years' loss of licence imposed with that offence.

The new section 19AD—Street Racing, provides:

(1) A person who participates in a street race, or in preparations for a proposed street race, is guilty of an offence.

The maximum penalties provided are: (a) for a first offence, three years' gaol with one year's loss of licence; and (b) for a first offence that is deemed to be an aggravated offence or for any subsequent offence, five years' gaol and three years' loss of licence.

There is also a note under section 5AA(1c)(a)—Aggravated Offences, that they were driving in the circumstances of a heightened risk, which is defined as: (1) between sunset and sunrise (obviously in the dark); (2) at a time of poor traction (raining is an example); or (3) at a time of poor visibility, which obviously includes fog, and we have had some heavy fogs recently in Adelaide and close to Adelaide.

There is also subsection (1c)(b), knowing that there were one or more passengers in the vehicle, and (1c)(c), knowing that the vehicle had a major defect, which is defined as: 'a motor vehicle has a major defect if use of the motor vehicle constitutes a serious risk to the safety of any person.' There are also subsequent offences that could apply. With that, I seek leave to continue my remarks.

Leave granted: debate adjourned.

[Sitting suspended from 12:59 to 14:00]

VISITORS

The SPEAKER: I draw members' attention to the presence in the gallery of a group of year 12 students from Saint Ignatius College, who are guests of the member for Morialta. We hope you enjoy your time here, and I am sure that they will all very well behaved while you are here today. Members, I also draw your attention to the presence in the gallery of students from Mount Carmel College, who are guests of the member for Cheltenham. Welcome to you also. I may have mixed your groups up, so I am sorry about that.

I just remind members, if you do have a school group that comes in, can you make sure that Penny Cavanagh knows so that she can advise me, because we do not know when they are there and it is awful if we get a lovely school group come in to see us and we do not say hello to them. Please make sure it is known by whoever needs to be told that you have guests in here.

ORROROO CARRIETON DISTRICT COUNCIL

Mr VAN HOLST PELLEKAAN (Stuart): Presented a petition signed by 312 residents of Orroroo Carrieton and Greater South Australia requesting the house to urge the government to take immediate action to improve water quality within the District Council of Orroroo Carrieton.

SCHNEIDER, PROF. S.

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) (14:04): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: The world has lost one of its great climate change scientists, teachers and communicators. Professor Stephen Schneider, one of the world's foremost climate change scientists, a true friend of South Australia, died suddenly on Monday of an apparent heart attack while on a flight from Stockholm to London. He was only 65. Members on both sides of this house will know of the incredible and invaluable work undertaken by Professor Schneider and not only his influence on a global scale but also the contributions that he made to this state.

Professor Schneider was an educator, researcher, writer and adviser. He played a central role in the Intergovernmental Panel on Climate Change which shared the 2007 Nobel Peace Prize with former US vice president Al Gore and was a participant in the panel's assessment from the very beginning of its work until the last days of his life. He also advised every United States presidential administration from Nixon through to Obama. His contributions were enormous, his influence profound.

Born in New York City, he initially studied at Columbia University, where on Earth Day in 1970 he made a decision to devote himself to the environment. A distinguished academic,

Professor Schneider spent decades studying the forces influencing climate change and the policy implications of human driven warming as well as pressing the case for action to curb emissions of greenhouse gases. He was a leading advocate for the science community to get out and communicate directly with the public about the complexities of climate science and the need to address the serious risks it posed.

Stephen Schneider possessed the rare gift of an outstanding talent for pure research and the ability to communicate complex issues to the broader community through his public lectures, teaching, presence on environmental committees, and through research collaborations and in the media. That talent was certainly evident during the time he spent in South Australia, and there is no doubt that Stephen Schneider has left us with a legacy of leadership on climate change. His tenure as an Adelaide Thinker in Residence coincided with an intense and important period of activity in our state relating to the development of climate change policy and responses.

Professor Schneider provided valuable direction and advice on policy measures for inclusion in South Australia's Greenhouse Strategy, our roadmap for tackling climate change to 2020. Stephen worked with individuals and organisations throughout the state. He showed a willingness to get his boots dirty, talking with grain farmers in low rainfall areas such as our Mid North and with grape growers in our famous wine producing regions. In his final report he described his residency in South Australia as 'probably the most intense four-month adventure of my life'.

Professor Schneider made extensive recommendations to the state government during the course of his thinker's residency. These included a range of measures to both reduce emissions and to increase our capacity to deal with the inevitable changes that will occur. He recommended that South Australia instigate internal collaboration between state, provincial and regional governments around the world to add impetus to international action. We have since joined to become active participants in the Climate Group States and Regions Alliance. I have co-chaired their 2008 and 2009 summits in both Poznań in Poland and in Copenhagen.

I am pleased to be able to say that the government has acted on many of Stephen's important recommendations. For example, we have since established a supportive framework for renewable energy developments, created the Renewables SA Board and a $20 million Renewable Energy Fund, and established a world-leading renewable energy generation target of 33 per cent by 2020.

Professor Schneider advised on guiding principles to inform South Australia's Climate Change and Greenhouse Emissions Reduction Act, which became law on 3 July 2007 and made South Australia the first Australian jurisdiction and one of only a handful in the world to enact specific climate change legislation.

As we look to the future, with plans to make renewable energy and clean technology development pillars of the South Australian economy, we also seek to be an exemplar not only for our nation but for others in order to achieve practical and lasting action to address climate change. In doing so we will continue to reflect on and honour the enormous contribution made by Professor Stephen Schneider.

In recent years Stephen not only battled and subdued a rare illness, but he also fought tirelessly against the forces that continue to deny that humans make a discernible difference to our planet's climate. We owe Stephen Schneider a great debt, deep admiration and profound thanks. He will be sadly missed, and we send our condolences to his widow, Terry.

PAPERS

The following papers were laid on the table:

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

Adelaide Film Festival—Annual Report 2008-09
Film Corporation, South Australian—Annual Report 2008-09
Museum Board, South Australian—Annual Report 2008-09
Tandanya—National Aboriginal Cultural Institute—Annual Report 2008-09

DESALINATION PLANT FATALITY

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Federal/State Relations, Minister for Defence Industries) (14:09): I table a copy of a ministerial statement made yesterday in another place by my colleague the Hon. Paul Holloway.

MURRAY-DARLING BASIN

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (14:10): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P. CAICA: I wish to inform the house about our state's imperatives in relation to the proposed Murray-Darling Basin plan, which the Murray-Darling Basin Authority intends to release this year. The authority announced on 28 June that it would seek feedback on a guide to the proposed basin plan before the release of the proposed plan later this year. Most members would be aware that yesterday the authority announced that the release date of the guide would be considered at the end of August. The South Australian government has consistently supported a national approach to the—

An honourable member interjecting:

The SPEAKER: Order! Allow the minister to be heard in silence.

The Hon. P. CAICA: Thank you, Madam Speaker. The South Australian government has consistently supported a national approach to the management of the Murray-Darling Basin. It was at this government's insistence that an independent authority be established to take a whole-of-basin approach to managing water resources based on the best available science. The independent authority will develop the basin plan which will then need the approval of the commonwealth Minister for Climate Change, Energy Efficiency and Water. The states will not be able to veto the changes proposed in the adopted plan.

The plan's principal aim must be to ensure a long-term environmentally sustainable future for the whole of the Murray-Darling Basin. It is in the interests of all users of the River Murray system that this is achieved. Only a healthy river system can sustain the livelihoods of those who depend on it. For decades the health of the River Murray system has suffered due to over allocation of its waters, particularly to upstream users. The health of the river system affects all water users, as well as the health of the environment itself. The quality and security of water that irrigators and domestic consumers need can only be maintained through having a healthy river and sustainable water allocations.

The recent severe drought has exacerbated the environmental degradation of the River Murray system. One needs only to look at the plight of one of our international icons—the Coorong, Lower Lakes and Murray Mouth area—to know that the balance needs to be restored as soon as possible. This is what we have begun to do through the development of long-term plans of the Coorong, Lower Lakes and Murray Mouth region.

The impacts of climate change and predictions of a drier future make the matter of restoring the balance all the more urgent. The plan must deliver a greater flow of water through the lower reaches of the Murray, in recognition that it is this part of the system that is suffering the most from the impacts of over allocation. This situation replicates a common pattern of river systems around the world that are similarly under stress, whereby those systems begin to die from the bottom up. The plan must aim to provide a permanent freshwater solution to the difficulties that the Coorong, Lower Lakes and Murray Mouth are facing, consistent with the long-term plan that has already been developed for that area.

The basin plan should also set water quality and salinity targets that will help ensure the maintenance of a healthy working river system right through to the Murray Mouth to, in turn, ensure that water quality is suitable for human, cultural, environmental, agricultural and recreational requirements. Of paramount importance will be the need for the basin plan to consider the social, cultural and economic impacts of change on the South Australian Murray-Darling Basin communities, and to find a balance between their needs and those of the environment.

The basin plan must enable productive and profitable primary industries to continue, as well as provide the opportunity for those communities who rely on these industries to thrive. Of course, recognition of the continuing importance of the River Murray in providing water to the majority of South Australia's population must also be a key plank of the basin plan.

South Australia will make a fair contribution towards achieving a balance in the Murray-Darling Basin, but the plan should take account of our state's early actions, including capping River Murray extractions starting back in 1969 and recent initiatives aimed at returning water to the environment, which include, among other initiatives, the establishment of the 170 gigalitres environmental reserve for the Lower Lakes in 2009-10 and 2010-11.

The plan should also recognise South Australia's achievements in using water more efficiently. Our state's irrigators should not be required to bear an unfair burden under the plan when they are among the most efficient in the Murray-Darling Basin. Suitably structured, the plan should facilitate an effective and efficient water trading market and remove inappropriate barriers to trade. This will not only assist water users in adjusting to change arising from the plan but will also allow them to more effectively manage their water through dry periods. Overall, the basin plan must aim to provide a fair share of River Murray water to all those who depend on it.

It is the view of the South Australian government that an opportunity exists to minimise the social and economic impacts of change through the strategic targeting and funding of the commonwealth government's environmental water buyback program, enabling the buyback of water entitlements from willing sellers commensurate with any reductions proposed for our state. While there is less potential in South Australia to deliver savings from efficiency gains, given our previous achievements in this area, a targeted infrastructure and efficiency program could complement an enhanced buyback scheme in this state.

The South Australian government supports the authority in undertaking this important and complex work. Beyond doubt, this would have to be one of the most significant planning exercises ever conducted in Australia. Upon release of the proposed plan, the government will be considering it in detail to see where it could be improved, from both the South Australian and whole-of-basin perspectives. This will require us to listen to the views of South Australians about the proposed plan, particularly those living in our River Murray communities.

Although the state government will undertake its own consultation about the proposed plan, it will not duplicate the consultation conducted by the authority, so I would encourage interested groups and individuals to also participate in the authority's processes.

Mr Marshall interjecting:

The SPEAKER: Order, the member for Norwood! I warn the member for Norwood.

The Hon. P. CAICA: Without me even responding. While criticism has been levelled at the authority for delaying the release of the guide, given the complexities surrounding the proposed Murray-Darling Basin plan it is critically important for all South Australians and, indeed, the nation, that the potential for this matter to become a political football is minimised. In the interest of all South Australians, the state government is committed to working with the authority and other jurisdictions in order to try to get this all important first Murray-Darling Basin plan right.

LEGISLATIVE REVIEW COMMITTEE

Mr SIBBONS (Mitchell) (14:17): I bring up the sixth report of the committee.

Report received.

LEGISLATIVE REVIEW COMMITTEE

Mr SIBBONS (Mitchell) (14:18): I bring up the seventh report of the committee.

Report received and read.

QUESTION TIME

BUDGET SAVINGS INITIATIVES

Mrs REDMOND (Heysen—Leader of the Opposition) (14:23): My question is to the Treasurer. On 6 April this year did cabinet agree to additional budget savings measures of $1.3 billion over the forward estimates? On 7 April Geoff Carmody, Chairman of the Sustainable Budget Commission, sent a minute to all chief executives about its portfolio/agency savings task and the Sustainable Budget Commission process. That minute states that on 6 April cabinet approved the allocation to agencies of the centrally held savings task already included in aggregate in the forward estimates and an additional savings task to help restore the fiscal position.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Federal/State Relations, Minister for Defence Industries) (14:24): And the point is?

Mrs Redmond: Is there an extra $1.3 billion?

The Hon. K.O. FOLEY: An extra $1.3 billion on top of what?

Mrs Redmond interjecting:

The Hon. K.O. FOLEY: Making it $2 billion? No. This is not an earth-shattering question. I am surprised that the minute has taken this long to reach the public domain. As the government has said repeatedly with the Carmody commission, its task is to forensically assess government spending programs across agency and across portfolio opportunities to significantly reduce recurrent outlays to enable us to restore budget balance as quickly as practicable. This government has the proud record of delivering budget surpluses and a AAA credit rating, and the Carmody review (as it feeds its way into the budget) will haul the budget back into surplus on a sustainable position going forward over the years—

Members interjecting:

The Hon. K.O. FOLEY: Moving forward.

The SPEAKER: Order!

The Hon. K.O. FOLEY: I am glad I have this question, because it is important for the house to appreciate that the demand for critical services, as we know, is ever increasing, and the reality is that the government in each and every budget has had to undertake significant savings and efficiency drives to ensure that we have as much capacity as possible to continue to improve service delivery. That has always been done with the AAA credit rating, sustainable budget surpluses and strong financial outcomes as the principal aim of our budgeting. Since coming to office, we have delivered that. We have a set of accounts that this state has not seen for decades. Certainly, we did not see under the former Liberal administration—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Madam Speaker, I am a proud member of a great government and a great cabinet that has delivered the best financial outcome this state has seen for decades, and that is why the public of South Australia has confidence in the Labor government in delivering budget surpluses.

Members interjecting:

The SPEAKER: Order! I had thought for some time there had been bromide put in the water on the second floor, but I think its effects have worn off now. I have already warned one member and I will keep warning, and if anyone gets warned three times, they will be named.

The Hon. A. Koutsantonis interjecting:

The SPEAKER: Order! There will be no quarrels across the floor.

The Hon. A. Koutsantonis interjecting:

The SPEAKER: Order, the minister! The member for Florey.

COALITION BUDGET CUTS

Ms BEDFORD (Florey) (14:27): My question is to the Premier. Can the Premier update the house on how South Australia would be disadvantaged by the coalition's threatened budget cuts?

Members interjecting:

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:27): You don't like their threatened budget cuts announced yesterday. Members would be aware that the federal opposition leader Tony Abbott has announced the slash and burn program to a raft of important programs on health, training, education—

Mr WILLIAMS: I have a point of order, Madam Speaker.

The SPEAKER: Point of order, deputy leader.

Mr WILLIAMS: I have two points of order, Madam Speaker.

The SPEAKER: One at a time.

Mr WILLIAMS: The first is that this is a hypothetical question. The other is that the Premier has no responsibility to the house for the federal coalition's policies.

The SPEAKER: Yes, I think it does if it directly affects the state. I will listen very carefully to the Premier's response.

The Hon. M.D. RANN: Given that most of the things referred to reflect—

Mr PISONI: I have a point of order. I did not hear your ruling on whether or not it was hypothetical.

The SPEAKER: I have not yet decided whether it is hypothetical. I will listen very carefully to the response. It is about how it will affect the state. We are here for the state, so I am prepared to listen to the response accordingly.

Mr PISONI: It hasn't happened yet, and there is no guarantee that it will. It is hypothetical.

The Hon. P.F. CONLON: It is not open to the member for Unley to have an argument with you at large.

Members interjecting:

The Hon. P.F. CONLON: The point of order is that he is not allowed to do it, Madam Speaker.

The SPEAKER: He is not allowed to question my rulings. At this stage I make no ruling on it. I will listen very carefully and, if someone chooses to take up the question again, they can. The Premier.

The Hon. M.D. RANN: It is interesting 'hypothetical'—a bit like Tony Abbott's position on WorkChoices. If you want to know what Tony Abbott thinks about WorkChoices, don't read his lips: read his book. Read the section called 'Unfinished business'—dead, buried and cremated but not pulped! Members will be aware that the federal opposition leader, Tony Abbott, has a renowned slash-and-burn program to a raft of programs on health, training, education, climate change, tax cuts for small business and infrastructure. Most of those involve joint funding with the states on health, on infrastructure, on a range of other programs. Apparently, the members opposite either agree passively or don't believe him because what he says is hypothetical. That is what we are saying. We are saying that what he says is hypothetical.

The Hon. I.F. EVANS: On a point of order: the Premier has just told the house that what Mr Abbott says is hypothetical. That goes to our first point of order. The question is hypothetical; the Premier has just confirmed it.

The SPEAKER: Yes; I think the Premier is starting to get on thin ice.

The Hon. M.D. RANN: Tony Abbott wants to cut spending on mental health. Do you agree? Do you agree with a federal Liberal government cutting funding on mental health? I thought you would be calling—

Mr GARDNER: Point of order, Madam Speaker. It is out of order for the Premier to ask questions of the opposition.

The SPEAKER: I uphold that point of order. I am not sure what number at first.

The Hon. M.D. RANN: He is scrapping a range of primary health care programs, including cutting the 24-hour GP Helpline and stopping the rollout of GP Plus or super clinics. These were pioneered in South Australia, bringing primary care to where people need it. Now Tony Abbott wants to axe them, putting increased pressure on hospitals. We should not be surprised. After all, when Tony Abbott was health minister, he cut $1 billion from the hospital system. You say it has nothing to do with South Australia: $1 billion cut by Tony Abbott from the health system.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: In South Australia we are in the process of delivering on 100,000 extra training places, and this program will be complemented by the Gillard government's plan for new national trade cadetships. But what is Tony Abbott plan to address the skills needs of the future? He is going to strip more than $2 billion from the Productivity Places and Trade Training Centres programs and scrap the MySkills website.

Mrs Redmond interjecting:

The Hon. M.D. RANN: Do you want to talk? Do you want to ask a question?

The SPEAKER: Order!

The Hon. M.D. RANN: He has also announced he will scrap the state infrastructure fund—

The SPEAKER: Order! Premier, have you finished?

The Hon. M.D. RANN: Thank you, no. He has also announced he will scrap the state infrastructure fund, stripping $1.8 billion from building programs and directly costing South Australia at least $136 million. This massive cut in infrastructure investment would threaten the development of South Australia's minerals and resources sector. It would lead to job cuts and fewer exports and mean a big hit to South Australian production. They are going to axe the National Broadband Network, which is crucial for regional South Australia, particularly in the delivery of health and education services.

The SPEAKER: Order!

The Hon. M.D. RANN: Because you do not care about health and education programs in country areas. Under the National Broadband Network, Willunga, Prospect and Modbury are the first areas to be getting the new high-speed broadband in South Australia but, if Tony Abbott gets his way, they will be the last.

On climate change, we know what he said about climate change: he thought climate change was crap but now, apparently, he is proud of his climate change credentials. Well, he is going to cut the renewable energy future fund, the green car innovation fund, the carbon trust and climate change foundation, the international climate change adaptation initiative, low emission assistance for renters, the green building fund, the retooling for climate change initiative and the Global Carbon Capture and Storage Institute.

Any program with the word 'renewable,' 'climate,' or 'green' gets the axe from Tony Abbott. On industrial relations, Tony Abbott told us that Work Choices is dead, buried and cremated. But, as I said, if you want to know what he really thinks about Work Choices, don't read his lips: read his book.

The SPEAKER: Point of order.

Mr PISONI: Written and authorised by Michael Brown, South Terrace, Adelaide.

The SPEAKER: There was no point of order and that was very frivolous.

BUDGET SAVINGS INITIATIVES

The Hon. I.F. EVANS (Davenport) (14:35): My question is to the Treasurer. Can the Treasurer confirm that the budget savings measures requirement is now—

Members interjecting:

The SPEAKER: Order! I can't hear.

The Hon. I.F. EVANS: Can the Treasurer confirm that the budget savings measures requirement is now over $2 billion and, if not, what is the new savings measure requirement, following cabinet's decision on 6 April? The government has previously announced budget savings measures targets of $375 million in 2008-09; in addition, $750 million in 2009-10. The opposition understands that the government agreed on 6 April to a savings target of $1.3 billion, in addition to the $375 million and $750 million, making a total budget savings task of over $2 billion.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Federal/State Relations, Minister for Defence Industries) (14:35): My colleagues are listening very intently. I am tempted to leave them a little anxious a little longer, but I guess that is probably not the smartest thing I can do. We are not looking at a $2 billion figure; that is a made up number.

In terms of revelations, they are trying to make out they have some sort of shock leak or something. I am just looking at a press release I put out on Thursday 6 May—sorry, a ministerial statement in this place—where I said that I would update the house on the state of the GFC impact on the budget. I said:

> Cabinet has also approved the 2010-11 budget process and, as part of that, has allocated the savings task to individual agencies. Agencies are now expected to identify measures to meet their specific savings task, and to submit them to the commission for appraisal.

I said that in here a month ago.

> In doing so—

just listen—

> cabinet deliberately sought a larger amount of savings from agencies than what is required to meet the government's budget objectives. This enables the cabinet to make appropriate choices from the measures submitted by each agency.

On 6 May, I said we are asking for a quantity significantly more than what we need, because—

Mr Marshall interjecting:

The Hon. K.O. FOLEY: The member for Norwood. Look at him. Who called him 'the peacock'?

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Look at it!

Mr Venning: At least we know he is here.

The Hon. K.O. FOLEY: You're awake are you, Ivan? You were dozing before.

Mr Marshall interjecting:

The Hon. K.O. FOLEY: The what is?

Mr Marshall interjecting:

The Hon. K.O. FOLEY: The 1.3 million?

Members interjecting:

The Hon. K.O. FOLEY: Give us a number. I have stated consistently that we are asking agencies to provide us with a menu of options well in excess of what we need.

Members interjecting:

The SPEAKER: Order!

Mr Marshall: Why would you ask for more savings than what you need?

The Hon. K.O. FOLEY: The member for Norwood just asked, 'Why would you ask for more savings than what you need?' The reason is choice. You can make choices about what measures you want to adopt—that is why. Member for Norwood, you have a lot to learn about budget processes. The $2 billion figure is a nonsense figure. It is just a little bit of Liberal Party scare campaigning. I can assure my colleagues that is not the number, although it has quite a nice ring to it. Perhaps we could make it the number—no. I am not going to release the details of the Sustainable Budget Commission until the budget. You will have to wait.

Members interjecting:

The SPEAKER: Order!

Mr Williams interjecting:

The SPEAKER: Order, the deputy leader!

Mr Marshall interjecting:

The SPEAKER: Order, member for Norwood!

BLACK SPOT PROGRAM

Mr PICCOLO (Light) (14:39): My question is to the Minister for Road Safety. Can the minister advise what programs the government has in place for providing safer travel for road users?

The Hon. J.J. SNELLING (Playford—Minister for Employment, Training and Further Education, Minister for Science and Information Economy, Minister for Road Safety, Minister for Veterans' Affairs) (14:39): I would like to thank the honourable member for this important question. South Australian roads are set to become safer following an $8 million investment in the State Black Spot improvement programs in this 2010-11 financial year. The funding from this year's budget will be dedicated to 13 new road projects across metropolitan and regional locations in South Australia.

There is an ever-present challenge to reducing death and serious injury on our roads requiring an ongoing significant investment in road safety where it is needed most. Safer roads and roadsides play a critical role in achieving South Australia's road safety targets. It is possible to mitigate the consequences of road user mistakes and crashes on roads through a variety of cost-effective infrastructure treatments.

The continuation of the State Black Spot program provides significant safety outcomes by reducing the number and severity of road crashes. The State Black Spot program includes the sealing of road shoulders; removing, modifying or shielding motorists from roadside hazards; and improving the layout of intersections in road junctions.

The State Black Spot program also includes the Safer Local Roads Program component with local government contributing $686,000 towards local road projects across the state. Projects for the State Black Spot program are assessed against a range of eligible criteria. Projects have been chosen through a prioritisation process and include projects either because of a poor and unacceptable crash history or alternatively identified by safety investigation audits as having significant crash potential. An additional $1 million is also earmarked for the State Black Spot program which will fund additional projects, subject to state budget approval later this financial year.

In addition, the Australian government also funds a separate annual Black Spot program to similarly target high crash locations on national state and local roads. Funding of $4.7 million is approved for 2010-11. The State Black Spot program is an integral program which continually improves the conditions of our roads. By continuing this program, we strive to provide safer travel for all road users.

BUDGET SAVINGS INITIATIVES

Mrs REDMOND (Heysen—Leader of the Opposition) (14:42): My question is again to the Treasurer. Was the Treasurer advised in any way shape or form before the election that the budget savings measures already announced—that is $375 million in 2008-09 and, in addition, $750 million in 2009-10—were not going to be sufficient to meet the government's net operating balance target?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Federal/State Relations, Minister for Defence Industries) (14:42): I am not going to discuss issues relating to the budget in the lead-up to the budget. There are a number of variables that occur leading into a budget. I know the leader has not been involved in a budget process, but it is this: if you have revenue—

Mrs Redmond: You have a July to June year and you bring down the budget regularly.

The Hon. K.O. FOLEY: Do you really? And what did we do four years ago?

Members interjecting:

The Hon. K.O. FOLEY: Members opposite seem to be getting excited about the budget date. It was announced prior to Christmas. We actually asked Geoff Carmody and the commission to advise the government on how long they needed post election to undertake their work and to recommend to me as Treasurer a time frame for the budget that would suit the work they are doing.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Why would I bring down a budget in June or May—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: —when the budget commission is not concluding its work until July?

Mr Marshall interjecting:

The SPEAKER: Order! I warn the member for Norwood for the second time. One more warning and you will be out.

The Hon. K.O. FOLEY: Some companies have financial years from different months—from August.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: I can assure members opposite, if they are concerned that they are not going to get paid, they will be getting paid. We actually ensure supply continues and the existing budget settings remain in play. Nothing gets affected in terms of government service delivery. Nothing gets affected in the way government operates. It is a date. Whilst I am a very humble man, this is budget No. 9, and I think we have demonstrated that we are able to deliver good budget outcomes. I would say to members opposite that our government was prepared to put our finances under independent scrutiny by the Carmody review, and that takes time.

Mrs Redmond: How much over budget is a sustainable budget review?

The Hon. K.O. FOLEY: That's a different question.

Members interjecting:

The Hon. K.O. FOLEY: It is! John Howard did this—used Mr Carmody—so I am happy to do that as well. This is a good exercise, a worthwhile exercise. As much as members may want to criticise me for many things, one thing they cannot critique me on is the fact that we have delivered the best budget outcomes this state has seen for decades.

Members interjecting:

The SPEAKER: Order! The member for Croydon.

SCIENCE AND MATHS TEACHING

The Hon. M.J. ATKINSON (Croydon) (14:46): Can the Minister for Education advise the house of what is being done to improve science teaching in our primary schools?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development) (14:46): I thank the honourable member for his question. Science and maths knowledge is fundamental to innovation and development, and that is particularly important here in South Australia, where we are seeing industries—

Mr Pengilly interjecting:

The SPEAKER: The member for Finniss!

The Hon. J.W. WEATHERILL: —especially in the high tech area providing lots of new opportunities for young people, and they, of course, will require sound maths and science skills.

In South Australia and in the world generally there has been a steady trend away from maths and science study in recent decades, and we recognised that early here. In 2003 we introduced a $2.1 million science and maths strategy to put greater emphasis on maths and science in schools. We also developed our SACE maths and science program to link universities and industry with schools to bring maths and science to life. The critical thing was to make sure that students could see something interesting and inspiring about the study of maths and science, because we know that when you engage students that is how they learn.

We have created incentives to encourage good science and maths teachers to take up roles in remote, rural and low socioeconomic schools. Just last year, in partnership with the commonwealth government, we launched the Primary Schools for the Future policy, which injected

$105 million over the next four years into our private schools to improve science and maths education, as well as literacy education, in our state.

In a first for Australia, this strategy will ensure that primary school children have minimum times of science, maths and literacy teaching. In science and maths from next year, years 4 to 7 students will have a minimum of two hours of science teaching per week, while year 3 students will have 90 minutes. A key part of the strategy is an investment in teaching. We know that, if school-based factors have an effect on students, teacher quality is by far the most important factor, but each of us would also know that from our own evidence.

I am sure that all of you would have experienced a teacher who inspired you in school and who made learning so much deeper. We understand that, so we are providing specialist science and maths training for all primary school teachers, and we will continue to do that until 2012. The training is in new ways of teaching science and maths, where children are actively engaged in exploring, allowing them to work out explanations for themselves rather than just having a directed program of instruction. The central idea is that if children enjoy what they are learning they will learn much more deeply.

I am pleased to announce that, out of about 7,500 primary school teachers in the public school system, 5,000 have already completed the specialist science training courses, and they are now in schools putting that training to good use, giving our children the best science teaching available. This is a significant boost to science learning in our primary schools. It also sends a significant signal to teachers about how we recognise their key role in educational achievement. We are unashamedly shining more light on teachers, but at the same time we want to give them the tools that they need to be able to deliver the outcomes we expect from schools.

I think it is fair to say that in this country at the moment we are in the midst of an education revolution. We have seen an almost doubling of investment—an extraordinary amount of extra investment—in education since 2007 and the election of the Labor government. I think it is also fair to say that we stand on the cusp of a massive choice in direction: do we actually go back to what we had before, where we lose that forward momentum in education—which I think would be tragic—or are we going to continue this incredibly important partnership which has developed between the commonwealth and state governments in the sphere of education and, in particular, public education?

MID-YEAR BUDGET REVIEW

The Hon. I.F. EVANS (Davenport) (14:50): Following the release of the Mid-Year Budget Review on 28 January this year, can the Treasurer explain how he could then approve all the government's election promises and not know that the savings targets in the Mid-Year Budget Review were not going to be large enough to meet his election promises?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Federal/State Relations, Minister for Defence Industries) (14:51): I am not going to defend what the government chose to do as its right during an election campaign. The election campaign promises for the Labor Party—

Mr Venning: You're walking away from them.

The Hon. K.O. FOLEY: No. Just like the Liberal Party working on the Mid-Year Budget Review numbers costed its policies, we did the same.

Members interjecting:

The Hon. K.O. FOLEY: Well, in preparing budgets, governments do a number of things, and a number of inputs and outputs change. A number of forecasts change and—

Members interjecting:

The Hon. K.O. FOLEY: Madam Speaker, the opposition is talking about 17 days or 6 April. I made a statement in the house on 6 May stating quite obviously that we were beginning the budget process and that I had asked agencies to submit to me a menu of savings way in excess of what is needed.

Mr Williams: What is needed?

The Hon. K.O. FOLEY: Well, I'm not going to tell you the target. Wait for the budget. That is the excitement of the day. The state is in good financial hands. The independent credit rating agencies consistently praise this government's fiscal management. They consistently praise this

government's fiscal management—independent rating agencies. So, those opposite can prattle on all they like, they can make up all the numbers they like, they can say whatever they wish to say, but the truth of the matter is this: this state has never been better managed financially and no party is better placed to look after the finances going forward than the state Labor government.

PUBLIC SECTOR EMPLOYMENT

The Hon. I.F. EVANS (Davenport) (14:53): My question is again to the Treasurer. How many public servants does the government now propose to axe to meet its new savings target adopted on 6 April?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Federal/State Relations, Minister for Defence Industries) (14:53): The shadow Treasurer talks about a savings target. I will just come back to this point: we have a target; it is not a public figure. The figure that he is referring to, or the reference he makes to what may have occurred and what agencies were asked to do was, as I said before, to prepare a menu of savings options. I assume that happened when you were in government, although you made very few savings. It probably did not happen. Mr Lucas in the other house had no ability to make the hard decisions and cut spending. He could not make the hard decisions and cut spending; all he could do was to flog off ETSA, and that is the only contribution he made in terms of debt reduction. He never—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: —did the hard yards of trying to actually cut recurrent spending, and that is why this government, when it came to office, had to undertake some bloody difficult work—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: —some very difficult work, because the budget was out of control.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: We had to rein in government spending, deliver budget surpluses—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: As I think one of my colleagues just referred to, under the old cash accounting there was a string of $2 million surpluses

An honourable member: A million dollars.

The Hon. K.O. FOLEY: That's right, $1 million—you know, just moving the numbers around. We made the hard decisions. We dragged the budget into sustainable surplus. The would-be alternative treasurer of this state, the member for Davenport, was a cabinet minister for the bulk of those eight years and he sat around the table when they were sloppy, when they were inaccurate, when often they were deceitful to each other, and they just spent and spent and spent. Your tenure as a cabinet minister has a big black mark on it in terms of anything to do with budget management. I think I will finish on that point.

SCHOOL BUS CONTRACTS

Mr WHETSTONE (Chaffey) (14:55): My question is to the Minister for Education. Why is DECS insisting that longstanding contracts for private school bus operators, now due for renewal, must be put out for general tender, when the chosen option for other transport contracts, such as the recent Adelaide metropolitan public transport contract, was selective tender? Sixty-five private operating school bus contracts will expire this year, with up to 150 over the next year and a half. Despite numerous approaches to DECS by the Bus and Coach Association and a full submission provided to them by nationally recognised consultants in February 2009, private operators have had only delays and increasing hostility from the department and no way to properly plan for their

business futures, employees or the cost effective services they provide for country and regional communities in South Australia.

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development) (14:57): I thank the honourable member for his question. It is a good question, but it proceeds from a bit of a false premise.

Mr Williams interjecting:

The Hon. J.W. WEATHERILL: Because you keep asking questions based on false premises.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: The question assumes that we have made a decision about the matter. Indeed, we have not made a decision about the matter. The very points that were made in the question and the points that are made by a particular section of the—

Mrs Redmond interjecting:

The Hon. J.W. WEATHERILL: And we may not. I have not made that decision yet. The points that have been made by the member for Chaffey are similar points that have been made by the members for Mount Gambier and Frome, who have chosen to make representations to me outside of this place. I have met with the relevant associations that represent the bus operators in question—I think even the member for MacKillop might have actually made representations to me as well—and they make the point that, in this process of renewal of bus contracts, that there should be some regard paid to the fact that existing operators have made significant investments, or may need to make further significant investments, and that is a cause of great concern to those particular operators.

I have certainly taken it into account. I am not a 'tender things out at all costs' sort of person. I believe that in some circumstances a selective tender process may be a more prudent way to go for a whole range of factors, but we need to also weigh up value for money. The truth is that there are some private bus operators amongst those who are represented by these associations that also have ambitions to grow their businesses. So, they actually want to take up extra operations. This is not a simple—

Members interjecting:

The Hon. J.W. WEATHERILL: No. There are some existing South Australian operators that want to add to their existing bus routes.

Members interjecting:

The Hon. J.W. WEATHERILL: No: existing private operators that want to add to their existing bus routes. So, implicit in your question, and your criticism of me for not taking a decision immediately to not go out to tender and simply roll over the existing contracts, is that we should deprive some of those existing contractors of the opportunity to grow their businesses. We need to take some care about that in any decision we make. I have asked the department to do a sensible, pragmatic thing, that is, to carry out a two-stage process. There are still some decisions that need to be taken in government, but I am prepared to tell the house my perspective on it.

I think it would be sensible to have a two-stage process where we might initially, through an expressions-of-interest process, see what appetite there is for these bus routes. It will be the case that, for many bus operators, they will be the only people seeking to offer themselves for certain isolated routes. For those people we could confirm pretty quickly that we should carry out a select tender process and negotiate with them for the rolling over of their existing contracts, because to do otherwise would not be sensible.

That would reduce the anxiety for those existing operators, and then we would be left, I suppose, with choices about what we did with the balance of the operators. We need to balance value for money. Also, we need to balance the fact that many of these bus operators have formed good relationships with local school communities. Many of them are not just transport operators: they are people who have built strong personal relationships with the students and, obviously, that is good for the safety of the students and the confidence of their parents. It is not a straightforward issue. I understand the anxieties, but I am working through this issue. I am conscious of the representations that have been made, and I am sure we will come to a sensible landing.

COUNTRY HEALTH SERVICES

Mrs GERAGHTY (Torrens) (15:01): My question is to the Minister for Health. How is the government increasing the range of health services available locally for country residents?

Members interjecting:

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:01): I am surprised that those opposite would not want to hear about the good news that is coming their way in their electorates. For the benefit of the house, I will go through this information. Expanding the range of services available in country hospitals has been an ongoing strategic goal of this government. In 2009-10, $630.4 million was allocated to public hospitals and health services right across country South Australia. This is $250 million (66 per cent) more than in 2001-02, the last year of the former Liberal government. An extra $250 million (a quarter of a billion dollars) is going into public health services and hospitals in country South Australia.

However, we also estimate that $232 million was being spent on country residents who received services in metropolitan hospitals. Where possible we would prefer to utilise the infrastructure that exists in the country and to spend the money on services in the country where the people live. On any given day approximately 500 patients from country South Australia are in a city hospital bed—in five hundred beds, I wish to point out. The geography and population distribution of our vast state mean that high-end, complex medical procedures and serious emergency work will always need to be undertaken in one of Adelaide's major trauma hospitals.

We cannot bring 500 country patients back home, but we can bring a substantial number of them back home. By increasing the number of procedures undertaken in the country we can help to reduce the burden of travel on country residents and lessen the demands placed on our busy city hospitals. An important component of increasing services is improving infrastructure. There are four major capital works projects in process at the following country locations: Ceduna, Berri, Whyalla and Port Pirie.

I will go through the details. Construction on the $36 million Ceduna Hospital redevelopment has commenced, and that hospital will be completed in March 2011. The entire project, which includes primary health facilities, will be completed by the following year. The design for the $41 million Berri Hospital redevelopment is being completed, and that project is scheduled for completion in 2014. Design work for the new $69 million joint state and commonwealth cancer facility at Whyalla has also begun. The $12.5 million GP Plus health care centre at Port Pirie will be completed in 2013.

In addition to these major works, a number of smaller capital works projects were undertaken in the past financial year. These include:

- a new clinic at Oodnadatta for $1.1 million;
- significant upgrade to the Wallaroo Hospital accident and emergency department at a cost of $1.2 million;
- improvements to security and safety arrangements at the Gawler, Tanunda, Kapunda, Port Lincoln, Victor Harbor and Mount Gambier hospitals for about $450,000; and
- nurse call systems were upgraded in nine hospitals—Elliston, Streaky Bay, Roxby Downs, Waikerie, Lameroo, Meningie, Wallaroo, Mount Pleasant and Gawler—at a cost of $837,000.

The Hon. P.F. Conlon interjecting:

The Hon. J.D. HILL: The Minister for Transport says, 'A great friend of the country.' In addition to improving facilities, we continue to increase the range of services available. Over the past 10 years, members would be interested to know, the number of people receiving haemodialysis in rural South Australia has increased from 14 to 88. There are now 40 haemodialysis chairs available in rural South Australia. Haemodialysis units can now be found in the following locations: Berri, Ceduna, Clare, Mount Gambier, Murray Bridge, Port Augusta, Port Lincoln, Maitland, Whyalla and the South Coast. Most recently, a four-chair haemodialysis unit was completed at the South Coast District Hospital at a cost of $400,000.

Mr Pengilly interjecting:

The Hon. J.D. HILL: I am glad that the member for Finniss is expressing his gratitude for this additional service for his community. At least there is one country member who acknowledges the good work that this government is doing in their electorates. A four-chair haemodialysis unit—

Mr Venning interjecting:

The Hon. J.D. HILL: The member for the Barossa is also acknowledging the good work we are doing in his area, and I appreciate that. A four-chair haemodialysis unit is currently being established at Port Pirie at a cost of $450,000, after a lot of persuasion provided by the member for that electorate. Country Health SA has improved renal services by establishing new staffing positions, which include a Clinical Director of Country Renal Services, who is assisted by a senior project manager to provide leadership in renal services right across country South Australia, and a renal rural clinical practice consultant to coordinate renal nurse training and address nursing issues across country South Australia.

Country Health SA has also recently improved cardiology services with the development of an integrated, digitally-based and statewide cardiac clinical management network. The system provides world-class integrated cardiac clinical management throughout rural South Australia, which will build on the already demonstrated improved health outcomes for cardiac patients in South Australia. This is a minor miracle. The work done by Phil Tideman and his team from the Flinders Medical Centre and the rollout of services right across country South Australia have meant the mortality of country South Australians from heart disease has declined quite dramatically.

The network enables accurate transmission assessment of critical electrocardiograms (ECGs), efficient comparison with past ECGs and access to these records by multiple health providers involved in the patient's care. Sixty-seven new ECG machines have been purchased by Country Health SA, so each Country Health SA hospital/health unit—

Mr Venning interjecting:

The Hon. J.D. HILL: —including the Barossa, has a brand new ECG machine. All Country Health SA hospital/health units can now send digital ECGs to an on-call cardiologist in Adelaide to view and interpret ECGs 24 hours a day, seven days a week. This is a superb service, which has been initiated in this state. We are also increasing the availability of chemotherapy services available in the country. In addition to the $69.3 million in state and commonwealth funding for a new regional cancer centre at Whyalla, the state government also won $5.4 million of commonwealth funding for 11 chemotherapy units across the state. This will support the Labor government's $5.9 million election commitment to introduce a new electronic oncology prescribing system and the necessary staff to ensure the delivery of more chemotherapy in the country.

Put simply, the commonwealth government is providing funds to build the infrastructure while we are providing the staff and the electronic software. This commonwealth funding will supplement state services in Mount Barker, Mount Gambier, Port Augusta, Victor Harbor, Clare, Murray Bridge, Gawler, the northern Yorke Peninsula, Naracoorte and Port Lincoln. In addition, state funding will provide services in Port Pirie and Berri.

I know that is a lot for members opposite to take in. The Rann Labor government has also committed $7.39 million for over 3,000 additional elective surgery procedures in country South Australia as well. We know that travelling to the city for medical care can increase the stress upon patients and their families at what is often a difficult time. By increasing the range of services available in country areas, we are reducing the need for country residents to travel in order to receive medical treatment. I thank the members opposite for their attention. I recognise there are lots of press releases in this for them to put out into their communities, and I would encourage them to do that. Spread the good news.

SCHOOL BUS CONTRACTS

Mr TRELOAR (Flinders) (15:10): My question is to the Minister for Education. With the expectation by DECS that school bus contracts currently expiring will be rolled over for a further period of up to two years, will the government be including realistic operating cost increases until new contracts are negotiated? Major deficiencies currently exist in the indexing system that are causing the erosion of school bus contract values. DECS would be aware of this but is refusing to rectify those deficiencies.

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development) (15:10): I thank the honourable member for his question. It is a good question and I do not want, in my answer, to suggest that the concerns that he raises are not real

ones. I have tried to give the house as much information as I can in circumstances where I am about to approach cabinet with a set of decisions about that. I have spoken to industry; I have spoken to a number of MPs, including the ones I mentioned as well as some members in the upper house, including the Hon. Robert Sneath, about these matters. I have all the points of view on board and I will take them into account. I am hopeful of making an early decision so we can settle this anxiety that I know exists amongst the private operators.

INTEGRATED DESIGN COMMISSIONER

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:11): My question is to the Premier. How many times has the Premier met with Tim Horton, the new integrated design commissioner? How many private dinners has he had with Mr Horton, and does this correlate to the number of private meetings and dinners that he had with the previously appointed integrated design commissioner, Laura Lee?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (15:12): Printed and authorised by the dodgy documents unit of the Liberal Party. I have had the great opportunity to have significant fellowship with Tim Horton over some considerable time and have great admiration for him.

CAMPBELLTOWN LEISURE CENTRE

Mr GARDNER (Morialta) (15:12): My question is also to the Premier. Can the Premier advise why he has failed to secure a commitment to funding from his federal Labor counterparts for the Campbelltown Leisure Centre project to match the $7.5 million commitment from the federal Liberal Party for this important recreation facility in Adelaide's eastern suburbs?

The Hon. P.F. CONLON: On a point of order, taking the lead of the member for Davenport earlier, I guess the opposition still does not believe the Premier is responsible to the house for federal funding.

Members interjecting:

The SPEAKER: Order! Member for Morialta, is that a point of order?

Mr GARDNER: It is clear that the Premier has responsibility for arguing his case with his federal counterparts.

The Hon. P.F. CONLON: I withdraw my point of order, Madam Speaker.

The SPEAKER: It is a shame you withdrew it, because I think it is almost a point of order. I would have upheld it. The Premier.

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (15:13): I know there is a 1970s sitcom that immediately comes to mind, but I would have liked to see the honourable member leap to his feet and congratulate this government on its commitment to the Campbelltown Leisure Centre. Unfortunately, that was not the case.

MARINE PARKS

Mr PEDERICK (Hammond) (15:13): My question is to the Minister for Environment and Conservation. In relation to the marine parks plan, is the minister going to accept the compensation to fishers as per the recommendations put to him by the displaced effort working group in May, and will the compensation be agreed to before fishery management plans are rolled out?

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (15:14): In the first instance, I want to acknowledge the work that has been undertaken to date by the many people who have been involved in the ongoing development of our marine parks, not the least of which is the commercial sector itself and, in particular, the work it has done as a very important component of the displaced effort working group. I had a meeting the other week with the alliance. You are obviously aware of that, because you have asked me the question. I am sure that the channels of communication, as usual, are very good between the commercial fishing sector and the members of the opposition, just as they are with members on this side of the house.

Quite simply, what I have asked them to do I will be communicating more formally to them in the very near future. I had a meeting with them last week, and what I have said is that I have

some concerns with the specifics of the recommendations that were made with respect to the formula that they are recommending to me in relation to compensation for displaced effort. We had a very detailed discussion that night and I put that formally to them.

I want them to go away again, with the department and others, to have a look at the formula that they have provided to me, in the first instance, with a view to making sure that we get things right, not just from the government's perspective but from all people who will be implicated upon by any compensation that is paid or in respect to displaced effort. I am very confident that they will go away and work very genuinely, as they have up to date. They will work not only with the department but also with other members of the community and come back to me with what I hope will be a revised formula. The second part of your question, I think, was specifically about the management plans.

Mr Pederick interjecting:

The Hon. P. CAICA: Yes, I know. It was rhetorical. I apologise for that. That was the second part of your question. I have also confirmed to people, and it still needs to be followed up, that there will be a delay of the next MPLAG meeting for at least a month, until the displaced effort working group has reported back.

Mr Williams interjecting:

The Hon. P. CAICA: I beg your pardon? Just hang on for a minute, Mitch. You have had your chance. Did you have something to say?

Mr Williams interjecting:

The Hon. P. CAICA: It has got nothing to do with the federal election. That is just ridiculous. The difference between this side of the house and that side of the house is, as minister for—

Members interjecting:

The Hon. P. CAICA: I have had 12 portfolio responsibilities, which is significantly more than anyone on that side has had. What I would say, as the minister—

Members interjecting:

The Hon. P. CAICA: Yes, that's right. I have had as many ministerial portfolio responsibilities as they have had deputy leaders.

An honourable member: You haven't had that many.

The Hon. P. CAICA: No, that's right. I haven't had that many. On this side of the house, what I am committed to doing is to ensure that we get things right. I am not going to, in the context of marine parks, build a one-way express freeway. I am going to make sure that we get things right. That means that, if we need to take a breath and suck back a little bit to ensure that we bring everyone along with us, that is what I will be doing. That is the way I operate, and that is the way that this side operates. I look forward to your support with respect to that type of process.

Members interjecting:

The SPEAKER: Order!

SUSTAINABILITY AND COMMUNITY GRANTS PROGRAM

Mr ODENWALDER (Little Para) (15:18): My question is to the Premier. Will the Premier advise the house of the exceptional community response to the recently launched Sustainability and Community Grants Program?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (15:18): I am pleased to advise the house that the state government, in partnership with the Conservation Council of South Australia, launched a new grants program, the Sustainability and Community Grants Program, on 21 April. This exciting community-focused initiative was developed to encourage local groups and communities to get involved in addressing climate change and living more sustainably. It is being managed by the Conservation Council of South Australia and funded by the South Australian government.

The Sustainability and Community Grants Program provides nearly $180,000 for small grants of up to $10,000. These grants have been made available through a competitive process to projects that will engage communities in combating and coping with the negative impacts of climate change and lead to lasting behavioural change. The government has made an ongoing commitment to tackling climate change, a commitment that has been legislated through our state's climate change act, broken down into specific goals and targets through our greenhouse strategy and tracked through our strategic plan.

The grants program and other community-focused programs, such as our previous Black Balloons campaign, are part of a much larger climate change effort but have local focus. The Sustainability and Community Grants program was created with the hope of inspiring community groups and non-government organisations to come up with innovative initiatives with real and lasting results for both their communities and the environment.

The response to the program has been, can I say, amazing. More than 90 applications were received from groups that ranged from community-based environmental groups to migrant and refugee associations, and regional community associations in the South-East, the Murraylands, Kangaroo Island, Port Augusta and Yorke Peninsula. Many of those who applied had not previously been involved in climate change or sustainability activities. This new interest alone is a wonderful result.

A total of 28 community applicants representing a diverse range of proposals were chosen to receive funding by an independent panel. Some of the successful applicants included:

- the Bicycle Institute of South Australia, which will support a project for repairing and recycling old bicycles for those in need;
- the Murraylands Migrant Resource Centre, which will support the creation of a community garden and hold four sustainability workshops for migrant and refugee communities;
- the Vietnamese Women's Association, which will hold six sustainability seminars, promote sustainability on Vietnamese radio and conduct audits of 50 households;
- the Parent Advisory Group Extraordinaire, which will establish a worm farm, chicken house, composter and vegetable garden in an early childhood centre in Port Augusta;
- the Woodville Bowling Club, which will adopt energy-efficient measures across their complex;
- KneeHIGH Puppeteers, which will develop an interactive display to demonstrate alternative energy and water recycling to young people at community events;
- the Mount Pleasant Natural Resource Centre, which plans a retrofit of its existing building and turning it into a community demonstration; and
- the South Gambier Football Club, which will establish a recycling station.

Successful applicants were announced at the conservation council's annual Jill Hudson Award for Environmental Protection held at Zoos South Australia's Santos Conservation Centre on 17 June. We are very pleased to be partnering with Conservation SA and to be helping communities to become more resilient.

BREASTSCREEN SA

Dr McFETRIDGE (Morphett) (15:22): My question is to the Minister for Health. In light of the minister's response to my question yesterday regarding cuts to breast cancer services and funding, can the house assume that the minister has not and will not rule out cuts to breast screening funding?

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:22): The question that the member for Morphett asked me yesterday was based on an assessment of funding options that was prepared within the BreastScreen SA branch of the health department. It was not something that I had contemplated or created or asked to be created.

It was a document that was produced within BreastScreen SA to work out what the options were for providing breast screening at the new Elizabeth GP Plus Centre. As in every area of government activity, when something is being contemplated you look at a range of options to work out the best way of doing something. That is what it was. It was not a schedule which related to any

cost-cutting measures whatsoever. I can assure the house and the member that there will be no reductions in the amount of breast screening or the services provided at the Elizabeth GP Plus.

Ms Chapman interjecting:

The Hon. J.D. HILL: That is absurd. I will not respond to an interjection, Madam Speaker, but I would invite—

An honourable member interjecting:

The Hon. J.D. HILL: I am responding to the question that was put to me by the member. I am saying that this document was not about cost-cutting: it was about how to provide a service in the most cost-efficient way at the Elizabeth GP Plus, so I can guarantee that there will be no cuts to services for patients in the Elizabeth GP Plus who require breast screening services.

Mrs Redmond interjecting:

The Hon. J.D. HILL: No, we're not. If you say that, that's a lie.

Members interjecting:

The Hon. J.D. HILL: You cannot say that. That is a lie.

Members interjecting:

The Hon. J.D. HILL: You are a liar if you say that.

The SPEAKER: Order!

Mr WILLIAMS: Point of order, Madam Speaker: the minister is indulging in unparliamentary behaviour and I ask that he withdraw and apologise.

The SPEAKER: Minister.

The Hon. J.D. HILL: Madam Speaker, may I say that the Leader of the Opposition continued to interject when I was answering a question. She tried to create an impression that I was somehow saying there were going to be cuts to funding and I said to her, hypothetically, if she says that, she is telling a lie—that she is a liar if she says that.

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: Point of order, Madam Speaker: the minister did indeed say, 'If you say that, you are a liar,' and then he went on to say—

The SPEAKER: No. I definitely—

Mr WILLIAMS: 'You are a liar, you are a liar, you are a liar.' That's what he said.

The SPEAKER: Order! Sit down. I definitely heard the minister say, 'You are a liar if,' and then he qualified it; so I do not uphold any of those points of order. The house will move on now to note grievances. The member for Hammond.

GRIEVANCE DEBATE

SCHOOL BUS CONTRACTS

Mr PEDERICK (Hammond) (15:25): Thank you.

Mrs Redmond interjecting:

The SPEAKER: Order! There will be no quarrels across the floor. Take it outside!

Mr PEDERICK: Thank you, Madam Speaker, and good luck, leader. In light of the questions today to the Minister for Education re contracts for private contractors for school bus services, I would like to make some comments. I will let the minister note that we are being heavily briefed on this side of the house by private bus operators who believe they are being unfairly dealt with.

For some of these bus operators their contracts finished up in January this year. It is a bit like the way this government deals with the state budget—they just roll them over. To this day there are still bus operators who had contracts that should have been finalised in January, who should have had new contracts presented to them, who are still basically operating on word-of-mouth

whims. There are other operators whose contracts will wind up at the end of this month, who do not know where they are going. They want to provide a good service to their community. Some of the people who have contacted me are based in and operate in my electorate, and some are based just outside my electorate. These people employ many people who work for their services supplying buses for the school bus runs in the community.

From what I have heard from these operators and from the briefings that we have had from the Bus and Coach Association it appears to me—and the minister does not seem to be around it—that the minister is correlating the costing of the 300 buses of the yellow fleet, approximately—the government fleet—with the costings of running the private fleet, in light of the fact that the private fleet at least are trying to upgrade their buses to fit in with having seatbelts and safer buses to cart our students. However, at the end of the day people are being denied contracts to be rolled over.

The minister admitted today that there are other people who are as keen as mustard to edge out smaller operators. I have operators working in my patch who may only have one or two runs. It is vital income, and sometimes it supplements some of the other work they do in the community, but it also supplements the local mechanic in the community, and it also helps pay for bus drivers who work for these companies.

It goes back to August 2006, when the Minister for Education announced through a media release that all future seat buses would be seatbelt equipped, air-conditioned and have increased rollover strength. At the time, school bus operators, through the Bus and Coach Association Incorporated, fully supported and applauded the minister for this initiative and offered its cooperation throughout the implementation process. However, after four years of following numerous attempts by the Bus and Coach Association to engage DECS in negotiations, the minister's announcement has not eventuated.

Far too often school bus contractors have been dismissed by DECS, with bureaucrats failing to comprehend the real implications of deferring school bus contracts for both the families of South Australian schoolchildren and the school bus contractor. After many years of dedicated service to DECS, school bus operators are left to ponder, as the promise of new buses is a future that many school bus operators may never achieve whilst their destiny remains in the hands of disinterested bureaucrats. It is just so sad that this is going on. It comes from a party that does not understand business and how people need to operate.

I will just finish up with the following comments. Some school bus contracts, as I stated, have expired, with a lot of contracts to follow. School buses are fast approaching their 25-year age limit and must be removed from service. The future of school bus contractors, their businesses and the economic benefits to regional communities stagnate while the children of South Australia are not the recipients of the new school buses promised almost four years ago. My biggest problem with this is that I believe DECS is just comparing the cost of new buses to the yellow fleet, and it just does not add up.

MCLAREN VALE REGION

Mr BIGNELL (Mawson) (15:30): I rise today to inform the house of a new map that was released last week. It is a geological map that shows the different rock formations in the McLaren Vale region. Some of those rocks date back 1.6 billion years. It is very important for a winegrowing region to understand what is below the soil. In fact, there is a huge impact on wine, depending on what sort of rocks it is grown upon.

I would really like to congratulate Philip White, the wine critic, Jeffrey Olliver, PIRSA's geologist Wolfgang Priess and William Fairburn who, 35 years ago, when they were working together here in Adelaide and all very much interested in geology, came up with the idea of mapping South Australia's wine regions, their geological formations and their importance. It took a while and there were several years of no activity at all but, for these four guys, their dream became a reality last week. I would also like to thank PIRSA for its contribution in helping make this map a possibility.

There were more than 140 people at the Bocce Club at McLaren Vale for the launch of the map last week, showing just how important it is to the region. There are seven distinct terrains in the McLaren Vale wine region and, as I said, each of those has a very important impact on the taste of the wine, which is why people may have seen Philip White getting around in vineyards over recent years, licking rocks. It always looks a little strange, but he says that what you taste in the wine is what you taste in the rocks, and I will take Whitey's word for that.

Ms Bedford interjecting:

Mr BIGNELL: He is very dedicated, and he is also a very avid reader of *Hansard,* and I am sure that he will be reading this note of congratulation. We have also had another big week. I have come in here many times to talk about what a wonderful region McLaren Vale is. Two nights ago in Melbourne at the National Produce Awards, McLaren Vale was named by *Delicious* magazine the best region in Australia. This is what the judges had to say:

> With its mix of outstanding wineries and restaurants, great produce and a stunning coastline, South Australia's McLaren Vale was the natural choice as this year's winner. Being a wine region by the sea is definitely an advantage. The chefs here at places like Fino, Salopian Inn and Russell's really know how to make the most of the produce and seafood, and the Willunga Farmers Market is a highlight. There's a great synergy. It's one of the most active regions in the country for permaculture, and you see it at the market.

I would also like to congratulate David Swain, the chef and part owner of Fino restaurant in Willunga, for taking out the award for 'Outstanding use of regional produce by a chef' at the same awards. Fino was named South Australia's restaurant of the year last year. This Friday, I will be at Fino with the tourism minister, who has shown a very active interest in McLaren Vale as a tourism region. I would also like to thank the Minister for Trade who, on Tuesday night, hosted a function where three McLaren Vale winemakers discussed the possibilities of exports with some Chinese importers. That was very good. It is great to see the support of ministers for our region in McLaren Vale.

I would also like to thank the Minister for Planning for his ongoing support of my fight to have not only McLaren Vale but also the Barossa preserved under an agricultural preserve because, once those vineyards are ripped out and replaced by housing, we cannot get that land back. That is something that I have been fighting for. We had a meeting back in November last year and we had another meeting two weeks ago where we had four members from the Barossa and some members from McLaren Vale. We sat around the table with the head of planning, the head of PIRSA and the acting head of tourism. We also had people there from DWLBC and the Department for Environment and Heritage. These people in the Public Service need to understand that, once houses are put there, that will be the last crop we get, so we need to protect it.

We have a fight on our hands down there at the moment with Seaford Heights, which was rezoned residential back in 1993 when the Hon. Robert Brokenshire was the local member. Then in 2001, when the Hon. Robert Brokenshire was a member of the cabinet, that land was moved inside the urban growth boundary. So, it is something that was done several years ago, and now we are seeing that there is a proposal to put a lot of houses in there, which will be a blight on the landscape. I am working with the minister and the local council to ensure that those houses are shielded from view so that our great tourism region is not ruined.

SCHOOL BUSES

Mr TRELOAR (Flinders) (15:35): I, too, would like to speak about the issue of country school buses. There was an announcement by the former education minister some four years ago that all future school buses would be fitted with seatbelts, air conditioning and have increased rollover strength. This is a noble undertaking indeed, particularly with regard to air conditioning.

Students who reside in the electorate of Flinders travel many kilometres from school to home in the heat of the day under daylight saving conditions, the very hottest part of the day, so air conditioning, I would suggest, is paramount. Unfortunately, four years down the line, this announcement of the then minister remains a hollow promise. It is something that we hear all too often from this state government—hollow promises.

I would like to make the point today that school bus services are crucial to regional communities. In fact, in my own hometown of Cummins we have an area school which is serviced by some eight school buses, a mixture of both government and private buses, and they ferry students to and from outlying areas to the area school.

The manner in which the Department of Education and Children's Services has dealt with school bus operators—and the Bus and Coach Association, in particular—has, unfortunately, threatened these services. Evidently, there is a culture within DECS that is not conducive to negotiation with the industry, especially with respect to contract negotiations and the lack of consultation and engagement.

Currently, many school bus operators have no sense of certainty with respect to retaining their contracts. There are examples of businesses that have operated bus services for 40 years or

more and they have no guarantee that they will be able to continue operating. This is simply unacceptable and, again, comes back to the reality that this government has failed and is continuing to fail regional communities.

School bus operators are in the situation where they have to continue to run older buses. The average age of the fleet in South Australia is roughly 22 years. That is significantly higher than all other states. In fact, the average age of school buses in all other states combined is about 14 years. The maximum allowable age for school buses is 25 years. The point I am making here is that to order a bus and take delivery takes some 18 months. So, school bus operators with a fleet of buses aged about 22 years need to know, with some security, their future.

School bus contractors view the four-year-old announcement of providing safer buses with much cynicism, and rightly so, because it has come to the point where it is very difficult to believe that anything will come to fruition four years after the 2006 announcement.

I would like to make a point about Australian made buses versus imported buses, because that is also noteworthy. Despite the fact that we make buses and coaches here in Adelaide, there has been a directive to utilise, buy and import overseas made buses. In fact, I have heard a story of a Korean-made bus that was running as a school bus coach and after some very few kilometres the back window fell out. Because they were unable to acquire parts for the Korean-made bus, the back window was secured in place with a rope—hardly an acceptable position.

It seems to me that it is farcical that reliable and committed operators, providing excellent service over many years in rural and regional areas, should have their livelihoods put at risk by throwing contracts open to a tender process. The minister should approach this in a sensible manner by allowing reliable contractors to operate with some certainty as to what their future holds. Evidently, there seems to be some inconsistencies between departments with respect to how they handle the tendering process.

In my opinion, by doing away with a nonsensical tendering process school bus operators can continue to provide a service to their communities—as they have done for many years and, hopefully, will do for many more years. If they are not able to do that, it would be yet another blow to rural communities. For what? No good reason.

CALISTHENICS NATIONAL CHAMPIONSHIPS

Ms BEDFORD (Florey) (15:40): Every year the Australian Calisthenics Federation, under the leadership of president Lynne Hayward, coordinates a national competition to showcase the benefits of this wonderful sport. Since my election in 1997 and initial contact with the Ridgehaven Calisthenics Club (one of many clubs in South Australia), and now as a proud CASA patron and life member and an ACF patron, I have gained a great appreciation and understanding for all calisthenics administrators, the talented participants and their families throughout Australia, so much so that each year for the last eight years I have attended the nationals and watched this support continue to prosper and grow.

Through Mr Tony Hall, president of CACTI (Calisthenics of the ACT Incorporated), we were welcomed from all over Australia. When I say almost all states and territories, we have a toehold in New South Wales but we still have quite a bit of work to do in Tasmania. We were welcomed to the Canberra Theatre for the 22nd calisthenics competition. Some 417 competitors converged on the capital for the ACTEW 22nd national championships. Almost 5,000 tickets were sold to members of the calisthenics community over the four days of competition.

We were extremely lucky to have ACTEW (ACT Electricity and Water Corporation) come on board as a major sponsor. They have been a longstanding partner of calisthenics in the ACT and chose to extend that commitment significantly to ensure that the nationals went ahead in a great venue.

We cannot do calisthenics, particularly at the national level, without great sponsors, and I would also like to mention the Canberra Theatre Centre, Trophylink, Tallagandra Hill Wines, Capital Print Finishers, Canberra Centre and the InterContinental Hotels Group. I thank them all for their support.

The nationals went ahead through the dedication of Kari Craig (as national convenor) and her team; Marjory Smith (theatre manager); and the ever present Liz Kratzel (ACF Director of Competitions).

South Australia sent a great team in each section, made up of the best competitors from clubs all over the state. We were fortunate to have great representatives in all the graceful sections, winning two of the sections, and almost all our girls were placed in the competitions. We also had representatives in the senior and junior calisthenics duos and were successful in winning the latter section.

Calisthenics is a sport where winning is not the only reason that girls compete; rather it is the pursuit of personal best and excellence that encourages a supportive environment—which is no better illustrated than by the Victorian team that lent costumes to the South Australian team when they found out almost at the last minute that not all their costumes had travelled to Canberra for the competitions.

In true tradition, despite the disruption, our girls went on and did a great performance. We had great performances during the entire competition, with the powerhouse states such as South Australia and Victoria being challenged by Western Australia, Queensland, the ACT and now the Northern Territory, where great improvements have been fostered by ACF initiatives.

As in any sport, teams change as girls start or finish commitments to their sport. With many girls competing for 10 years or more at the national level, shortly this could be extended as masters teams begin to become involved. During the competitions we were treated to items by the Ceres Masters Team, where individuals can be aged 26 years or over. I heard that several women aged over 50 were competing—so that is something for all members to aspire to—although lycra can be a very harsh fabric.

I can inform the house that our 20 strong sub-junior team, coached by Miss Melissa Daysh, won its section, winning each item emphatically. Our 20 juniors, coached by Miss Nikki Iannunzio, won their section also emphatically; and special mention should be made here of Miss Nikki receiving the inaugural ACF outstanding coach award. Her enviable record over several years has seen her work become a benchmark and something all cali enthusiasts look forward to seeing as a highlight of the national competitions.

Our 20 intermediate girls, under coach Miss Rebecca Williams, worked well all day, pushing Victoria hard and even winning a section, with the unanimous approval of the adjudicators. I will mention here the great work of the adjudicators and the many years necessary to achieve this level in the sport. While we may not always agree with them, we are very thankful for their work and commitment to our great sport.

Our 16 strong SA senior team, coached by Miss Melissa Evans, while small in number, put up a great suite of items, winning a couple and coming second in the rest. While it is not customary to have an overall winner, as this often requires mathematic gymnastics to work out, rather we recognise the rigours of each item, much like the degree of difficulty we see in other sports in the execution of the routine. In calisthenics, girls' fitness and ability work in tandem with presentation and deportment. Girls who participate in cali have great poise and self-confidence, and all body images are celebrated. Good eating habits and well-documented training regimes are the norm.

Time expired.

SCHOOL BUSES

Mr GRIFFITHS (Goyder) (15:46): In continuing the theme of grieves from the opposition side, I also wish to talk about school buses operating in regional areas. In my case, I had a visit from three operators some two weeks ago. These three people have been in the industry and have been providing services to the school community for 112 years in total. One chap has been doing it for 50 years—he must have started very young, I must admit—another chap for 30 years and the other chap for 32 years. The common theme from my near 90-minute discussion with them was a fear about the industry which they are a part of and which provides an important service across much of regional South Australia where the yellow bus fleet operated by DECS does not provide the school transport needed for students.

I am advised that approximately 300 or so buses are part of private fleets operated by small businesses, in the main. One chap who spoke to me has 14 people working for him. Some of those people are based at the depot and are only part-time, but he operates some seven buses. One other chap operates four buses, and another chap (I think) operates three. These people are dedicated to the community they serve. They approached me out of an absolute sense of frustration that the efforts of the Bus and Coach Association (of which they are members) to ensure that the government accepted the responsibility to put in place the processes it announced on

16 August 2006 about ensuring seat belts would be fitted to buses, as well as air conditioning, and rollover protection would be increased to ensure kids were provided with greater safety and comfort, and that they as small business operators had the time to plan for that have been ineffective.

One strong message I took from it was: yes, they will do everything they can to ensure that they have the opportunity to be successful when it goes to tender, but their greatest frustration is that, because they operate older fleets, they will need to purchase new buses. Their commitment is about ensuring Australian industry gets the opportunity to produce the buses. They told me that, because of the relatively small production levels in Australia for buses it would be some 18 months from an order being placed and the receipt of the bus, it is going to make it impossible for them. It forces them to look overseas for buses. The member for Flinders has already talked about the evidence provided to him of a Korean bus driving on one of the many roads in regional South Australia (which needs a hell of a lot of maintenance on it and which is quite rough) and the back window falling out.

These people really want to make sure that there is an opportunity for them and the other people who operate within the Bus and Coach Association to remain in business. That is the key thing. They are a small business. I know the Minister for Small Business is here and I am sure he is interested in this, because he wants to make sure that good South Australian businesses which have existed for years, which have invested heavily, which have good staff and which ensure that they provide good facilities for staff and, importantly, develop very good relationships with the school communities they serve, have the opportunity to remain.

The great fear of these operators is what will happen as a result of the government's inaction since making this announcement in August 2006. The fact is that some 65 of these contracts will expire by the end of this year and 100 contracts will expire in 2011. The operators tell me that the people who work within DECS need to be removed completely because they are not very good at managing the process. Indeed, as part of my investigation with the minister about this, I received a copy of a newsletter produced by DECS which was to be sent to bus and coach operators and school bus operators but which had not been forwarded to them, even though it was 12 months old. It absolutely defies belief that I was given the newsletter, but the operators were not. It is meant to be an update on how the process is going and, indeed, what operators need to do to ensure they are in a position to get successful contracts.

It just shows that there is a poor process of management here. The previous member for Adelaide, the Hon. Jane Lomax Smith, had responsibility for this portfolio for the majority of that four year period. She should have ensured, if she actually understood how important this was, that something was happening there—and it is not.

Now the new Minister for Education has responsibility to try and fix it. I am advised that he met with the Bus and Coach Association members in early June. All I can do is urge him to ensure that absolute haste takes place here so that this matter is fixed as soon as it possibly can be. Operators need to have confidence in knowing that they are going to be successful in their tender and will not be subjected to quotes at a much lower price from interstate competitors, who were only able to operate buses up to 12 years of age and, therefore, will have potentially 13 years of use in South Australia still and will try to undercut South Australian operators. We need to ensure that we have operating across all of South Australia small businesses that have a strong future. If we do not get this right, it is going to be a crisis.

ECONOMIC STIMULUS PACKAGE

Ms THOMPSON (Reynell) (15:51): This afternoon, I would like to thank the former prime minister Kevin Rudd, his treasurer Wayne Swan (the current Deputy Prime Minister) and our current Prime Minister for the work that they have done on the economic stimulus package.

It is quite clear to me that that package was of particular benefit to the people in Reynell. If we look at the occupations of Reynell residents, 19.4 per cent of them work in the technicians and trades workers area, compared with 14.2 per cent across the Adelaide metropolitan area. Sixteen per cent are labourers compared with 10.9 per cent across the Adelaide metropolitan area. These two groups of workers have particularly benefited from the fact that we have continuing construction and building projects occurring in our electorates. They are employed because of the federal government economic stimulus package.

We also have a high proportion of sales workers with 11.5 per cent compared with 10.3 per cent across the Adelaide metropolitan area. Those workers were kept in employment

because of the stimulus package, directly through the $900 payment, and indirectly through the fact that so many other workers were kept in work. As we know, across Australia about 200,000 people stayed in work because of the economic stimulus package.

According to the OECD figures, the latest available for a range of countries being March 2010, Australia's unemployment rate at that time was 5.4 per cent. This compares with: Canada, 8.2 per cent; France, 9.9 per cent; Germany, 7.3 per cent; Greece, 11 per cent; Norway (doing better than we are as they also adopted intensive stimulus measures), 3.5 per cent; Spain, 19.5 per cent; UK, 7.9 per cent; and the USA, 9.7 per cent.

This made me particularly interested in an item in *the Guardian* of 8 July 2010, headed 'Budget cuts will keep joblessness high—OECD'. Under the subheading: 'Unemployment "likely to stay at 8%" until late 2011—praise for Gordon Brown's labour market strategy', the article states:

> The government was under renewed pressure last night over jobs after the west's leading economic thinktank expressed concern over the axing of programmes to help the unemployed back into work.
>
> Labour seized on a report from the Paris-based Organisation for Economic Cooperation and Development (OECD) which said the coalition's deficit reduction plans should not come at the expense of money to tackle the labour-market legacy of Britain's postwar recession.
>
> Yvette Cooper, the shadow work and pensions secretary, said Labour's funding of work programmes had helped limit the increase in joblessness, adding that it was a dangerous time to scrap the future jobs fund and the six-month offer—both victims of post-election spending cuts.
>
> 'In the 1990s, the Conservatives said unemployment was a price worth paying for reducing inflation,' Cooper said. 'Now the government is effectively saying that unemployment is a price worth paying for deficit reduction.'

In the face of the Abbot coalition threat to cut the economic stimulus plan, I ask myself whether they are simply following the Cameron lead from Britain, and that we will see the same sort of policies here, where unemployment is offered up as a sacrifice to deficit reduction. The OECD report said that it expected the UK recovery to be:

> ...too muted to result in strong job creation and that unemployment is likely to recede only slowly. As a result, the UK unemployment rate is expected to remain at nearly 8% at the end of 2011.

It added:

> While the large fiscal deficit makes it essential to focus on cost effective programs and target the most disadvantaged groups, labour-market policies should remain adequately funded.

Further on, it says that:

> The OECD said the active labour market strategy adopted by Gordon Brown's administration had prevented unemployment from rising as rapidly as in previous recessions...

Time expired.

STATUTES AMENDMENT (DRIVING OFFENCES) BILL

Adjourned debate on second reading (resumed on motion).

Mr PEDERICK (Hammond) (15:57): I will continue my remarks from before lunch. I was talking about aggravated offences and I will note that on subsequent offences, in light of this Statutes Amendment (Driving Offences) Bill 2010, it would be a subsequent offence if a person had been convicted under these sections of the Road Traffic Act: 45A—excessive speed; 46—reckless and dangerous driving; 47—driving under influence of alcohol or drugs; or 47B—drink driving within the past five years. I note that there will be an amendment in the act to exclude, in the South Australian Motorsport Act 1984, motorsport events—which is only sensible.

I just want to briefly speak about street racing. Too many times, we have seen the tragedies unfold of people on our streets, for whatever reason. It is not just confined to city areas: it certainly happens in the country at times. Certainly, over the last 18 months or so, some terrible things have happened to innocent drivers, just going about their business.

A young footballer the other day, only about 18 years old, I believe, basically got t-boned and sadly, lost his life, through people street racing through the city. We also had graphic images of the aftermath of a street race a few months ago—I think it was on Magill Road—where cars were basically split in two. Apart from the tragedy of people dying because of that event, there was also the tragedy of broken lives, where people lost limbs and will never walk again.

It is such a waste of lives and opportunities, for everyone that comes out of this. There are no winners. Hopefully, the people that commit the offence are remorseful of what happened—that is if they are alive. They have to live with the fact, all their lives, that they have either killed or maimed someone through just being stupid, out there on the streets. There is also the tragedy of innocent people going about their business at night, which is when it generally happens, or during the day and, sadly, losing their lives and the high cost families pay in losing a loved one and the grief that must cause. Anything we can do to make sure that people are sensible on our roads and do not do ridiculous acts like this I think is for the better.

That is why I applaud initiatives that are happening out at the old Tailem Bend drag strip, which was a drag strip when it first opened over two decades ago. It was owned by Mitsubishi as a test track and was bought by the Coorong District Council recently. It is leased out to a Tailem Bend motorsport group, and that is a group made up of Motorcycling SA and the Sporting Car Club of South Australia. I will be going out there very shortly to have a tour of the venue and just have a look at all the plans they have for the future out there. I know that they have already hosted clubs from interstate that come down and pay a reasonable hire fee for this facility. I believe that time trials are conducted there.

As I said, it was a fully functioning drag strip in its time, and I know that they certainly have an emphasis on driver training. This needs to be done in a controlled manner, and that is what this venue is offering. I know that they will be keen to get as many groups in there as they can using the facility, and I am sure that other tracks will be made in there over time so that people can learn how to drive a vehicle in the appropriate manner whatever the conditions.

I also want to mention the AutoFest, which happens at Murray Bridge every year. A lot of people do not agree with it but a lot of people do. At the AutoFest down there by Sturt Reserve in Murray Bridge there are burnout competitions and this kind of thing, because there are young blokes who want to do this activity, but at least at the AutoFest it is done in a controlled manner under guidelines, and it does get a big crowd. I support these events. I support what is happening out at the Tailem Bend Motorsport Park because, as long as things are operated in a controlled manner, hopefully we give people the opportunity to do things in a controlled way so they are not out on the streets maiming or killing people, including themselves.

Just as an aside, when I was travelling through Victoria recently, I noticed that at Casterton just outside the town, there is a heap of tyres stacked up by the side of the highway there. I am not sure whether they have time trials or what they do, but it looks like they have an organised event that must be sanctioned by the local authorities. That is the type of thing we must have: something that is controlled. Let's face it: you are not going to stop people wanting to try out their vehicles and that sort of thing. It has to be done in a controlled manner, and they certainly need to be trained in various aspects of that.

At Tailem Bend, people can be trained so that, if they do get in a nasty situation with poor visibility or not having grip on the road, they work a way out so that they can safely exit the situation—and sometimes it might be a single vehicle—so they will not harm themselves. Recently, very sadly, there was another young girl killed just outside Murray Bridge. It is very sad, and too many of these accidents happen. The more we can do with driver education and the more we can do in training people essentially to stay alive, the better this state will be. Obviously, part of that is in this legislation, that is, to crack down on street racing, because what has been happening is totally ridiculous, not just in recent months but previously. So, certainly, from this side of the house we support the bill, but there will possibly be some amendments as we move on.

Mr ODENWALDER (Little Para) (16:05): I am really pleased to speak to this bill today. As the member for Kavel pointed out, I do have some experience in this area—not a great deal, but some experience. I am not going to relate a whole load of war stories today—we can save that for the bar. A lot of members have made the point that these kinds of activities have a huge impact on victims and their families. That is, of course, terrible, but I do want to add to the debate that it has an enormous impact on our police and emergency services workers as well. So, I am sure that they are as keen as we are to sort out these problems.

When I first went to the Fort Largs Police Academy there was a kind of unofficial or informal ranking of police officers' duties. I hasten to add that this is not official. This is not SAPOL policy, but among the cadets there is an informal ranking, where they will put detectives and drug and major crime investigators at the top and then the patrols and traffic police somewhere down the bottom. During my time as an operational police officer I quickly learned that it should, in

fact, be the reverse, that some of the most useful work that the police do is done by the patrols, particularly by the traffic police. They—

Mr Goldsworthy: There should be more of them.

Mr ODENWALDER: Well, perhaps. That's not a bad idea, perhaps.

Mr Goldsworthy interjecting:

Mr ODENWALDER: That's right—

An honourable member interjecting:

Mr ODENWALDER: No. I won't. While our traffic police are sometimes maligned as revenue raisers by those who choose not to obey the law, they do perform one of the most valuable jobs in our police force—

An honourable member interjecting:

Mr ODENWALDER: Including those, yes. I am pleased that this bill contains a specific defence in section 9, which amends section 45 of the Road Traffic Act, which we have looked at, for police officers and, I gather, by regulation, other emergency services workers who engage in urgent duty driving while they are lawfully doing their jobs.

For a long time the public and police officers themselves felt some confusion as to what their rights were in this area. I think this particular provision gives our traffic police and patrols the protection to get on with their job, a job which the community expects them to do. As the member for Taylor said, one of the most common things we hear when we doorknock and have street corner meetings is complaints about hoon driving and racing. The community expects us to do something about this, so that is why I welcome the bill.

A second aspect of the bill that I wish to highlight, as others have, is that it provides that anyone who promotes or assists in the promotion of street racing will also be guilty of an indictable offence. The people who organise illegal street racing are as indifferent to the safety of innocent road users as those who are behind the wheel.

The bill also provides that passengers in vehicles may also be subjected to the same laws. This addresses the perennial problem of police arriving at the scene of street racing or of an accident caused by street racing or hoon driving and being unable to accurately identify the driver of the offending vehicle. Drivers will no longer be able to hide behind the silence of their mates. Those mates will now be co-offenders until they can prove they did not assist or consent to the commission of the offence.

The other provisions of the bill have, of course, been well canvassed here. I fully support the inclusion of these traffic offences in the criminal code. I believe this is what the police would want and I believe it is what the community expects of us. They are serious criminal offences, they should be treated as such, and the police should be given the power to investigate them as such.

In closing, I also agree with the member for Taylor that another good aspect of the bill is to exempt legally organised motor racing events from these laws. Whilst dangerous driving is always raised with me as a local member, and I am sure with others, so too is the importance to many in some of our electorates, especially up north, of legal motor racing. Madam Deputy Speaker, I support the bill, and I urge you to do so as well.

The Hon. M.J. ATKINSON (Croydon) (16:10): The bill is addressed to street racing to try to make it a criminal offence rather than a traffic offence. It tries to address what we on this side call hoon driving. When the member for Fisher and I tried to call the first bill a bill against hoon driving, the Hon. Robert Lawson—the attorney of blessed memory, just a glimpse as attorney-general—the Parliamentary Liberal Party tried and succeeded in removing the words 'hoon driving' from the title of the bill, owing to the reluctance of the Liberal Party to use plain English, to use the language of the people.

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: I note that the member for Bragg claims that the Hon. Robert Lawson had more impact as attorney-general than I did, which is extraordinary, because he never took an attorney-general's bill through the house. So, one wonders about the member for Bragg's judgment about impact. In today's *Weekly Times Messenger*—

Mr GOLDSWORTHY: Point of order, Madam Deputy Speaker. I raise the issue of relevance. We are getting a history lesson here from the member for Croydon, which obviously goes back over eight years if he refers to the Hon. Robert Lawson as the attorney-general. I do not think we need a history lesson. He needs to focus his mind and his comments on the actual legislation before the house. So, I ask you to rule on a point of relevance, please.

The DEPUTY SPEAKER: While I can see where you are coming from, I do not uphold the point of order, because your point of order was nearly as long as the amount of time that the member for Croydon has been speaking, which is not very long. Perhaps to give him the benefit of the doubt, the member for Croydon is placing this in a contextual way, and he will come almost immediately to the substance of this debate.

The Hon. M.J. ATKINSON: In today's *Weekly Times Messenger* editorial, the Editor-In-Chief, Matt Deighton, writes:

It was the most sickening of sounds. A loud burnout followed by the high-pitched squeal of tyres losing control, then the smash of metal on metal.

It was deafening, instantly waking me from a light slumber.

I heard an engine stall for a moment before revving again, reversing over what sounded like broken glass and speeding off.

Disoriented, I immediately ran to the children's rooms.

They were asleep. Oblivious.

I rushed outside.

Several neighbours had beaten me to it and were scouring the street with torches.

'Geez, did you hear that?' one said.

'I reckon it was a white Commodore, he sped off before I could get the rego,' said another. We walked around for a while but, amid the wind and drizzle, couldn't see much. 'Maybe he just hit the roundabout,' I reasoned.

The next morning was Saturday and I went out to pick up the papers.

My jaw dropped at the sight before me.

There was nothing left of my front fence and the pole holding up the front half of my carport was bent at right angles.

A pair of skid marks could be traced to the pile of wood, metal and concrete.

I cleared as much away as I could, then shifted my car, which had been scratched from left to right. When I returned, a single silver Holden emblem lay in the driveway.

When the police came a short time later, they said it was likely from the front of the latest model Commodore.

They were helpful and sympathetic, but there was nothing they could do.

'We'll have a look around and report it as a hit-and-run,' they told me. 'We'll let you know if we hear anything. '

I haven't and nor do I expect to.

A little while later, chatting with the neighbours, one said: 'D---heads hoon up and down this street every bloody night. We need to get onto the council.'

After a while I walked quietly around surveying the damage and then paced out the space between the impact site and my son's room.

Five metres.

It could have been so much worse.

This bill turns street racing into a criminal offence. It tries to capture passengers in a vehicle, and a charged passenger must establish non-consent to the conduct to have a defence. It makes circumstances of aggravation of the offence having a major defect, knowing of a major defect in the vehicle (and that would include modifying vehicles for street racing), also, street racing with passengers and street racing in circumstances of heightened risk.

The basic offence has maximum imprisonment of three years and a licence disqualification for one year or longer if the court thinks fit. An aggravated offence—and I have just listed the circumstances of aggravation—has five years gaol and three years licence disqualification, and subsequent basic offences will be treated like a first aggravated offence.

Until Labor came to office and until I became attorney-general, licence disqualifications for cause death or grievous bodily harm by dangerous driving were served during the period of imprisonment. So, a person sentenced to imprisonment and a licence disqualification served that licence disqualification while in prison and unable to drive, such was justice under the Hon. Trevor Griffin, the former attorney-general. The Liberal Party took no—

An honourable member interjecting:

The Hon. M.J. ATKINSON: And the Hon. Robert Lawson, the attorney-general for three months, who, according to the member for Bragg, made such an impact, although he never introduced a bill as attorney-general.

Ms Chapman: Got on with the business.

The Hon. M.J. ATKINSON: I think he got on with the business of losing the election of 2002 and never returned to ministerial office and, indeed, he has now left the parliament, and I do not know if he is practising. So, under Labor's—

Ms Chapman: Are you?

The Hon. M.J. ATKINSON: It is interesting that the member for Bragg raises that, because we know that the members for Bragg and Heysen have, for eight years, laid great emphasis on my not practising law. Their view was that one of them would make a much better attorney-general than me, because each of them had practised, but now we have the situation where the Attorney-General is a practising barrister in Murray Chambers and, as I understand it, the shadow attorney-general, the Liberal spokesman on legal affairs, does not practise and may not have practised ever. What do they say now?

The Hon. J.J. Snelling: Deafening silence.

The Hon. M.J. ATKINSON: Deafening silence. For the record: deafening silence. In the past couple of years, we saw a Magistrates Court decision, which was upheld on appeal to a single judge of the Supreme Court, finding a police officer guilty of driving offences when he was engaged in pursuit of a felon. That has led to a clarification of the law for police and, indeed, emergency workers engaged in vehicle pursuits. This bill provides that a defence is made out if the employee was acting in accordance with the directions of his employer and was acting reasonably in the circumstances.

Members may recall that the hoon driving legislation was first introduced to the chamber by the member for Fisher as a private member's bill. As was my policy as attorney-general, when I saw private members' bills that I thought were meritorious I was happy to pick them up, run with them and give them government time—something my Liberal predecessors would never do.

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: Something my Liberal predecessors would never do. Indeed, I recall that, with some of my private member's bills, the Hon. Trevor Griffin would introduce a duplicate bill as a government bill and then claim credit for it.

We got the hoon driving legislation through as a private member's bill in government time. It is worth recording that the whole bill was opposed by the Australian Greens, in this house through the agency of their then representative, the then member for Mitchell (Mr Kris Hanna), and subsequent versions were later opposed in the upper house by the Hon. Mark Parnell, whose spouse, I notice, is the Greens candidate for the Senate.

For those people in South Australia who suffer street racing, drag racing, excessive engine noise, the laying of rubber on the roads, donuts and burnouts—

Ms Chapman: How would you know? You don't even drive.

The Hon. M.J. ATKINSON: Well, the member for Bragg says how would I know because I don't even drive. Well, I witness it as a cyclist. I am not surrounded by a tonne of steel, I am more vulnerable to this misconduct than the member for Bragg has ever been, and I am exposed also as a pedestrian. I do a great deal of walking, especially now that I am no longer a minister.

The DEPUTY SPEAKER: Order! Member for Bragg, you keep interjecting. Member for Croydon, you keep responding to the interjections. I know that you miss each other.

The Hon. M.J. ATKINSON: We see each other at the gym.

The DEPUTY SPEAKER: Well, isn't that lovely. For now I think the member for Croydon should concentrate on what he has to say and perhaps you could talk about the gym afterwards.

The Hon. M.J. ATKINSON: But, Madam Deputy Speaker, the member for Bragg never cooed to me across the chamber, 'Five foot two, eyes of blue, attorney,' as the Leader of the Opposition did.

The DEPUTY SPEAKER: I think you will find the expression there is: too much information. Please carry on member for Croydon.

The Hon. M.J. ATKINSON: Perhaps when I was attorney-general, not when the current cad Attorney-General was—

The DEPUTY SPEAKER: Let us just carry on with your prepared contribution.

The Hon. M.J. ATKINSON: Clause 5 of this bill broadens the definition of 'similar relevant conduct' so that more offenders against this bill will be subject to the subsequent offence increased penalties. Having said that, the whole hoon driving legislation is an initiative of the member for Fisher and the Australian Labor Party. It is a pity that Liberal Party amendments prevented it being called by its name, namely, anti-hoon driving legislation.

Mr Goldsworthy interjecting:

The Hon. M.J. ATKINSON: It may be old but, nevertheless, true despite the braying of the member for Kavel. It took a certain boldness of the government to introduce pre-conviction penalties for hoon driving and, had we not done so, very few, if any, of the 8,000 that have been impounded or wheel clamped since this measure first came in would have been impounded or wheel clamped.

Mr Goldsworthy: How many?

The Hon. M.J. ATKINSON: We have gone further and made provision for crushing, but, of course, we are in the hands of an independent judiciary. For the information of the member for Kavel who interjects, 'How many?' his reproach is not really a reproach of me but, rather, a reproach of the independent Police Commissioner.

Mr Goldsworthy: You're a goose!

The Hon. M.J. ATKINSON: Madam Deputy Speaker, the member for Kavel has just referred to me as a 'goose' and I ask him to withdraw.

The DEPUTY SPEAKER: I did notice that and I thought we might skate over that. As you know, member for Kavel, we do not refer to people as animals, so would you like to withdraw your accusation that the member for Croydon is a goose?

Mr GOLDSWORTHY: I don't know whether you could define a goose as an animal, but if that is the case, I withdraw that reference to the member.

The DEPUTY SPEAKER: It's a bird. It is like silly as a coot or a fowl, isn't it really?

The Hon. M.J. ATKINSON: I am sure the member for Kavel had his customary big lunch hour, but I can assure him a goose is a bird and therefore an animal. The government is pleased with its anti-hoon driving legislation of which this is the latest chapter. If we had not introduced pre conviction penalties, we would not have changed behaviour. It was the intention of the government to change the behaviour of hoon drivers by introducing pre conviction penalties and we do not resile from it, despite the criticism of those members of parliament—in the case of the former member for Mitchell, Mr Hanna, former members of parliament—who complain about our pre conviction penalties and are therefore, in my opinion, soft on crime.

Mr PICCOLO (Light) (16:27): I rise to speak in support of this bill. I think it is worthwhile for the general community's safety and to improve general road safety. When it comes to road safety, a number of factors need to be taken into account. Obviously, one factor is environmental; in other words, things such as the road conditions, weather, etc. A whole range of environmental factors influence the condition of roads. In question time, the Minister for Road Safety also spoke about the things which contribute to improve road safety, including the Black Spot program which he outlined today.

The second factor concerns the attributes of the motor vehicle itself. If you talk to road safety experts, our cars, even though they are faster, are much safer these days, and that is one of the things that has led to fewer deaths and injuries on our roads. The attributes of the vehicle are

very important. The third factor is the driver's ability or skill base. In other words, it is generally understood that, obviously, the more skill and ability the driver has, the less chance of a serious road accident occurring.

The last factor, which is what this bill is about, is driver behaviour, and part of that driver behaviour is their attitude and motivation which gives rise to the way they drive. That is independent of things such as environmental factors, the car's attributes and the driver's own ability. This bill seeks to influence driver behaviour. What is it we can do to influence driver behaviour to reduce the road toll and also to ensure we make the road as safe as possible for the others who use it?

This morning, the member for Finniss in his contribution in this place questioned the veracity of this bill, as a number of members have. He suggested—

Mr Goldsworthy: We are supporting it.

Mr PICCOLO: I did not say he was not supporting it. I also recall what your exact words were, member for Kavel. You said, 'We support the intention of this bill.' You did not say, 'We support this bill.' You said, 'We support the intention.' As usual, the Liberal Party is equivocal when it comes to road safety. It always likes to sit on the fence. I will provide some evidence in a minute, and I appreciate your bringing it to my attention. The member for Finniss questioned the veracity of this bill. He suggested that the bill will not influence driver behaviour and suggested that the behaviour (as he put it) is testosterone driven when it comes to street racing.

He also mentioned that education is the answer to these issues, and I would have to accept that I partly agree with him. On that case, education has always been an important part of influencing behaviour. However, we have extensive education programs in schools already about driver behaviour. For example, SAPOL visits most schools and has a program. The MFS has a program about driver behaviour, and they show people things, etc. I have seen it done at schools. The schools themselves have a number of driver safety programs and there is also, hopefully and just as importantly, in-home education about driver behaviour, although I am not sure what some young people actually learn in the home.

That is the first point, that there is extensive amount of driver education occurring already, yet we still have these road deaths. Secondly, despite what the member for Finniss suggested this morning—that this behaviour is not genetic—it is a learned behaviour; we learn to behave this way. Education plays a role in changing learned behaviour, in the positive sense, but we also need sanctions or something to deter people from doing the wrong thing as well.

In no walk of life does education alone lead to the sort of behaviour changes we want. A classic example is smoking. The overwhelming evidence about smoking is quite clear. Extensive education programs have worked to some extent, but there are people who still continue to smoke despite that. Education alone does not work in actually achieving a public policy outcome; it needs to be supported by other things.

Also, what the experts say is that, like a lot of other things, you actually need a whole suite of measures to combat our road toll. I think the current Thinker in Residence, Professor Wegman, said that no one measure will actually reduce the road toll. It is a whole range of things. This bill is one measure to improve those things.

What this bill says, which I support, is that if you behave in this way and then, as a result of that behaviour, other people suffer, then there are consequences for this inappropriate behaviour. What it seeks to do—

Ms Chapman interjecting:

Mr PICCOLO: The member for Bragg interjects, but what it seeks to do is to communicate to the community its concern and its anger about behaviour that drives up the cost of the carnage on our roads. This bill says to the community that this is very important, and we are concerned about it. This loss of life, which is felt by many members of families and friends: why should it occur when it is completely avoidable? Why should it occur? That is the reason why it is important to have the sanctions which have been recommended in this bill. This street racing behaviour is senseless in the sense that it is completely avoidable and unnecessary and, as a result, there should be huge sanctions against it because of the repercussions for others when things go wrong.

The bill quite rightly, in my view, tackles not only the behaviour of the driver but also those who contribute to that behaviour, in other words, those in the vehicle at the time when they are

street racing. We all know that peer pressure plays an important role or makes a contribution towards people's behaviour. We need to understand that that behaviour is just as culpable as the person who drives. Quite rightly, the behaviour of those people in the car who egg on the driver to do the wrong thing should also be caught and not escape penalty.

As I mentioned earlier, the Liberal Party's record on road safety, as evidenced by some of the speeches we have heard today and on previous occasions, is, at best, equivocal, inconsistent and, a lot of times, opportunistic. Now I will give you some examples. I can recall reading in one of the local papers the member for Schubert taking the local police to task for them clamping down on those people who illegally modify their vehicle. I can remember him saying that this is just a revenue raising measure when police go out there and pinch those people who illegally modify their vehicle.

Now, if you talk to the police, those who illegally modify their vehicle are hugely over-represented in car crashes. So, there is a correlation between those people who decide to illegally modify their vehicle and the behaviour that comes from that.

So what did the member for Schubert say? Rather than attack those people who actually illegally modify their vehicles and are likely to behave in a way which is a danger to themselves and others, he attacked the police. Now, I cannot understand the logic in that. Why would you actually attack those who are trying to make our roads safer?

That is why I said that the Liberal Party policy in relation to road safety is opportunistic. He thought he could actually try to somehow blacken the government by saying it is a revenue raising measure when, in fact, it is a road safety measure. If you talk to any police officer, they say that a young person, who has modified their car illegally, is likely to behave on the road in a way which is not consistent with road safety.

That is why the police have come down heavily on these drivers who illegally modify their vehicles. The police will tell you that they would rather issue an on-the-spot fine to a driver than actually have to attend a car crash scene. As I said before, people who illegally modify their vehicles are highly over-represented in car crashes.

The comments of the member for Schubert rather surprised me. I would have expected different and better from an MP who has been in this place for 20 years and who has seen firsthand (and read reports about) what has happened on our roads. He goes on in the local papers about this issue and blames the government. At the first opportunity he has to actually take a stand, what does he do? He blames not the people who are trying to make the roads safer but the people who are not.

This bill seeks to communicate to the community that we as a community will not tolerate loss of life on our roads which results from wholly avoidable crashes. I fully accept that accidents will occur from time to time—things which are not foreseeable. We will never get a zero road toll because you cannot foresee all the sorts of things which happen on our roads.

However, you can foresee what will happen when people are street racing. There is a really high risk of somebody dying on the road when there is street racing. With this bill we are now going to make it a very clear priority to say that this sort of behaviour is unacceptable.

In closing, I would say that all loss of life on our roads leads to a great deal of suffering by family and friends. The community is quite rightly outraged when loss of life is wholly avoidable. I support this bill.

Ms CHAPMAN (Bragg) (16:38): I rise to make a contribution to the Statute Amendment (Driving Offences) Bill 2010. Firstly, this is a bill which, as outlined by previous speakers, introduces a new offence of street racing. This is notwithstanding that the criminal law currently provides quite severe penalties for anyone who acts in a manner, in a motor vehicle, on a public road, that causes the death of another person, serious injury to another person or property damage.

Combined with that is the civil law which provides for compensation and other relief—sometimes criminal injuries compensation—for people who are affected as a result of the irresponsible and illegal behaviour of persons acting in such a manner. Obviously, they are offences where there are certain thresholds of intent of the driver or the reckless behaviour that attracts these penalties and convictions. It is quite clear that the current law has not eradicated street racing, but I just want to place on the record that I have seen in the recent decade almost the demonising of young people in particular and young men in particular in respect of street racing.

Let us understand one thing which I would have thought would be pretty obvious to all of us: ever since cars have been used as a form of transport—and we are talking decades and generations of people—there have been reckless drivers, there has been engaging in street racing, there has been behaviour which has caused the death of others and there has been conduct which has resulted in injury and personal loss and damage to persons and property. That is a reality and I, for one, am sick of picking up the paper and reading some 'holier than thou' submission or statement by a minister of this government as though no other generation has participated in this behaviour. I just want to place on the record that quite frankly—

The Hon. M.J. Atkinson: Well, I haven't.

Ms CHAPMAN: I'm not talking about you. The reality is that when you go back to the generations before—

Mrs Geraghty: It is a very different sort of car now.

Ms CHAPMAN: Well, you think about it. This would make James Dean turn in his grave.

The ACTING SPEAKER (Ms Bedford): Just talk to me.

Ms CHAPMAN: I'm talking to you. It is going only a short way back to previous generations—and you may not even remember this—but *Rebel Without a Cause* is a movie that I can remember watching as a child, and you probably just remember that, although you might not be quite old enough. But we are talking late 1950s and street racing and people being at risk of injury and death by boys racing.

Mr van Holst Pellekaan interjecting:

Ms CHAPMAN: We had chariot racing, I hear, from the member for Stuart, so even before motor vehicles.

Members interjecting:

The ACTING SPEAKER: Order! I want to hear this contribution.

Ms CHAPMAN: Thank you. The reality is that the motor vehicle is a dangerous object. It is a lethal weapon in the hands of people who do stupid things. I just think it is important that we pause for a moment and appreciate that this current generation of young people, particularly young men, who are really the basis on which we are seeing this further piece of legislation, are not the only ones guilty of this behaviour.

I just think it is important that we recognise that there are a lot of other young people out there on the streets, early in their careers as drivers, driving responsibly and sensibly and that, whilst this has been a practice in existence over the years since the use of the motor vehicle for transport purposes, we ought to understand that this is demonising young people each time we come back here with some kind of hoon driving, and now street racing, legislation, and we need to understand the real world.

As with a lot of this legislation that is presented to us as some sort of antidote to reckless and irresponsible behaviour, which is somehow or other going to save lives or property or avoid personal damage, the opposition will not stand in the way of the passage of this bill in respect of this offence. Personally, as I have said many times to this house, I am not convinced on the information, presented on this occasion by the Minister for Road Safety, that this will work, that this will stop what happened on Magill Road, which we all know about, that creating yet another offence, with yet another penalty and ramping that up, is going to resolve the problem.

If people are concerned about this issue it would behove them to have a word with people like Dr Bill Griggs at the Royal Adelaide Hospital who had to deal twice, he told us, with the same boy with serious injuries as a result of street racing and hoon driving. In relation to the Magill accident, he had to intervene and give medical treatment to save the boy who lost his legs in that tragic accident. He is the person, with his colleagues in this field, who has to speak to the parents of not only the person who is scraped off the road and is still alive but also, often, the relatives of those who do not survive who have to be informed. Obviously, we know that is a very unpleasant aspect of the work that these good people do.

He has said in public addresses, which I think behove us to listen to and understand, that when he speaks to these young men in the examples that he has given he finds that invariably there is a period of irresponsible or reckless behaviour which is almost momentary and that it is not something which has been plotted or deliberated upon or something that we need to somehow or

another match with the wilful and deliberate intent of other crimes. These are the results of stupid behaviour in these instances. To now try to create another offence with serious penalties which we reserve for rape and manslaughter, I think, is really an insult to these young people and to the professional people who have to scrape these people off the road and deal with them.

I say yet again that this is another piece of legislation of which we will not stand in the way and which purports to show government's good intent to try to resolve these sad situations. We still remain ever hopeful that legislation such as this might work, but I have sat in here for eight years with repeated pieces of legislation ramping up penalties to try to prohibit stupid behaviour, and this is not one that has demonstrably worked. We will remain hopeful, but I raise my concerns in that regard.

Other speakers have made it quite clear that many aspects have to be considered as to how we might minimise the opportunities for a young person in particular to make stupid decisions such as this, how we keep them otherwise engaged, and how we might educate them in other activities. It is not just about the dangers of driving stupidly and having races such as this, but about getting them involved in other activities.

There are often multiple answers to these questions. Coming in here, ramping up occasions where cars can be crushed or confiscated or ramping up penalties for reckless and stupid behaviour has not worked so far. I think we need to get a little bit more serious about how we are going to resolve the death of young people.

I am also concerned that, whilst this has historically been the kind of behaviour with us and which will continue to be with us as long as a person in this situation has access to a potentially lethal weapon such as a car, it behoves us to spend a little more time on the death of young people by their own hand, considering the suicide rate in this country. I mention it because on a daily basis we hear about the road toll and the government's initiatives to try to reduce the carnage and poor statistics rampant among young people, yet there has been utter silence in respect of suicide, which, I want to add, is actually more—

Mr Piccolo interjecting:

Ms CHAPMAN: —we will come to this in just a moment—is actually many more—

Mr Piccolo interjecting:

The ACTING SPEAKER: Order!

Ms CHAPMAN: —every year, and, in fact, in some years it is double the road toll. I think it is interesting that the government, in its haste to get headlines about what they are going to do in response to the death, disability or injury incurred, is absolutely silent about the commitment it has to young people who take their own life. It has been demonstrated—

Mr Piccolo interjecting:

The ACTING SPEAKER: Order!

Ms CHAPMAN: —by the Australian of the Year, an eminent psychiatrist in this country, who recently resigned from a federal committee on mental health. He said that it was about time governments understood the significance of this issue—

Mr Piccolo interjecting:

The ACTING SPEAKER: Order, please! Continue.

Ms CHAPMAN: —and gave credit to a very important issue. His resignation—having been made Australian of the Year—from a very important advisory committee (in this case, to a federal health minister) ought to demonstrate to the people in this house how serious this situation is. The government can crawl all over the carnage of road deaths but, until it deals with these other issues, its real commitment to the care of young people in this state should be taken with the shallow intent that the government has shown.

There is a second issue in this bill which I think needs some explanation from the government. It seems to have evaporated from any consideration in the second reading explanation, and that is the provision in clause 9 of the statutory defence to be provided to a person described as an emergency worker who, under the proposed defence, is to be defined as a police officer or an emergency worker as defined by the regulations.

Our understanding from our briefing on this—because we are not enlightened by the second reading—is that this is to cover ambulance workers and so on, who, like police officers, are out on the road and, from time to time, with approval under their terms of employment, have to engage in what could otherwise be described as, at least, careless driving—possibly in the reckless category—and could offend the new offence of street racing. Therefore, it is the government's intention clearly by this bill that they would have an automatic defence.

I think we need to provide protection for police officers and ambulance workers, and so on, where there is an objective test as to what is reasonable in the circumstances, consistent with the terms of employment, the protocol and guidelines that apply to those emergency workers. However, to introduce a defence of careless driving, which is contingent upon the actual driver—the actual emergency worker's own subjective assessment about whether it is reasonable—I find incomprehensible.

I cannot understand why proposed subclause (1)(4a)(c) actually contains a test that asserts that it is a matter for assessment by the person involved. This is not an objective test. This is something that is so far removed from the normal rules in respect of a criminal offence and a defence situation that I think we need some explanation. If the government has not consulted with the Law Society and the criminal committee, then we need to have some explanation as to why it has not.

There is nothing in the second reading explanation of the minister as to why it is necessary to put this in. My understanding from our own representative on this matter—the member for Kavel's briefing—is that there had been an instance in which a police officer had been prosecuted and, in some way, this was a proposal that had come from the police association to try to remedy and basically quarantine police officers from having to face this type of judicial assessment in respect of circumstances in which they were acting in a manner which, at the very least, is careless driving. I am not sure how one can describe a defence to a charge of an offence against this section, which is, very directly, street racing, that it can then be described as careless driving. That is in the draft that has come before us, however. Nevertheless, I make the point that we need some explanation as to why this is necessary in the first place.

I raise that for this reason: obviously, people understand that in certain circumstances ambulance drivers and police officers need to drive beyond the speed limit and on the wrong side of the road, for example, but surely we must always accept that that is in the most severe and extreme circumstances, and is a matter which still needs to be supervised. The rest of the time there should not be any reckless abandonment of that basic requirement and they should have to comply with the rules like anyone else. So, I say: why is this necessary? It is because the Police Association does not want any of its members to have to face the scrutiny of anyone else.

The member for Kavel has, I think, comprehensively covered the opposition's concern about what we might do about this and what responses may come in from other parties in the time of this matter being dealt with in this house and when it is dealt with in another place some months hence. There may be some logical explanation. There may be some good reason, but at this stage I am sad to say that we are in the dark because the minister has seen fit, for whatever reason, not to mention the basis upon which this is justified.

With those few words, I indicate that we will not—and I certainly will not—stop the passage of this bill, but I look forward to seeing some responses from the real world and having an opportunity to consider whether it is necessary to provide any amendment or to sever aspects of this bill which would continue to have our support.

Mr GARDNER (Morialta) (16:57): I will be supporting the Statutes Amendment (Driving Offences) Bill because hoon driving, street racing and the reckless indifference to human life demonstrated by too many people on our roads is of great concern to me, as it is to so many of my constituents. As members would be aware, the seat of Morialta sits in the foothills of Adelaide and it is terrain which often sees an extraordinary amount of dangerous driving, people taking their own lives into their own hands as well as anyone else who might have the misfortune of sharing that road space with them.

Along Norton Summit Road, leading up to Norton Summit, along Montacute Road, up to Montacute and Cherryville, as well as The Parade, Gorge Road, some back streets and, as we have tragically learnt in recent times, Magill Road, residents of the area driving about their daily business and going home of an evening have been in fear of their lives because of the behaviour of some people on those streets. It is, of course, the duty of this parliament to consider the best way

possible to deal with that sort of behaviour and to ensure that road safety standards are upheld and that that sort of behaviour is ceased as much as possible.

This government seems to approach just about any problem with a similar sort of response, I have noticed in the years before I entered this place and I have noticed this week. Its first and too often only response is to increase the penalties without considering the causes of the problem it is trying to remedy and other potentially better ways to address these problems. I am happy to support the bill, as I have said, but I do not think that this bill will remedy the problem in the way that the government seeks to suggest that it will in its headline grabbing attempts.

Mr Piccolo interjecting:

Mr GARDNER: The member for Light asks what I would suggest, and I will certainly come to that. I just wish that the government, with all of the resources of government that come with it, had given more consideration to the way that it would deal with the matter. We are in opposition. All we can do is make suggestions. It is up to the government to deliver on its responsibilities. If we see in the years to come a fantastic improvement in the road toll, then I will give it full credit for that. If we do not, then it will just show that its headline grabbing antics have had not the effect that we were promised.

I believe there is also a deficiency in the drafting of the bill in the application of the primary offence applying to everyone who happens to be in a car. Again, it goes to the point that it is easy to have parliamentary counsel draft legislation in an attempt to remedy a problem but, in this instance, I would suggest that the current Criminal Law Consolidation Act already provides remedy for those who are aiding and abetting an offence, for those who might be in a car encouraging street racing behaviour. If passengers in a car are at fault, then they are already liable to prosecution under current law. I think there is a superfluousness in this bill that I imagine will be considered in the upper house, and we will wait to see what the stakeholders have to say.

I foresee this as another example of the government putting things into a bill that will have unintended consequences on people who, potentially, are not at fault. It will potentially put the onus of proof on passengers in a car who are not at fault in these offences. People may be asleep, for goodness sake, and it will put the onus on them to prove they are not guilty of an offence when the existing aiding and abetting provisions in the Criminal Law Consolidation Act would be sufficient. However, we support the bill in the hope it will contribute something towards the cessation of those who might have a reckless indifference towards human life and cause all sorts of problems.

What concerns me more, as a result of talking to people from my friendship group, people I went to school and university with who have now joined the police force, and also police officers operating out of the police station in my electorate, is that it is all very well to increase the penalties for offences and create aggravated offences, but it only makes a difference if you catch people and charge them. My first consideration in dealing with the road safety issues for people in my electorate would be to make sure there is more police presence on the roads. We may have a slight percentage increase in terms of the overall number of police officers, but I ask the question of the government: what are they doing?

From my understanding, as a result of talking to police officers who are friends of mine, there seems to be an awful lot of paperwork being filled out and an awful lot of time spent putting things into three different computer systems so they can fulfil the requirements in that instance. It is appropriate that reports be accurately entered by police—and I am talking about the things that police officers are spending time doing—but the fact that the government is not investing in the appropriate technological infrastructure that our police force could use is a great disappointment, and I hope it will be remedied in the next budget.

I would like to see more regular patrols in the area of Morialta. Currently, if people call police because someone is driving at 120 km/h down Norton Summit Road, then they are eventually sent through to Mount Barker. It takes 45 minutes to get to Norton Summit, so there is nothing the police can do in that instance. Responsiveness and availability of police officers to deal with this issue is fundamental to catching the perpetrators of these crimes, otherwise the increased penalties will never be applied.

Also important when dealing with road safety issues is the quality of our roads. I raise this in the context of the number of road deaths that have occurred over a number of years along Gorge Road in my electorate—a road on which the government saw fit to spend $1 million a couple of years ago after there was a fatality on that road. They fixed up only about a quarter of the road, and the main strip—the bit they call the mad mile—through Athelstone, Paradise and Newton, as

far as Lower North East Road in Campbelltown in the member of Hartley's electorate, has not been touched by government in a substantive way since it was laid and moved from Hamilton Terrace.

It is fundamental to road safety that people have good roads. Again, I urge the government to consider the position I put to the Minister for Transport in correspondence about three months ago (and I have yet to receive a response) and consider the promise and commitment made by the opposition during the state election to spend about $7.5 million (that is what we had it costed at) to fix up Gorge Road so that it is safe and people going about their daily business in a safe way are not in fear of injury, loss of life or damage to their vehicle because of conditions on the road.

I urge the government again to keep considering that road safety needs good roads, it needs effective policing and it needs a wholehearted and comprehensive approach, not just increased penalties. However, I am happy to support the increased penalties in the hope that they, too, will make a difference.

MEMBER'S REMARKS

Ms CHAPMAN (Bragg) (17:06): I seek leave to make a personal explanation.

Leave granted.

Ms CHAPMAN: During the course of debate on this matter, I referred to the resignation of a person from the National Advisory Council on Mental Health, that person being an eminent psychiatrist, indeed, Professor John Mendoza, and, in the same breath, referred to his being the 2010 Australian of the Year. This is no reflection on either of these gentlemen, both eminent Australians, but the fact is that the 2010 Australian of the Year was Professor Pat McGorry. There are some aspects in relation to his concerns over the federal government, but I had put them together. I apologise to the house, if that is necessary, but, most importantly, to both of these eminent Australians, who, in fact, have served in different roles.

STATUTES AMENDMENT (DRIVING OFFENCES) BILL

Second reading debate resumed.

The Hon. J.J. SNELLING (Playford—Minister for Employment, Training and Further Education, Minister for Science and Information Economy, Minister for Road Safety, Minister for Veterans' Affairs) (17:07): Listening to members of the opposition, particularly in the latter stages of the debate, one would think that the opposition basically has a position of kids will be kids and they will do stupid things, and we are powerless to do anything about it. Certain members of the opposition seem to have a fundamental lack of appreciation of the seriousness of engaging in street racing. Street racing is not just a bit of loutish, stupid behaviour. It is engaging in high speed, highly dangerous behaviour which presents a threat not only to those who are directly participating in the street race but to the innocent, as we have tragically seen on several occasions in recent years.

To try to characterise this sort of behaviour as semi-legitimate, or just kids being stupid and kids will be stupid, and really changing the law is not going to achieve anything at all, just shows a fundamental lack of appreciation by members opposite of the seriousness of this sort of behaviour and the seriousness with which it is viewed in the community. I would be very happy to see how the general public responds to the attempts to simply wave their hands and brush off any responsibility when it comes to our legislating to try to minimise this sort of behaviour.

I do not know historically what the prevalence of street racing is these days as opposed to years gone by, but I can assure members opposite that if they bother to travel north of Gepps Cross, south of O'Halloran Hill or west of South Road, then they will find that, in the suburbs of Adelaide, there is a tremendous community disquiet about dangerous road behaviour, particularly dangerous road behaviour which puts innocent lives at risk.

People want to know that they can go and drive on the road without being put at risk and having the lives of their loved ones put at risk by this sort of idiot behaviour. If I, as road safety minister, took the approach of the member for Bragg, who essentially thinks that kids will be kids and there is nothing that we can really do, I would be quite rightly hounded out of office.

I know the member for Morialta has a different opinion from the member for Bragg and I congratulate him. It was good to see him show a bit of courage after the member for Bragg's performance and to get up and repudiate what the previous speaker on his side had said. I congratulate the member for Morialta for at least showing some guts and a bit of courage and to actually understand the seriousness of this sort of behaviour.

The member for Bragg and other members have also tried to characterise me as saying that this legislation will be a cure-all. I have specifically said publicly that this will not be a cure-all. Of course it will not be a cure-all. Street racing will continue, people will continue to behave stupidly. What this legislation does is make sure that the penalties for this sort of stupid behaviour reflect what I think the public expects the penalties should be for people who engage in reckless behaviour that is indifferent to public safety.

Of course I am not going to present it as a cure-all, and of course there are other measures we can take. Education and so on are all part of the measures we can take to try and stop people from engaging in this sort of behaviour. At no stage have I ever said that, once this legislation goes through, this sort of behaviour will never happen again. Of course that is not the case.

I would say that even if this legislation saves one life, even if it stops just one person, makes one person think twice before they engage in a street race, then it will be worth it. If it stops one person from being killed, one innocent bystander, one innocent road user from getting ploughed into by one of these idiots conducting a street race, then it will be worth it. At no stage in my public utterances on this matter have I ever said or pretended that this represents some sort of a cure-all, that this is going to stop people from engaging in this behaviour.

The member for Bragg raised concerns about clause 9 of the bill, the provisions for emergency services workers, and in particular paragraph (c): 'acting reasonably in the circumstances as he or she believed them to be'. I was going to leave it to the committee stage, but she is not here so I will do my best to answer her concerns.

When you look at that subsection (4a), it is important to note that the third provision, '(c) acting reasonably in the circumstances as he or she believed them to be', is the third test. There are two others. Firstly, under paragraph (a) an emergency services worker has to be 'carrying out duties as an emergency worker'. That is an objective fact: you either are or you aren't carrying out duties as an emergency worker. Secondly, under paragraph (b), they must be 'acting in accordance with the directions of his or her employing authority'. Again, that is an objective fact. It is only if you meet those two tests that the third test applies, which the member for Bragg seems to have particular concerns with, that the person is 'acting reasonably in the circumstances as he or she believed them to be'.

So, the concern that the member for Bragg has, or her misunderstanding of it, is misplaced because it is the third test, the third, I guess, hurdle that an emergency worker would have to clear in order to escape the provisions of the careless driving under the bill. I hope that clears it up for the member for Bragg but, if it does not, she is more than welcome to come down. I think the member for Kavel has indicated a desire to go into committee, and I am happy to answer questions about that clause in further detail.

The opposition, I think, is trying to characterise the bill as merely cosmetic. I can assure them that that is not the case. The bill has two purposes: firstly, it broadens the nature of the offence of engaging in a street race. It makes an offence of participating in a street race, so it catches not only the driver but also the people in the car and anyone who is engaged in the organisation of the street race.

The reason we have broadened it is that it is very difficult for the police—particularly when they turn up at a crash scene and people tear off—to be able to secure a conviction. It is similar to the changes we made with regard to harming children, where you have two caregivers, both of whom refuse to cooperate with police in the event that a child is assaulted in some way. We are broadening the offence to make it possible for the police to secure a conviction, whereas at the moment they have some difficulty. The advice from police is they wanted the nature of the offence broadened, so that it would take in all those other parties who are engaged in street racing other than just the driver.

So firstly, we are broadening the nature. Secondly, we are increasing the penalties. It is true, as I think the member for Kavel seemed to be saying, that you can toughen penalties and leave it in the Road Traffic Act. You could make it an indictable offence in the Road Traffic Act, but the general principle has been to move indictable offences into the Criminal Law Consolidation Act. That means that, if you are convicted of an indictable offence, you will have a criminal record and you can be sent to gaol or have a gaol sentence of a certain length.

As I was saying, you could do that by leaving it in the Road Traffic Act, but the reason we have a Criminal Law Consolidation Act is that it is the consolidation of the criminal law. Part of the way of drafting these things is that, because we are moving it from being a mere road traffic act into

an indictable criminal act, it is being moved into the Criminal Law Consolidation Act. The current provisions for an offence of engaging in a street race provides for, I think, a $2,500 fine. This is a substantial increase upon what, at the moment, is merely a fine for engaging in this sort of behaviour.

The member for Kavel also raised a question about what consultation the government has engaged in. Well, I do not know if the member for Kavel was the shadow for road safety before the election but, if he was, I would have thought he would have read the Labor Party's road safety policy. In the road safety policy he would have found an election promise to do exactly what we are doing. We have consulted with the 1 million-odd South Australians who voted at the last state election, and they have re-elected us to government. This policy has a clear mandate from the people of South Australia. We do not need to engage in any further consultation, because we have a mandate to carry out this legislation.

Of course, we have consulted with the South Australia Police and the Department of Transport, Energy and Infrastructure. We are about to get feedback from the Department of Public Prosecutions. In terms of a broader public consultation, I do not think it is necessary, because it was part of our election policy. We took it to the election and we were elected.

The member for Kavel also asked why the street racing offence needs to include passengers given that the Criminal Law Consolidation Act already provides that a person can be guilty of a principal offence by aiding and abetting the commission of that offence, and I think the member for Morialta raised that.

The reason is simple. If the new street racing offence were to be confined to drivers and if the only way a passenger could be found liable would be proof beyond reasonable doubt that he or she aided and abetted the driver (for example by egging him on in some way or making it easier or more possible for the driver to engage in the street race), then one does not need that much imagination to appreciate the difficulty of securing a conviction under that sort of test.

If that were the law, many passengers would get off scot-free because police would have no evidence of how they conducted themselves in the vehicle, let alone evidence of sufficient strength to support an aiding and abetting charge. Making the offence one of participation, under which everyone in the car involved in a street race is liable for the offence, means that passengers are liable for the principal offence without the prosecution having to prove anything about their conduct, let alone having to prove conduct that constitutes aiding and abetting.

Without a defence for passengers who tried to stop the involvement in the street race or, at the very least, did not consent to it, it would be a rather harsh law, and that is why the bill makes it a defence for a person charged with a street racing offence to show that he or she was not the driver and did not consent to the vehicle being driven in the street race.

It should be noted that a person who was coerced or forced to be a passenger in the vehicle already has the defence of duress; hence, innocent passengers can avoid conviction while passengers who cannot show that they did not consent may be found guilty of it. Note that the standard of proof that is required under this provision is on the balance of probabilities and not proof beyond reasonable doubt.

So, if you are a passenger in the vehicle and you have been charged under these provisions, and you want to use as a defence that you did not engage willingly in it, then the burden of proof is on the balance of probabilities rather than beyond reasonable doubt. The government believes that an offence of participation, constructed like this to ensure that innocent passengers cannot be found guilty, is the best way to deliver the message that drag racing is not on and that everyone involved, not just the driver, should be held responsible for it.

I think for anyone who has been out at night and seen people engaging in this behaviour, it is not too difficult to observe that, generally, the passengers are as much participants and responsible for this sort of behaviour as the person who is actually behind the wheel. We want to send a clear message to people engaging in this sort of behaviour that, even if you are not behind the wheel, if you are egging the driver on, then you are as much responsible as the person who is behind the wheel. Likewise, if you are someone who, through text messages or in some other way, is engaging in the organisation of a street race, then you are just as responsible as the person behind the wheel. I make absolutely no apologies for that whatsoever.

If people take this message on board, we may save some lives including the lives of the people in the racing vehicle, not just those unfortunate people who innocently find themselves in the path of a street race. I commend the bill to the house.

Bill read a second time.

In committee.

Clauses 1 to 5 passed.

Clause 6.

Mr GOLDSWORTHY: I will not hold up the house unnecessarily with questions in committee stage, but there are a couple of things about which I want further clarification. The minister has gone some way in his concluding remarks in his second reading speech in relation to these issues. I note the minister's comments about the lack of consultation that the government has undertaken in relation to this bill. Just because it was in your road safety policy that you took to the election, you said—

The Hon. J.J. Snelling interjecting:

Mr GOLDSWORTHY: Well, it's the insertion of the actual street racing provisions. This is the new law, Jack.

The Hon. J.J. Snelling interjecting:

Mr GOLDSWORTHY: It's part of it all. You say you have a mandate to introduce this law, because it was in your road safety policy, and a million people voted for it. Actually, the majority of those million people did not vote for it. We can hark back to previous arrangements. I am somewhat astonished that, okay, you went to the police association, to the DPP and DTEI—they are all internal government agencies—but you did not go outside the government to the Centre for Automotive Safety Research (CASR), which I know has a very strong relationship with DTEI. You did not go to the RAA, you did not go to the MTA, the MRA or the Driver Training Association, all those organisations that I listed that this side of the house has approached. I just question the validity of your consultation process.

The Hon. J.J. SNELLING: What a joke that the member for Kavel would seek to abuse the committee stage of the parliament, where you are meant to go through legislation clause by clause asking actual questions about what is in the clause. The member for Kavel wants to try to use it as an opportunity to raise generic questions about the consultation of the bill. That is not the purpose of the committee stage. The purpose of the committee stage is to go through the bill and ask me questions.

Just because you do not have the wit to ask basic questions about clauses in the bill, about what they actually do, questions about trying to get what they do, you are trying to completely abuse the committee stage of the bill and ask extraneous questions about what consultation the government has engaged in. Well, the government consulted with one million South Australians. We won the election. We have a mandate to do this. If you want to oppose it, then have the guts to oppose it on the third reading. I invite you to do so.

Mr GOLDSWORTHY: After that absolutely unnecessary, extraordinary rant, we have every right to ask any question on any aspect of the bill. Consultation in relation to the bill is an important part of the process, so I do not take one iota of notice of the minister's incredible rant. I have a further question in relation to clause 6, inserting new section 19AD—Street racing, in particular new subsection (2), which provides:

> For the purposes of this section, a person who participates in a street race, or in preparations for a proposed street race, if the person—
>
> (a) is present in a motor vehicle whilst it is driven in the street race;

That obviously includes passengers, as we understand it. Can the minister take the house through the legal process that would ensue as a consequence of the police apprehending people who have been engaged in a street race—the driver and passengers? Can the minister also explain what the balance of probabilities is?

The Hon. J.J. SNELLING: The police see someone engaging in a street race. The police pull over the car and make arrests and, presumably, they will arrest everyone in the car. Those

people will be charged. Those people will go to court. The court will determine whether or not they are guilty. If they are found guilty, then the court will apply a sentence which they will then serve.

Mr GOLDSWORTHY: The second part of my question is in relation to the balance of probabilities. Can you further expand on that, minister?

The Hon. J.J. SNELLING: The balance of probabilities is a lesser burden of proof than that which is beyond reasonable doubt.

Mr GOLDSWORTHY: The minister made comments concerning the government's need to place this offence in the Criminal Law Consolidation Act instead of the Road Traffic Act. The minister has admitted that there can be offences within the Road Traffic Act that incur the maximum penalty of imprisonment. I raised the issue during the second reading that I think we are splitting hairs a bit. We are talking about an offence under the Road Traffic Act instead of a crime. The minister has said publicly that the government hopes this will have an educative effect on people who may be thinking about engaging in a street race.

It is my understanding that you can create an offence under the Road Traffic Act that does have the maximum penalty of imprisonment, and it does not have to be under the Criminal Law Consolidation Act. I am going to highlight a couple of offences that are already in the Road Traffic Act that incur the maximum penalty of imprisonment. As I said earlier, this does appear to be a form of window dressing because do you think that two drivers who are lining up at a traffic light, or whatever, and whether it is in the Road Traffic Act or the Criminal Law Consolidation Act where a maximum penalty of imprisonment is in place, will think, 'Hell's bells, we better not do this because it's actually in the Criminal Law Consolidation Act and not in the Road Traffic Act,' where you can actually apply a maximum penalty of imprisonment under the Road Traffic Act?

The Hon. J.J. SNELLING: No, I do not think that two people lined up at the traffic lights will be thinking about whether the provisions are in the Criminal Law Consolidation Act or in the Road Traffic Act. What may affect their behaviour is the fact that at the moment their engaging in a street race does not entail a criminal record and a possible prison sentence, but under the proposed changes they would. The means by which we are doing that is by moving it from the Road Traffic Act to the Criminal Law Consolidation Act.

As the member for Kavel says, it is true that we could increase the penalty and we could make it an indictable offence and leave it in the Road Traffic Act, but that would still require legislative change. We would still have to come to parliament and we would still be having this debate. So, it is true; however, as a general principle, the government prefers to have indictable offences, on the whole, contained within the Criminal Law Consolidation Act.

There are other existing offences, particularly death by dangerous driving, which is a neat fit with the street racing offences, which is in the Criminal Law Consolidation Act. So, it is nice to have them tied together, but I do not think it is of tremendous import whether the legislation or the penalty is contained in the Road Traffic Act or the Criminal Law Consolidation Act. That is an issue for the drafters.

The important thing for the government, and the important change that we are trying to bring about, is the increase in penalty and the change of the nature of the offence to being a criminal offence, which will carry a possible gaol term and a criminal record, which I think will have an educative effect and will make people at least think twice before they engage in this sort of behaviour. I am directed that you do get a criminal record under the Road Traffic Act if you are convicted of the current offence but you are not subject to a gaol term.

The CHAIR: Member for Kavel, I remind you that there is a protocol, if you like, that you can only have three questions on any one clause, and you have had a few, but I am just letting you know.

Mr GOLDSWORTHY: I will defer to the member for Bragg.

Ms CHAPMAN: The minister responded to a question asked by the member for Kavel as to the process that would take place in the event of a suspected street driving offence having occurred. My understanding of the minister's answer is that his expectation, having made that observation and assessment of the likely breach of the act, is that there would be an apprehension, there would be an arrest, prosecutions may follow and, indeed, the matter would be left to the courts, as I understand the question.

I want to be clear about this. Given the extent of who this is going to apply to—that is, potentially everyone in the car—it is your understanding, and I would hope this to be the case, that before there is an arrest of all or any one of these persons in the car you would have an expectation that the police would have made an assessment about whether there was any basis upon which anyone who was in the car was, at the very least, aiding and abetting the primary and principal offence, and that there would be some assessment and interview—if available. That is, one or other of the persons in the car was fit to be interviewed, and whether they are under some duress or whether they are under the influence of alcohol or drugs or the like, I accept, may interfere with that.

It may be on first assessment, without there being an arrest, it is necessary with the consent of one of the parties that they be transferred to a hospital for drug testing and/or medical treatment. I want your assurance, minister, because we are moving into the realms of everyone in the car being under suspicion. I want to be sure that in those early steps there will be some expectation that, except in extreme circumstances, assessments would be made on those issues.

The Hon. J.J. SNELLING: We would expect that normal police processes would apply, but what would change is that the burden of proof would not lie on the police to obtain a conviction under the aiding and abetting provisions of the Criminal Law Consolidation Act. They could arrest everyone in the car and the burden of proof would be upon those in the car to prove that the street race or their participation in the street race was against their will.

The burden of proof that they have would be a reduced burden of proof. It would be on the balance of probabilities rather than beyond reasonable doubt. If you are a passenger in a car and you are arrested under this provision—so a passenger in a car engaged in a street race and arrested under this provision—then the burden of proof is with you—the person arrested—to prove on the balance of probabilities that the car was engaged in a street race without your consent.

Ms CHAPMAN: My question—and perhaps it was not clear enough—was not what the burden of proof is once charges are laid; and it will ultimately be a determination of the court as to who proves what. I am asking about your expectation of the behaviour of the police officer or police officers attending at the scene and taking into custody all the people in the car. It is your expectation that there would be some assessment at that stage, apart from whether they need drug testing or medical treatment, before they arrest anyone to ascertain from the people involved what they were doing in the car at the very least.

For example, rather than arresting them all and taking them to a police station, some attempt would be made to ascertain whether there is an opportunity for any of the defendants to say, 'Officer, I just want to explain that I was asleep in the back of the car and I had nothing to do with this.' They may not be believed, but I would like some assurance that at least it is your expectation that the people who are detained are competent to speak and, if they have something to say, they are given an opportunity to do so in order to explain the situation.

The terms of this offence are very much broader, as I think the minister and other speakers have highlighted, and very serious penalties apply to aiding and abetting, even to the extent of preparing a road surface that might help. I am not sure yet and I suppose we will not know whether texting a mate saying, 'Let's meet on Main North Road' is aiding and abetting. We are yet to see all those things. The example the minister gave is where an arrest is made at the scene after a police officer has detected that there is a reasonable suspicion of an offence having occurred.

The Hon. J.J. SNELLING: I am sorry if I misunderstood the member for Bragg's question. The short answer is: yes, I would have that expectation, but I would qualify that by saying that, essentially, it is a matter for the police how they conduct their investigations and what questions they ask. What procedures they enter into would be a matter for the police, but, yes, it would be my expectation for them to do that.

Clause passed.

Clauses 7 and 8 passed.

Clause 9.

Ms CHAPMAN: I raised this matter in my contribution, but, even though I listened, I am afraid I did not understand the minister's response to the question about the provisions of paragraph (c) which is one of the three requisite features, I suppose, of being able to establish that there is an automatic defence to the driving offence that is under consideration and why that should now be a subjective test rather than an objective test. I do understand that these are not

alternatives; that is, they have to be carrying out their duties, it has to be in accordance with their guidelines, directions, etc., and reasonable in the circumstances. Could the minister clarify his understanding of that; that is, its being subjective and why that is the case?

The Hon. J.J. SNELLING: The defence requires you to clear those three hurdles. The first two are objective. I mean, either you are or you are not carrying out your duties as an emergency worker—objective fact. Secondly, you are acting in accordance with the directions of your employing authority—again objective fact. For it to be an offence you have to have been doing the first objective fact, the second objective fact, and then, as well as those two objective facts, you also have to satisfy that third subjective fact. For example, an emergency worker who was objectively complying with the first two provisions but was not acting reasonably in the circumstances—was acting unreasonably, was being reckless. They may have been carrying out their duties, they may have been acting in accordance with the directions of their employing authority, but were behaving in a reckless and unreasonable manner, then they would be liable to the provisions of the legislation. Does that answer it?

Ms CHAPMAN: My question is: why? I agree paragraphs (a) and (b) are objective tests and they are part of the process, but paragraph (3) 'acting reasonably in the circumstances as he or she believed', as you confirm, is subjective. My question is: why on earth is there a subjective test on that? Why is that not a determination by the judicial officer (as they frequently do) to make an objective assessment? In relation to the reasonable man test and the reasonable behaviour aspect, it is usually a function of the judge or magistrate to make that assessment. Here is a way of saying, 'Well, I have done all these things. Here is the manual; it is within my duties'—which are pretty general—and then we have something which says, 'And I think I did the right thing.' How on earth does that relate to a defence? I just see it as peculiar and unusual and I want some explanation as to why this is not a determination with an objective test.

The Hon. J.J. SNELLING: Because there might be circumstances where an emergency worker is acting under a legitimate order, can see that the legitimate order is unreasonable and yet continues to engage in the behaviour. I guess it applies an additional test upon the emergency worker so they cannot just completely offload their own personal responsibility onto 'I was following orders'.

That was to prevent 'I was following orders' being an absolute defence, that there is some measure of personal responsibility on the emergency worker themselves. They cannot just say 'I was following orders, therefore I cannot be picked up under these provisions.'

Ms CHAPMAN: Yes, that may be so, minister, but I have not seen that before. If a police officer is instructed to head down Main North Road at 150 kilometres an hour and, whatever it takes, detain a vehicle that is out of control, purportedly on the assessment of a superior officer who says this is necessary to intervene now before a certain intersection where there may be severe risk or danger, so what if the junior officer thinks that that may or may not be reasonable?

It is still an objective assessment, surely, by the judicial officer about whether that is reasonable in the circumstances. Whether it is a reasonable decision for the superior officer or the junior officer who thinks, 'God, the sergeant must be off his head, why should I have to do that?' It seems to me that these are objective tests which need to be considered. There may be many times when all these things could apply and he or she as a police officer may think that it is not reasonable that he or she should be asked to do that but they still carry out their duty. Surely, if an objective test is still appropriate, then that police officer is entitled to the protection of that defence in those circumstances.

The Hon. J.J. SNELLING: I think, if I understand the member for Bragg, she is saying that paragraph (c) is superfluous, because any judge would take into account whether or not the officer was acting reasonably, in any case. I think that is what the member for Bragg is saying.

Ms CHAPMAN: Yes; let's just clarify it. In those circumstances, it is completely superfluous, because adherence to the protocol and guidelines and acting in the ordinary course of their duties are all objective tests. To add in the view of the police officer is irrelevant in those circumstances. It is being added in as the third requisite link to have access to the defence. There could be many circumstances where the forming of a view by the police officer as to whether or not their conduct is reasonable is actually irrelevant. They may not even have time to do that but, by putting it in there, you actually preclude the capacity for them to have the benefit of this clause.

So you could actually be denying the access. Assuming that the paragraph is appropriate in the first place and that the defence should stand, perhaps, in view of the time I could ask the

minister to agree to consider, between the houses, how this issue could better be dealt with, either by the deletion of paragraph (c) altogether or, if there is going to be a reasonable test, in the application of (a) and (b), that it should be an objective, not a subjective, assessment. I will not have any further questions if there is an indication that at least that will be explored.

The Hon. J.J. SNELLING: If there is something I have missed, we are more than happy to have a look at it between the houses. I am not sure whether the member for Bragg's concern is whether that whole paragraph (c) 'acting reasonably in the circumstances' should be there at all, or whether her concern is with the second part of the sentence 'as he or she believed them to be'.

Ms Chapman: It's the latter.

The Hon. J.J. SNELLING: Yes. The purpose of this paragraph is to still give the emergency worker some personal responsibility for their behaviour. That is the reason for that paragraph (c). It is not an absolute defence to say that you are carrying out your duties and that you were acting under directions. Those two in themselves do not constitute an absolute defence. There is still a burden upon the emergency worker to be acting reasonably in the circumstances. As to the provision about it being as they believe them to be, we are happy to have a look at it between the houses to see whether or not that is appropriate.

Ms CHAPMAN: I just have a final question on this clause, and I do not have any questions on any other clauses. Apart from the Police Association, has anyone else or any other organisation asked for this measure?

The Hon. J.J. SNELLING: It is a request of the Police Association.

Clause passed.

Remaining clauses (10 and 11) and title passed.

Bill reported without amendment.

Bill read a third time and passed.

At 18:00 the house adjourned until Thursday 22 July at 10:30.