HOUSE OF ASSEMBLY

Wednesday 15 September 2010

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

STILLBIRTHS

The Hon. I.F. EVANS (Davenport) (11:02): I move:

That the Legislative Review Committee inquire into and report on the need for coronial jurisdiction for stillborn children and in particular—

(a) whether 28 weeks gestational age or any period beyond 28 weeks is the point at which stillbirths should come within coronial jurisdiction;

(b) whether some other criteria such as death by unexpected, unusual, violent or unknown causes should be applied to bring stillbirths within coronial jurisdiction; and

(c) any other related matter.

In moving this motion I am in the unusual position of not having a strong view about the actual topic itself because I am ill-informed to a large degree about the topic, but I am convinced that the parliament would be well served by an inquiry to consider the issue that has been raised with me by a number of people, and in particular Myf Maywald.

For those who are unaware of Myf Maywald's circumstances, I refer to a *Sunday Mail* article on 27 March 2010 where there is a report where Myf Maywald calls on a change to the law to allow coroners to rule on stillborns. Her circumstance was that, when seven months pregnant, she went into hospital with early labour, but her Polly was stillborn a few days later. At that stage the death was part of an ongoing internal investigation at the Women's and Children's Hospital, but Ms Maywald said she was distressed to learn the Coroner could not look into Polly's death because the wording of the law prevents the investigation of any death of babies in utero.

As I say, this is a highly technical topic; it is not a topic that I have any background or knowledge on at all, other than Myf Maywald's argument to me, and I accept Ms Maywald's argument that it is worthy of an investigation. Once we have all the evidence from the coroners, the medical fraternity, the health system and the people that have found themselves in Ms Maywald's situation, the parliament can then make a decision about whether there needs to be a change in the law.

The support group of Myf Maywald has been running a petition. I think that the preamble for the petition sets out well their argument as to why their needs to be this report into this issue. The preamble says:

The coroner cannot investigate any deaths of babies in utero—stillborn babies. No matter the circumstances or gestational age, a baby in one moment is not eligible for a coronial inquest and, a moment later (once a breath is taken), he or she is. Impact to parents, families and society is the same for a baby that is capable of independent life no matter whether a breath is taken. The coroner's influence and powers is needed just the same: to investigate; to hold accountable; to bring awareness; to change. It is the institution that shines light on deaths of an unusual or concerning nature and recommends changes so these events don't happen in the future.

Importantly, the number of stillbirth deaths has not changed, despite improvement in medical practice and technology, since the 1980s. And 30-35 per cent of babies born still are said to have died of 'causes unknown'. The Coroners Court can potentially help understand these deaths and ultimately motivate change. So we [that is, the lobby group] seek a change to the Coroners Act so that these babies' deaths can be under the jurisdiction of the Coroners Court.

The reason the lobby group has suggested that 28 weeks be the age is that it uniforms this particular inquiry with other legislation.

As I said, the Liberal Party and I are of the view that we need more information to judge whether there is a need for the Coroner to have these powers. We would like to hear from the Coroner, we would like to hear from the medical experts in this field, and we would like an independent set of eyes—that is, through the calm research of the Legislative Review Committee—to hear the evidence and make some recommendations to the parliament.

The loss of a child is traumatic for those families involved. In Myf Maywald's case, the trauma is added to because the Coroner was unable to investigate the death of her child. Obviously, it adds to the trauma for those families who find themselves in her situation. So I say to the parliament that I believe it would be well served to at least consider this question, it would be

well served to ask the Legislative Review Committee to look at what is a very technical and very emotional matter. The parliament can ultimately listen to the Legislative Review Committee's findings and then consider any changes to the act.

With those few words, I thank Myf Maywald for her courage in coming forward. I hope the parliament can see its way clear to referring this matter to the Legislative Review Committee so that the parliament can be properly informed about the circumstances and issues around this matter and make a judgement at some stage in the future about whether reform is warranted.

Debate adjourned on motion of Mrs Geraghty.

PUBLIC WORKS COMMITTEE: EVANSTON LAND RELEASE

Mr PICCOLO (Light) (11:10): I move:

That the 378th report of the Public Works Committee, entitled Evanston Land Release, be noted.

I would like to make a few brief comments on the report that has been tabled in parliament. The Land Management Corporation owns 291 hectares of land on the southern perimeter of the township of Gawler. Of this, 109 hectares is zoned deferred urban or rural but is within the existing urban growth boundary comprising 47 hectares at Evanston Gardens and 67 hectares at Evanston South. Devine Communities, Lanser Communities and Trinity College own, or have contractual interests in, the adjacent land, which, together with LMC's land, provides a total area of approximately 199 hectares, which has been identified for residential development in the short term.

The Land Management Corporation proposes to commit to fund detailed design and infrastructure works associated with the rezoning of the land for residential purposes at Evanston and selling/legal costs are at an estimated cost of up to $16.226 million. The infrastructure involves:

- stormwater infrastructure, including waterways, retarding basins and wetlands to accommodate the stormwater generated by the development;
- an aquifer storage and recharge facility to facilitate stormwater reuse for public spaces and possibly irrigation of the Trinity campus;
- upgraded perimeter roads, including a signalised intersection at Main North Road and Tiver Road; and
- a community contribution of $3.2 million towards community facilities for the benefit of the development area.

The holdings are anticipated to realise a total of $48.5 million, being $17.5 million for Evanston Gardens (after the consideration of a landscaped buffer zone along the Main North Road frontage) and $31 million for Evanston South, following rezoning and without any extraneous infrastructure requirements.

Some perimeter land of the Evanston South holding may be needed to accommodate the possible Gawler East connector road. If so, the Land Management Corporation will seek compensation from the Department for Transport, Energy and Infrastructure.

In June 2009 council lodged a statement of intent to rezone the locality to residential, and I can now also report that the draft EPA was released in the middle of this year, and in fact the council has now referred that EPA to the minister as of Monday night for authorisation. On another occasion, I will make some comments about that process, which I think has not been entirely satisfactory.

LMC will try to sell the land with the infrastructure obligations becoming the responsibility of the successful purchaser. It is expected that a purchaser will reduce the price offered by an amount commensurate with the infrastructure obligations that the purchaser considers to be above the normal development obligations of purchasing a broadacre parcel.

The Land Management Corporation is also negotiating to sell three hectares of land at Evanston South to Trinity College, Gawler to facilitate its planned student accommodation facilities. If the sale proceeds, the net projected income will not be adversely affected. Outcomes associated with the works include:

- provision of residential allotments to help meet population growth projections and enhance housing affordability;

- the establishment of an aquifer storage and recovery system (subject, of course, to the viability being confirmed) to irrigate public spaces in the locality;
- improved traffic movement and safety; and
- a community contribution totalling $2.2 million for community facilities for the benefit of the development area.

I will also add that this development will generate some additional traffic, which will need to be carefully managed for the local community.

The committee has inquired whether this proposal may adversely affect traffic management within the town of Gawler—and I think that question was actually raised in the committee by the member for Waite—and whether there is a need for an overpass at Evanston Gardens. The committee is assured by the evidence before it and by the evidence of witnesses that an overpass is not warranted at this time, and the council supports the conclusion.

Given the savings achieved by not constructing an overpass, there will be a community contribution of $2.2 million which will be used to extend facilities at the Karbeethan Reserve and develop a community centre at Evanston Gardens. Part of those contributions has been spent by the council in anticipation of receiving it. The committee has also been assured that most of the traffic generated from within the proposed development will flow to Adelaide without going through Gawler. It is expected to use Main North Road, Angle Vale Road and the NExy route. This conclusion is supported by the council and a number of traffic studies.

The Land Management Corporation will mandate outcomes to ensure that land is developed as swiftly as possible, that it is not banked by a third party, and that minimum outcomes are achieved on the sale of the land. Obligations under the development deed, or the existence of an infrastructure deed, will be registered on all the titles.

A structure plan has been created to provide the rules within which the development of core infrastructure will be undertaken. This will bind the landowners and other interested parties. The development plan amendment process will also set a framework across the whole area and which parcels of land are subjected to it. I can advise the house that the DPA is consistent with the evidence given to the committee on the direction of the development.

Public transport to Adelaide will be provided by a rail corridor which has an existing station at Tambelin on Clarke Road. A bus service will be provided and have an interchange at this rail station from 2011. That is part of the government's commitment to bus services throughout the town of Gawler.

The Land Management Corporation has advised that the wetlands and open spaces shown in evidence are at a concept stage to illustrate the principles behind them, but obligations to provide these features will be imposed upon developers as part of the council's DPA as well as obligations contained within the development deed. Wetlands will be provided as permanent water bodies with tension basins to hold back post development flows. The committee has also been assured that a high level of open space (around 22 to 25 per cent) is also a mandated requirement that developers will have to meet.

Based on the evidence the committee has received and considered and pursuant to section 12C of the Parliamentary Committees Act 1981, the Public Works Committee reports to parliament that it recommends the proposed public work.

Mr HAMILTON-SMITH (Waite) (11:17): I rise to support the motion that the report on Evanston be accepted. Gawler is changing. What was once a quiet, rural country town is rapidly becoming an annex to the city of Adelaide, and I think the proposal that has come forward from the state Labor government is further proof of that point. This development is extensive, and it will change the character and the nature of Gawler. It comes without, in my view, a thorough and well considered infrastructure plan to support it.

There is concern within Gawler that, if you are going to develop the Gawler region and create these housing developments, you need to build the roads, you need to build the stormwater management infrastructure, you need to provide public transport services, and you need to make sure the school and the health support services to sustain that growth are provided.

Although there is some mention of this in the report, I think there is a need for a broader vision from the current state government on a future for Gawler that spells out the long-term plans

for the region. We have had the government's 30-year plan, which has created considerable concern, not only in Gawler but also in the Mount Barker area, where development just seems to be bounding ahead without necessarily due consideration being given to infrastructure needs and how the township and the community will cope with that adjustment to their quality of life. Having said that, I think the chair of the committee has raised all the relevant points, and so I commend the motion to the house.

Mr PENGILLY (Finniss) (11:19): I followed this with great interest. As the member for Waite indicated, it is a matter of some concern amongst a considerable number of members of the Gawler community. It is probably a bit similar to what we are seeing at Mount Barker at the moment. Country people very much value their country way of life. I might also add that, down at Seaford Rise, having ever-widening suburban areas thrust upon them does not please everybody by any stretch of the imagination, and that is the concern. Having said that, we do support the motion; that is not an issue.

However, one wonders where this is all going to stop. On hearing the news last night about the leaked document from cabinet on possible or suspected closures of schools (and heaven knows what else) one wonders where this is all going to finish. Do we really need to make a rod for our own back in providing infrastructure in these outer suburban areas? As the member for Waite said it is a satellite suburb of Adelaide now, as is Mount Barker, and Seaford Rise if it goes ahead.

It is a matter of concern. I recall the Hon. Robert Brokenshire in another place introducing a bill about the Willunga Basin. All these things are not simplistically pushed to one side. I note that large areas could have a fair degree of urban renewal done on them in the current metropolitan area of Adelaide. While some are happening there is a lot not happening.

How far do we extend this city? It is about 100 kilometres now from north to south, spread along the coast. I point out that the government, by its legislation on marine parks, has not included Adelaide. With the largest population in the state, there is no marine park off the City of Adelaide. Ultimately, if we are not careful, all of these things are going to overwhelm future governments and the way of life in South Australia. Yes, we are supportive but we do express concerns about the future of Gawler and its laid-back country way of life.

Mr PICCOLO (Light) (11:22): I thank the members opposite for their contribution. I would like to reassure the house that the issues of infrastructure are addressed in this proposal. In fact, this proposal was almost five years in the making with discussions between government agencies and the council. The DPA which will give effect to this proposal is a council DPA and not a ministerial DPA.

I can assure members that the issues of infrastructure—whether they be community infrastructure, like schools and halls, etc.—are clearly addressed in this proposal and, in fact, some of those facilities have been built even before people have arrived. Issues around stormwater management and transport are clearly addressed. There will be public transport available to this area and, in fact, there will be public transport available before people arrive at this locality.

I acknowledge that there are concerns about the population growth in our state and it is certainly true in this area, as it is in other areas. I have been on the record quite publicly to ensure that infrastructure will follow where the need arises. I think the concerns expressed are probably not appropriate for this development and I would seek the house's support for the motion.

Motion carried.

PUBLIC WORKS COMMITTEE: PARK OFFICE ACCOMMODATION FIT-OUT

Mr PICCOLO (Light) (11:23): I move:

That the 379th report of the committee, on the Park Office Accommodation Fit-Out, be noted.

SafeWork SA's main office is located at 1 Richmond Road Keswick, where there is capacity for 235 staff. The lease expires in 2011. The government has entered into a commitment to lease space for 291 staff at 33 Richmond Road, from Axiom World Park Adelaide Pty Ltd. This will allow 15 staff to be relocated from Waymouth Street and a further 35 staff from the Netley Commercial Park. The estimated government capital cost contribution for the fit-out in this proposal is $5.478 million. The building design targets a five-star Green Star rating and will feature cutting-edge ESD technology. The fit-out will:

- maximise natural light to all workstations and internal offices;

- use circulation space to create an open and light appearance;
- minimise the number of enclosed offices;
- maximise the innovative use of information and communications technology;
- reduce unnecessary paper production and storage at workstations;
- utilise energy management of lighting;
- utilise fit-out materials based on their potential for re-use and recycling; and
- incorporate layout designs that provide for maximum recycling of office consumables.

Each floor has been designed in a flexible generic manner with minor deviations to suit particular business units. Axiom's master plan for the development includes:

- three five-star green rated office buildings set in a landscaped environment and linked to a central plaza;
- conservation and management of water, resulting in a 90 per cent reduction in the reliance of mains water as compared to traditional buildings;
- a town centre feel with indoor and outdoor cafes, gym and childcare centre; and
- a decked car park to be completed as part of stage 2 of the project.

The final built form will offer more than 34,000 square metres of A grade office space, and the total development is estimated to cost in the order of $150 million. Axiom expects stage 1 to stimulate interest in the precinct and bring forward construction of the remaining stages.

The lease incorporates 4,375 square metres of net lettable area for 10 years with two five-year rights of renewal at a rental of $397 per square metre, fully grossed per annum. It also provides for fixed 3.5 per cent per annum rent increases with reviews to market at lease renewal and 85 car parks at an annual rental of $105,480, to be reviewed in line with the office rental.

SafeWork SA's fit-out at 1 Richmond Road is over 15 years old, and most areas would require a substantial refit to meet contemporary working practices. Many workstations have little access to natural light, and the fit-out is extremely inflexible and would be difficult and not cost-effective to improve. The current tenancy also provides limited meeting rooms and staff breakout spaces.

This project will advance ecologically sustainable development principles, create jobs, promote private investment, deliver a catalyst for related developments and support the green city image. The benefits for government include:

- a reduction in the average floor space from 18.8 square metres to 15 square metres per person, which will reduce the department's current area allocation by 524 square metres;
- reducing the number of offices from 40 to 10;
- consolidating staff at one site and enabling hot desking for country staff with scope for accommodating authorised projects;
- co-locating the majority of working groups; and
- contributing to the government's energy reduction targets.

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

Mr HAMILTON-SMITH (Waite) (11:27): I rise to support the motion that the report be noted. This is a significant expenditure by the government on the fit-out of offices for the state Public Service. I note a total of around $7.728 million is to be spent, including construction works, base building integration of workstations of nearly $5 million, furniture fittings and equipment of nearly $1 million, IT costs of $260,000, contingencies at $680,000, relocation costs of $30,000, professional services contractor and Department for Transport, Energy and Infrastructure departmental costs of $780,000, which is a significant fee.

There is no doubt that we need to house our public servants, who do such a good job for us, in up-to-date, modern accommodation. There is no doubt that the accommodation that they were using was poor; this will be an improvement.

I would observe, however, that the government has an opportunity to think strategically across the whole of government about coming up with something a little more bold and visionary with regard to the housing of public service departments so that we can take Adelaide forward. We had the extraordinary—and, many would argue, very excessive—expenditure of funds on Victoria Square for the new home for SA Water. At a time when we were enduring the worst drought on record, we were spending, I think it was, around $46 million fitting out and upgrading alone (let alone the building costs) that Taj Mahal, if you like, to SA Water presently located at Victoria Square.

Here is another nearly $8 million being spent fitting out and housing another group of hardworking public servants. Perhaps it's time for the government to think outside the square and to bring some of this government business back into the city. This particular development is outside the city and I think jobs will actually move from the city to the outer precincts. We are in the middle of the debate about how to re-enliven Adelaide, how to bring people into the city, how to get more people to come and live here. We are developing Gawler, we are developing Mount Barker. There are community concerns about that. There is an argument emerging that we need to get more activity and life into the city.

We are also engaged in a debate about the development of City West and creating a brighter, more exciting Adelaide for the future. Perhaps a good way to start would be for the government to rationalise how it houses its operations, maybe consider bringing more of those operations into the city and seize whatever opportunities that flow from that to encourage the people who work in these buildings to live in the city, particularly if they are single, mobile, and if a city lifestyle suits them.

Getting people to work and live in the city of Adelaide is something that we should be aiming for rather than continuing the urban sprawl of Adelaide beyond the reach of infrastructure out into the outer precincts like Gawler and Mount Barker. No doubt, public works will have a string of these proposals over the coming years where we get requests to approve accommodation fit-outs as departments move hither and thither. Why not get behind a major construction in the city, a major new development that houses a significant number of government's operations into the sort of iconic building that I have heard the Premier talk about earlier in parliament in past years.

Perhaps we could build a new, superior high-rise development somewhere in the city and spend some of this money as it becomes necessary to relocate departments and public servants into that new facility to provide anchor tenants. This is exactly what the government did with The Advertiser green high-rise building development in Waymouth Street when it provided anchor tenants in the form of a relocated department.

I noticed we have recently fitted out Defence SA, the Department of Trade and various other departments, apart from the one I mentioned, SA Water, which have spent considerable amounts of the taxpayers' money fitting out new accommodational spaces into old buildings or new buildings, as the case may be. Why not think strategically and try and concentrate some of this activity into the centre of Adelaide, whether it is into existing buildings or some new development?

Let us get Adelaide to fully benefit from these developments rather than see it sprinkled about the whole of the city in a dispersed way. Surely it makes sense for as much of government to be as close to one another as possible. We are talking about trying to find economies. Surely a good place to start would be to collocate as much of government's operations as possible into the city so that there is less time, money and expense spent on interdepartmental and intra-departmental communication.

The opposition supports this project in the interests of ensuring that our public servants are well housed in good accommodation so that they can get on with their jobs. However, I would make this appeal to the government: rather than bringing forward in future years an array of small packages like this, why not think big, think outside the square and think about how we can do something in the centre of Adelaide and harness some of this capital and this investment into creating something bold and creative here in the city in the way of either a new building or new life into the city of Adelaide. I wish the public servants who will work in this building well and recommend that the report be noted by the house.

Mr PICCOLO (Light) (11:34): I thank the member for his contribution. I just reaffirm that on a cost-benefit basis the project is warranted and seek the support of the house.

Motion carried.

SUMMARY OFFENCES (WEAPONS) AMENDMENT BILL

The Hon. J.R. RAU (Enfield—Attorney-General, Minister for Justice, Minister for Tourism) (11:41): Obtained leave and introduced a bill for an act to amend the Summary Offences Act 1953; and to make related amendments to the Protective Security Act 2007, the Serious and Organised Crime (Control) Act 2008 and the Sheriffs Act 1978. Read a first time.

The Hon. J.R. RAU (Enfield—Attorney-General, Minister for Justice, Minister for Tourism) (11:41): I move:

That this bill be now read a second time.

As part of its commitment to tackling knife crime, and weapons related crime more generally, the government is introducing the Summary Offences (Weapons) Bill 2010. The bill fulfils the government's election commitment to introduce laws to: prohibit the sale of knives to minors; authorise police to use hand-held metal detectors to find knives and other weapons; authorise the issue of weapons prohibition orders; and allow general weapons amnesties to be conducted in relation to dangerous articles and offensive and prohibited weapons.

The bill also builds on previous work undertaken by the government, including the 2009 review of the state's knife laws which culminated in the publication of a draft bill and a complementary discussion paper. The government has already made significant changes to knife-related laws in its previous terms in office. This bill is an important tool in the government's continuing efforts to reduce crime in this state. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Details of the Bill

The current criminal law in South Australia has a three-tiered approach to weapons offences: an offensive weapons offence; dangerous articles offences; and prohibited weapons offences. These offences are set out in section 15 of the *Summary Offences Act 1953* and in the *Summary Offences (Dangerous Articles and Prohibited Weapons) Regulations 2000* and include the following:

- It is an offence to carry an offensive weapon without lawful excuse. It is also an offence to carry, without lawful excuse, an offensive weapon or a dangerous article in, or in the vicinity of, licensed premises at night.
- A knife is, by definition, an offensive weapon. If a person were not entitled to explain his or her reason for having a knife, every person in South Australia who has a knife anywhere would be guilty of an offence. An offensive weapon also includes a rifle, gun, pistol, sword, club, bludgeon, truncheon or other offensive or lethal weapon or instrument (but not a prohibited weapon).
- It is an offence to manufacture, sell, distribute, supply, deal with, possess or use a dangerous article without lawful excuse. The only knife that has been declared a dangerous article is a bayonet. The full list of dangerous articles is set out in Schedule 1 of the *Summary Offences (Dangerous Articles and Prohibited Weapons) Regulations*.

If the accused person claims to have a lawful excuse, then he or she has to prove it. It is generally not a lawful excuse to carry a knife for self-defence.

- It is an offence to manufacture, sell, distribute, supply, deal with, possess or use a prohibited weapon. There are 13 categories of knives that are classified as prohibited weapons, including a dagger, a flick knife, a butterfly knife, a ballistic knife and a throwing knife. The full list of prohibited weapons is set out in the *Summary Offences (Dangerous Articles and Prohibited Weapons) Regulations*.

There is no defence of lawful excuse for a prohibited weapons offence. The only defence is if a person is exempt in the circumstances of the offence. A person may be exempted in particular circumstances by section 15(2a) of the *Summary Offences Act* or Schedule 3 of the *Summary Offences (Dangerous Articles and Prohibited Weapons) Regulations*. In addition, a person who is not covered by the exemptions in the Act or regulations can apply to SA Police for an individual or class exemption.

The Bill before the House proposes a number of reforms to the current weapons laws to address the growing incidence of knife-related violence and to restrict the supply of knives to young people. What follows is an account of the reforms embodied in the Bill.

Over the years, with the advent of new technologies and new weapons, and thus the need for new categories of offences and weapons, section 15 has developed into a lengthy and cumbersome section. The

proposed reforms represent an opportune time to separate out the weapons offences into a more coherent structure. To that end, the Bill repeals sections 15 and 15A and replaces them with a new Part 3A dealing solely with weapons.

The current provisions in section 15 of the Act setting out the offensive weapons offences and the dangerous articles offences, and the provisions in section 15A setting out the offences in relation to body armour, have been replicated in sections 21C and 21B of the Bill, with minor changes to reflect current drafting practices.

New section 21D of the Bill creates two new offences to restrict the selling or marketing of knives. Firstly, a person who sells a knife to a minor under the age of 16 years will be guilty of an offence and subject to a maximum penalty of $20,000 or 2 years imprisonment. It will be a defence if the seller can prove that he or she required the buyer to produce evidence of age and, based on the evidence produced, reasonably assumed that the buyer was of or above the age of 16 years.

Classes of persons will not be able to be exempted from this offence. This may be criticised as causing inconvenience for some. If we exempt everybody who will be inconvenienced then the law will not have the desired effect. Further, it would create more red tape for retailers if they had to sight evidence of employment as an apprentice or scout membership, as well as evidence of age, in order to determine whether or not a person could be legally sold a knife.

However, specific knives will be able to be exempted from the offence by prescription in the regulations as there are some knives that pose little risk of harm. For example, it is proposed that the regulations will exempt razor blades permanently enclosed in a cartridge and plastic take-away knives.

Secondly, it will be an offence to unlawfully market a knife in a way that indicates, or suggests, that the knife is suitable for combat or is otherwise likely to stimulate or encourage violent behaviour involving the use of a knife as a weapon. A maximum penalty of $20,000 or 2 years will apply to this offence. Exemptions to the offence will be able to be prescribed in the regulations as there are likely to be some limited circumstances where it is appropriate for a knife to be marketed as suitable for combat, such as, to Australian defence forces.

New section 21E inserts two new offences into the *Summary Offences Act* to restrict the possession of knives in schools and public places.

A person who possesses a knife, without lawful excuse, in a public place or school will be guilty of an offence and subject to a maximum penalty of $2,500 or imprisonment for 6 months for a first offence and $5,000 or imprisonment for 12 months for subsequent offences.

This will give police an alternative charge where a person has a knife (that is an offensive weapon not a prohibited weapon) in their possession (for example, in their locker at school) but does not have the knife on or about their person, or under their immediate control, and so cannot be charged with carrying an offensive weapon. Having an offence specific to knives, that employs the wider concept of possession, supports the intent of the proposed legislation, which is to reduce knife-related violence and to deter the carrying of knives in a public place or school. However, this approach should not be adopted for all offensive weapons offences as the purpose of the offensive weapon offence is to criminalise access to a weapon which is dangerous because it is accessible at any given time to a person with unlawful intentions. The notion of 'possession' is far too wide for this purpose.

It will also be an offence to, without lawful excuse, use or carry a knife that is visible, in the presence of any person in a school or public place in a manner that would be likely to cause a person of reasonable firmness present at the scene to fear for his or her personal safety. Again this will give police an alternative charge, with a higher maximum penalty of $10,000 or 2 years imprisonment, where the knife is being wielded in a threatening manner.

A defence of lawful excuse is necessary for these offences as there will still be instances where it is appropriate for a person to be in possession of a knife in a public place or school. For example, a tradesperson working in a school may need to use a knife in the course of their work.

As part of its election platform, the Government pledged to introduce weapons prohibition orders modelled on the firearms prohibition orders legislation, to enable police to ban persons with a known propensity for violence and with a history of carriage of weapons from possessing or accessing prohibited weapons in a public place. Sections 21G to 21J of the Bill implement this election commitment.

The Commissioner of Police may issue a weapons prohibition order against a person if satisfied that—

- the person has (whether before or after the commencement of this section) been found guilty of an offence of violence or has been declared liable to supervision under Part 8A of the *Criminal Law Consolidation Act 1935* by a court dealing with a charge of an offence of violence; and
- possession of a prohibited weapon by the person would be likely to result in undue danger to life or property; and
- it is in the public interest to prohibit the person from possessing and using a prohibited weapon.

To ensure that all circumstances may be taken into account, and a weapons prohibition order tailored to individual circumstances where appropriate, the Commissioner has the ability to exempt a person, unconditionally or subject to conditions, from a specified provision of the section. In addition, unlike firearms prohibition orders, weapons prohibition orders will not be permanent and will lapse after five years. A new weapons prohibition order will then need to be issued by the Commissioner if the person is still considered to be a danger to the public.

The proposed police powers in relation to weapons prohibition orders are based on the search powers for firearms prohibitions orders. A person subject to one can be stopped and searched on sight and any vehicle, vessel or aircraft they are in charge of can be stopped and searched. However, unlike for firearms prohibition orders,

premises can only be searched if the officer suspects on reasonable grounds that they are occupied by, or under the care, control or management of, a person who: has previously contravened a weapons prohibition order; or who the officer suspects on reasonable grounds of contravening a weapons prohibition order.

The Bill provides for a range of offences in relation to weapons prohibition orders, including making it an offence for a person to—

- manufacture, sell, distribute, supply, deal with, possess or use a prohibited weapon;
- supply any person subject to a weapons prohibition order with a prohibited weapon.

The penalty for contravention of these provisions is $35,000 or imprisonment for 4 years. Although the size of the penalty that may be imposed is unusual in terms of the level of penalties normally found in the *Summary Offences Act*, there is precedent for including minor indictable offences in the *Summary Offences Act*. Additional offences, similar to the firearms prohibition orders legislation have also been included in the Bill.

The Bill also establishes a right of appeal by a person aggrieved by a decision of the Commissioner to issue a weapons prohibition order to the Administrative and Disciplinary Division of the District Court.

To support the Government's crackdown on the possession and use of knives in the community, the Bill inserts two new provisions into the *Summary Offences Act*. The new provisions set out in clause 7 enhance police powers of search in relation to licensed premises and gazetted events in a public place, and in public places where there are reasonable grounds to believe that an incident of serious violence may take place in the area. These differ from current search powers as there is no requirement that a police officer form a reasonable suspicion that the person has possession of a weapon before a search can be conducted.

New section 72A authorises the use of metal detectors by police to search any person who is in, or is apparently attempting to enter or leave, licensed premises (or the vicinity of licensed premises) or a public place holding an event declared by the Commissioner by notice in the Gazette.

There was some concern raised, by respondents to the discussion paper, that the search powers as originally drafted in the consultation Bill would authorise police to enter and remain in private premises for the purposes of conducting a metal detector search. This is not the intent of the proposed search powers, which is to deter and prevent the possession and use of knives in public places, and the Bill makes it clear that the section does not authorise a police officer to carry out a metal detector search of a person in his or her place of residence, or in a hotel room, lodging room or any other place in which he or she is temporarily residing.

Finally, to ensure transparency and accountability in the use of these search powers, the Commissioner is required to report annually to the Minister on the use of the section. This report must contain specific information including the number of declarations made and the number of metal detector searches carried out.

New section 72B authorises the use of special powers to prevent or control incidents of public disorder where a police officer of or above the rank of Superintendent has reasonable grounds to believe that an incident involving serious violence may take place in an area. Once an authorisation is made, a police officer can stop and search a person, and any property in the possession of such a person, if the person is in, or is apparently attempting to enter or leave, the target area.

This search power will be utilised by police to combat serious violence, such as anticipation of a riot, not possible minor public disturbances. It must also not be used in relation to persons participating in advocacy, protest, dissent or industrial action.

An authorisation made under this section must comply with a number of conditions, including that the authorisation must:

- be made in accordance with guidelines (if any) issued by the Commissioner; and
- specify the area to which the authorisation relates and the grounds for issuing the authorisation; and
- specify a period of not more than 24 hours during which the authorisation operates.

Again, to ensure transparency and accountability in the use of these search powers, the Commissioner is required to report annually to the Minister on the use of the section. This report must contain specific information including: the number of authorisations made and the nature of the incidents in relation to which such authorisations were made; the number of occasions on which persons were searched in the exercise of powers under this section; and the number of occasions on which weapons or articles of a kind referred to in part 3A were detected in the course of such searches and the types of weapons or articles so detected.

The Bill also makes some changes to the exemptions for prohibited weapons. The general exemptions, which are currently set out in section 15(2a) of the *Summary Offences Act*, will be moved to the *Summary Offences (Dangerous Articles and Prohibited Weapons) Regulations*. It is not envisaged that there will be any changes to the general exemptions at this stage. However, if the exemptions are prescribed in the regulations they can be more easily reviewed and updated to reflect any changes or advancements in the law or in practice and procedure.

A deficiency in the current powers to issue individual exemptions is also addressed by the Bill. At present there is no express power to revoke or vary an exemption if a person becomes unfit to possess a prohibited weapon. The Bill inserts a provision into the *Summary Offences Act* to include an express power to vary or revoke an exemption and provides for the review of such decisions by the District Court.

Lastly, the Bill proposes to amend the *Summary Offences Act* to include a power to allow general weapons amnesties to be conducted in relation to dangerous articles and prohibited and offensive weapons and a power to prescribe in the regulations an evidentiary provision to facilitate proof of an offence against Part 3A.

The Bill does not target people who have a legitimate reason for the possession and use of a knife in a public place. It is squarely aimed at those people who misuse knives. The new offences and enhanced police search powers should discourage such people from possessing or using knives in public places unless they have good reason for doing so.

I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Summary Offences Act 1953*

4—Repeal of sections 15 and 15A

This clause repeals sections 15 and 15A of the principal Act, with the relevant sections now to be found in new Part 3A.

5—Insertion of Part 3A

This clause inserts new Part 3A into the principal Act, dealing with weapons etc as follows:

Part 3A—Weapons etc

21A—Interpretation

This section inserts definitions of key terms used in the new Part 3A (including *body armour*, *criminal intelligence*, *dangerous article*, *implement of housebreaking*, *knife*, *offence of violence*, *offensive weapon*, *prohibited weapon*, *suitable for combat* and *violent behaviour*).

21B—Body armour

This section is the relocated current section 15A of the principal Act.

21C—Offensive weapons and dangerous articles etc

This section comprises the relocated current section 15(1), (1b), (1ba), (1bb), (1bc) and (1f) of the principal Act.

21D—Unlawful selling or marketing of knives

This section makes it an offence for a person to sell a knife to a minor who is under the age of 16 years. The maximum penalty is a fine of $20,000 or 2 years imprisonment. It is a defence to a charge of such an offence if the defendant proves that they took certain steps to verify the person's age and the minor made a false statement or produced false evidence.

The section also makes it an offence for a person to make a false statement or provide false evidence in response to a seller's request for proof of age. The maximum penalty is a fine of $1,250.

Subsection (4) makes it an offence for a person to market a knife as being suitable for combat, or in a way that is likely to stimulate or encourage violent behaviour involving the use of the knife as a weapon. The maximum penalty is a fine of $20,000 or 2 years imprisonment. Subsections (5) and (6) set out matters related to proving offences under the section.

21E—Knives in schools and public places

This section makes it an offence for a person to possess a knife in a school or public place. The maximum penalty is a fine of $2,500 or imprisonment for 6 months for a first offence, or double that for a subsequent offence.

The clause also creates a more serious offence where a person, without lawful excuse, uses a knife or carries a knife that is visible in the presence of any person in a school or public place in a manner that would be likely to cause a person of reasonable firmness present at the scene to fear for his or her personal safety, whether or not such a person was, in fact, at the scene. The maximum penalty for such an offence is a fine of $10,000 or imprisonment for 2 years.

21F—Prohibited weapons

This section comprises the relocated current section 15(1c), (1d), (1e) and (2a) to (2g) of the principal Act, with the following changes: the regulations, rather than the principal Act, set out

who is an exempt person for the purposes of the section, and the Commissioner of Police rather than the Minister may declare a person to be an exempt person for the purposes of the section. The new section sets out procedural matters in relation to the making of, and appeals in relation to the making of, a declaration under the section. The section also preserves the effect of current section 15(1f) as it relates to prohibited weapons.

21G—Weapons prohibition order issued by Commissioner

This section allows the Commissioner of Police to make a weapons prohibition order against a specified person. The effect of such an order is set out in section 21H. However, the Commissioner can only make such an order if he or she is satisfied that—

(a) the person has been found guilty of an offence of violence or has been declared liable to supervision under Part 8A of the *Criminal Law Consolidation Act 1935* by a court dealing with a charge of an offence of violence; and

(b) possession of a prohibited weapon by the person would be likely to result in undue danger to life or property; and

(c) it is in the public interest to prohibit the person from possessing and using a prohibited weapon.

The section further sets out procedural matters related to the making or revocation of an order.

21H—Effect of weapons prohibition order

This section provides that a person to whom a weapons prohibition order applies is disqualified from obtaining an exemption under section 21F. While such an order is in force, an exemption under the regulations made for the purposes of that section does not apply in relation to the person unless the regulations expressly provide to the contrary and, any such exemption already held by the person is suspended.

The section makes it an offence for a person to whom a weapons prohibition order applies to manufacture, sell, distribute, supply, deal with, use or posses a prohibited weapon. The maximum penalty is a fine of $35 or imprisonment for 4 years.

It is also an offence for a person to whom a weapons prohibition order applies to be present at a place where prohibited weapons are manufactured, repaired, modified, tested, sold or hired out. Other places at which such a person must not be present may be prescribed by the regulations. A person to whom a weapons prohibition order applies must also not be in the company of a person who has a prohibited weapon on or about their person or under their immediate control. The maximum penalty is a fine of $10,000 or imprisonment for 2 years.

A person to whom a weapons prohibition order applies must not live at premises on which there is a prohibited weapon. The maximum penalty is a fine of $10,000 or imprisonment for 2 years. In addition, such a person must inform every other person of or over 18 years of age living or proposing to live at the same premises that there is an order against them and must ask every other such person whether or not they have or propose to have a prohibited weapon on the premises. The maximum penalty is a fine of $10,000 or imprisonment for 2 years.

The section makes it an offence to supply a prohibited weapon to a person to whom a weapons prohibition order applies or permit such a person to gain possession of a prohibited weapon. A person who has a prohibited weapon on or about their person or under their immediate control must not be in the company of a person to whom a weapons prohibition order applies. If a person to whom a weapons prohibition order applies lives at premises, a person who brings a prohibited weapon onto the premises or has possession of a prohibited weapon on the premises commits an offence. The maximum penalty for each of the offences is a fine of $10,000 or imprisonment for 2 years.

The section provides defences to charges of offences against the section. The section also allows the Commissioner to exempt a person from a specified provision of the section and to vary or revoke such an exemption.

21I—Right of appeal to District Court

This section confers a right of appeal to the District Court on a person aggrieved by a decision of the Commissioner to issue a weapons prohibition order, and makes procedural provisions in relation to such an appeal.

21J—Power to search for prohibited weapons

This section empowers a police officer to search people, premises, vehicles, vessels and aircraft for prohibited weapons, and for that purpose, to detain persons, to stop and detain vehicles, vessels and aircraft, and to enter premises. The powers may only be exercised as reasonably required for the purpose of ensuring compliance with a weapons prohibition order issued by the Commissioner. The section also requires any prohibited weapon delivered or seized to be forwarded immediately to the Commissioner.

21K—Forfeiture

This section provides that a court may order the forfeiture to the Crown of a weapon etc used in, or related to, the commission of an offence against new Part 3A.

21L—General amnesty

This clause permits the Commissioner (with the approval of the Minister) to declare an amnesty in respect of a provision of the new Part 3, and sets out procedural matters related to such an amnesty.

21M—Regulations

This section sets out regulation making powers in respect of new Part 3A.

6—Redesignation of section 21A—Tattooing of minors

This clause redesignates current section 21A of the principal Act as section 21N.

7—Insertion of sections 72A, 72B and 72C

This clause inserts new sections granting the police certain powers.

72A—Power to conduct metal detector searches etc

This section empowers a police officer to conduct a metal detector test for the purpose of detecting the commission of an offence against Part 3A. The search must relate to a person who is in, or is apparently attempting to enter or to leave, licensed premises, the vicinity of licensed premises or a public place holding an event (declared by the Commissioner by notice in the Gazette). A search may relate to any property in the possession of such a person.

The section sets out procedural requirements relating to the making of a declaration notice by the Commissioner, including compliance with any regulations prescribing guidelines, the giving of public notice in a newspaper circulating generally throughout the State before the commencement of the operation of the declaration, and the preparation and provision to the Minister of an annual report on declarations made during a financial year period. The report must be tabled in Parliament by the Minister.

72B—Special powers to prevent serious violence

This clause empowers a police officer to carry out a search for the purpose of locating weapons and other articles in a particular area. The search must relate to a person who is in, or is apparently attempting to enter or to leave, the area, and to any property in the possession of the person in the area.

A search may only be carried out if a police officer of or above the rank of Superintendent authorises the search, having reasonable grounds to believe that an incident involving serious violence may occur in the area and that the search is necessary to prevent the incident.

The section sets out procedural requirements relating to the granting of authorisations for such searches, including compliance with any guidelines issued by the Commissioner. An authorisation cannot be granted in relation to persons participating in advocacy, protest, dissent or industrial action.

If a second or subsequent authorisation is to be granted in relation to an area, it cannot commence within 48 hours of the previous authorisation period unless the consent of the Commissioner has been obtained. The Commissioner cannot give consent unless satisfied that it is in the public interest to do so.

The section also requires the Commissioner to prepare and provide to the Minister an annual report relating to authorisations, searches, the detection of weapons as a result of searches and other matters. The report must be tabled in Parliament by the Minister.

72C—General provisions relating to exercise of powers under section 72A or 72B

This section requires the Commissioner to establish procedures to be followed by police officers exercising powers under the new sections 72A or 72B. The procedures must be designed to prevent, as far as reasonably practicable, any undue delay, inconvenience or embarrassment to persons being subjected to the powers.

The section allows police officers to be assisted by other persons and empowers them to enter and remain in premises or places to conduct a search and give directions. A police officer can only detain a person under section 72A or 72B for as long as is necessary to carry out a search.

The section makes it an offence for a person to hinder or obstruct a police officer or assistant exercising powers under section 72A or 72B or refusing or failing to comply with a requirement made of the person or a direction given to the person under those sections. The maximum penalty is a fine of $2,500 or imprisonment for 6 months.

Other provisions include evidentiary aids for the prosecution of offences.

8—Amendment of section 74BAAB—Use of detection aids in searches

This clause amends section 74BAAB to empower a police officer, in exercising powers under the new Part 3A, to use a drug detection dog, an electronic drug detection system, a metal detector or any other system or device designed to assist in the detection of objects or substances.

9—Amendment of section 85—Regulations

This clause amends section 85 to enable regulations made for the purposes of the Act to be of general application or to vary according to prescribed factors and to enable a matter or thing in respect of which regulations may be made to be determined according to the discretion of the Minister or the Commissioner.

Schedule 1—Related amendments and transitional provision

Part 1—Amendment of *Protective Security Act 2007*

1—Amendment of section 3—Interpretation

This clause is a consequential amendment of the definition of *dangerous object or substance* in the *Protective Security Act 2007*, updating the section of the *Summary Offences Act 1953* referred to, and updating the meaning of 'firearm' to refer to the meaning of that term in the *Firearms Act 1977*.

Part 2—Amendment of *Serious and Organised Crime (Control) Act 2008*

2—Amendment of section 14—Court may make control order

This clause makes consequential amendments to section 14(5)(b)(ii) of the *Serious and Organised Crime (Control) Act 2008*. It substitutes the reference to 'section 15' of the *Summary Offences Act 1953* with 'section 21A'.

Part 3—Amendment of *Sheriff's Act 1978*

3—Amendment of section 4—Interpretation

This clause makes consequential amendments to the definition of *restricted item* in the *Sheriff's Act 1978*, updating the section of the *Summary Offences Act 1953* referred to, and updating the meaning of 'firearm' to refer to the meaning of that term in the *Firearms Act 1977*.

Part 4—Transitional provision

4—Declarations by Minister continue

This clause provides for certain declarations made by the Minister under the Summary Offences Act before the commencement of the new Part 3A inserted by this measure to continue in force as if they were declarations made by the Commissioner of Police under section 21F of the Act as in force after the commencement of Part 3A.

Debate adjourned on motion of Mr Pengilly.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (EXEMPTIONS AND APPROVALS) AMENDMENT BILL

The Hon. J.R. RAU (Enfield—Attorney-General, Minister for Justice, Minister for Tourism) (11:43): Obtained leave and introduced a bill for an act to amend the Classification (Publications, Films and Computer Games) Act 1995. Read a first time.

The Hon. J.R. RAU (Enfield—Attorney-General, Minister for Justice, Minister for Tourism) (11:43): I move:

That this bill be now read a second time.

The National Classification Scheme, or NCS, is a joint commonwealth, state and territory legislative and administrative scheme under which publications, films and computer games are classified, and their advertising, sale, demonstration and exhibition regulated.

The NCS is overseen by commonwealth, state and territory censorship ministers sitting as a subset of the Standing Committee of Attorneys-General. The commonwealth legislation consists of the Classification (Publications, Films and Computer Games) Act 1995 and the subordinate legislation made under that act. The commonwealth act:

- establishes the Classification Board;
- determines the types of classifications that apply to publications, films and computer games;
- empowers the Classification Board to classify publications, films and computer games;
- sets out the procedures the Classification Board follows in making its classification decisions; and

- establishes the review mechanism, the Classification Review Board, which, on application, reviews decisions made by the Classification Board.

Publications, films and computer games are classified in accordance with the commonwealth act, the National Classification Code and the classification guidelines.

Each state and territory has enacted complementary enforcement legislation. Collectively, these acts are known as (surprisingly enough) the 'enforcement acts'. The South Australian enforcement act is the Classification (Publications, Films and Computer Games) Act 1995. The enforcement acts determine how films, publications and computer games can be sold, hired, exhibited, advertised and demonstrated in each state and territory.

Unlike other jurisdictions, South Australia maintains a separate classification regime that can (if triggered) classify publications, films and computer games independently of the Commonwealth Classification and Classification Review Board.

Each of the enforcement acts contains provisions allowing for films, computer games and publications to be exempt from the act and for organisations seeking exemptions to be approved for that purpose. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

In the SA Act these powers of exemption and approval are contained in Part 8.

Section 76 provides that the Minister may, on application, direct in writing that the Act does not apply, to the extent and subject to any condition specified in the direction, to or in relation to a film, publication, computer game or advertisement.

Section 77 empowers the Minister to exempt organisations that have been approved under sections 79 or 79A. Section 77(1) provides the Minister with the power to exempt an approved organisation in relation to the exhibition of a film at an event. Section 77(3) empowers the Minister to exempt an organisation approved under section 79A in respect of all or any of its activities or functions that relate to films or computer games if the organisation carries on activities of an educational, cultural or artistic nature.

Section 79 provides the mechanism for approving organisations for the purpose of exemption under section 77(1). It provides that the Minister may, by notice published in the Gazette, approve an organisation for the purposes of section 77(1).

Section 79A provides the mechanism for approving organisations for the purpose of exemption under section 77(3). It provides that the Minister may, by notice published in the Gazette, approve an organisation for the purposes of section 77(3) if the organisation carries on activities of an educational, cultural or artistic nature.

In considering whether to approve an organisation the Minister must have regard to

- the purpose for which the organisation was formed; and
- the extent to which the organisation carries on activities of a medical, scientific, educational, cultural or artistic nature; and
- the reputation of the organisation in relation to the screening of films and, if relevant, the possession or demonstration of computer games; and
- the conditions as to admission of persons to the screening of films or demonstration by the organisation.

In South Australia the power to grant exemptions and approve organisations is conferred on the Minister. All other States and Territories except Queensland confer the power to grant exemptions and approve organisations on the Director, either alone or concurrently with the Minister. Queensland has amended its legislation to confer the power on the Director and the Minister concurrently, but these amendments are yet to commence.

There are several advantages in having the Director of the Classification Board making exemption and approval decisions:

- the Director has the relevant expertise and resources to properly assess films, publications, computer games and organisations seeking approval. The Classification Branch of the Commonwealth Attorney-General's Department, which provides administrative and other support to the Director and the Boards, has a dedicated exemptions' officer;
- decisions will be more consistent. This is particularly relevant to exemption applications for films. Many films that are the subject of exemption applications are screened in more than one State or Territory (often being screened at several film festivals). It makes sense for the one decision-maker to consider all applications for exemption in relation to the one film.

This Bill amends the SA Act to confer the power to grant exemptions and approve organisations under sections 76, 77, 79 and 79A on the Director. The Minister will retain the power to grant exemptions and approve organisations. A new section 79B makes clear that the Minister may refer an application to the Director for

consideration and new section 79C makes clear that the Minister may revoke a director or approval given by the National Director.

I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Classification (Publications, Films and Computer Games) Act 1995*

4—Amendment of section 76—Exemption of film, publication, computer game or advertisement

This clause provides that the Director of the National Classification Board (the *National Director*) may, in addition to the Minister, exempt a film, publication, computer game or advertisement from the operation of the Act. The clause also provides for the requirements of an application for exemption made to the Minister.

5—Amendment of section 77—Exemptions—organisations

This clause provides that the National Director may, in addition to the Minister, exempt an approved organisation in relation to the exhibition of a film at an event, or in respect of all or any of its activities or functions that relate to films or computer games, from the operation of the Act.

6—Amendment of section 78—Ministerial directions or guidelines

This amendment is consequential and requires the National Director, in considering whether to make a direction under Part 8 of the *Classification (Publications, Films and Computer Games) Act 1995* to give effect to any directions or guidelines issued by the Minister in relation to the application of the Act.

7—Amendment of section 79—Organisation may be approved (section 77(1))

This clause provides that the National Director may, in addition to the Minister, approve an organisation for the purposes of section 77(1) of the Act. The clause also provides for the requirements of an application for approval made to the Minister.

8—Amendment of section 79A—Organisation may be approved (section 77(3))

This clause provides that the National Director may, in addition to the Minister, approve an organisation for the purposes of section 77(3) of the Act. The clause also provides for the requirements of an application for approval made to the Minister.

9—Insertion of sections 79B and 79C

This clause inserts a new section 79B which provides that the Minister may, with the agreement of the National Director, refer the application to the National Director for determination.

The clause also inserts a new section 79C which provides that a direction made, or approval given, by the National Director under this Part may, either on application or on the Minister's own initiative, be revoked by the Minister if the Minister considers that it is not appropriate that the direction be made or the approval be given. The clause provides for the requirements of an application made to the Minister under the section.

10—Amendment of section 91—Regulations

This clause provides for a consequential amendment to the regulation making power in the Act. It provides that the regulations may be of general application or vary in their application according to prescribed factors.

Debate adjourned on motion of Mr Williams.

STATUTES AMENDMENT (MEMBERS' BENEFITS) BILL

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Federal/State Relations, Minister for Defence Industries) (11:47): Obtained leave and introduced a bill for an act to amend the Parliamentary Remuneration Act 1990 and the Parliamentary Superannuation Act 1974. Read a first time.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Federal/State Relations, Minister for Defence Industries) (11:47): I move:

That standing orders be so far suspended as to enable the bill to be taken through all stages without delay.

The SPEAKER: I have counted the house and, as an absolute majority of members is not present, ring the bells.

An absolute majority of the whole number of members being present:

Motion carried.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Federal/State Relations, Minister for Defence Industries) (11:49): I move:

That this bill be now read a second time.

This legislation is to align state members of parliament's superannuation with that of the federal parliament. We are all aware that decisions were taken some years ago to disband the existing parliamentary superannuation scheme to defined benefits, etc., in various iterations. That has led to a significant disparity between the wages and conditions of some members of parliament vis-a-vis others.

The government is not proposing that we revert to the former defined benefits scheme. However, whilst not popular, I am sure, in the broader electorate, the reality is that, as a state legislature (on both sides of the house and, indeed, those who may wish to seek elected office as Independents), if there is a widening gap between the benefits provided to a federal member of parliament versus a state member of parliament, that, particularly within respective political parties, talented members may choose to seek election to the federal parliament and not to the state parliament.

I acknowledge this is not a popular move in the broader community, but it is an opportunity for new members (those elected since 2006 onwards, but it will only be backdated until the last state election in March) to be provided with a level of superannuation comparable to that available at the federal level. We should have done this some time ago and I apologise for not doing that. However, as my colleagues on the other side would acknowledge, there is never a good time to do this (particularly in a budget week) but, for various reasons, there was always a time when this could be a difficult choice in terms of timing.

I conclude by saying this: we, as politicians, despite our individual opinions of each other and the nasty things we say amongst ourselves here in the hallowed halls of parliament under parliamentary privilege—indeed, what we say about each other outside of parliament—at the end of the day, this is a very good profession. In the years I have served in this parliament, all members have been good and decent people doing good and decent work.

We are a vibrant democracy in Australia, and here in South Australia, and we should have the ability to attract good, decent people to this parliament. MPs' wages are always a bone of contention, but these wages need to be competitive because, ultimately, the quality of our state (affecting everyone who lives, works and grows up in this state) will be affected by the calibre of the people who are in this place.

We are often, and regularly, derided by other elements of the community about our profession but I, for one (and I am sure I speak for all), am very proud of our profession. We should all be proud of it. It is a profession. It is not something you simply walk off the street and do. It consumes you intellectually and emotionally in many cases and, certainly, in a physical sense—particularly if you are a country member, because of the inordinate number of hours you have to travel, Madam Speaker, as you and other country members will attest to.

I make no apology for acknowledging that our state politicians on either side of politics—or Independents or other party members, such as the Greens—are appropriately remunerated. I find it of some amusement that Mark Parnell, of another place, has been highly critical of this. I am not sure whether Mr Parnell has any issue with his spouse, who I understand is now a federal senator receiving this benefit, but politics is full of hypocrisy, could I say?

An honourable member: Anomalies.

The Hon. K.O. FOLEY: Anomalies. Anyway, that is by the bye. There will be those politicians who will say they do not want it and then accept it, which often happens, but again I say this is a necessary adjustment to ensure that there is parity, which has been a longstanding tradition between this parliament and our federal parliamentary colleagues.

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (11:55): I am the lead speaker for the opposition on this matter, but I do not expect I will be taking an inordinate amount of time.

Ms Chapman interjecting:

Mr WILLIAMS: Probably the only speaker. I say at the outset that the opposition agrees with the legislation and will be supporting it. In doing so, I reflect on the words the Treasurer has just expressed. I am sure the cynics out there will have a field day with the fact that the opposition is agreeing with this. I point out that in reality the opposition agrees with most legislation the government brings to the parliament and it is only on a relatively small number of matters that we disagree, and quite vehemently in some cases.

In this case the Treasurer has pointed out some of the history. We know that the superannuation payments to members of this parliament came under the spotlight some years ago, and certainly when the opposition was last in government there were significant changes to the PSS1 Scheme, and some members in each house are still part of that scheme. Significant changes were made to that scheme back in the mid-1990s.

The Howard federal government chose to change and, unfortunately, I believe (this is my personal feeling), bowed to public pressure, which diminished the role of parliamentarians. As the Treasurer says, it is an important role, a career, and I believe we serve a very important function and role as parliamentarians and we impact on the lives of ordinary folk, although a lot of the time they are quite apathetic to what we actually do. I suggest that means that, by and large, we do a reasonably good job. Notwithstanding that, the federal parliament changed the federal superannuation scheme, which led to virtually all state parliaments subsequently changing their schemes. At the time I thought we had taken those changes too far.

It is somewhat disturbing for those of us in the older PSS1 and PSS2 schemes to work alongside members whose remuneration with regard to superannuation is significantly different from ours, and it is totally inequitable that we have people doing the same work receiving different remuneration. The Howard federal government recognised reasonably quickly that it had possibly moved too far and amended its super scheme way back in 2006 and increased super payments into the scheme on behalf of members from 9 per cent to 15.4 per cent. I welcome the government's legislation to bring the South Australian parliament into line with those changes. I agree with the Deputy Premier's comment that there is never a good time, and I agree that it is probably long overdue for us to make this change. I welcome it.

Some other minor changes are incorporated in this legislation. It is important that we have a redundancy clause to cover those people who are in what is referred to as involuntary retirement—the people who do not serve the required time in this place to qualify for superannuation. A lot of people in the wider community probably do not realise that there are qualifying periods, and members must serve a certain amount of time before they qualify for superannuation. Members who get to do only one term in this place do not qualify. It only seems fair and reasonable that those members are supported by some sort of redundancy payment under those circumstances, and I fully support that.

There are other minor amendments which allow for salary sacrifice into an account on behalf of members towards their superannuation. Again, that is not something which is untoward or out of kilter with general superannuation schemes. There is also provision to allow for members to take out a voluntary additional death and invalidity insurance through the government Triple S super scheme. Again, I think that is a worthwhile amendment. I do not think there is anything untoward about that.

Most of the other amendments included in the legislation are of a technical nature. The additional payments that members of the Triple S Scheme will be able to make have to be in whole percentages of their salary. I am not quite sure why that is, but I do not know that it would cause any great inconvenience to members, but again it allows members to contribute more money into their superannuation, something which is quite normal within the rest of the community.

We welcome this. We would have preferred it to have occurred much earlier, but we welcome it. We welcome the fact that it is at least backdated to the 20 March election. On behalf of the opposition, I make no apology for supporting the government in this matter. I will conclude my remarks there.

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

MOTOR VEHICLES (THIRD PARTY INSURANCE) AMENDMENT BILL

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Federal/State Relations, Minister for Defence Industries) (12:03): Obtained leave and

introduced a bill for an act to amend the Motor Vehicles Act 1959; and to make related amendments to the Civil Liability Act 1936. Read a first time.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Federal/State Relations, Minister for Defence Industries) (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.

The South Australian Motor Accident Commission (MAC) manages the State's Compulsory Third Party Insurance (CTP) scheme.

Some five years ago a series of reforms arising from the Tort reform amendments were made to the CTP scheme. Since that time it has become clear that further improvements are required to improve the equity and social responsiveness of the scheme whilst also contributing to the Government's broader road safety agenda.

As a result, MAC in consultation with its key stakeholders and partners has developed a series of legislative amendments. These amendments are not considered major and do not seek to limit the benefits payable to genuinely injured road users.

The amendments are summarised as follows:

- Recovery from hit and run drivers

The *Motor Vehicles Act 1959* (MVA) is to be amended to make a 'hit and run' offence under s43 of *Road Traffic Act 1961* (RTA) a breach of warranty under the Policy of Insurance and subject to recovery action under s116 (Nominal Defendant) and s124A of the MVA (insured person).

Drivers, who fail to stop and give all possible assistance to an injured person following a crash and who fail to report the accident to Police and submit to a drug or alcohol test could become liable to a recovery to MAC or the Nominal Defendant for claims costs. The amount to be recovered will be what a Court 'thinks just and reasonable in the circumstances'.

- Chain of responsibility in heavy road transport

This amendment will potentially make it easier for MAC to recover claims costs from all relevant persons in the chain of responsibility for a breach of driver fatigue-related laws in the heavy transport industry. Currently there is limited opportunity to recover against persons within the chain of responsibility who are not otherwise insured under the CTP Policy. For example, this could extend to an employer or consignor of goods who effectively induces, procures or rewards an employee to breach the driving hours regulations. It is envisaged that the persons who will fall within the chain of responsibility, as specified in the Regulations, will include the employer, prime contractor, operator, scheduler, consignor, consignee, loading manager, loader and unloader. The amendment will include a right to recover from those persons who have aided, abetted, counselled, procured or induced or been knowingly concerned in, or a party to, the commission of an offence against the *Road Traffic (Heavy Vehicle Driver) Regulations 2008* (Heavy Vehicle Driving Regs), i.e. driving whilst fatigued and failing to comply with the driving hours.

- Excess recoveries

The MVA is to be amended to increase the Excess amount that is to be recovered where the insured is 25 per cent or more at fault, increasing it to a maximum of $460 and this amount to be indexed annually. If the Excess payment received is within one calendar month of the date of notification it will attract a 5 per cent discount. The Excess has not increased since 1993.

- Recovery for BAC offences

Currently the alcohol reading threshold for pursuing a recovery for breach of the Policy of Insurance is 0.15 per cent. It is proposed to amend the MVA to reduce the threshold to allow recovery of claim costs where the insured has a proven BAC of 0.1 per cent or more. The legal BAC limit is 0.05 per cent and the recovery level at 0.1 per cent represents a doubling of the limit before a recovery can be pursued under this amendment. The MAC believes this is fair and reasonable and will further contribute as an important deterrent for potential drink drivers.

- Sanctions against non-cooperative insureds and Nominal Defendant's powers to compel uninsured drivers to cooperate

The MVA is to be amended to insert the requirement for an owner, person in charge or driver of a motor vehicle involved in an accident to provide additional information to MAC following an accident; specifically the name, date of birth, and address of the driver of the vehicle. In addition, a separate amendment will increase the maximum penalty from $250 to $5,000 against these persons who fail to co-operate with the insurer.

- Provision of evidence

The MVA is to be amended to require a claimant to provide sufficient information to the insurer to enable a proper and timely assessment by MAC (and the Nominal Defendant) of the claim to be made, and

to require a claimant to comply with any reasonable request for information. The obligation also extends to a claimant verifying any information by statutory declaration, if required.

- Exposure of CTP Fund to 'International Forum Shopping'

The MVA is to be amended to limit the liability of the SA CTP scheme in the event of an enforceable foreign judgment being made against a motorist insured by MAC.

It should also be noted that several interstate CTP schemes have similar legislation, for example, Queensland and NSW.

Should the CTP scheme in SA not have similar protection, it could potentially be exposed to substantial risk which will undermine the solvency of the scheme.

- Assessment for Non-economic Loss Damages

Section 52(2)(a) of the *Civil Liability Act* is to be amended to reinforce the proportionality intention of the non-economic loss points scale and to provide an example to serve as a constant guide on the application of the scale.

MAC maintains that reinforcing the intention and the proper application of the non-economic loss scale is critical to the viability of the CTP Scheme.

- The meaning of the expression 'caused by or arising out of the use of', a motor vehicle

The MVA is to be amended to maintain the parameters which define the scope of the CTP cover insofar as deciding what injuries or death were 'caused by or arising out of the use of a motor vehicle'. This will exclude bodily injury or death being caused by the displacement of goods while a motor vehicle is being loaded or unloaded; or as a result of the unintended movement of a vehicle whilst being serviced, displayed, restored or equipped.

MAC is of the opinion that various decisions have been handed down by the Courts over the years that are gradually widening the scope of the CTP coverage. The consequence is that the CTP scheme is being further exposed to an increased liability, which must ultimately be borne by the motorists. The proposed amendments seek only to maintain the parameters of the cover.

These amendments are important to the long term viability of the CTP Fund.

They are intended to assist the CTP Scheme's social responsiveness and protect SA motorists from future possible premium increases driven by escalating liabilities caused by driving behaviours and attitudes that are considered socially unacceptable.

In addition, an important amendment relating to the awarding of damages under foreign judgements substantially reduces the very real risk of exposure that our Fund has to large claims in other overseas jurisdictions.

I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

Operation of the measure is to commence on a day to be fixed by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Motor Vehicles Act 1959*

4—Amendment of section 99—Interpretation

This clause introduces a number of new definitions into the interpretation provision for Part 4 of the *Motor Vehicles Act 1959*, which sets out the third party insurance scheme.

A *heavy vehicle driver fatigue scheme* is a scheme for the management of fatigue in drivers of regulated heavy vehicles. The term *regulated heavy vehicle* is defined by reference to section 110AA of the *Road Traffic Act 1961*. A definition of *parties in the chain of responsibility* is also inserted. A person is a party in the chain of responsibility in relation to a regulated heavy vehicle if the person falls within the chain of responsibility in relation to the vehicle as specified by regulations made for the purposes of the definition. A *relevant offence* against a heavy vehicle driver fatigue scheme is an offence consisting of driving whilst fatigued or exceeding the allowable work time for a driver or failing to have the required rest time for a driver.

Other amendments are made to section 99 for the purposes of clarification and consistency. Examples are added to subsection (3). That subsection provides that, for the purposes of Part 4 and Schedule 4, death or bodily injury will be regarded as being caused by or as arising out of the use of a motor vehicle only if it is a consequence of the driving of the vehicle, the vehicle running out of control or a person travelling on a road colliding with the vehicle when the vehicle is stationary, or action taken to avoid such a collision. The subsection as amended will

include examples of situations that would not be expected to fall within the ambit of subsection (3). Those situations are:

- death or bodily injury caused by or arising out of the displacement of goods while a motor vehicle is being loaded or unloaded;
- death or bodily injury caused by or arising out of the unintended movement of a motor vehicle while the vehicle is being displayed, serviced, repaired, restored or equipped.

5—Amendment of section 116—Claim against nominal defendant where vehicle uninsured

Section 116 provides for the making of claims against the nominal defendant if a vehicle is uninsured.

Subsection (7) of section 116 currently provides that if a sum is properly paid by the nominal defendant in respect of death or bodily injury for which the driver of an uninsured vehicle was wholly or partly liable, the nominal defendant may, if the driver drove the vehicle while there was present in his or her blood a concentration of .15 grams or more of alcohol in 100 millilitres of blood, recover from the driver the sum paid by the nominal defendant together with costs. Under subsection (7) as amended by this clause, the nominal defendant will be entitled to recover that sum, in addition to costs, if the concentration of alcohol present in the driver's blood was .1 grams or more in 100 millilitres of blood.

Proposed section 116(7aa) provides for the recovery from an uninsured driver of a sum properly paid by the nominal defendant if the driver was wholly or partly liable for the death or bodily injury in relation to which the sum was paid and he or she—

- committed an offence against section 43 of the *Road Traffic Act 1961*; or
- if the uninsured vehicle was a regulated heavy vehicle—committed a relevant offence against a heavy vehicle driver fatigue scheme.

In this case, the nominal defendant is entitled to recover the sum paid by the nominal defendant, or such part of that sum as the court thinks just and reasonable in the circumstances, together with costs.

Under subsection (7a) as amended by this clause, a finding of a court in proceedings for an offence as to whether the driver of an uninsured vehicle committed an offence against section 43 of the *Road Traffic Act 1961* or committed a relevant offence against a heavy vehicle driver fatigue scheme will be treated as determinative of the issue in an action by the nominal defendant under section 116.

Proposed new subsection (7ab) will provide that if the nominal defendant does not rely on the finding of a court in proceedings for an offence against section 43 of the *Road Traffic Act 1961* or a relevant offence against a heavy vehicle driver fatigue scheme, the question of whether a person has committed such an offence is to be determined on the balance of probabilities.

Proposed new subsection (7ac) will provide for recovery by the nominal defendant from a party in the chain of responsibility in respect of an uninsured regulated heavy vehicle if the party aided, abetted, counselled, procured or induced, or was knowingly concerned in, or a party to, the commission of a relevant offence by the driver of the vehicle. The nominal defendant will be entitled to recover from the party so much of the sum paid or costs incurred as the court thinks just and reasonable in the circumstances. The question of whether a person has aided, abetted, counselled, procured or induced, or been knowingly concerned in, or a party to, the commission of a relevant offence is to be determined on the balance of probabilities.

Under proposed subsection (7ae), if an accident caused by, or arising out of the use of, an uninsured regulated heavy vehicle results in the death of, or bodily injury to, a person, a party in the chain of responsibility in relation to the vehicle must not persuade or attempt to persuade the driver of the vehicle to contravene or fail to comply with an obligation owed by the driver to the nominal defendant. A maximum penalty of $10,000 is fixed. (A similar offence is to be inserted into section 124A.)

6—Amendment of section 118B—Interpretation of certain provisions where claim made or action brought against nominal defendant

Section 118B provides for certain prescribed provisions of the *Motor Vehicles Act 1959* to be taken to apply where a claim is made or an action is brought against the nominal defendant. This clause expands the list of prescribed provisions to include new sections 124AA, which relates to limitation of liability in respect of foreign awards, and 127AB, which imposes certain obligations on claimants.

7—Amendment of section 124—Duty to cooperate with insurer

Under section 124, there is a requirement for written notice of various listed matters to be given to the insurer if a motor vehicle accident results in death or bodily injury. This clause amends section 124 by expanding the list of matters to include the name, date of birth and address of the driver of the motor vehicle at the time of the accident.

Section 124(3a) provides that a person who at the time of a motor vehicle accident that results in death or bodily injury to another was the owner, the person in charge, or the driver, of the motor vehicle must cooperate fully with the insurer in respect of a claim made in respect of the accident. The maximum penalty for a failure to comply with the section is currently $250. This clause increases the maximum to $5,000.

8—Insertion of section 124AA

This clause inserts a new section relating to limitation of liability where damages are awarded by a foreign court. The section will only apply to actions brought in foreign courts. For actions brought in courts of another state or territory of Australia, the general law and rules should continue to apply.

124AA—Limitation of liability in respect of foreign awards

Proposed section 124AA(2) provides that any limitation on liability for damages for death or bodily injury arising out of the use of a motor vehicle that is relevant to the operation of Part 4 (which sets out the third party insurance scheme) and the degree of liability under the policy of insurance under Schedule 4 is a substantive law of South Australia. It is made clear in the section that this includes, but is not limited to, the *Civil Liability Act 1936*. The limitation is intended to apply in relation to any action that arises out of the occurrence of the death or bodily injury. This is the case irrespective of where the death or bodily injury occurred and despite the fact that the court before which the action is brought would not ordinarily apply or take into account South Australian law.

The section further provides that if a court other than a South Australian court awards an amount of damages to a person in excess of an amount that would have been awarded before a court of South Australia, and the insurer is liable to pay the amount awarded, the insurer is entitled to recover the excess from the person to whom the amount is awarded. The section also provides that the insurer may set off the excess against any payment to be made to that person.

As mentioned above, the section only applies in relation to actions brought before courts of another country or state, other than a state or territory of Australia.

9—Amendment of section 124A—Recovery by insurer

Section 124A provides for the recovery of sums paid by an insurer from the insured if the insured has contravened or failed to comply with certain terms of the policy of insurance. Currently, as is the case for the nominal defendant under section 116, the insurer can recover from a driver who drives a motor vehicle while there is present in his or her blood a concentration of .15 grams or more of alcohol in 100 millilitres of blood. This clause lowers the relevant concentration from .15 grams or more of alcohol to .1 grams of alcohol.

As a consequence of an amendment made to section 124A(2), the insurer will be able to recover so much of the money paid or costs incurred in respect of a liability as a court thinks just and reasonable if the insured person contravened or failed to comply with a term of the policy of insurance by committing an offence against section 43 of the *Road Traffic Act 1961* or a relevant offence against a heavy vehicle driver fatigue scheme.

A finding by a court as to whether or not a person committed an offence against section 43 of the *Road Traffic Act 1961* or a relevant offence against a heavy vehicle driver fatigue scheme will be treated as determinative of the issue in an action by the insurer under section 124A. However, if the insurer does not rely on this provision, the question of whether or not a person has committed an offence against section 43 of the *Road Traffic Act 1961* or a relevant offence against a heavy vehicle driver fatigue scheme is to be determined on the balance of probabilities.

The section as amended will also provide for recovery from a party in the chain of responsibility in relation to a regulated heavy vehicle if the party aided, abetted, counselled, procured or induced, or was knowingly concerned in, or a party to, the commission of a relevant offence against a heavy vehicle driver fatigue scheme by an insured person to the prejudice of the insured.

This clause also inserts a new offence. Under proposed subsection (7), if an accident caused by, or arising out of the use of, an insured regulated heavy vehicle results in the death of, or bodily injury to, a person, a party in the chain of responsibility in relation to the vehicle must not persuade or attempt to persuade the driver of the vehicle to contravene or fail to comply with an obligation owed by the driver to the insurer. A maximum penalty of $10,000 is fixed. A similar offence is to be inserted into section 116.

10—Amendment of section 124AB—Recovery of excess in certain cases

Section 124AB provides for the recovery of an excess from an insured person if the insured's liability arises out of an accident that was to the extent of more than 25 per cent the fault of the insured. Currently, if the money paid and costs incurred by the insurer do not exceed $300, the insurer can recover the amount of the money paid and costs incurred. If the money paid and costs incurred exceed $300, the insurer can recover $300. The section is to be amended by replacing $300 with a prescribed amount of $460, which is to be indexed. A person who pays the excess within 1 month of a first request for payment will be required to pay 95 per cent of the prescribed amount (or, if the total amount paid is less than the prescribed amount, 95 per cent of that lesser amount).

11—Amendment of section 127—Medical examination of claimants

This clause amends section 127(5)(c) for consistency with new section 127AB. If a claimant fails to submit himself or herself to a medical examination by a legally qualified medical practitioner nominated by the insurer, he or she is not entitled to damages or compensation for any period during which the failure continues. This clause amends the relevant provision so that the claimant will not be entitled to damages, compensation, interests or costs while the failure continues.

12—Insertion of section 127AB

This clause inserts a new section.

127AB—Certain requirements in respect of claims

Section 127AB will require a claimant to cooperate fully in respect of his or her claim with the insurer. The claimant will be required to comply with any reasonable request by the insurer for information or to produce specified documents or records. The insurer may require a claimant to verify any information, document or record furnished or produced to the insurer by statutory declaration. Furnishing information, or a document or record, that the claimant knows is false or misleading in a material particular is an offence with a penalty of $50,000 or imprisonment for 1 year. Also, if a claimant fails to comply with section 127AB, he or she is not entitled, until he or she complies with the section, to commence proceedings or to continue proceedings that have already commenced in respect of the death or injury. He or she will not be entitled to damages, compensation, interest or costs for any period during which the failure to comply continues.

13—Amendment of Schedule 4—Policy of insurance

Schedule 4 sets out the terms of a policy of insurance for the purposes of Part 4 of the Act. Clause 2 of Schedule 4 lists certain things that an insured person warrants that he or she will not do. Under paragraph (c), a person currently warrants that he or she will not drive the vehicle while there is present in his or her blood a concentration of .15 grams or more of alcohol in 100 millilitres of blood. This clause amends paragraph (c) by substituting '.1 grams' for '.15 grams'. As a consequence of further amendments to clause 2, an insured person will warrant that he or she will not, if he or she is the driver of an insured vehicle when it is involved in an accident in which a person is killed or injured, commit an offence against section 43 of the *Road Traffic Act 1961* (Duty to stop, give assistance and present to police where person killed or injured). An insured person will also warrant that he or she will not, if the vehicle is a regulated heavy vehicle, commit a relevant offence against a heavy vehicle driver fatigue scheme.

Schedule 1—Related amendments and transitional provisions

Part 1—Amendment of *Civil Liability Act 1936*

1—Amendment of section 52—Damages for non-economic loss

This clause amends section 52 of the *Civil Liability Act 1936*, which sets out rules relating to the awarding of damages for non-economic loss. Section 52(2)(a) provides that, if damages are to be awarded to an injured person for non-economic loss, the injured person's total non-economic loss is to be assigned a numerical value on a scale running from 0 to 60. The first amendment made to the section makes it clear that the scale is to reflect 60 equal gradations that are to be strictly applied according to the severity of non-economic loss. It is further made clear that assignment of a number on the scale is to provide, insofar as reasonably practicable, strict proportionality against the standard between injured persons according to the extent of non-economic loss that has been suffered.

An example is also to be added to paragraph (a).

Part 2—Transitional provisions

2—Transitional provisions

The transitional provisions provide that the amendments made to the *Motor Vehicles Act 1959* do not affect a cause of action, right or liability that arose before the commencement of the amendment. However, new section 124AA(2), which relates to limitation of liability in respect of foreign awards, will apply in relation to any action commenced after the day on which the *Motor Vehicles (Third Party Insurance) Amendment Bill 2010* was introduced. Further, section 127AB, which imposes certain requirements on claimants, will apply to a claimant whose claim was made before the commencement of the section.

The amendments to the *Civil Liability Act 1936* clarifying the operation of section 52(2)(a) will apply in relation to awards of damages made after the commencement of the amending clause.

Debate adjourned on motion of Mr Williams.

ROAD TRAFFIC (USE OF TEST AND ANALYSIS RESULTS) AMENDMENT BILL

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Federal/State Relations, Minister for Defence Industries) (12:05): Obtained leave and introduced a bill for an act to amend the Road Traffic Act 1961. Read a first time.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Federal/State Relations, Minister for Defence Industries) (12:05): I move:

That this bill be now read a second time.

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

Leave granted.

The South Australian Motor Accident Commission (MAC) manages the State's Compulsory Third Party Insurance (CTP) scheme.

In the past, MAC has been able to use and admit into evidence oral fluid and blood samples compulsorily taken (and the consequential Certificate of Analysis) for the purposes of seeking reductions under the *Civil Liability Act 1936* for intoxicated drivers, or in recovery actions under s116 and s124A of the *Motor Vehicles Act 1959*.

The issue as to whether the blood samples obtained compulsorily at hospital can be used by the insurer to establish the insured's blood alcohol content was first brought into question in a CTP recovery matter against an

insured driver. The insured is arguing that the *Road Traffic Act* specifically prohibits the use of the blood taken and the consequential blood alcohol certificate ('BAC'), against him for any other purpose other than 'an offence' under the *Road Traffic Act* or *Motor Vehicles Act* or a driving-related offence.

More recently, the issue of admissibility of the BAC has again been raised during the course of a trial relating to a CTP claim for damages arising out of a motor vehicle accident. The plaintiff's solicitors opposed the admission of the BAC and the Trial Judge ruled on 13 October 2009 that the Certificate cannot be relied upon in this matter.

Without such evidence, proving intoxication and degrees of intoxication will be exceedingly difficult (if not impossible in some cases). This has the potential to significantly escalate the annual cost of compensation to the CTP Fund, thus placing pressure on premiums.

The Bill seeks to ensure that the CTP Scheme continues to be able to use and admit into evidence oral fluid and blood samples compulsorily taken (and the consequential Certificate of Analysis) for the purposes of seeking reductions under the *Civil Liability Act 1936* for intoxicated drivers, or in recovery actions under s116 and s124A of the *Motor Vehicles Act 1959*.

The Bill is important to the long term viability of the CTP Fund and is intended to assist the social responsiveness of the CTP Scheme and protect SA motorists from future possible premium increases driven by escalating liabilities caused by driving behaviours and attitudes that are considered socially unacceptable.

I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Road Traffic Act 1961*

3—Amendment of Schedule 1—Oral fluid and blood sample processes

This clause amends Schedule 1 of the *Road Traffic Act 1961*. That Schedule includes provisions relating to the taking of oral fluid and blood samples under the Act. Clause 8, which limits the purposes for which the results of the testing or analysis of such samples can be used, is amended so that the results of a drug screening test, oral fluid analysis or blood test, an admission or statement made by a person relating to such a drug screening test, oral fluid analysis or blood test, or any evidence taken in proceedings relating to such a drug screening test, oral fluid analysis or blood test (or transcript of such evidence) can be admissible in evidence against the person who submitted to the test or analysis in certain civil proceedings. If the person who submitted to the test or analysis was involved in an accident, and the testing or analysis occurred in connection with that involvement, the provision as amended will not prevent the results from being admissible in evidence against the person in civil proceedings in connection with death or bodily injury caused by or arising out of the use of a motor vehicle in the accident. *Accident* is defined in section 5(1) of the Act to include a collision between 2 or more vehicles or any other accident or incident involving a vehicle in which a person is killed or injured, property is damaged, or an animal in someone's charge is killed or injured. The provision makes it clear that the reference to civil proceedings in connection with death or bodily injury caused by or arising out of the use of a vehicle includes proceedings under section 116 or 124A of the *Motor Vehicles Act 1959* for the recovery from the person of money paid or costs incurred by the nominal defendant (within the meaning of that Act) or an insurer.

Death or bodily injury will be regarded as being caused by or arising out of the use of a motor vehicle for the purposes of clause 8 if it is regarded as being so caused for the purposes of Part 4 of the *Motor Vehicles Act 1959*.

Schedule 1—Transitional provision

1—Transitional provision

The amendment to clause 8 of Schedule 1 of the *Road Traffic Act 1961* will apply in relation to proceedings commenced before the amendment takes effect in addition to proceedings that commence following that commencement.

Debate adjourned on motion of Mr Williams.

STATUTES AMENDMENT (ARTS AGENCIES GOVERNANCE AND OTHER MATTERS) BILL

Adjourned debate on second reading.

(Continued from 30 June 2010.)

The DEPUTY SPEAKER: Member for Morialta, you are speaking but I believe you are not the lead speaker on this matter.

Mr GARDNER (Morialta) (12:06): That is correct. It gives me great pleasure to rise to speak on the Statutes Amendment (Arts Agencies Governances and Other Matters) Bill and, as

you have correctly pointed out, Madam Deputy Speaker, although I am speaking first on the opposition side which is a great pleasure for me for the first time, I am not as you say the lead speaker.

This bill deals with a number of bodies in the South Australian art firmament including the Adelaide Festival Centre Trust Act 1971, the Adelaide Festival Corporation Act 1998, the Art Gallery Act 1939, the Carrick Hill Trust Act 1985, the South Australian Country Arts Trust Act 1992, the History Trust of South Australia Act 1981, the South Australian Film Corporation Act 1972, the South Australian Museum Act 1976, the Libraries Act 1982, the State Opera of South Australia Act 1976, and the State Theatre Company of South Australia Act 1972.

It is a broad and all-encompassing bill as far as South Australian arts are concerned and, therefore, it gives me the opportunity to speak on a number of issues relating to these important bodies and more generally on the arts in South Australia. I enjoyed the opportunity to participate in a briefing along with the Leader of the Opposition and other opposition advisers. It was kindly offered by the government, and I appreciated the briefing that was given by departmental officers and an adviser from the Premier's office who gave a thorough and concise briefing. It is as a result of the work that these officers have done over a number of years to bring together all of these arts agencies so that they would have uniform governance procedures that this bill has arisen.

The opposition will be supporting the Statutes Amendment (Arts Agencies Governances and Other Matters) Bill 2010. The bill's objective is to introduce a suite of standardised governance arrangements for those major arts bodies in South Australia. As each of those organisations has its own governing act, and they have developed over not just decades but through much of the period of this parliament, the governance arrangements in those acts are in some places archaic, certainly not uniform, and could do with some bringing up to modern governance standards.

As I have said, Arts SA reviewed the arts portfolio statutes to determine whether there was scope for and, in fact, benefit in standardising sections of those acts. The review concluded that the variation between acts was not surprising, given that they were created at different times over that long period, and that there was indeed the opportunity to standardise governance of those bodies.

The Leader of the Opposition was thorough in questioning (and I enjoyed the opportunity also) those officers on how that review was conducted, and it seems to have been conducted very well, involving the maximum amount of stakeholder consultation. The proposed bill will not change the operations or objectives of the organisations; rather, it will streamline relationships with government and ensure a consistent, clear set of powers and functions for this board or trust.

It is important to acknowledge in this place that the South Australian arts community makes an immeasurable contribution to our state's culture, heritage, identity and livelihood. Our state's arts and cultural sector is leading the nation and, in many respects, the world in its collections, research, production and events and also in its commitment to creativity and artistic expression. In South Australia, we recognise the significance of the arts, with many of the state's major arts bodies established as statutory authorities, providing them with status and protection as key government entities.

I want to take the opportunity to reflect briefly on some of the achievements accomplished by some of the state's most significant arts organisations. I turn first to the Adelaide Festival Centre. Of course, the Adelaide Festival Centre was the first multipurpose arts centre in Australia and, more than 30 years later, it still maintains is status as a national arts icon. Somebody described it to me recently as the 'heart of the arts', which I found quite an apt description.

The Festival Centre not only presents a wide range of arts activities and performances for the community but it is also one of Australia's most active theatrical producers. On 27 July, it is worth noting that the Adelaide Festival Centre received two Helpmann awards—sort of Australia's version of Broadway's Tony awards—recognising its achievements in the performing arts. The annual Helpmann Awards recognise distinguished artistic achievement and excellence in the many disciplines of Australia's vibrant live performance sectors, including musical theatre, contemporary music, comedy, opera, classical music, theatre, dance and physical theatre.

It is worth noting that, despite the difficult economical environment we have experienced and the reduction in discretionary income faced by so many families in South Australia over the last couple of years, more particularly in 2008 and 2009, the Festival Centre announced a net trading result 2008-09 of a $36,000 surplus, excluding depreciation. So, the Festival Centre is doing some important work, and it is appreciated by the community, and I recognise that in this place.

One of my favourite organisations in South Australia (and I have appreciated this institution ever since I was studying at the university next door) is the Art Gallery of South Australia, which serves the South Australian and wider community by providing access to original works of art of the highest quality, particularly its excellent Australian arts collection and good Indigenous art collection. It is, of course, one of South Australia's most valuable assets. It houses 38,000 objects of art, which are valued in excess of $600 million.

Recently, I was pleased to note the Art Gallery's commitment to the environment, through the Greening of the Gallery program, aimed at reducing the gallery's electricity consumption by around 40 per cent (the equivalent of 80 households). The Art Gallery is doing good work from that point of view. Also, the Art Gallery, along with Adelaide University, has developed new online art history courses, which commenced in February this year.

These two Adelaide institutions will ultimately teach art to the world, with students ranging not just from within Adelaide but also country South Australia and overseas, with students from Hong Kong. Students are able to watch the gallery director and curators deliver online lectures on the gallery's collection and exhibition displays and engage in live tutorial chat rooms led by university academics. Students may choose to complete a graduate certificate, graduate diploma or a masters degree or, of course, they may simply study for enjoyment.

As we have an ageing population and many people in the community are constantly seeking to keep their minds active, because we are living for longer than we ever have before, this sort of intellectual pursuit and intellectual exercise for members of the community is invaluable. I think that it will contribute greatly to the long-term happiness of many in our community. As we know, it is important for people's health that they continue to keep their minds active as they enter older age, so I think the Art Gallery and the University of Adelaide are doing some excellent work in this area.

The opposition has, of course, had some issues with the government's priorities as it relates to film in South Australia. I have long held the view that $40 million being spent on a film hub at the Glenside Hospital site should be a very low order priority for the government when compared to the needs of the mental health facility there.

Mr Marshall: Putting movies over mental health.

Mr GARDNER: As the member for Norwood describes, it seems to be the case that the government is putting movies ahead of mental health. However, I certainly would not want to denigrate the broader work of the South Australian Film Corporation, which over the years has created a sophisticated and dynamic film and television community, propelling South Australia onto the national and international stage with feature films such as *Hey Hey It's Esther Blueburger*, *December Boys* and *Wolf Creek*, as well as a myriad of documentaries, short films, television programs and digital media productions.

I remember that, growing up, one of my favourite films was very reliant on the work of the South Australian Film Corporation, Colin Thiele's *The Fire in the Stone*, which I am sure many members will remember with fondness. This year, Adelaide's Andrew J. Romeo and Paul Platt won the best international short at the 2010 Manhattan Film Festival with their South Australian Film Corporation funded film *Time of Day*, and I acknowledge that significant achievement. The South Australian Film Corporation funded short film *The Bully* was chosen for this year's official line-up at the 16th annual Palm Springs International ShortFest in the US.

The DEPUTY SPEAKER: An excellent film, if I may say so.

Mr GARDNER: It certainly was, thank you, Madam Deputy Speaker—I could not agree with you more. I am sure many members here will have taken the opportunity to see it. It was also screened at the 12th Seoul International Youth Film Festival in South Korea in July, a sign of South Australian artists and cultural contributors making their contribution, not just here in South Australia but, with the support of the South Australian Film Corporation, around the world.

It would be remiss of me not to mention that this year marks the 50th anniversary of the Adelaide Festival of Arts, which up until now has been one of the world's most significant celebrations of innovation and inspirational performances, drawing upon a wide selection of very diverse art forms from across Australia and around the world. The 2008 Adelaide Bank Festival of Arts had an audience of 600,000 and exceeded box office targets to achieve more than 2½ million in ticket sales, featuring 62 high quality international and national arts events, with more than 700 of the world's best artists in Adelaide.

Since 1999, under the previous Liberal government, the Adelaide Festival Corporation has also hosted the Festival of Ideas. This event, held every second year, features talks and panel discussions with national and international speakers surrounding a chosen theme, and is often incredibly stimulating.

Before I move on to some of the local aspects, I also want to mention the work of Country Arts South Australia. Country Arts SA has been dedicated to delivering diverse programs of professional arts to a broad range of regional and remote areas since 1992 and continues to encourage and foster cultural and artistic growth in regional and remote communities. It acts as an advocate for the continuing development of the arts in country South Australia and provides an information and advisory service to those living in regional and remote areas.

I remember, from the 18 months that I was living on the Fleurieu Peninsula, the incredible importance of bodies like this in encouraging the local arts scene. Country South Australia is a great deal more diverse in terms of the interests and applications of the people that live there than I think many people who struggle to think of anywhere north of Gepps Cross would understand. The country arts scene is vibrant and greatly appreciates the work of Country Arts SA.

Country Arts SA successfully manages and operates performing arts centres in Whyalla, Port Pirie, Renmark and Mount Gambier, and through the efforts of Country Arts SA regional South Australian communities were provided with $150,090 from the Australian government's Regional Arts Fund to support arts initiatives in 2010. These are all very important organisations and we hope that this bill will in fact streamline their governance in a positive way.

What might be of more concern to these bodies, and many other arts organisations across South Australia, is the state budget to be delivered tomorrow. We have learnt today that in the Sustainable Budget Commission's report just about every one of these faces significant cuts or total de-funding, if the Treasurer's body gets its way. The very fact that these organisations have been slated for de-funding by the Treasurer's body causes me great concern.

We are waiting with anticipation for the budget to be delivered tomorrow and, along with all the other bodies across South Australia—with the small schools that are threatened to be merged, the repatriation hospital that is threatened to be shut down (with its land being sold) and, of course, the potential outsourcing of the work at Yatala prison—we wait with fear for the next 24 hours, which is very disappointing. The fact that this state has got into the position where it might be seen as necessary by one of the Treasurer's own bodies, the Sustainable Budget Commission, to cut funding to those concerned is, I think, an indictment on the poor economic management of the government over the last eight years, and I am very concerned for these bodies.

These organisations are not just about taking the elites and giving them opportunities, nor are they just about supporting the highest level of arts and culture in South Australia: they also support many people who are starting out their work as artists: many youth and many people who come to the arts later in life, and even those that it does not support directly. These bodies also indirectly provide support for so many other community arts organisations. They provide inspiration for so many young new artists and emerging artists.

I want to highlight some of the fantastic cultural and art work that is going on in the seat of Morialta, because life is not just about the work we do, although that is important. The family life that we lead is obviously the most important thing to us personally, but our life is enriched by the work of the artists in our community. When that community art is accessible, as it is in South Australia to such a large extent, then our lives become enriched. This is why I am so concerned about the potential for these bodies to have significant cuts, and in some cases for them potentially to be completely de-funded.

In Campbelltown's council chambers every year the Campbelltown Rotary Club and the City of Campbelltown combine to put on the Campbelltown community art show, which is a very significant event every year. It raises tens of thousands of dollars for the charities that the Campbelltown Rotary Club supports. It also gives an opportunity for hundreds of emerging artists in both the Campbelltown community and the broader South Australian arts community to display their work. I think that this year something like 700 artworks were on display, ranging in price from $30 to several thousand dollars. Prizes are awarded for various categories, including local and youth artists, as well as for pottery and ceramic, and oil, watercolour and Indigenous painting. I am very proud to be a sponsor of one of those youth arts awards at the Campbelltown community art show. Operating over some nine days it also gets several thousand members of the community in to the art show, with live demonstrations from local artists. They do a great job.

That sort of work is not necessarily the result of direct government grants, but the opportunities from higher-up organisations for those artists who can progress themselves can only be there with some level of government support, and support offered by groups such as the South Australian Art Gallery is very important.

I am very proud to be the member for Morialta, as I have said before. We have had significant work done in our schools in the development of arts and culture in South Australia. My fiancée, Chelsey, and I were pleased to visit the Charles Campbell Secondary School's production of *It Takes Two* recently, and the Norwood Morialta High School's production of *Beauty and the Beast*. It is fantastic to see these young performers—many of whom will go on to extremely high level roles within the arts community—doing so well. I should also acknowledge the work of the Charles Campbell Secondary School's barbershop quartet, The Fishbowl Boys, who were runners-up on *Australia's Got Talent* in 2008, and I look forward to seeing them progress well.

Rostrevor College has a significant Indigenous student community, and last month I was pleased to visit the opening of its Indigenous art show, along with the member for Sturt, Christopher Pyne. The college does great work, and encourages and inspires students from Indigenous backgrounds in that area to create incredibly fine artworks, as well as the musical groups that they produce. I think it leads to a more optimistic and more hopeful future not just for the Indigenous students involved but also for their families and other younger Indigenous students, who potentially may benefit from the flow down effects of these students' success.

Time expired.

Mrs VLAHOS (Taylor) (12:26): I rise to speak on the Statutes Amendment (Arts Agencies Governance and Other Matters) Bill 2010. The framework presented in this bill both simplifies and clarifies the governance arrangements for the arts portfolio. South Australia's portfolio of government-administered arts organisations makes a significant contribution to the state. South Australia enjoys a rich cultural heritage and an outstanding reputation for the excellence of its major artistic and cultural institutions. At the foundation of these organisations is their status as government statutory authorities.

South Australia has proudly established its major arts bodies as statutory authorities, providing them with status as key government entities. For these organisations to flourish it is essential that their overarching governance model provides them with appropriate oversight of the state's investment in them, balanced with the flexibility to excel in their respective areas of cultural or artistic practice. A well-designed governance model should provide a solid foundation but not impede effective and efficient administration or operations. Difficulties and frustrations can arise from legislative variance across a portfolio, and it is evident that this bill is designed to address this situation within the arts portfolio by introducing a consistent governance model.

The benefits of this bill are evident from the government, organisational and legislative perspective. From the government perspective there are significant advantages in applying a consistent model across similar organisations. Public administrative processes can be shared, the application of government policies is more easily determined, management of board appointments is simplified, and monitoring of the arts portfolio is streamlined. Benefits also arise from the increased clarity in the organisations' and board members' obligations relating to the public sector standards of honesty and accountability that we all hold dear. By establishing a consistent, updated and solid governance model across the arts portfolio, government is providing an improved foundation for arts and cultural organisations and institutions.

For the boards themselves the bill provides updated powers. The inclusion of contemporary clauses dealing with intellectual property, sponsorship, official logos and broadcasting rights across the portfolio reflects the contemporary environment in which these organisations now operate. I am pleased to note the consistent clauses on board proceeding and obligations. These provide a clear reference point for board operations. Applications of the same provisions across the portfolio will be of great benefit to people holding positions on multiple boards or who are appointed to a different art board on the completion of a term.

The bill also introduces greater consistency in the composition of the boards, such as size and appointment terms. I understand these parameters have been drawn from research into the best practice of governance models and are aimed at providing an optimal blend of skills, experience and fresh ideas on arts boards across the state. These provisions will ensure that each arts organisation has the best board for its particular area.

From a legislative perspective, the bill also has its benefits. The legal status and powers and obligations of the arts organisations are now clearer, consistent and appropriate for their organisations. Each arts act provides a comprehensive guide for its respective organisation. The structure of the revised acts also has a greater degree of consistency for significant portions, across all acts. However, each act retains sections that specifically deal with the unique operations of those individual organisations.

When viewed as a whole, the revised arts act provides a template for modern, effective governance of statutory authorities. I support the bill and acknowledge the benefits this will provide to these organisations. I commend the Minister Assisting the Premier in the Arts with this progressive initiative and I commend the bill to the house.

The ACTING SPEAKER (Ms Thompson): The member for Bragg.

Ms CHAPMAN (Bragg) (12:31): I rise to speak on the Statutes Amendment (Arts Agencies Governances and Other Matters) Bill 2010 and indicate that I am not the lead speaker for the opposition, but I am sure the opposition's view will be ably presented by the Leader of the Opposition when she has an opportunity to make a contribution.

There are two aspects of this bill that I would like to address. One is the expectation, as presented by the minister on behalf of the Premier, that a one-size-fits-all proposal will in fact provide some better governance model. I hope he is right. I am not always an advocate for this concept that one size fits all for these organisations and that just to make it an easier process to be administered or managed by ministers or their departments, this should necessarily be reflected in a one-size-fits-all model. But if it does improve and enhance the operation of these agencies, then that will be something that is to be commended.

I know that these bodies, whether they are in a trust form or a corporation or a board form, are all to have boards. Most of them already have boards that are selected and appointed by the relevant minister, and it is not surprising to see the flavour of some of the board appointments that occur during each regime of government. That is not going to change, so we are still going to have the determination by the minister and/or the Premier, with or without consultation with cabinet, as to who is going to fill these positions.

Let me give just one example of where I think the situation needs to be improved, and I hope it will be. I refer to the South Australian Film Corporation, which is one of the agencies whose governance procedures are up for strengthening under this bill. The film corporation's annual report of 2007-08 listed a project that was one of its highlights, and it is one that is close to my heart. It is a film that was produced, named *Driven to Diffraction*. It was a film production of a documentary nature, which highlighted the very significant work in South Australia of the Nobel prize-winning father and son team Sir William and Sir Lawrence Bragg, whom my electorate is named after.

It was with pleasure that I ultimately viewed this film. The first part I thought was quite informative. It is an important part of South Australia's history that needs to be recorded, and I think it is terrific that that has occurred. As the film progressed, though, it seemed to become an advertisement for Baroness Susan Greenfield, who, members will be aware, has been a visitor of the Thinkers in Residence program, another little brainchild of the Premier which is under his jurisdiction, and which I also notice, when I come to the Sustainable Budget Commission inquiry, is under the microscope as well.

In any event, as it progresses Madam Greenfield suddenly becomes the feature of the film. The connection, apparently, is that she has been until recently the director of the Royal Institute of Great Britain, and the Braggs were also members of this institute. That is apparently the connection. She suddenly features in the South Australian historic work of the Braggs, and somehow or other that is some connection that justifies her being in this film about their history.

I suppose one asks whether this was the idea of the SA Film Corporation, the Premier, the minister, or someone else in the community, who said, 'Well, if you're going to do an historical documentary about the famous work of the Bragg father and son team, and this is going to be an important part of the history of South Australia, I think you should rush in Professor Greenfield'—because she is English but otherwise has no connection whatsoever with the historical work that they have done and, in fact, are generations apart, but apparently she needed to be in the film.

What we end up finding is a documentary which, I suggest, has been adulterated now with information and content which has nothing to do with the primary subject and which can only have some base, some origin, out of the brain of the Premier or his ministry. I find that completely

unacceptable. If this new governance regime is going to provide us with some independence, which on the face of it I doubt (but I hope I am wrong) then let that be seen. I just used that as one example.

Now that Baroness Greenfield has been sacked as the director of the Royal Institute of Great Britain and is under some inquiry in England about that (I will not go into detail about it; I am not privy to it other than what I read in the paper, which pretty tawdry), what I am concerned about is whether the Film Corporation is going to go back and recut this film, get rid of her and edit her out of it, when she had nothing to do with it in the first place, or will she continue to be part of this film which will be part of the staining of the magnificent history of the Braggs in this state?

I want no political interference in the operation of these boards and the duties with which they are vested to ensure that we have the production of artistic merit and benefits to this state, in particular in this instance for the people of South Australia by way of documentaries. All of these entities should be free of that political interference and we need to make sure they remain independent in carrying out their duties.

The second matter I want to raise, which is of concern to me, is that we have been presented with an amendment, which is foreshadowed by the minister on behalf of the Premier, to add into it all of the duties, in respect of the relevant boards for these bodies, which essentially will facilitate the right of that trust, corporation or board to not keep any material that in their opinion is not of sufficient artistic, historical, or other interest to justify its collection or preservation under the act; in other words, the history, records and assets of that particular board. Whether they are talking about costumes for a festival trust, for example, whether they are talking about books, records and letters that might be held by the libraries, or whether they are talking about other assets, it seems that, under this amendment, they will all have this extra provision that, if they think there is no merit in keeping that material, they will have the authority to dump it.

I will wait eagerly to hear the minister and/or the Premier explain to us why this has come in first, late and, secondly, why it has come in at all. Members may be aware of the recent very public event of what was to happen as a result of the State Library making the decision that it would dump a whole lot of records and it no longer was required to keep them. This was apparently exacerbated by a federal decision to not keep a whole lot of records—I am told, although that may not be right. In any event, there were records of the library that it said were surplus to requirements and that there was no merit or benefit in keeping them. I do not make any judgment about whether they were or not but there was significant public controversy over the fact that the library had apparently decided that it was not going to be needing them any more.

One of the concerns that was raised, which may or may not be accurate (and, again, I do not know but I think it is important that this be fleshed out and we have some responses on it), is that the library is getting much more commercially oriented. It wants to be able to use its facilities, including the beautiful and historical parts of the library, for wedding receptions and functions for which it can charge a fee. It may be under some pressure from the government, which wants to start raising a bit of money from public institutions, and part of that might mean cleaning out the dead wood, dusting off those old records, shoving them out and disposing of them to clear the way for other commercial opportunities.

I think we need some explanation for this. If these boards are going to be vested with the power to be able to decide and dispose of, at their will, then I think there are parts of South Australia's history in these institutions which need to be at least under some ministerial review—not the ultimate review by the minister being able to sack a board that might do this; that is too late—that is shutting the gate after the sheep are out.

Minister, you are on notice, in relation to the discussion that we will have in committee on the amendments, that I would certainly like to see some mechanism by which there will be at least some ministerial overview of that power. It seems to me, while it is occurring, there cannot be a disposal of these things until there has been proper consultation and approval by a minister or some other entity which you may consider is appropriate. I am happy to consider what that might be.

However, to throw this in as an amendment makes me very concerned and wary, in light of the situation of all these institutions being under enormous pressure now to show cause why they should exist and also that they have to make money for us. We know they are all entities which cannot make real money. They are going to be heavily subsidised by the taxpayer but they have a

meritorious reason for existing. Everyone on our side of the house accepts that there is a benefit in these entities and that they provide an enormous value to the broader community.

However, the way that they are administered and the way that they administer the public funds which are invested in them needs to be under scrutiny. I note in the material published by the Sustainable Budget Commission Report 2010 that a number of these entities—and, in fact, just about all of them—come under some kind of proposal. It varies from the removal altogether to significant cuts in their budgets. Almost all of them are under the commission's knife or at least for consideration by the Treasurer (to be under his knife) whether it is in tomorrow's budget or some subsequent period.

The Sustainable Budget Commission report does not mean that it has to be announced tomorrow. They could sneak up on us during the time ahead. There are a couple of proposals that were brought to my attention which I thought were quite interesting. One was a proposed reduction in grant funding to the SA Film Corporation—that should start in tomorrow's announcements—of $2 million or 40 per cent. I do not want to be particularly picking on the SA Film Corporation today but we cannot run through all of them.

I highlight that one because on page 20 of the report it also proposes that the Adelaide Film Festival, of which almost half of the funding is to be provided by the SA government for investment in films, etc. for this film festival, should also come under scrutiny. In particular, it is recommended here that the proposal is to terminate the Adelaide Film Festival after February/March 2011. So, in other words, you can only have one and then it is of no merit whatsoever and you should cut it altogether.

What is interesting here is the combination of these two recommendations, because also identified in this report under 'Further action required' is the following:

> Have been asked to examine construction of film hub in light of the cuts to the SAFC and the Film Festival.

It does not identify who has asked them to examine whether that should come under review, but it highlights these two proposed cuts that I have referred to and it refers to a film hub.

Now, the only film hub I know of is the Premier's little diamond in the rebuild of a proposed new headquarters and some filming facilities at the Glenside Hospital campus, the merit of which I have already made a number of comments on in this house. This flash new accommodation is underway. Over $40 million is being spent on new accommodation for the Film Corporation as headquarters for its personnel with some sheds at the back to do some film production.

Here we are with the commission's recommendation to at least review the construction of this, when we have had budget after budget and been through the last global financial crisis when we had the Treasurer running in here saying how desperately under pressure he was and that he needed to stop building prisons and make cuts and move projects into the never-never, yet this, of course, has blindly gone on. So, here is the commission coming forward and saying, 'Look, you need to review the whole thing.' In fact, somebody (undisclosed in this document) has asked them to even examine the construction of it. This is just one example in the commission's report.

The commission says that there need to be some cuts made to accommodate the Treasurer's request—it is being paid, of course, to define where there is fat in the system and what has to go, given the Treasurer's allegedly financially impecunious position, notwithstanding that he is swimming in money still and the Mid-Year Budget Review made it perfectly clear that he is still swimming in money—and that he should basically rip the guts out of these arts organisations.

The Treasurer may not be persuaded by this report. He may, tomorrow, actually announce extra funding for these entities. I doubt it, but, nevertheless, I may be wrong. So we will look forward and listen with interest to what he plans to do.

Can I say this: you can strengthen and try to improve all the governance in the world, but these entities cannot do their job properly unless they are independent and unless they have the resources to actually get on with their job.

Ms THOMPSON (Reynell) (12:47): I have been quite surprised by some of the remarks coming from members opposite, but I simply rise to use this as an opportunity to speak about some of the excellent work that has been done by our cultural institutions, as we do not often get to talk about them. I recognise that the bill is about changing the governance arrangements and, from my conversations with some of the people involved in that, this is something that I know to be widely supported.

This is a wonderful opportunity for us to recognise and celebrate some of the work that occurs through our arts agencies, and in my remarks I want to focus on the cultural institutions that we have along North Terrace, but I know there are others who are eager to talk about other matters relating to our arts community.

I do want to, though, just mention one area that falls outside those institutions and that is Country Arts SA. There is a problem for access to arts for people who live beyond Gepps Cross, as was mentioned opposite, but also for people who live beyond Darlington. The involvement of Country Arts SA in the Hopgood Theatre at Noarlunga has changed the use of that theatre to great advantage to the community.

People living north of Darlington can actually also participate in these activities because some of the things that we now have available through Country Arts SA are not regularly available at Festival Theatre, for instance. If you live at Mitcham, or somewhere like that, you can get down to Noarlunga and park more easily than you can get into Festival Theatre. I would like people to take notice of that opportunity that we have.

Those I want to mention include: the Art Gallery of South Australia, History SA, the South Australian Museum, and the State Library of South Australia. These are the state's treasure houses and, together with their heritage buildings, the state's most valuable assets. The South Australian Museum collection holds over 4 million objects and specimens, and was valued in 2009 at nearly $145 million. The Art Gallery of South Australia collection holds over 38,000 works, which cover Australian, European, North American and Asian art and features paintings, sculptures, prints, drawings, photographs, textiles, furniture, ceramics, metalwork and jewellery, most recently valued at $616 million.

The capacity of our community to reflect on itself through understanding the past underpins the role of our collecting institutions and is vital to our cultural fabric and the development of identity. I particularly welcome the fact that, during the time when the teaching of history in universities and schools is becoming quite unfashionable (something that I simply do not understand), we have these institutions available to provide us with living examples of our history. I know from conversations with younger members of my extended family that, when they visit these institutions, they do not understand at all that they are doing history, especially if they happen to be accompanied by a history-mad aunt.

These institutions offer free access to our human cultural heritage. The library, museum and art gallery play a vital role in a socially inclusive society. The major collecting institutions were established at various times as Crown entities with independent boards. While the governing act for each agency effectively sets the government's broad policy for acquiring, managing, conserving and promoting the state's collections, they have always been, and will continue to be, independent of government in deciding what is collected and displayed.

Further, these flagship organisations have always enjoyed bipartisan support. The State Library of South Australia is the largest public reference library in South Australia, with a collection focused on South Australian information and general reference material for information and research purposes. The breadth of its activity and services never fails to amaze and it seems to me that, even in this digital age, it is becoming more relevant to more and more people.

Broadly, it provides information, research and referral services for the whole community. It actively collects, preserves and gives access to the state's documentary heritage, both historical and contemporary. It offers public programs which enhance the cultural life of the state and it supports South Australia's public libraries network.

The State Library's archival collections include manuscript, pictorial, oral, film and other formats of material which document a rich diversity of South Australian life. Collecting began in 1920, when the South Australian Archives was established, the first state archives in Australia. The archival collections now form part of the State Library's South Australiana collections and the library collects archival material which is predominantly South Australian in content or is by or about South Australians and has great research value. The library began collecting audiovisual material in earnest in the 1980s, although the collection was established in the 1970s. In 1989 the legal deposit legislation was amended to include all non-print formats.

Two more examples of the breadth of the library's collection are the Bradman collection and the children's literature research collection, both of which attract visitors in person and online from around the world. The State Library has been the custodian of Sir Donald Bradman's personal

collection of cricketing memorabilia since the early 1960s and it is now on display at the Adelaide Oval.

The children's literature research collection was established in 1959 as a research and reference library for the study of children's literature of the world, with particular emphasis on Australia, the United Kingdom and the United States of America. To support this research function, there is a collection of reference books and periodicals relating to the study of children's literature and child play. A number of games and toys enhance the collection.

Electoral rolls held by the library are often used by family historians and other researchers. The State Library also provides another important service in its English Language Learning Improvement Service (ELLIS) as a free service for people who are learning English as a foreign language and want to improve their language skills. ELLIS supplements other English language and literacy programs within South Australia by providing self-help materials and opportunities to improve.

We may take for granted that someone will be keeping the material that builds a visual and written record of South Australian society from 1836 to the present but may not realise that it is the State Library that is doing this—collecting material produced with a short intended lifetime such as pamphlets and posters, often the only record of an organisation, event or activity.

Even fashion is within the collecting remit of our library, and I do not think it is 'even'. I think it is important that fashion is in the collecting remit of our library. Clothing styles are an integral part of the look and feel of the time and the State Library has a good range of materials, particularly older periodicals, which can provide students, historical researchers and designers with images and text to bring their projects to life.

The fashion collection of the State Library is particularly important for me. As a feminist, I recognise that over the years the creativity of women has not been well represented in the public fora. The art of women has not been encouraged until recently. I would have to say that within my lifetime the art of women is now encouraged in public fora but, up until my lifetime, there was not much record and it has not even been for all of my lifetime that the art of women has been recognised.

However, the creativity of women has often been recognised through their clothing, their choice of fabric, fashion, colour, etc., as well as their jewellery and the embroidery and knitting work that they do has often been the only representation of the creativity of women over the years. For this reason the fashion collection of the State Library is particularly important to me in enabling the creativity of women to be recorded and available for us now and for our descendants who want to see what has happened in terms of the cultural history of our community.

The list of library collections and services is almost endless. It also includes government and parliamentary publications, legal information, maps, medical and health resources, music, newspapers, oral histories, patents, vehicle workshop manuals, one of the best shipping and maritime history collections in Australia, and the largest collection of materials on the topic of wine in the southern hemisphere encompassing thousands of items including books, pamphlets, periodicals, wine labels, company records, and many other examples of fascinating oenography. Truly, it is a library for the 21st century.

The library's immediate neighbour, the South Australian Museum, enjoys an international reputation for the size and representation of its collections as well as the breadth and quality of its scientific research, regularly achieving a disproportionately high share of Australian research grants. Its six floors of exhibits taken from its holding of over four million objects and specimens tell many fascinating stories, and it offers a comprehensive teaching program linked to curriculum in schools from reception to year 12 for around 38,000 students a year.

The most recent addition to the richness of the Museum's collections is the Biodiversity Gallery opened earlier this year. Using more than 12,000 models and specimens, it tells the unique story of South Australia's diverse wildlife. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

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

PAPERS

The following papers were laid on the table:

By the Premier (Hon. M.D. Rann)—

Government Boards and Committees Information—Listing of Boards and Committees by Portfolio Report 2009-10

By the Minister for Sustainability and Climate Change (Hon. M.D. Rann)—

Low Emission Vehicles—Government Response to advice received from the Premier's Climate Change Council

POLICE ATTENDANCE PROCEDURE

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (14:03): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.J. WRIGHT: Yesterday, I advised the house that a comprehensive review would be conducted into a call to the 131444 Police Assistance line on 11 September, when Ms Pirjo Kemppainen reported a rock-throwing incident at her house in Callington. The call centre operator took a police incident report but did not refer the matter to the Police Communications Branch.

I am advised that the Commissioner of Police has declared this matter a significant incident investigation. Consequently, an investigation will be conducted to:

- examine the handling of this matter at the call centre, including action taken in response to the call;
- review the relevant standard operating procedures, level of training and supervision for call centre operations;
- advise on deficiencies in the manner in which the call was handled;
- any matter which may have contributed to the way the call was handled; and
- whether any changes to policy procedures, training, supervision or any other matter are needed.

The Commissioner of Police has also requested Ms Sarah Bolt, head of the Police Complaints Authority, to independently review the conduct of the investigation and its conclusions and recommendations. The independent Police Complaints Authority has agreed to the commissioner's request. The commissioner has acknowledged that police should have attended at Callington. It is now important that SAPOL immediately assess its internal processes and ensures all staff have a clear understanding of their responsibilities when receiving a call that may impact upon the safety of a person. The police investigation, and its outcomes, will be independently reviewed. It is expected the investigation will be completed within a short period.

VISITORS

The SPEAKER: I draw the attention of the house to a group of students in the house from Concordia College year 11, who are guests of the member for Unley. Welcome, Concordia. Also, we have year 7 students from the Sunrise Christian School at Paradise, who are guests of the member for Morialta. I hope you enjoy your time here today, and welcome.

MURRAY RIVER WATER ALLOCATIONS

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (14:06): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P. CAICA: I wish to inform the house about changes to the River Murray Drought Water Allocation Decision Framework and the subsequent advantages arising from these changes for irrigators.

Ms Chapman: I'm waiting.

The Hon. P. CAICA: I am going to stay firm, Vickie. Over the past three months, rainfall and inflow conditions have improved across the Murray catchment, including from recent flooding events in Victoria. The resultant improvements mean that there will be significantly more water flowing into South Australia than in recent years, although at this stage the inflows are still below the long-term average for winter and early spring. There is, however, justifiable expectation that we will see further significant flows into South Australia in the near future, as foreshadowed in my statement to the house yesterday.

This optimistic situation has led to some speculation—unfortunately, much of it ill-informed—about what this will mean for the River Murray irrigator allocations in South Australia. In some respects, the speculation has unrealistically raised expectations, doing a disservice to both irrigators and the communities in which they live.

Irrigators certainly stand to benefit from the improved inflows. However, it needs to be understood that the majority of the improvements expected to be derived from the recent floods in Victoria will be unregulated flows; that is, they will be flows that cannot be captured and stored and cannot be used to provide water for consumptive purposes such as irrigation. It is important also to understand that allocations to irrigators can only come from the 1,850 gigalitre entitlement flow that South Australia is entitled to receive under the current Murray-Darling Basin Agreement. Of that, irrigators can only receive a maximum of 650 gigalitres in any one year, which is the equivalent of 100 per cent of what is available for allocation.

Today I can announce that South Australia has received a 130 gigalitre improvement in our allocation from the Murray-Darling Basin Authority, taking us up to 1,720 gigalitres of our 1,850 gigalitre entitlement for this year. Given that we have now secured our critical human needs requirements for this year, and the next, and given that the environment will enjoy further significant benefits through the anticipated unregulated flows, the government has taken the decision to vary the River Murray Drought Water Allocation Decision Framework by putting all the 130 gigalitre improvement towards irrigator allocations.

In addition, the government will be allocating a further 15 gigalitres of yet unallocated water to irrigators, taking irrigators up to allocations of 63 per cent. This compares with the 16 per cent allocation at the same time last year and, in fact, exceeds—

Ms Chapman interjecting:

The Hon. P. CAICA: Vickie, you are going to learn a bit more if you listen. That will take irrigators' allocations up to 63 per cent. This compares with a 16 per cent allocation at the same time last year and, in fact, exceeds the total allocation for last year, which was 62 per cent, and represents the best allocation since the 2005-06 season. Irrigators have access to 100 per cent of their carryover water, currently calculated to be approximately 170 gigalitres, with that figure possibly needing adjustment once full auditing has been finalised.

While it is true to say that not all irrigators will have access to carryover water, a facility which this government introduced as a special drought measure so as to enable irrigators to effectively save unused water for the year ahead and which still must be accounted for within the 650 gigalitres cap—and I reinforce that point: must still be accounted for within the 650 gigalitre cap—on what irrigators can receive in any one year, it does mean that many irrigators have access to significantly more water than the 63 per cent allocation itself represents. In fact, the current allocation, plus 170 gigalitres carryover, equates to almost 90 per cent of the 650 gigalitre cap.

Furthermore, I also announce today that the government has decided to further amend the allocation decision framework to provide that irrigators will receive all further improvements as advised by the Murray-Darling Basin Authority in respect of South Australia's entitlement flow, until the 650 gigalitre cap on what irrigators can receive is reached. I am advised that it is highly likely that that figure will be reached, according to current forecasts.

Due to the rapidly changing situation in the Murray-Darling Basin and the Mount Lofty Ranges, the state government will bring forward its comprehensive review of the allocation decision framework which was originally scheduled for November 2010. Future carryover arrangements will be considered in this comprehensive review—and it is critically important that we do that.

It is also the case that if the amount of water held in storage by the Murray-Darling Basin Authority continues to improve (as is predicted) and South Australia continues to get unregulated flows for the environment, the prospects for irrigators in the 2011-12 season are looking positive,

which I am sure will be welcome news for those River Murray communities that have been doing it so tough in recent dry years.

In the same way that this government has taken the tough decisions to share the pain of restrictive water resources between all users during the years of unprecedented drought, we also remain committed to responsibly and sustainably sharing the benefits of what we hope will be an extended period of water availability. While we rejoice in the improved water availability, as a state we must not desist from doing all that we can to protect our most precious resource, whether that be by securing the long-term future of the River Murray through the eagerly awaited Murray-Darling Basin Plan or by increasingly diversifying our water supplies to further secure a sustainable future to which this government is most certainly committed.

LEGISLATIVE REVIEW COMMITTEE

Mr SIBBONS (Mitchell) (14:12): I bring up the eighth report of the committee.

Report received.

MATTER OF PRIVILEGE

The SPEAKER (14:13): On Thursday 22 July 2010, the member for Davenport rose on a matter of privilege in relation to statements made by the Minister for Families and Communities in response to a question from the member about the investigation of and subsequent trial of Mr Thomas Easling. The member for Davenport's allegation is that the minister failed to substantiate her statement in response to questions from the member for Davenport on 30 October 2008 in relation to the conduct of an investigation of Mr Thomas Easling by the Special Investigations Unit of the Department for Families and Communities that 'We had people going into that house and finding semi-naked boys in his bed.' (*Hansard* 30 October 2008, page 768.)

A range of issues in relation to the investigation and trial of Mr Easling have been pursued by the member for Davenport and others over a considerable period of time. The member for Davenport has been tireless in his pursuit of this matter on behalf of his constituent and, whatever one feels about the issue, he is to be commended for his commitment.

Honourable members: Hear, hear!

The SPEAKER: I appreciate that there have been complaints in relation to the conduct of the Special Investigations Unit's investigations and the trial. These matters have been both personally distressing to many people involved and the subject of some political controversy. However, they are not relevant to the matter before the chair. So, I will spare Mr Easling and others any further embarrassment by not revisiting them, except to remind the house that Mr Easling was acquitted in December 2007 of all charges.

There are three elements in establishing the contempt and misleading of parliament. They are that the statement complained of must have been misleading; it must also be established that the member knew at the time that it was misleading; and that it was the member's deliberate intention to mislead the house.

In response to another question from the member for Davenport on the same matter, the minister claimed in the house on 27 November 2008 that she had used her own words to summarise the information she had. Again, in a newspaper article referred to by the member for Davenport, the minister is quoted as saying that she had relied on documentation provided by the department.

The member for Davenport claims, and I think has clearly established, that the words 'semi-naked boys in his bed' do not appear in any evidence tendered to the court or in any documents released in response to FOI applications made by the member for Davenport or ordered to be released by the Ombudsman.

As a number of occupants of the chair have stated in previous opinions, an inconsistency between the words used by a member in the house with those previously used in the house or elsewhere, or words spoken that are inconsistent with the text of any document, is not of itself misleading and therefore not a matter of privilege.

The minister has claimed, as I have said earlier, that the words used were her own and based on conclusions she had reached from the information available to her. In the heat of lively exchange during question time, I believe the minister's words were not wisely chosen and could be fairly described as innuendo. A minister should be more careful.

McGee in *Parliamentary Practice in New Zealand*, the reference that has been used regularly to guide this house in such matters, states:

> The standard of proof demanded is the civil standard of proof on a balance of probabilities but, given the serious nature of the allegations, proof of a very high order. Recklessness in the use of words in debate, though reprehensible in itself, falls short of the standard required to hold a member responsible for deliberately misleading the house. [McGee, 3rd Ed., p. 654]

Nothing has been presented to me by the member for Davenport in his statement to the house on 22 July 2010 or in the substantial documentation that he has provided to me that would lead me to conclude that the minister knew at the time that the words were misleading or that it was the minister's deliberate intention to mislead.

This is confirmed by the fact that the minister, who should be well aware of the possible consequences of deliberately misleading the house, has not, in the 22 months since, seen fit to withdraw, clarify or correct the record. This may be because she still believes, as the former attorney-general did when he answered a question from the member for Davenport on the same matter on 27 November 2008, that her answer and those of other ministers addressing this matter were based on, and I quote, 'a more than adequate substratum of fact'. (*Hansard* 27 November 2008, page 206.) However, it is the chair's view that this house has a right to expect that information provided to it be based on something more substantial than that.

In the chair's opinion this is not a matter of privilege, for the reasons I stated earlier. In the chair's view, the matter could not 'genuinely be regarded as tending to impede or obstruct the house in the discharge of its duties'. This is the standard in matters of privilege that the house has consistently applied. Therefore, I decline to give the matter the precedence that would allow the member for Davenport to immediately pursue the matter. However, my opinion does not prevent any member from pursuing the matter by way of substantive motion.

QUESTION TIME

BUDGET CUTS

Mrs REDMOND (Heysen—Leader of the Opposition) (14:19): My question is for the Treasurer—and he would not have been expecting me to ask him a question first up. Given that the government has been in office for 8½ years and has received billions of dollars in unbudgeted extra revenue during this period, how could the Treasurer let our state get into a position where cuts such as those recommended by the Sustainable Budget Commission are even being considered?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Federal/State Relations, Minister for Defence Industries) (14:19): If the opposition wants to talk about eight years of government, let us remember the situation we inherited, with increasing debt and substantial budget deficits, and what did we do when we came to office?

Members interjecting:

The SPEAKER: Order!

Mr Marshall: Talk about the eight years before that, if you want to go back in history.

The SPEAKER: Order, member for Norwood!

The Hon. K.O. FOLEY: In coming to office, we instituted in excess of $1 billion of budget cuts in our first four years, from memory. We dragged the deficit into surplus. In doing so, within two years we were in receipt of an upgrade to a AAA credit rating, after two budgets. This government had done the hard work, had done the difficult work that members opposite ignored and refused to do because they were weak when it came to financial management. That AAA credit rating has remained with us into our third term of government.

What happened two years ago was the global financial crisis. Members opposite behave like it never existed, it never had an impact. Queensland, with its revenue base of mining royalties and royalties from its rail freight etc., was unable—the powerhouse economy of this nation, Queensland—to hold its AAA credit rating. We did. What this government was able to do, at the outset when the global financial crisis was to hit us, was put corrective measures into place immediately. We cancelled projects. We made further budget savings. We exited some 1,200 public servants to relieve pressure. We maintained our AAA credit rating.

What occurred was that the recession did not hit Australia, but we did suffer a significant downturn—sharp, but it was significant. What we saw was not the $3 billion loss in revenue over

the forecast forward estimates we lost about $1.4 billion. So we still are out of pocket on GST and own-source state revenue $1.4 billion over the forward estimates.

Mr Williams interjecting:

The SPEAKER: Order, deputy leader!

The Hon. K.O. FOLEY: Madam Speaker, they are either deaf or ignorant. I ask the members to listen to what I have just said. We are negative $1.4 billion over the forward estimates.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: What is more, we have been incredibly open and up-front about this from day one in government. The battle—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: The incredible difficulty we have as state governments around this nation is managing the growth in health expenses, growing at least 9 per cent per annum compound—this year alone $200 million more in expenditure than we had budgeted, and we had budgeted for a healthy growth in people coming through our front doors. That $200 million is not a one-off year expense. That is what they used to do. When they overran their health budget they would say, 'That was just a one-year overrun.' They would not fund it into the forward estimates.

The Hon. P.F. Conlon: 'Oops! It happened again.'

The Hon. K.O. FOLEY: 'Oops! It happened again. Let's do it again.' We have been consistent in improving financial accountability and transparency in the way we budget. So that $200 million alone has to be fed across the forward estimates. That is a further $2.2 billion impact over the forward estimates. It is not rocket science; it is not difficult to calculate. What is more, we did go to the election with a suite of election promises—just like the Liberal Party did—and we are funding them in this budget.

But do you know where the lie is in their tale? The lie in their question today is this. We just had a state election. The opposition had the Mid-Year Budget Review. They had the accounts going into the calendar year 2010. They made promises. They made substantial multibillion dollar promises, including a billion plus for a football stadium. They made more spending promises than Labor—more spending promises than Labor. So where would you be today if you were in government framing a budget? You knew exactly the financial position of government. You knew exactly the reality of the loss of money from the GFC.

Every treasurer in Australia, including the commonwealth treasurer, who I do not think gets his budget back into surplus until 2012-13, is confronted with the same problem. The global financial crisis did have a substantial impact on revenue. The global financial downturn did have a significant impact on investment. The GFC did have an impact for a short period, but a very decisive reduction in royalty income for the nation. Those events occurred beyond our control.

I will finish with this. As Treasurer, I have never shirked a hard decision. This government has never shirked a hard decision. This Labor government has done more to rein in spending and keep spending under control than any government in this state's history.

Members interjecting:

The Hon. K.O. FOLEY: Any government in this state's history. We maintain a AAA credit rating. We have done the hard work, and we will continue. Notwithstanding the yapping dog, the member for Norwood, back there with his raised eyebrow trying to outdo his colleagues in the front, I will say this, that we are a government proud of our financial record, and as long as we are in government we will continue to bring the budget back to surplus even when we are hit with the effects of a global financial crisis.

Members interjecting:

The SPEAKER: Order!

OZASIA FESTIVAL

Ms THOMPSON (Reynell) (14:27): My question is to the Premier in his role as Minister for the Arts. Can the Premier inform the house about the importance of the Adelaide Festival Centre's OzAsia Festival, which is commencing this Friday, I understand?

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): Thank you very much. I know the honourable member has a keen interest in all matters involving the arts. People would also be aware that, since this government came to office, we have established the Adelaide Film Festival, we have established of course the annual Fringe, the annual WOMADelaide, we have announced of course that the Adelaide Festival of Arts will go annual, and it will, and also we have established the OzAsia Festival.

The fourth OzAsia Festival, presented by the Adelaide Festival Centre, opens on 17 September and runs until 2 October. Following on from last year's OzAsia Festival, which focused on the arts and culture of the People's Republic of China, this year the program will have a strong focus on the arts of Korea.

There is no doubt that this has been a historic and memorable year for the arts. We have seen the Adelaide Festival and Festival Fringe both celebrate their 50th anniversaries. The festival broke all of its targets, selling 66,000 tickets, and taking $3.4 million at the box office. The Fringe was also the biggest in its 50 year history, with more than 700 shows and over 300,000 tickets sold. This year the much-loved WOMADelaide event was extended over four days, and we recently had another hugely successful Adelaide Cabaret Festival, which celebrated its 10th birthday. Later this year we have the return of the Adelaide International Guitar Festival under the direction of Slavia Gregorian.

Now in its fourth year, the OzAsia Festival has established itself as the nation's pre-eminent platform for dialogue and collaboration in the performing arts with Asia, but it is much more than this. The OzAsia Festival fosters understanding, and it strengthens existing artistic and cultural ties with our Asian communities and with our Asian neighbours through music, theatre, film, dance, workshops, symposia and food. It gives the wider South Australian community an opportunity to learn more about and develop a deeper appreciation of our Asian neighbours, and it further strengthens the relationship between our state and our region. That relationship continues to prosper, especially through the presence of about 30,000 students from Asia and the subcontinent choosing to further their education here in Adelaide.

Importantly, the OzAsia Festival celebrates and honours the contribution the people and cultures of this region make to our own community. With this in mind, there is little wonder that the popularity of the festival has continued to grow, as was reflected in a 25 per cent increase in net box office income in 2009 and a total attendance of more than 25,000 across the 15-day festival. The festival won a prestigious Helpmann Award in 2008 and a Ruby Award in 2009 for best work or event.

The Moon Lantern Festival, featuring the twilight moon lantern parade, has become a favourite annual community gathering attracting a large audience. To be held on 22 September in Elder Park, this free event will see family and friends come together to celebrate and enjoy a range of festivals, including a diverse selection of Asian food and market stalls, crafts and workshops. I hope we will see many members of parliament there. Adelaide's Asian communities have embraced the Moon Lantern Festival, and this year around 50 students from the Asia-Pacific region currently living in Adelaide have volunteered to work at the festival and parade.

In highlighting the arts and culture of Korea, the festival program features presentations and performances, including a Korean shaman opening ritual designed to bestow good luck on the festival. There will be an award winning production, *When His Watch Stopped*, in which the Sadari Theatre Company uses masks, visual art and mime to compassionately explore the theme of war and its effect on a family. There will be a Korean screen program at the Mercury Cinema, the Australian exclusive and premiere performances by the Yegam Theatre Company of *Jump*, a martial arts comedy, and a Korean twist on William Shakespeare's *Hamlet* by the Yohangza Theatre Company, which is also an Australian premiere.

The state government is proud to have recently announced an additional $250,000 per annum, allocated specifically to the OzAsia Festival. I am delighted to announce that the 2011 OzAsia Festival program will focus on the culture and arts of Japan and also that the 2012 OzAsia Festival will celebrate the cultural and economic ties that we have with India.

Congratulations to Douglas Gautier and Jacinta Thompson and their hardworking teams for yet another exciting program. I look forward to seeing members at the events.

BUDGET CUTS

The Hon. I.F. EVANS (Davenport) (14:32): My question is to the Treasurer. How could the Treasurer claim on the day before the last state election that 'under Labor for eight years we have been able to manage finances extremely well' with the state now facing significant cuts to both services and jobs?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Federal/State Relations, Minister for Defence Industries) (14:33): Madam Speaker, it is the same question packaged again. The budget settings and scenario are no great secret. We had an election campaign on the fiscal position. But what—

The Hon. I.F. Evans: You lied through the whole campaign.

The Hon. K.O. FOLEY: I beg your pardon?

The Hon. I.F. Evans: You lied through the whole campaign.

The Hon. K.O. FOLEY: Madam Speaker, I would ask that the member withdraw that remark.

The Hon. I.F. EVANS: Madam Speaker, the Treasurer has admitted that he told the public prior to the election that he had no knowledge of the Adelaide Oval blowout, and he has admitted that he did actually know. I suggested that he lied to the electorate during the campaign. On that issue, I think I am correct, Madam Speaker. If I am incorrect, I withdraw.

The SPEAKER: Certainly, there are a couple of standing orders there that I have concerns about: you have certainly used unparliamentary language and there is a personal reflection on the member. I would ask you to withdraw that, whatever you believe.

The Hon. I.F. EVANS: Then I withdraw, Madam Speaker—

The SPEAKER: Thank you.

The Hon. I.F. EVANS: —but I think my point is correct.

Members interjecting:

The Hon. I.F. EVANS: I withdraw, Madam Chair.

The SPEAKER: Thank you. Treasurer.

The Hon. K.O. FOLEY: Madam Speaker—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Perhaps if the member for Davenport spent less time worrying about the Easling case and more time worrying about his job as shadow treasurer—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: These numbers, these accounts, these financial figures have been largely on the public record for many months. The fact that we have got a Sustainable Budget Commission is a matter of fact. The fact is that we are in a position beyond our control—beyond our control, I will repeat for the benefit of members opposite. How are we responsible as a state government for a reduction of $1.4 billion of GST and other own-source revenue—

The Hon. I.F. Evans: You are responsible for your expenditure.

The Hon. K.O. FOLEY: How are we responsible, or would you have done something different, for the extra $200 million we have provided to our health system and hospitals over the last year? They used to cut the health budget. They used to masquerade their overruns as being one-off incidents, but are members opposite saying that they would not have allocated that extra $200 million? Of course they would have.

The third element which really does destroy their line of attack and argument—as much of an attack as it is, it is a little bit like a wet lettuce—is that knowing the state of finances in the Mid-Year Budget Review, members opposite promised more spending in the election campaign than Labor. They promised more spending than Labor in the election campaign. So, had the shadow treasurer been doing my job, his task would have been much harder, because you promised more spending than us. How were you going to fund it? You would be cutting deeper and harder than what we are.

Members interjecting:

The SPEAKER: Order!

Mr Williams: You have proved that you can't be believed.

The SPEAKER: Order, the deputy leader needs to be careful!

VISITORS

The SPEAKER: I draw to the attention of the house the presence in the chamber of four students from Mary MacKillop College who are here today, who have just recently been selected to go to Rome and witness the historic moment of the canonisation of Mary MacKillop. So, welcome here today. It is good to see you here and congratulations on your achievement.

QUESTION TIME

ROAD SAFETY EDUCATION

Mr SIBBONS (Mitchell) (14:37): My question is to the Minister for Road Safety. Can the minister update the house on road safety educational initiatives in middle schools?

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) (14:37): I add my congratulations to those students. I would like to thank the member for Mitchell for his question and for his particular interest in road safety education. Young people aged 16 to 19 make up six per cent of the population, but they account for 12 per cent of fatalities and 15 per cent of serious injuries in South Australia each year. The government is helping South Australian middle school students learn more about making the right choices on our roads with the release this month of the 2010 edition of the Your Turn teacher resource.

This resource is for teachers of students in years 8 and 9 in South Australian schools. Extensive consultation has been undertaken during the development, writing and design processes, involving road safety and travel behaviour change experts within the Department for Transport, Energy and Infrastructure; current middle year teachers; and staff from the Department of Education and Children's Services.

Your Turn recognises that year 8 and 9 students are directly involved in road use as passengers, pedestrians, cyclists, skateboarders, rollerbladers, scooter riders, and even as horse riders, as well as being the drivers of the future. The revised edition incorporates a wider focus on the concept of safer, greener and more active travel and explores factors influencing young people's decision-making in the road environment. These include:

- attitudes and values;
- knowledge and application of road rules;
- distractions and risks; and
- motivators and barriers to personal decisions.

Your Turn comprises five separate units in which teaching and learning activities investigate the factors specific to road-user groups, being: passengers in private vehicles, passengers on public transport (including school buses), bike riders and pedestrians.

Students apply their understandings to scenarios and decision-making in relation to safer, greener and more active travel. This teacher resource complements the introduction of Way2Go, a program for safer, greener and more active travel for South Australian primary schools and their communities, and aims to reinforce these learnings for students embarking on their high school years.

Further information on both programs can be accessed as part of the 'community and education area' of DTEI's road safety website. Copies of Your Turn are being distributed to all South Australian schools with a year 8-9 enrolment this month. I believe that the Your Turn teacher resource creates an opportunity for safer, greener and more active travel among young people by offering teaching, learning and assessment strategies relevant to middle years schooling.

TAXES AND CHARGES

Mrs REDMOND (Heysen—Leader of the Opposition) (14:40): My question is again to the Treasurer.

The Hon. K.O. Foley interjecting:

Mrs REDMOND: No; a different question. Given that the Institute of Public Affairs and the Commonwealth Grants Commission both confirm that South Australia is already the highest taxed state in the country, why is it that South Australians are now going to face fewer services and higher taxes and charges?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Federal/State Relations, Minister for Defence Industries) (14:41): We do not know what is in the budget until the budget comes down tomorrow, although we might have a bit of an idea about some of the things that are in it.

Mrs Redmond interjecting:

The Hon. K.O. FOLEY: Pardon?

Mrs Redmond interjecting:

The Hon. K.O. FOLEY: The IPA, that is a fairly balanced commentating organisation, isn't it—the Institute of Public Affairs? I wonder what the IPA would have said about their election promises, where they outspent the Labor Party and when the shadow finance minister on the day before the election said, 'Oh, they're all spin. Our costings were all spin. There was no substance to them.' You were embarrassed and you were—

Mr Williams: Truthful and honest!

The SPEAKER: Order!

The Hon. K.O. FOLEY: By telling us it was all spin? He has just confirmed that they were not being honest on the day before the election, that their costings and their promises about the Royal Adelaide Hospital were all spin. Well, thank you for your honesty.

FOSTER CARE

Ms FOX (Bright) (14:42): Can the Minister for Families and Communities advise the house what the government is doing to support South Australian foster carers and the state's alternative care system?

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Housing, Minister for Ageing, Minister for Disability) (14:42): I thank the member for Bright for her question.

Members interjecting:

The SPEAKER: Order, on both sides!

The Hon. J.M. RANKINE: As I am sure members of this house would agree, foster caring is one of the most selfless and honourable community contributions a person can make. In my role as Minister for Families and Communities, I am privileged to meet many foster parents who have opened their hearts and their homes to children and young people who could not stay with their birth parents.

The impact that a safe and nurturing family can have on a child cannot be underestimated. It is in this type of environment that young people have the best chance to learn, grow, thrive and reach their full potential as adults. The Rann government recognises this and that this responsibility is not for foster parents alone. Foster parents need support, and providing a strong and safe alternative care system requires input from many people: government, social workers, parents, carers and the children themselves.

Our government is committed to a sustainable and collaborative alternative care sector that comprises a range of placement types, support and approaches to care. We work to ensure expertise across agencies and communities and that the voices of children, young people and carers are heard. We strive to build and maintain genuine partnerships with all those involved in the care of children. Over recent weeks, I have sought the views of people involved in alternative care on how we can further improve our system for the future.

A draft paper, 'Directions for alternative care in South Australia', was the basis for discussion and provided an opportunity for the department to receive valuable feedback from carers and organisations. The document comprises four directions for the future, including:

- redesigning the system for more flexibility and integration;
- creating more streamlined support services and consistent placement options;
- building and applying a framework for quality assurance; and
- integrating a standards based approach to improved continuity of care for young people.

Over recent weeks, many people and groups have had their say on how we can better support carers and the young people who come into our care. One of the innovations contained in the paper is that of other person guardianship arrangements. Our priority is always to return children to the care of their birth family, but the sad reality is this is not always safe or possible. When this is the case, we want them to be cared for in a nurturing, safe and stable family environment where they feel secure and have the opportunity to reach their full potential.

Other person guardianship would provide carers who are willing to devote their lives to a child and who are able to manage the needs of children in their care with the parental authority to make decisions on behalf of those children. This would increase stability, security and continuity for carers, including in many instances grandparents, and most importantly for the children themselves.

Other person guardianship would enable a carer to apply through the Youth Court to have full guardianship of the child or young person and, in doing so, have greater say in their health, education and life choices. Children would still be encouraged to maintain ties with their birth family if it was safe to do so, and access arrangements would continue where appropriate.

Many wonderful carers build lifelong commitments to the children in their care. Without pre-empting the final paper, feedback from the consultation process indicates these changes would reduce difficulties encountered by carers and provide more stability for the children in their care and a real sense that they do belong. I look forward to updating the house on our directions for alternative care in South Australia.

HOSPITALS, FUNDING

Mrs REDMOND (Heysen—Leader of the Opposition) (14:46): My question is to the Premier. Given that this government for 8½ years has spruiked itself as a government focused on health, education and law and order, how can we possibly be in a situation now where we have to consider closing hospitals, schools and police stations?

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) (14:47): I know that was your plan, and you just said that you would have to consider closing hospitals. Here I have an announcement to make.

The budget tomorrow will provide a major boost to the health service, with more than $100 million dedicated to ensuring that 95 per cent of all patients who present to emergency departments are seen, treated and discharged or admitted to a ward within four hours by June 2013. I thank the Minister for Health and the Treasurer for their great help in terms of giving me the arms I needed to go and negotiate this deal with the commonwealth. That is our commitment.

In addition, more than $100 million of capital investment will be made in redeveloping the Women's and Children's and Modbury hospitals, and we are committed to the $125 million next stage of The Queen Elizabeth Hospital redevelopment, as well as more than $20 million to upgrade country hospitals.

SCHOOLS, FUNDING

Mrs REDMOND (Heysen—Leader of the Opposition) (14:48): In light of the Premier's previous answer, and given that he has always badged himself as the education premier, will he rule out any closures or reduction in services in our schools?

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) (14:48): It is a terrific budget for education in our schools tomorrow. Can I make one thing very clear: the experts, the boffins and others can know the price and cost of things, but our job is to determine the value of things.

LOCUST PLAGUE

Mrs VLAHOS (Taylor) (14:49): I rise to ask a question of the Minister for Agriculture, Food and Fisheries. What steps are Biosecurity SA taking to prepare for the expected locust plague in South Australia this spring?

The Hon. M.F. O'BRIEN (Napier—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Northern Suburbs) (14:49): This spring South Australia is expecting the largest locust plague since the year 2000, which could quite possibly be the largest locust plague in 40 years. New South Wales and Victoria are facing an even greater locust threat. Earlier this year, widespread rains in south-western Queensland and north-western New South Wales in the so-called Channel country led to a significant build-up of locusts due to an abundance of green feed. Extensive egg laying occurred in South Australia's Mid North and the Riverland, Murray Mallee region. It is the first time that we have had egg laying on any scale in this area, and this was due to fly-ins from the Eastern States. So, a two-prong attack. We have never had to deal with it on two fronts; it usually comes through the north of the state.

If left unchecked, the locust plague will inflict significant damage on our agricultural and horticultural sectors, which, as many members on the other side of the house would be aware, are looking extremely promising this year, particularly after the recent rain, as well as a threat to our public parks and home gardens. It is important to emphasise that combatting this threat requires a unified effort between state governments, the Australia Plague Locust Commission, landowners, local councils and natural resource management boards.

In June, I announced the government's $12.8 million emergency response to locusts. The government strategy in shaping this response is clear: to remove the threat of locust hoppers by strategic aerial and ground spraying such as to prevent locusts from taking to wing and ultimately minimising their southern migration. I think most members are aware that we have to get them at the hopper stage. If we leave it too late and they take to wing, we will be spraying them, in some instances, a little too close to harvest, and we then risk the very grave threat of contamination of export grain, and if contamination is detected, it will not be loaded onto ships for export. So, the threat to our export trade is quite significant, and so we have to intervene forcibly and early and prevent their moving beyond the hopper stage.

The success of the overarching state government response to locusts also depends on farmers and landowners regularly informing the local control centres where and when they spot significant bands of hoppers. The Victorians have just detected one which I think is 18 to 20 kilometres in length. So, we have a real threat this season. This issue of identification and then conveying of information to local control centres is vitally important, and it is a message that we will be reinforcing over the coming weeks. The feeding in of this information to our control centres will then govern the deployment of aircraft and local spraying contractors.

Extensive aerial spraying, with the use of up to seven aircraft, will be done by Biosecurity SA in open pastoral country and cropping areas of the Mid North and the Southern Flinders Range region and in parts of the Riverland, Murray Mallee region. As most members would be aware, aerial spraying will not be possible over much of the Riverland due to proximity to watercourses, other sensitive sites and townships. In this area, emphasis will be on the on-ground spraying campaign by landowners, NRM boards and councils.

Ms Chapman interjecting:

The Hon. M.F. O'BRIEN: I have an interjection. In relation to parks, we have that very much under control and I can give you a briefing. For ground spraying, the government will provide landowners with a capped rebate of $8.25 per hectare. In most cases, this means around

$2,500 towards the cost of chemicals for spraying hoppers and for labour, if they employ people to spray—and this has been widely welcomed within the primary production sector. Up to $1 million will also be available for councils to help with spraying through the local government disaster fund, and this is largely for very wet road verges. Two regional locust control centres have been established, with one at Orroroo having been active since Monday of this week and Loxton going live from Monday 20 September.

These local control centres will undertake surveillance and spraying operations, which will be coordinated from the state control centre in Glenside, with over 130 staff involved in the overall response. That is 130 people on the ground on a full-time basis.

Since May, the government has been consulting with community reference groups in the Mid North and Riverland and the Murray Mallee to keep landowners, councils, NRM boards and other individuals informed and prepared for the operation ahead.

In July and early August, about 1,000 people also attended Biosecurity SA organised information sessions on locust response. As members of the opposition have commented, there was an emerging issue in terms of spraying in national parks and that has been resolved to everybody's satisfaction, and I have received that feedback from our community reference groups.

PIRSA has also set up a website for information on locusts and the response program and, basically, that address is the PIRSA website \locusts. We also have a newsletter and an SMS alert service for people wanting more information about the progress of the locust response. PIRSA has built up significant expertise over the years in managing locust outbreaks and this is going to be put into effect. We do have a challenge that is unprecedented in that we are actually having to deal in the Riverland with horticultural production and proximity to large townships and waterways.

In closing, the $12.8 million program this government has allocated and the cooperation of landowners, local government and NRM boards, I am confident, will allow the coordination of a whole-of-community response to significantly impact on the evolution of the locust. As I said, it is vitally important that over that six-week window of opportunity we get them on the ground while they are banding. There is a probability that we will have a 20 per cent breakout, and that is going to constitute a whole series of other challenges.

HOSPITALS, FUNDING

Dr McFETRIDGE (Morphett) (14:56): Will the Minister for Health rule out any reductions in services or closures of regional or metropolitan hospitals in tomorrow's budget?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Federal/State Relations, Minister for Defence Industries) (14:57): I will take any questions relating to the budget, and all will be revealed tomorrow. Let us just have a look at members opposite. The day before the budget, not an insubstantial leak, and halfway through question time the Leader of the Opposition had no questions—was left flat-footed.

Members interjecting:

The SPEAKER: Order!

Mr PISONI: Point of order: relevance.

The SPEAKER: Yes, I uphold that point of order. Treasurer.

The Hon. K.O. FOLEY: What is the relevance of the Leader of the Opposition? You would have thought on any day they would have had a line of attack that could last them an hour.

Mr PENGILLY: Point of order: the point in issue. The fact of the matter was that the opposition did not get up to ask a question because the minister for Taylor was on her feet ready to ask a Dorothy Dixer.

The SPEAKER: That was not a point of order, member for Finniss, but I take the point.

The Hon. K.O. FOLEY: I will conclude on this point, Madam Speaker.

The SPEAKER: Treasurer, I direct you back to the question.

An honourable member interjecting:

The Hon. K.O. FOLEY: I am enjoying question time. It gives me an opportunity to restate this government's outstanding financial record, our superior economic management, and our tough,

strong budgeting. What it shows is a weak opposition that has finally realised another 3½ years in opposition. Interestingly, how many questions have they allowed the shadow treasurer to ask? The leader, the deputy leader, the shadow health minister—

Mr WILLIAMS: Point of order.

The SPEAKER: Point of order from the deputy leader.

Mr WILLIAMS: Standing orders dictate that the minister should address the subject of the question, which I believe—

The SPEAKER: Substance?

Mr WILLIAMS: —was about health.

The Hon. K.O. FOLEY: I've done it.

Mr Williams: You have not; you have gone nowhere near it.

The SPEAKER: I uphold that point of order. Treasurer, have you finished?

The Hon. K.O. FOLEY: Yes.

POLICE FUNDING

Mr GOLDSWORTHY (Kavel) (14:59): My question is for the Minister for Police. Will the Minister for Police rule out any reductions in services or closures of police stations in tomorrow's budget?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Federal/State Relations, Minister for Defence Industries) (14:59): Don't give the shadow treasurer a job to do the day before the budget, don't give the shadow treasurer a job to pursue documents that have come in the public domain—send in the big guns. All will be revealed tomorrow.

BUILDING THE EDUCATION REVOLUTION

Mr PISONI (Unley) (14:59): My question is for the Minister for Infrastructure. Of the schools earmarked for possible closure in the Sustainable Budget Commission's report, how many of them have received BER funding and which projects have been or will be completed upon closure?

Members interjecting:

The SPEAKER: Order!

Mr PISONI: The Minister for Infrastructure has taken over from the Treasurer with the oval. I thought he could at least answer this question.

The SPEAKER: Any minister can choose to answer a question.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Federal/State Relations, Minister for Defence Industries) (15:00): We swapped: he got the oval, I got the school sheds. Something happened in that one that I missed out. They are sort of circling the shadow treasurer. They are giving everyone a question bar the poor old hapless shadow treasurer. Clearly, something has happened opposite. He has not looked a happy man today, the shadow treasurer.

The Hon. P.F. Conlon: Or yesterday.

The Hon. K.O. FOLEY: Or yesterday. What is going on underneath the surface with members opposite? Something is bubbling away.

Members interjecting:

The SPEAKER: Order!

Mr PISONI: Point of order!

Members interjecting:

The SPEAKER: Order! You have a point of order, member for Unley.

Mr PISONI: This question is specifically about BER projects—

Members interjecting:

The SPEAKER: I am sorry; I did not hear what you said. Could you start again?

Mr PISONI: This question is specifically about BER projects and the Sustainable Budget Commission. It is not about the budget; it is about the recommendations of the Sustainable Budget Commission.

The SPEAKER: So your point of order is relevance, I assume.

Mr PISONI: I would have thought that the Minister for Infrastructure would be responsible for that portfolio.

Members interjecting:

The SPEAKER: Order! We have no debate. This is a point of order. We do not need to debate this, but I uphold your issue on relevance. Treasurer.

The Hon. K.O. FOLEY: It is not about the budget, but it is about the Sustainable Budget Commission? I think it is intertwined. All those questions will be answered tomorrow.

SUSTAINABLE BUDGET COMMISSION

Mrs REDMOND (Heysen—Leader of the Opposition) (15:01): I have another question for the Treasurer. Is the Treasurer now going to release tomorrow, along with the budget, the final and complete report of the Sustainable Budget Commission? On Monday, the Treasurer said he would not release the final report, but today he said he always planned to released it. The Treasurer has today also advised that the leaked report is not the final report.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Federal/State Relations, Minister for Defence Industries) (15:02): As we found out, there was an advance copy put out publicly ahead of the major release. I can assure members that volume 2 will be in the public domain tomorrow legally and appropriately.

MINING ROYALTIES

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:02): My question is to the Premier. What advice has your government received regarding any impact that increases in mining royalties might have upon BHP Billiton's impending decision to expand the Olympic Dam mine? The leaked Sustainable Budget Commission report notes that if mining royalties are increased 'this may be damaging to the potential for the Olympic Dam expansion to proceed'.

An honourable member: Stop Arkaroola yesterday.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Federal/State Relations, Minister for Defence Industries) (15:03): Yes, stop Arkaroola yesterday, but today we are all in for mining. What do you think the odds are they will get to the shadow treasurer next, after about eight questions? Give him one. That's it, give him a question. There you go, give him a question. Come on, give him a question!

Members interjecting:

The SPEAKER: Order! The Treasurer will sit down. Point of order from the leader.

Mrs REDMOND: Standing order 97 specifically does require the minister to address the substance of the question, and I ask that you direct him to do so. It was a specific question about the impact of any increase in mining royalties on the viability of the Olympic Dam project.

The SPEAKER: I do uphold that point of order, Treasurer.

The Hon. K.O. FOLEY: It is no secret that I want to increase royalties: I actually announced it publicly some months ago. It was all out there. What we have been doing on the issue of mining royalties is consulting with the industry. We are a consultative government. I finish with this comment and this prediction: have a look where the whip is.

Members interjecting:

The Hon. K.O. FOLEY: Look where the whip is. I reckon the next question will be the shadow treasurer. Odds on, the next question from the opposition.

Members interjecting:

The SPEAKER: Order! Leader of the Opposition.

Members interjecting:

The SPEAKER: Order! Would you please respect the Leader of the Opposition and listen quietly?

MOUNT LOFTY BUSHFIRE PREVENTION GROUP

Mrs REDMOND (Heysen—Leader of the Opposition) (15:05): My question is to the Minister for Emergency Services. Given that the Mount Lofty Bushfire Prevention Group, which is in my electorate, was previously receiving $80,000 per annum from state government funding, and last year, before the election, received $160,000, why have they been told after a meeting with the government now that they will receive nothing in future years?

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (15:05): I am happy to have a look at that particular matter.

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. WRIGHT: If the member has any more detail I would like to have that provided to me. Obviously, I will check the matter with the CFS and see what discussions have occurred and if there is anything that has caused any difficulty in regard to this matter, obviously I will investigate it.

HOSPITALS, PRIVATISATION

Mrs REDMOND (Heysen—Leader of the Opposition) (15:06): I will try the Premier then to get an answer. Given that prior to the 2002 election the Premier pledged, and I quote, 'Privatisations in South Australia will end from day one of a Labor government. Not one public hospital will be privatised or closed under Labor in the country or city,' will the Premier rule out any privatisation or outsourcing of government services in tomorrow's budget?

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) (15:06): It is interesting that they will not allow the shadow treasurer to ask a question that they—

Mr PISONI: Point of order.

The SPEAKER: Point of order, member for Unley.

Mr PISONI: It concerns addressing the substance of the question.

The SPEAKER: I am not going to uphold the point of order as yet because the Premier has only just started.

Mr PISONI: It's the same spin as for wind turbines—

The SPEAKER: Member for Unley, sit down! Premier, will you answer the question?

The Hon. M.D. RANN: The shadow treasurer is clearly the Inspector Clouseau of the Liberal opposition, but they won't allow him to pursue questions in this house. I think my position on privatisation in this state is not only well known but indeed celebrated.

COUNTRY HEALTH SERVICES

Dr McFETRIDGE (Morphett) (15:07): My question is for the Minister for Health. If country and metropolitan hospitals are closed, where will patients go and how will they be cared for?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Federal/State Relations, Minister for Defence Industries) (15:07): It's a hypothetical question. All issues will be covered tomorrow. But please give the shadow treasurer a question. Unprecedented, a day before the budget, with certain information in the public domain, and the shadow treasurer has been sidelined. Sidelined. Extraordinary.

Mr WILLIAMS: Point of order, Madam Speaker: the question was specifically about how particularly country people are going to be delivered health services if the government closes country hospitals.

Members interjecting:

The SPEAKER: We have got your point of order, deputy leader—it was on relevance. The Treasurer has finished; he has answered as he chooses.

Members interjecting:

The SPEAKER: Order! Members on my right will behave.

OLYMPIC DAM

Mrs REDMOND (Heysen—Leader of the Opposition) (15:08): Never. They never do, Madam Speaker. My question is to the Premier. Can the Premier guarantee that there will be no impact on the Olympic Dam expansion given the federal alliance between Labor and the Greens and the resulting pressure to ban uranium mining, which we know that the Premier once thought was a 'mirage in the desert', before he became such a strong advocate for it?

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) (15:09): I am very pleased to answer this one. Labor Party policy is set by the national conference of the Labor Party. It is a bit like the UN General Assembly. It is one where you hear great intellectual debates. My task, and I chose to accept it, was to go to, not the last but the previous conference and change the policy which had been binding on the Labor Party for more than a generation. As a result of those negotiations, difficult as they were, we saw an end to the no new mines policy, which has allowed new mines in this state and indeed in other states, including Western Australia to occur. Now, it is interesting that you ask questions about an alliance with the Independents, because—

Members interjecting:

The Hon. M.D. RANN: No, you asked about both.

Members interjecting:

The SPEAKER: Order!

Mrs REDMOND: Madam Speaker, the Premier asserted that I asked about both the Independents and the Greens. I will restate the question. It was definitely: given the federal alliance between Labor and the Greens and the resulting pressure for a change of policy from the current uranium mining policy.

The Hon. M.D. RANN: There will be no change in policy.

The SPEAKER: The deputy leader.

The Hon. P.F. Conlon interjecting:

The SPEAKER: The Minister for Transport will be quiet. Deputy leader, get on with the question or sit down.

UNION HALL

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:11): My question is to the Minister for Environment and Conservation. Why has the government decided to turn historic heritage-listed Union Hall into a research facility to keep research near Adelaide University—

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: —but also move the Royal Adelaide Hospital and its research functions away from the university's medical research?

The Hon. K.O. Foley interjecting:

The SPEAKER: Order, the Treasurer!

Mr WILLIAMS: Minister Caica told Adelaide radio on 3 September—

Members interjecting:

The SPEAKER: Order! If you've got a conversation can you have it outside the chamber, please, leader and Treasurer?

Mr WILLIAMS: I will start my explanation again. Minister Caica told Adelaide radio on 3 September:

> I don't believe it's in the public interest for Union Hall to be permanently heritage listed...I say that on the basis that the University of Adelaide's plan is to establish the Institute of Photonics & Advanced Sensing on that site. This will be a world-class, internationally recognised teaching and research facility that will directly benefit students.

The SPEAKER: I did not hear who that question was for, but I presume it is the Minister for Environment and Conservation.

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (15:12): You are absolutely correct, Madam Speaker, it was for me.

Mr Venning interjecting:

The Hon. P. CAICA: Yes, I don't mind it at all, Ivan. I have already confirmed that I have directed the South Australian Heritage Council to remove the provisional entry of the Union Hall building from the South Australian Heritage Register, pursuant to section 18(7) of the Heritage Places Act 1993.

Mr Williams interjecting:

The SPEAKER: Order!

Mr Williams interjecting:

The Hon. P.F. Conlon: Lie in front of the bulldozer!

The SPEAKER: Order, Minister for Transport!

The Hon. P. CAICA: Madam Speaker, I know that, today, they have chosen not to use their fast leading full forward to ask questions, but I would also note that they are using their back pocket, I guess, to ask questions, and I would suggest to him that he ought to do some research into the way in which he asks questions to make sure they are around the mark, because, really, he has shown that he has no understanding of what underpins the Heritage Places Act and the decision—

Mr Williams interjecting:

The Hon. P. CAICA: You do not understand it, Mitch, and you just made that perfectly clear. The Heritage Places Act 1993 enables me as minister to take this course of action if I am of the opinion that the confirmation of the listing of a place in the Heritage Register would be contrary to the public interest. This was, as I have mentioned before, a difficult decision, but one I ultimately made in the public interest.

The Hon. P.F. Conlon interjecting:

The Hon. P. CAICA: Of course they would. My decision enables the University of Adelaide, subject to the development application that it will make, to proceed with its plans to build a new teaching and research facility on its North Terrace campus. As members would be aware—and the Deputy Leader of the Opposition made clear—the University of Adelaide plans to establish the Institute for Photonics and Advance Sensing on the hall site.

In my opinion, the proposed teaching and research facilities would directly benefit students through improved infrastructure and teaching and research facilities and make a significant contribution to public tertiary education in this state. It would also benefit the broader community through increased job opportunities and investment in the local economy during the development phase. In addition, it would further build South Australia's reputation for education excellence and strengthen South Australia's competitiveness in the national and international education marketplace. Members would be aware that international education is our state's fourth largest export earner.

Another decision could have also jeopardised significant investment in public tertiary education in South Australia. The university, as everyone would know, secured $30 million from the commonwealth in addition to significant funds from the state. In addition, the university's proposal aligns with this government's commitment to increasing investment in science, research and innovation.

Mrs Redmond interjecting:

The SPEAKER: Order!

An honourable member: Who is asking the question?

The SPEAKER: Order!

The Hon. P. CAICA: I know what the question is. I am putting it into context. As already stated, it was a difficult decision. This was a matter which attracted a great deal of public interest, and there was a diverse range of views expressed during the statutory public consultation period that was held earlier this year. This public consultation period attracted almost 100 public submissions, and more than half were against the heritage listing of the hall: 41 confirmed the entry and 56 were opposed. Outside of this, there were about 30 letters that were directed specifically to me and emails that were sent to my office.

Mrs Redmond interjecting:

The Hon. P. CAICA: I beg your pardon?

Mrs Redmond: How many of those were in favour of your decision?

The Hon. P. CAICA: Well, of those 30, very few; of those emails, very few. However, bear in mind that some of those 30 letters and emails were also written by the same people who had made a public submission. There were some by the same authors, as I said, but it is also safe to say that of that 30 most were certainly in favour of the retention.

Mrs Redmond: How many?

The Hon. P. CAICA: A significant number. I acknowledge that, from the public submissions provided to me, Union Hall is an important place to many people. However, many of the submissions also highlighted the need for improved teaching research and student facilities.

I might also add here that as part of my research, I did pop down to Union Hall on several occasions and sat through a couple of lectures. It is also safe to say that I did not understand what they were lecturing about, but I sat there in the lecture room. It was most important to speak to some of the students—

The Hon. I.F. Evans interjecting:

The Hon. P. CAICA: Don't reflect on how you felt at cabinet, Iain. I spoke to students down there about their views on Union Hall from a lecture room perspective and how they felt about it being used as a lecture room. It was very clear to me from the submissions that there were many people with a connection to performing arts who had sentimental ties to the building and others who appreciated the architectural design of Union Hall. However, there were many who made the submissions who think that Union Hall is not a place of any historical significance and do not regard it as anything other than an eyesore.

I make the point that these were the diverse opinions that were forwarded to me. So indeed, there was a diverse range of views expressed to me about this building, and I took all of those views into account when determining this matter.

With respect to the final component of the question—and again, part of it might be best answered by someone else—it is certainly clear to me that the most appropriate place for the photonics and advanced sensing research to be undertaken is on the university grounds, with its interface that is going to occur—I am sure that you are aware of this, Mitch. If you are not, you are now—with the Environment Institute—

An honourable member interjecting:

The Hon. P. CAICA: Real-time sensing. In fact, it is a fascinating subject. It is critically important to this state's future in a whole host of areas, not the least of which are mining, defence, as well as the management of the environment and the relationship to what are strategic objectives for this state's future. It is critically important. If you talk about heritage, Tanya Monro, in my view, will become a heritage icon in the future for the work that she is doing in the area of photonics. She is a world-class researcher. The best place for that research to occur is in, on and at the Adelaide University.

GRIEVANCE DEBATE

AGRICULTURE EDUCATION

Mr VENNING (Schubert) (15:20): I want today to speak on a matter very close to my heart, that is, agriculture, and specifically the importance of choices for young people to study and to obtain an education in agriculture if they wish that. The Australian Curriculum Assessment and Reporting Authority recently undertook a period of consultation of the draft Senior Secondary Australian Curriculum.

I provided feedback to this authority regarding the omission of any reference to agriculture education in the draft curriculum, which, as a farmer, has caused me a great deal of concern, particularly in relation to what I said yesterday in the house and also three or four weeks ago in relation to food security.

Agriculture is an extremely important industry—or at least it has been in the past history of South Australia—to Australia and, indeed, to our state for food security, employment and as a major earner of export dollars. If this subject were to be omitted from any national education plan, I believe that it would be of great detriment to our country.

Future generations must have the choice to study agriculture at school if this industry is to survive and be the world's best, as we have been for many years. The reality of modern farming is that considerable technical and scientific skills are required to operate equipment and machinery, to maximise crop and animal yields and to meet all the relevant Australian and international standards for food quality and safety.

I know that at home, on my family's farm, I do not have too much idea now about how to operate the modern equipment, because I have been in this place for too long and technology has moved on. I have great difficulty, apart from sitting there and taking instructions over the radio, about what has to be done. Computerised systems now have changed farming entirely in the last five to 10 years, and people such as me need to be re-educated to stay in the workforce on the farms.

More and more the public demand is for home-grown food and not imports, and imports are an extreme worry, particularly the imports from Asia. Fancy importing food from countries such as China when we have the highest food standards in the world here. If children do not have the choice to undertake education about farming and agriculture we will not be able to continue to produce our own food into the future.

Australia has the reputation of having the most efficient and environmentally-conscious farmers in the world growing the highest quality food. That is a reputation that we have worked hard for and we have earnt it. We do not have to sell it because everyone in the world knows, especially in grains. To keep this reputation, we need to ensure that we have access to the new generation of young and highly-qualified agricultural scientists and advisers, particularly agronomists, because agronomists are the people who put the information out there.

When I was farming in my most active years it was the department of agriculture's agronomists who I depended on most of all, because they are the people with the expertise and they were great. It is a pity that we do not seem to have them now like we used to. I am extremely concerned that, if agriculture is omitted entirely in the national curriculum, it will be the demise of the industry forever.

I believe that some form of agriculture education should be mandatory from K-12, whether in the early schooling years it be in the form of something as simple as looking after a vegetable patch. I know that when I went to school we did just that: we had the school vegie patch, and it taught us how to grow. You teach a man how to grow, you feed him forever.

The National Farmers Federation recently determined that nationally there will be a shortfall of at least 10,000 to 20,000 positions per year either on the farm or in the food supply chain—a prime example of why agriculture must have a place in any national curriculum.

I hope that the Australian Assessment and Reporting Authority review the draft plan and ensure that agriculture remains where it should be—as part of all Australian children's education. How can this be? How can it happen? Who is making decisions such as these? Food, food production and the quality and the supply, is surely the most important issue facing this parliament or any parliament in Australia, and this is the priority we must give it. We must give it the highest

priority. All I can say to members and the public and those who are making these decisions: please, wake up before it is too late.

FESTIVAL OF MUSIC

Ms BEDFORD (Florey) (15:25): I would like to advise the house of the great success of the 2010 Festival of Music, the 112th year of the concert series. The Festival of Music is a South Australian heritage icon, awarded by Bank SA in association with the National Trust of South Australia. A joint presentation of the South Australian (Public) Primary Schools Music Society and the Department of Education and Children's Services, the annual concert series is the culmination of a choral music education program, as well as a celebration of the excellence of music education in public schools.

The Adelaide Festival of Music is conducted over 12 performances, each with different choristers and young performers. In total, over 230 schools are represented, with more than 6,000 students involved. Each concert features a massed choir of around 455 primary school students from participating public schools across the state accompanied by an orchestra and supported by a performance troupe of primary school students. Students participating in the Festival of Music are trained in their schools by teachers who are supported by staff of the Primary Schools Music Festival Support Service. In addition, each concert showcases six outstanding assisting artists drawn from DECS schools across South Australia.

This year, in collaboration with composer Glyn Lehmann, the Festival of Music presented *Heroes*, three songs that celebrate heroes who inspire, challenge, excite or entertain. Three primary performance troupes enhanced this commissioned work and the integrated troupe performances were created by Patrick Lim and students. The works that are composed each year are a highlight of the concert series.

Many great South Australian names were incorporated in this year's pieces, and it is my hope that another of my favourite South Australians, suffragette activist Muriel Matters, will be part of the series one day very soon.

It was a great pleasure for me to attend two concerts this year, down from my past best effort which was four. I was lucky this year that on Tuesday 17 August four Florey schools were part of the choir. I would like to mention The Heights School, whose principal is Helen Calvert, and choral trainers, Algis Laurinaitis and John Crafter, with Nemira Stapleton as the accompanist.

I also mention Modbury West school, whose principal Gavin Khan accompanied me on the evening. The choir trainer is the marvellous Anne O'Dea, who has been behind these concerts for many years, along with Jenny Conn, and Vincent Ong is the accompanist. Some of the students from Wandana School, whose principal Donna Beaney does such a fabulous job, were there. I also mention the Redwood Park Primary School, whose principal is Sigrid Sweeney, the choral trainer is Rhoda Emerson and the accompanist is David Porter. Rhoda was also the choral compere mentor of two students from Redwood Park primary, Mia Davies and Emily Eichner.

I also mention that Algis Laurinaitis was the orchestra conductor that evening, and he does a marvellous job with all the children. Another Florey student from East Para Primary School, Alex Hatchard, was a soloist in *Who Can Sail?*

Again, on 26 August, East Para Primary School was part of concert No.11, and I would like to mention Bob Greaves, the principal and the marvellous Michael McConnochie, who does a fabulous job with the students; and Sonia Bradtke, who was the accompanist. In addition, students from the Modbury Special School were part of the team who produced the drawings used in visuals that accompanied the beautiful Norwegian folk song *Who Can Sail?*

This state and the many thousands of children who have participated in the Festival of Music since its inception owe a great deal of thanks to successive boards and musical festival teams who have provided the opportunity to perform for families and friends in a marvellous venue and develop a love of music that will serve them well in their lives.

This year's board comprises: president, Peter Scragg; vice president, Max Rayner; treasurer, Wayne Sachs; manager, Suzanne Rogers; administrator, Kevin Williams; director of music, Deborah Hepworth; choir trainer representative, Kirsty Henning; and production manager, Anne O'Dea. The primary schools' music festival team, managed by Suzanne Rogers, consisted of: director of music, Debra Hepworth; deputy conductor, David Jackson; administrator, Kevin Williams; production manager, again the marvellous Anne O'Dea; orchestra manager, Sharon

Burgess; office manager, Rachel Neale; troupe managers, Irene Solowij and Maria Stone; and compere managers, Heather McDonald and Denise Stringer.

I can only tell the house how every year numbers of us enjoy the concert. The level of parental involvement, the number of schools that attend from the country and how much the children enjoy the concerts never ceases to amaze me. My own children were part of this series some 15 years ago now, and I think every child who participates thoroughly enjoys the opportunity to be part of a choir. Music plays an integral role in the development of children, and I pay particular thanks to all the teachers who go out of their way to make sure that children have an opportunity to participate not only at an instrumental level but also to be part of a choir.

ROAD SAFETY

Mr GRIFFITHS (Goyder) (15:30): I rise today to talk about an issue concerning road safety, but it is an example of road safety efforts that have created a great deal of concern within my communities. Between 19 and 26 August, a program by the South Australia Police called Operation Rural Focus 2 was held in Kadina, Wallaroo, Moonta, Maitland and Port Wakefield communities. Regrettably, at that time, I was overseas, along with other members from both sides of this chamber. This issue resulted in an enormous number of telephone calls to my office from people who were very concerned about the implementation and the interpretation of the laws as they apply to driving a vehicle in South Australia and what they considered, in some cases, to be a very frivolous use of those laws by the police.

Any accident that occurs on our road, whether it results in injury or death, is a tragedy, there is no doubt about that, and one is one too many. Sadly, we have had far too many people die on South Australia's roads. I fully support the police and everything they do to ensure that people understand the laws, that they drive appropriately and that they run the least possible risk of causing an injury to themselves or to someone else.

When I returned home from China, every person whom I spoke with from all these communities was in to me about what the police had done. The police involved in this operation were not from the area, and I respect the fact that they were there to interpret the laws and to ensure that people knew exactly what they were doing, and to issue infringement notices when they were doing the wrong thing. I have stated publicly, certainly on regional ABC, that I do not support people who are speeding, driving without seatbelts or using a mobile phone while driving.

However, the areas of concern which have been expressed to me and which I have to relate to the house do worry me. One example given to me was of a car with mud over its numberplate and an expiation notice was issued. Another example was a ute with a shovel in the back and an infringement notice was issued. A further example was of a lump of wood in a trailer which was deemed not to be tied down and therefore sound, and an infringement notice was issued.

Interestingly, my office wrote two letters to the Minister for Police and we also contacted the Commissioner of Police, Mr Mal Hyde, and asked him for a briefing. I am very grateful for the fact that the police did that for me yesterday and we discussed it in a very mature way. They have corrected my thinking in relation to some areas, I must admit. They showed me a photo of the vehicle that had the infringement notice issued for having mud over the numberplate.

Sadly, they had had some problems with their indicator and they had put what looked like to be a lump of wood with trailer lights on the back of their car. The police had let them off for that offence, but they had still pinged them for the mud on the numberplate. In the eyes of the law it is correct, but the practicalities of living in a regional area mean that you often suffer from some shocking road conditions that make it impossible to have a clean numberplate. So, we have this very difficult balance.

The real concern to me is that, because of the actions of the police and because of stories perpetuating throughout the community where, suddenly, the infringement became worse and worse in its gravity, now there is a real lack of respect for our local police. That worries me enormously. Yorke Peninsula and the Adelaide Plains are generally very safe communities. They have very strong relationships with the police—

Mr Venning: Very law-abiding.

Mr GRIFFITHS: Very law-abiding. They have very strong relationships with the local police and want to assist them in any way possible. However, there is a real concern now that that has been damaged, especially when I hear that people were too afraid to drive on the roads at the time

that these police officers were in town because they were worried about getting an infringement notice. That is as it was recounted to me.

I have received some survey forms highlighting the fact that people, especially our older community members, deliberately stayed away from the roads. In some cases I believe they missed medical appointments because they were concerned about driving on the roads and being stopped by a police officer, and being issued an infringement notice. It is in their mind, I can understand that, but the problem for all of us is that perception becomes reality. As I related to the senior police officer whom I spoke with yesterday, now they have this issue to deal with locally where it will be a hard fought battle by the local police to build that level of confidence again.

I do encourage road safety initiatives that actually come out and educate our people, and all of us want to see a reduction in crashes, but you have to go about it in such a way that you bring the community along with you. There was a great fear that the way in which it was conducted, on some occasions—now I understand it a bit better—has really damaged that relationship between the community and the police which will be very difficult to overcome. I would urge the police to do all they can to improve it as soon as possible.

SOUTH AUSTRALIAN KIDS TEACHING KIDS CONFERENCE

Mrs VLAHOS (Taylor) (15:35): I rise to speak about a conference that I had the good pleasure to address yesterday morning on behalf of the Premier. It is a conference that has been held in Adelaide for a number of years, the South Australian Kids Teaching Kids Conference at the Adelaide Convention Centre. This conference is particularly important because it involves the Department of Water and around 350 students from around our state.

The new Chief Executive of the Department for Water, Scott Ashby, also officially launched the conference with me yesterday. The conference is a fantastic school-based event which is very inspiring to young people because they are learning to care for their local environment in a very proactive and practical way which imparts information throughout their community.

Over the last two days, 350 students from years 5 to 11 from around 40 schools across the state, particularly from country South Australia, participated in the Kids Teaching Kids Conference. This conference has a proud history in South Australia and it is in its fourth year of being held here in Adelaide. Each year Kids Teaching Kids is a sellout event, and the children often go across to the national and international events that this conference is associated with. So, it is a wonderful achievement for our state.

The South Australian government is a big fan of the conference and we have supported it with sponsorship over a number of years. That is because we believe in the power of young people and that the power of learning is inherently great in the way it changes the way we look at the environment and the way each and every one of us can protect it. Not only is it for us to enjoy and appreciate here and now, but we are also the guardians for the future and for our children's future.

In my opinion, giving young people the right to have a say and to have the power to make changes in our community is a very important thing. South Australia's school curriculum gives us many great opportunities to explore different ways our young people can learn, and the way Kids Teaching Kids allows children to learn about the environment is a terrific example of this.

Here in South Australia we are also leading the country in being clean and green. We have a great recycling program, where thousands of plastics are recycled each year, cutting down on rubbish and the use of natural resources. We are also planting native trees and plants with our Million Trees Program, which recently celebrated the planting of its two-millionth seedling. We are also doing our bit to save water and to help protect the vitality of the important River Murray system.

For me, teaching kids really stands for what I believe in; in particular, sharing our knowledge with other people in the community. I have two young children and it makes me very proud to see them taking on the challenges and doing their bit to protect the environment in the south Parklands with their school at Sturt Street. I was pleased yesterday that the children attending the Kids Teaching Kids Conference would have an opportunity to do this today, and yesterday, and beyond into the future.

They have had an extremely busy two days and they will have had a chance to be teachers themselves. Yesterday at the Convention Centre they had the opportunity to talk to and have questions with four expert environmental people and ask questions about the river health and climate change. Seventeen schools spent many hours researching environmental topics this year,

and they will be presented to their peers, on everything from water use to the River Murray to whales. They will even be performing some cooking demonstrations, which show the benefits of growing your own food and how it is good for the environment as well as for your body.

Today they will travel to Mount Barker to participate in an environmental project day, where they will be visiting the Laratinga Wetlands and a local water treatment facility. They will also get stuck into some hands-on activities, such as bird and bat box building, and talk about how the cars and houses of the future will impact on our carbon footprint, and sustainable cities and farms.

The sort of learning offered for Kids Teaching Kids has a lot of great benefits, not only for the students involved but also for teachers, parents, business and government. It gives children the chance to be empowered to learn with their heads, hearts and hands. In other words, they will be encouraged to think, feel and develop practical ways of looking at the challenges we are facing in our local environment, our state, and the world.

Kids Teaching Kids is all about kids. So, in closing, I would like to congratulate the children for being part of such an important event and for all the hard work they have put in preparing and researching their presentations for this exciting and fun conference and the organisers and teachers who made the conference possible.

PATIENT ASSISTANCE TRANSPORT SCHEME

Mr TRELOAR (Flinders) (15:40): I would like to speak today on the Patient Assistance Transport Scheme or PATS, as it is widely known. This particular scheme operates in regional areas. This issue has been given a great deal of prominence by my colleagues on this side of this house and certainly also by the Independent members of the house representing those in the regions. As members would be aware, the scheme is aimed at assisting patients in rural and regional areas where there is a need to travel to seek specialist medical care which is not available in, or within 100 kilometres of, their community. In fact, almost every family in the regions at some point has used this particular scheme.

The scheme involves some financial contribution by the government as reimbursement for travel and accommodation costs, and it is a scheme which I broadly support. It is very much appreciated by those in the country. In fact, it is essential, I would suggest, for those in the country who need to seek specialist attention here in the capital city of Adelaide. In many instances this involves cancer sufferers and the like having to travel to Adelaide to receive specialist medical care. As the Minister for Health and the member for Stuart have stated on the record recently, this is a reality that cannot be avoided. Specialist care cannot be provided all over the state and in every regional centre; however, this cannot be used as an excuse for country patients not receiving the best of care.

During the state election campaign the Liberal Party pledged to boost the funding for the PAT Scheme by $4 million per year. This, sadly, was not matched by the re-elected Labor government. That is a great shame, because over the life of this government there is no increase in the funding of PATS.

Mr Griffiths interjecting:

Mr TRELOAR: Correction from the member for Goyder: the Liberal Party pledge was not $4 million per year, it was actually $1 million, but to bring the scheme to—

Members interjecting:

The DEPUTY SPEAKER: Your genuine mistake is acknowledged.

Mr TRELOAR: Thank you, Madam Deputy Speaker. Further to the issue at hand, currently there is a 16¢ per kilometre reimbursement for motor vehicle travel, which is simply unsatisfactory when you use the ATO comparison of 55¢ and, indeed, up to 70¢ per kilometre. The other glaring shortfall is the accommodation reimbursement, which stands at $30 per person per night, which is obviously not enough when you know it is difficult to get a room in an Adelaide motel or hotel for anything less than $90 a night.

A number of my constituents have raised the suggestion of specialists travelling to country areas. Obviously, this is not always practical, but in many areas of frontline health care this would actually be a cost-effective way of delivering health outcomes to patients. There is no doubt the scheme could be improved with indexing measures so as to remove the pressure on patients, who are already suffering enough without the financial stress and burden of travelling and accommodation costs. My point is there has been little done to improve the funding of this scheme

over the life of this government—since 2001, in fact—and it is a great disappointment to people in my electorate and, indeed, people right across rural and regional South Australia.

With your leave, Madam Deputy Speaker, I will change topics with the remaining time of my grieve and send congratulations to a business in my electorate of Flinders. Congratulations to Michael and Dale Trenberth at the Gold Factory in Tumby Bay. A piece of their jewellery, which was manufactured on site at Tumby Bay, was entered in a biennial competition, which is recognised as one of the most prestigious awards in Australia for the entire jewellery industry, and they won that particular award for their piece. This is a wonderful effort from a very small and very local business, so my congratulations to them.

The DEPUTY SPEAKER: I am sure the congratulations of every member in the house go to them. That is really wonderful.

MITCHELL ELECTORATE

Mr SIBBONS (Mitchell) (15:44): I rise today to speak about the State Aquatic Centre and GP Plus Health Care Centre projects within my electorate of Mitchell.

Several weeks ago I was fortunate to tour the site with the Premier and Minister for Infrastructure. I must say, I was very impressed with the progress of the 26,400 square metre project. The State Aquatic Centre building will have a site area of approximately 10,000 square metres and will be 15 metres high, and the combination floor space of the GP Plus and community mental health building is about 7,500 square metres, and that will be over four levels. There will be 560 car parks, which will be provided underground, on ground level and in a multideck car park environment.

I was excited to see the work taking place on the recreational and community elements of the state aquatic centre and leisure water facilities. This portion of the project comprises three undercover heated pools, including a multipurpose program pool, a learn-to-swim pool and a leisure and toddler pool, which has a gradual depth incline for junior users. The leisure waterhole includes an aqua play area with splash decks, and this area includes water toys and spouts. Externally, the leisure waterhole is enhanced through a 15-metre high slide tower with two slides, one ejecting the rider directly into the pool and the other into a large space bowl, spinning users around before plunging them into a pool below. How exciting!

The GP Plus Health Care Centre will provide specialists services, including dentistry, nutrition, mental health, counselling, and healthy lifestyle programs. It is also very impressive and taking shape. A very important element in this whole project is the environmentally sustainable design: stormwater harvesting for irrigating landscaped areas and re-use in toilet amenities; solar panels for heating the hot waters; high-efficiency filtration systems for the pool water recharging, which will significantly reduce total water consumption; and building orientation that will reduce the requirements for air conditioning by shading and orientation.

Candetti Construction is the largest family-owned private construction business in South Australia and has a proud history in targeting direct local employment. A large number of safety supervisors and labourers have been employed from our local area. They have also specifically targeted direct long-term unemployed, with a number of long-term unemployed in the project in positions such as traffic controllers, plant labourers and access controllers.

I will talk about one worker I met on the worksite, and I would like to share his story. He is now working as a traffic controller and has done so since the development began. He was previously long-term unemployed for four years. This job has changed his outlook on life. He has learned valuable skills, and it has had a huge impact on his family life. He is now working seven days a week, earning well over $1,000. This is one of the many great stories for constituents in and nearby my electorate involved in the valuable construction program.

Averaging approximately 300 workers per day on site currently, Candetti estimates that they have indirectly employed approximately 1,000 people through contracting trades on the project to date. Candetti has also placed the required importance on employing Adelaide-based companies with local contractors. I congratulate them on their commitment to local and South Australian workers. This project is a great boost for businesses in the local area, especially local retailers, and I cannot wait for the opening.

MINING (MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

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) (15:50): 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.

South Australia possesses a wealth of mineral resources. These are owned by the people of South Australia and need to be managed in the community's best interests.

The Government of South Australia is committed to the principles of effective and efficient regulation of our mineral resources sector.

The Government is also seeking to develop our mineral resources within the framework of *South Australia's Strategic Plan—Key Objective 1*: *Growing Prosperity* which sets targets for mineral resources exploration, production and processing.

Our Strategic Plan recognises the importance of our resources sector in growing the State's future economic prosperity through increased business investment, regional development and opportunities for employment and skilling, balanced against key environmental and social objectives.

The broad-scale benefits achieved through the development of our mineral resources will also substantially contribute to the other Strategic Plan Key Objectives: *Improving Wellbeing, Attaining Sustainability, Fostering Creativity and Innovation, Building Communities and Expanding Opportunities*.

Best practice management of South Australia's mineral assets, including streamlined regulation of exploration and mining activities, attracts investment that delivers outcomes of sustainable benefit and prosperity.

The Government recognises that the exploration and mining sectors require predictable procedures for access to land, security of exploration and/or mining tenure and predictable regulatory processes, in order to commit to higher risks for investment in mineral resource exploration, new mine development and life-of-mine operations.

The Government also recognises that landholders and communities require clear and timely advice on their rights under the *Mining Act 1971* and on the responsibilities of exploration and mining companies who are seeking access to their land.

This Bill proposes enhancements to the *Mining Act 1971* to streamline tenement applications, assessments and approvals. The Bill incorporates provisions for improving administration of regulatory compliance, enforcement and penalties under the Act, leading to effective and efficient utilisation of the State's minerals resources.

Key Objectives for the Bill

The Bill has been developed in accordance with three key objectives:

- Reducing Red Tape—Repeal or amend legislative requirements that impede industry in the conduct of normal business operations.
- Greater Transparency—Require industry to provide more information on proposed and current mining operations and improve notification protocols for access to land for landholders and the community. Greater transparency in government processes.
- Effective Regulation—Ensure the Regulator is authorised to effectively regulate mining operations and is adequately resourced to provide a quality and timely service to industry and the community.

Consultation

Extensive consultation has been undertaken with industry, community, relevant government agencies, local government and mineral tenement holders in the development of this Bill.

During the consultation process PIRSA initiated workshops and presentations with industry, business and farming representative organisations to explain and respond to questions related to the draft Bill. The Government has sought to address all issues and comments raised during consultation in the final Bill

Impacts

The Bill together with Government policies and publically available guidelines aims to ensure that landowners and the community are well informed through more effective and transparent government processes.

The Bill will not have a significant regulatory impact on industry and formalises in the Act and the Regulations existing policies and good practice. New provisions will authorise PIRSA officers to identify and address any illegal mining activities. Illegal mining is absolutely not acceptable in our State. It can damage the environment and decrease royalty collection and creates unfair competition with approved mining operations and legitimate businesses in the minerals sector.

The Bill provides for the penalty for illegal mining to be significantly increased from a maximum of $5,000 up to a maximum of $250,000. The scale of this penalty was fully supported in submissions on the draft Bill by community and industry respondents.

The penalties throughout the Act have not been reviewed for 30 years and over that time the level of individual penalties has been eroded due to inflation. The introduction of the new structure for penalties and the increase in the dollar value will not affect any parties unless they breach the Act.

By increasing the Regulator's control through implementing environmental and rehabilitation directions, along with an increase in the penalties, the Government considers that the provisions of the Bill will deliver positive outcomes for the environment.

The requirement for a mining program which incorporates environmental protection and rehabilitation underpinned by a more comprehensive definition of the environment will enable the Regulator to deliver improved regulatory control of mining operations and prevent illegal mining. The formalisation of this program, which will include consultation with landowners and the community to reach agreed outcomes, should ensure appropriate management of potential impacts on the environment.

The provisions in the Bill will deliver a more transparent process and enhanced regulation of mining which will result in fewer nuisances and risks to public safety. The Bill introduces three new fees: an annual administration fee (which will be $100.00 per tenement), an annual regulation fee (which will be $200.00 per tenement) and an assessment fee (which will be $500.00 per application for a Mining Lease, Retention Lease or Miscellaneous Purposes Licence). The administration fee replaces approximately 20 administrative fees which were revoked as a result of the *Mining Variation Regulations 2008* coming into operation on 1 July 2008. The annual administration fee will offset some of the costs associated with the collection of annual rental, refunding of rental to freehold landowners, renewal notifications and processing, maintaining the Mining Register and data maintenance including spatial data. The annual regulation fee will be used to offset some of the costs associated with regular inspections of tenements. This fee will not be applied to Extractive Minerals Leases, Retention Leases or Exploration Licences. The assessment fee will offset some of the costs associated with extensive stakeholder consultation, liaison with proponents, environmental assessments and the establishment of appropriate tenement conditions. The changes in this fee structure and administrative changes will reduce the risk to business resulting from administrative errors in the lodgement of valid applications and documentation.

The Bill provides for the Minister to be able to request an expert report from a tenement holder, verifying the information contained within a return under Part 3 of the Act. This provision was introduced to provide additional assurance to the State regarding the accuracy of the mining returns and royalty payments submitted by tenement holders. To support this provision the penalty for submitting a return which is false or misleading has also been increased from a maximum of $1,250 to a maximum of $120,000.

The Government is committed to ensuring through this Bill that the regulation of mineral exploration and mining in South Australia will conform to best practice regulatory principles in other leading resource development jurisdictions.

The Bill, together with Regulations, Polices and Guidelines, aims to achieve effectiveness and efficiency through a streamlined, fit for purpose, regulatory approach, appropriate for the circumstances while achieving a reduction in red tape.

The provisions of the Bill will lead to better quality information and a higher level of accountability for explorers and mining developers, ensuring responsibility and accountability are clearly assigned and understood by resource companies, other land users and the community. To support this provision the requirement to serve notices for entry onto land and for the use of declared equipment has been extended to include tenement holders under the *Petroleum and Geothermal Energy Act 2000*.

The Bill provides significant enhancements to compliance, enforcement and penalty provisions which will ensure that explorers and mining operators achieve approved environmental outcomes.

The Government is committed, to effective engagement with all stakeholders, land users and the community on mineral exploration and resource development. The Government values the informed involvement of all stakeholders and strongly supports companies to achieve a social licence to explore and/or a social licence to operate.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Mining Act 1971*

4—Amendment of section 6—Interpretation

These amendments relate to the definitions under the Act.

In relation to the definition of *appropriate court*, the jurisdictional limit for money claims in the Warden's Court is to be increased from $150,000 to $250,000.

In relation to the definition of *declared equipment*, drilling equipment within a class prescribed by the regulations will come within the ambit of this definition.

In relation to the definition of *mining* or *mining operations*, express provision will be made to include on-site operations undertaken to make minerals recovered from the site a commercially viable product, other operations involving such minerals, or other operations involving minerals brought on to the site for processing, operations for the rehabilitation of land, or other related operations. It is also to be made clear that the surface removal of loose rock material disturbed by agricultural operations will not constitute *mining* under the Act.

For the purposes of the Act (other than Parts 9B or 11B), *environment* is to be defined to include—

(a) land, air, water (including both surface and underground water and sea water), organisms, ecosystems, native fauna and other features or elements of the natural environment; and

(b) buildings, structures and other forms of infrastructure, and cultural artefacts; and

(c) existing or permissible land use; and

(d) public health, safety or amenity; and

(e) the geological heritage values of an area; and

(f) the aesthetic or cultural values of an area.

5—Amendment of section 8A—Opal development areas

It is intended to no longer provide for *miner's rights* under the Act.

6—Amendment of section 9—Exempt land

It is intended to no longer provide for *miner's rights* under the Act.

7—Insertion of sections 9AA and 9A

Section 9AA introduces a revised provision relating to waivers. Section 9A will allow the Minister, by notice in the Gazette, to declare any land to be exempt from mining, a specified class of mining, a specified provision of the Act, or the whole of the Act other than specified provisions identified by the regulations (for example, with respect to illegal mining).

One effect of a declaration will be that a person will not have the right to apply for a mining tenement in respect of land subject to the operation of the declaration unless authorised to do so by the Minister (unless the tenement is a subsequent tenement arising from a mining tenement in force at the time that the declaration takes effect).

8—Insertion of sections 14 to 14F

It is proposed to allow the Minister to appoint Public Service employees as authorised officers under the Act. An authorised officer will be able to take action—

(a) to monitor compliance with the Act; or

(b) to gather information about a suspected offence against the Act; or

(c) to gather information about personal injury or loss of property related to mining operations; or

(d) to gather information about the actual or potential environmental impact of actual or potential mining operations; or

(e) to gather other information relevant to the administration or enforcement of the Act.

The powers of an authorised officer will include to be able to enter land and carry out inspections, to require persons to answer questions or to provide information (although a person will be able to refuse to answer a question or provide information if to do so might tend to incriminate the person of an offence), and to require persons to produce records for inspection.

The Minister will be able to publish the results of any authorised investigation under these provisions.

9—Amendment of section 15—Power to conduct geological investigations etc

Various penalties under the Act are to be revised.

10—Amendment of section 15A—Register of mining tenements etc

It is intended to no longer provide for *miner's rights* under the Act.

11—Substitution of sections 20 to 22

As mentioned above, the Act will no longer provide for *minor's rights*. Rather, a person will be able to *prospect* for minerals under new section 20(1), subject to complying with the other requirements of the Act.

New section 21 will allow a mineral claim to be established in a manner approved by a mineral claim, in addition to the current practice of pegging a claim.

12—Amendment of section 23—Area of claim

The Minister will be empowered to approve a mineral claim that exceeds the maximum permissible area prescribed by the regulations.

13—Substitution of section 24

It is necessary to revise the provisions relating to the registration of a claim, especially as pegging will no longer be the only method by which a claim is established.

It will also be made clear that a mining registrar must not register a mineral claim if to do so would be inconsistent with an order of the Warden's Court (and a registration will be cancelled if the registration becomes inconsistent with such an order).

14—Amendment of section 25—Rights conferred by ownership of mineral claim

Certain contraventions of the Act will now be dealt with under an administrative penalty regime.

15—Amendment of section 27—Land not to be subject to successive mineral claims

Section 27 of the Act currently provides that if a mineral claim is surrendered, lapses or is forfeited, the person who held that claim cannot establish a new claim over any part of the same area at any time over the succeeding period of 2 years without the approval of the Warden's Court. The amendment will allow the Minister to also give an approval to the previous holder of the claim.

16—Amendment of section 28—Grant of exploration licence

Section 28(7) is no longer thought to be necessary.

17—Amendment of section 29—Application for exploration licence

New section 29(1a) will provide that if or when an area ceases to be subject to an exploration licence, an application for a corresponding licence may not be made during a succeeding period specified by the Minister by notice published in a manner and form determined by the Minister.

It is also intended to clarify and facilitate the arrangements that apply in relation to applications for an exploration licence.

Another amendment will expressly provide that the Minister may at any time, and without consultation with the applicant or taking any other step, refuse an application at any stage if the Minister considers that there are sufficient grounds for not assessing the application further after taking into account the public interest and such other matters as the Minister thinks fit.

18—Amendment of section 30—Incidents of licence etc

It is to be made clear that the Minister may, in granting an exploration licence, limit or define the extent or scope of operations authorised under the licence.

Another amendment will enable the Minister to add, vary or revoke a term or condition of an exploration licence at any time during the term of the licence considered appropriate by the Minister. A right of appeal will lie to the ERD Court if action is taken without the agreement of the holder of the licence.

It will also now be an offence to contravene, or to fail to comply with, a condition of a licence.

19—Amendment of section 30A—Term and renewal of licence

This is a consequential amendment.

20—Amendment of section 30AB—Subsequent exploration licence

An application for a subsequent exploration licence that has been in operation for a term, or aggregate term, of 5 years must be made at least 3 months before the expiration of the term of the licence.

21—Amendment of section 32—Licensee to keep and, on request, furnish Director with geological records etc

Certain contraventions of the Act will now be dealt with under an administrative penalty regime.

22—Amendment of section 33—Cancellation, suspension etc of licence

A right of appeal to the ERD Court exists if the Minister suspends or cancels an exploration licence under section 33. An amendment will allow the Minister or the ERD Court to be able to stay the operation of the cancellation or suspension pending the outcome of an appeal. Another amendment will allow the Minister to reinstate an exploration licence to a date that coincides with the initial date of the cancellation or suspension, or such late date as may appear to the Minister to be appropriate in the circumstances.

23—Amendment of section 34—Grant of mining lease

It is to be made clear that the Minister may, in granting a mining lease, limit or define the extent or scope of operations authorised under the lease.

Another amendment will authorise the Minister to add, vary or revoke a term of condition of a lease at any time if, in the Minister's opinion, such action is necessary to prevent, reduce, minimise or eliminate undue damage to the environment associated with mining operations conducted pursuant to the lease.

If the Minister acts under this provision during the term of the lease and without the agreement of the holder of the lease, a right of appeal will lie to the ERD Court.

It will now also be an offence to contravene or fail to comply with a condition of a lease.

24—Amendment of section 35—Application for lease

An application for a mining lease will be required to include a mining proposal—

(a) specifying the mining operations that the applicant proposes to carry out in pursuance of the lease (including details of the mining methods proposed and a description of the existing environment); and

(b) setting out—

(i) an assessment of the environmental impacts of the proposed mining operations; and

(ii) an outline of the measures that the applicant proposes to take to manage, limit or remedy those environmental impacts; and

(iii) a statement of the environmental outcomes that are accordingly expected to occur; and

(c) a draft statement of the criteria to be adopted to measure the expected environmental outcomes; and

(d) the results of any consultation undertaken in connection with the proposed mining operations.

25—Amendment of section 35A—Representations in relation to grant of lease

This clause revises the arrangements for making representations in relation to the grant of a lease.

26—Insertion of section 35B

The Minister will be required to furnish a notification relating to a decision to grant or refuse an application for a mining lease to any person who made a written representation in relation to the application.

27—Amendment of section 38—Term and renewal of mining lease

New section 38(4) will clarify the Minister's powers to extend the date by which an application for the renewal of a mining lease may be made.

28—Amendment of section 39—Rights conferred by lease

These amendments will clarify the ability of the Minister to issue a mining lease that authorises the recovery, use and sale or disposal of extractive minerals produced during operations under the lease, or a mining lease in respect of extractive minerals that authorises the recovery, use and sale or disposal of other minerals.

29—Amendment of section 41—Suspension or cancellation of lease

A right of appeal to the ERD Court exists if the Minister suspends or cancels a mining lease under section 41. An amendment will allow the Minister or the ERD Court to be able to stay the operation of the cancellation or suspension pending the outcome of an appeal. Another amendment will allow the Minister to reinstate a mining lease to a date that coincides with the initial date of the cancellation or suspension, or such late date as may appear to the Minister to be appropriate in the circumstances.

30—Amendment of section 41A—Grant of retention lease

An amendment will authorise the Minister to add, vary or revoke a term of condition of a lease at any time if, in the Minister's opinion, such action is necessary to prevent, reduce, minimise or eliminate undue damage to the environment associated with mining operations conducted pursuant to the lease.

If the Minister acts under this provision during the term of the lease and without the agreement of the holder of the lease, a right of appeal will lie to the ERD Court.

It will now also be an offence to contravene or fail to comply with a condition of a lease.

31—Amendment of section 41B—Application for retention lease

This is a consequential amendment.

32—Insertion of section 41BA

The Minister will be required to undertake a public consultation process before granting a retention lease. The new provision is similar to current section 35A of the Act relating to mining leases.

33—Amendment of section 41D—Term and renewal of retention lease

New section 41D(4) will clarify the Minister's powers to extend the date by which an application for the renewal of a retention lease may be made.

34—Amendment of section 52—Grant of miscellaneous purposes licence

It is to be made clear that the Minister may, in granting a miscellaneous purposes licence, limit or define the extent or scope of operations authorised under the licence.

Another amendment will authorise the Minister to add, vary or revoke a term of condition of a licence at any time if, in the Minister's opinion, such action is necessary to prevent, reduce, minimise or eliminate undue damage to the environment associated with mining operations conducted pursuant to the licence.

If the Minister acts under this provision during the term of the licence and without the agreement of the holder of the licence, a right of appeal will lie to the ERD Court.

It will now also be an offence to contravene or fail to comply with a condition of a licence.

35—Amendment of section 53—Application for miscellaneous purposes licence

An application for a miscellaneous purposes licence will be required to include a management plan—

(a) specifying the nature and extent of the operations or activity that the applicant proposes to carry out in pursuance of the licence; and

(b) setting out—

(i) an assessment of the environmental impacts of the proposed operations or activity; and

(ii) an outline of the measures that the applicant proposes to take to manage, limit or remedy those environmental impacts; and

(iii) a statement of the environmental outcomes that accordingly are expected to occur; and

(c) a draft statement of the criteria to be adopted to measure the expected environmental outcomes; and

(d) the results of any consultation undertaken in connection with the proposed operations or activity.

36—Amendment of section 54—Compensation

A right of an owner of land to compensation may include an additional component to cover reasonable costs incurred in connection with conducting negotiations or resolving any dispute.

37—Amendment of section 55—Term and renewal of miscellaneous purposes licence

Section 55(4) will clarify the Minister's powers to extend the date by which an application for the renewal of a miscellaneous purposes licence may be made.

38—Amendment of section 56—Suspension and cancellation of miscellaneous purposes licence

A right of appeal to the ERD Court exists if the Minister suspends or cancels a miscellaneous purposes licence under section 56. An amendment will allow the Minister or the ERD Court to be able to stay the operation of the cancellation or suspension pending the outcome of an appeal. Another amendment will allow the Minister to reinstate a miscellaneous purposes licence to a date that coincides with the initial date of the cancellation or suspension, or such late date as may appear to the Minister to be appropriate in the circumstances.

39—Amendment of section 57—Entry on land

This is a consequential amendment.

40—Amendment of section 58A—Notice of entry

Various penalties under the Act are being revised.

A notice of entry under section 58A of the Act will need to be in a form determined or approved by the Minister.

It will also be a requirement to give notice to the holder of a licence (if any) under the *Petroleum and Geothermal Energy Act 2000*.

41—Amendment of section 59—Use of declared equipment

An amendment will provide that the Minister may authorise the use of declared equipment under a program approved under Part 10A of the Act.

It will be a requirement to give notice of the proposed use of declared equipment to the holder of a licence (if any) under the *Petroleum and Geothermal Energy Act 2000*.

42—Repeal of section 60

This is a consequential amendment.

43—Amendment of section 61—Compensation

A right of an owner of land to compensation may include an additional component to cover reasonable costs incurred in connection with conducting negotiations or resolving any dispute.

44—Amendment of section 62—Bond and security

Various penalties under the Act are being revised.

45—Insertion of section 62A

New section 62A will allow an owner of land to apply to the Land and Valuation Court for an order that his or her interest in the land be purchased by the holder of a mining tenement where operations under the tenement are substantially impairing the owner's use and enjoyment of the land.

46—Amendment of section 63—Extractive Areas Rehabilitation Fund

The limit on the expenditure of money standing to the credit of the fund in relation to preventing or limiting damage to the environment is to be removed.

47—Amendment of section 63C—Registration of access claim

48—Amendment of section 67—Jurisdiction relating to tenements and monetary claims

49—Repeal of section 68

50—Amendment of section 69—Forfeiture of claim

51—Amendment of section 70—Forfeiture and transfer of lease

These are consequential amendments.

52—Insertion of Parts 10A and 10B

These amendments relate to a number of matters.

The first set of amendments will require all mining operations under a mining tenement to be conducted in accordance with a program under new Part 10A.

The second set of amendments will provide for "environmental directions" and "rehabilitation directions" to be issues in specified circumstances.

53—Amendment of section 73A—Lodging of caveats

An amendment to section 73A(1) of the Act will provide that a caveat may be lodged by a person claiming a *legal or proprietary* interest in a mining tenement.

An applicant for a caveat will now be required to specifically state the nature of the interest claimed and the grounds on which the claim is founded.

54—Amendment of section 73E—Royalty

55—Amendment of section 73I—Compliance orders

56—Amendment of section 73K—Rectification authorisations

57—Amendment of section 73M—Declaration of Warden's Court concerning variation or revocation of declaration of an area as a private mine

58—Amendment of section 73O—Powers of authorised officers

59—Amendment of section 74—Penalty for illegal mining

These are consequential amendments.

60—Insertion of section 74AA

The Minister is to be given power to issue a direction for the purpose of—

(a) securing compliance with a requirement under the Act, a mining tenement (including a condition of a mining tenement) or any authorisation under or in relation to a mining tenement; or

(b) preventing or bringing to an end specified operations that are contrary to the Act or a mining tenement (including a condition of a mining tenement); or

(c) without limiting any other provision, requiring the rehabilitation of land on account of any mining operations conducted without an authority required under the Act.

61—Amendment of section 74A—Compliance orders

62—Amendment of section 75—Provision relating to certain minerals

These are consequential amendments.

63—Amendment of section 76—Returns

The holder of a mining tenement at the time that the tenement expires, or is cancelled or surrendered, will be required to furnish a return to the Director of Mines within 3 months after the expiry, cancellation or surrender (or within such longer period as the Director may allow).

64—Amendment of section 77—Records and samples

Certain contraventions of the Act will now be dealt with under an administrative penalty regime.

65—Amendment of section 77A—Period of retention of records

Various penalties under the Act are being revised.

66—Insertion of sections 77B, 77C and 77D

This clause contains provisions that will facilitate the provision of additional information, samples, materials or reports.

67—Amendment of section 78—Persons under 16 years of age

68—Amendment of section 82—Surrender of lease or licence

These are consequential amendments.

69—Amendment of section 83—Dealing with licences

These amendments relate to dealings with licences.

One amendment will provide that a mortgage is within the ambit of section 83(1).

If a lease or licence is subject to a mortgage or charge, the Minister must not consent to the transfer or assignment of the lease or licence under the Act without taking reasonable steps to give notice of the proposed consent to the holder of the mortgage or charge.

70—Amendment of section 86—Removal of machinery etc

71—Repeal of section 87A

72—Amendment of section 88—Obstruction etc of officers exercising powers under Act

73—Amendment of section 89—Obstruction etc of person authorised to mine

These are consequential amendments.

74—Insertion of section 89AA

This amendment will have the effect of providing that offences constituted under the Act will lie within the criminal jurisdiction of the ERD Court.

75—Amendment of section 90—Evidentiary provision

Additional provision is to be made to facilitate the provision of proof about the status of a person as the holder of a mining tenement or about the conditions of a mining tenement.

76—Insertion of sections 91 and 91A

New section 91 sets out a scheme for administrative penalties. The amount of an administrative penalty will be fixed by regulation and will not be able to exceed $10,000.

New section 91A will allow the Mining Registrar, in prescribed circumstances, to vary the boundaries or delineation of a mining tenement, to authorise the moving or replacing of any pegs, or to take other action to rectify the area, location or boundaries of a mining tenement. However, such action will only be possible under an agreement between the holder of the relevant tenement and the Minister, or under a determination of the Warden's Court.

77—Amendment of section 92—Regulations

Some of these amendments are consequential. Another amendment will allow the fixing of assessment and annual administration fees. Another amendment will specifically provide for the adoption of a code or standard under the regulations.

Schedule 1—Related amendment and transitional provision

Part 1—Amendment of *Petroleum and Geothermal Energy Act 2000*

1—Amendment of section 63—Right to compensation

A right to compensation under section 63 is not to extend to any loss associated with a reduction in the value of any minerals that may be recovered under the *Mining Act 1971*.

Part 2—Transitional provision

2—Transitional provision

This schedule sets out transitional provisions associated with the enactment of this measure relating to the recovery of extractive and other minerals.

Schedule 2—Statute law revision amendment of *Mining Act 1971*

This schedule contains various statute law revision amendments.

Debate adjourned on motion of Mr Pederick.

TRUSTEE (CHARITABLE TRUSTS) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

STATUTES AMENDMENT (ARTS AGENCIES GOVERNANCE AND OTHER MATTERS) BILL

Adjourned debate on second reading (resumed on motion).

Ms THOMPSON (Reynell) (15:52): At the time that I sought leave to conclude my remarks, I was talking about the most recent edition to our wonderful Museum's collection, being the Biodiversity Gallery which opened earlier this year. It uses more than 12,000 models and specimens to tell the unique story of South Australia's diverse wildlife, with the display divided into four distinct environmental regions: arid, temperate, coastal and marine. It is a comprehensive introduction and a conduit for visitors to South Australia to further explore and appreciate our natural assets.

The gallery features touch screen resource libraries, film clips, electronic labelling, interactive specimen draws containing some of the Museum's extensive collections, and vibrant displays to make the gallery visually and mentally stimulating for visitors of all ages. The ancient Egypt exhibits have been a favourite with many generations of South Australians. This gallery represents a new kingdom tomb and houses and artefacts that give insight into religion, burial practices and everyday life in ancient Egypt.

Rare and unique fossils from the Flinders Ranges area are showcased in the stunning Origin Energy Fossil Gallery, which includes a fossil seafloor displayed as well as a wall preserving hundreds of tiny specimens. It also displays the largest known fossil animal of its time, a doormat-sized specimen of Dickinsonia rex, truly the king of early marine animals—550 million years old—and the world oldest known fossil chordate from the Ediacara biota of the Flinders Ranges. Further, the oldest known sponge and coral reefs displayed as polished slabs are from the Flinders Ranges.

The Origin Energy Fossil Gallery's Opal Fossils of South Australia opened to the public in 2001. It shows the mighty marine reptiles that swam in the icy inland seas of Australia during the polar night in the age of dinosaurs. Highlights include: the partial skeleton of a six metre long plesiosaur found in an opal mine in Andamooka in 1983—I need my young niece to guide me in the pronunciation of some of these things. She was better when she was six than I will ever be—Australia's first cryptoclidid (a type of plesiosaur previously known only from the Jurassic of Europe), and a piece of ancient seabed with several hundred opalised shells and fossils from the moon plain just north of Coober Pedy.

Another family favourite is the remarkable exhibition of the material cultures of the Pacific in the Pacific Cultures Gallery, which had its origin when the north wing of the museum opened in 1895. Artefacts on display come from Papua New Guinea, the Solomon and Santa Cruz islands, Vanuatu, New Caledonia, Fiji and New Zealand.

Approximately 3,000 bows and arrows, spears, shields, utensils, ornaments, masks and ritual objects are displayed in the original wall cases and flat cases. This is the largest exhibition of Pacific material in Australia and second only to Auckland in the southern hemisphere. The Pacific Gallery has been preserved as an example of 19th century museum display—essentially, visual storage.

The Australian Aboriginal Cultures Gallery is one of the museum's offerings that I particularly value. It offers over 3,000 items on display in a contemporary interactive setting, showcasing the museum's outstanding collection of Australian Aboriginal artefacts and archival material. It is regarded as the most significant collection in the world. For over a century, the South Australian Museum has been deeply involved in, and committed to, the collection, study, display and interpretation of indigenous cultures of Australia. The collection comprises artefacts, film, sound recordings, photographs, field notebooks and manuscripts.

This gallery also provides a function which is not normally associated with museums. In 2002 there was an installation called Dislocation. I am particularly interested in that as my brother, Gavin Malone, was one of the artists. The other artists involved in this cross-cultural collaboration were Georgina Williams (a well-known Kaurna woman) and Nganke Burka, senior woman Kaurna.

The work was subtitled 'A journey through Kaurna dislocation and contemporary cultural and spiritual renewal from two cultural perspectives'. This, as I said, offered an opportunity for today's artists to provide an interpretation of their understanding of what has happened to the Kaurna people, but providing proper work for living artists is not something that is associated generally with the museum. I know that the installation attracted strong interest from Indigenous and non-Indigenous people alike.

Next along the terrace is the Art Gallery of South Australia, which houses the most comprehensive collection of Australian art from the time of European settlement in the early 19th century to the present day, including one of the most important collections of indigenous art in the world.

The gallery also contains the work of Gladys Reynell, after whose family my electorate is named. The Reynells contributed greatly to the early years of this state, yet it is not a name that abounds in this state. I am very pleased and honoured that I carry the honour of being the member for Reynell and can speak about the contribution of the Reynell family, including the outstanding work of Gladys Reynell which is recognised sufficiently to even appear in postcard form as one of the more popular of the gallery's exhibits.

The gallery's outstanding collection of 38,000 works of art also includes European, North American and Asian paintings, sculptures, prints, drawings, photographs, textiles, furniture, ceramics, metalwork and jewellery. Overall, the Art Gallery of South Australia holds the nation's finest and most balanced collection of Australian 19th century colonial art—especially strong compared with other collections—in colonial paintings, watercolours, silver and furniture.

There is also a collection of 20th century Australian art, at least equal to the two best of the state galleries and arguably more balanced than all of them. It has the finest collection of Western Desert dot paintings from Central Australia and the largest and most important early Aboriginal bark painting collection of any art museum.

It contains an excellent contemporary Aboriginal art collection, including a renowned holding of Aboriginal craft. It has the most important public collection of South-East Asian ceramics in the world. It has one of the three largest collections of European art in the southern hemisphere, and it has one of the few comprehensive British collections outside Britain, with a collection of paintings, sculptures, prints and drawings, and of the decorate arts, including the most representative Morris & Co material outside Britain from the 16th century to the present.

It has the modest but impressive Renaissance collection, a significant Italian and 17th century baroque collection and many more jewels in the crown of South Australia.

Mrs REDMOND (Heysen—Leader of the Opposition) (16:01): I indicate, as I rise to speak, that I am the lead speaker for the opposition on the bill and that the opposition, as may be evident from the speeches already made by those who have addressed the house, will be supporting the bill.

I do not intend to delay the house too long. However, given that the last speaker and a number of other speakers, I think, have spent most of their time delineating the joyous collections—and I take no quarrel with the honourable member in terms of the value of the 38,000, or thereabouts, items held by the art gallery (although a remarkably small percentage of them are on display, and I welcome the efforts being made by our new Director of the Art Gallery to ensure that that occurs)—essentially, a dissertation on that wonderful collection in no way goes to addressing the substance of this bill.

The bill was introduced at the of June, I think, just before we rose, and I thank the minister, his advisers and departmental staff for the briefing which they provided to me and to members of my staff so that we could get our heads around what appears at first glance to be quite a hefty bill. I think that, from memory, it is 205 pages. The reason for that is that it is basically dealing with a whole lot of separate acts, and the fundamental thrust of this legislation is to bring a disparate lot of acts into a substantially uniform management and governance procedure. I will, for the sake of completeness, indicate the acts which are dealt with in the bill and which are therefore included in this revamp of the organisational arrangements.

They are: the Adelaide Festival Centre Trust Act 1971; the Adelaide Festival Corporation Act 1998; the Art Gallery Act 1939 (it is one of the earlier ones, of course); the Carrick Hill Trust Act 1985 (it will be interesting to see tomorrow in the budget what happens to some of these things because, having read the Sustainable Budget Commission's preliminary report, some interesting things are proposed for some of these areas); the South Australian Country Arts Trust Act 1992; the History Trust of South Australia Act 1981; the South Australian Film Corporation Act 1972; the South Australian Museum Act 1976; the Libraries Act 1982; the State Opera of South Australia Act 1976; and, lastly, the State Theatre Company of South Australia Act 1972.

As I say, the government introduced this bill, and the minister gave his second reading explanation on about 30 June. I was able to have a briefing from the minister's office before we

rose for the mid-year break. From that briefing, I understand that those acts cover some 13 major arts organisations in the state, two of which are statutory authorities and the rest are public corporations.

The government has been through a consultation process and, indeed, I was provided by the officers of Arts SA with an indication of the process that was gone through, and that included consultation with boards and stakeholders in February and March 2009—and I accept that, so far as I have been able to ascertain, the boards and stakeholders were contacted around about then and they do feel that they have been engaged in this consultation. I will say more about that in a moment, though, when I get to local government.

The list of possible changes to the original process was provided to the minister for cabinet consideration. The draft bill was circulated twice to boards for review (in October last year and February this year). Then, and I do not know why (and maybe the minister when we go into committee can explain), and only then, did consultation with the local government authority take place (in March and October 2009 and then June and July this year). I am a little puzzled as to why there has been that delay in the consultation with local government.

I am not suggesting for a moment that there is any will by the government to do the wrong thing by the Local Government Association, but it seems to me that it was always evident that local government would be involved in the discussions—and, indeed, the government made that fairly clear, I think. However, it has resulted in a situation where, having been through a consultation process and produced a draft bill that has been commented on and adapted, the bill has been introduced and we will now have to go into committee because there are quite a number of amendments proposed by the government which I understand from my discussions with the Local Government Association address some issues raised by that association in response to the bill.

That having been said, essentially, as I have understood my briefing and reading of the legislation, as I intimated earlier, the essential thrust of this bill is to make all of the organisations basically fit into a fairly standard structure in the way they are organised. Whilst we support the bill, I will make what has been become known to Hansard, I think, as the Isobel speech. Once again, this bill introduces provisions that include basically a standard board structure (such as board size and the appointment and removal of members: that is all standardised); board appointment to be limited to a term of three years with nine years' maximum (so three years that you can be renewed on the board twice after your original appointment); but the bit that relates to the Isobel speech is the bit about having a gender balance provision, that is, a minimum of two men and two women on each board.

I raise that simply because I have done so on numerous occasions—in fact, I think nearly every time this government has produced legislation that involves the constructing of any new board it puts in such a provision. Sometimes it is not two men and two women: sometimes it will be at least one man and one woman. Again, I say that we are now in the 21st century and the job to be done by the people appointed to these boards has nothing to do with gender. We will not have true equality in this state, or any other place, until we get over this need to appoint people according to their gender, because they should be appointed, in my view, upon merit.

Merit should be the only basis for the selection of members of boards, otherwise you end up with a situation where someone of better quality might be overlooked because of not only a wish of the government but also because there is a statutory provision that requires that there be, for these boards at least, at least two members of each gender. I simply say that is an inappropriate thing for us to be legislating. I wonder what they will think in 100 years from now when they are looking back on the debates that we had and whether they will think our thinking is as peculiar now as perhaps—

The Hon. J.D. Hill: I'll be very happy if they are thinking about anything we have said.

Mrs REDMOND: As the minister rightly says, he will be very happy if they are thinking about anything we said. It seems to me, though, in regard to the governance arrangements, whilst I am happy for them to be standardised, there is no need for us in the 21st century to be saying that we appoint on the basis of anything other than merit for any board appointment. As I said, if we do not, then we get to the point where the people appointed are not necessarily the best people for the job. I am quite confident, by the way, that there are just as many men as there are women who are competent for all these jobs, I just want the best people appointed in each case.

I do want to spend a little bit of time going through and detailing what the Local Government Association has had to say about the issues, and, to that end, I wish to refer to the

various letters that are in my possession in relation this matter. Firstly, I have a letter dated 7 July from the Local Government Association to me indicating that they have been aware of the bill at an officer level, but up to this point they say they have not been able to consult with their member councils, and whilst much of the bill has no implications for local government, the proposal to introduce a maximum period of appointment or reappointment for boards will impact on local government nominees on both the Libraries Board and the Country Arts Board and they may identify some other issues. They intended to discuss it at state executive on 22 July and they indicated that they had written to the minister about that.

I next heard from them on 20 August in an email from an officer of the LGA to an officer of my Heysen electorate office. I think it is much the same as they said in their later letter. However, they said in their communication by email that, further to their letter of 7 July 2010, the LGA state executive considered the bill following a short period of feedback from councils. They discussed the merits of limiting in legislation the length of time that a person can be appointed or reappointed to a board, and they recognised that, whilst there were some positive impacts, there could also be negative impacts. They resolved that their officer write to the minister's office to outline some options which may not have been considered when the bill was being drafted. I will quote what they say:

> In considering this issue it was noted that currently, should an incumbent member be considered as no longer the best person for the role, both the LGA (as the body which nominates representatives to both SA Country Arts Board and the Libraries Board of SA) and you [meaning the minister] (providing advice to Cabinet on such appointments in the process of providing advice to the Governor) have open to them the option of declining to renominate that person.
>
> The committee considered that there were merits in ensuring 'fresh thinking' being brought to a board in the form of new members. It also considered the position in which a member who has served nine years on a board may still be the best person for that role—and that the proposed provision of the Statutes Amendment Bill was somewhat restrictive in this circumstance.

I know what they are getting at. I served for some 28 years on the board of the Stirling hospital, as I may have mentioned in this house previously.

One of the things about that hospital board was that it was a very stable board. Our constitution allowed for the board to have a half turnover so that half the members would be up for renomination each time; and so you could not suddenly have a whole new lot of people and you would lose all your corporate knowledge and all the structural knowledge that goes with a board membership. You could not lose it all at once, even if there was some massive community discontent—not that there ever was—that led to a rush on board positions. I can attest to the fact that, on occasions, there were people wanting to get onto the board, so we did have elections for board positions.

You do need to keep a balance between what they are talking about as 'fresh thinking'—and I think that is not a bad expression. You do need to keep that balance between making sure that you are getting new blood, new thinking, and you are not just becoming a tired, old group of people who are doing the same thing over and over again, but, at the same time, making sure that you have the best people, including perhaps people who have served for some time. Can I say to the house that when I had to resign from the hospital board at the end of last year—

An honourable member interjecting:

Mrs REDMOND: No—and I had only served for 28 years, and I was by no means the longest serving member of that board. The longest serving member of that board had been there for 40 years already.

An honourable member: Gunny!

Mrs REDMOND: It wasn't Gunny; it was a local and well-known name. So, I think there is value, and I think we need to be careful not to be too restrictive in the way we address these issues. Fundamentally, I do not have a great problem with saying that three terms is probably enough, on average. If you look at people who volunteer with various organisations, I think the average across the board is about seven years, so three terms is probably not a bad compromise. I note that the government has now introduced these proposals.

The email that was sent to me goes on to talk about some options that the Local Government Association discussed. It stated:

> The primary options discussed were:

1) The provision might be modified to require a term limit for the board, rather than individual positions. This could be constructed legislatively in various ways, such as requiring a maximum average of three terms for a board—in this way, one or two members might exceed the average and others might be less than the average.

2) The provision could incorporate the capacity to exempt positions from the restriction on the total length of terms in certain circumstances. This might require a formal agreement between a nominating organisation such as the LGA, and the minister, a simple waiver by the minister, or it might require the making of a regulation (which would then allow consideration by the Subordinate Legislation Committee of the parliament). However, such a mechanism would at least envisage the possibility of an exception being allowed.

3) Employing both options 1 and 2 above.

It goes on:

In the case of the Libraries Board of SA on which the LGA makes three nominations, while we recognise the merits of having both new nominees and incumbent nominees, the committee was unsure about the challenges which might occur with legislative restrictions on reappointments including existing skill/position requirements overlaid with additional term requirements. I provide these thoughts for your consideration...

They go on to finish their thoughts on the matter. I am looking forward to the committee stage so that I can get a more comprehensive explanation from the government as to what the amendments proposed by them do and what else, perhaps, these proposed amendments might cover.

I note that, according to my notes from the briefing that we had, the changeover was not actually legislated and that the government, according to the people who briefed me, was hoping that the current appointments, which are generally staggered anyway, will be sufficiently staggered to enable this to be brought in without any undue disruption to the activities of the board.

I also asked a question during the briefing about crown property. I was advised that the crown advice is that it is all owned by the Crown on behalf of the people of the state, and that led to a question about if there was a bequest with conditions attached and the minister wanted to interfere with the conditions attached to a bequest of property which was held by one of these organisations and, in particular and more importantly than anything else, the Art Gallery.

The advice was that if there is a bequest with conditions attached and the minister wanted to interfere with that he could not because on page 18 of the bill there is a clause that provides that no ministerial direction can be given to interfere with these things.

I did also ask—and I cannot quite remember now from my notes what the exact answer was—about the issue of these organisations being structured in a way that they will comply with state and national protocols regarding arts funding. At the time I had in my mind—I cannot think of the name of the artist, but Bill whoever it was in Sydney who had the art exhibition that caused so much public contention. I was advised that funding agreements required compliance with the protocols.

I am not planning to keep the house long, but there was also an issue, which is addressed by this act, regarding the Film Corporation. I was a bit puzzled as to a provision in the bill which was to delete the ownership of the copyright for films made in the state. I think the original Film Corporation Act provided that any film produced by any state government department was to be created and owned by the SA Film Corporation. Of course, technology having moved on in the way it has, it was decided to get rid of that particular provision.

From that issue, there was also a question about, if we owned the copyright of all the films, as I recalled, a provision about the parliamentary library having to have ownership and a copy of everything that was published in the state. This is a strange problem that perhaps we will explore in the committee stage, but I gather that the parliamentary library, because it does not want to have the problem of the storage, does have a power to exempt things.

I think I recall seeing in the bill, in fact, a power generally for numerous organisations to be able to not accept gifts, because I know that a lot of people, instead of getting rid of the rubbish when the green bin or whatever is available, or the footpath recycling or anything else, think, 'This is so valuable I am going to give it to the Museum or the Art Gallery or the War Memorial,' or wherever it might be, and in fact there is a problem with those people gifting things. So there is provision in the legislation for those organisations that do not have the provision that they will now have that protection, I think, if my memory serves me well.

I think that just about covers everything that I wanted to say about this bill. As I said, it looks quite daunting because it is 205 pages long, but when you analyse it it is actually 13 lots of

virtually the same provisions; it just has to be worded slightly differently because all of the bits of legislation that are being amended are different. I do thank the minister for making available his staff. I think Dr Paula Furby was not there that day because she was not well, but we had Alex Reid and Hannah Schultz, and Michelle Bertossa from the Premier's office, give us the briefing. I thank them and I thank the minister. With those few words, I indicate once again the opposition's support for the Statutes Amendment (Arts Agencies Governances and Other Matters) Bill 2010.

Mr MARSHALL (Norwood) (16:23): It is my great pleasure to also speak today on the Statutes Amendment (Arts Agencies Governances and Other Matters) Bill 2010. Many speakers have already spoken today about the importance of the arts and cultural sector here in South Australia. It has been a fascinating menu presented today of the wonderful organisations that we have here in South Australia, and I too would like to add my comments to this important debate.

The objective of this bill that has been proposed by the government is to introduce a suite of standardised governance arrangements for the major arts bodies in South Australia. Currently, each organisation has its own governing act. Arts SA reviewed the arts portfolio statutes to determine whether there was scope for, and benefit in, standardising sections of the acts. The review concluded that the variation between acts was not surprising, given that many of them were created over an extended period of time, and that there was some opportunity to standardise governance of these bodies.

The proposed bill will not change the operations or objectives of the organisations; rather it will streamline their relationship with government and ensure a consistent clear set of powers and functions for each board or trust. This bill introduces consistent provisions in areas such as board structure, board size and the appointment and removal of members. A board appointment term of three years will be limited to a nine-year maximum. There will be a gender balance provision with a minimum of two women and two men on each board. Board proceedings are to have common guidelines addressing quorum size, meeting procedures, conferencing, delegations and subcommittees consistent with 21st century business practice.

In order to streamline government monitoring of arts organisations, consistent requirements relating to budgets, annual reporting and ministerial controls are included. The regulation-making powers under each have been reviewed and made consistent across the board.

The opposition is certainly going to support this bill. At this point I would like to read from the second reading explanation, which was inserted into *Hansard* by the Minister Assisting the Premier in the Arts. It starts:

> South Australia's arts companies and cultural institutions make an immeasurable contribution to our state's culture, heritage and identity. In many respects these organisations lead the nation, and indeed the world, in their collections, research and artistic endeavours.

Never a truer word spoken in this house—that is absolutely spot on. But at the very time, of course, that these comments were being crafted for the minister, the Sustainable Budget Commission was beavering away, sharpening its razor, ready to make some cuts to this important area of arts. It is to some of those areas that I would like to bring the house's attention today.

The leader ended by talking about the South Australian Film Corporation and that would be a good spot for me to begin. The Film Corporation is one that I have vexed opinions on, because of the redevelopment of the Glenside campus, although I will not move over to that at the moment.

Mrs Redmond interjecting:

Mr MARSHALL: Exactly. Precisely right. The leader points out that we are a very strong supporter of the Film Corporation, of course; we just do not want it in any way impinging upon our primary acute mental health facility at Glenside. The South Australian Film Corporation has indeed propelled South Australia onto the national and international stage with feature films such as *Hey Hey It's Esther Blueburger*—I am sure everybody has seen that and it's a great film—*December Boys*, *Wolf Creek* and *Rabbit Proof Fence*, just to name a few, as well as a myriad of documentary short films, television programs and digital media productions. We are very proud in South Australia—I am sure everybody is very proud—that the South Australian Film Corporation-funded film, *Time of Day*, won The Best International Short at the 2010 Manhattan Film Festival earlier this year.

When we actually turn to the now infamous leaked Sustainable Budget Commission proposals regarding the South Australian Film Corporation, we note that there is a very strong

proposal for the government to significantly reduce funding for this organisation, and that will of course significantly impinge upon the work done by the South Australian Film Corporation.

The recommendation does point out that the decision about where savings would be sourced rests with the board of the South Australian Film Corporation, who, of course, are all appointed by the Minister for the Arts, the Premier. Their proposal points out that savings would likely come from reductions in funding for the Revolving Film Fund, the Producer Equity Scheme, the Enterprise Development Program and the South Australian Film Lab Initiative, all of which would result in a significant reduction in filmmaking in South Australia, a loss of experienced film practitioners who would have no choice but to go interstate to find ongoing work and a reduction in South Australian Film Corporation support for the South Australian screen industry.

In the first year, the Sustainable Budget Commission is proposing to reduce funding by $1.5 million, increasing to $2.2 million in the financial year 2013-14. So, we have a government, which is espousing the importance of the South Australian Film Corporation and the industry, talking about the importance of taking up valuable land on the Glenside campus to move our film hub there, but at the very same time the Sustainable Budget Commission is beavering away, getting ready to swing the axe.

I would like to also talk about the State Library. I noticed in the gallery earlier today that Ian Smith was present here. The State Library is a real favourite of mine. I understand that—

An honourable member: Allan Smith.

Mr MARSHALL: Yes, Alan Smith, sorry—but Ian Smith, of course, is a very strong supporter of the State Library as well!

Mrs Redmond interjecting:

Mr MARSHALL: Indeed, he's got many skills. The State Library is indeed a favourite of mine. It is a little known fact that the establishment of the State Library of South Australia occurred in England and proceeded the proclamation in South Australia. This year, I think, they celebrate the 176th anniversary of its establishment. It is incredulous; I cannot believe that the Sustainable Budget Commission would go anywhere near this important and august 176-year-old South Australian institution. They will swing the Occam's razor at anything, just to use a cultural reference to the razor, seeing we are dealing with all things cultural today.

The Sustainable Budget Commission recommends the axing of 10 people next financial year, an additional 20 people in 2012-13, and 30 people in 2013-14. I think everybody would appreciate just what an effect that would have on this incredible library, this incredible state icon that we have on North Terrace.

We heard the member for Reynell also speak very passionately about her love for the South Australian Museum, the incredible Indigenous collection, the Biodiversity Gallery and the great investment over many generations that South Australians have made to this fine institution. But, again, has this escaped the Sustainable Budget Commission's glance? No. In 2011-12 its proposal is to reduce staff by eight people in 2012-13, by 10 people, and in 2013-14 by an additional 18 people. It is most unfortunate.

Then, of course, we move to the Art Gallery of South Australia. As our leader pointed out earlier, this is an incredible institution, one of the finest in the country, housing 38,000 objects, valued in excess of $600 million. We have just attracted a new director of the Art Gallery in South Australia, Nick Mitzevich, who comes with much enthusiasm to take over the role from the disgruntled former director, who resigned in protest at the lack of funding that the government was providing to this fine institution. Christopher Menz resigned in disgust, so we have appointed a new director, Nick Mitzevich. The very first thing that he is going to be confronted with, of course, when he arrives, is a proposed reduction by the Sustainable Budget Commission—not an increase, but a decrease. Again, five people cut in the first financial year, eight in the second financial year and an additional 15 in the third. How can we treat our premier arts organisations like this?

There are, of course, many other examples that are contained in the Sustainable Budget Commission proposal to government. In fact, there are 42 proposals that will be directly affecting the arts organisations—42 separate proposals in the Sustainable Budget Commission report here. I would just like to perhaps touch on a few other important ones.

The proposals here for the Adelaide Festival Centre Trust are that the decisions about what will be cut or reduced will rest with the Adelaide Festival Centre Trust trustees. However, the

government money, which would be provided to those trustees to allocate for their important work, would be reduced by over $1 million in the first year, over $2 million in the second year and $2.2 million in the year 2013-14.

Of course, there is a massive reduction proposed for Country Arts SA, which is extremely disappointing, especially to many people on this side of the house who represent electorates in the country. We have had them make very strong representations of the importance of taking arts to our regional and rural centres. It is disappointing that the government has set a scope for the Sustainable Budget Commission which includes cutting funding to these important organisations.

Mr Gardner: What is that going to do for the Goolwa Arts Show?

Mr MARSHALL: That is going to decimate, if not completely obliterate, the Goolwa Arts Show. I also see that there is a proposal here to cease complete funding for Vitalstatistix. I was previously a board member of Theatre SA and Vitalstatistix was one of the great organisations which was a member of Theatre SA. Theatre SA is another organisation which decided to sort of pack up its kitbag and head off because of a lack of state government funding.

I see that there is a proposal here to cease all funding for the Leigh Warren dancers, effective 1 January 2012. Again, it is extraordinarily disappointing to learn that this is the scope that has been set by the Sustainable Budget Commission.

I would also like to talk about proposal number 36 here, of 42, which is the proposal for the sale of Carrick Hill. I am a great lover of Carrick Hill. I spent plenty of time there with former chairperson Naomi Williams and her incredibly hardworking board. She did a lot of work there over a long period of time and it is very disappointing to see that the government would not only cease funding for this organisation but would also seek to sell this important property which was bequeathed to the South Australian government by the Haywood family. Arts SA has actually advised that the original bequest requires the agreement of both houses of parliament to sell that property. We would certainly, I am sure, be looking to stifle any move to sell that important South Australian icon. Other proposals included in this leaked document are of course, ceasing of all funding for Windmill. There is a proposal for the amalgamation—

Mrs Redmond: The sale of Carclew.

Mr MARSHALL: The sale of Carclew, the leader informs me. There is also a proposal for the amalgamation of the administration for the State Opera of South Australia and the State Theatre Company of South Australia and, in fact, it just goes on and on. It is very disappointing that this is being put forward. I have always felt heartened that the Premier of this state decided to be the Minister for the Arts, but this decision—and the setting of the scope by the Treasurer for Mr Carmody and the Sustainable Budget Commission to flesh out 42 separate proposals for reducing, and in some cases eliminating, arts funding—really shows the true mettle of this Premier and of this government and their ongoing interest in this important arts sector.

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) (16:39): I thank all members for their contribution to this debate. It is good to see that there is bipartisan support for the legislation, even though the content of the debates was somewhat argumentative. Nonetheless, I appreciate the support of the opposition for this legislation. As the leader said, this is a very long piece of legislation, but, really, at a fundamental level, it is a rats and mice piece of legislation. It really tries—

Mrs Redmond interjecting:

The Hon. J.D. HILL: Exactly right. As has been mentioned by a number of members, the various pieces of legislation which manage the arts portfolio were introduced at various times when different standards applied, different views were held, different ideological positions were held and different cultural issues were to the fore, I guess, and, as a result, we have got disconnection between the various arts organisations.

That, of course, creates confusion at times amongst those who have to manage the arts organisations, and it means that it makes life a little difficult for Arts SA because it has to apply different standards to different organisations. Some of the organisations—particularly, I think, the Art Gallery and one or two of the others which were introduced a long time ago—have very unmodern provisions in the legislation.

The Art Gallery board, from memory, does not have to have an annual report or does not produce bank statements or things of that order, because they were not contemplated at the time. This bill brings all these organisations into a modern and consistent setting—

Mrs Redmond interjecting:

The Hon. J.D. HILL: Yes, governance arrangements, and I think that everyone understands that, and I appreciate their support for it. One or two issues were raised which I will just address in terms of the amendments that the government has put. We have put our own amendments: one set following consultation with local government, which I will get to in a minute; and another set relating to—

Mrs Redmond interjecting:

The Hon. J.D. HILL: I beg your pardon?

Mrs Redmond interjecting:

The Hon. J.D. HILL: The other set relates to the issue raised by the Leader of the Opposition. Interestingly, the Leader of the Opposition understood the importance of these amendments. I think that the advice originally from parliamentary counsel was that it was kind of accepted that the organisations had the rights to do this, anyway; however, some of our organisations still have in the existing acts (I think the History Trust and one or two other organisations) provisions along these lines now.

They did not want to lose that, because sometimes it is important for them to be able to point to the law when they are presented with individuals who may wish to gift granny's old dress collection to that organisation to be able to say, 'Well, we do have a discretion.'

Mrs Redmond: Are you telling me that I cannot bequeath my mother's wedding dress to the gallery?

The Hon. J.D. HILL: I am sure that anything the Leader of the Opposition wished to bequeath to any of our organisations would be given due consideration and judged according to the issues and the interests of those collecting organisations. There are real problems about being given things and not being able to get rid of them for various practical reasons.

For example, a collecting organisation might have something that it really wants, but then it is given a duplicate which is in better condition and then it does not necessarily need to keep two copies. The copy that it does not want to keep is the first one, and they may be able to swap it with another organisation or sell it to buy something else. So, they need to have the discretion to be able to dispose of it. They have the discretion, which the minister cannot interfere with, to work out what they obtain, and equally they should not be limited in what they can dispose of. That is what they are good at, so I think that is entirely appropriate.

We have a formal arrangement with local government, and we have to consult with it in a particular way which, I think, explains why we came to it at the time that we did. If the leader wants to ask questions during committee, I can get some further advice on that, but I understand that that is the basis of it: once we have reached a decision, we have to go through a formal process. They then consulted and came back with the recommendations that the leader has read to the house. I came back to them with an alternative, which was that we would amalgamate the various positions on the library board so that they did not have subcategories they had to fill. They have advised my officers that that satisfies their concerns, so I think the amendments that I am putting will help the library board.

In relation to the issue of whether or not appointments should be limited in time, it was something I did consider. Some of the existing legislation sets time limits. For example, I think Country Arts has a term limit of six years, and other organisations have no term limits. So it was really: do we get rid of them altogether or do we have a reasonable fair set? I thought nine years (three times three) was a reasonable amount of time. If you are not going to make a major contribution in nine years, you are probably not going to make one at all. I thought that was a reasonable position and that is what cabinet adopted. It could have been 10 years or 12 years, but nine seems reasonable. Of course, somebody could serve nine years and go off for a year or two and still come back on, so it does not say they cannot come back on in the future.

I think it is important that we do have a term limit, even though local government points out (and it is a reasonable point) that the government does not have to appoint someone beyond nine years. Particularly from the point of view of an organisation that nominates positions, if the people

in that field know that there is a person on there who wants to be on there, they are less inclined to nominate against them and therefore you do not necessarily get a strong field being represented. But, if everybody knows it is up in nine years, that allows others to put their hand up and express interest, and I think that is healthy.

The final issue is Isobel's speech on affirmative action. I understand that there are differing views on that issue. The government obviously has a policy position in relation to that, and we consistently introduce these provisions into legislation and the honourable leader gives the speech in opposition. In the future, another government might remove all these amendments by way of a statutes amendment bill, and it will be interesting to see how the house handles that. The point I would make about it is a bit similar to the point I made that if someone has been on a board for a long time people do not tend to nominate against them. If you have a situation where most members of a board are male, there is a tendency to just keep reappointing either the same people or similar kinds of people.

As a matter of policy, we moved to 50-50 appointments on boards, but the fact that we do have to consider the other gender does mean that we start looking more broadly, and I think that is what it is about. It is not saying we are going to have token women or token men on a board. It means that we are encouraged, and we have to have a discipline, to look more broadly and, by looking more broadly, we will find people of both genders who have the skills and qualities we want, not just people from one gender. I think that is really what it is about.

In conclusion, I once again thank all members for their support. I also take this opportunity to thank a number of public servants and others who have helped with the legislation, particularly Janet Worth. She is the director of strategic projects. She has been working on this for five or six years now. The idea for this piece of legislation came out of a discussion she and I had after a budget meeting about six or seven years ago, so it has taken a long time.

It was a horrendously difficult job because there were so many different bits of legislation. No-one had looked at them properly before, and they had to be put into some sort of framework to think it through. Janet was very ably assisted, and eventually the job was taken over by Hannah Schultz, who is the director of cultural heritage and assets. I congratulate Hannah for the outstanding job she did—and Janet, too—in consulting with all the organisations and building up a consensus for this across the arts organisations. I think, in the end, everyone agreed this is a sensible way to go, and I want to thank them very much.

I also thank Greg Mackie and Alex Reid, the former and current executive directors of Arts SA, for their assistance; and our parliamentary counsel, of course, Annette Lever and Shirley Fisher, who have worked on this, and my own staff and the various arts organisations that have been consulted.

So I think this is good legislation. It is not earth-shattering legislation, but it does create a very positive set of governance arrangements so that our arts institutions can continue to grow and develop, and I commend the legislation to the house.

Bill read a second time.

In committee.

Clauses 1 to 9 passed.

Clause 10.

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

Page 22, after line 6 [clause 10, inserted section 20A]—After subsection (3) insert:

(3a) The Trust is not obliged to accept or keep material that is not, in its opinion, of sufficient artistic, historical, cultural or other interest to justify its collection or preservation under this Act.

As I have already indicated, amendment Nos 1 to 5 restore to the legislation a power that has been in existence in relation to some of the boards hitherto.

Amendment carried; clause as amended passed.

Clauses 11 to 16 passed.

Clause 17.

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

Page 33, after line 12—After subclause (1) insert:

(1a) Section 6—after subsection (3) insert:

(3a) The Corporation is not obliged to accept or keep material that is not, in its opinion, of sufficient artistic, historical, cultural or other interest to justify its collection or preservation under this Act.

Amendment carried; clause as amended passed.

Clauses 18 to 35 passed.

Clause 36.

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

Page 52, after line 30 [clause 36, inserted section 17]—After subsection (3) insert:

(3a) The board is not obliged to accept or keep material that is not, in its opinion, of sufficient artistic, historical, cultural or other interest to justify its collection or preservation under this Act.

Amendment carried; clause as amended passed.

Clauses 37 and 38 passed.

Clause 39.

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

Page 68, after line 34 [clause 39, inserted section 15]—After subsection (3) insert:

(3a) The Trust is not obliged to accept or keep material that is not, in its opinion, of sufficient artistic, historical, cultural or other interest to justify its collection or preservation under this Act.

Amendment carried; clause as amended passed.

Clauses 40 to 42 passed.

Clause 43.

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

Page 84, after line 39 [clause 43, inserted section 14]—After subsection (3) insert:

(3a) The trust is not obliged to accept or keep material that is not, in its opinion, of sufficient historical, cultural or other interest to justify its collection or preservation under this act.

Amendment carried; clause as amended passed.

Clauses 44 to 53 passed.

Clause 54.

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

Page 95, lines 25 to 31 [clause 54, inserted section 9(1)]—Delete paragraphs (a) and (b) and substitute:

(a) 3 will be persons, nominated by the LGA, who may comprise, in any combination—

(i) council members; or

(ii) librarians employed in a public library; or

(iii) community information officers employed by a council; or

(iv) any other officers or employees of a council; or

(v) any other persons with experience in local government; and

Page 96, after line 11 [clause 57, inserted section 10]—After subsection (2)—insert:

(2a) A member whose term of office expires may nevertheless continue to act as a member, for a period of up to three months, until he or she is reappointed or a successor is appointed (as the case may be).

This responds to the concerns expressed by the Local Government Association about the difficulties they might have finding three people who comprise the various skill sets that the current legislation requires. They have to have a council member, a librarian and an employee of local government. What we have said is that we will group those all together. So, as long as they come

up with three—they would tend not to be up at the same time (by history) so there would be one every now and then—we felt that that would give them enough flexibility.

There are 60-odd councils, they all have a number of elected representatives, they all have librarians and they all have other staff, so there is probably a pool of some hundreds of people that they need to find three from, and I think it is not unreasonable that they would be able to do that. I am advised that the executive officer of the Local Government Association has spoken with the chief executive officer of Arts SA and said that they were happy, comfortable, or whatever language was used, with this proposal.

The second proposal is more broadly based but it is particularly aimed at local government so that, for example, if they did a call and they did not get enough people nominating or they were not suitable, it would allow the existing person to spend an extra three months on the board while they went through the process of trying to find somebody to fill the position, and that was to deal with that carryover. Sometimes, for various reasons, if there is a local government election on or something there can be that hiatus, so that allows us to cover that particular problem.

I should also say that we are obliged to give them three months notice of any vacancy, so that would mean they would have up to six months to find somebody. That makes a reasonable attempt to satisfy local government and, as I say, I understand that they are comfortable with that.

Mrs REDMOND: I have a couple of short questions, and the minister has partly answered the second of those questions, anyway. From what the minister has said and from my reading of the existing bill paragraphs (a) and (b) and the now proposed (a), which will be substituted for (a) and (b), the essential difference is that under the originally proposed provisions one of the three people nominated by local government had to be a librarian employed in a public library or a community information officer employed by a council.

I am just a little concerned that the appointments could now be all from any one of those categories. So, for instance, they could all be council members, and that would mean that local government was thereby excluding from its representation, potentially, someone who actually knows something about libraries. I just wondered if that issue had reared its ugly head in discussions between the minister and the LGA?

The Hon. J.D. HILL: I thank the member for that question; she makes a valuable point. It is often the case that government would want a certain set of skills on a board and local government, or whoever. It is not just the case with local government; I will not pick on those. Often we have people from other organisations who have a right to put somebody on the board. What we do is we ask for local government to give us three names for every position, which allows us then to create balance. Often geographic, gender or skills balances can be created if three names are put forward, and local government complies with that. So, that is one way we have of trying to ensure the balance.

I guess it gets back to the original point made by the member about who is the best person for the job. If local government thinks three councillors are best suited for the job, then what we are saying with this legislation is that is really their call. One would hope that they would take into account that a broad range of skill sets are referenced there and that they would choose in a broad way. However, if they chose three librarians or three councillors and that is what they wanted, is it really up to us to second-guess their representation? It is really a matter for them.

As I say, we were happy with the way it was written. They had some concerns about the difficulties of trying to fill every one of those categories, so we have amended it in a way to give them flexibility. I would expect, however, that local government would still provide a range of skills; they are not silly.

Mrs REDMOND: Can I clarify with the minister what he was saying then. I just want to be sure that the appointments are not at the discretion of the minister; that whoever the LGA nominates are the people who will be appointed. So it is not as though, for each of these three vacancies, the LGA puts up three options and you choose one of them—although that was the impression I got from the first part of what you were saying—but the legislation specifically states they will be three people nominated by the LGA.

The Hon. J.D. HILL: I am happy to. Unfortunately, 'three' is used twice and it has a different meaning in each case. Well, it means the same thing, but it is in a different context. When bodies external to government are asked to nominate, they are asked to put up three names and then the government chooses. For example, when I used to look after the Medical Board—it is now

a national body—the AMA was asked to put up three names, I think, from memory, to supply that position. Usually they put them in some sort of order of preference and generally we would go ahead with whatever their order of preference was.

The fact that they put up three names is to give, I guess, the minister of the day some discretion so that, if we have five people on a board who came from North Adelaide and local government or some other organisation were to nominate three people and one came from North Adelaide and two came from somewhere else, you would choose somebody who came not from North Adelaide so you could get some balance. It is to give some flexibility and create some balance on the board. That is why the government has that kind of right.

So, yes, it is true that there would be three vacancies on it, but generally they would not come up at the same because the appointments tend to be staggered. So one vacancy would come up and, historically, that might be for somebody who was a librarian who worked in local government. The Local Government Association would then put forward three names of three librarians and we would choose one of those librarians. If we had somebody on who was a librarian from the country and there were three nominations, we might choose one from the city or vice versa. When the next nomination came up, it might be for a councillor; they would come up with three councillors, and that is the way it would work. That would still be the case; they would come up with three names.

Yet this time, instead of having to come up with three councillors or three librarians, they just have to come up with three nominations. One could be a councillor, one could be a librarian, one could be some other—a community information officer—and then the minister of the day would be able to choose from that menu, to use a term somebody else used before, and choose the one which best fitted the current mix of the board. We might be looking for somebody who has library skills, we might be looking for somebody who has communication skills or we might be looking for somebody who has practical experience of being on council. Generally, these things kind of get worked out pretty well, and my experience is that it has not been too problematic. That is how it would work.

Amendments carried; clause as amended passed.

Clauses 55 and 56 passed.

Clause 57.

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

Page 102, after line 4 [clause 57, inserted section 15]—After subsection (3) insert:

(3a) The Board is not obliged to accept or keep material that is not, in its opinion, of sufficient educational, historical or other interest to justify its collection or preservation under this Act.

Amendment carried; clause as amended passed.

Clauses 58 to 67 passed.

Clause 68.

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

Page 119, after line 38 [clause 68, inserted section 12C]—After subsection (3) insert:

(3a) The Trust is not obliged to accept or keep material that is not, in its opinion, of sufficient artistic, historical, cultural or other interest to justify its collection or preservation under this Act.

Amendment carried; clause as amended passed.

Clauses 69 to 77 passed.

Clause 78.

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

Page 136, after line 10 [clause 78, inserted section 11]—After subsection (3) insert:

(3a) The Corporation is not obliged to accept or keep material that is not, in its opinion, of sufficient artistic, historical, cultural or other interest to justify its collection or preservation under this Act.

Amendment carried; clause as amended passed.

Clauses 79 to 83 passed.

Clause 84.

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

Page 151, after line 35 [clause 84, inserted section 13]—After subsection (3) insert:

(3a) The Board is not obliged to accept or keep material that is not, in its opinion, of sufficient scientific, historical, cultural, educational or other interest to justify its collection or preservation under this Act.

Amendment carried; clause as amended passed.

Clause 85 passed.

Clause 86.

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

Page 164, after line 37 [clause 86, inserted section 5]—After subsection (3) insert:

(3a) The State Opera is not obliged to accept or keep material that is not, in its opinion, of sufficient artistic, historical, cultural or other interest to justify its collection or preservation under this Act.

Amendment carried; clause as amended passed.

Clauses 87 to 90 passed.

Clause 91.

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

Page 181, after line 38 [clause 91, inserted section 5]—After subsection (3) insert:

(3a) The Company is not obliged to accept or keep material that is not, in its opinion, of sufficient artistic, historical, cultural or other interest to justify its collection or preservation under this Act.

Amendment carried; clause as amended passed.

Remaining clauses (92 to 94) passed.

Schedule 1.

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

Part 9, clause 12(2), page 203, line 14—Delete ', continue in office'

Part 9, clause 12(2), page 203, lines 15 to 19 (inclusive)—Delete paragraphs (a) and (b) and substitute:

(a) in the case of a member who was elected by subscribers—cease to hold office; and

(b) in the case of a member who was elected by employees—cease to hold office; and

(c) in the case of any other member, continue in office—

(i) for the balance of that term of office; and

(ii) on such other conditions as if the principal Act as amended by Part 12 of this Act had been in force when he or she was appointed or last re-appointed a member of the Board and that appointment had been made under the principal Act as so amended.

Part 9, clause 12(3), page 203, line 20—Delete 'subclause (2)' and substitute:

subclause (2)(c)

The third of these amendments is I think the one the member wished to ask me a question about. The leader mentioned something about transition. I am advised that there is a transition schedule. It is in Schedule 1, Part 9, and they are transitional provisions. I gather when finalising the legislation an anomaly was picked up, and if we did not include amendment No. 15 then the subscriber and employee rep on the State Theatre Company, on the coming into effect of this legislation, not only would not lose their positions on the board but they would hold office indefinitely, and that was not what was intended, so this fixes that particular issue.

Mrs REDMOND: Can I thank the minister, because that is precisely the question I was going to ask.

Amendments carried; schedule as amended passed.

Long title passed.

Bill reported with amendment.

Bill read a third time and passed.

MARINE PARKS (PARLIAMENTARY SCRUTINY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 July 2010.)

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (17:11): The principal act, the Marine Parks Act, continues to cause considerable anxiety, particularly in those parts of the state represented by members on this side of the house. I think those anxieties are well founded in both the way the legislation was framed in the first place—notwithstanding that the opposition did support the legislation at the time—but also in the way that the government has managed the establishment of marine parks thus far.

There is considerable disquiet, particularly amongst the professional fishing industries along the coast, and I have grave fears that, when the zones within the outer boundaries that have been established for the marine parks are identified, there will be considerable angst amongst the recreational sector as well.

The establishment of marine parks in South Australia has been a very slow exercise. The Liberal Party when in government in the 1990s realised its obligation, stemming from international agreements signed by our federal government and agreements made by the various states with the federal government at the time, to establish a system of representative marine parks around the whole nation. South Australia has been cognisant of that reality for a long time. In fact, when we were in government way back in 1998 we started off by putting out a discussion paper, 'Our seas and coasts: a maritime and estuarine strategy for South Australia', and we released a comprehensive guide to marine protected areas in April 2000.

In 2002, the Liberal Party went to the election with the express desire to have the establishment of the marine parks processes completed by 2006. With the change of government that process was slowed down considerably, and I suggest that this was because the process was occurring with input from both the department responsible for fisheries management in South Australia (the primary industries department) and the department of environment.

It seems that since the change of government the whole of the process has been taken over by the department of environment, and the fishing sector—particularly the professional fishing sector, but both the professional and recreational sector—seem to have had much less say than what they would under a Liberal government. I think this is the reason that there has been the anxiety I referred to.

I am pretty certain that I was the shadow spokesperson on behalf of the Liberal opposition at the time when the then minister declared the outer boundaries of the marine parks. I think that was on 29 January of 2009, from memory. The declaration of the outer boundaries set in train a process which is set out in the act, giving a six-month window for a consultation process to occur. At the end of that time, the minister could amend those outer boundaries, or the names of the marine parks, but once that six months had expired, what we were left with became almost set in concrete and very difficult to change. The only way that could be changed would be by a resolution of both houses of the parliament—something which can be very difficult to achieve.

Members interjecting:

Mr WILLIAMS: It is noisy in here.

The Hon. P. Caica: I am listening to you, Mitch.

Mr WILLIAMS: It is very noisy.

The DEPUTY SPEAKER: Perhaps the member's words could be heard in comparative silence. Gentlemen at the back—it is like being in school again—I would just remind you that we are going to have quiet times now to listen to Mr Williams.

Mr WILLIAMS: Thank you, Madam Deputy Speaker; I appreciate it very much. I don't know whether it was cheering in the background or not, but it was very noisy in here.

It is my belief that that process was not undertaken in good faith. It is my belief that the then minister who announced the outer boundaries of the marine parks on 29 January 2009 thwarted the process, because there was considerable backlash occurring from a number of interest groups, from both the recreational and professional fishing sectors.

The minister very cleverly set up a number of advisory committees along the coast. Members of those committees did expect that they would have some input into what was going to occur with the outer boundaries. The minister, in setting up those committees, indicated in the first instance that they would report I think at the end of May—remembering that 29 July was the deadline date. As we approached the end of May, and in fact passed the end of May, it became obvious that the then minister had no intention of tabling or receiving reports from those committees, or indicating to the general public any intent as to whether he was going to amend any of the outer boundaries.

The community was caught out when the original outer boundaries encompassed something like 44 per cent of the state's coastal waters. As I said, there was a lot of angst, but the minister I think was very clever but demonstrated a lack of good faith to the community in the process that he then entered into. In fact, those committees that were established were run pretty well to the end of the six-month period at the end of 29 July, when the community was left with no opportunity to run a formal or informal protest movement against the establishment of those outer boundaries.

I think the minister failed to act in good faith and failed the processes that were established in the legislation if he was going to truly take on board the community's feelings and aspirations with regard to marine parks.

With respect to this process to date, I think that our experience has been that, certainly, the previous minister showed little regard for what the community's expectations were. That minister went off on his own agenda and decided that input from the community would be ignored and that, at the end of the six-month period, there was a very small reduction in the total area. About 42 per cent of the state's coastal waters have been incorporated into those outer boundaries.

We are now coming up to—I think it is a three-year process, or within three years—the stage where the management plans for those marine parks need to be created, established and put in place, and the various management zones within those marine parks need to be identified and established.

Again, I have little faith in the process that we are going through. I have little faith, from experience with the establishment of the outer boundaries, that the community's interests are going to be listened to, and particularly that the commercial fishing sectors are going to have the sort of input that they would enjoy.

The original legislation was amended by the opposition in the other place, amendments which finally became law and which established a system of compensation to commercial fishers where there was what we called a 'displaced effort'; that is, where sections of the coastal waters were cut off for the operation of their business there was to be a system of compensation. There was a belief from that sector that the regulations by which that compensation would be assessed would be established as the next part of the process and established before the zones within the marine parks were promulgated.

The professional fishermen who have been talking to the opposition seem to have little faith that that is going to occur. Again, they are working from their experience, and they feel that there is a lack of genuine consultation with them. They feel that they are not being listened to and that they will, once again, be ambushed through this process. In order, again, to ameliorate the concern of particularly the stakeholders, I guess, the government announced during the recent election campaign that, if they were returned to government, it would amend the way in which management plans were subjected to parliamentary oversight, and this bill seeks to do that.

Might I suggest that I am not necessarily enamoured with the changes that have been made, and I will come to that in a moment. It does not give any succour, I guess, to those concerns out there, particularly in the commercial sector. I think that the recreational fishers will be sorely disappointed as the marine park zones are declared and the management plans become evident, because the establishment of the initial zones and the initial management plans are not subject to parliamentary oversight, and the amendments that we have before us today do not seek to remedy that which I see as a serious flaw in this piece of legislation.

In my opinion, that has been a serious flaw since day one of this piece of legislation. What we are doing today is amending the way in which the parliament can oversee any subsequent amendments to the management plans or the zones within the outer boundaries. The government is seeking to move from a situation where the Environment, Resources and Development Standing Committee of the parliament has oversight of that process to a situation where the input of the parliament would be via the Subordinate Legislation Act, and the proclamation of a zone and a management plan would become a disallowable instrument, similarly to a regulation.

If the minister can answer a question when he sums up, he may save us going into committee because I really only have one question, and that is: if either house chooses to disallow a management plan or the declaration of zones, I take it that, just like a regulation, the power will only be to disallow the whole of what is before the parliament at that time and not to seek to amend it or disallow part of it—similar to the problem we have when we wish to move to disallow a regulation and we have to disallow the whole of it. There is no avenue for negotiation or avenue to disallow part—

The Hon. P. Caica interjecting:

Mr WILLIAMS: The question is: do we have to disallow the whole lot? That is about the only question I have. I think it is a flaw in what is put before us. The existing clause in the act, I think it is clause 15, will be deleted and replaced by new clause 15 establishing this new method, not that the existing part of the act fulfils what would otherwise be the desire of the parliament. The whole thing is very messy and I do not think we are improving it greatly, to be quite honest.

In summing up, the opposition will support this bill. It is only quite a small bill. I think a number of my colleagues are going to speak to it and probably express their displeasure at the way the process has occurred so far. We will support this at this stage but, in doing so, I express that I do not think that, even now, it is going to be ideal, and we have ongoing concerns about the way the process is continuing to happen. I am very confident that we will end up with a system of marine parks which mitigates against certainly the commercial fishers throughout this state in a significant way and will probably mitigate against recreational fishers as well.

I think the government has been of a mind to go way overboard with this. It is not about establishing a representative set of marine parks; it is about locking up substantial parts of our coastal waters, and that very greatly disappoints me, my colleagues and the constituents we represent.

Mr PEGLER (Mount Gambier) (17:28): I support this amendment bill, but I do not support the process that has gone on as far as consultation goes in both establishing the outer boundaries and what the process may be for establishing the inner boundaries. Former minister Weatherill certainly gave his commitment to the people—both amateur and professional fishermen, and other people who had a great interest in this issue—but one of the things that really concerned them was that, if there were to be changes made in the future to what could happen within those boundaries, it was simply a matter of perhaps sending those changes to the Environment, Resources and Development Committee and that committee making a recommendation to the minister of the day and he being able to implement those changes.

I think the community was very strong about the fact that they wanted a much better form of scrutiny so that it had to be referred to parliament rather than to just a committee and the minister. So, I certainly support the amendment in this bill, but I do not necessarily support the process that has happened to date.

Mr PENGILLY (Finniss) (17:29): As indicated by our lead speaker, the opposition will support this bill but, for the life of me, I do not know how many times I have got up in this place and talked about this marine parks debacle. Anything that started eight years ago and is still going with no result, you would seriously have to wonder about the agenda of the whole thing. Let me say that in my own electorate and the wider electorate, as was evidenced when I was in Port Lincoln a couple of weeks ago, this whole thing is causing enormous distress. It is not being handled well. It is a major concern—

The Hon. P. Caica interjecting:

Mr PENGILLY: You can have your go in a minute, mate.

The Hon. P. Caica interjecting:

Mr PENGILLY: You ought to come back in your next life as a human bonobo, mate!

Mr Griffiths interjecting:

Mr PENGILLY: Watch last night's *Foreign Correspondent*. I have two LAG groups in my electorate, one operating principally at Victor Harbor and one operating on Kangaroo Island. The chair of the LAG group in Victor Harbor is relatively comfortable where that is going, but not overly comfortable. The chair on the island is highly distressed. He happens to be a fellow called Andy Gilfillan who is the son of a former legislative councillor in this place, the Hon. Ian Gilfillan. He has got to the stage where he is not consulted on what goes on the agendas for these LAG group meetings. He is not told what is going in there. He is not asked to have input into what is going in there. He is now finding that he is calling meetings of the LAG groups, or some of them, because there are a few people on there who do not want to participate, to talk about where they want to go with it.

If this is the way that the government wants to operate on this, it is going to fall over, it is never going to work. By and large, there has always been widespread support for the introduction of the marine park system in the state waters of South Australia. Given that it was introduced by the former Liberal government—and you do not want to forget that—it has been a total cock-up since the Rann Labor government decided to pick up on it and run.

What is happening now, in my view, given the recent communication I have had from residents from the north coast of Kangaroo Island who are beside themselves with rage and hostility towards the whole process instead of going along with it, is that they are being told by some bloody-minded Sir Humphrey in the natural resource system that they will not be able to do anything out there shortly. They will not be able to go fishing. These are just recreational people.

If this is what the Rann government and the minister want, you had better tell us, because there is going to be World War IV out there over this before it is all finished. I for one am wondering where it is all going to end up.

Mr Kenyon interjecting:

Mr PENGILLY: I do not know whether the member for Newland has much sea around his electorate. He might have to look for a coastal electorate in the future. However, I am sure that he loves the water. Why, for the life of me, do we have to have distressed fishermen, both professional and recreational, who have absolutely no idea where this is going to end up?

One professional fisherman who operates quite widely out of Victor Harbor spoke to me the other day. Once again, he was absolutely beside himself. He used to run two or three boats. He is back to one boat. He wanted to set his sons up in the fishing industry. They did that. They are now back to one. He is a man around 60 years old who is looking towards retirement. His sons have said, 'We don't want to take part in this. There is no certainty in this industry, why would we want to do it?' He has spent his working life on the sea developing an industry.

The same thing applies to rock lobster fishermen on Kangaroo Island, people like the Walden family. No-one has ever done anything for Graham Walden. He got a job as a Telecom technician; did wonderfully well. He started off by buying a cray boat, an old cutter. He worked up to buy a fast boat and then another fast boat for his son. They are now that far behind the eight ball that they cannot see daylight, and it is totally and absolutely unfair.

As I said in another speech yesterday, we used to have a thing in Australia called a fair go. Well, it does not seem to operate anymore. This place has been taken over, South Australia particularly, by a mob of bloody-minded bureaucrats who are running their own agenda. I cannot see that the minister would agree with them, but they are running the show, they are doing all sorts of things that are not in the best interests of the future of South Australia. We have a fishing industry in South Australia to be proud of.

The latest debacle with the northern and the southern zone rock lobster fisheries is an example of where the bureaucrats are running right over the top of the minister for fisheries, or primary industries. You talk to the people who catch the fish, you talk to the people who work on the sea, and they will tell you what is going on, but these bureaucrats do not seem to want to listen to those who are actually at the coal front and who know what is going on, who know what the future holds and can actually tell you how it works.

We will support the amendment but when is this nonsense going to end? I heard the member for Mount Gambier talk about the zones; that is another debacle. We have the outer boundaries but for the life of us no-one can find out where these inner zones are. It is simply not good enough. This government has had eight years to sort this mess out and good, honest,

hardworking South Australians, acting in the best interests of the state, cannot get answers because this is all hidden away in some office block in Adelaide, hidden away from the people who want to get out there and earn a living, or hidden away from the recreational fishers who want to get out there and enjoy themselves.

I know that the minister himself is a keen fisherman, and there are other ministers in the government who are keen fishermen. When you retire, or get retired, or whatever happens, you might find it a bit difficult to get out there. The irony of this is that we have marine parks foreshadowed all around South Australia, but where we have a million and a half people in the metropolitan area we have no marine park.

The area which gets the most pressure from human habitation and probably has more going into the sea, whether by leaching, floodwater or anything else, has no marine park. Why do you think that is? It is a pretty simple answer. The answer is that the government does not want to offend the people who put it into power because they might turn and they might vote for the member for Colton, or the member for Bright, or the member for anywhere else. That is the reason they are not doing it. So, we now have, I think, about 100 kilometres of coastal water around the metropolitan area that has no park.

If this had been half smart you actually would have started the marine park off the City of Adelaide and its surrounds; you would have started there and done something about it. I can recall, in the sixties, flying up to boarding school—that gives my age away a bit—and seeing the seagrass nearly up to the beach in Adelaide. Now you fly out and there are these great expanses of white sand and patches of white sand further out. This is where it has all gone totally pear-shaped.

I find it an impossible situation to tell my constituents with any surety what is going to happen because I do not know. I do not even know whether the minister knows what is going to happen. I do not know whether he has briefings on the inner zones; he may well have, I do not know. We need to have more transparency in there because what is going to happen in due course is that all this overprotection and shutting down the fishing industry wherever possible, not telling anyone what is going on, is all going to come back and bite future governments, possibly of both persuasions, on the backside, big time.

Those who are sitting in the offices making the decisions at the moment will get old and grumpy and go, but what is happening is that at the moment they are creating an angst in South Australia, particularly in regional and rural South Australia, that is causing people to be more and more distressed. It is simply not good enough.

You are a fine fellow, minister, but I ask you to get a hold of this and sort it out once and for all and bring some transparency back into it. I beg of you to do that so that people have some surety, and they are not told by some sniffling little bureaucrat that in the future they will not be able to go there, because that is wrong. That is not what I am in this place for, and I am sure it is not what the other members in the chamber here today are for and I am sure it is not what you are about. I say that with sincerity: that is not what we are here for.

As long as I can draw breath in here I will fight for the little people and the business people who want to go and earn export income for their families and everyone else. So, in supporting the bill, I express my indignation and concern over what is not happening with this marine parks process and I hope that it can be ripped into gear.

Mr GRIFFITHS (Goyder) (17:40): There might be some in this chamber who think that the contribution of the member for Finniss was somewhat extreme, but I recognise the fact that he has actually held concerns for a long time. In the 4½ years that I have been a member of this parliament, the member for Finniss was the first person that I can recollect within our party room who really started to raise the alarm bells. I think it initially related to the fact that when the first marine park boundary was provisionally declared it related to an area that he represents and there was some duplication involved in that and a lot of concern from that local community. So, his contribution today contained concerns that he has held for a long time, and I respect that enormously.

I also recognise that governments of all persuasions need to ensure they put regulations in place to ensure that there will be a fishing industry existing, be it for recreational or professional people, going into the future. That is why there is a variety of regulations in force to control seasons and to ensure that the catch effort is controlled so that there is actually going to be stock out there in the long term.

I come from Goyder, and I am very proud to represent that area. It has something like 800 kilometres of coastline. For me, fishing is a very important industry, not only for the charter operators and the long-term effort that has been done on professional fishing in that area but also for recreational fishing and the tourism industry that it has brought. Thousands and thousands of people would travel to Yorke Peninsula every week to visit that area, to go out to some of the great fishing spots, to use one of probably 20 per cent of the state's boat ramps that exist in that area, because it is nice and close to a metropolitan area where the majority of fishers are, and it is accessible, they are upgrading the ramps, and there is a reasonable chance that you are going to have a decent catch.

I understand also that the recreational fishing lobby is a fairly strong one, having I think—and the minister might correct me on this—approximately 250,000 recreational fishers in the state and 75,000 or 78,000 boats that are registered. Something like that.

The Hon. P. Caica: Lots.

Mr GRIFFITHS: Yes, that is close enough, I think. It is an enormous amount. Any debate that we contribute in here is based upon the concerns of people that have spoken to us and the need to ensure that we get it right. So, yes, the local advisory committees—and I have three that operate within my area, I think—have been given a very difficult role to ensure that they are able to consult with the local community, the visitors to the area and the professional fishers to get the boundaries right and to feed back the information through to the minister and the committee who will work on this.

It is appropriate that the parliament actually have some opportunity to regulate this, and that is why the bill is appropriate. My understanding is that it meets a commitment given by the government as part of the election process to do so. This is a step forward, but it recognises that the past effort has been very concerning. My recollection of the debate that occurred in this chamber on the original marine parks bill is that compensation is available to professional fishers who are displaced. My understanding also is that no fund has been created from a levy attached to any recreational or professional fisher to fund that compensatory payment. However, how do you actually make compensation to recreational fishers who have that loss of fishing effort?

The minister understands as much as I do that recreational and professional fishers are very protective of their spots, and that is just it. You have to be a very good friend of somebody to get an identification of where a spot is that has any chance of getting a fish off it, and if these spots are in areas that are identified where a fishing effort is to be removed, how is that to be managed without putting such an impost upon those people that they will just scream out loud? They will come to your office, they will come to my office, they will come to the member for Finniss's office, and they will continually complain about what they see as another government regulation making it impossible for them to do what they love.

There is no doubt we all love fishing. I, sadly, only get to make the effort about four or five days per year. I know the minister barely does it a fraction of what he would like to do also, but we need to ensure that we have an opportunity there, because fishing has been a strong part of South Australia's history. The fishmonger was a person that I used to visit as a young lad. I remember going down to Edithburgh and you would visit the local fish shop and buy whiting, tommies, snook and even leather jackets, which are quite nice when fresh.

The Hon. P. Caica: They are beautiful.

Mr GRIFFITHS: Exactly. So we need to ensure that effort is available to people, so I urge the minister to do all he can to ensure that the process is one that meets the expectations of the South Australian community. He is an honest and intelligent man. I know he will do his best, but it is important that we on this side of the chamber have the opportunity to express some of the frustrations of constituents as part of any debate opportunity. The member for Finniss expresses it very well when he relays the stories he has been told in his area, and I respect that enormously because it is the responsibility of all of us, equally, to stand up and talk about what is important to our people.

Mr TRELOAR (Flinders) (17:45): I, too, rise to support the marine parks amendment bill. As we have already heard from previous speakers, the former Liberal government began the work to establish marine parks in South Australia in the mid-1990s. We are as an opposition supportive of the concept. In January 2009, 19 marine parks were declared, covering 44 per cent of the state's waters. This was negotiated down to 42 per cent of the state's waters.

Of particular interest to me, representing the electorate of Flinders in this house, is that 11 of these parks are adjacent to Eyre Peninsula, the coastline of the EP and the West Coast, and probably also adjacent to the Speaker's electorate. As has already been mentioned, it is somewhat significant that not one marine park lies adjacent to the coastline off the metropolitan area of Adelaide, and I have heard no good reason yet as to why that is the case.

Port Lincoln, of course, is the provincial centre of my electorate of Flinders, and it is the jewel in the crown of South Australia's seafood industry and, indeed, most likely the South Australian rural seafood sector as a whole. In fact, we have begun a marketing push and selling seafood out of the West Coast under the brand name the Australian Seafood Frontier. It is worth in my electorate in excess of $400 million as an industry, comparable almost with the agricultural sector in the electorate of Flinders. It is an incredibly important regional industry in my electorate and one which not cannot be allowed to suffer as a result of the implementation of poor management for marine parks.

The fishing industry remains concerned about the implementation of the no-take zones and the impact that will have on their businesses. I am actually very supportive of the various seafood industries and of ensuring that they operate in a sustainable way. It is clear to me that the seafood industry as a whole is all too aware of the need to operate in a sustainable fashion, and collectively they are an eminently responsible industry and they have operated sustainably. Through a combination of licences, quotas, regulated fishing days and general industry support for the way they regulate themselves, they have achieved sustainability. Any legislation that potentially impacts adversely on the viability of the seafood industry should obviously be scrutinised in this place.

In saying that, I am supportive of this parliament providing that oversight of the implementation of management plans that provide certainty to the seafood industry. I share the concerns of the seafood industry with respect to a reduction in its access to fishing in large sections of marine parks. I think we run a very real risk here of killing the goose.

Under section 21 of the act, there is in place the opportunity to provide compensation for displaced effort, and I would suggest to the minister that he consider this section very carefully because there are meetings in this town during this very week amongst the industry, discussing how they can best argue the case for compensation. I am sure the minister is aware of that. Unfortunately, the fishing industry as a whole has very low confidence in the process as it is progressing thus far.

So, I believe operators deserve certainty with respect to the ongoing viability of their businesses, and at present there is some level of uncertainty as a result of this legislation, which has also caused concern amongst key stakeholders.

Also mentioned here today by previous speakers are recreational fishers, and I would add to that the tourism industry, which is very important around coastal South Australia—on Kangaroo Island, on both the peninsulas and in the South-East. I think a large part of the local tourist economy revolves around summer tourism and recreational fishers—people who come to town for a fishing holiday and contribute to the local economy. There are grave fears in these local communities, these small communities, about the impact that no-take zones will have on the tourism component of their regional economy.

As always, consultation is the key to delivering good outcomes for important regional industries such as the seafood industry, such as the tourism industry, and such as the recreational fishing industry. It must also be tempered by good outcomes for the marine environment. So I do support the bill, but I would urge the minister to consider carefully the remainder of the consultation period.

Ms CHAPMAN (Bragg) (17:51): Many people speak about the vested interests of those who participate in an industry or a recreational activity. I am going to speak about the marine life. When, minister, the first park was proposed under this legislation—there was a bit of a trial period for Encounter Bay and Kangaroo Island—it presented a proposal which was a debacle. I think that has been acknowledged, not just on a non-consultation basis but also on the basis of a whole lot of proposals which were just completely untenable.

I asked three questions during consultations on that park. I asked whether, if there were a displacement from one area into areas that were not national park, any study had been done and data collected to identify that; and, if so, could we have a look at it. And it was quite clear that nothing had been done.

Secondly, there was an overlap between what were natural resource management proposed plans at that stage for the jurisdiction that they would cover, three miles out from the coast, and the proposed marine park—in that case, Encounter Bay. I asked who was to have the pre-eminence of the supervision where there was an overlap in the jurisdiction, but there was no answer.

I raised the fact that there was a very important marine-significant area north of North Cape in the ocean which did not appear in any of the proposed area. It concerned me because there has been clear evidence in the material produced that work had been done to try to identify important breeding grounds, areas of significance, some of which are already well known and protected under the fishing legislation in South Australia, and it had not even come onto the program at all. These are fundamental matters. In addition, I asked how many people were proposed to actually supervise this park, to which the answer was, 'Two.'

So, when we came to the new set of boundaries I wrote to the then minister to inquire about the question of jurisdiction, because a new park had a boundary between the bottom end of Yorke Peninsula and the north coast of Kangaroo Island, and again we had the three-mile jurisdiction of the natural resources management board. I wrote to the then minister and asked for some information as to, firstly, the data that had been used to rely upon the outer boundary of one of the proposed new parks; and, secondly, how that was going to work in with the boundaries of the natural resources management board jurisdiction, which also had a responsibility to protect the marine life, provide education, resources, manage the pests, and so on.

I got an answer back with reference to a pamphlet. I wrote again to the minister, but I still have not had an answer. We have a new minister; I hope I will get an answer this time.

The Hon. P. Caica: Have you written to me?

Ms CHAPMAN: I think a further copy has gone from my office since the election to say that I want an answer, because I was prompted again by some of the other people on the north coast of Kangaroo Island who had some other ancillary concerns; I thought that I still had not had an answer from that minister. So I will be very pleased to get an answer on this point, because here we are, two years into the debate on this issue and still we have no resolution over a fundamental jurisdictional point. I want to see the data involving the apparent ecosystems that need to be protected within which the boundaries have been ultimately drawn. I want to have some understanding of the jurisdiction that is there. I want to have at least a reference to a site on a website or somewhere which will show me the data of what needs to be particularly protected and what does not.

In due course, when these zones, which are currently a sort of mirage in the water, are identified, I want to have access to the data that will tell me the basis upon which those zones are drawn. I think that is pretty basic, and as a member of this parliament, who under this bill is going to have some scrutiny over this matter, I want access to that information. I am not going to be kept in the dark. I am not going to be like some poor little fish in the ocean who does not get some information sufficient to make an informed decision. I want to make sure that that is provided. So minister, I think you have got the message.

The Hon. P. Caica: Yes.

Ms CHAPMAN: I look forward to receiving it.

Mr PEDERICK (Hammond) (17:55): I rise as shadow fisheries minister in support of the Marine Parks (Parliamentary Scrutiny) Amendment Bill 2010, but I also note the concerns of my colleagues on this side of the house and I want to echo their concerns. This Labor government—and they have acknowledged it—has a policy of announce and defend: not consult and work through something that the community wants, or that will work with the community. It is announce and defend, and this is the problem with the marine parks legislation.

There are also some members of the community who want 30 per cent no take zones. My concern from the little bit of information that I have managed to access on this issue is that some of the science, or so-called science, used to work out no take and habitat zones is over 10 years old—it is about 11 years old. In a lot of cases, I am gathering from information fishermen give to me, that sometimes it seems like these people pick a spot on a map and say, 'Well, we will make that a no take zone,' and it has no real reference to whether it should be an area that should be a no take zone or a habitat zone.

This is causing major angst amongst fishermen, and I must say that members of the commercial fishing sector and the recreational fishing sector remain absolutely concerned that the Department of Natural Resources (formerly the department of environment and heritage) has an agenda which is balanced in favour of reducing their access to existing fishing rights by making large sections of the marine parks no take zones. This is the major concern of the fishery.

We have already heard from the member for Flinders, where the fishing industry in his area contributes almost as much as the agriculture industry. It is a major industry over on the West Coast and near Port Lincoln, which I think is the premier port for fishing in the country—and they absolutely do it well.

If you look at the prawn fishery and how that is managed, I believe they can go out for 50 nights. They manage that well; they work together. I seek leave to conclude my remarks at a later date.

Leave granted; debate adjourned.

At 17:59 the house adjourned until Thursday 16 September 2010 at 10:30.