HOUSE OF ASSEMBLY

Tuesday 23 November 2010

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

The SPEAKER: Honourable members, I respectfully acknowledge the traditional owners of this land upon which this parliament is assembled and the custodians of the sacred lands of our state.

PRINCE ALFRED COLLEGE INCORPORATION (VARIATION OF CONSTITUTION) AMENDMENT BILL

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development) (11:03): I bring up the final report of the select committee, together with minutes of the proceedings.

Report received.

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development) (11:03): I move:

That the report be noted.

I thank honourable members for participating in this historic and probably briefest committee that has ever been undertaken in this house.

Motion carried.

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development) (11:04): I move:

That this bill be now read a third time.

Mr VENNING (Schubert) (11:04): I rise very briefly to thank the house for putting up the select committee. It was a privilege to serve on that committee. Yes, it has been one of the briefest committees I have ever been on, but it was a good opportunity to reflect on a fine South Australian institution—a school that really is performing. As was read into *Hansard* the other day about the reason it came through this house, it has been totally justified for an organisation that is performing as well as it does. Many of the most prominent citizens of this state, as I said in the house the other day, have come through this august institution. Again, without any further ado, I support this motion and I commend the select committee's finding to the house.

The SPEAKER: The member for Light.

The Hon. R.B. Such: You're not an old scholar, are you?

Mr PICCOLO (Light) (11:05): I am not an old scholar—probably one of the few here who is not an old scholar of Prince's. I will make a few comments in support of the motion. It is interesting that members opposite have waxed lyrical about this school, and they have every right to do so. One member, the member for Kavel, mentioned the things he learnt at this school, and members were at pains to say how it is an egalitarian school, and so on. How many schools actually require an amendment to an act of parliament to change their school constitution? Probably Prince Alfred and either Pulteney Grammar or St Peter's. That in itself shows how egalitarian this whole thing really is.

There are all these other schools in the state, which in my opinion do a fine job. I am not sure why the Catholic system or state system does not, so if we were really egalitarian about this we would be passing a bill to abolish this act and let it be incorporated like every other school in this state. But, no, here we want to acknowledge the special place in this state in the minds of those opposite of the two colleges, namely, Prince Alfred and St Peter's College—

Members interjecting:

The SPEAKER: Order!

Mr PICCOLO: —which I would have thought defeats the purpose. I can see no real merit in this.

Mr Venning: You've got a chip on your shoulder.

Mr PICCOLO: I don't have a chip on my shoulder at all—I have done very well, thank you. I won my seat—it was actually a Liberal seat, remember. When talking about chips on shoulders, perhaps we should look at the House of Lords and upstairs.

Members interjecting:

The SPEAKER: Order!

Mr PICCOLO: Madam Speaker, can I speak uninterrupted?

The SPEAKER: Order! Point of order, member for Morialta.

Mr GARDNER: On a point of order, the member for Light is being irrelevant to anything that could possibly be of interest to the people of South Australia.

The SPEAKER: I do not think a third reading speech can be irrelevant—continue on, member for Light.

Mr PICCOLO: Thank you. While I support this bill, at some point in time, if we are truly a mature and egalitarian society, we should pass in this place a bill to abolish those two acts which specifically pertain to two schools that try to retain their social standing and status in this society. As far as I am concerned, it is an insult to all other schools, both Catholic and independent, which do not have it. With those comments, I support the motion.

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development) (11:08): I thank all members for their contributions.

Bill read a third time and passed.

INNAMINCKA REGIONAL RESERVE

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (11:08): I move:

That this house requests His Excellency the Governor to make a proclamation under section 34A(2) of the National Parks and Wildlife Act 1972 excluding the following land from the Innamincka Regional Reserve: sections 791, 1081-1084, Out of Hundreds (Innamincka); allotments 41, 44, 48, 63-72, 77-82, 84-100, 115-118, 127-132, 135, 136, 151-164, 168-175, 179-186, 188-194, 196, 198-201, Township of Innamincka, Out of Hundreds (Innamincka); allotments 51 and 52, deposited plan 84007, Out of Hundreds (Innamincka); allotment 54 deposited plan 84009, Out of Hundreds (Innamincka).

The purpose of the motion is to excise the Innamincka township and associated infrastructure from the regional reserve. Under section 34A of the National Parks and Wildlife Act 1972, the alteration of the boundaries of Innamincka Regional Reserve will require a resolution of both houses of parliament and a subsequent proclamation by the Governor. As members would be aware, the township of Innamincka is located in the far north-east of South Australia. It is wholly located within the Innamincka Regional Reserve. Land tenure within the surveyed town boundaries is a mosaic of freehold title and crown land, and the crown land parcels are legally part of the Innamincka Regional Reserve.

Key features of the town include: the restored Australian Inland Mission Nursing Home, and I encourage all members to go and have a look at that, it is an outstanding restoration; the Innamincka Hotel, which, again, is worth visiting if you are at Innamincka; and the Innamincka Trading Post, again, another place worth visiting. An airstrip is located east of the township.

The Innamincka Regional Reserve covers 1.3 million hectares and was constituted under the National Parks and Wildlife Act 1972 in 1988. The reserve provides a framework to protect significant natural and cultural values, in particular wetlands and watercourses associated with the Cooper Creek, while allowing use of the natural resources through petroleum exploration and extraction, and, of course, pastoral production.

The state recognises that the Yandruwandha/Yawarrawarrka people (also known as the YY people) are the traditional owners of, and assert native title over, land and waters in the area of their native title claim. The claim area comprises 40,304 square kilometres and includes the Innamincka township.

It is the policy of this government to resolve native title claims through negotiation rather than trial wherever possible. In recognising this native title claim, the government has entered into the Innamincka Township Indigenous Land Use Agreement with the Yandruwandha/Yawarrawarrka Traditional Land Owners (Aboriginal Corporation).

The Innamincka township ILUA provides for: the alteration of the Innamincka Regional Reserve boundaries to effect the excision of the township, including the town airstrip, from the reserve; freeholding and transfer of four allotments to the corporation; and the surrender by the YY people to the state all of their native title rights and interests in relation to all land and waters within the Innamincka township area.

The Innamincka township ILUA also provides for the construction of residential dwellings and a museum and office for the YY people on the transferred allotments. As I have mentioned, the portion of the reserve to be excised includes the Innamincka township and adjacent airstrip. It covers approximately 182 hectares. The area being excised has minimal conservation value due to its use as a township. On excision from the reserve, the land will revert to the status of unallotted crown land under the Crown Land Management Act 2009. With this status, the land will be under the management of the Department of Environment and Natural Resources, except those parcels that are freehold.

Following consideration by the parliament and subsequent proclamation by the Governor to excise the land from the reserve, the freeholding of the agreed township allotments will commence for transfer to the YY people. Excision from the reserve also allows additional allotments to be freeholded or licensed in a manner consistent with the orderly growth of the town. The Department of Environment and Natural Resources will assess which blocks are suitable for offer for sale for residential or commercial purposes.

Ongoing development of the township will be guided by the relevant development plan, called 'Land Not Within a Council Area Eyre, Far North, Riverland and Whyalla', which was last consolidated in June 2010. The principles of development control in the development plan for the Innamincka township place a high standard on conserving and enhancing the historic character and environment of the area.

The excision of land from the reserve will bring many opportunities for the YY people. The provision of freehold allotments to the YY people will provide them with an opportunity to undertake a small business enterprise, to have ownership and access to residential premises within their traditional lands and to provide easy access to those lands. This will enable the YY people to carry on their affiliation with the land and to teach traditional knowledge and practices to younger generations and, in some cases, to the broader public. I commend this motion to the house.

Mr VAN HOLST PELLEKAAN (Stuart) (11:14): Innamincka—it is dangerous to say this, of course—is one of my very favourite places in the electorate of Stuart. I was very fortunate to be a shareholder in a business—the Trading Post—the minister referred to before for approximately five years. I went there very regularly and I know it reasonably well. I am happy to say at the outset that I do wholeheartedly support the excision of these blocks of land from the Innamincka Regional Reserve.

What goes on up there, for a few people who may not know, is that there is actually an overlap of this whole large area of land—of regional reserve, of pastoral lease and also of petroleum, mining and exploration leases—all operating very well together. The Innamincka Station is one of the very oldest Kidman stations in South Australia, which, I think, now would have to be getting close to 110 years in Kidman hands, or something like that. It is a very unique and very important place and, of course, very important for the environment.

Approximately 50,000 tourists a year go to Innamincka which, of course, then creates enormous management challenges in terms of trying to overlay all that—the mining, the pastoral, the environment, the tourism and the people who live there (approximately one dozen people live in Innamincka), as well as the business interests. I am fully in favour of removing the land from the reserve, and I thank the minister's office for providing me with some answers to some questions in haste this morning, given that this motion was expected to come on this afternoon.

I am also very pleased that the Indigenous connection with the land will be recognised and that four blocks out of approximately 100 blocks of land will be made available to the people for further use. I do have a couple of questions and, if he gets the opportunity, I would be grateful if the minister could include some direction in his closing remarks.

My main concern is the fact that if this land is not released in a steady and smooth but accessible and sensible way we have not really achieved anything. If these blocks of land are taken out of the Innamincka Regional Reserve, which is currently under the care and control of the Department of Environment and Natural Resources (DENR), they just stay as unallocated blocks of land under DENR care and control but are not made available to the public (whether that is for

residential, recreational, commercial or some other use), and if that does not happen relatively soon and relatively smoothly we have not achieved anything.

I would be grateful if the minister could include roughly what the plan is. I understand that that will fit within the broad planning constraints of the area. This is quite a unique area in the sense that it can look a bit like a desert (even the middle of town can look a bit like a desert at times), and then, within a few days, it can look like a swamp. Some very serious and very genuine development issues need to be dealt with.

I am not suggesting for a minute that there should be a free-for-all, that it should just be let go and that people can do whatever they like with them. However, if access is not given to this land we have not achieved a thing. I would like to know if possible on what commercial grounds the land might be made available—whether it would be auction, whether it would be tender or whether it would just be a straight sale and over what period of time.

I understand that the minister may not have all these answers immediately today, but if he could give some indication of his intention of how the land would be available to the public over the next few years, I would be grateful. I also think that an important thing to be taken into consideration is how this might impact on the people who currently live there, because a small core group of people live in Innamincka and they have been there for many years.

Some of these people will think that this is a wonderful move because it will increase their property values (potentially) and some people will think it wonderful because it will increase their scope for business value and/or business profit and loss. Some will think it is good because there are some vacant, privately held blocks of land at Innamincka, and, no doubt, growth and development will increase the value and potentially the scope and the flexibility in terms of how people can use those blocks of land. There will be a range of views.

I also think—and this might surprise some people—that there will be very strong interest and strong demand. People from all over Australia will be interested in accessing blocks of land at Innamincka. That is why I ask—because I think we might be rushed, rather than have to drag people to be interested in these lands, so it is very important that that is considered.

I would be grateful if the minister could indicate how these approximately 100 blocks of land will be made available to the public and what zoning and planning will apply to them, because there will be lots of people who would like to buy a block and put a new shop or a shack on every corner. Obviously, water and sewerage pressures will become an issue. It is a matter of plain fact that the water supply and the sewerage/STED scheme are really not up to scratch for the job they currently do, so that has to be given consideration as to how blocks might be developed in the future. I think it is a good move, as long as these blocks can then move out of DENR/Crown control and into public, productive and useful control of members of the public.

Mr VENNING (Schubert) (11:21): It is quite unusual for the government to put a motion during government business and for the minister to actually move it and lead the debate in lieu of the government moving legislation. I understand exactly why, and it is all about requesting the Governor to make a proclamation under section 34A(2) of the National Parks and Wildlife Act 1972 excluding from the reserve the lots that are listed in the motion.

The Innamincka Regional Reserve is located in the far north-east of South Australia, as we know, and was constituted under the National Parks and Wildlife Act 1972—that was before I got here, but not by much—in 1988 (still before I got here) to provide a framework to protect significant natural and cultural values, while allowing use of the natural resources through petroleum exploration and extraction and pastoral production.

We recognise that the Yandruwandha and the Yawarrawarrka people (who I will refer to as the YY people) are the traditional owners and assert native title over land and waters in the area of this YY native title claim. The claim area comprises 40,340 square kilometres in the north-east of South Australia and includes the Innamincka township. The government has entered into the Innamincka town Indigenous Land Use Agreement with the YY people, the traditional owners.

I have been to Innamincka several times with the previous member for Stuart and I look forward to a trip with the new member for Stuart. It is a most unique and wonderful place, and I have lots of great memories from this place, with the mighty Cooper Creek out the front. When the Cooper flows, it is usually time to go to Innamincka.

It is a growing town, as we have heard, and an important outpost in this very isolated area. It is great to see that we currently have a motel offering pretty good quality accommodation and

you can go and stay there. Apart from the noise of the generator running during the night, you are not really aware that you are in such an isolated place. For those who have not been to Innamincka, I recommend a trip. I suggest you fly because the road can certainly be very tricky, but the airstrip is pretty good up on top of the hill. You can be there in a couple of hours from Adelaide if you have a pretty slick aeroplane.

As the member for Stuart has just said, a lot of people would be interested in buying a block of land up there—and you can understand why—to have a real 'getting away from it' retreat because it is most unique. It should be promoted, which I recognise.

Finally, I am very encouraged that the government and others can reverse such a situation, because people say, 'Once it's a reserve, it's always a reserve.' In this instance, I am pleased that the government and others have said, 'Look, hang on, we need to rationalise this and, hopefully, release the land.'

I have been here a while and I can remember the debate we had particularly about the Yumbarra National Park on the West Coast at Ceduna. There was concern that, if we locked it up, all the prospective mineralisation in there would be locked up in the national park forever. This is a reserve and there is a slight difference, but at least it can be revisited, and I am very encouraged by that.

The former member for Stuart would always stick up strongly (as I am sure the new member will also) for the Innamincka region and the people operating the tourism ventures on the Cooper Creek. The previous member, the Hon. Graham Gunn, was here yesterday. However, I am sad to say that the operator, Peter Weir, has gone. It is sad because he gave very good service as the only tourism operator on the Cooper.

With the Burke and Wills expedition getting a lot more public airplay, it is an opportune time for Innamincka to become an even bigger tourist attraction for world travellers. A visit to the outback could include Wilpena, Arkaroola, Innamincka and Uluru (Ayers Rock). That is all good. Even though this motion is unusual—I cannot quite recall, in my time here, a minister actually moving a motion—it is all about asking the Governor to change the act and open up the reserve for development. I support the government's motion and hope that the Governor will consider it favourably.

The SPEAKER: Thank you. Yes, I think Innamincka is one of the loveliest places in the state and I very much enjoy going there.

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (11:27): I congratulate the minister on bringing this motion to the house. On a number of occasions I had the experience of travelling to Innamincka and, I think on every occasion, with the previous member for Stuart, Graham Gunn. It was always a bone of contention with the former member that Innamincka was being constricted in its development, particularly the tourism industry in that area, and for a long time he argued the case for this move and that it should have occurred much earlier.

He also argued a similar case for many other parts of the Far North. At William Creek there is one business that I (along with Graham Gunn and other colleagues) visited on a number of occasions. We talked to the proprietors about the difficulties they had investing in the Far North to provide services for the travelling public and particularly the tourism industry and investing in land that they had no title over or tenure. William Creek and certainly Innamincka come to mind in that respect.

About 18 months ago, while I was recreating on the river near Mannum, I had occasion to meet a person who runs a business in the Far North servicing the mining industry, and I have since talked to a number of people in that same field of enterprise who need to build depots. This particular person wanted to build a depot to service his own business and he also wanted to incorporate a fuel stop, a service centre to provide for the travelling public and possibly some units for people to stay in or an area where they could pitch their tents or pull up their caravans. He was talking of investing something in excess of $1 million to build such a depot but could not get tenure or title to a piece of land on which to do it. That made it almost impossible for him to proceed with that venture, which meant that it made it very difficult for him to operate his business.

I know of other such businesses. Just out of Innamincka, I visited one trucking company that had a depot on a piece of land and a licence had been given to a mining company to utilise it for a period of time. The mining company was servicing that operation and had constructed a camp site and a depot but had no tenure and, in fact, last time I was there, had been told it had to move

on. So, the fact that we do not have parcels of land for people to take up with a solid tenure, a freehold title, in which they can invest to support these industries in the Far North is restricting both the tourism and mining industries in the Far North. Unfortunately, I was not here to hear the comments from the now member for Stuart.

The Hon. P. Caica: It was an excellent speech.

Mr WILLIAMS: I am sure it was excellent—he has a way with words. I have had discussions with him earlier on this matter and I know he is supportive of this move. The Liberal opposition supports this motion. As I say, I congratulate the minister on bringing it to the house and only lament that it did not occur many years ago. I am sure it will provide a fillip to the town of Innamincka. It is a really interesting place to visit; and I urge those members who have not been there to go there.

One of the things that fascinated me, for the information of members, is that there is a sign at the creek crossing (the causeway) just out of the town at Innamincka that says that in 1972, when there was a major flood in central Queensland and Lake Eyre filled for the first time in many generations, more water flowed over the causeway at Innamincka than flowed down the River Murray in 1956. That is a fantastic piece of information and I was fascinated by it.

The heart of Australia is desert a lot of the time but it is a beautiful desert. It is a great place to visit and, obviously, the mining industry is growing in both exploration and mining. The Innamincka area is particularly prospective for geothermal power, and Geodynamics has been working there for a number of years, and I have visited that site.

As the member for Stuart points out to me, any economic activity that occurs at Innamincka (and I am sure this will drive economic activity) also supports and drives economic activity in the other communities in the Far North, all the way down to Lyndhurst, Copley and Leigh Creek and other communities and townships. They are all linked and dependent on each other, and any upgraded service at Innamincka will flow onto other outback communities. The member for Stuart is greatly appreciative of that and the support it will bring to his constituency. With those words, I conclude my remarks.

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (11:33): I thank the opposition members for their contributions and support of this motion and, particularly, the very thoughtful contribution of the member for Stuart. I also acknowledge the comment of the member for Schubert that this is a very unusual motion. I think in my time here this is the first motion that I have brought in this context. It is very unusual but, again, very important.

I think what came through in the contributions of all the opposition members is the beauty of the land that we are talking about, that is, the land surrounding Innamincka. Indeed, we would talk about the beauty of that entire region. The member for MacKillop talked about the amount of water flowing over the causeway in 1972. I was lucky enough to be up there earlier this year, I think in May, and looked at what was a significant amount of water slowly travelling over that vast outback area.

Quite frankly, Lake Eyre Basin is one of those great untapped wilderness areas. I guess the point I would like to make more than anything else is that they are areas we want people to enjoy. So, whilst they have been very resilient areas over millions of years, we know that in essence they can be very fragile areas as well, and that is why it is very important that we as a government or as people who visit those areas treat it in such a way that we leave it so that future generations can continue to enjoy this outback wilderness.

Notwithstanding that, I acknowledge the points the member for MacKillop made, that if we are to have activities that underpin our economy, our local communities, our traditional owners there and the welfare of wellbeing of all people who live in the outback, we need to do it in a very thoughtful way, and we need to do it in such a way that we are actually in control of that planning process so that we do not then diminish the amenity and aspects of the wilderness area that we all want to preserve and that we all enjoy.

The member for Stuart raised questions specifically about the future public release of blocks of land, that is, when will such an assessment occur as to which blocks will be released and how will that process occur? I can answer that, whilst no date has been set at this point in time in regard to future release (and one might argue that there is no market demand at the moment), I

acknowledge, believe and support the member for Stuart's words that they will be rather well sought after—and why not?

Importantly, it is critical to us that, with the release, we have proper and appropriate planning and processes in place. As was raised by the members for Stuart and Schubert, when we talk about access to water, sewerage and energy and the like, it is very important that we do plan this through processes in a proper way so that we finish up with a very well-planned and sustainable township.

We will undertake a thorough assessment process. That assessment process will be against the policies and disposal of crown land but, paramount in that is to make sure that we do have not only an orderly process but one that finishes up in such a way that we have a well-planned township which is able to be sustained and done in a thoughtful and orderly way.

I took up the issues of roads, the land strip, and the raising of the causeway over the river—there is a host of issues there. What I would say is that, as we get a critical mass there, even though you say 100 blocks is not much, there is a greater opportunity to do things more so than ever before in a thoughtful and planned out way.

I thank the opposition for its support of this very important motion. The undertaking I give today is to keep the local member and others advised about the process as it is worked through, and I will continue to do that because it is a very important issue. I think it is a very important motion that this parliament and the house are supporting today. It is incumbent upon me to make sure that I keep the house and individual members apprised of the process with respect to the disposal of that land in the context of provisions of the crown land. Again, I thank members for their contribution.

Motion carried.

FOOD SAFETY STANDARDS

Adjourned debate on motion of Hon. J.D. Hill:

That the Social Development Committee investigate and report on the merits or otherwise of schemes that provide information to the public on the results of food safety inspections and noncompliance with the Food Act, such as the UK-style 'scores on doors' system or the New South Wales online register of businesses fined, and in particular–

(a) the aims and objectives of such schemes;

(b) whether the system improves compliance with food safety standards and legislation;

(c) the impacts on consumers, industry, local government and state government, including costs and benefits;

(d) the work needed to underpin, develop and implement the schemes;

(e) whether the schemes should be mandatory or voluntary for food businesses;

(f) any regulatory or administrative changes required to implement such schemes in South Australia; and

(g) any other related matters.

(Continued from 27 October 2010.)

The Hon. R.B. SUCH (Fisher) (11:39): I am delighted to speak in support of this reference to the Social Development Committee. As members would know from reading *Hansard,* I have been going on about this issue for quite a long time. Part of the background for advocating for reform in this area is that, each year, I have conducted a survey of the metropolitan councils—I would like to survey all councils—in relation to the number of inspections they carry out on premises that sell food, the number of prosecutions and the number of expiation notices, improvement notices and written warnings that are issued.

I will not go through them all, but what I can say in general terms is that very few offenders (in terms of people selling food that does not meet the standards) end up getting prosecuted. In fact, if we look at the list, the City of Port Adelaide Enfield had one prosecution. That is the only council in the metropolitan area that I can see had a prosecution in the 12 months up until October this year. That business is now closed, and one can understand why. I want to make a couple of general points. The extent to which councils actively inspect premises varies considerably. The Adelaide City Council conducted 1,543 inspections; some of the other councils a much lesser number.

As a result of that, the Adelaide City Council issued seven expiation notices and 31 written warnings. The Adelaide Hills Council has conducted 303 inspections and has issued seven improvement notices and seven written warnings. The City of Charles Sturt has conducted 553 inspections, there have been no prosecutions, and 13 expiation notices and 102 written warnings have been issued. The City of Playford has conducted 219 inspections and issued six expiation notices, 53 improvement notices and 203 written warnings.

I think the system at the moment could be described as soft. I have spoken to public health officers who have raised concerns with me that they are very reluctant to go in heavy on an organisation or business that has dirty premises because of possible legal ramifications. It will be an aspect that I hope the Social Development Committee looks at in terms of ensuring that councils are not put in a vulnerable position when they seek to protect public health. Presently in South Australia, the only information can be circulated publicly about dirty premises is if there has been a conviction.

When reading a Melbourne paper—I think it was the *Herald Sun*—in the last few days, I noted that photographs of cockroaches and other things were featured in the restaurant of the former lord mayor of Melbourne, so it is certainly not a problem unique to Adelaide. My basic contention is that, if you eat out or purchase food from a food outlet, you are entitled to be assured that the food has been prepared and has been kept in a hygienic manner.

It might surprise members to hear some of the statistics from the figures we obtained earlier this year from the New South Wales Department of Public Health: 5.4 million Australians contract food poisoning each year, and, in their view, most of these could have been prevented; and, in an average year, there are 120 deaths, 1.2 million visits to the doctor, 300,000 prescriptions for antibiotics and 2.1 million days of lost work; and the estimated annual cost of food poisoning in Australia is $1.2 billion. So, it is a very serious issue.

Scores on Doors is a positive approach rather than a negative one, and the committee can obviously look at other schemes as well. However, this scheme was introduced in the UK and a report has been released, and I am happy to provide it to the committee in due course. The Scores on the Doors system was trialled in the UK over a two-year period, and an evaluation paper was presented two years ago. As a result of that, they proposed some changes, but it showed that the scheme had strong support for a more extensive scheme in the UK. What they recommended was that there be a single UK-wide scheme. Ideally, in Australia, it would be nice to have an Australia-wide one, but at least here we are trying to do something in South Australia.

The scheme also operates in parts of the United States. In New York, 20,000 of the city's restaurants are on a website and can be searched by name, neighbourhood or hygiene point score, including establishments that have been awarded a Golden Apple for their excellent food safety practices. A similar situation exists in Los Angeles. Clearly, by having a positive approach, the retailers or purveyors of food want to get a positive listing and, therefore, there is an incentive for them to ensure their food practices are of the highest standard. Canada has a scheme called Dine Safe, Denmark has a similar one and so it goes on. In short, this is, I think, a good initiative.

I am pleased the minister has responded this way and, whilst clearly it would be good to have the scheme operating right now, it is a positive move in the right direction. Accordingly, I support this motion for referral to the Social Development Committee, because I think it will be a major step forward in ensuring that people are able to purchase and eat food that has been kept as it should, that the proper hygiene standards are met, and that we might be able to reduce some of those astronomical costs which currently afflict South Australians and Australians overall because of poor hygiene in some food establishments. I commend the motion.

Mr PISONI (Unley) (11:47): As a member of the Social Development Committee, I am looking forward to the minister referring this matter to the committee, I will enjoy hearing the submissions. Perhaps we can even look at some of the work of Dr Borys around the advertising of junk food and the EPODE program actually being sponsored by junk food companies. That is a story for another day, minister; you are well aware of that one. This is something that I have been very supportive of for quite some time.

Being a small business owner for 22-odd years in the furniture industry, I know that you need to be able to back up the claims that you make. You need to meet standards when you are producing any sort of manufactured item and, not only that, customers and consumers expect information about the products that they purchase. It is no different when it comes to restaurants and fast food outlets. I think it is important that every South Australian can walk into a fast-food

restaurant knowing full well that they are eating in a facility that is safe, clean and that is abiding by best practice when it comes to food hygiene.

I know with the volunteer work that I do with the Unley High School rowing club, when we are running sausage sizzles out at West Lakes, the rules and regulations that we must comply with include everything from providing running water to gloves on hands to different people taking the money and handling the food. All these are important issues when it comes to food hygiene and when it comes to the provision of safety of food for consumers. There is no reason why it would be viewed as unreasonable for those who are in a professional business of providing food to have their grades, if you like, up there and on display.

On a trip to New York several years ago, one outstanding feature that I saw there—and it is interesting that the member for Fisher made reference to a national body—in the United States is that every state and actually cities make their own laws when it comes to grading and informing customers about food inspections, grading and having those grades made public. In New York, of course, it is the first thing you see when you get to the front door. You see that the restaurant or food outlet that you are going to has passed the latest test. You see if in fact it has had a breach or if it has been warned. The details of that are there for you so that you can make a judgment as to whether you wish to participate at that restaurant.

The important thing there is that this is from a country that simply does not like regulation; it does not like interference from the state, and you will see that these rules happen in one way or another in almost every city in the United States. That has been consumer driven and I commend the legislators in the United States for listening to what consumers want and ensuring that consumers are in a position to make decisions as to whether or not they want to enter a restaurant and spend their money there.

Let's face it, without that information, how do you know? How do you know what it is that you are eating? How do you know that the restaurant that you are attending does in actual fact meet those safety standards and is passing those safety standards? I think it would be a very difficult argument for General Motors Holden, for example, which has to build its cars to stringent safety laws, to then say, 'Look, we've had it tested but we're not going to let you know whether or not the brakes failed our test.' I do not think that would be a very strong argument.

If we look at the overview from the New York City Department of Health and Mental Hygiene about grading for sanitary inspections, it is not a bad model, and I would be very keen to explore it in the Social Development Committee. It goes on to cover why the health department is issuing letter grades to restaurants. The health department issues restaurant letter grades to help consumers make informed choices about where they want to eat, and I think that is important. I think it is important that the consumer is in a position to make informed choices—and that is another debate that we need to have about what we should label on our food.

If we want to support our local industries and if something says it is made in Australia, we should be entitled to know that it is made in Australia and is actually an Australian product, and that relates to our food products as well. That is an issue for another day. That would also extend, of course, to GM product. If consumers are eating GM food, they have a right for that to be on the label, and that again is a debate for another day.

Referring to today's motion—that is, the Social Development Committee look into food safety reporting schemes—and looking at what I experienced in the United States (particularly New York City), these schemes are not limited simply to one city. You will see them in all different cities across the United States and I think it is fair to say that our state governments in Australia have similar roles to those that city governments have in the United States; and, of course, New York, being a city of 14 or 15 million people, is much bigger than the state of South Australia.

Which establishments are graded? In New York, some food service establishments that require health department permits will receive and post letter grades that correspond to their sanitary inspection scores. These establishments include most restaurants, coffee shops, bars, nightclubs, cafeterias, retail bakeries and fixed-site food stands. This document uses the term 'restaurants' to establish all of these elements, so the reference is simplified there for everybody to understand.

Letter grades are not being issued to mobile food-vending units; temporary food service establishments do not have them. Food services establishments operated by primary and secondary schools do not have them, but they all know the rules, of course, and that is another important factor. The grade, of course, reflects how well a restaurant complies with the food safety

requirements in the New York State Sanitary Code. When inspectors examine the restaurant's sanitary conditions and practices, they assign numerical points for different violations of the health code.

Different violations carry different numbers of points, depending on the nature of severity. The total number of violation points proves a measure of the restaurant's general condition under the new system and the health department will use the source from its certain inspections to generate a letter grade which is easier for consumers to interpret. The examples they give here are grade A, which is 0 to 13 points for sanitary violations; grade B, 14 to 27 points for sanitary violations; and grade C, 28 or more points for sanitary violations. So, it is quite clear to consumers that the further away you are from that A grade, the less likely you are to have a meal that is risk free.

The guide goes on to discuss a number of different points. You can search for restaurants to learn more about restaurant inspection history—that is all available on a website. All restaurants will have a grade and letter when this begins in July 2010. This has just recently been introduced and broadened in New York. It also discusses how the health department responds to comments from the restaurant industry and consumers. This is a good example, I think, of a well-researched bit of legislation by a local authority in another country.

I am sure there will be many more of these examples that the minister and his department will bring to the committee. I am sure we will hear from the restaurant and hotels associations, unions in the industry and also from consumer groups in the industry about the work that they have done. I am certainly looking forward, as a member of this committee, to appraising and hearing the evidence when it is brought before the Social Development Committee.

I know that the Social Development Committee has a number of referrals at the moment. I know that the Hon. Jing Lee, in the other place, was successful in referring an inquiry into the facilities for and the ability of migrants to participate in the South Australian community when they arrive here. I am looking forward to that one as well and I commend the Hon. Jing Lee for bringing that to the committee.

The Social Development Committee is a very exciting committee this year. I must say that I am enjoying the discussions we are having at the moment on same-sex parenting. We have particularly heard a lot of evidence on the issue of the ability of a same-sex parent to be included on the birth certificate and we are hearing lots of other different examples of the difficulties that same-sex parents are experiencing in South Australia.

In a lot of instances, these difficulties are unique to South Australia because we are so far behind the other states with laws to remove discrimination from same-sex parents. When a state like Tasmania, which was the last state to decriminalise homosexuality, is ahead of South Australia on social reform, you have to ask: what would Don Dunstan really be doing? My guess is he would be crushing his safari suit, rolling in his grave about the way this government is dealing with social policy. I do commend the government on this and I look forward to participating in the Social Development Committee referral.

Mr PENGILLY (Finniss) (11:59): I also indicate my support for this motion, and I would like to make a few comments and refer to the fact that I think it is about time we used a bit of common sense in some of these things. We are over-governing, over-legislating and over-regulating and giving these self-important little health inspectors around the state all the room in the world to go out and belt good people going about their business.

We are very lucky in this country that we do have clean, good food. We are very lucky. I know a parliamentary delegation went to China recently and they all ended up with the Shanghai etc. These things vary so much overseas, but here in Australia we are sensibly disposed towards our food, and things have come a long way. However, as children we used to run around the yard, the streets and the paddocks with dirt all over us and eat fritz and sauce for lunch and we actually all got through it, so I just wonder whether we are not sterilising the system so much that we are making a soft nation, so to speak.

The restrictions that are put on sporting clubs at barbecues and on service clubs providing food are just extreme. There is a store in my own electorate of Middleton whose owner, I would suggest, has been persecuted by the local health inspectors over a number of years over trivial incidents. The inspectors called in recently and saw something that was a couple of days out of date and the next day a $500 (I think it was $500) expiation notice turned up in the mail.

This is what we are doing in South Australia. We just want to back off a bit and use some common sense. We have the ability to put all these things in place, and I wish the Social Development Committee well in talking about this motion. I would say that I do not necessarily agree with my colleague the member for Unley. He went off on a bit of a tangent a minute ago about a few other issues that I actually have quite a different opinion on and a different version of events.

However, I think this motion is a step in the right direction, but I ask that, in its deliberations and when it reports back to the parliament, or wherever it reports to, the committee injects a fairly liberal amount of common sense into its discussions and does not put further imposts on good organisations that are raising money for charity or for community needs, etc., and have most unfair and costly restrictions placed on them in their efforts to do things in the best interests of South Australians.

This impacts on consumers and on industry, and no doubt something will come out of it that local government will have to pick up and administer again, probably at an additional cost, and that is something else that we need to think about. Local government has just struggled through the election cycle in this state (and I will have something to say about that later in the week), but the fact is that it is being impinged on further and further by our making laws and regulations in this place that make it costly for our constituents, who happen to be ratepayers as well.

I just think we ought to pull back from all this nonsense and take it very easy. Sure, we have to have good food and, sure, we have to have a safe environment for people to go out and eat in, but we need to be sensible and balanced about it, and that is what I ask the committee to think about when it examines this motion.

Dr McFETRIDGE (Morphett) (12:03): The motion before the house is an important one, and I think all of us in this place can remember the Garibaldi food poisoning case and the lifelong impact that eating contaminated food has had on many people in South Australia. You cannot under-emphasise the need to have healthy food. Whether you buy it from supermarkets or whether you buy it from restaurants, it does not matter; it has to be healthy. It is also very important that we handle food safely in our own home, especially on hot days like today.

In my own case, my wife bought some cheese made from unpasteurised milk; we ate it, and the next day there was a warning on the radio and in the press about listeria in cheese. Fortunately, neither of us had any side effects from listeria, as listeriosis is a very debilitating illness. The hazards are out there, and we need to make sure that we are monitoring them, and that is something that the government is not doing. The government is giving the councils a hard time about this. The minister has introduced this motion into the house, and I look forward to seeing the report from the Social Development Committee on the benefits or otherwise.

If we look at Budget Paper 4, Volume 3, page 8.21, we see what the government should be doing. Under 'Public health—No. of food inspections conducted in areas not covered by local governments', the target is 200. What did they do? They did a total of 138 inspections. So, the government is not even doing its own homework on this, and it is not protecting the people of South Australia. The government really needs to look at its own backyard, as well as looking at restaurants and other establishments.

It is very, very important, though, that we make sure that restaurants and other food outlets are serving food that is wholesome, fresh and, above all, healthy to ensure that there are no detrimental effects to people. People go to these establishments with the expectation that it will be at no risk at all to their health. People just want to have a good meal and some social interaction with good friends, and they should be able to do that without any fear or trepidation.

In relation to food safety systems, I do not think that naming and shaming is the way to go. However, Scores on the Doors may be the way to go, and I have looked at what they are doing in the UK. I see that on the latest phones you can get a radar app or application, where you can put your phone at the door of these restaurants and it will download everything about that restaurant, such as the type of menus and the food scores for health—the whole box and dice is there.

It is becoming more and more available and achievable and, I hope, not necessary because I would like to think that the vast majority of owners of food outlets, whether they be fast food outlets or three-star Michelin restaurants, are able to provide wholesome and healthy food. Whether scores on the door or some other system will provide the answer, that is for the Social Development Committee to look at. I look forward to reading the report when the committee brings it down, which I assume will be in the autumn session of parliament next year.

Mr VENNING (Schubert) (12:08): This subject is pretty close to my heart, and I will talk shortly about why that is. I welcome the fact that the Social Development Committee would take on a reference such as this; I think this is the sort of issue that should come before that committee, particularly if it is in relation to food safety reporting schemes, as this is.

This is quite a serious issue, as has been highlighted by previous speakers. Accreditation is an issue we live with today. Whether it be food production, growing crops or chemical supplies, everyone is subject to accreditation. Even though I recommend some caution with respect to this issue, I do support the concept.

We really do have to trust those who do the inspections and put the score on the door, so-called. Businesses must have the right of appeal against a negative result. I believe that, if someone gives you a score that would be ruinous to your business, you should have some redress to at least ask the question or seek a second opinion, because I can see some horrific results happening here, particularly if someone is vilified and picked on.

The bottom line is that every person walking into a restaurant, cafe or any other place that prepares food should be assured that the food is hygienic and safe and that it is prepared with reasonable precautions. You have only to watch *Fawlty Towers* to see what can happen in a restaurant. I know the show is hypothetical and done for a laugh, but it could actually happen in real life, with food being chucked around the kitchen and landing on the floor or whatever—and there would be some Basils around the place. Also, the waiter in the show is a bit of a character.

The Hon. M.J. Atkinson interjecting:

Mr VENNING: I wasn't going to name Manuel because I don't want to be called racist or anything else, but Manuel is certainly a character. It is one of those shows I get a really good laugh out of, more so than *Yes Minister*, actually. *Yes Minister* hurts a bit because much of it is true. With Manuel, Basil and Sybil I think, if that is a restaurant, you can laugh about it, but I hope it is not one I eat in. It can happen.

We also need to check out making unused food available to the less fortunate. We have had representations and briefings on this in the last few months, Madam Deputy Speaker. I think you, yourself, were involved in one of those briefings in relation to charities being able to have unused food the day after. Until now we have not been able to do it. Even the use of doggy bags, taking home some uneaten food from restaurants, has been banned. I think that could come under some scrutiny here because, if you are not hungry and you only eat half of the main course, I cannot see a problem with your taking the food home if they supply a hygienic bag, even if it is just to feed to Rover the dog, or whatever, even if you wanted to re-use it yourself.

This debate has been going on for quite some time, particularly with the rehydrating of foods, particularly with irradiation. That issue has gone quiet lately, but the irradiation of food is certainly an issue that could come before this committee to be discussed. In some of my first speeches made in this place, the subject had been the irradiation of food and whether it should be illegal. All sorts of information came forward, and it was seen to be undesirable, even though microwave ovens are now commonplace and in every home.

We have to make sure that, if we are able to use food for less fortunate people, we have to be more flexible. It will be an interesting reference for the committee, because I think it will be far-reaching. As I said, I am very cautious about it, because an unfair assessment by an overzealous inspector could ruin a business. Up-front, before a bad score, I think every business should have some recourse.

As I have previously mentioned about sports clubs, particularly their barbecues, I hope there is not too much bureaucracy in relation to this because, if you want to put the rulebook across every country barbie, there could be a problem. If you want to be officious about that, you know what will happen: we will not have any country barbies. It will be the end of it. It is the same with the trading tables today. So much food used to be prepared for trading tables, but it does not happen today, because of these regulations. I can understand that a cake on a cake stall or a trading table has the ingredients written on it and who made it, and that is okay, but I think the trading tables in many communities have gone because people do not want to run the risk of being sued. They avoid it. So please protect the country barbie at the sports club.

Representing the Barossa Valley, I feel impassioned to make this speech today. It is an area world-famous for its food and wine, particularly for German smallgoods. I love them. These are manufactured using many different processes and, without being too specific, a lot of it is

uncooked or smoked sausage. I love mettwurst, bratwurst and particularly black and white pudding. I do not ask questions about it. I do not know what it is or how it is prepared.

The Hon. M.J. Atkinson: It's blood.

Mr VENNING: It is. It is blood. The member for Croydon is right. But I trust absolutely; I do not ask too much about it, but I have great assurance that we have an excellent reputation in relation to preparing these products.

The Hon. M.J. Atkinson: Arguably, it is consumption that is prohibited by scripture.

The DEPUTY SPEAKER: We are not here to discuss the merits of the Good Book. Carry on, member for Schubert.

Mr VENNING: Prohibited by scripture. I have never heard that before. I will raise that with the Lutherans and we will have a look, but it is an interesting sideline and thank you for that interjection. I certainly will research that one.

The German foods are very famous and people go up there not only to try the wine but also to have these beautiful smallgoods. I could list three or four major companies that have a fantastic reputation. I can also remember the Garibaldi incident, which was very sad indeed. There has been another one (I will not name the company) even later than that. These things are unfortunate and should not happen. It will be a very interesting reference, and I wish the committee all the best and certainly look forward to its deliberations.

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) (12:15): I thank all members for their participation in this debate. I take it from the general tone that there is broad support for the proposition to refer this set of measures to the Social Development Committee. The motion I have moved does not contain a viewpoint but really says to the Social Development Committee: here are the issues that have been raised. There has been debate in the community about these issues and suggestions have been made; the Social Development Committee should look at all these issues, consider the merits of the proposition and come back to us with consolidated advice.

That is a good way of using a committee. It should not be a political thing or about what one side of politics thinks but what an intelligent group of people working together are able to come up with, having consulted broadly with the community. Members opposite expressed the two issues that are in my head, namely, how we balance the needs of the community to be safe with the rights of businesses and others to get about their business without being overly regulated.

That is the balance, and where it lies between those two propositions is something the committee can work through and bring a report to our parliament. I would hope that during the process they will look at evidence to see whether or not there are a lot of restaurants that are unwittingly or even wittingly poisoning people. Is there a big problem that needs to be fixed, or are we trying to use a sledgehammer to crack a nut? They are the issues the committee can look at, and I have every confidence it will come up with—

Mr Venning: Give them a warning.

The Hon. J.D. HILL: I am happy for the committee to come up with what it wants to, and I am sure we will be able to properly consider it and, if we want to make changes, come up with something that has been properly thought through, where businesses, particularly the restaurant and takeaway food industries, have had a chance to be consulted and express a viewpoint. I commend the motion to the house.

Motion carried.

RECREATION GROUNDS (REGULATIONS) (PENALTIES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 November 2010.)

Mr GRIFFITHS (Goyder) (12:19): It is my pleasure to confirm that I will be the lead speaker for the opposition on this bill. I indicate at the start that the opposition will support it. I choose to make some brief comment and will put some things on the record. Like all Australians, I love sport, and I know that many members of this chamber are devoted to it and every opportunity they get they attend events, watch it on television or talk to people about sport. One of the great

frustrations though is when silly people choose to interrupt sporting and recreational opportunities by suddenly deciding that their importance is more than the game being played.

I understand that this bill is designed to ensure that there is some level of consistency about the fees and penalties that may be in place across Australia. I think that it is primarily pushed by the Australian Cricket Board to ensure that it is in place before the first test, happening this Thursday, to ensure some protection and a recognition that it will cost silly people who go out there a lot more money than it might otherwise have done.

All of us who watch sport would be aware of crazy events that happen, and there are serial pests who seem to take great delight in invading too many facilities. Those people should be prevented, if at all possible, from even being in the ground. Crazy people who jump out in front of horse races, continue to go on cricket fields or interrupt football matches, deserve to get in every possible trouble.

This bill intends to increase penalties up to a maximum of $5,000. I recognise that flexibility will exist, when considered by the legal system, as to the fine imposed, depending upon the severity of the impact of a person's invasion of a sporting facility, and it is important that this be supported.

Being in my late 40s and a devoted cricketer, I have a vivid recollection of watching Terry Alderman go down after tackling somebody on a cricket field, I think very early in a test series in Australia, after getting something like 41 wickets the previous season in England—he was in magnificent form. To have all of a sudden lost Terry Alderman, one of the great swing bowlers of Australia's sporting history, because of a silly—

Mr Pengilly interjecting:

Mr GRIFFITHS: True, because he could go through them. He had a beautiful outswing ball. He was lost because of the silly action—and I suppose he was involved in it too—of some crazy person in going onto an oval. It really does exemplify that it is important that we do something about this bill, and it is appropriate that the bill comes before the house.

I recognise that the Hon. Terry Stephens, the shadow minister in the other place, has prepared the briefing paper on this and managed to convince his colleagues, at great difficulty, to ensure that we support the bill.

The Hon. Mr Stephens has given me some information, which I might put on the record, to identify the differences in the fines as they apply. In New South Wales a pitch invasion might cost you up to $5,000 maximum penalty; in Victoria entrance to a playing field is $1,000 and match disruption is $6,000; in Queensland conduct on facility land is $8,000, disturbance on facility land is $2,000 and entry to usually utilised facility is $4,000; in Western Australia if you are forcibly entering land that is $6,000 and if you trespass it is $12,000; in the Northern Territory a trespass on premise or on prohibited land is $2,000 for each of those; whereas in Tasmania and the ACT it is in the lower order of about $500 each. I presume that those parliaments will also be considering legislation to increase the fees.

We have had the situation for some time in South Australia where a pitch invasion is prohibited and there is a maximum penalty of $200 in place, and for match disruption the penalty is $200. That is a ridiculously low figure. There would be unscrupulous people out there who would think, 'Two hundred bucks, that's a couple of good nights entertaining some friends. I will go out there, get myself on television and do something really crazy.' We want to try to stop that. We want to make sure, firstly, that the viewing pleasure of all people who are at the ground watching whatever sport it is, be it in the first person or, indeed, on television, is not interrupted by these silly people. We also want to make sure that the sportspersons themselves run no risk of being injured.

The briefing paper supplied by the Hon. Mr Stephens refers to a Pakistani cricket player being tackled by a pitch invader at the WACA in Western Australia last year, and that has prompted the International Cricket Council to ensure that there is some level of consistency across all grounds on invasion penalties.

Time is of the essence here. I am advised that the government has had some knowledge of this for a few weeks. It has brought it into the chamber now. We want to make sure that it is supported and we want to make sure that all of these facilities get the level of protection that they need.

I take this opportunity to read into the record some of the facilities where these penalties—once passed by both houses—will apply: Adelaide Oval, the Barossa Recreation Grounds (Curdnatta Recreation Ground, Lyndoch Recreation Ground and Williamstown Queen Victoria Jubilee Recreation Ground), Elizabeth Oval, Football Park (commonly called AAMI Stadium), Glenelg Oval, Hindmarsh Stadium, Mortlock Park (which is in the city of Mitcham), Noarlunga Downs Oval (which is used by the South Adelaide Football Club), Norwood Oval, the Port Adelaide/Enfield Recreation Grounds (including Alberton Oval, Eastern Parade Reserve, John Hart Reserve and Largs Reserve), Prospect Oval, Richmond Oval, Thebarton Oval and Unley Oval. There are quite a few facilities at Whyalla. There is the Bennett Oval, Centrals Oval, Croatia Soccer Ground, Bradford Street Reserve, the Club Italico Soccer Grounds, Dakalanta Park, Jenkins Park, Jubilee Park, Memorial Oval, the Northern Areas Soccer Association, Schultz Reserve, Stuart Park, Swandel Park and the Whyalla Men's Hockey Association Grounds. The member for Giles has been very active in ensuring that her communities are covered.

The list also includes the Woodville Recreation Ground, which includes the Woodville Oval and the Woodville West Reserve. Some new listings are proposed, too: the Adelaide Super-Drome; the Eagle Mountain Bike Park; the ETSA Park Netball Stadium; the South Australian Sports Institute; Heini Becker Park; the Monarto Shooting Complex; the Pines Hockey Stadium; the Athletics Stadium; the State Shooting Park; and the Women's Memorial Playing Fields.

These recreation grounds really do identify to me that a variety of sports will now be protected to a greater degree. It is important that we deliver the message. I think that sporting facility users will understand the importance of this because all they want to see is a great sporting event: they do not want to see silly people invade pitches making it difficult for their sport to be played or, indeed, sports people to be injured in any way.

I do not believe that there will be a need to go into committee, minister. Other members do wish to make a contribution. Indeed, it might be a suggestion that fees should be increased even more than the $5,000 maximum penalty. We do recognise that the legal profession does have the flexibility to ensure that an appropriate fee is put in place up to that $5,000 limit. However, we look forward to the bill's swift passage; and, more importantly, we look forward to not seeing silly people trying to invade sporting facilities in the coming season or, indeed, in the future years.

Mr SIBBONS (Mitchell) (12:26): I rise to speak on this bill, and I indicate that I am supportive of it. This is an important bill for a number of reasons. Field-of-play invasions by spectators during major sporting events are very dangerous, disruptive and can even influence the outcome of those events. They are also damaging to Australia's and South Australia's reputation in the eyes of international viewing audiences.

We have an obligation to ensure the safety of all participants and the public, and it is idiots and the minority of people who put the public and the players at risk. I notice that most media coverage following the Minister for Recreation, Sport and Racing's introduction of this bill focussed on people taking off their clothes and streaking onto the field.

It is true that this bill does deal with that issue; however, it is actually broader, targeting antisocial intrusions onto the field, whether clothed or otherwise. Whilst many of us have, perhaps, seen the humour in the odd streaker running onto the ground during a cricket or footy match, in this day and age it is simply not acceptable to allow this to occur, and there is a much more serious side that must be considered.

The member for Goyder briefly mentioned in his contribution an incident during a one day international match between Australia and Pakistan at the WACA in Perth last year. That highlighted how easily a so-called funny prank can become a dangerous situation with broad international ramifications. On this occasion, fieldsman Khalid Latif was fielding when a drunk spectator charged onto the oval, tackling him to the ground.

The fully-clothed intruder was a 37-year-old male on a dare from a mate. Fortunately, Latif did not sustain any serious injury. However, this was merely due to good luck, and it is just not acceptable relying on luck when ensuring the safety and welfare of sportsmen who, after all, are putting on a performance for the benefit of all spectators at the ground. After the match, interestingly enough, the Australian captain, Ricky Ponting, stated that he would have led a walk-off had one of his players been tackled in this manner, and members only have to look back at another incident in Perth in 1982 to understand why.

This infamous incident during an Ashes test between Australia and England saw Australian seam bowler Terry Alderman seriously injure his shoulder after attempting to obstruct a pitch

invader. So serious was the resulting injury that Alderman was forced to miss a year of cricket which, consequently, had enormous ramifications to the Australian team. Some members may also remember a more recent incident involving Australian all-rounder Andrew Symonds crash tackling a male streaker at the Gabba in 2008.

I could stand here for hours going through the incidents from around the world, and by no means are they limited to cricket; there have been numerous occurrences in a variety of sports interstate and overseas. It is important that we seek to ensure similar incidents do not occur at any of our venues. South Australia has a great sporting culture and a relatively low level of ground invasion incidents. However, we are by no means immune and cannot afford to be complacent, given our reputation as an events state. This hard-won reputation relies upon creating public environments that are safe and family friendly.

This summer, South Australia will host a series of sporting events, including the second Ashes Test, the state's first international Twenty20, and a number of domestic Twenty20 matches (which were exceptionally well attended last year), all at the Adelaide Oval. Based on Adelaide United's great performances so far this year under new coach Rini Coolen, we are hoping that we may see and host an A-League soccer final or two.

By enabling harsher penalties to be handed down, we will force members of the crowd to think twice before attempting to enter the field of play. Evidence from the Eastern States shows that the incidence of pitch invasions has fallen since fines were increased. One needs only to compare the maximum fines interstate to the current levels here to see that this amendment is needed. It has been reported that the $200 fine currently in place in South Australia is often covered by a few mates chipping in some money. Clearly, this is not a sufficient fine to act as a severe deterrent. The bill will raise the maximum penalty to $5,000, bringing South Australia into line with other mainland states.

With thousands of English tourists expected to follow their cricket side around the country this summer, it is very important that these increased fines are in place before the forthcoming Ashes Test, starting on 2 December, to ensure a level of continuity throughout the series and to avoid Adelaide Oval being seen as an easy target for would-be ground invaders, whether they be English or Australian. SACA and Cricket Australia are both very supportive of these harsher penalties. It should also be noted that the International Cricket Council has the ability to strip venues of their international status if they believe sufficient measures are not in place to ensure safety.

This bill is just one part of the approach to managing poor crowd behaviour, coinciding with SACA reviewing its security procedures for the upcoming international cricket season. As with every international cricket match at Adelaide Oval, there will be a strong police presence. It should also be noted that other major venues, such as Hindmarsh Stadium and AAMI Stadium, review and will continue to review their security procedures and conditions of entry to manage crowd behaviour.

As a government, we are intent on protecting the interests of South Australian sports fans and ensuring that top-quality sporting events continue to be held in this safe state. Antisocial behaviour at our sporting venues on any level must be discouraged. We want people and their families to be able to watch football, cricket and soccer matches in an enjoyable, safe environment. I am therefore pleased to commend this bill to the house.

Mr BIGNELL (Mawson) (12:34): I also rise to support this bill. I must admit, when I first heard about it, the larrikin in me thought, 'There go the days of being able to go out and streak and come back and get $500 in betting money off your mates, then paying $200 to the police and putting $300 in your pocket.' However, in the interests of safety—

An honourable member: And decency!

Mr BIGNELL: —and decency, I do, in fact, support this bill. We need to move this way in the interests of the safety of not only the people who are there to enjoy the sporting spectacle but also those people out on the ground. Having been to the MCG a few times, even since they have had these big fines, I have still seen people invade the pitches and streak. People may have had too much to drink or whatever and reached the state where they take off their clothes and run across the ground in front of 50,000 or 100,000 people.

One of the things that is a little bit upsetting is that, when they are caught, sometimes the security staff are fairly heavy-handed with them in the way they wrench up their arms, jump on

them and put in the fists and the knees. I do not think that is always necessary. Obviously, people need to be restrained and then covered up and taken to a place where they can be dealt with and face the justice that needs to be meted out to them.

Another thing that has been very bad for Australian sport, particularly soccer, is the use of flares, and soccer has done a very good job of trying to stop this over the years. We see a lot of it overseas as it crept into mainly soccer but some other sports, as well. Flares are quite dangerous for spectators who are around them, when they are being lit up, and also for the players, when they are thrown onto the pitches. Any moves to stamp out the use of flares is very welcome, and I know the sporting bodies around Australia support us in taking these increased measures.

In August, I was in Argentina. When I travel I like to go to sporting events because it gives a great insight into the culture of a place. I went on a bus, organised by the hotel, with some other people from other countries (mainly English-speaking people), and when we were going to the ground we were told that we would get off about 500 metres before, and we were also told, 'Don't look at anyone, don't talk to anyone, just get in.' We were barracking for the home team (River Plate), and we went into an area that was designated just for River Plate supporters. There was then a fenced off area for the Tigris fans.

After the game, which River Plate won (1-0, with a late goal) the Tigris fans were released from the stadium and given half an hour to leave. We had to stand in the stadium and wait until they had all been given time to clear out. I asked why and was told that they had a riot a few years ago where nearly 30 people were killed. So, they have a position now where they segregate crowds. In Italy, a few years ago, I went to see Roma versus Chelsea where a similar thing happened: there were riot police everywhere because of huge punch-ups, stabbings and fights around the ground. Thankfully, in Australia, we do not have that, but we do need to look at overseas examples of worse-case scenarios and bring in legislation that will deter people from acting in antisocial ways when they go to sporting events.

Sport is a great release for people who play and it is also a great release for those who want to enjoy a day at the footy or the cricket. I think we should all be very proud of the first stage of the upgraded Adelaide Oval. I was there the week before last for the England versus South Australia game, and it is a credit to all the people who are behind the design of the new facilities. It is an outstanding addition to Adelaide Oval while retaining much of the heritage the ground is famous for around the world. It is recognised as one of the most picturesque and beautiful grounds in international cricket.

I look forward to the further redevelopment of the Adelaide Oval and also to being able to come into town on a train or tram and head down to watch not only cricket but also football. I think it will really boost our credibility and our standing as not only a sporting city but as a city in general when, rather than make the trip all the way down to West Lakes to watch football in a stadium that is well past its use-by date, people can go to Adelaide Oval.

It is going to be terrific not only for the people of Adelaide and rural South Australia, who can come into the centre of town, but also for visitors to this state. Hopefully, we will see an increase in Richmond, Carlton, West Coast and Sydney supporters who want to come over here to experience not only seeing their football teams play against the likes of Port Adelaide and the Crows but also one of the great stadiums in Australia. I support this bill.

The Hon. I.F. EVANS (Davenport) (12:39): I rise to support the bill in part but want to make the observation that the bill does not go far enough. The opposition supports this bill, but the reality is that I personally do not accept the government's reasons for bringing it in and trying to get it through both houses this week. If you believe the government, it is because we have the Ashes Test starting in Adelaide in a fortnight's time. Of course, during the eight years of this government we have had eight Ashes Tests and there was no urgency to bring any change to the legislation over that time. It is obvious that the minister has been asked by SACA at some stage to upgrade the penalty and the minister has decided to do it and try to get it through both houses of parliament this week. The reality is that, had the minister been on his game, this could have been done at any time over the last eight years.

The reason I am not in love with all of the bill is that I think the $5,000 penalty is a nonsense. I think it is too small for the injury and impact on an event. This is primarily targeted at the professional level of sport and this is someone's workplace. All of us can give examples—whether it is Bruce Doull tackling the streaker in the AFL grand final—

Mr Griffiths: Helen D'Amico.

The Hon. I.F. EVANS: Helen D'Amico, the member for Goyder tells me. I will not say what Bruce Doull's comment was but he made an observation about the quality of the streaker. There was the Terry Alderman incident where he injured his shoulder and it cost him many test matches in recovery. This is someone's professional workplace and we are saying that for $5,000 you can go and disrupt someone's workplace. It is a nonsense.

In my view, the bill has not contemplated the issue of commercial gain by a company or individual from streaking. If I was a marketing person, for a $5,000 penalty, I could whack on the right T-shirt and interrupt the last ball of a close test match. Terry Alderman is batting on Adelaide Oval facing the West Indies. All of Adelaide is there. Members might remember we lost by a run.

Mr Bignell: McDermott.

The Hon. I.F. EVANS: The member is right. It was McDermott—and given out caught off the glove was an outrageous decision, we all know. But the reality is that some smart marketer can use these sports arenas as a product launch, and a $5,000 penalty is a nonsense. There is nothing in here that deals with any commercial gain by an individual or company that seeks to use these events for some form of commercial gain. So, I do not think the bill goes anywhere near far enough. For that reason, I encourage the government to put this through but go back and review other regulations around the world. I think it will find that there are other models that deal with this issue.

The other problem I have with this bill is that it does not, to my quick reading of it, deal with events as distinct from matches. Why should the Amy Gillett ride be able to be interrupted by an idiot? Why should the Tour Down Under be able to be interrupted by an idiot? Why should the City-Bay presentations be able to be interrupted by an idiot? Indeed, why should the Christmas Pageant be able to be interrupted by an idiot? There are other events that are special to South Australia that are not test matches, AFL or SANFL football games that are special to South Australia and deserve the same protection. I do not think the minister's bill has contemplated broadly enough the application of this particular principle to other special events in South Australia.

If the public wants any evidence that this bill is trying to deal with idiots, it is pleasing to see that the minister has dealt with the concept of people streaking through shooting ranges. You have actually got the state shooting park in here, minister; it is good to see. It is an interesting mental picture that one gets of having to protect someone or fine someone for having the courage to run through a shooting range. It is an interesting thing to contemplate by way of legislation, but you have done it, and I think it is an interesting thing to observe.

The shadow minister handling the bill suggests that we are not going into committee. I would like the minister to confirm that the department has consulted with every local council that has a ground on this particular list. I raise that because the Women's Memorial Playing Fields is in the electorate of Davenport. I have certainly not been consulted. I am not sure whether the Mitcham council has been consulted. I want the minister to confirm that every council that has a ground listed on here has signed off that it approves it.

I want the minister to explain how it is going to work on the Women's Memorial Playing Fields. According to the document given to me by the shadow minister, the whole of the ground in the Women's Memorial Playing Fields is now going to be covered by this legislation. The whole of the Women's Memorial Playing Fields, of course, has at least has two ovals, a lacrosse pitch and tennis courts. They are all within the gambit, all controlled by the South Australian Cricket Association lease. So, if the South Australia Cricket Association has authorised an event on one of the ovals, what happens about the other ovals? The way the bill is drafted the regulation covers the whole of the ground, not just the ground where the event is taking place.

There is I think the potential at least for someone to inadvertently get caught. They do not have to be streaking; they just have to enter. So, someone could be fully clothed and enter. The other issue that concerns me is that it is so broad that the match does not even have to be taking place; it could be a Thursday night practice. The South Australian women's cricket team could be practising at one end of an oval, and if you go across the other end technically you have breached their event. I am not sure whether that is the intent.

With those few comments, the opposition is supporting the bill. I would like to see the legislation go both heavier in penalty and far broader in its application to events. I think to get up to a $5,000 fine—it is up to the judge's discretion; the maximum is $5,000, so you can bet your bottom dollar that it is going to be in the $1,000 to $2,000 mark—to interrupt someone's workplace

I think is a pathetic penalty and really does not send a strong enough message, in my view. So, I would like to see the penalty increased.

I would certainly like to see it broader and apply to other events in South Australia to prevent damage. An idiot running onto the Tour Down Under course and knocking Lance Armstrong or Cadel Evans off their bikes will do us so much damage internationally that a $5,000 fine is chicken feed, really. So, I think there needs to be far tougher penalties and a far broader application of the principle.

Ms SANDERSON (Adelaide) (12:49): I rise today to mention a few thoughts on this bill and also how the bill will seek to encourage positive spectator behaviour at sporting grounds, including our beautiful Adelaide Oval. Truth be told, any opportunity to talk about the Adelaide Oval will be taken. This is a beautiful oval that is potentially looking at being destroyed, a place of heritage and history. I condemn the government for its failure to consult the community in relation to this ever-increasing debt that is the Adelaide Oval redevelopment. However, I digress.

I support this bill as, aside from compelling people through pecuniary measures to be more respectful of our sporting facilities, it will also promote spectators to be more respectful of our sports people. Whether you are at the grounds or watching from home, it is easy to become complacent and to forget that for our athletes the cricket ground or football oval is their place of work and that each of us has a right to feel safe and secure in our workplace, free of harassment and antisocial behaviour. We do not tolerate such behaviour in the more traditional workplaces, and nor should it be tolerated on our sporting grounds.

Whilst the increase in statutory penalties will not necessarily cease all forms of antisocial behaviour, as it is impossible for legislation to stop an individual's free will, I am confident that the increase in statutory penalties from a maximum of $200 to $5,000 to bring us into line with other states will strongly discourage such behaviour occurring.

I concur with the member for Davenport that many other events should be protected, such as the Tour Down Under and the Christmas Pageant, and I also agree that interruptions for commercial gain should be addressed and should require far higher penalties. Otherwise, I commend this bill to the house.

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (12:50): I thank the opposition for its support of the bill and also acknowledge all of the speakers on both sides of the houses. It is a fairly simple piece of legislation. It is increasing the penalties for antisocial behaviour from $200 to $5,000. It will principally apply to the Adelaide Oval, Hindmarsh and also to AAMI, but also to other suburban league grounds. These venues are covered in regulations. We are also increasing the expiation notices from $200 to $315.

This was brought to my attention initially by, I think, the SACA and then by the Australian Cricket Board. They drew to my attention that the penalties we have are way less than those that exist in other jurisdictions around Australia. The member for Davenport made a couple of points, one of them being that the penalty is not high enough. Well, maybe it is not, but it is pretty close to the mark of what applies in other jurisdictions. To the best of my memory, Western Australia is about $6,500. Let's see how this works.

It was impressed upon me that they would like this in before the Adelaide Oval test match. At the meeting I had with the ACB a few weeks ago, the point was made to me that the board's concern was that, if we did have a streaker or someone invading the test pitch, with our penalties at $200 and so much out of kilter with other jurisdictions around Australia, that would look bad in itself, and there could be penalties applied by international bodies. So, obviously, we needed to act upon that advice. We have not consulted with all of the local councils.

This is a pretty simple and straightforward bill. Should it apply to other events? Yes, it should, and we are looking at coming back next year with a different piece of legislation which has broadly been termed 'ambush marketing'. That might not be its term when it comes into the house, but we are very much looking at things like the Tour Down Under and other special events. So, that is also within the government's radar.

However, what is important right here and now is that we get this legislation through and that we bring our penalties up to scratch with other states around Australia. I very much appreciate the support of the opposition. I acknowledge the Hon. Terry Stephens in another place. When I first talked to him about this a few weeks ago, obviously, he could not give me a blank cheque, but he

appreciated the importance of it and said he would do all he could. Obviously, he needed to see the bill, and so forth. So, to get this through before the Adelaide Oval test match would be a good result.

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

STATUTES AMENDMENT AND REPEAL (AUSTRALIAN CONSUMER LAW) BILL

Adjourned debate on second reading.

(Continued from 10 November 2010.)

Ms CHAPMAN (Bragg) (12:56): I rise to speak on the Statutes Amendment and Repeal (Australian Consumer Law) Bill 2010. This legislation essentially amends the Fair Trading Act 1987 and provides for Australian Consumer Law (which is a commonwealth law) to be part of the law of South Australia. I will have something to say about the model that is being used in this instance (relative to what may be appropriate) and what other options would better suit. However, I do note that this is a national law that is going to be introduced into our system of law, as distinct from models that have otherwise been used.

The commonwealth's Australian Consumer Law was enacted through the Trade Practices Amendment (Australian Consumer Law) bills No. 1 and No. 2 2010. This bill makes provision for the application of the ACL as law in South Australia into our relevant legislation and, in particular, the Fair Trading Act 1987, as I have said.

The origins of this venture, culminating in this legislation in South Australia, were initially precipitated by an inquiry which had been commissioned by the former treasurer, the Hon. Peter Costello. One has to only regret the fact that he is not still in the job running our federal finances, but nevertheless, in this instance, he commissioned a Productivity Commission inquiry (which was undertaken in 2007-08) into Australia's consumer protection framework. Again to put this in context, it had been agreed as a result of a ministerial council on consumer affairs in August 2008 and subsequently by the Council of Australian Governments in October 2008.

The rationale is that nationally consistent Australian consumer law would offer business a more conducive environment in which to operate and also to provide a simpler process for the rights of consumers to be both protected and explored. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

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

APPROPRIATION BILL

His Excellency the Governor assented to the bill.

MINING (MISCELLANEOUS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (BUDGET 2010) BILL

His Excellency the Governor assented to the bill.

REPATRIATION GENERAL HOSPITAL

Mr HAMILTON-SMITH (Waite): Presented a petition signed by 597 residents of South Australia requesting the house to urge the government not to implement a parking fee system at the Repatriation General Hospital, Daw Park.

PAPERS

The following papers were laid on the table:

By the Speaker—

Local Government—

Berri Barmera Council Annual Report 2009-10
City of Victor Harbor Annual Report 2009-10
District Council of Tumby Bay Annual Report 2009-10
Rural City of Murray Bridge Annual Report 2009-10

Wattle Range Council Annual Report 2009-10

By the Premier (Hon. M.D. Rann)—

ANZAC Day Commemoration Council—Annual Report 2009-10

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

Adelaide Festival Corporation—Annual Report 2009-10
Adelaide Film Festival—Annual Report 2009-10
Disability Information and Resource Centre—Annual Report 2009-10

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

Premier's Climate Change Council—Annual Report 2009-10

By the Deputy Premier (Hon. K.O. Foley)—

South Australian Motor Sport Board—Annual Report 2009-10

By the Treasurer (Hon. K.O. Foley)—

Asset Management Corporation, South Australian—Annual Report 2009-10
Essential Services Commission of South Australia—Annual Report 2009-10
Government Financing Authority, South Australian—Annual Report 2009-10
Lessor Corporation—
Distribution Annual Report 2009-10
Generation Annual Report 2009-10
Transmission Annual Report 2009-10
Metropolitan Fire Service Superannuation Scheme, South Australian—Annual Report 2009-10
Motor Accident Commission—Annual Report 2009-10
Parliamentary Superannuation Board—South Australian Parliamentary Superannuation Scheme—Annual Report 2009-10
Police Superannuation Board—Annual Report 2009-10
RESI Corporation—Annual Report 2009-10
State Procurement Board—Annual Report 2009-10
Superannuation Board, South Australian—Annual Report 2009-10
Superannuation Funds Management Corporation of South Australia—Annual Report 2009-10
Treasury and Finance, Department of—Annual Report 2009-10
Regulations made under the following Acts—
Southern State Superannuation—General
Superannuation—Allowances

By the Minister for Defence Industries (Hon. K.O. Foley)—

Defence SA—Annual Report 2009-10

By the Minister for Transport (Hon. P.F. Conlon)—

Regulations made under the following Acts—
Architectural Practice—General

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

Health Service—
Children, Youth and Women's Annual Report 2009-10
Eudunda Kapunda Health Advisory Council Inc Annual Report 2009-10
Southern Adelaide Annual Report 2009-10
Regulations made under the following Acts—
Health Care—Confidentiality

By the Minister Assisting the Premier in the Arts (Hon. J.D. Hill)—

State Opera of South Australia—Annual Report 2009-10

By the Minister for Families and Communities (Hon. J.M. Rankine)—

Regulations made under the following Acts—
City of Adelaide—Member Allowances
Liquor Licensing—Dry Areas Long Term—Victor Harbor
Local Government—
Member Allowances
Service Rates and Charges

By the Minister for Ageing (Hon. J.M. Rankine)—

Ageing, Office for—Annual Report 2009-10

By the Minister for Environment and Conservation (Hon. P. Caica)—

Animal Welfare Advisory Committee—Annual Report 2009-10
Botanic Gardens and State Herbarium, Board of—Annual Report 2009-10
Environment and Heritage, Department for—Annual Report 2009-10
General Reserves Trust—Annual Report 2009-10
Heritage Council, South Australian—Annual Report 2009-10
Marine Parks Council of South Australia—Annual Report 2009-10
National Parks and Wildlife Council, South Australian—Annual Report 2009-10
Wilderness Advisory Committee incorp. the Wilderness Protection Act 1992—Annual Report 2009-10

By the Minister for Water (Hon. P. Caica)—

South Australian Water Industry Bill 2010—Draft dated 18 November 2010

By the Minister for Correctional Services (Hon. A. Koutsantonis)—

Correctional Services, Department for—Annual Report 2009-10

By the Minister for Agriculture, Food and Fisheries (Hon. M.F. O'Brien)—

Agriculture, Advisory Board of—Annual Report 2009-10
Industry Advisory Group—Annual Reports 2009-10
Alpaca
Cattle
Deer
Goat
Horse
Pig
Sheep

By the Attorney-General (Hon. J.R. Rau)—

Legal Practitioners Conduct Board—Annual Report 2009-10
Rules made under the following Acts—
Magistrates Court—Civil Rules—Amendment 37

By the Minister for Tourism (Hon. J.R. Rau)—

Adelaide Convention Centre—Annual Report 2009-10

VOLUNTARY EUTHANASIA

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) (14:07): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: It is possible that members of parliament this week will be asked to consider private member's legislation relating to voluntary euthanasia. The bill, as members would

know, goes through a range of measures and seeks to allow terminally ill South Australians to access means for which to end their lives.

Today, I have just tabled advice I have received from the Department of Health which identifies practical issues with this bill. I asked parliamentary counsel to draft an alternative amendment, which I have tabled today, which members might like to consider. I will also ask the Department of Health to review this amendment and its practical implications.

Mr WILLIAMS: On a point of order, I think it is out of order for the minister to use a ministerial statement to pre-empt debate on a bill that is before the house.

The SPEAKER: He is not debating. He is just telling you what he is planning on doing this week. I don't think it is pre-empting debate. He is not debating it. If he was debating it, I would sit him down.

DRAFT WATER INDUSTRY BILL

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

Leave granted.

The Hon. P. CAICA: Today I am pleased to have tabled the draft Water Industry Bill. This legislation will herald a new era of water management, one which will promote efficiency, competition and innovation in the water industry. The legislation will replace the Sewerage Act 1929 (SA), the Waterworks Act 1932 (SA) and the Water Conservation Act 1936 (SA). We no longer expect to have legislation that provides the minister with the power to access properties by means of horse, cattle or carriages, as in section 9 of the Water Conservation Act 1936.

The water industry is rapidly changing and developing, and we must change with it. The water industry in South Australia has responded admirably to recent drought and water security issues, and is now adapting in a timely fashion to the impacts of climate change. The industry has also needed to adapt to national water reforms, new industry operators, new technologies (such as desalination, recycling of waste water, aquifer storage and recovery), water trading and market maturity, and growing demand from population growth and economic development.

South Australia continues to demonstrate innovation in how we manage our water, and it is now time for us to have the legislative basis for a 21st century water industry. This bill is a response to the commitment under Action 83—

Mr WILLIAMS: A point of clarification, Madam Speaker: as a matter of process I am questioning why this is being done as a ministerial statement and not as a second reading speech to a bill that the minister wants to introduce to the parliament.

The SPEAKER: The minister has tabled a draft document. He has not tabled a bill as yet, so he is speaking to a draft document, not to a bill. It is okay for him to make a ministerial statement in these circumstances.

The Hon. P. CAICA: Thank you very much, Madam Speaker. As I was saying before the interjection, this bill is a response to the commitment under Action 83 of Water for Good, which was to release a discussion paper in 2009 and introduce legislation by the end of 2010. I would also like to acknowledge the Commissioner for Water Security, Robyn McLeod, for her commitment and drive in developing this significant legislation for South Australia.

The challenges and complexities associated with the provision of water supply services and sewerage services are not unique to South Australia. Legislation of this nature has been developed nationally, with Victoria, New South Wales and Tasmania all passing modernising water industry legislation. The development of this bill is consistent with South Australia's obligations under the national water initiative, which requires use of independent regulators to set or review prices for the storage and delivery of water and wastewater services.

Such independent pricing determinations will provide transparency and cost efficiency to the community. So, like the gas and electricity industries, the legislation will provide for the appointment of an essential services commission of South Australia as the independent regulator for urban and regional water and wastewater services.

The bill will provide for proper standards for safety, reliability and quality in the water industry. It will also provide for an independent body for the enforcement of technical and safety standards for plumbing.

South Australia already boasts a number of innovative private sector and local government participants in the water and wastewater industry. This draft establishes a licensing regime for water industry entities, including private operators, to ensure the ongoing protection of public health, the environment and consumers. Consistent with Action 77 in Water for Good, the bill commits to a process for the development of a third-party access regime. While the time frame in Water for Good states that a third-party access regime will be developed by 2015, this draft commits to a process with a much shorter time frame; that is bringing a final report to parliament within 18 sitting days of 1 July 2012.

The report will address procedures for access seeking and dispute resolution, accessing pricing principles, compliance with national competition principles and, of course, public health, environment and safety standards.

The third-party access regime will ensure safeguards are in place to protect both private sector entrants and the public. These new water industry entrants will bring innovative water sources to the market for the benefit of our state. This is a significant first step and a demonstrable commitment by this government to progress a third-party access regime.

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: This legislation also seeks to strengthen the interests of our consumers. This will be achieved through the establishment of an independent water industry ombudsman, along with a consumer advisory committee. To avoid duplication, it is proposed that the water industry ombudsman scheme will be administered through our existing energy ombudsman scheme. I am advised that the Energy Industry Ombudsman, Mr Sandy Canale, is very supportive of this approach and is looking forward to the board of directors further considering this proposal.

Consistent with the National Water Initiative principles, the final bill will transparently reflect the costs associated with water planning and management and hence the true value and cost of water. For example, the resources needed to develop a water allocation plan are considerable—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: —with time and money spent on research, monitoring and evaluation to help extractors to use the water. The government does not currently have a transparent cost reflective charge for this process or a comprehensive legislative basis on which to collect it. It is proposed that in setting such a charge the government should have regard to other levies already paid by water users.

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: It is also important to note that the proposed charge will not be collected for general revenue purposes. While the government will take independent expert advice on water planning and management costs, we would also like to receive comment and input from other stakeholders on the best way to progress this. Following consultation, the government will return to parliament with a clear position on the best mechanism to use. In light of this, an approach to recovering costs for water planning and management is currently not defined in the draft. This will be addressed in the explanatory paper which will accompany the bill.

An important facet of the legislation is the provision for an adaptive management approach to the state's water supplies. The legislation will provide a framework for state water planning which will require the minister to prepare and maintain a state water demand and supply statement which assesses the current and future demand for water supplies. Action 83 in Water for Good commits the government to introducing new water industry legislation by 2010.

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: Considerable consultation has been undertaken on the drafting of this bill to date, including a public submission process earlier this year. I have decided, however, to

table the legislation as an exposure draft to give the community and industry—and, indeed, if they so choose, the opposition—

Ms Chapman interjecting:

The SPEAKER: Order! The member for Bragg is very vocal today. She will be out of the chamber if she is not careful.

The Hon. P. CAICA: —a further opportunity to consider the drafted provisions prior to its introduction in parliament in 2011. I am mindful of the significance of this bill and would like organisations such as the Local Government Association, the Water Industry Alliance, the Conservation Council and the Plumbing Industry Association—and, dare I say it, the opposition—to have the opportunity to consult their members and provide feedback into the consultation process. The same applies to the broader community.

The first round of consultation occurred with a discussion paper on legislation issued in November 2009. The paper received 36 submissions from individuals, community organisations, industry, interest groups, and local and state government. The submissions were largely supportive of the proposed legislative reforms. The proposed industry regulation and water planning received the most positive discussion. I am advised that the comments overwhelmingly demonstrated positive support for the introduction of an independent price regulator for South Australia.

Since then, the draft bill has been developed in consultation with ESCOSA and SA Water. The Commissioner for Water Security and Department for Water officers have undertaken targeted consultation with the Local Government Association, the Water Industry Alliance, Professor Mike Young of the Environment Institute at the University of Adelaide, and the Energy Industry Ombudsman.

Mr Pisoni interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: The tabling of the bill now facilitates a second round of public consultation, and I invite anyone with an interest in the future of our state's water resources to provide written comments on the issues and topics raised in the bill and this explanatory paper. There will also be further targeted consultation with key stakeholder groups during the summer break.

I also encourage all members of parliament to use the summer break to consider the bill so that when parliament resumes the bill may be debated in a timely fashion. This bill will create the legislative basis for a 21st century water industry where the governance, legislative and regulatory regimes will reflect the diversity of products and true value of our most precious resource, whether it is surface water, groundwater, recycled water, desalinated water or stormwater.

The SPEAKER: Before we go further, I congratulate the Minister for Correctional Services on the birth of his beautiful baby. We hope all is going well.

Honourable members: Hear, hear!

VISITORS

The SPEAKER: I notice in the gallery today a group of young students, but I am not quite sure where they are from. They are guests of the Minister for Correctional Services. Welcome, we hope you enjoy your time here today.

TELEVISION CAMERAS

The SPEAKER: I remind the television cameras that I have recently viewed some footage of the last week's proceedings in this chamber and there was a considerable amount of footage which was not of people on their feet and which did not fit in with our guidelines. If this continues we will be stopping cameras from coming into the chamber. So, if you would please observe the guidelines today.

QUESTION TIME

CRANFIELD UNIVERSITY

Mrs REDMOND (Heysen—Leader of the Opposition) (14:22): My question is for the Premier. Can he explain why Cranfield University is now operating out of the Premier's department?

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) (14:22): It is really interesting. There needs to be a bit of an understanding of some of the issues that have led to us as a state winning $44 billion worth of defence projects.

Members interjecting:

The Hon. M.D. RANN: They don't believe it. One of them was called the—

Mr WILLIAMS: Point of order, standing order 98. The question clearly is: why is Cranfield University operating out of the Premier's department?

The SPEAKER: I can understand your point of order, deputy leader, but the Premier has only just started answering the question. If he continues to go for 10 minutes in this vein then I will pull him up, but it is an introduction to his answer.

The Hon. M.D. RANN: It absolutely is. What we were told—

Members interjecting:

The SPEAKER: Order! Do you want the question answered or not?

Honourable members: Yes, we do.

The SPEAKER: Then you will listen in silence. Premier.

The Hon. M.D. RANN: What we were told when we were out fighting to win projects is that we had a couple of impediments. No. 1, we needed a defence facility purpose built so that they would come here rather than go to Victoria—

Mr WILLIAMS: I rise on a point of order. The question was specifically: why is Cranfield University operating from the Premier's department? It is nothing to do with defence contracts.

The SPEAKER: I am not sure whether you want a point of order or not because you have roared across the chamber at him, but, Premier, can you continue your answer. As I said, it was early in the answer.

The Hon. M.D. RANN: The second thing was that we had insufficient skills for the type of expansion that we needed of the defence industry, both in terms of technical skills and academic skills. We were told that our universities here, whilst—

Mr Williams interjecting:

The SPEAKER: Order! The deputy leader will be quiet. Has the Premier finished his answer?

The Hon. M.D. RANN: So, what did we do?

Members interjecting:

The SPEAKER: Order!

Mr Williams: Answer the question.

The SPEAKER: Order!

The Hon. M.D. RANN: This is just hopeless.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. Foley interjecting:

The SPEAKER: Order! The Treasurer will be quiet also. There is no point us having a question time if you are just going to roar at each other across the room. The Premier.

The Hon. M.D. RANN: So, what we did is that we invested in our universities. In fact, I remember the CUF facility. We invested in the University of South Australia and we worked with the University of Adelaide and Flinders. But we still had some areas where we needed specific expertise, so we approached one of the world's great defence universities, Cranfield—easily the best in Europe.

It did not establish a campus like Carnegie Mellon or like University College London, which, by the way, Santos put $10 million into. But it established a branch office that ran short courses (it was a three-year contract) on things like explosives, not just for the defence industry but also, of course, for the mining industry, electronic warfare and other areas.

Cranfield University established a business development office in July 2007 with a three-year business development agreement with the SA government to support South Australia's defence capability by providing executive short courses and workshops in its areas of defence expertise. We had a three-year arrangement, and what has happened since then (and I can go into more details if you want) is that, on 23 August 2010, Cranfield signed a MOU with the University of Adelaide to continue work for a joint degree and/or joint executive education in electronic and information warfare with the University of Adelaide. Isn't that fantastic?

The Hon. M.J. Wright: Fantastic.

The Hon. M.D. RANN: We are building the expertise.

Members interjecting:

The Hon. M.D. RANN: We are drawing on the—

Mr WILLIAMS: Madam Speaker—

Members interjecting:

The SPEAKER: Order! There is a point of order. The Premier will sit down.

Mr WILLIAMS: Madam Speaker, the point of order is that we asked a question: why is this operating out of the Premier's department? The universities usually operate from their own campus.

The SPEAKER: It is the normal practice for a minister to answer a question how they choose, so I do not uphold the point of order.

The Hon. M.D. RANN: Can I say, there was a three-year agreement, which has finished, and we have now got Cranfield involved with the universities here so that they can draw on its extraordinary world-class expertise for the benefit of our defence industry. I would have thought—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —that was a good thing, and the fact that we have an ongoing relationship—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —through the university's city office in the Premier's department is bloody good for South Australia.

The SPEAKER: The member for Croydon.

Members interjecting:

The SPEAKER: Order!

ABORIGINAL LANDS TRUST ACT

The Hon. M.J. ATKINSON (Croydon) (14:28): Can the Minister for Aboriginal Affairs advise the house—

Members interjecting:

The SPEAKER: Order! Member for Croydon, could you start your question again?

The Hon. M.J. ATKINSON: Can the Minister for Aboriginal Affairs advise the house whether there has been progress in the long-running review of the Aboriginal Lands Trust Act 1966?

The Hon. G. PORTOLESI (Hartley—Minister for Aboriginal Affairs and Reconciliation, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers) (14:28): I thank the member for Croydon for this important question. I am very pleased to inform the house that the

government has reached a significant milestone in this important review of the Aboriginal Lands Trust Act 1966.

On 4 November this year I released a consultation paper for further public discussion about proposed changes to the ALT. The consultation paper specifically proposes major changes to the ALT, including things such as:

- an independent skills-based board to focus on the strategic management of the ALT estate as a whole;
- decision-making processes that include all Aboriginal parties with an interest in the land (residents, people with historical or traditional connection, native title claimants);
- dispute resolution processes to assist all parties to resolve disputes about rights and interests in land; and
- a process for rectifying those leases and other agreements that are currently invalid.

The changes proposed will enable the ALT, residential communities and Aboriginal South Australians as a whole to ensure that this important asset provides the economic, social and cultural benefits that were intended.

I am pleased to announce that consultations are being held in all ALT residential communities and some regional centres. These sessions commenced on 15 November and last week were held in the West Coast and Eyre Peninsula communities—Port Lincoln, Ceduna, Yalata and Koonibba.

Interest from the communities has been strong. Generally, the proposals for a revitalised ALT have been positively received. In particular, Aboriginal people have welcomed the proposals for major structural reform of the ALT itself, the new inclusive and transparent decision-making processes and, importantly, the proposed good order audit of titles, leases and other interests in land.

I take this opportunity to thank the review's reference group, in particular the ALT Chair, Mr George Tongerie; ALT Deputy Chair, Haydn Davey; Commissioner for Aboriginal Engagement, Mr Klynton Wanganeen; Mr Derek Walker; Harry Miller; and Parry Agius, Chair of the South Australian Aboriginal Advisory Council. The reference group will again be leading the consultations and providing advice to me about them, and I thank them and Aboriginal South Australians for their hard work.

CRANFIELD UNIVERSITY

Mrs REDMOND (Heysen—Leader of the Opposition) (14:31): My question is again to the Premier. Why does Cranfield University no longer offer any courses or employ any staff at the South Australian campus? Yesterday, the Premier's office advised, in relation to Cranfield University:

Unfortunately there's nothing offered at the moment. The office itself in the interim has closed and is unstaffed and therefore no courses are being offered here in Adelaide.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:31): Once again, it is quite clear there is a real anti-university push within the Liberal Party.

Members interjecting:

The SPEAKER: Order!

Mr PISONI: Point of order.

The SPEAKER: Point of order.

Mr PISONI: The Premier is reflecting on members, and I ask him to withdraw.

The SPEAKER: No, he is not reflecting individually. Premier, continue your answer.

The Hon. M.D. RANN: As I tried to explain before—before I was shouted down—there is not a Cranfield campus. There was an office here that, during its three years, organised—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —short executive courses on a whole range of things, including Introduction to Electronic Warfare, Logistics Engineering, Integrated Logistics Support, Introduction to Modelling and Simulation of Defence Systems, Introduction to Electronic Warfare, a workshop on resilience in Australia, Explosives Safety Management, and so on. So it organised—

Mr Pisoni interjecting:

The Hon. M.D. RANN: Pardon?

Mr Pisoni: Introduction to Adelaide—have you got that one?

The Hon. M.D. RANN: It's very interesting—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —last time it was Martin Hamilton-Smith making his big comeback. He was running the joint. There was a bit of tension, I am told, about who would ask the first or second questions. There was a bit of a rise and fall of the former leader.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: The fact of the matter is that they have organised short courses and, because we wanted to draw on their intellectual expertise from Britain, we have relationships now built with the existing universities. There wasn't a campus.

Mr Marshall interjecting:

The SPEAKER: Order, member for Norwood!

CRANFIELD UNIVERSITY

Mrs REDMOND (Heysen—Leader of the Opposition) (14:33): As a supplementary, if there is not a Cranfield campus, why did the Premier tell the National Press Club that there was?

Mr Marshall interjecting:

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:33): What we did—listen to him.

Members interjecting:

The SPEAKER: Order! Do you want to hear the answer? Be quiet!

The Hon. M.D. RANN: The anger of the member for Norwood! Will the real next leader of the Liberal Party please stand up? Come on—last time you did.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: It was like deja vu. Last time the session was on, it was like deja vu: Martin Hamilton-Smith suddenly saw a glimpse—

Members interjecting:

The SPEAKER: Order!

Mr PISONI: Point of order.

The SPEAKER: Member for Unley, point of order.

Mr PISONI: On 11 November, Madam Speaker, you upheld a point of order by the member for Croydon, who pointed out standing order 104—

The SPEAKER: What is your point of order, member for Unley?

Mr PISONI: —Minister for Transport, that members must address the chair and not TV cameras. I ask that you uphold that point of order with the Premier.

The Hon. M.D. RANN: So, we have in the Torrens Building—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: Here we go!

The SPEAKER: Order!

Mr PISONI: Point of order, I haven't heard your ruling.

The SPEAKER: I don't think there is a standing order under that.

Mr PISONI: I haven't heard your ruling.

Members interjecting:

The SPEAKER: Order! Be quiet! The standing order is not that they should not address the cameras, that they should address the chair, and I feel included, so it's okay.

The Hon. M.D. RANN: The Torrens Building was furnished to house Carnegie Mellon University with a small campus for masters degree students, and University College London, the first time in more than 200 years that UCL has gone offshore, just like the Royal Institution of Science where Martin Hamilton-Smith, the member for Waite, was last night in celebration of its first anniversary. He congratulated me today on the excellent work it is doing with the Australian Science Media Centre. And we also had a small branch of Cranfield based there, organising drawback from the university it is driven by in England.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: If the member for Waite and a few of his colleagues do not be quiet, I will disband question time. I hope that those young people in the gallery are not taking too much notice of this, and behave accordingly in their classrooms, because I am sure they would not last half a day.

The Hon. K.O. Foley interjecting:

The SPEAKER: Order! The Treasurer will be quiet also, or he will go as well. The member for Newland.

WATER FOR GOOD

Mr KENYON (Newland) (14:37): My question is for the Minister for Water. What has been the progress of the government's Water for Good plan since its release in June 2009?

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (14:37): I thank the honourable member for his question—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: —and hope that they listen to it.

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: As the house is aware, Water for Good was launched in June 2009 as a plan to ensure South Australia's water security to 2050. One of the actions in Water for Good was for a statement to be made on the progress of the plan and on progress in ensuring the

water security of Greater Adelaide. Today I am pleased to release the first Water for Good annual statement in accordance with that commitment.

The Commissioner for Water Security has monitored the progress of the plan over the past 18 months and has reported to the Water Security Council on a quarterly basis. The annual statement shows that, because of significant efforts by the community, industry and government, South Australia is on track to achieve the plan's goals and targets.

The annual statement includes a progress report card, which uses the rating system used for South Australia's Strategic Plan to assess the progress of the 94 Water for Good actions. Of the 94 actions, six have been achieved, 66 are on track, 18 are within reach, two are unlikely, and one has not reached the action time frame. One action–

Mr Marshall interjecting:

The SPEAKER: Order! The member for Norwood, you are getting close to the bone. You will be out in a minute.

The Hon. P. CAICA: He needs a girlfriend, Madam Speaker. One action, relating to the temporary weir at Pomanda Island, was assessed as not applicable. This has been ruled out for the term of this government and, we hope, beyond.

Key progress under the plan includes the construction of the $1.83 billion Adelaide desalination plant, which is due to start producing water from April 2011. There has also been strong investment in stormwater projects that will see stormwater harvesting targets of 20 gigalitres a year by 2013 exceeded in Greater Adelaide. Furthermore, there has been progress on key wastewater projects such as the $76.25 million Glenelg to Adelaide Park Lands Recycled Water Project, which was completed ahead of schedule.

A number of measures have also been implemented to educate the community and encourage wise water use—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: —such as the WaterWise Communities initiative. Measures have also been undertaken to improve the monitoring and management of water resources. In addition to this, critical emergency measures were undertaken to mitigate the impacts of low inflows to the Lower Lakes and Coorong.

The government also invested in cutting-edge water research and innovation through the new $50 million Goyder Institute for Water Research. Further, the tabling of the Water Industry Bill today responds to Action 83 in the plan.

Members interjecting:

The Hon. P. CAICA: It's an exposure draft, and I am happy for you to be exposed to it to feed back into it.

This bill proposes the appointment of ESCOSA to license and regulate prices for the water industry, and that allows for the improvement of customer and industry dispute resolution through the ombudsman scheme.

While work on most actions in the plan is on schedule, it is the case that some of the targets outlined in the plan are, as you would expect, challenging. Action 68, relating to the introduction of targets for water-sensitive urban design by 2010, was not reached within the action time frame. Notwithstanding this, research is now being undertaken by the Goyder Institute to help the government develop these targets and identify the best way to achieve them.

The two actions rated as unlikely to be reached within the action time frames are Actions 51 and 58. Action 51 provides for the review of current management and protection of the Mount Lofty Ranges watershed with a view to developing targets and responsibilities for its future management by the end of 2010. This action will be progressed in conjunction with other actions in Water for Good that relate to the Mount Lofty Ranges watershed. I am sure that the Leader of the Opposition is acutely interested in this, because it is covering her electorate.

Action 58 provides for the completion of water allocation plans and a regulatory review of water allocation plans for key areas in the Mount Lofty Ranges, the Murray-Darling Basin, the South-East and Central Adelaide by 2010. The original end date in the plan was highly ambitious

and, given the complexities involved, has been revised to 2014. Progress is underway to reform the water allocation planning process to make it more efficient.

Whilst we have come a long way in terms of implementing the plan, we still have much more to do to ensure our water future. The key actions identified in Water for Good, which is a 40-year plan, will ensure that our state has a secure and reliable supply of water to support the growth of our population and economy into the future while preserving our quality of life and the environment. I urge the opposition to get behind these initiatives because they are vitally important—in fact, critical—to the future, welfare and wellbeing of our state and its people.

CRANFIELD UNIVERSITY

Mrs REDMOND (Heysen—Leader of the Opposition) (14:41): My question is again to the Premier. Can the Premier advise how many students have enrolled in and how many have graduated with degrees from Cranfield University since its establishment in South Australia?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:42): If you actually had been following things—there were never any degrees; that's the whole point. They organise short, executive courses—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —for people in the defence industry in the areas that I outlined, and also have formed, as you would know, the Torrens Resilience Institute, opened by the Duke of Kent, with Cranfield University being the founding partner with the three local universities.

We entered into a three-year agreement in 2007 and, if you can count, that is now over and so the executive office ceased to be staffed and ceased operations in April 2010. It was never, ever a campus. They organised short courses. It was about assisting the industry—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —to get the expertise they need to fill the gap. Then, of course, they were involved in a range of projects with the University of Adelaide and other institutions. Of course, what has happened is that since that three-year agreement (which was very helpful to us) has expired, they have secured funding from their capital budget to beam in short courses from Shrivenham from next year. This is all good. I will not apologise for the fact that this government has won $44 billion worth of—

The SPEAKER: Point of order. The Premier will sit down.

Mr WILLIAMS: My point of order relates to relevance. The question was: how many students have been enrolled and how many have graduated. The Premier has not gone anywhere near answering that question. We are still waiting to know.

The SPEAKER: The Premier has actually answered the question, but I think he has probably finished his answer now. I distinctly heard him say, 'None because there were no degree courses offered.' That was the question, so he has answered and he has sat down now.

Mr WILLIAMS: The question was: how many students.

The SPEAKER: The member for Light.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order, the Minister for Transport! The member for Light.

JOHN HARTLEY SCHOOL

Mr PICCOLO (Light) (14:44): My question is to the Minister for Education. Will the minister update the house on the government's program to build six new schools across the Adelaide and metropolitan area?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development) (14:44): I thank the honourable member for his question and also acknowledge his very powerful advocacy for public education on behalf of his community. As members would know, the government is building six state-of-the-art new schools under the $200 million Education Works 1 initiative.

A few weeks ago, I had the pleasure, with some students down at the Adelaide West Special Education Centre, to open that school for 60 places for students with special needs, right next door to the Ocean View College at Taperoo. Four more schools will open their facilities next year, but I am pleased to be able to report today that yesterday, along with the member for Light, we had the great privilege of touring the latest school that was offered, the second of the six new schools, the John Hartley School at Smithfield Plains.

There could not be a more important place to build a new school within South Australia. This set of suburbs represents some of the most disadvantaged communities within our community and, indeed, across the nation; to have a new state-of-the-art school built right in their suburb is a fantastic achievement.

I would like to thank the John Hartley School community on behalf of this government for its hard work in making this project a reality. Cathy Lee, Governing Council chair, showed the foresight to choose the range of other schools and kindergartens that came together to form this school. They could see what the future held in a new school for their community. They made that brave decision. It is always a difficult decision to leave other schools behind and form a new school. They did that and now everybody is happy with the result. My thanks also go to the former minister for education, Dr Jane Lomax-Smith, who also worked with the school communities in these vital early stages of the project.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: The new John Hartley School will cater for children from birth to year 7 and will be arranged in a series of three separate schools, three schools within a school, if you please: the preschool children's centre component, the primary school component and the middle years component. This school has brought together children and families from six kindergartens and schools in the Davoren Park and Smithfield Plains area on a purpose-built site.

Students and teachers at the school now have access to some incredible new technology. We saw interactive whiteboards, a great new drama space, a purpose-built science facility—which is unusual in a primary school, but there is a purpose-built science facility there—a large new school hall, kitchen and garden facilities, and fantastic new learning areas.

Ecological principles have been used in the design of the buildings. The learning areas are incredibly green, with natural ventilation, skylights and water harvesting, as well as rainwater tanks for use there. I am happy to report that Cathy Lee's view of this project—that is, that the whole school community is behind it—was borne out when we visited the facility. They are certainly excited about the new features, and the students were very excited to be there.

We also had the opportunity to be shown by some of the students some DVDs that were made focusing on the process of building the school. The students were actually involved in visiting the school while the building works were underway, and that was part of the learning process. They have produced a couple of very impressive DVDs which describe the building process and also explain the environmentally sustainable features of these new schools.

For parents, there is a great message: their kids living in these suburbs matter and we are prepared to invest in them. For teachers, it is also an expression of support for them, that in these most challenging schools, we are prepared to back them up with resources.

I must say that it is disappointing that there is one person who is out on his lonesome on this, and that is the shadow minister for education. He is there saying that no-one wants to go to these new schools. Well, that is not what we saw when we visited these communities. These communities are strongly in support of these schools.

What is worse is that it is an insult to the parents who made these decisions to come together and bring these schools together to form this new school community. I must say that I get a little tired of the way in which the shadow minister talks down public education at every

opportunity he gets. He talks down these new schools, and he makes up things about lack of enrolments in these new schools.

Members interjecting:

The SPEAKER: Order! Point of order.

Mr WILLIAMS: Madam Speaker, the minister is clearly debating the answer to the question now.

The SPEAKER: It is nearly time that you rounded up your answer, minister.

The Hon. J.W. WEATHERILL: Thank you. This fantastic new school represents the commitment of this government to public education.

Members interjecting:

The SPEAKER: Order!

CRANFIELD UNIVERSITY

Mr PISONI (Unley) (14:50): Thank you, Madam Speaker, and I shall try to be good. My question is to the Premier. How much has the government spent in total on establishing and running Cranfield University's South Australian presence?

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) (14:50): I will check that. My memory is that is was $750,000 over three years, and I am happy to check that out. Can I say this once more, we have been more successful than—

Mr PISONI: Point of order: the Premier has answered the question, and the point of order is relevance.

The SPEAKER: The Premier has finished his answer, I believe.

CRANFIELD UNIVERSITY

Mr PISONI (Unley) (14:51): I wish to ask a supplementary question, if I may: does the cost include bringing His Royal Highness The Duke of Kent to Adelaide for the presence opening?

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) (14:51): No, because my memory is that he was here—if you would talk to each other; the member for Waite could advise—for the Royal Institution of Science, which the member for Waite told me today was brilliant. There is the Australian Science Media Centre, with thousands of scientists plugged in to the media on issues of science, the Royal Institution, the Bragg initiative, and Science Outside the Square. The fact is that the Duke of Kent is the President of the Royal Institution of Science, which, of course, was founded by people like Faraday—whom one or two people on the other side may have heard of.

TOUR DOWN UNDER

Mr SIBBONS (Mitchell) (14:52): My question is directed to the Premier. Can the Premier provide the house with an update on preparations for the 2011 Santos Tour Down Under?

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) (14:52): It is just under eight weeks until the start of the 2011 Santos Tour Down Under, which runs from 16 to 23 January. I remember when one member opposite described it as a second-rate race and said that the riders were second rate, B-graders—

Mr Marshall interjecting:

The SPEAKER: Order! The member for Norwood, you will be quiet.

The Hon. M.D. RANN: We have had best cyclist, the world champion, the best cyclists of all time, all of those, but never mind, apparently that was B-grade. This morning I was delighted to confirm the return of British-based Team Sky, which made its debut at the 2010 Santos Tour Down Under. Riding in the team will be Australian cyclists and former tour winners, Simon Gerrans, who won the 2006 tour, and Michael Rogers, who took the overall title in 2002. Rogers is also the 2010 Tour of California winner.

The return of Team Sky adds to an increasingly stellar line up of riders for the 2011 Santos Tour Down Under. Already we have confirmed cycling superstar and sprint specialist, Mark Cavendish, who will compete for the first time at our event and will go head-to-head with his former team mate and sprint rival, Andre Greipel. Cavendish, known as the Manx missile (that is because he comes from the Isle of Man), is regarded as the best sprinter in the world, and it will be terrific to see him test his speed on the streets of Adelaide and South Australia.

Of course, we have also secured Lance Armstrong for his last professional race on international soil right here in South Australia. What a great bang for buck.

Members interjecting:

The Hon. M.D. RANN: They are even attacking Lance Armstrong—

The Hon. K.O. Foley: They will want tickets for the race. They will all be queuing up for tickets.

The Hon. M.D. RANN: It is very interesting. Just look at the difference that Pro Tour status made in terms of attendance, coverage and economic bang for buck, and then look at the massive difference that getting Lance Armstrong made here in terms of a massive $41.5 million economic impact, a massive increase in the number of visitors and a massive increase in worldwide coverage. But of course the Liberals in this state will knock anything and everyone; they are addicted to defeat. They do not like the fact that we have won $44 billion worth of defence projects, just as they do not like the fact—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —that we have had record employment growth. It will be Armstrong's third and last time competing in our Santos Tour Down Under. Once again, we expect his presence in his final race out of America to attract huge crowds. His comeback ride in South Australia in 2009 turned the tour into the biggest event ever staged in South Australian history.

We are very pleased, too, that the announcement of Lance Armstrong's return has already generated a massive boost to entries for the Mutual Community Challenge Tour—the official public ride of the 2011 Santos Tour Down Under. In less than a month we have received 1,500 entries, bringing the total registrations close to 4,000. That is ahead of the same time last year when we ended up with 8,000 people taking part. We expect a rush of entries to continue before the closing date of Friday 7 January. I hope that members opposite will don lycra—

Members interjecting:

The Hon. M.D. RANN: That was not a great vote of confidence from the leader and her colleagues. For those in this place who are keen to take part, there are four distances to choose from—135 kilometres, 91 kilometres, 62 kilometres or the very enticing 35 kilometres. We have a highly experienced team working on the Santos Tour Down Under, once again headed by Mike Turtur and Hitaf Rasheed from Events South Australia. Their leadership has helped to grow the event into one of the world's great cycling races. In fact, next year our tour will join the same category of race as the Tour de France, becoming part of the new UCI World Tour. UCI World Tour—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —brings together Pro Tour, Grand Tour and historic calendars—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —into one category. The Santos Tour Down Under will be the first race on the new UCI World Tour—

Mr Williams interjecting:

The SPEAKER: Order! The deputy leader will be quiet.

The Hon. M.D. RANN: —cycling calendar and will feature the top 18 teams in the world which will automatically compete in all World Tour events. We are proud that the Santos Tour

Down Under continues to lead the way and builds on South Australia's growing reputation as the cycling capital of Australia.

Mrs Redmond interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! This discussion can be continued out of the chamber, not in here. The member for Unley.

TAFE SA

Mr PISONI (Unley) (14:58): My question is to the Minister for Employment, Training and Further Education. Does the minister concede that the $33.5 million spent by the government so far on the International University Precinct initiatives could be better spent on capping TAFE fees so that South Australian TAFE students do not pay the highest fees in the nation?

The Hon. P.F. CONLON: Point of order, Madam Speaker.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: What was couched as question is plainly argument and contrary to standing orders.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: 'Do you concede that it would be spent better?' That is an argument. The member for Unley may not be the most sophisticated bloke in the world, but we are here to help you. It is argument.

The SPEAKER: Yes, I do uphold that. I was about to pull you up anyway, member for Unley, on that question. You need to be very careful about the wording of your question. I am going to waive that question and we will go on to the next question.

Mr Pisoni: Can I reword it?

The SPEAKER: If you can reword it, you can ask the next question.

TAFE SA

Mr PISONI (Unley) (14:59): My question is to the Minister for Employment, Training and Further Education. Can the minister advise what effect it would have on South Australian TAFE fees if the $33.5 million spent by the Premier on the International University Precinct were spent on keeping TAFE fees lower?

The Hon. P.F. CONLON: Point of order: it is a tad hypothetical.

The SPEAKER: It is very hypothetical. Minister, you may or may not choose to answer that question.

Members interjecting:

The SPEAKER: Order! Minister, sit down until there is some quiet. Minister, you may or may not answer that question. I am sure you have a brief answer.

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) (15:00): It is a very broad-ranging question so I will give a very broad-ranging answer. The fact is that the government is investing $194 million over the next six years, which will create 100,000 extra training places in South Australia.

Mr Williams interjecting:

The SPEAKER: Order! Deputy Leader of the Opposition, be quiet!

The Hon. J.J. SNELLING: That is something that the government is intensely proud of. It will set the state's workforce so that they are ready to take advantage of the opportunities in mining, defence and high-end technology areas—all the areas where there are critical skill needs in

South Australia. They can carry on about the small change as much as they want, the fact is that it pales into insignificance compared with the $194 million investment that this state is putting into upping our skill levels in South Australia.

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: They can yap away like dogs all they want, but the fact is—

Mr PISONI: Point of order, I believe it is unparliamentary to refer to members as animals. I ask that it be withdrawn.

Members interjecting:

The SPEAKER: Order! I won't uphold that point of order; the minister was speaking collectively. It is also unparliamentary to object across the chamber.

The Hon. J.J. SNELLING: If the opposition is offended, I am more than happy to withdraw. With regard to the issue of TAFE fees, it is difficult to compare TAFE fees from state to state. TAFE, in different states, charges its students differently. In South Australia, our TAFE fees are an entire fee. They include—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —materials as well as teaching charges. In other states, that is different; they have different charges for different things, so making a comparison state to state of TAFE fees is difficult. The fact is that South Australia is putting a record investment, the biggest ever, into training and skills. On top of that, we are investing a record amount of money in our training infrastructure with the new Tonsley development. All these things will take training and skills in South Australia to a new level.

TAFE SA

Mr PISONI (Unley) (15:02): I will try a very narrow question this time, minister.

Members interjecting:

The SPEAKER: Order!

Mr PISONI: This is for the Minister for Employment, Training and Further Education and, as I say, it is a narrow question, not a broad question like the last one. Can the minister—

The Hon. P.F. CONLON: Point of order, he is also not entitled to give commentary on his questions as he goes along.

The SPEAKER: Get on with your question, member for Unley. You said it was for the Minister for Employment, Training and Further Education.

Mr PISONI: Thank you very much for your protection, Madam Speaker. Can the minister advise by how much the course fees for the TAFE certificate I in construction have increased since students enrolled for next year were first advised that the course fees would be $750?

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) (15:03): The TAFE fees that are charged to school students is a very complicated area.

Members interjecting:

The Hon. J.J. SNELLING: I am sorry if that is somehow a controversial statement—I would have thought it would be fairly obvious. The fact is that when a student enrols at a school that school gets funding from Treasury and Finance for every student who enrols in that school. TAFE is not funded in that way. TAFE gets a certain amount of money from government for training and has to allocate that funding accordingly. So, in various areas TAFE does things on a fee-for-service basis, including to schools.

Training that is provided to school students varies in terms of how much the fee is that is charged to the particular school. When TAFE is providing VET training to a student who is enrolled in a school, overwhelmingly the case is that the fees are able to be kept very low because a class

may be 80 per cent full and TAFE will fill that class up with school students so that the charge back to the school can be kept to an absolute minimum.

Sometimes, however, TAFE will have to create a class to cater for school students who are wanting to undertake VET training, and so, in those cases, the charge can be quite high. That charge is not a charge to the student, it is a charge to the school. As I said, in general that is not the full cost of the course; it is kept to a minimum because the students are only filling up a class which is already in existence—a class is not having to be created. Nonetheless, a charge is passed onto the school.

For most schools, the school covers the overwhelming majority of that charge, and they cover that out of the appropriation which they are given by the Department of Treasury and Finance by virtue of that student being enrolled in the school. The charge is passed onto the school and the school then covers it, or at least covers the overwhelming majority of it. Sometimes the school will pass some of that cost onto the parents of the child.

This is an issue which I have been concerned about, because, of course, I want students who are enrolled in school to undertake vocational education and training, particularly in TAFE. So, as part of our Skills for All reforms, which I have not received a single question on since I released these reforms—

Members interjecting:

The Hon. J.J. SNELLING: You get 10 questions every question time. I am yet to receive a question about the Skills for All reforms.

Mr WILLIAMS: Point of order, Madam Speaker.

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

Mr WILLIAMS: I think that the leader of government business raised a point of order a moment ago about the commentary while asking a question. I think that the same should apply to answering a question.

The SPEAKER: I think that the minister has finished answering his question. The member for Bragg.

EMERGENCY HOUSING

Ms CHAPMAN (Bragg) (15:07): How lucky am I! My question is to the Minister for Housing.

The Hon. M.J. Atkinson: Why won't they put you further up the list?

The SPEAKER: Order!

Ms CHAPMAN: Does the minister expect the public of South Australia to seriously believe that people living in cars, on park benches or victims of domestic violence would be unwilling to move into a house just because Christmas is coming?

The SPEAKER: I think the wording of that question was very close to being commentary. Minister.

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Housing, Minister for Ageing, Minister for Disability) (15:07): Not only commentary, ma'am, but incorrect. I thank the member for Bragg for her question because I think it was my next Dorothy. That saves a question on our side. In fact, I thought that I might miss out, so I thank you very much.

Ms Chapman interjecting:

The Hon. J.M. RANKINE: Well, good; you go for it.

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: Madam Speaker, I was really disturbed to read claims made in this morning's *Advertiser*, although I am pleased to receive the member for Bragg's question to be able to update the house, again, on the Nation Building Economic Stimulus package providing funding for the largest construction of new social housing here in South Australia in 20 years.

South Australia is receiving $434 million to build 1,360 new homes and upgrade 500 old homes. We were required to complete 173 houses by 30 June this year, and, as I have previously advised the house, not only did we meet this target, we exceeded it, and I am told that we are running under budget by more than $10,000 per property.

The Hon. K.O. Foley: Hear, hear!

The Hon. J.M. RANKINE: We are going to be spending it, though. In regard to stage 2, we are running under budget and are likely to build an extra 18 properties with the savings for a total of 1,378 new homes.

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: Also, $30 million of the $434 million was provided to upgrade and refurbish social housing. We increased the original target provided by the commonwealth from 391 to 500. We thought that we could do better—

Mr WILLIAMS: Point of order, Madam Speaker.

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

Mr WILLIAMS: This information might be of interest to someone but it goes nowhere to answering the question. The question was about people not going into houses because it is so close to Christmas.

The SPEAKER: Order! Just a moment, minister. Minister, can you just get—I can understand—

Members interjecting:

The SPEAKER: Order! The minister is answering the question. She can choose to answer it how she wishes; however, we are running out of question time.

The Hon. J.M. RANKINE: I am sorry, Madam Speaker, but I was asked about these homes that are under construction under the Nation Building Economic Stimulus package, and I am answering that question.

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: Point of order: the minister has confused herself. She said when she started that she was going to answer a Dorothy—

The SPEAKER: What standing order?

Mr WILLIAMS: But she was not asked a Dorothy; she was asked a real question about real people who can't get into the homes that have been built.

Members interjecting:

The SPEAKER: Order! I do not think there was a point of order then.

The Hon. P.F. CONLON: On a point of order, Madam Speaker: I cannot hear the minister speak. That is because the interjections on that side are so loud and so rude that I cannot hear them speak, and it sits ill in the mouth for them to insist on the standing orders.

Members interjecting:

The SPEAKER: Order! Sit down, member for Morialta, there is still a point of order going on. I would agree with your point of order there because I can hardly hear either. Sometimes they are quiet, but most of the time they are not. What is your point of order, member for Morialta?

Mr GARDNER: 134. The Minister for Transport continually raises long points of order, with great debate, which there is no provision for in the standing orders.

The SPEAKER: I think, if we start talking about raising points of order, you would need to be careful on that side. Let's forget the points of order and get on with it. Minister, can you finish your answer?

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: We increased the original target provided by the commonwealth—

The Hon. K.O. Foley interjecting:

The SPEAKER: Order! The Treasurer will be quiet.

The Hon. J.M. RANKINE: —from 391 to 500, and then we exceeded that increased target. Our nation building construction got off to a great start and the success continues. The very first nation building house was due for completion on 1 December 2009.

Mr Marshall: What has this got to do with it?

The Hon. J.M. RANKINE: Everything. It is about the houses and people going into them.

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: It is about people going into the houses, so if you would just be quiet—

Mr Marshall interjecting:

MEMBER FOR NORWOOD, NAMING

The SPEAKER: Order! I name the member for Norwood. Member for Norwood, do you wish to be heard in explanation?

Mr MARSHALL (Norwood) (15:13): Yes, Madam Speaker.

The SPEAKER: It had better be good.

Mr MARSHALL: I apologise to the house for that outburst, but I was just trying to bring up the—

Members interjecting:

The SPEAKER: Order!

Mr MARSHALL: —point where I thought that we were straying from the answer to the question that was asked.

The SPEAKER: You have had plenty of warnings, member for Norwood.

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (15:14): I move:

That the explanation not be accepted.

The SPEAKER: I put the motion. For the question say aye—

Mr WILLIAMS: Point of order, Madam Speaker.

The SPEAKER: All right, point of order and then we will move the motion.

Mr WILLIAMS: He has moved the motion, I am waiting for somebody to second it, and then I am going to respond to the mover.

The Hon. P.F. Conlon: No you're not, you are not allowed to debate it.

Mr WILLIAMS: Yes I am. You read your standing orders.

The SPEAKER: Member for MacKillop, there is no debate on a naming.

Mr WILLIAMS: Madam Speaker, my reading of the standing orders is that when—

The Hon. P.F. Conlon: It doesn't matter what your reading is; it's hers.

The SPEAKER: There is no debate on a naming, member for MacKillop. You can get up afterwards in a grievance if you wish to. The motion was that the member's explanation not be accepted. Is that seconded?

The Hon. M.J. Atkinson: Yes, ma'am.

Mr WILLIAMS: I seek a point of clarification, Madam Speaker. My reading of the standing orders is that, when the motion to not (or the motion to) accept the explanation of the member, one member from each side has the opportunity to debate that motion. On that motion being carried or defeated, but particularly if it is carried, then a motion is moved (or can be moved) that the member be suspended from the services of the house and there is no room or no opportunity to debate that question, which is automatically put.

The SPEAKER: No, member for MacKillop, there can be no debate on this. However, I need to put the motion that the member's explanation not be accepted.

Mr HAMILTON-SMITH: Point of order, Madam Speaker. The motion put by the member for Elder was that the member for Norwood's explanation not be accepted.

The SPEAKER: Yes.

Mr HAMILTON-SMITH: That matter is before the house now.

The SPEAKER: Yes, that's right.

Mr HAMILTON-SMITH: That matter is before the house now. The deputy leader has signalled that the opposition will be opposing that motion. Surely the house can debate that motion put by the member for Elder. It is not a motion for suspension of the member; it is a motion that the member for Norwood's explanation be accepted or not. Surely the house has a right to debate that proposition.

The SPEAKER: My advice and my understanding is that there can be no debate on the motion that the member's explanation not be accepted; therefore, I put the motion.

Mr VENNING: Madam Speaker, on a question of clarification, isn't it normal to have the member warned at least twice before naming him?

The SPEAKER: We have been through this. There is no standing order saying that the member has to be warned; it is a convention of the house. I explained on the last day of sitting that you may not get warnings in future. However, I have a number of times today in question time told off the member for Norwood. I have told him to be quiet numerous times—far more than the three warnings that are given normally; therefore, he has had ample warning. He has had ample warning in other question times. I think he knows that he has done wrong. The motion is that his explanation not be accepted; that has been seconded. I will put the question. The ayes have it.

Mr WILLIAMS: Divide!

The SPEAKER: The member will now withdraw from the chamber.

The honourable member for Norwood having withdrawn from the chamber:

Mr WILLIAMS: Madam Speaker, have you declared the vote?

The SPEAKER: Yes.

Mr WILLIAMS: We will divide.

The SPEAKER: You understand that what we have voted on is that the member's explanation not be accepted. We have not yet voted on the motion that he be suspended from the house. Division required; ring the bells.

The house divided on the motion:

AYES (25)

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

NOES (18)

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

The SPEAKER: I would point out that as the motion related to whether the member's explanation be accepted, the member for Norwood could or should have returned to the chamber. However, it does not make any difference to the vote.

Majority of 7 for the ayes.

Motion thus carried.

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (15:24): I move:

That the member for Norwood be suspended from the service of the house.

Motion carried.

QUESTION TIME

EMERGENCY HOUSING

The SPEAKER: We will now return to question time. Minister Rankine, do you still have some more to answer?

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Housing, Minister for Ageing, Minister for Disability) (15:25): Madam Speaker, I have only just started.

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: I have only just begun. The very first Nation Building house was due for completion on 1 December 2009. However, it was finished on 10 November, handed over to a Housing SA office on 24 November and allocated to tenants on 28 November—all while it was still scheduled to be a building site.

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: At the start of this month, 401 new properties and 503 upgrades had been completed with 691 of the houses allocated to tenants, and the process continues. More houses will be completed and more families will be housed as they are handed over. To complete construction of 1,011 homes by 31 December—not Christmas, 31 December—is, and always was, an ambitious target and our winter rains no doubt posed problems for the builders contracted to do the work.

This government does not shy away from ambitious targets, but the report that there will be 800 new completed Nation Building houses vacant over Christmas is simply not right. This makes two assumptions: that every property is completed by every builder before 31 December, and accepted without faults, and that Housing SA will not allocate a single new property between now and the end of the year.

I can assure you, Madam Speaker, that Housing SA is in the business of housing people. We provide 45,000 houses on an ongoing basis. We allocate between 2,000 and 3,000 to new tenants every year and last year we helped more than 21,000 people with private rental assistance. Now, the Liberals may sit back over the holidays and do nothing but we continue to put our shoulders to the wheel and keep working to help those in need. As these new homes are completed, they will be allocated—either by Housing SA or one of the non-government organisations that are thrilled to be receiving these houses—as soon as the internal works required by Housing SA are completed.

Indeed, the 2010 Productivity Commission's Report on Government Services showed that South Australia had—let me just make these points: South Australia provides public housing assistance at the lowest cost in the nation. We have the highest per capita percentage of public housing stock in the country and we rank second nationally in turnaround times. In fact, we averaged 22.7 days compared to a national average of 26.2 days. This means that more people get stable and affordable accommodation earlier.

Apart from houses due to be completed by the end of this year, it is important to remember the Nation Building program is focused on providing both jobs as well as affordable rental housing. The Nation Building Economic Stimulus package is supporting the $130 million urban renewal of Woodville West. It is also supporting the 16-storey, $50 million, UNO Apartments on Waymouth Street that have just started construction. It is providing housing for people experiencing homelessness, domestic violence victims—

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE:—people with disabilities, as well as children who cannot live safely with their parents. This program is on target to deliver housing, jobs—

Mr WILLIAMS: Point of order, Madam Speaker.

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: You said about 15 minutes ago that this minister should get on and wind up.

The SPEAKER: I presume your point of order is relevance. We don't need any more comment. Minister, can you wind up your question? Question time has finished.

The Hon. J.M. RANKINE: Thank you, Madam Speaker, but I was asked a question and I am undertaking my duty—

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: If it were up to the Liberals—

Members interjecting:

The SPEAKER: Question time has finished. Minister, I would ask you to wind your question up.

The Hon. J.M. RANKINE: If it were up to the Liberals, none of this would be occurring. They voted against the stimulus package in the federal parliament—

The SPEAKER: Order!

Mr WILLIAMS: On a point of order, the minister is debating.

Members interjecting:

The SPEAKER: Order! Member for MacKillop, sit down. I don't think that was a point of order because she had only just started talking and you jumped up again straightaway, but I think the minister has finished her answer. The house will note grievances.

The Hon. I.F. EVANS: Point of order, Madam Speaker. I ask you to clarify to the house why, on 14 May 2002, when the then member for Bright was named, a debate occurred on the question of whether the explanation be heard.

An honourable member interjecting:

The Hon. I.F. EVANS: It was your government, minister. I am asking, if the same standing orders applied on 14 May 2002 when a debate occurred on that motion, why is it a debate does not occur now?

The SPEAKER: I have no idea why a debate occurred in 2002 when the Speaker was speaker Lewis, but I can guess. I will come back to you and answer. My advice from the Clerks and my opinion is no debate will occur, but I will come back to you later with that.

GRIEVANCE DEBATE

CRANFIELD UNIVERSITY

Mr PISONI (Unley) (15:31): Today, we exposed the Premier's 'mirage in the square' or the 'TARDIS university'. Premier Mike Rann's claim that the UK-based Cranfield University has a campus in Adelaide is nothing more than a hoax. Cranfield University's Adelaide campus was opened by His Royal Highness the Duke of Kent in 2007 and has since been regularly promoted by the Premier as part of his pet university city project. Premier Mike Rann told the National Press Club in 2008 (forget what he said today) that 'we are also home to a campus of UK-based Cranfield University'—not a presence, a campus is what he told the National Press Club.

Of course, this Premier has a record of telling the media one thing but something else when he is in the parliament, when he knows he is held accountable. He is not held accountable when he speaks to the media, but he is held accountable when he speaks in this place. That is why often we get different stories out of the Premier in the chamber from those he tells the media. It has been a dishonest campaign by this Premier. How do we know that?

The Hon. M.J. ATKINSON: On a point of order, the member for Unley has accused another member of the house of dishonesty. I take objection. I ask him to withdraw.

The SPEAKER: I am sorry; I could not hear for the noise that was happening in the chamber what actually happened. I understand you are accusing the Premier of being dishonest; is that right?

Mr PISONI: No, the member for Croydon—

The SPEAKER: I suggest you withdraw any allegations.

Mr PISONI: I did not say that the Premier was dishonest. All South Australians know the Premier is honest, and that is why they believe him over Michelle Chantelois, but the point here is that I was saying that it was a dishonest campaign. I did not say that the Premier was dishonest.

The SPEAKER: I will uphold that point.

Mr PISONI: The Cranfield University in London has advised that there is no campus in Adelaide and that no students have been registered. This was in an email direct from Cranfield University in the UK. Phone calls to Cranfield University's Adelaide office are sent to a message bank and returned by the Department of the Premier and Cabinet, with departmental staff advising that the Department of the Premier and Cabinet is currently managing the office. The Department of the Premier and Cabinet staff also advise that there are no courses available. Despite the Premier's claim, there are no courses available and the office is closed for the interim.

The door into the Cranfield University campus in Victoria Square is locked. The Leader of the Opposition and I tried it today and, no, we could not get in; it was locked. The Cranford University website does not list the Adelaide campus under 'Our locations', and the South Australian contact email for the university website bounces back, saying 'user unknown'.

So, this is the campus that the Premier of South Australia, supported by his cabinet, has said resides here in Adelaide as part of that university campus. We know that the Premier has form when it comes to false campuses in South Australia and $250,000 in dead rent paid for the second campus of Carnegie Mellon University. We all remember that—the Entertainment and Technology Centre, $250,000 paid by taxpayers of South Australia for another pet project of the Premier of South Australia. Then what happens? We get budget cuts to our hospitals, our schools—budget cuts right throughout the state budget because this government cannot manage its finances. It is happy to provide money for pet projects for the Premier so that he can be out there and rub shoulders with the rich and famous.

What are some of the names that we have heard the Premier drop? We all know about Lance Armstrong and the Duke of Kent. There was some relative of Kennedy and, of course, there was Dunn Gifford who was there when Kennedy was shot. Do you remember that story from the Premier? His camera was up there filming the whole lot, and he put it on his website. Beautiful, Premier! Absolutely beautiful! Very self-indulgent, I must say. That is this government.

How do we know that the Premier is running a fake campus of Cranfield here in South Australia? Because his office told us. A phone call to his office on the number advised by the return call left on the message machine—and I know it is getting complicated, but there was a message

machine. The phone does not even ring actually; it goes straight to a message machine at Cranfield University and then it is returned by the Department of the Premier and Cabinet.

We will not reveal the names of those engaged in this conversation but the member of staff at the Department of the Premier and Cabinet answered, 'University City project. So-and-so speaking.' The caller: 'Yes, my name is such and such, and I have a message on my phone from you. It was a couple of weeks ago.'

The SPEAKER: The member's time has expired. I think you probably need to continue these remarks at a later time.

FRANCHISE LAWS

Mr PICCOLO (Light) (15:37): Today I wish briefly to bring the house up to date with some progress being made across the country regarding the reform of franchise laws, which is something that has been debated in this house on a number of occasions, and also reported through the Economic and Finance Committee. Today I wish to speak in support of a member of the WA parliament, Mr Peter Abetz MLA for Southern River. I understand that Mr Abetz is the brother of a more famous senator from the—

An honourable member: Eric.

Mr PICCOLO: Eric Abetz, that is correct. Mr Abetz is a member of the Liberal Party in Western Australia and probably not known for his more progressive views; that would be a fair comment. Peter is quite a conservative chap. I have met Peter and we have one thing at least in common: we believe that small business and mum-and-dad investors in the franchise sector should be provided with some reasonable level of protection against rogue franchisors.

On 13 October this year, the member for Southern River introduced a private member's bill into the Legislative Assembly in WA to provide for a fairer playing field for franchisees. The bill was similar (but not identical) to the private member's bill I introduced late last year in this place. The bill goes a bit further than mine in two regards. However, that reflects the circumstances in WA. I indicate my strong support for the actions of that member in WA and I think what he is doing is both honourable and required in that state, as it is in this state. What he is trying to do is to ensure that there is some fairness for franchisees.

The bill has received support from the Labor opposition in that state but it has been strongly opposed by the Franchise Council of Australia—surprise, surprise. More importantly, it has received some opposition from members of the Liberal government in WA. I will quote from the second reading explanation of the Franchising Bill 2010 to give you a flavour of what the bill is about and to point to why Mr Abetz has introduced the bill:

> However, there are a small but significant number of rogue franchisors in the market who are undermining confidence in the franchising sector by their unethical and predatory conduct. This leads to ordinary mum and dad investors losing everything through no fault of their own.
>
> At the heart of this ongoing problem in the franchise industry is the lack of real reform that addresses the fundamental inequities that exist between franchisees and franchisors and the abuses of those inequities by rogue franchisors.

Mr Abetz goes on to say that understandably there is a difference of power in the franchisor-franchisee contract to allow the franchisor to adjust the business model, which he does not disagree with, and I agree as well. However, it is that disparity in power and also lack of redress that franchisees have that is the major issue. So, the member from WA is quite correct. What his bill seeks to do is to provide some protection for franchisees.

Mr Abetz goes on to say that good franchisors are already dealing in good faith, namely fairly, honestly and reasonably and cooperatively, and they already adhere to those provisions of the franchisee code of conduct. The people who oppose this bill are the people who want carte blanche to basically stomp over little mum and dad business owners in WA.

Some of the things that have been said by the FCA and some other franchisors are outrageous in the extreme. One franchisor, the QSR Group, which owns the Red Rooster, O'Porto and Chicken Treat brands, in other words, your takeaway businesses in WA, says that he will move his businesses away from WA to the eastern states because the eastern states franchisors will have a competitive advantage.

I am not sure you can move your takeaway business to an eastern state. Does that mean that we will have mail order hot chicken and chips? Will they send it by post to you? They are

making outrageous comments to scare the government over there not to support this. What they want is carte blanche, as I said, to do as they like. The chief executive Mr Mark Lindsay is quoted as saying:

> We are concerned that the good faith aspects of the bill will result in potential litigation (by franchisees).

That is the nub of it: they do not want franchisees to have the ability to fight back and protect themselves. It should be allowed. Franchisors can do it. If you are breached by a franchisor your franchise is closed up. I would support this bill and ask members to support the Liberal member in WA in his endeavours.

TRADE AND ECONOMIC DEVELOPMENT DEPARTMENT

Mr HAMILTON-SMITH (Waite) (15:41): I raise the question of the relocation of the Department of Trade and Economic Development from plush offices at Terrace Towers, 178 North Terrace, to even plusher offices in the Conservatory Building at Hindmarsh Square, located at 131-139 Grenfell Street. The development was a joint venture between the Hines Group Australia and Babcock & Brown. I have visited the building. The Hines family has done a great job with this development, but some serious questions need to be asked about the connection with Babcock & Brown and the Labor Party, and I am going to point to that issue.

The Department of Trade and Economic Development is now located in this new Conservatory complex. In 2002-03, Babcock & Brown donated amounts of around $34,500 to the Australian Labor Party, New South Wales branch, according to the Australian Electoral Commission website. In 2004-05, Babcock & Brown also donated an amount of $63,500 to the ALP, New South Wales.

It is here that the chronology gets interesting. The Conservatory was listed as a proposed major development in the *Government Gazette* in South Australia on 27 May 2004. The proposed development was for the construction of a 19 level residential apartment tower and podium (10 storeys high) containing 127 apartments, with ground and part first floor retail and office use, but in September 2005, the *Government Gazette* listed changes to the development as follows: the number of apartments was reduced from 124 to 72 and 'more commercial space is included with an increase from 832 metres squared to 3,600 metres squared'. That is in the context of this having been declared by the state government as a major project, thus facilitating planning expediency.

On 15 May 2006, after this decision, Babcock & Brown then donated an amount of $20,000 to the ALP South Australia. On 12 October 2006, Babcock & Brown donated amounts of $1,000 to the ALP South Australia, and in 2006-07, donations of around $20,000 to the ALP New South Wales.

Cabinet approval for the development in Hindmarsh Square was given in September 2008, contrary to information provided by the Treasurer this morning on ABC 891. A design architect was appointed in December 2008. The Public Works Committee heard about the proposal in May 2009.

The submission to the Public Works Committee stated that the total space to be fitted out would be 3,600 metres square. The Sustainable Budget Commission was announced by treasurer Kevin Foley on 4 June 2009. The Public Works Committee reported on the proposal on 16 June 2009 to parliament. The project was then tendered out in July and fit-out and construction occurred in August. This project could have been stopped.

Fit-out was completed in December 2009, and DTED occupied in late December/early January just prior to the state election. Since then 78 people have been sacked from DTED, reducing the number of people who can use this site. According to ALP Electoral Commission information, the total of Babcock & Brown donations to the ALP since 2002 are of the order of $271,000.

Some questions need answers, Madam Speaker. Why was it necessary for DTED staff to move at all? Having moved, is it costing more or less? My advice is that it is significantly more in rental at the new location and that, in fact, for Terrace Towers it was around $1.172 million per annum but for the Conservatory building it will be around $1.6 million in rent per annum, with a 4 per cent rent increase each year.

Is the department now being forced to sublet two of five levels it fitted out and has occupied? How did the Rann government deal with the potential conflicts with Babcock & Brown? Who approached who about increasing the commercial space? Why was the Conservatory chosen by DTED for relocation? Was the rental at a competitive market rate?

Was cabinet advised of the donations to the Labor Party? Who absented themselves from the decision? Why was the Public Works Committee not advised of the donations and the potential conflicts? Was any funding provided to the SA branch of the ALP from New South Wales or national headquarters prior to the state election? Has this matter been referred to the Auditor-General? This whole move of this department is questionable on costs, on process, on probity and on principle, and it warrants further investigation.

BURTON

Mrs VLAHOS (Taylor) (15:46): I rise today to speak on the suburb of Burton, which celebrated a number of important anniversaries recently. Burton is a residential suburb approximately 21 kilometres north of the CBD of Adelaide within my electorate. It is located about five kilometres north-west of Salisbury on the Adelaide Plains and contains two important wetland areas, including the Kaurna Park. The Indigenous Australian Kaurna people occupied the land of Burton and the surrounding Adelaide Plains area prior to European settlement, and a Methodist chapel was built in the area around 1858.

The Burton Primary School (R-7) is a local school that opened in 1990 (when the suburb was extraordinarily young and largely fields and paddocks), with its original principal, Wayne Dobbins, still managing the school today in an excellent manner. The school educates up to 400 students each year, and many of the student population come from non-English speaking backgrounds, and around 15 nationalities are represented at the school.

English as a Second Language is an important program at the school, as is the maintenance of mother-tongue languages. Burton Primary School recently opened its new BER hall with a memorable morning that celebrated the first 20 years of the school, with past and present students and 20 significant school friends who have helped establish the school's values of excellence in education over this period.

Each of the special friends was matched on the stage with a student with a special birthday cake, and an amazing Beatles' celebration song was sung. The school community is very proud of the new hall and how it managed to squeeze every last cent from the budget to maximise the school usage options. The hall includes a full court sized gym, a school canteen, an OSHC space for after-school care, a foyer, kitchenette and storage space.

The school is looking forward to the Education Works project to merge the Burton Primary School with the Burton Park Kindergarten, and this will create an exciting birth to 7 school. Also, in the same week of that celebration I had the good fortune to celebrate with the Burton Neighbourhood House. The house organising committee, led by councillor Chad Buchannan, provided a great celebration dinner based on the theme of the community growing together over 20 years.

Historically, the area had very limited infrastructure which was servicing the local community. Originally, the house was built in paddocks and very little else was around it. This meant that the Burton Community Centre was highly valuable to the community. Burton as a suburb has since evolved and developed to include a shopping centre, a very new petrol station and several restaurants.

It is a multicultural community, with residents coming from places such as the United Kingdom, Vietnam, Poland, Italy, Greece and many other countries. When the centre first opened in 1990 it was mainly providing craft activities and programs aimed at women and children within the community when transport was limited.

Over the years, the centre has improved the types of programs it offers and has now aimed for a wider audience. For example, there is now on offer a playgroup, fitness classes, an IT suite, legal advice, a community cafe, as well as traditional art and craft activities. They also provide opportunities for professional development, with speakers on improving career options and resumé-writing workshops.

A fundamental aspect of the centre that remains strong to this point is the importance of community and social interaction within that community. As there are not many options for local residents, particularly those who do not have access to transport, the centre is in walking proximity to many of the things that are important to these people, and they are learning to grow, interact and strengthen the community because of it.

The City of Salisbury, in partnership with the Football Federation of South Australia, is currently developing several soccer pitches, spectator facilities and a function centre, a cafe and a

playgroup adjacent to the community centre. This will certainly provide a vibrant mixed-use community hub over coming years. I praise these two organisations for the strength of community they have brought to this area in northern Adelaide.

SOUTH ROAD

Mr GRIFFITHS (Goyder) (15:51): I wish to talk today about South Road, and specifically the accident that occurred yesterday morning at approximately 10.30 where a truck in the left-hand lane hit a Stobie pole, brought that Stobie pole down and caused the disruption of traffic on South Road. This was quite a frightening incident, but it exemplifies the fact that there is an enormous amount of infrastructure work that needs to be done, especially on that main transport route, being South Road, as it takes so many goods and services and people from the north and south of Adelaide.

When the media announcement came about this accident, I was immediately concerned, and a quick bit of research in our office identified that this problem should have been fixed some time ago. I have in front of me a comment by minister Conlon in April 2005 about the commitment of funds to widening this portion of South Road between Torrens Road and Port Road. It identified the fact that it is a congested area and that the four lanes are very close to each other. It talks about the need to ensure that it is safe. However, the $47 million commitment that apparently was made then—and later reaffirmed by premier Rann in February of 2006, again talking about $47 million to widen South Road between Port Road and Torrens Road—has not been delivered. My real fear is that this accident has been caused for that reason.

Anybody who lives close to that section of South Road or has any reason to travel on that section of South Road, and anyone who has been through there and observed it in peak time can appreciate that it has been an accident waiting to happen. It did not, regrettably, come as a surprise to me. I have a brother and sister-in-law who live very close to that area—just to the east of it, probably only 300 metres away. I have been on that section of road many times, in some periods when it is not quite so busy and other times when it is very busy, and it is obvious to me that you really have to have your total wits about you.

There are signs posted that identify that large vehicles—the semitrailers and the trucks—need to be in the middle lane. On this occasion though, regrettably, the truck was in the left-hand lane, it clipped the Stobie pole, brought down the powerline and disrupted traffic for over a day and a half. Luckily, it did not actually cost anyone their life or cause a serious injury. However, it is an example of what can occur when money for infrastructure that really needs to be upgraded to provide the capacity to cater for increased traffic movements that are going to occur in South Australia does not actually translate into works being carried out on the ground, even when commitments are given in dollars in previous years, and in this case the money was re-announced before the 2006 budget after the original announcement in 2005. That is what I think the people of South Australia have to be very fearful about.

On talkback radio today we heard people ringing in to relate their own stories of being on this road and the side mirrors of vehicles actually hitting each other, because vehicles get so close. Everybody wants a little bit of space. The side mirrors of vehicles travelling north and south were actually hitting each other and smashing off. Imagine what would have happened—for just an extra six inches from each of those cars—if they had had that head-on collision, how many people would have been injured from this. It really does exemplify to me that this section of South Road is desperately in need of an upgrade.

I ask the minister—and I know it has been very much a topic on talkback radio today—when is that commitment actually going to translate. We know about the superway that is occurring on the northern end of South Road. Over $800 million is being invested there, but it appears to me that there are far worse sections of South Road a little bit further south than the area that they are working on now that really do need that work to happen, because serious accidents there would be of great concern.

I know that in the nineties purchasing the land was undertaken to allow traffic widening to occur there. So, if the money has been committed, why hasn't it been carried out? The people of South Australia have suddenly become fearful of the fact that it is another example of the commitment being given by the Labor government which does not translate into work on the ground. They are sick of promises being made and not delivered. They want to make sure this road is a safe one.

This money still needs to be there. It has been pulled out into the forward years. The project has been delayed, but the people who use South Road are sick of it. They want to make sure that this work happens, and they want to make sure that South Road becomes a safe road to travel on without fear of an accident occurring.

WOMEN'S STUDIES RESOURCE CENTRE

The Hon. S.W. KEY (Ashford) (16:00): My contribution today is with regard to the Women's Studies Resource Centre. The centre began as a result of the first National Conference on Sexism in Education in 1973, and was convened by the Women's Liberation movement, and subsequent women's studies courses were established at Flinders University, Adelaide University and in some of the TAFE campuses.

The education department held a conference entitled 'Women in Education', reflecting its concern with the position of women and girls in our society. It was found that teachers and students involved in the new women's studies courses—me being one of those students—became aware of the shortage of resources for the study that we were undertaking.

A group of women from various fields of education began meeting with the aim of developing a women's studies curriculum for secondary schools and bringing together the resources that were necessary for such a course. With a grant from the Australian National Advisory Committee for the International Women's Year, the Women's Studies Resource Centre was established in July 1975. It has worked tirelessly since that time to provide education resources to the department of education and its students, TAFE and its students, adult community education, the Workers Education Association and a number of community and neighbourhood houses that provide education. There are others that I am sure would be included in that area. I know that certainly in the early days both Flinders University and Adelaide University availed themselves of this unique resource.

The Women's Studies Resource Centre has a number of admirers on both sides of the house. I was very pleased to have a discussion with the new member for Adelaide, who has not only visited the centre but has understood immediately the need for this resource. She and I discussed the fact that we wanted to raise the Women's Studies Resource Centre in this house, and I am doing that today with her support, and with support from member for Bragg as well.

I need to say that the Labor women certainly on this side and in the other place have a great regard for the Women's Studies Resource Centre. We are very keen to make sure that the work that the Women's Studies Resource Centre does continues.

I am told that, through the education department, students from all over South Australia, from Aberfoyle Park to Angaston, Birdwood, Brighton, Kimba, Le Fevre, Mount Barker, Naracoorte, Streaky Bay, Wudinna high schools and area schools have accessed resources at the Women's Studies Resource Centre. I am also told that mature age students in particular—and having been one of those students I can verify this from my own experience—from Marden Open Access College, Marden Senior College, Hamilton Senior College and Para West Adult Campus are also users of the Women's Studies Resource Centre.

There are students, certainly in this year, who have come from Adelaide city, Berri, Elizabeth, Mount Barker, Noarlunga and Port Adelaide institutes of TAFE, and they find these resources very important for the courses that are provided by the Women's Studies Resource Centre. Because there has been an issue with funding for the Women's Studies Resource Centre, there has been, in recent times, I am advised, discouragement to TAFE and secondary students borrowing or even contacting the Women's Studies Resource Centre. However, I am further advised by Marilyn Rolls, who is the chairperson of the Women's Studies Resource Centre board of management, that in fact just recently there has been an increase in book borrowing during the four-month period from 1 July to 31 October.

In fact, because of the services the Women's Studies Resource Centre is now offering, there has been a considerable student interest in Facebook and pages like the Women's Studies Resource Centre website. Let's hope that the Women's Studies Resource Centre can continue to provide its excellent service to all of us in South Australia.

STATUTES AMENDMENT AND REPEAL (AUSTRALIAN CONSUMER LAW) BILL

Adjourned debate on second reading (resumed on motion).

Ms CHAPMAN (Bragg) (16:00): COAG's objective in agreeing to establish an Australian Consumer Law was to remove overlapping and inconsistent regulation between the jurisdictions in respect of fair trading and trade practice controls. The expectation was that this would improve business efficiency, reduce red tape and improve consumer confidence. That was conveyed to us in the second reading contribution by the government in this house and also by the Hon. Gail Gago in another place. I think that is a fair assessment of what their objectives were.

The government's spin on all this, though, is a different story. The government's spin, in the words of the Hon. Gail Gago, is that this new bill will 'give effect to one of the most significant national reforms of Australia's consumer protection laws'. In explaining that this was a bill to provide national coverage of this new law, she goes on to say:

> For business, the Australian Consumer Law is a step towards a seamless national economy which reduces regulatory complexity and allows for greater efficiencies. For consumers, this single national law will provide a consistent set of rights wherever goods or services are purchased in Australia.

Spin on spin comes after a press release which was picked up in September by *The Advertiser,* which ended up with a headline 'End of the fine print: improved laws to protect consumers' in relation to an article in which the Hon. Gail Gago as the consumer affairs minister outlined her assessment of the significance of this legislation.

I simply say to the house that the reforms proposed in the Australian Consumer Law, which we are adopting into South Australian law, are important and we will support them, but they are hardly the most significant reform in this area in Australia. In fact, when we look at what South Australia already has, there are only a few areas in which the application of this law (whilst it may make it uniform across the country) actually provides any direct benefit to South Australians. I just want to refer to them briefly because they are not unimportant; they are certainly not in the category that the Hon. Gail Gago purported to present to the public of South Australia, but they are to be supported.

Essentially, the suggestion as highlighted by this headline is that this new law will grant the power to challenge unfair contracts. That power already exists; there is a capacity to make those claims. It suggests that there will be the opportunity to challenge the validity and enforceability of the fine print, for example, on airline tickets or in telephone plans which the unwary consumer, in signing up to these purchases, may overlook in not reading the fine print or all the clauses of the new contractual agreement.

The truth is there is some capacity already to ensure that you are not bound by the obligations that sit within these, but I also alert the house to the fact that it is also important that, when anybody signs a contract, they read the contract that is put before them. Sometimes they are verbose and sometimes they are not in plain English, as is said, and therefore they are confusing to many consumers who are expected to sign them before they can participate in a service or have the product which they seek to acquire.

What this law does, though, is enable a new element, but not without some cost and time. Essentially, the new element is, rather than being able to prove that there is an unconscionable expectation in the clause of a contract, if a term, a part of that contract or a clause of it is unfair, there is an opportunity for that to be excised—that is, declared as unenforceable by a court and then excised—and the balance of the contract is still able to be enforced.

What I think members ought to be aware of is, notwithstanding the headline and the minister's press release, this still requires a party who is seeking relief under the contract to make their application, to go through a court process, etc. So, it is not as though this is just some panacea of protection that is added to the options we already have in South Australia. It proposes, and I hope it is successful in this, to make it clearer and perhaps easier to be able to establish if a clause is unfair rather than simply being unconscionable or contrary to public policy and all the other thresholds which are necessary to otherwise claim that under our current law.

The other matter is that it allows for the full refund to consumers who might cancel a lay-by within a certain time frame. Lay-bys, of course, are where the consumer will contract to purchase a product on the basis that there is usually a deposit and then, over an agreed period of time, payments are made.

This was a common form of financing the purchase of a product way before we had credit cards. I can remember that, in the 1970s, we were studying the Consumer Credit Act and the Consumer Transactions Act of South Australia—when we moved from the old hire purchase model to consumer mortgage models of lending for the purposes of buying something under a time

payment—this was a common practice. It may still be quite common. I do not know how many retailers now offer lay-by.

If it has diminished, it is probably through no small advent of the fact that we have so many offers available to consumers from retailers to be able to acquire products and have interest-free repayment arrangements. You do not even have to lay-by it anymore. You can take the product with you and you may not have to pay for that product for one, two or three years, which is effectively an interest-free loan until the obligation for payment is called in.

I assume that the benefit to the retailers is that they expect that the lounge suite that you bought from them is worn out by that time and you will have to do enter into a new agreement when you come back in three years' time and have to pay up. In any event, that is one of the reforms that is proposed under this legislation which will be tidied up, but there is a time frame requirement.

There is also a cooling-off period of 10 days for people who buy products over the phone which obviously allows them to change their mind and get their money back. That is a clause which, again, tightens up our current system, under which there have been, I think, significant submissions made by businesses in certain areas of industry and retail which have sought exemption and, for good reason, have been excluded.

There is also a reduction in the hours in which door-to-door salesmen can visit houses. Essentially, under this legislation, as of 1 January 2011, a door-to-door salesman can only come and offer to sell you a product between 9am and 6pm, unless there have been prior consenting arrangements for an appointment outside of those hours. Currently it is to 8pm, and just to indicate to you whether this legislation is a great reform or whether it is a tinkering around the edges, all that this part of the legislation will do to affect what we currently have in South Australia is reduce the time that they can come by two hours a day. It is not groundbreaking, it is hardly revolutionary, and in my view it does not actually deal with what is a much bigger problem.

I do not know about other members of the house—perhaps I am not home often enough—but I do not have a lot of door-to-door salesmen coming to my house uninvited these days. I have a few people who want to push a particular voting intention in an election, I have all sorts of people turning up to ask for money, and I have plenty of uninvited advertising mail in my letterbox. However, I do not have a lot of people who come along with their little suitcase, like the old Rawleighs product man who used to come round to offer me different types of food additives to buy as a door-to-door product.

What I do get—and I am sure other members get—are plenty of phone calls, if I am home between 7pm and 8pm, from someone who is usually ringing from India, or someone who wants to do a survey, or someone who wants to sell me a product over the phone, or someone who wants me to contribute to a charity. There is a national register that enables me to register with a commonwealth body whereby I can be relieved from being on someone's list. The Hon. Gail Gago certainly mentioned it in her contribution. The Do Not Call Register Act of 2006, which is commonwealth legislation, enables you, as I understand it, to register so that your name on a list cannot be flogged off so that some charity or retail person can ring you.

This is quite an issue, I might say, because the trading of lists of names between organisations is very big business. I remember taking Australia Post to task on this some years ago because of their representation in correspondence to encourage people to go on a mailing list. The prospective recipient of this had no idea that they would become party to the provision of this information for purchase by charities and commercial enterprises for their own advertising or fundraising pushes. In any event, that federal law does provide the opportunity on a voluntary basis for you to register and not be pestered over the phone.

So it is reform, it is two hours fewer that they can come and knock on your door, but frankly that is not the big problem. The big problem now is that you can hardly ever sit down for a meal without having somebody telephone you seeking your answers to a survey, fundraising or pushing a product.

The other area is, I suppose, essentially a simplification of language and processes, and this does provide for some modification to our state system by the guaranteeing of consumer rights when buying goods and services, which replaces our current laws on conditions and warranties. Again, I do not see this as monumental, but I see it as acceptable for us to support, and hope that it will actually provide some benefit to the consumer. There is supposed to be a simpler and speedier process to enable us to have product safety law and enforcement systems.

From memory, but I will have to go back to look at the act—and I am sure I will be corrected by the minister if this is not right—there are enforcement penalty powers and consumer redress options which are based on the current Trade Practices Act and which have been incorporated into the bill. So we have some modification of what has been a very good system in South Australia, which was pioneering in its day and which has stood us in good stead. Nevertheless, there will be the introduction of this legislation in the remaining states.

I noted that when minister Gago was going public on this issue about this great reform she included in her advice to the media that the South Australian government was the second state to put the national consumer changes before its government. Victoria had already done so in the preceding months. This is typical spin of the government. The reality is that putting something to the government, after you have had your Premier go off and sign something in June 2009, attending the COAG meetings, does not do anything to deal with the fact that it needs to come to the parliament. It is the parliament that has to make the decisions ultimately on these matters.

I think it is rather cheeky of the minister to rush out and say, 'I put this issue before my own government.' What she needs to understand is that, while they might have the privilege of office and the opportunity to control the chequebook, the legislation is in the realm of this parliament. So it is hardly surprising, when we come to find where they are in the rest of the country on advancing it through the parliaments where these decisions are made, that we are pretty much ticking away at the end.

What has happened already in the other states is that Queensland, Tasmania, Victoria and Western Australia have all introduced it into their parliaments and dealt with these matters. Really, in South Australia the reality is that we are pretty much a Johnny-come-lately in dealing with this aspect.

The model adopted essentially allows a national law to be included in our state laws. We deal with the 'harmonisation'—and this is the new word this decade of having consistency across jurisdictions—in a number of ways.

The DEPUTY SPEAKER: Harmonisation?

Ms CHAPMAN: Harmonisation of laws. Everyone is going to be happy and harmonious. Everyone is going to have the same. It is the one-size-fits-all model. Sometimes we think it is a good idea to have uniform laws and all that lovely harmony so that we will transfer our own powers for dealing with something to the commonwealth. Sometimes we all just pass laws that are the same.

In this instance, it is another model and it is where there is a federal law passed, and we think it is a good one, and it has been worked up and everyone has had a say about it, so we are prepared to say we will just bring that into ours and make it part of the South Australian law. Sometimes we think it is a good idea to transfer our law-making power on a certain topic to the commonwealth, we just let them make the law and we do not make any. We just repeal what we have ever done before, we let them make the law and they cover the field, so to speak. That happens from time to time.

In the time I have been in the parliament, I have never known the reverse to happen, where the commonwealth says the states would be better off to deal with this and that it might be in their interests to take it back to their jurisdictions and recognise the differences between jurisdictions, respect those differences and enable those communities to make those assessments for themselves. In the eight years I have been here, I have never seen that. I think I was in law school in 1975. Never in that time have I known a government to stand up in this state, represented in the federal arena, where we have had something handed back; perhaps I will live long enough to see that one day, and I hope I do.

I am not a signatory to the idea that, just because everything is uniform, everyone is going to be happy. Harmonisation, I think, is rather a misnomer. We should understand that there are jurisdictional differences. Members will recall the significance of other attempts that this parliament has made with the federal government to harmonise laws and to provide for national legislation, of which we are all participants.

One was the health practitioners legislation. I see the shadow minister for health coming in, so he must be very interested in this topic. In that instance we used a different model again. The opposition insisted that the government come up with a model for that legislation which enabled us to have more control over what would happen on the future amendment, or development, of that

legislation. I am glad that was insisted upon and that the government did finally accede—I hope it did—to the fact that it was an improvement for South Australia for that to occur.

In that legislation alone, one example comes to mind; that is, we discussed in this parliament the significance of making it necessary for a medical practitioner to provide a prescription for a young person who might buy what is called a plano lens, which means it is not for the purpose of being able to see better but it is for cosmetic purposes. This was very popular, apparently, particularly with young girls who would like to have cats eyes, green eyes or blue eyes, a different eye colour; it was a fashion accessory.

The health professionals of the day advised members of this parliament of the importance of the protection of the eyesight of these young people, and we insisted that it be in our legislation to require a medical practitioner, and I think there are other categories of qualified medical people, to prescribe that before they could be sold. You could not just go along to the Royal Show and buy a packet of them. We thought that was a good move.

When the national health legislation was considered for the registration of our health professionals, the other states did not have this and they did not want to have it, but it was one aspect that the minister for health in our state insisted needed to stay. So, we have ended up with all these different hybrids as to how we deal with national harmonisation and uniform laws, not always for the better, and in some we have had a national system but with a bit of ours tacked on.

Let me give you the other example of why sometimes going national is not always smart. I have already mentioned that in South Australia we have been pioneering in our own consumer protection laws, although not so much looking at streamlining and simplicity from the business point of view. Big businesses that deal with people interstate do not want to have their lives complicated by different rules and regulations in each state, but we were pioneers in the consumer protection legislation from a consumer's perspective.

Let me give you another example which, I think, illustrates where we can go wrong if we simply jump on board with what is a perceived benefit by being uniform. In the 1970s, we had legislation in South Australia dealing with children in the event that their parents were unable, or unwilling, to look after them. In circumstances where the natural parents of the children were known, there was an obligation to make financial provision for them. If the parents or guardians parted, for example, there would be child maintenance orders.

In South Australia, if someone was employed and they were obliged to pay child maintenance and they did not pay then their wages could be garnisheed by court order. We also had a special power, which the old minister for community welfare used to have, which was to place a caveat on that person's house.

In fact, it could only be removed by the minister for community welfare. It was not used very often, but, let me tell members, it was very effective because the overwhelming problem we had in the enforcement of maintenance obligations—payment for children—was the person who was not regularly employed and who did not have a salary to which you could garnishee, who ran their own business, for example, or who was in intermittent employment and who could easily avoid their obligation by simply claiming that their taxable income was X and that they just simply did not have the funds, even if they were driving around in a nice car and lived in beautiful homes.

This was the major area of default, but a caveat would sit on that person's house and, when they decided that they wanted to borrow some more money or sell their house and buy a new one or a bigger one or whatever, the chickens would come home to roost, and they could not do anything without paying their obligation to the state which had continued to make provision for the entitled party. It was very effective.

There are other jurisdictions around the country—except for Tasmania—which had very early de facto property entitlements. In fact, the first adult maintenance claims in Australia were for de factos on the basis that that entitlement was born over 100 years ago as a result of unmarried women being frequently the concubines of males in Tasmania and having children. Women were fairly scarce in the colonies, so this was a by-product of that—but I divert. I just go back to what I was saying, that is, the other jurisdictions, except South Australia and Tasmania, had a dog's breakfast, as far as enforcement went, of these obligations.

It was decided that we would have a national collection scheme for child maintenance, and it became the child support system. It is a huge bureaucracy now in Canberra. It is very expensive

to run, we all pay for it as taxpayers, and I am not sure that it is much more efficient, to be honest, in a lot of jurisdictions, but especially not in South Australia.

I think that we had a good model, and that, in the haste to have a national scheme that would make sure that we caught people going across the border and to enhance the enforcement and effectiveness of what was happening in other states, they went to this model. And what have we got in South Australia? We are at the end of the line. I think that we have diminished the effectiveness of our own legal process as a result of jumping on board, all on the basis that a national scheme would be quicker, cheaper, simpler, more efficient and more accessible to the parties that we want to provide for.

In this instance, I am not confident that this system will be cheaper, simpler and easier for either business—particularly small business—or consumers. I hope that I am wrong, but, if I am not, at least it will be on the record how I think this government has over-spruiked this and, in the end, may not have given us the benefit of what is aspirational at this point, and probably unachievable, but we will see. I may be wrong and I hope that I am.

I conclude by indicating that there had been some discussion in another place on amendments on this legislation. Significant work has been undertaken to develop the Australian consumer law. We have at least been party to the development of that, and I certainly hope that it enhances what we have rather than not. The legislation will, of course, repeal significant aspects of our own legislation here which will no longer be necessary, some of which is acknowledged is outdated and probably was in need of review just by elimination, in any event.

I want to place on the record one other matter, that is, that everyone has signed up to this, including Western Australia, but Western Australia has a different model. It seems to be a practice whereby Western Australia is happy to take on the commonwealth if it does not think that a decision is going to be made for the benefit of Western Australia.

It is proud to do it and it insists upon it, not the least of which is the recent proposal for a new health agreement for the funding of the commonwealth/state contribution towards public health funding in this country about which the Western Australian government has said to the federal government, 'We simply will not accept a reduction in our entitlement of the share of the goods and services tax revenue,' and it has made that absolutely clear. However, they can still participate in the receipt of commonwealth funding under the agreement, as I understand it.

I am not yet aware of anyone taking that issue for determination by a court, but it seems that we are entitled to be different. There is often good reason for that difference, and it is important that we retain the option, on a case-by-case basis, to insist on that difference when it is there to protect South Australians and enhance a model that is better for them and not someone in Canberra.

Mr SIBBONS (Mitchell) (16:30): I rise to indicate my support for the bill. I believe that the Australian Consumer Law will provide better protection for consumers, and I will discuss a number of the elements of the ACL, beginning with bills and receipts.

The ACL will require that consumers be provided a receipt for goods or services costing $75 or more and, if requested, for goods or services costing less than $75. The ACL also provides consumers with the power to request an itemised bill when they have purchased services from a trader. This itemised bill must be provided by the trader within seven days of the request and must specify how the price of services has been calculated by the individual trader. The trader must also, where appropriate, list the materials used and the number of hours of labour involved in providing the service.

These new requirements are squarely aimed at providing the consumer with sufficient evidence of a transaction so that they are able to assert their rights under the new ACL if a dispute arises. In addition, the ACL includes new unfair contract term provisions. The law underpinning these new provisions commenced operation at the commonwealth level in respect of contracts between consumers and corporations on 1 July 2010.

The bill before the parliament today extends the operations of the unfair contract term provisions to businesses that are beyond the constitutional powers of the commonwealth to regulate. With the synchronised application of the ACL by other states and territories on 1 January 2011, the scope of the unfair contract term provisions is thereby broadened and ensures all consumers will be better protected.

The new unfair contract framework will operate to provide a more level playing field for all consumers when it comes to standard form contracts. Such contracts, usually offered by large corporations on a 'take it or leave it' basis, could include mobile phone, air travel and banking contracts. Consumers will be in a far stronger position to remedy significant imbalances in their rights as a result of this new law. All too often, consumers are disadvantaged in their dealings with big businesses by a lack of bargaining power. The unfair contract term law should go a long way to addressing the issues because in broad terms the law will enable consumers to challenge unfair terms in standard form contracts.

Where terms are found to be unfair, courts will have the power to remedy any detriment suffered by consumers. The legislation allows a court to declare an individual unfair term void; that is, the term ceases to operate when the declaration is made. The rest of the contract may remain in place if it is acceptable and capable of functioning without the unfair term. So businesses will not be unduly affected by these new reforms.

The law does not simply enable consumers to walk away from their contractual rights or obligations. The law ensures that the legitimate rights of businesses are protected. A court must decide before declaring a term to be unfair and taking into account the circumstances of doing business in that particular industry that the term is not reasonably necessary to protect the legitimate interests of the party who would be advantaged by the term, and that could be the business.

The commencement of unfair contract term legislation represents a significant step in consumer protection law in this country. While the law will be new to most of Australia, some provisions have existed in Victoria and in the UK for some time. These laws have been effective in bringing a necessary balance and greater fairness to consumer contracts. I urge members to support the bill.

Mr PICCOLO (Light) (16:36): I rise to speak in support of this bill. I will not be covering all the elements already covered by other speakers, but I wish to talk about a few things which have come to my attention in my electorate through my constituents.

The first thing I would like to speak about is door-to-door trading and telemarketing controls. Like many of our constituents we have been bothered by door-to-door salespeople during our lives. I am pleased that under this legislation South Australia will reduce weekday evening door-to-door visiting hours by two hours per day, from 8pm back to 6pm. Saturday calling hours will remain the same—between 9am and 5pm—and door-to-door trading on Sundays and public holidays be prohibited.

Telemarketing calling hours will remain separately regulated under the Do Not Call Register Act 2006, and will be allowed between 9am and 8pm weekdays with the same time limits on Saturdays, Sundays and public holidays as the door-to-door controls.

The South Australian government's participation in the development of the ACL bill also has supported the following outcomes for consumers:

- the specific inclusion of second-hand goods in scope of new guarantee provisions;
- appropriate penalty provisions in relation to lay-by sales controls;
- allowing more effective disclosure requirements in relation to faulty goods (for example, to warn consumers of the risk of losing data from an electronic device such as a PC, camera, mobile phone);
- ensuring that the return of faulty goods cannot be refused if the goods are not in their original packaging, which is often a claim made by some retailers;
- ensuring significant inspection, transport and associated costs will not be borne by the consumer where a contract is terminated and the goods must be returned, often a barrier for a consumer trying to terminate the contract; and
- the inclusion of appropriate warning statements when purported invoices for unsolicited goods are given to consumers—and I am sure many people receive those at times of the year when they receive promotional items purporting to be an invoice when they are not.

I would also like to point out that the ACL will institute nationally consistent provisions in relation to lay-by sales, as mentioned by the member for Bragg. Traders will be required to put lay-by sales

agreements in writing. Consumers will be able to terminate these agreements at any time and must be provided with a refund on termination.

I support this bill, because whether or not the bill goes far enough it is an improvement on what we have at the moment, and that is worthy. I would just like to give a case study showing why we need to strengthen our consumer laws and why bills like this need to be supported. They recognise the fact that the consumer can live in one state, but the retailer or the producer can be in another state. I think any move towards nationally consistent provisions in our consumer law ought to be supported.

A young constituent in my electorate purchased a second-hand Nissan vehicle. Within a short period of time, the second-hand vehicle actually blew an engine and he sought to get support from the Nissan Motor Company. The company's full name is the Nissan Motor Company of Australia Pty Ltd and it is based in Melbourne.

He got some advice from the dealer where he bought the second-hand vehicle, which indicated that even though the item was technically out of warranty, it was the opinion of the dealer that the actual problem had occurred and only got worse during the warranty period. This young constituent of mine rang the Nissan customer service centre. I would suggest that customer service is one thing you do not get from the Nissan Motor Company in this instance. When it comes to consumer law, I would say that that Nissan Motor Company would be an example of how not to do customer service. If there were ever an award for the 'Corporate cad of the year', this motor company would have to be the winner of that award, and I am sure there are a few in contention.

I will explain why. This chap rings them up, gets the run-around and does not get very far and then he contacts my office, like many do—many people contact the office of their MP. I get an email from this constituent and I forward that email on to the Nissan Motor Company in Melbourne with some comments and ask them to give their version of the story. The history provided to me by the constituent is actually in the history of the email.

I do not hear from the Nissan Motor Company for two weeks, so in case the email was down, I send them a copy of the email via fax, and I do not hear from them again. I did get a phone call eventually from the Nissan Motor Company customer service centre and again, I use the term 'customer service centre' loosely because the company then said, 'We had no intention to respond to your email or your fax.' Of course I asked why and they said, 'Because we are dealing with the constituent and also under privacy law we cannot talk to you.'

This is a load of rubbish because first of all, the email came from this constituent and I passed the email on, so it was clearly in the history of the email itself that this person had actually wanted me to act on their behalf. Putting that aside, I then got quite an explicit authorisation from the constituent and I sent them another note.

I challenge any member here to ring this company and get service. I will give you their number: 1800 035 035. If you can get some service from the Nissan Motor Company, you deserve an award because all you can get is a first name of a person at the centre. They will not give you their surname. They will not give you the name of a team leader, a supervisor or a manager because they are not authorised to do so even though you want to complain about the lack of service.

They will not give you the name of any individual who actually works at the Nissan Motor Company of Australia. You cannot talk to them; you are not allowed to. When you ask them why they do not give out names, they say, 'People ring and yell at us.' That was their answer. I did say that given the lack of service I am surprised they are not getting more than just yelling because they are appalling. This would have to be the worst example of customer service I have ever seen and I have seen some bad cases, as I am sure you all have.

This company just says, 'We will not deal with you.' They have given this poor young constituent of mine the run-around, even though both he and I have said, 'Well, let's get this independently checked out by the RAA, or the Victorian version of the RAA, to see who is at fault.' They refused to. They just refused point blank. They will not enter into correspondence and they just give you the run-around. It is easier to get information from the North Korean government and to get information about what is happening in North Korea than from the Nissan Motor Company. It is an appalling example.

Why do I raise this issue today? Firstly we obviously need to improve our consumer laws which this bill seeks to do but, secondly I raise it in some vain hope of getting some justice for this

poor constituent in my electorate, because he has tried valiantly. He was very reasonable; he wasn't abusive; he wasn't rude. All he wanted was to work out a process and was prepared to share the cost in repairs. Unfortunately, this repair will cost him over $10,000. This is a young apprentice who obviously needs his vehicle for his work.

To make things even worse, I contacted one of my colleagues in Melbourne who is an MP, thinking, 'Okay, I am a South Australian; perhaps they don't want to talk to South Australians.' Well, he had as much luck and success as I did. This company JUST refuses to deal with any complaints.

When you do a Google search of the Nissan Motor Company, it is no surprise: stories abound about the Nissan Motor Company and how poorly they have treated their customers to the extent that, if you talk to some of their dealers, even their dealers are ashamed about how the Nissan Motor Company in this country deals with its customers. Often, the dealer is the meat in the sandwich between the customer and the company.

I think anything that starts to improve consumer laws in this country warrants our support, as does anything that can get the Nissan Motor Company to behave as a corporate citizen should in this country. I wish you luck, and I look forward to receiving your support. As I said, if anybody does wish to contact the Nissan Motor Company, I will just give the number again: 1800 035 035. If you get past reception and get more than just a Christian name, you really do deserve a prize.

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Housing, Minister for Ageing, Minister for Disability) (16:46): I thank members for their contributions in relation to this legislation. I thank the member for Bragg for her reminiscences as a Family Court lawyer. I am not quite sure how it was relevant to this legislation, but I am sure those in the federal government responsible for that would be interested to have her views in relation to how the system is working.

I will try as best I can to answer some of the issues raised by the member for Bragg. I think she queried the relevance of lay-bys in part of her submission to this house. There may not be a lot of lay-bys out in her electorate; I accept that and, in fact, I have discovered that what lay-bys might be is a curiosity for most men. I can say that I see many families out in my electorate entering into lay-bys, not for things like lounge suites and large items like that, but very often in large department stores, putting aside clothes for their children and Christmas and birthday presents. So, I think the issue in relation to lay-bys is relevant to many people in our community.

This legislation reduces the hours for door-to-door, which I think is a very good thing. In relation to sovereignty issues, there are a number of protections in this bill to ensure that states do not have provisions in this legislation assented to in the federal parliament that they are strongly opposed to.

In passing this bill, South Australia will join with the commonwealth and other states and territories in providing consumers the benefit of nationally consistent consumer protection laws. The bill itself will apply the Australian Consumer Law as a law of South Australia and make changes to existing South Australian legislation to give effect to this new regime.

We have heard the history of how this has come about: it was a key recommendation of the Productivity Commission's 2008 Review of Australia's Consumer Policy Framework. In passing this bill, South Australia will be responding to this recommendation and taking a step towards a key aspect of COAG's national business and regulatory reform agenda—the creation of a seamless national economy.

In December 2009, the Ministerial Council on Consumer Affairs agreed to the key principles that would underpin these new laws, and on 24 June 2010 the Trade Practices Amendment (Australian Consumer Law) Bill 2010 (the ACL bill) was passed by the Australian parliament.

The bill implements COAG's agreement to create a single national Australian consumer law. The ACL is based on the existing consumer provisions of the Commonwealth Trade Practices Act 1974, enhanced by a new unfair contract terms law; a new national product safety framework; a new national consumer guarantees law which replaces implied warranties and conditions for consumer goods and services contracts; and reforms drawing on the best practice in state and territory laws, which enhance consumer protection while minimising business compliance costs.

It is anticipated the reforms will improve business efficiency, reduce red tape, and improve consumer confidence. Indeed, the Productivity Commission review reported that an ACL could

deliver between $1.5 billion and $4.5 billion in benefits to the Australian community. The ACL ensures inconsistencies that have developed over time between the commonwealth and state and territory laws will be removed. New laws, including consumer guarantees for goods and services, unfair contract terms provisions that protect consumers signing standard form contracts, and telemarketing and lay-by sales controls stand to benefit all South Australians.

To ensure consistency in enforcement approaches the Australian Consumer Law provides a number of standard enforcement tools, penalties and consumer remedies, of which all jurisdictions may take advantage. These include disqualification orders, substantiation notices, and public warning powers. The Office of Consumer and Business Affairs will be able to pursue action in court for breaches of the ACL, with civil and criminal penalties up to a maximum of $220,000 for individuals and $1.1 million for corporations. These penalties, being significantly higher than the existing penalties in the FTA, reinforce the significance of this new law and ensure consumers will be well protected against those who seek to take advantage. As I said, I appreciate the comments made by members and I encourage all to support this bill.

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

CONTROLLED SUBSTANCES (THERAPEUTIC GOODS AND OTHER MATTERS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 November 2010.)

Dr McFETRIDGE (Morphett) (16:54): I indicate that I am the lead speaker on this bill and I also indicate that as a registered veterinary surgeon I have some interest in this bill, but there is no conflict of interest, so I can speak openly and freely. Can I just tell the house and the minister that the opposition is opposing the way the bill is presented but not the content of the bill. We have—and I will talk about this again—legislation once again being presented to this place where we are adopting, in this case, 374 pages of commonwealth legislation, 395 clauses in that legislation, in three lines of this bill. Not only are we doing that, we are also adopting the commonwealth Acts Interpretation Act to control the way this parliament interprets that bill. To me, that is a real travesty of the sovereignty of this parliament. I made that point and I will not read all 374 pages of the commonwealth legislation into *Hansard* here, but I put the minister on notice that between this place and the other place we will do some negotiation on how we can include that legislation into this act in a similar way that we did in the national practitioners legislation earlier this year.

We would prefer to have the commonwealth legislation incorporated into the South Australian act, rather than just adopting it and referring to it, because the people of South Australia deserve to have their own laws. They deserve to have a parliament which is a sovereign parliament. We are seeing this more often—and we have seen it in the bill just debated, we will see it again in legal practitioners bills that have been flagged, and there are other bills—where we are adopting legislation and coming under the control of legislation and ministerial councils that come from completely outside of this parliament's sovereignty. To me, that is not a good way to go.

I am a state's righter, so I see that this state parliament and the people of South Australia have a genuine place in the nation of Australia, and I do not want in any way to devolve the power of this parliament to any other legislature or the executive, whether it is the executive of this parliament or a ministerial council. So that is the main issue we have with this legislation on this side of the house: the way this legislation is being presented.

There are some issues I want to clarify with some of the clauses in the legislation, but I will talk about those as we go through them. The legislation, though, as readers of *Hansard* and those who are listening will know, is the Controlled Substances (Therapeutic Goods and Other Matters) Amendment Bill 2010. It is an act to amend the Controlled Substances Act 1984. It is interesting to note that the Controlled Substances Act 1984 repealed the Drugs Act 1908, and that is something I will talk about in the various clauses of this bill when we come to the matter of vending machines.

As it is at the moment, vending machines are prohibited in South Australia but we are going to see some changes there. The bill that we are looking at today does several things. It enables registered health practitioners to practise to the full scope of their competence, because with national registration of health practitioners now there is a need to have a national law that is controlling therapeutic substances. That is why there is a good reason to involve a commonwealth

style of legislation but not necessarily to devolve the power of this parliament to the commonwealth.

The second thing that this bill is doing is that it is authorising eligible midwives and those practitioners to prescribe Schedule 4 and Schedule 8 prescription drugs. As a veterinary surgeon I am able to prescribe Schedule 4 drugs for animals and also I am able to possess and prescribe Schedule 8 drugs for animal use. I have some concerns about the increased numbers of health practitioners who are able to prescribe Schedule 4 and Schedule 8 drugs. What we need to be very careful of is that the people who are getting the accreditation to prescribe S4 and S8 drugs do have both the pharmacological and other knowledge that is required to understand the correct therapeutic use of S4s and S8s, particularly S8s which we know are drugs of addiction. The classic examples are morphine, pethidine and methadone.

I know there are vets—actually I will not make that comment because it will invite people to break into vet clinics. We keep these drugs under lock and key, and in my veterinary practice we had a very heavy safe where we kept these drugs. I knew the combination of the safe. We got broken into one night, and they were desperate. They jemmied the metal screens off the windows and they then tried to jemmy the safe out of the floor. It did not work. That is how desperate some people are for some of the drugs that are out there, so it is very important that we control not only who possesses them but, in this case, who prescribes them.

I strongly support the use of allied health professionals, nurse practitioners, practice nurses, nurse specialists, clinical nurses, and all the other health professionals out there, to help reduce the pressures that are on our health system at the moment. This is not in any way having a go at midwives or nurse practitioners. I would be happy for nurses to continue their education right through to the stage where they became doctors, if they wanted to. I have no problem with that at all because we need more front-line health practitioners at all levels, whether they are enrolled nurses, right through to medical specialists.

The third thing that this bill does is apply the commonwealth territories goods act as a law of South Australia, and I said a bit about that previously. The fourth thing is that it ensures that there are adequate controls over the sale of those poisons, medicines and medical devices that will be permitted to be sold via automatic vending machines. That is an issue that I will talk about a bit more in a few moments.

The main issue is the inclusion of the commonwealth legislation. That commonwealth legislation has, as I said, 374 pages. It has a different range of definitions from what we are seeing in legislation from other jurisdictions. Just as with the national registration of health practitioners, where I went through state by state, territory by territory and showed the consistently inconsistent application of legislation and variations on the legislation, we are seeing issues with the national registration of health practitioners. There are issues with the issuing of registration, and, certainly, try to make a complaint and the run-around or the ring-around you will get is quite amazing.

What we need to do, if we are going to include legislation from other jurisdictions, is not just refer to it, because the definitions are different in this legislation from those we may be used to; they are certainly different from some in other jurisdictions. I understand that there are jurisdictions that are still working through the way this legislation is going to be adopted, or the way the commonwealth legislation is going to be incorporated into their own legislation. In the definitions of the Therapeutic Goods Act 1989, which we are putting into this legislation in three lines, the definition of 'medical device' has the meaning given by section 41BD, so you need to have ready access to this legislation to be able to look at the definition there and refer to section 41BD. It is important that the legislation is readily available and not have to go to some other jurisdiction to see what was actually said and what is incorporated in there.

There is another reference in another clause to the health practitioner regulations and legislation. Had we not included that in the previous South Australian act, had we not included the Queensland legislation as part of our legislation, where it was quite open for our constituents to look at that legislation, they would then have not only looked at our controlled substances bill referring to the commonwealth bill but then gone back to some Queensland legislation. So, it just goes on and on and on.

There are complications, there are issues, there are difficulties, and we saw the same sort of thing noted in England, where a comment was made that more of the sovereign powers of the national government were being devolved to the EU. We see it all around where national powers are being devolved to the United Nations, with the numbers of UN agreements that Australia and

other countries are signing up to, trying to prescribe the way we should enact and interpret our laws. It is becoming a real issue.

The intent of this legislation, the Controlled Substances Amendment Bill 2010, is fine. We want practitioners to be able to practise all over Australia and have the same access to medications and therapies and treat Australians to the highest level that they possibly can. What we do not want is for anyone who wants to check up on how the legislation is working, or if there is a difficulty with the legislation, to then have to go through an absolute jigsaw of pieces of legislation, and, when that jigsaw is put together, the picture is fine but individually it can possibly be interpreted in several different ways. Anyone who has done jigsaw puzzles will have great sympathy with that, particularly doing the sky.

The interpretation or, shall we say, the administration of S8s and S4s is something which the nurses' union is very strongly supporting and which the AMA has some questions about. However, I think that that issue can be overcome with more consultation and more dialogue, because my reading is that the requirements to prescribe S8s is something that is going to be regulated. I think that the penalty for prescribing S8s in an illegal fashion has gone up significantly. It is a penalty of, I think, $25,000. That is a significant penalty—however, that is only if you get caught. The need to enforce controls on S8s cannot be overemphasised in this case.

Let us have a look at the prohibition on vending machines. When I first looked at this legislation I thought that the government had been acting illegally in having four vending machines around South Australia dispensing needle packs. I think that you can get four syringes for $2 from the four machines, one of which is just down the road here at the Royal Adelaide Hospital. There is one down south and there is one at Murray Bridge. I am not quite sure where the other one is, but I think it is out in the northern suburbs.

To me, that is a good thing. I have been a strong supporter of anything that can minimise harm and so reduce the impacts on individuals and society, and also, the more I look at health, the impact on the health dollar, because people who are using dirty needles and sharing needles are not only passing on diseases, such as hep C and HIV, but also they are exposing themselves and the people they associate with to other serious health issues.

From a public health point of view, there is a genuine reason for providing automatic vending machines. However, when the controlled substances bill 1984 and subsequent amendments were looked at, clause 20, I think it was, was not enacted. The rest of the bill was enacted but that particular clause was not. When the 1908 Drugs Act was repealed, section 26, if I remember correctly, was still in force.

I do not know how that works. It is a strange way of doing it, but I am told that, while an act may be repealed, one or two provisions in that act can stay in force, and that clauses in the bill that was meant to repeal that act may not be enacted. Back in 1908 I do not know whether there were automatic vending machines, but, certainly, in the changes between then and now there have been various ways of dispensing everything from cigarettes to soap powders, and that is an area of continued change we need to look at, and, in this particular case, bringing automatic vending machines within the regulations, and allowing them to be used for dispensing needles is a good thing.

There is another small thing in here about the regulation of vending machines, namely, some quite caustic chemicals are being used in car washes, so there is the need to have a small clause in this bill to allow the S5s, I think they are (some of the caustic cleaners they use in car washes), to be able to be dispensed from vending machines.

I do have some issue with dispensing non-prescribed drugs from vending machines. Vending machines that dispense things such as Panadol and aspirins should not be in areas where they are readily accessible to children, and I understand that that is the intent of this legislation. The need to make sure this legislation is presented in a way that is acceptable not only to this house and the opposition but also to the people of South Australia is something that I am very keen to emphasise. Between this place and the other place, we will be looking to see what needs to be put in to make sure that every South Australian can readily access this legislation.

I would be interested to hear what the minister has to say about why we cannot do that in a similar way to the national health registration and why we keep adopting legislation. I know that the Victorians tried to incorporate it into their legislation and the argument was put that it was too difficult to keep up with the amendments, but I find that to be a pretty superficial argument. If the

legislation is good and worthwhile, and if this house sits a bit more frequently, then it would not be delayed inappropriately or cause serious issues.

I cannot overemphasise the need to make sure that the legislation that we are putting before this parliament is South Australian legislation and it is not just adopting legislation from another jurisdiction, because we will see more and more central legislation being forced upon us through ministerial councils and adopting commonwealth legislation. I warn both sides of the house about it. I know the Attorney-General has made comments about his attitude to this in the past. I just hope that he is listening and looks at this legislation again.

I know the minister will tell me that it is just going to be too difficult to do what we want to do, but I do not find that to be an adequate response, so I hope that we do get some sense between this place and the other place. There are no amendments that the opposition wants to move on this. I see the government has a couple of amendments and we will be going into committee for those. We will not hold the house long tonight on this. The need to make sure that we get good legislation, though, is paramount. As I say, I was tempted to read 374 pages of the legislation into parliament and compare every state and territory's approach to this. I did that last time with the national legislation on health practitioners. I made my point then. I hope I do not have to do that in the future, but—and this is not a threat; it is a promise—if I have to do that in the future to make sure the legislation from other jurisdictions is incorporated in an accessible way in *Hansard* then that is something that I might have to do.

I ask the minister to consider, between this place and the other place, how we can be more inclusive in the way we are presenting legislation. I congratulate all those that have looked at the Controlled Substances (Therapeutic Goods and Other Matters) Amendment Bill because, as we will see with other bills that are coming before the house even this week, with public health and health complaints, it is an ever-changing world we are living in and we do need to keep up with these changes.

Leaving legislation for eight to 10 years is far too long nowadays and I hope that it is not going to be a long time before we have to come back and make sure that this legislation is being as effective as it should be. I am not sure whether that needs to be put in this bill; I will be looking at ways of incorporating that into other bills that we see in this house. With that, I conclude my remarks.

Mrs VLAHOS (Taylor) (17:13): I rise to speak briefly on this important piece of legislation. I wish to speak particularly about the provisions relating to the sale of poisons, medicines and medical devices from automatic vending machines, from a different slant from the member opposite. As I understand the bill, it is seeking to proclaim and amend the provisions of the Controlled Substances Act so that appropriate conditions can be placed on the sale or supply of poisons, medicines and medical devices that will be able to be sold or supplied via automatic vending machines.

Currently, the sale or drugs and medicines by vending machines is regulated by section 26A of the Drugs Act 1908—a very old act indeed. When these provisions were drafted, items that we use regularly now (such as cosmetics, soaps and deodorants) were considered to be drugs and were restricted. Obviously, times have changed since this provision was drafted and the bill seeks to bring the legislation into the 21st century by loosening up some of the restrictions that currently apply to what can be sold via vending machines.

According to Wikipedia, the first recorded reference to vending machines was found in the work of Hero of Alexandria, a first-century engineer and mathematician. His machine accepted a coin that then dispensed a fixed amount of holy water, then considered for its medicinal purposes. When the coin was deposited, it fell upon a pan attached to a lever, and the lever opened up a valve, which let the water flow out. The pan continued to tilt with the weight of the coin until it fell off, at which point the counterweight would shut the lever off and turn the valve off.

Despite this early precedence, vending machines had to wait until the industrial age before they came to prominence. The first modern coin-operated vending machines were introduced into London, England, in the early 1880s, dispensing postcards. The first vending machines in the US were built around 1888, selling gum on train platforms.

This bill aims to repeal section 26A of the Drugs Act 1908 and what can be sold. This antiquated definition of drugs is not used in section 20 of the Controlled Substances Act, which means that cosmetic soaps and deodorants could be sold in vending machines if this is passed.

Instead, section 20 of the Controlled Substances Act intends to prohibit the sale of poisons, medicines and medicinal devices via vending machines.

This bill will enable South Australians to implement the recommendations of the Galbally review of drugs, poisons and controlled substances from the legislation of Council of Australian Governments' agreements. The effect will be that packs issued from vending machines will be no more than two adult doses of unscheduled medicines, such as paracetamol, and they will be available to be sold via these vending machines providing they are presented and located in ways that make them unlikely to be accessed by unsupervised children. The products which are currently sold via automatic vending machines include lollies and Minties will continue to be sold. Some additional products, such as soap and cosmetics, will then be permitted to be sold by automatic vending machines, additionally. This will enable vending machine operators to supply these products in the same way as other states and territories in Australia. Vending machines dispensing soap and cosmetics might be installed in hostels, train stations and hotel environments.

The poisons, medicines and medicinal devices that would be permitted to be sold or supplied by automatic vending machines and the conditions on the supply are specified within the regulations. The poisons, medicines and medicinal devices would be packs containing no more than two doses of paracetamol. They would have to be packaged in the manufacturer's original unopened packs. This will ensure that they are appropriately labelled and packaged. Unscheduled medicines, such as 24 packs of paracetamol, can be sold by general retail outlets. The maximum pack size of paracetamol tablets that would be permitted to be sold or supplied via automatic vending machines will four tablets.

Having access to small packs of such medicine is likely to be beneficial for consumers when they do not have access to standard retail outlets at airport terminals in smaller country towns. Other states and territories, including the ACT, Victoria and New South Wales, permit the sale of these packs via these machines elsewhere.

With regard to injecting equipment, including needles and syringes, presently there is no legislation prohibiting the sale of injecting equipment via vending machines. However, it is an offence under the Controlled Substances Act to supply equipment for use in the administration of a controlled drug. Under this amendment, the sale of needles and syringes via automatic vending machines would be permitted; however, certain restrictions would apply to the site and location of the automatic vending machine, which would need to be approved by the minister.

This would ensure that the machines are appropriately sited, for example, within existing clean needle programs. Having a vending machine at these sites could address a gap in the clean needle program coverage after hours and on weekends. Enabling the sale of injecting equipment via automatic vending machines at sites would mean injecting drug users who were previously unwilling to engage with the program could access injecting equipment and potentially offer the staff the opportunity to interact with these drug users and engage them in harm minimisation programs. Making access to clean needles and syringes easier for public health has benefits also in reducing the spread of blood-borne diseases. Currently, pharmacists, medical practitioners or persons acting in the course of declared health risk minimisation programs are permitted to sell needles and syringes to injecting drug users. A trial of the sale of injecting equipment via automatic vending machines at four clean needle programs has shown promising results.

With regard to Schedule 5 poisons, some car wash facilities sell alkaline cleaning solutions that are under Schedule 5 poisons via machines, and they are likely to be deemed vending machines. The Schedule 5 poisons are freely available via general retail outlets, and these are substances with a low potential for causing harm. The car wash facilities would need to display first aid information, safety directions and warning statements that are on the packs of these products when they are sold at other retail outlets. This would also reduce the harm associated with the supply of these solutions in these areas.

Other products that are likely to be sold via the vending machines include feminine hygiene products, condoms and lubricants and other items that are currently available but whose supply is generally outside of the act. Enabling consumer access to these products in situations where other retail outlets are not open or accessible can provide potential public health benefits for the general population in preventing unwanted pregnancies and the spread of sexually-transmitted diseases.

The proposed changes would permit vending machines and their operators to sell some products that can currently be sold in other states and territories but not in South Australia. I can see the benefits for the community in enabling access to specified poisons, medicines and other

devices via automatic vending machines under conditions to protect public health and safety of the general populace. I am pleased to support this legislation.

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) (17:21): I thank the two members who have contributed to this debate; it is always good to have a little bit of contribution. The member for Morphett made a pretty good summary of the provisions in the legislation. I will just go through the key issues that he referred to, particularly in relation to the scope of practice for a range of health practitioners, nurses and midwives, and other allied health workers.

This legislation will allow those clinical professionals who have been authorised by their national registration boards and who have gone through appropriate training to use the drugs that are listed in Schedules 4 and 8 according to whatever the national bodies' provisions are. At the moment, unless we were to introduce these changes, the national registration process would allow a scope of practice, train people and give them capacity to use these drugs, but the law in South Australia would prevent them; our state law would prevent a national registration provision practice occurring. It is sensible, and the passing of this legislation will not automatically mean that anybody can do anything: they have to go through the appropriate hurdles first. I just want to assure the member of that. I think he understood that, but he was raising it appropriately as a point of consideration.

In relation to the issue around vending machines, he quite rightly mentioned that there are a number of vending machines in South Australia at the moment where one can purchase needles. They are placed in strategic locations close to hospitals, I think, in most cases. They have been in place for a trial. Currently under South Australian legislation, there is no restriction on the use of vending machines to distribute needles.

Needles, syringes and so on can be sold under licence and there are conditions that apply, but, as I understand it, once the person has the licence to sell the needles, they can do it in pretty well whatever way they like. This legislation will restrict that, and it will mean that the minister has to give authority and can prescribe how vending machines can be used and where they can be placed. There will be a tighter regime put in place, not a weaker one.

The interesting thing, of course, is that under the current legislation, it is illegal to dispense drugs in vending machines but, given that it is 1908 legislation, that extends to things like pharmaceuticals and not only pharmaceuticals but cosmetics, soap and other everyday items which it is currently illegal to sell in vending machines. I would have thought it would be pretty sensible in some places like airports and backpacker locations to be able to buy ordinary bathroom items to help people who are travelling. Interestingly, I was reading and wondering when vending machines were first invented, and I understand that vending machines have been around since the first century.

An honourable member interjecting:

The Hon. J.D. HILL: No, no. I think the Romans invented the first—I checked this out on Google, or Wikipedia, I think, so my source is perhaps a little bit dubious. Apparently, the Romans had a vending machine which dispensed holy water. You would put a coin in, the coin would land on a lever which would open the valve, the water would be dispensed, that would somehow or other knock the coin off, the valve would go back in and you had your tumbler of holy water—dispensed by a vending machine some 2,000 or so years ago. As I said when somebody mentioned it to me, it is sort of an example of deus ex machina, literally, god out of the machine. Anyway, that is just by the by.

So, we are updating the vending machine legislation so that you can actually sell soap and other things, but also basic analgesics in small packs so that people can get access to headache pills in circumstances where they might need them. I think they were the major issues that the member might have referred to, other than the broader issue about how the state brings into play national legislative schemes which I want to talk about in a minute. I think, member for Morphett, they were the major issues you raised. I am satisfied that the legislation is properly balanced. It has been through all of the appropriate hurdles and I think it makes a lot of sense.

The broader issue the member raised, and he raises it in relation to the national registration schemes, is a matter I would like to take some advice on, because this is now the second time that I have introduced legislation using a standard mechanism which was used by the member for Morphett's party when it was in government and has been used multiple times by this

government to enact provisions under national legislation. I understand there are philosophical arguments about that, but there is also a practical necessity as we don't want to have gaps between what can happen in one state compared to another. So, this is a seamless way of doing it.

As the member said, there are hundreds of pages of legislation. If we had to go through that process every time, it could be a very slow process. I am not sure what we should do about this, but it seems to me, member for Morphett, that the opposition and the government should try and reach an understanding about how we deal with these matters. Whoever is in government, it is going to become more and more common. If you put roadblocks in the way of us doing it when we are in government, I can guarantee you that, when at some stage the tables are turned, similar roadblocks will be placed in your way and you will find it is as frustrating and annoying as ministers do now.

So, it might be something—and I will seek some advice from others—that we could perhaps refer to the Legislative Review Committee, to come up with an agreed formula which allows us to do it, so that we do not have to go through the in principle discussion every time this comes. It happens in health, it happens in—

Dr McFetridge: Consumer affairs.

The Hon. J.D. HILL: —consumer affairs and the energy legislation. It is a common way and it is a necessary thing, I think, given the complexities of life these days. We are not a little island unto ourselves; we are part of a much bigger framework of powers and responsibilities. I think we need to do it, so my undertaking, in goodwill, is to talk to my colleagues to see if there is interest in coming up with a more considered way of dealing with it, so we do not have to have the in principle debate every time. I have an amendment which I need to move, but before I get to that and we move out of the second reading, can I thank my colleagues in the Department of Health, Steve Morris and Liz Hender, who worked on the policy framework which has produced this legislation, and thank Christine Swift, the parliamentary counsel who drafted it for us. I commend the bill to the house.

Bill read a second time.

In committee.

Clauses 1 to 12 passed.

Clause 13.

The Hon. J.D. HILL: I move:

Page 12, line 16 [inserted subsection (1d)(c)]—

Inserted subsection (1d)(c)—after 'prescribed for' insert ', or supplied to,'

I understand there was an omission in the drafting process that left out the words 'supplied to'. The substance of this would mean that a doctor assigned to a person can properly prescribe medication to a person and that would be fine, but it would mean that a family member could not supply that medication to their child, wife, husband, father or mother, so this is to allow normal domestic arrangements to apply so that people can assist others to take their medication.

Dr McFETRIDGE: This is a sensible amendment.

Amendment carried; clause as amended passed.

Remaining clauses (14 to 31), schedule and title passed.

Bill reported with amendment.

Bill read a third time and passed.

VISITORS

The SPEAKER: I would like to acknowledge the presence in the chamber this afternoon of the mayoral delegation from the People's Republic of China. We thank you for honouring our house with your visit, and we hope that you enjoy your experience here today.

MEMBER FOR NORWOOD, NAMING

The SPEAKER (17:32): Earlier today I named the member for Norwood and the member, pursuant to standing order 139, was provided the opportunity to be heard in explanation or apology. The Minister for Transport then moved that the member for Norwood's explanation not be

accepted. There was then a series of points of order in relation to whether the motion of the minister can be debated, and I ruled that no debate was allowed.

Standing order 139 is silent on the matter of whether debate is permitted on such a motion. However, the same standing order makes clear that the subsequent motion to be moved in the naming of a member, that the member be suspended from the service of the house, is moved with no amendment, adjournment or debate being allowed.

Members have brought to the table a number of examples from earlier proceedings of the house, where debate on the question that the member's explanation be accepted being moved has been debated. Votes and Proceedings contains many examples where no debate took place and even examples of the Speaker ruling that the member's explanation not be accepted without a question being put to the house before the motion that the member be suspended from the service of the house is immediately put.

It is clear to me that the standing order has been inconsistently applied over a long period of time and by numerous occupants of the chair. I am persuaded, by presence in standing order 139 at paragraph 3 of the prohibition of amendment, adjournment or debate on the question that the member be suspended from the service of the house, to draw the conclusion that the absence of such a prohibition in paragraphs 1 and 2 means that such debate is possible. However, I am concerned that if this is the conclusion to be drawn then there is no limitation placed on the debate, as is the case in other procedural motions, such as the motion for the suspension of standing orders.

If the question is to be regarded as a substantive motion, then the question is subject to amendment, adjournment, as well as debate, and this would make this standing order, designed as a means of enabling the house to assist the chair in immediately restoring order, a nonsense. I remind members of my statement last sitting week where I said that the naming of a member is not a ruling but a means of enabling the house to assist the speaker in maintaining order. Consequently, I believe this is a matter for the Standing Orders Committee to consider and report on, and I will convene a meeting.

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

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Clause 4, page 3, lines 5 to 12 [clause 4(2), inserted subsection (2)(b) and (c)]—

Delete paragraphs (b) and (c) and substitute:

(b) be accompanied by documents and information of a kind prescribed by regulation.

No. 2. Clause 7, page 3, lines 24 to 26 [clause 7(2), inserted subsection (1a)]—

Delete subsection (1a) and substitute:

(1a) An application made to the Minister under subsection (1) must be in writing.

No. 3. Clause 8, page 4, lines 6 to 8 [clause 8(2), inserted subsection (1a)]—

Delete subsection (1a) and substitute:

(1a) An application made to the Minister under subsection (1) must be in writing.

No. 4. Clause 9, page 4, line 39 to page 5, line 5 [clause 9, inserted section 79C(2)]—

Delete subsection (2) and substitute:

(2) An application made to the Minister under subsection (1) must be in writing.

MARINE PARKS (PARLIAMENTARY SCRUTINY) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

At 17:37 the house adjourned until Wednesday 24 November 2010 at 11:00.