LEGISLATIVE COUNCIL

Thursday 16 July 2009

The PRESIDENT (Hon. R.K. Sneath) took the chair at 14:17 and read prayers.

ANTI-CORRUPTION BODY

The Hon. DAVID WINDERLICH: Presented a petition signed by 90 residents of South Australia, concerning an Independent Commission Against Crime and Corruption. The petitioners pray that the council will convey the community's desire for an independent anti-corruption body to the Premier, Mike Rann.

ANSWERS TO QUESTIONS

The PRESIDENT: I direct that the following written answers to questions be distributed and printed in *Hansard*.

INFRASTRUCTURE PROJECTS

182 The Hon. R.I. LUCAS (18 February 2009). Can the Deputy Premier advise:

1. What projects are included in the '$16 million lower than expected capital expenditure' referred to on page 7 of the Final Budget Outcome document (2007-08); and

2. What is the value of each project?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business): The Treasurer has provided the following information:

The $16 million to which the Honourable Member refers relates to general underspending across government particularly in relation to agency annual programs. Some of this underspending will be carried over from 2007-08 into future years.

INFRASTRUCTURE PROJECTS

183 The Hon. R.I. LUCAS (18 February 2009). Can the Deputy Premier advise the details of the $39 million reclassification from investing to operating expenditure in the Department for Transport, Energy and Infrastructure referred to on page 7 of the Final Budget Outcome document (2007-08)?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business): The Treasurer has provided the following information:

The proportion of expenditure undertaken by the Department for Transport, Energy and Infrastructure (DTEI) on investing projects in 2007-08 that could not be capitalised under accounting standards was higher than forecast. The affected expenditure was reported by DTEI as operating expenditure, rather than investing expenditure. This included expenditure on assets not owned by the DTEI, such as the relocation of telephone cables, gas and water pipes and work on non-SA Government owned roads and rail infrastructure undertaken as part of major DTEI projects.

INFRASTRUCTURE PROJECTS

184 The Hon. R.I. LUCAS (18 February 2009). Can the Deputy Premier advise:

1. What projects are included in the $74 million slippage of infrastructure projects from 2007-08 into future years referred to on page 7 of the Final Budget Outcome document (2007-08); and

2. What is the value of each project?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business): The Treasurer has provided the following information:

The $74 million slippage to which the Honourable Member refers predominantly relates to:

- Transport related projects including the South Road and Anzac Highway upgrades ($19 million);

- Defence industry related expenditure including Techport Australia ($23 million); and
- Information technology related projects in the health portfolio ($11 million).

The remaining slippage amount of $21 million relates to various smaller projects across government.

EMPLOYEE EXPENSES

185 The Hon. R.I. LUCAS (18 February 2009). Can the Deputy Premier advise the details of the 'reclassification of employee expenses to other operating expenses' referred to on page 6 of the Final Budget Outcome document (2007-08)?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business): The Treasurer has provided the following information:

I refer the Honourable Member to commentary further down page 6 of the 2007-08 Final Budget Outcome document:

'Earlier estimates, by their nature, are often based on incomplete information as to the precise mix of final expenditure. Agency year end procedures and the annual audit process provide final clarity for the classification of expenses'.

Similar to previous financial years, 2007-08 had a number of 'reclassifications' that in total are less than 1 per cent of the totals of the expense categories to which they relate.

MID-YEAR BUDGET REVIEW

186 The Hon. R.I. LUCAS (18 February 2009). Can the Deputy Premier advise which business representatives the Treasurer consulted before announcing the decision to defer the remaining Independent Gambling Authority tax reforms in the Mid-Year Budget Review?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business): The Treasurer has provided the following information:

There was no deferral of Independent Gambling Authority tax reforms in the Mid-Year Budget Review.

MID-YEAR BUDGET REVIEW

187 The Hon. R.I. LUCAS (18 February 2009). Can the Deputy Premier advise the explanation for the significant reduction in interest cost in Table 1.2 of the Mid-Year Budget Review of $117 million in 2011-12, when the reduced interest cost for 2010-11 is only $18 million?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business): The Treasurer has provided the following information:

The government's 2008-09 Mid-Year Budget Review introduced measures in response to the Global Financial Crisis that were targeted at operating and investing savings and debt reduction. The pattern of interest savings shown in Table 1.2 of the Mid-Year Budget Review reflects the pattern of debt reduction resulting from the government's measures.

The effect of the government's measures in improving the State's debt position culminates in 2011-12. This is reflected in the significant estimated interest savings of $117 million in 2011-12 shown in Table 1.2.

MID-YEAR BUDGET REVIEW

188 The Hon. R.I. LUCAS (18 February 2009). Can the Deputy Premier advise:

1. What are the details of the budget line titled 'Other' in Table 1.2 of the Mid-Year Budget Review; and

2. What items comprise the increased costs in each year?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business): The Treasurer has provided the following information:

I have been advised that the 'Other' line includes a number of variations not disclosed separately. These include revenue variations, revised timing of operating expenditure, revised distributions from government businesses and various other changes to the budget that are unavoidable. The line also covers variations to the level of contingencies including the latest estimates of enterprise bargaining outcomes. These are not disclosed so that the government's position in wage negotiations is not compromised.

POLICE RECRUITMENT

189 The Hon. R.I. LUCAS (18 February 2009). Can the Deputy Premier advise how much of the $23 million reduction in operating expenditure in public order and safety referred to on page 7 of the Final Budget Outcome document (2007-08) relates to the 'difficulties in recruiting police officers in a tight labour market'?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business): The Treasurer has provided the following information:

Of the $23 million under expenditure reported in the 2007-08 Final Budget Outcome document, $8 million can be attributed to under expenditure in sworn police officer employee expenses resulting from recruitment delays.

MINISTERIAL TRAVEL

198 The Hon. R.I. LUCAS (18 February 2009).

1. What was the total cost of any overseas trips undertaken by the Minister and staff since 2 December 2007 up to 1 December 2008?

2. What are the names of the officers who accompanied the Minister on each trip?

3. Was any officer given permission to take private leave as part of the overseas trip?

4. Was the cost of each trip met by the Minister's office budget, or by the Minister's Department or agency?

5. (a) What cities and locations were visited on each trip; and

(b) What was the purpose of each visit?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business): The Minister has provided the following information for the period 2 December 2007 and up to 1 December 2008:

I. Cost of Trip	II. Accompanying Officers	III. Private Leave Taken	IV. Cost met by Minister's Office or Dept/Agency	V. (a) Cities & Locations Visited	V. (b) Purpose of Trip
$22,949.67	Chief of Staff	Nil	Minister's Office and the Department of Trade and Economic Development	Hong Kong, China and Sepon	To lead an outbound mission to Hong Kong, China and Sepon, from 12 April to 27 April 2008, to facilitate attracting investment into the mining and mineral exploration sectors of South Australia.

MOOMBA GAS FIELD

220 The Hon. D.G.E. HOOD (25 March 2009). Can the Minister for Infrastructure advise—

1. Is the Moomba gas field still expected to be depleted by 2016?

2. If not, when is the estimated time that the Moomba gas field will now be depleted?

3. Is it projected that South Australia will have any natural gas resources in production at the time when the Moomba field is depleted?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business):

1. Gas fields in the South Australian sector of the Cooper Basin, of which the Moomba Gas field is one, will not be depleted by 2016.

2. Based on current estimates of discovered proven and probable gas reserves in these gas fields, depletion to sub-economic rates based on current gas prices and technology is not expected until sometime beyond the year 2030.

3. It is anticipated that South Australia will have producing natural gas resources when current producing fields become depleted. Subject to future gas prices and technological advances, future natural gas resources are likely to include resources which are currently classified as contingent, including 'tight gas' and 'shale gas' resources. As at the end of 2008, contingent reserves for the South Australian Cooper Basin within Santos operated Petroleum Production Licences are estimated to be in excess of 6 trillion cubic feet, approximately equivalent to the Basin's proven and probable gas reserves. AGL has recently negotiated a position in Petroleum Exploration Licences to explore for coal seam methane outside of the Petroleum Production Licences held by Santos. That position plus considerable gas reserves and resources in Queensland connected to SE Australian markets with existing pipelines bodes well for competitive gas supplies for SE Australia, including South Australians, for decades to come.

PAPERS

The following papers were laid on the table:

By the Minister for Mineral Resources Development (Hon. P. Holloway)—

Chicken Meat industry Act 2003—Review of Operation Report
South Australian Forestry Corporation Charter

By the Minister for State/Local Government Relations (Hon. G.E. Gago)—

Upper South East Dryland Salinity and Flood Management Act 2002—Quarterly Reports for the periods—
1 April 2008 to 30 June 2008
1 July 2008 to 30 September 2008
1 October 2008 to 31 December 2008
1 January 2009 to 31 March 2009

CLAYTON BAY

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:18): I table a copy of a ministerial statement relating to the Clayton public meeting response made earlier today in another place by my colleague the Minister for Water Security.

BURNSIDE CITY COUNCIL

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (14:19): I seek leave to make a ministerial statement on the City of Burnside.

Leave granted.

The Hon. G.E. GAGO: I have previously informed this chamber of my concerns regarding the conduct of the affairs of the Burnside council and its ability to represent the interests of its community. The chamber would also be aware that preliminary inquiries into the Burnside council, launched by me, have given me reason to believe that a formal independent investigation may be warranted using my powers under section 272 of the Local Government Act 1999. I am required under the act to give the council reasonable opportunity to explain its actions and to make submissions to me. Accordingly, I have given the council until the end of tomorrow to respond.

In the interests of complete transparency, I further wish to advise the chamber of recent events that are important to put on the public record to ensure that due process is maintained. These events are also the subject of a letter that I have already forwarded to the mayor of the City of Burnside this afternoon, and it states:

I write to advise you that my office has received a confidential copy of legal advice to the council. I am told by my staff that the advice was attached to an email—

from an individual whom I will not name in parliament at this time—

and sent to my public email in-box on Sunday 12 July 2009. A correspondence clerk printed the email and I'm advised it was read by my chief of staff late last night. Appreciating the significance of the content, my chief of staff did not pass the correspondence to me and consequently I have not read it, nor have I been briefed on it, except to advise me that it has been received.

I have directed two of my staff, who had read the email, not to take any further part in advising me on the decision-making processes or participate in discussions associated with the possible investigation of the council. This cautious approach is taken to reassure the council that I have not prejudged the question of whether the council should be investigated and that I respect council's right to obtain independent, confidential legal advice about its position and its response to me.

The legal advice will not be viewed by me or my other staff and an electronic copy will be kept solely for the purpose of verifying the statements I have made in this letter.

I understand that a copy was also sent electronically to the department but that no departmental officer has read the document. I have advised the department that any person who has read the document should not take part in advising me on this issue.

This most inappropriate and potentially harmful action had the potential to derail the process under way, and I will not make any further comment about this matter until after the council has had the opportunity to consider its position.

QUESTION TIME

FLAGSTAFF PINES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:23): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about the rezoning of Flagstaff Pines.

Leave granted.

The Hon. D.W. RIDGWAY: I suspect that members will be aware that there is a potential rezoning to take place at Flagstaff Pines. There has been quite a lot of discussion in the local community and, in fact, a petition was organised with some 1,900 signatures against the zoning change and 600 in favour of it. I think that a subsequent petition signed by more than 500 people has been sent to the Premier requesting that he ask the minister to respect the investigations and decisions made by Onkaparinga council. I am informed that Onkaparinga council has undertaken open and transparent public consultation, but that on a number of occasions the minister has decided to overrule the council.

The just released 30-year plan specifically identifies Aberfoyle Hub and the Happy Valley, Flagstaff Hill and O'Halloran Hill shopping centres as core zones for urban regeneration, walkability, and other objectives mentioned in the plan. It is important to note that The Pines is not identified as a potential site to meet these objectives.

My question to the minister is: considering the objectives of the government's 30-year plan for regeneration of areas in Flagstaff Hill, O'Halloran Hill, Aberfoyle Park and Happy Valley, will the minister agree to endorse the decision of the City of Onkaparinga to include an assessment of the potential neighbourhood centre at Flagstaff Pines in the Aberfoyle Park, Flagstaff Hill and Happy Valley Activity Centre development plan amendment?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:25): I have yet to make a decision in relation to the Flagstaff Pines issue. What happened in relation to this development plan amendment is that the Onkaparinga council conducted a number of studies. Originally, it had proposed that there be a centre at The Pines, but that was apparently subject to some public controversy, presumably because there is another smaller centre somewhere in the Flagstaff Hill area—a kilometre or two away—that had opposed propositions for the new centre. So, it has been an issue of controversy.

I understand that at least three studies were made into the retail potential, retail activity or retail requirements of this particular region. Based on the advice that I had received, I wrote back to the council when it changed its original proposal, the original statement of intent for the development plan, and suggested that, on the basis of its earlier studies (I understand there had been three of them), I would be inclined to go with the original proposal of the council, but as is

normal with these sort of proposals you give the council the opportunity to respond. That was the position. The council has now responded, saying that it wants further time or a further study or further information in relation to that, and I am currently contemplating that response and will make a decision, which will be either to stick to the previous and original proposition of the council or to go with its modified provision.

In relation to that development plan, there was also some issue in relation to McLaren Vale or McLaren Flat—some alteration in that region—and I was happy to accept the council's revised proposition not to deal with it at this stage and to require further study. I do not think that was the issue, but it has become a controversy down there. Clearly, the community is split on the issue. There are those living in the new subdivision—development is still occurring there—who want the centre, but some of the existing businesses in the Flagstaff Hill area are opposed to any new centre.

The matter needs to be resolved on an assessment of needs in the district. Consideration of this matter has seen correspondence go back and forth between the council, but I received a response from the council recently to my proposal that we proceed with the original proposition of putting the centre there. I will make a final decision on that matter shortly.

I had a meeting with the mayor of Onkaparinga and the CEO and suggested that the matter needed to be resolved quickly, but I was not prepared to do nothing for six months or a year. If my memory serves me correctly, I do not have it with me but the letter was talking about the council finalising its position by, I think, 22 September, or certainly a date late in September, when it had completed its further inquiries. I will await the outcome of that before making a final decision.

PRICE COMPARATOR WEBSITES

The Hon. J.M.A. LENSINK (14:29): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about price comparator websites.

Leave granted.

The Hon. J.M.A. LENSINK: In May this year I asked the minister questions about aggregator insurance product websites, which, in some instances, have been found, when compared to the actual insurance company, to be wildly inaccurate in the order of 40 per cent or more. A study conducted in Britain in December last year found that over 75 per cent of consumers visit price comparison sites at the time of their car insurance renewal. The report indicates that there is a high level of trust of website information, as does the Australian Securities and Investment Commission, which suggests that people find the internet easier to use than product disclosure statements.

In the light of the complete failure of FuelWatch and, more recently, the Grocery Choice website, supported by the federal government, my question is: are comparator websites a matter for discussion at the Ministerial Council on Consumer Affairs and, if not, will the minister bring it to the ministerial council's attention in the interests of consumer protection for South Australians?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (14:31): I thank the honourable member for the question. Indeed, there is an increasing reliance by consumers upon computers to obtain advice and information. Of course, as the honourable member indicated, it presents a whole range of quite different challenges for us in terms of regulation, setting standards, and so on. Indeed, it is an area where quite a bit of work needs to be done.

Following her question in parliament a month or two ago about potential problems with aggregated insurance websites, I checked my own correspondence. I requested some advice on whether my office had received other complaints or concerns. The advice I received is that we had not.

Nevertheless, I believed that the issue was potentially of enough concern that I wrote to the federal minister, Craig Emerson, and requested an outline of his assessment of how big a problem he thinks it might be, whether his office had received many complaints and whether it was seen as an issue of growing concern, given that it had been raised in parliament in South Australia. I also asked him whether there was any particular advice that his office was giving out, in terms of protections or standards, that might help improve protection for consumers, and whether he could inform me of those matters. I have not yet received a reply from him. It is a matter that I would be only too happy to pursue following the ministerial forum.

BURNSIDE CITY COUNCIL

The Hon. S.G. WADE (14:34): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question relating to the City of Burnside.

Leave granted.

The Hon. S.G. WADE: On 1 August 2008, the head of the minister's department wrote to the council seeking its response to a series of complaints, including that the council is placing inappropriate weight on a range of decisions on the views of a person who is neither an elected member nor a member of staff.

In answer to a question yesterday, the minister said that, first, following the letter of 1 August last year, allegations were found to be too general and lacked sufficient evidence to support initiation of an investigation under the Local Government Act. Secondly, later, in the same answer, the minister advised that between November 2008 and March 2009 a complainant continued to submit further complaints to the minister's office. The minister advised that these complaints had been thoroughly assessed but they were deemed to be lacking in the detail required to be able to substantiate the allegations. The minister reminded the council:

> An investigation under the Local Government Act requires a trigger and a reasonable belief of a breach of legislation...

Later in her answer, the minister stated:

> If an investigation is warranted, I can certainly assure South Australians that the terms of reference will be broad enough to capture any and all breaches, including whether inappropriate weight has been placed by the council in any decisions on the views of a person who is neither an elected member nor a member of staff that could constitute a breach of legislation.

My questions are:

1. Has the minister received any allegations relating to the undue influence of an unelected person on Burnside council, other than those concerns raised in the letter of 1 August 2008 and the complaints received between November 2008 and March 2009?

2. Considering that all the concerns in her letter of 2 July relate to the relationship between elected members and between elected members and staff, does the minister have legal advice that any investigator appointed under section 272 of the Local Government Act will have the authority to investigate issues of undue influence of an unelected person given that, under section 272(2), council has not been given a reasonable opportunity to explain its actions regarding concerns related to the undue influence of an unelected person?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (14:36): I thank the honourable member for his question. I have spoken at great length in this chamber previously and I have put on record on numerous occasions details around the potential for an investigation and the processes involved. At this point in time I have no further detail to add to that.

A process has been put in place, and there are requirements that need to be met under the Local Government Act. Due process needs to be followed, and the council has been given until tomorrow to provide its response. I do not believe that it is in anyone's interests or in any way helpful to be pre-empting any other detail or allegations at this point in time.

A preliminary investigation was conducted. Yesterday I spent a great deal of time putting on record details about the various correspondence that was raised in this chamber. That is on the record, and at this point there is really no further detail to be added to that.

NORTH PLYMPTON DEVELOPMENT

The Hon. I.K. HUNTER (14:37): My question is to the Minister for Urban Development and Planning and relates to transport-oriented development. Will the minister provide an update on the progress of the major development assessment process for the residential and retail complex proposed for North Plympton in the area adjacent to the tramline, Marion Road and Anzac Highway?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:38): I thank the honourable member for his timely question. In May 2007, a $75 million shopping centre and

residential apartment complex to be developed on the 1.7 hectare Highway Inn site at North Plympton was declared a major development. The site is bordered by Anzac Highway and Marion Road and is near the city to Glenelg tramline, providing the opportunity to take advantage of that transit corridor. The proposal comprises the following:

- up to eight levels of residential apartments with associated car parking;
- a supermarket covering about 3,892 square metres of floor space;
- a further 2,686 square metres of floor space of specialty retail shopping outlets incorporating cafes and restaurants;
- public car parking spaces dispersed at street and basement level to serve the existing Highway Inn and the proposed development;
- dedicated car parking for the residential apartments;
- demolition of existing retail tenancies on Marion Road and four residential properties on Elizabeth Avenue;
- a pedestrian plaza at street level between the retail elements and the Highway Inn;
- the use of contemporary architecture to invigorate the surrounding underutilised land;
- the creation of a new streetscape for Elizabeth Avenue to enhance amenity, safety and security through passive surveillance and increased activity;
- enhanced streetscape links and shared use paths linking the development to the Marion Road tram stop;
- upgraded bus shelters; and
- provision of secure cycle storage and linkages to the extensive cycle routes in the area.

The project also encourages sustainability features to achieve at least a four-star design rating for the shopping centre and a five-star design rating for the residential apartments.

Members of the public have been invited to have their say on this major development. As part of the state government's major development assessment process, the Palmer Group has prepared a development report on its proposal. A development report is the least onerous of the three levels of assessment provided by the major development process. Normally, the publication of a development report requires only a three-week consultation period and no provision for a public meeting. However, due to the high level of community interest in the project, I made a commitment to the public two years ago that there would be a six-week consultation period and a public meeting.

I have honoured that commitment, and the public meeting is scheduled for 7pm on 20 July in the George Robertson Room at the West Torrens Civic Centre. The development report seeks to address the 10 major issues outlined in the guidelines issued in August 2007 by the Independent Development Assessment Commission. These issues include compatibility with the height restrictions required by operations at the nearby Adelaide Airport, hours of operation for the retail and commercial businesses, the impacts of noise, dust and water run-off during construction, and traffic and parking provisions.

The deadline for submissions to be lodged with the Department of Planning and Local Government is 14 August. Copies of the development report can be obtained online at the Department of Planning and Local Government website. I strongly encourage concerned members of the public to obtain a copy of the development report and have their say about this project.

GRAIN EXPORTS

The Hon. M. PARNELL (14:41): I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development, representing the Minister for Infrastructure, a question about grain exports.

Leave granted.

The Hon. M. PARNELL: South Australian-based ABB Grain is one of Australia's largest agribusinesses. In South Australia, the ports, storage and transport network that exports 80 per

cent of our cereal crops are either owned or controlled by ABB Grain, creating an effective export chain monopoly with a monopoly charging structure in place.

Although significant concerns have been raised over a number of years over this effective monopoly, these concerns have been heightened by the announcement in May this year that ABB Grain will be acquired by Viterra, the largest grain handler in Canada. One of the major impacts of this takeover is the relocation of the company's head office to Regina in Canada.

I recently received a delegation from the South Australian Farmers Federation's grains committee expressing its concern over aspects of this expected deal. In an open letter recently published in the *Stock Journal*, concerned grain growers supporting the SA Farmers Federation wrote:

> We as a group of concerned grain growers are concerned at the prospect of so many strategically critical assets (currently owned by ABB but developed over the years with the support and contribution of local industry and taxpayers), falling under foreign control.

Members should note that taxpayers have funded a large portion of one of these critical assets—the recently-completed Outer Harbor export facility—and, in particular, the essential dredging works to deepen the waters. At the same time as these takeover negotiations, the ACCC, which has responsibilities relating to entities that export bulk wheat and which also provides one or more port terminal services, is currently assessing port access undertakings under part IIIA of the Trade Practices Act 1974.

The Western Australian government has made a submission on the undertakings, but I understand there has been nothing to date from the South Australian government despite the extreme importance of the ABB Grain monopoly to SA grain growers and the SA economy. My questions to the minister are:

1. Is the state government concerned that South Australia could lose one of the state's few remaining major companies with headquarters still in Adelaide?

2. What will be done to protect the essential infrastructure assets which have been paid for by taxpayers and growers through levies and which could end up being controlled by foreign interests?

3. Why has the government not been more vocal in the public debate over the future of a key publicly funded infrastructure investment?

4. Once the headquarters of the new merged agribusiness have shifted from Adelaide to Canada what, if any, influence will the SA government have over prices charged to SA grain growers for the movement and handling of their produce?

5. Will the state government be making a submission to the ACCC on port access undertakings in relation to ABB Grain and, if not, why not?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:44): There are obviously a number of issues tied up in those questions, and they are largely the responsibility of either my colleague in another place or, indeed, the commonwealth government. Clearly, one would expect that a takeover of this kind would need to go through the Foreign Investment Review Board. I am not sure what process that is up to or how that will come into play, but one would certainly expect that it may be an issue.

Of course, ABB was formerly the Australian Barley Board and AusBulk; the two merged some years back. From my understanding of the shareholding of ABB, certainly when it was the Barley Board (I was the minister for agriculture at the time), there was a lengthy debate over the single desk because ABB did have a monopoly in relation to the handling of barley, through the single desk—and there was indeed some debate when I was the minister. A report was issued, and the legislation changing that process went through the parliament.

Certainly, at the time, ABB was a grower-owned enterprise, and one would suspect that, with the AusBulk component as well, the growers would have if not majority ownership (it may have been watered down a bit) very significant ownership in this company and would have the capacity to determine the future of that industry.

I should also point out that, while AusBulk certainly is a monopoly, or has a very strong position in relation to the export of grain, following the changes that have been made at federal and state levels by both Labor and Liberal governments in recent years there is more competition in the

grain export business than there was some years ago. So, I think many of the monopoly elements that apply to ABB, particularly the single desk elements, have been somewhat broken down in the recent past.

There are a number of related issues. Clearly, one would have thought that, in the first instance, it will be up to the shareholders, who, I suspect, are largely growers; there would certainly be a significant holding to make their determination. One would expect that it would have to then go through the Foreign Investment Review Board, but I will endeavour to have that information investigated. As I have said, I will refer the questions on and bring back what further information I can for the honourable member.

ROAD SIGNAGE

The Hon. T.J. STEPHENS (14:48): I seek leave to make a brief explanation before asking the Leader of the Government, representing the Minister for Road Safety, questions about road signage in the Far North of the state.

Leave granted.

The Hon. T.J. STEPHENS: I have been contacted by constituents in the Far North of the state who have criticised the insufficient road signage in the area. Complaints have specifically been about roads and tracks between Innamincka, Moomba and Birdsville. Some signs have evidently been missing for almost two years, and I understand that some tracks have never even been signposted.

Due to the increasing number of tourists travelling on remote Outback roads, it is a serious issue. By the very nature of the isolation, an innocent mistake by a motorist can and does have tragic consequences. My question is: why has the road signage in this remote tourist area not been monitored effectively, and what will the government do to address the situation?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:49): I will refer the honourable member's question to my colleague in another place: it may well be the Minister for Transport rather than the Minister for Road Safety. I make the comment that one of the unfortunate things is that, because of the mystique that surrounds places such as Innamincka and Birdsville, many of the people who travel in those areas like to souvenir the signs, and I am sure that is one of the problems. Because it is so remote, I guess it is easy to souvenir the signage without being observed, and that is probably one of the issues. Nonetheless, I appreciate the points raised by the honourable member, and I will refer his question to the minister in another place.

HOME IMPROVEMENT TRADESPEOPLE

The Hon. R.P. WORTLEY (14:49): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about home improvements.

Leave granted.

The Hon. R.P. WORTLEY: Engaging an unlicensed or uninsured tradesperson can seem cheaper than engaging a licensed one. However, doing so can leave the customer with poorly performed work that can end up costing substantially more to rectify. Will the minister advise the council what consumers can do to protect themselves against engaging an uninsured, unlicensed and potentially dodgy tradesman?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (14:50): I thank the honourable member for this most important question. Indeed, renovations can be very exciting projects—of course, until something goes wrong. Problems can often be avoided if consumers do their homework before renovation work begins. So far this year, renovation complaints to the Office of Consumer and Business Affairs are 25 per cent higher than complaints received this time last year, and the office is concerned that some consumers are being caught out without indemnity insurance. OCBA has received 87 complaints about home renovations so far this year compared with 65 complaints for the same period in the previous year.

While many of the complaints have been relatively minor and able to be resolved, there have been some complaints involving many thousands of dollars worth of work, and there is no indemnity insurance for some consumers to then claim against. Some consumers are pressing ahead with large scale home renovation projects without first checking that the builder has taken

out indemnity insurance. This insurance can be the only lifeline for consumers if the builder goes broke, dies or does a runner during construction or during the five year warranty period.

We are hearing reports of builders going broke and not completing the work they were contracted to do, leaving the consumer out of pocket with no indemnity insurance to claim against. By law, builders must take out building indemnity insurance if the work costs $12,000 or more and council approval is required. Without indemnity insurance, consumers often have little hope of recovering their losses, especially where the builder has disappeared or become insolvent.

In other cases civil action may be an option, and I take this opportunity to remind consumers that the legislation currently only allows for progress payments for building work, so consumers should be wary of paying money before the completion of the work. In these cases indemnity insurance would not assist them. In the past 18 months, OCBA has taken enforcement action against 14 builders who failed to take out indemnity insurance, including three prosecutions. Before starting any renovations, consumers should seek at least three quotes from licensed builders, get a written quote, ensure the builder has taken out indemnity insurance where required and ask for a copy of their policy.

When undertaking renovations or improving the home, consumers should ensure that they engage a licensed trader. This work may include bricklaying, tiling, plumbing, gas fitting and electrical work. To obtain a licence or registration a successful applicant must meet specific eligibility criteria, which may include technical training; business qualifications; and reference, police and financial checks. In each case OCBA can advise on the specific criteria required. However, there are times when consumers are uncertain about whether a contractor may have a licence.

If a consumer engages an unlicensed tradesperson, there is a much greater risk, obviously, of the job being pear shaped. The work can be most unsightly, unsafe and at times unfinished. An example of the extent of dodgy work from an unlicensed tradesperson is particularly in the area of bathroom renovations. Some of the problems we have identified include substandard plumbing, installation of defective goods and projects taking considerably longer to complete.

Last year the Office of Consumer and Business Affairs undertook 18 court actions against builders, plumbers and gas fitters and electricians. Ten of these were against unlicensed operators. It is very easy for consumers to check whether a tradesperson or company has a licence, and this can be done by visiting the Office of Consumer and Business Affairs online licence register, which is on the OCBA website.

MURRAY RIVER, LOWER LAKES

The Hon. R.L. BROKENSHIRE (14:55): I seek leave to make a brief explanation before asking the Leader of Government Business some questions.

Leave granted.

The Hon. R.L. BROKENSHIRE: Today, minister Maywald in another place made a ministerial statement about water and water supply, particularly to the Lower Lakes. In that ministerial statement the minister said:

> ...South Australia is not responsible for over-allocation of the Murray-Darling Basin and is not responsible for the drought.

We understand that the government is not responsible for the drought, but the minister goes on to say in her statement, 'Community consultation has guided the government's efforts in' and, amongst a number of dot points, it says, 'coordinating pipelines around the Lower Lakes to deliver potable and irrigation supplies.'

My question is: why did the minister in the other house say that the government has provided coordinated pipelines around the Lower Lakes to deliver potable and irrigation supplies when, in fact, there are two areas (Point Sturt and Hindmarsh Island) that are desperate for potable water and pipeline infrastructure but, so far, their requests over nine months have been totally neglected by this government?

The PRESIDENT: The minister will disregard some of the opinion in the question.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (14:56): I thank the honourable member for his question, but my understanding is there has been a very significant

amount of money (I think something like $600 million was provided to this state from the commonwealth Murray Futures program) to build pipelines around the Lower Lakes; and, of course, I think we are all aware there has been a pipeline built to the Meningie region and other areas. I am not sure whether that program has been finished—clearly, it takes time to build all of those pipelines—but I know a very significant amount of taxpayers' money has been put into building pipelines in that region.

I will take the question on notice to the Minister for Water Security and get the latest update in relation to those areas. Clearly, given the size of the area around the Lower Lakes and the dimension of the problem, notwithstanding that such a large sum of money has been spent to deal with these issues, it is obviously very difficult to try to resolve this issue, even if it is in a temporary sense, for everyone who lives in the region.

As I said, given the amount of money that has been spent, I think the government has done probably more than one could reasonably expect in relation to trying to satisfy everyone who is affected around the Lower Lakes. It is a massive problem. As I said, I will refer the question to the minister and bring back a reply regarding progress in relation to any communities that may not yet have had the benefit of those pipelines.

RURAL WOMEN

The Hon. C.V. SCHAEFER (14:58): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about women in agriculture.

Leave granted.

The Hon. C.V. SCHAEFER: A recent article in *The Age* states as follows:

More than 52,000 Australian women call themselves farmers, yet four out of five paid board or management positions in the rural sector are held by blokes—and the federal government wants that to change.

The government is announcing targeted funding to help balance up the gender ratio in rural leadership positions and help more female farmers get appointed to the top rural gigs.

Minister for Agriculture, Tony Burke, announced $2 million to go towards leadership development and mentoring for rural women.

This is on top of $1 million announced in May for rural women's leadership grants and $50,000 for mentoring programs.

Mr Burke said women were still not properly represented in leadership roles in the agricultural sector, with less than 20 per cent of paid board and management positions in the sector held by women.

My question is: given that this government scrapped the rural leadership course for women and the rural mentoring structure some years ago, what specific commitment does the state government have towards training rural women for leadership positions, and where is the money in the budget?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:00): I thank the honourable member for her question. I know that the federal government has recently announced a very important commitment in terms of funding to assist women in rural communities. I also know that we have a number of ongoing leadership initiatives in terms of our Public Service and groups established to encourage and mentor women within the Public Service, and some of those women are employed in regional centres.

We have sought advice in terms of any specific initiatives, in particular coming out of the recent federal announcement, and how they pertain to a new project in South Australia. Once we have received that advice, I will be happy to bring it back to the chamber.

30-YEAR PLAN FOR GREATER ADELAIDE

The Hon. CARMEL ZOLLO (15:01): My question is to the Minister for Mineral Resources Development. Can the minister provide any information about the prospects for mining and jobs in South Australia, and how will this be accommodated through the 30-Year Plan for Greater Adelaide?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:01): I thank the honourable member for her question, which also touches on my responsibilities as Minister for Urban Development and Planning.

The 30-Year Plan for Greater Adelaide lays the foundations for strong economic growth in the state that will ensure we continue to attract working-age people to South Australia and encourage young South Australians to remain here rather than head interstate. The 30-year plan sets a target of creating 282,000 additional jobs during the next three decades, and these new jobs will require net growth of at least 2 million square metres of extra employment floor space, including 2,580 hectares of specialist employment land.

This rapid rate of growth requires a strategy that encourages business clusters such as Greater Edinburgh Parks, the Techport at Osborne, and Mawson Lakes Technology Park. These clusters are to be strategically located around Adelaide's key transport infrastructure, such as road, rail, air and sea terminals. By setting targets for high employment growth, the plan then locates these jobs where there is sufficient land available for commercial, industrial, retail, primary production, mining and other activities.

This government also wants to make the most of Adelaide's existing infrastructure to concentrate jobs within transit corridors. The 30-year plan also ensures adequate access to known mineral deposits and restricts land subdivisions to maintain viable and productive agricultural activity. The plan also sets aside 23,200 hectares of land for mineral extraction, protects primary and secondary freight corridors, and ensures appropriate buffer zones between mining activities and residential areas. Some of these issues will be addressed in amendments to the Mining Act that I hope to bring before parliament when we resume after the winter break.

Seven years ago South Australia was home to four operating mines; this year we will have 11, with that number to grow next year to 16. It would be disappointing if the millions of dollars of investment in exploration and the construction of new mines did not lead to greater regional employment and more jobs in the city. This government wants to make Adelaide the main focus for peak support services for the mining industry that will discourage fly-in/fly-out arrangements to other capital cities, as well as create an additional 670 mining jobs within the Greater Adelaide region.

As members know, this government has been encouraging OZ Minerals to relocate its offices from Victoria to Adelaide in recognition that its major asset, Prominent Hill, is here in South Australia. Similarly, it wants to encourage other mining and energy companies to set up regional bases in this state. The government also wants to create a specialist minerals precinct in the metropolitan area to encourage mining companies to locate their administrative and support functions in Adelaide. I was heartened to read last week that the South Australian Chamber of Mines and Energy welcomed this proposal, and I will be speaking to many of the stakeholders—including SACOME, PIRSA, and the South Australian Minerals and Petroleum Expert Group—during the next three month consultation period to identify the best location for such a specialist precinct.

POLICE PROCEDURE

The Hon. A. BRESSINGTON (15:05): I seek leave to make a brief explanation before asking the minister representing the Minister for Police a question about police procedure.

Leave granted.

The Hon. A. BRESSINGTON: On 26 March 2009 I asked a question regarding police procedures and was advised by the minister representing the Minister for Police that the question would be referred to the minister for answers and that 'one would need to know the context in which that question was asked; in other words, the circumstances of any particular situation'. My questions at the time sought to ascertain what is considered standard operational procedure when members of the public seek to make a police incident report when a serious assault has occurred, regardless or who the victim or offender is. As yet I have not received any response to my questions. My questions to the Minister for Police are:

1. Under what circumstances would police refuse to take a police incident report when a serious assault has occurred?

2. If a person who is wrongfully arrested was the victim of a serious assault, can that person once released lodge a police incident report?

3. What powers do the police have to compel a suspect to participate in a line-up?

4. Are the police required to give either their name or badge number when requested by a constituent who believes they have been harshly or unfairly treated?

5. Under what circumstances can police officers deviate from standard operational procedure and, if so, under what circumstances can police refuse to give their name or badge number or to take a police incident report?

6. When was this practice written or ratified into the police policy and procedure manual?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:07): I will refer that question to the Minister for Police and obtain a response.

COUNTRY TAXIS SA INCORPORATED

The Hon. R.D. LAWSON (15:07): I seek leave to make a brief explanation before asking the minister representing the Minister for Transport a question about Country Taxis SA Incorporated.

Leave granted.

The Hon. R.D. LAWSON: I have received a letter from Country Taxis SA Incorporated, the association that represents country taxi operators, which contains serious allegations in relation to the Office of Public Transport. The letter claims that the regulations for accrediting country taxis were accepted by the association only under duress—and the words 'under duress' are not mine but those of the association. By way of background, members are aware of the South Australian transport subsidy scheme under which eligible persons receive subsidised taxi travel. After carrying such a passenger, the taxi operators have to submit the vouchers and receive payment in due course from the Office of Public Transport.

In 2007, country operators opposed regulations the government proposed to introduce on the ground that those regulations discriminated unfairly against country taxis when compared with metropolitan taxis. The letter to which I refer states:

> In the latter part of 2007 the Office of Public Transport withheld from some regional taxi operators payments in excess of $100,000 for South Australian Transport Subsidy Scheme taxi work done.

The letter continues:

> Many loyal country taxi patrons saw fit to petition the transport minister, Patrick Conlon, about the undignified unfairness of this action. It was duly rectified, with catch-up payments subsequently being made. However, at the April 2009 meeting of Country Taxis SA it was alluded that the Office of Public Transport could revisit their program of withholding funds from Country Taxi operators should we resist complying with the government's new regulations. Country Taxis SA, as a gesture of good-faith and good-will 'noting the presence of duress', moved to accept the government's Country Taxi operator accreditation [scheme].

My questions to the minister are:

1. Did the minister or any person in the minister's office know of the tactics employed by the Office of Public Transport in relation to this matter?

2. Did the minister approve of those tactics and, if not, what action does he propose to take in relation to the serious allegations raised?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:10): I thank the honourable member for his important questions, and I will refer them to the Minister for Transport in another place and bring back a response.

WOMEN'S INFORMATION SERVICE

The Hon. J.M. GAZZOLA (15:10): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about family support programs.

Leave granted.

The Hon. J.M. GAZZOLA: South Australia has a proud record for volunteering and the Women's Information Service is an excellent example of volunteer efforts having significant positive outcomes for South Australians. The Women's Information Service provides support services to women throughout South Australia, including legal advice. Will the minister inform the council on the Women's Information Service family support program?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:11): The Women's Information Service (WIS) is a free information, referral and support service for the women of South Australia. Assistance is provided either in person, over the phone, via email and the internet, and a toll-free number is available for women residing in rural and remote areas.

The rural women's telephone link-up service supports women in South Australia residing in regional areas to access services that they are unable to attend in person. Women are able to call the WIS 1800 toll-free number and will be connected free of charge to any service relating to individual women's health and well being.

In order to advance the information provided to women who do not regularly access the city-based service, 30 WIS information hubs have been established in outer metropolitan and regional areas. Several of these WIS information hubs have been set up in children's centres across South Australia as a result of close working relationships between WIS staff and community development coordinators.

The Family Court Support program was established by the Women's Information Service in 2006 to help make women's experiences in the family and federal magistrates courts safer and more tolerable—a bit more user-friendly. The program is focused on providing support and non-legal advice to women in relation to separation, with a particular focus on women who have experienced violence and abuse.

To date, the program has received 313 inquiries, with 179 court support sessions provided to the women of South Australia. The program is supported by 15 volunteers, seven of whom have recently been recruited and completed a six-week volunteer training program. The training program focuses on aspects of support such as supportive listening, provision of correct information and referral, and ensuring that volunteers understand their role, including the difference between giving advice and giving information. Trained volunteers are able to explain the layout of the court and basic legal processes (not advice) as well as provide information and referral options regarding services that may be of assistance to women.

The court support program also provides support to women in regional areas who often find they have to attend court in Adelaide on their own. It is an important community service aimed at making what can be quite a difficult and stressful situation more tolerable and friendly. While Family Court Support provides non-legal support to women, legal advice is available through WIS in conjunction with the Women's Legal Service. Women are able to contact WIS and receive free, confidential legal advice from the Women's Legal Service. This service is available to all women in South Australia. In this way, WIS is able to provide a comprehensive service to women by providing both court support and free legal advice.

STATE ADMINISTRATION CENTRE CAR PARKS

The Hon. R.I. LUCAS (15:14): I seek leave to make a brief explanation before asking the Leader of the Government a question about government waste.

Leave granted.

The Hon. R.I. LUCAS: On 3 June I raised a question in this council with the leader about the decision by the Premier and the Deputy Premier to spend public money on a rain or sun shade for their cars parked at the back of the State Administration Centre. Members will not be surprised to know that, six weeks later, I still have not had an answer to that particular question. Nevertheless, undeterred, I lodged FOI requests with various government departments and agencies. As a result of those FOI requests, I have been provided with a copy of a number of emails which involve the Chief of Staff to the Premier, Mr Alexandrides. An email on 2 January from one of the departmental officers states:

> I have been approached by the Premier's advisor regarding the provision of some form of shade for the Premier and Treasurer's cars which are parked at the rear of the State Admin Centre.

On 8 January, there was another email, from Mr Alexandrides to Mr Peter Rebellato from DTEI, stating:

> Any news on the sun protection at the rear of the SAC?
>
> Regards, Nick...

Then there was a follow-up email on 8 January to Tim O'Loughlin who was the acting senior officer, I think, or possibly the CEO of the Department of the Premier and Cabinet, seeking just under $30,000 for the provision of some shade and rain protection for the Premier and the Deputy Premier. It is a bit hard to ascertain whether it was just under or just over $30,000 by looking at the various documentation provided by the various departments and agencies; the quote seemed to change throughout the documentation.

Other aspects of the documentation reveal that, prior to that, the decision had also been taken to install boom gates and closed-circuit television in relation to providing a greater degree of privacy or protection for the Premier and the Deputy Premier when they park their cars at the back of the State Administration Centre. I note that former premiers and deputy premiers did not have the extra privacy and protection of boom gates and closed-circuit television at the back of the State Administration Centre when they parked their cars.

My question to the minister representing the Premier and the Deputy Premier is: what was the total cost of installing boom gates and closed-circuit television at the back of the State Administration Centre for the additional protection of the Premier and the Deputy Premier, and anyone else who uses that particular park at the back of the State Administration Centre when parking their cars?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (15:17): The speculation is that, of course, the Hon. Rob Lucas will be returning to the front bench in the very near future and, again, we have seen an example of the sort of new focus that the Liberal Party will have in relation to certain issues.

In his question the honourable member talked about former premiers not having extra privacy and protection. My office in Terrace Towers, which was the office of the former premier, has very elaborate security arrangements within that part of the building. I do not use them any more but they were—

Members interjecting:

The Hon. P. HOLLOWAY: What I think is different is that the current Premier has been taking a very courageous stance in relation to many of the criminal elements in this state and, in particular, motorcycle gangs. I think the police would be quite properly concerned in relation to that.

This morning there was a statement at the start of question time that a person at the South Lakes threw mud at the former premier Dean Brown. What was most unfortunate was that ABC Radio almost complimented that individual instead of condemning them, as any reasonable person would have done, for that sort of behaviour. This is the sort of environment we live in now: where someone is encouraged, if they do not get their way, to literally throw mud or indulge in other sorts of behaviour, and the media will apparently give you publicity and virtually encourage you to do it.

I think that is regrettable, but I think that is the way our society is moving. I think that the fact that security people should be looking at protection, given some of the threats that have been made and given the courageous stance this government is taking in relation to those who indulge in criminal activity, is not surprising, and I do not think the public of the state would be particularly concerned—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Well, do you really want your premier going to events dripping in sweat?

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Do you want a premier turning up at events—

Members interjecting:

The Hon. P. HOLLOWAY: What I will say about our Premier and Deputy Premier is that they are extremely active. They go out; they visit and they go out amongst the people. We have community cabinets. The Premier and the Deputy Premier of this state are always out there visiting people, and I do not think that the public of this state would expect to see them coming in dripping in sweat because they are in and out of the car all the time.

Members interjecting:

The Hon. P. HOLLOWAY: The attacks of the Hon. Rob Lucas are typically petty. They are so typical of the sorts of attacks he has made over nearly 27 years in this place and this is his biggest issue.

The Hon. J.S.L. Dawkins interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: When one thinks about other states where their governments have private aircraft and all that sort of thing, I would have thought that a premier, who is active and goes out there, having a bit of shade on the car so that he is not dripping in sweat wherever he goes is a very modest requirement.

SERVICE SA

The Hon. I.K. HUNTER (15:22): I seek leave to make a brief explanation before asking the Minister for Government Enterprises a question about customer satisfaction.

Leave granted.

The Hon. I.K. HUNTER: Ensuring that customers get what they want is often challenging and difficult to measure. Can the minister advise what Service SA is doing to measure and ensure customer satisfaction?

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (15:22): I thank the honourable member for his most important question and his ongoing interest in this important policy area. In 2007, Service SA adopted the state government's approved common measurement tool (CMT) questions to help it better understand customers' satisfaction drivers. In May 2007, Service SA implemented a customer feedback process across the Service SA Customer Service Centre Network called 'Have your say'.

The system assesses customers' experience via a common measurement tool, the CMT questions, via forms which are very easy to use and quite user-friendly. The forms are freely available in the customer service waiting area and are completed by customers at their discretion. The 'Have your say' feedback form is returned direct to Service SA's central office. All forms received are recorded and, if contact details are provided, Service SA responds directly to the customer as appropriate. Customers indicated a satisfaction rating of 86 per cent for the overall outcome of getting what they needed. That was in May 2008.

In late 2008, the Service SA Customer Contact Centre also commenced using the common measurement tool questions for its quarterly customer satisfaction reports. With customers attending the service centres, contact centre customers opt in to the feedback process. Team leaders call customers who have previously contacted the centre and agreed to participate in a quick survey. The feedback provides useful insights for customers' preferences around service delivery activities and helps Service SA develop responsive practices.

During the March quarter of 2009, the contact centre recorded a 92 per cent rating for overall customer satisfaction from the customers contacted. Service SA was aiming for a customer satisfaction target of greater than 85 per cent and, clearly, it exceeded this last financial year and hopes to achieve similar results this financial year. I think what it goes to is the real drive and commitment of the staff of Service SA. The driving focus of the staff is to provide a strong, high quality, customer focused service. The staff work very hard to improve their service in an ongoing way, and they should be commended for these outstanding results.

PUBLIC SECTOR BILL

Consideration in committee of the House of Assembly's message.

The Hon. G.E. GAGO: I move:

That amendment No. 1 be agreed to with the amendment made by the House of Assembly.

I am pleased to say that, in the few weeks since this bill left the chamber, there have been very productive discussions between the government and the opposition, which has led to an agreed position about this important legislation. The bill will give us a high performing public sector, and it is based on the strong Labor Party principle that we value our public sector very much. We want to entrench that value by setting out right up front in the bill the principles and the standards to which

the public sector should be committed. Public sector workers perform an extraordinary job for South Australia, and we believe they will see this legislation as positive reinforcement of the work they do.

The Hon. D.W. RIDGWAY: I indicate that the opposition supports the motion. I would also like to make the comment that yesterday we saw the government announce the reform agenda for the Legislative Council. The government said that one of the motivating reasons for the reform is that the Legislative Council blocks legislation and frustrates the government. However, here we see an example of where the Legislative Council has made some well-considered amendments. Then, the appropriate thing happened, and the bill went back to the House of Assembly and then, as the minister said, there were good and fruitful negotiations between the government, the opposition, key stakeholders and the minor parties. We now have an outcome that everyone is comfortable with. I think it is a great example of democracy at work.

I will not become sidetracked by the issue of Legislative Council reform, because we are not debating that here today; however, I think this is an example of how a democracy works and works well. We are back here today to make some minor changes, and then all parties will be happy.

The Hon. M. PARNELL: The Greens are pleased to see that the government has seen sense and has chosen to go down the path of negotiation and discussion, which path is nearly always preferable to deadlocks, which the government has handled very poorly in the short time I have been in this place. I know that not all the parties are 100 per cent happy with the outcome, but that is the nature of negotiation and compromise.

We spent a great deal of time in this chamber on these amendments. I think we genuinely put forward some sensible options, and some of these have been refined even further. I am pleased that we will shortly see this bill off the *Notice Paper* and that we can move on to other issues, and in this case that is due to the good sense the government had to negotiate with the key stakeholders.

The Hon. R.L. BROKENSHIRE: Having listened to the deliberations and a lot of effort by members of parliament and others over several weeks, it appears to me that common sense will now prevail and that there will be a fairer and more equitable approach to those people who work so hard for us in the public sector, and for that reason we will be supporting the further proceedings to complete this legislation.

Motion carried.

The Hon. G.E. GAGO: I move:

That the council do not assist on amendment No. 15 and agrees to the alternative amendment of the House of Assembly in lieu thereof.

Motion carried.

The Hon. G.E. GAGO: I move:

That the council do not assist on its amendments Nos 2, 3, 9, 10 and 12.

The Hon. D.W. RIDGWAY: I indicate that we will be supporting the government, but I want to put on the record and thank Stephen Griffiths, the new Deputy Leader of the Opposition in the House of Assembly, who has worked closely with the minister's office and the PSA. I know that it has had extensive discussions with the shadow minister who had carriage of this, and I put on record my and the Liberal Party's appreciation of his work.

Motion carried.

REPRODUCTIVE TECHNOLOGY (CLINICAL PRACTICES) (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 July 2009. Page 2821.)

The Hon. S.G. WADE (15:34): This bill amends and updates the Reproductive Technology (Clinical Practices) Act 1988. It is a fundamental principle of ethics that each human life has intrinsic worth and that the worth of that life should not be dealt with with regard to the interests of another rather than its own. The relevance of the issue of the rights of a child in assisted reproductive technology was highlighted for me in the recent inquiry by the Social

Development Committee into gestational surrogacy. Under the heading 'In the best interests of the child', the committee's report states:

> One of the central themes to emerge in submissions during the Inquiry was concern about the welfare of children born through surrogacy arrangements.
>
> The committee considers that surrogacy arrangements must at all times give primacy to the welfare of the child. It does, however, also recognise that defining what is meant by this underlying principle is not an easy task. History suggests that this principle is not immutable; it can and does change. Moreover, it cannot be easily separated from the broader social and political context.

In the context of gestational surrogacy, the issue of the rights of the child, for example, came up in the context of the right of a person to know their genetic origins. The parentage provisions of the Family Relationships Act 1975 were designed to ensure that a couple treated for infertility who used donor reproductive material would be considered the legal parents of the child. Conversely, under those provisions it was contended that individuals who had donated reproductive material would not be legally recognised as the parents of any child born of their donated reproductive material. In other words, the legislation gave priority to protecting the interests of a couple seeking infertility treatment as well as the interests of the donor who had provided the reproductive material. The committee report stated:

> The committee seeks to give primacy to the best interests of the child. The committee is particularly mindful that children should not be denied access to information regarding their genetic history or the circumstances of their birth. Likewise, the committee considers that the privacy of children born through gestational surrogacy arrangements should be protected and they should not have to disclose their surrogate birth status each time their birth certificate is presented.

I use that discussion as an example of how, in one set of relationships, one can have conflicting interests between people who are not, if you like, inherently adversaries. It is important that we recognise all the relevant interests in such a relationship, and it is my view that we should have particular regard to the rights of a child. The Australian Family Association stated this issue in particularly strong terms, as follows:

> The plight of childless couples must not lead legislators into a rash decision to treat children as property.

The United Nations Convention on the Rights of the Child affirms the principle of the primacy of the rights of children. In article 3 it states:

> In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

This principle has been reflected in the Reproductive Technology (Clinical Practices) Act 1988. Section 10 provides:

> The welfare of any child to be born in consequence of an artificial fertilisation procedure must be treated as of paramount importance, and accepted as a fundamental principle, in the formulation of the code of ethical practice.

I am concerned that this bill seeks to remove that provision and proposes that the interests of the prospective parents be placed at the same level as those of the child. I do not deny that prospective mothers and fathers have rights and interests that should be respected and I would support them being recognised in the act so long as the right of the child is given primacy. However, in my view, we must continue to give priority to the impact on the child. If we do not make the child our priority, we tend towards regarding them as a commodity. On this basis, I support the amendment foreshadowed by the Hon. Dennis Hood.

I remind honourable members that this simply retains the principle of the primacy of the rights of the child which is in the current legislation. I also affirm that I share the view of the Social Development Committee when it said that the principle of the best interests of the child is not easy to define, nor is it immutable: it does change, including in the broader social and political context.

A key issue raised by this bill and which directly raises the issue of the best interests of the child is whether a person should be able to access assisted reproductive technology using the genetic material of a deceased partner. Some contributions suggest that, by definition, to allow a child to be conceived knowing that the father is dead would never be in the best interests of the child and should be prohibited at law. I do not share that view. I think it is conceivable that it may be in the best interests of a child to be born into a family even though their natural father may not be able to be present. By the same token, a mother-and-father-headed family may, in all the circumstances, not be in the best interests of a child. I think it is inappropriate that we seek to prohibit such possibilities in legislation, but I do express my strong conviction that assisted

reproductive technology services should include appropriate assessment and counselling processes to ensure that the best interests of the child are considered.

In relation to the amendment put on file by the Hon. Ian Hunter, I look forward to hearing the honourable member's explanation at the second reading and committee stages, and I will consider that clause at greater length in the committee stage.

The Hon. CARMEL ZOLLO (15:40): My contribution will be brief. I support the general thrust of this bill; that is, the need to update the legislation so that it meets the needs of South Australians requiring assisted reproductive treatment into the 21st century and, in particular, to ensure that our legislation is consistent with a national regulatory scheme. The minister has already explained the legislation and I do not think it is necessary for me to repeat the explanations in the bill, but I want to place on the record that I do have a couple of concerns that relate to the best interests of the child.

I agree with the Hon. Dennis Hood that the best interests of the child should remain the paramount consideration, as is currently the case in law. I do not believe that enshrining in law that a deceased person's sperm can be used, as well as allowing IVF access irrespective of relational considerations, as has been flagged in an amendment of the Hon. Ian Hunter, is something that necessarily meets the best interests of the child.

Having said that, I would be the first to agree that there are very many happy and well-adjusted children who are brought up by single mothers, and no doubt some brought up by couples of the same sex in what can only be described as loving circumstances. However, I do not think we should resile from the fact that it is wrong to start with a premise that it is okay to purposely bring a child into the world knowing that they will not have a father; not because circumstances have dictated it to be the case, but purposely so. As this legislation requires a conscience vote, I will reserve my right to consider the amendments as they are put.

The Hon. I.K. HUNTER (15:42): I rise to voice my support for the Reproductive Technology (Clinical Practices) (Miscellaneous) Amendment Bill 2008, and to indicate that I will be moving an amendment to the legislation, which I will outline presently. Our current laws date from 1988 and were created in a world where in-vitro fertilisation was a relatively new technology and where assisted reproductive treatment was an unusual way to form a family. Because this was a new technology when the act was written, the legislation was, by today's standards, overly cautious. A tentative approach was taken because the legislators of the day did not know what the technology might yield into the future.

However, science, technology and society have progressed in the past 20 years, and the controversies attached to in-vitro fertilisation in those early days seem largely inconceivable today (if members will excuse the pun). We all know of family, friends or colleagues who have accessed this technology to have their longed-for baby, and we now know that assisted reproductive technologies are not something that we need to be as cautious about, as is the old act.

As I have said, since that time technology and social values have changed, and it is therefore necessary for the legislation to similarly evolve to ensure that it reflects those changes. Likewise, changes at a national level mean that in the current circumstances there is some duplication in systems that can easily be removed for the ease of practitioners and consumers. Additionally, aspects of the legislation have been found to be in contravention of federal legislation and are no longer applied. So there are many reasons for updating this legislation.

Under the existing legislation there is a requirement that women accessing assisted reproductive technologies be married. This excluded not just unmarried women but all lesbians seeking treatment. However, in 1996 the South Australian Supreme Court found that this was contradictory to the commonwealth Sex Discrimination Act 1984, and, ever since, marital status or sexuality have not been used to determine whether women can access this technology. This current bill reflects that reality.

A national framework for ART was established in the mid 1990s, and this framework in parts overlapped with current state legislation and in some parts contradicts the current act. Reforming the act brings it into line with the national framework, and this bill is a very sensible step in making sure that the state and national objectives align. From a practitioner's viewpoint this bill represents a logical step and will mean that scientists and clinicians are working under only the one set of guidelines, simplifying their day-to-day work.

Further, the bill brings in aspects of current practice set by industry standards, showing a genuine reflection of industry practice, which is always desirable. Under this bill, the conditions for which invasive treatment will be allowed will be extended to situations where there is a risk of transmitting a serious disease or illness, where it was previously used only in instances where there was a risk of transmitting a genetic defect. This is another sound step and will be of particular importance to fathers, for example, with HIV. In such instances, 'sperm washing' is a very successful technique, ensuring that the virus is not transferred to the child.

Another sensible inclusion in the legislation is the provision for regular reviews. The current act has not been reviewed in more than 20 years and, as we see with the current legislation, that is too long to go without reappraisal. The heart of this bill—and what we must not forget in this debate—is about creating families. The welfare of the woman and of any subsequent children have been made the No.1 priority. Not all families can be formed in the usual way. Sometimes for a variety of reasons nature needs a hand to ensure that dreams of having a family can come true.

I am at a bit of a loss to understand why Family First has not embraced this provision: it does not diminish the focus on the interests of children in any way but rather adds into the equation the welfare of another necessarily crucial partner and participant in this process—that of the mother. Even though these families might be formed in ways that were unbelievable just a few decades ago, it does not make them any less valid or appreciated. In many of these cases the families created are so hard fought for that perhaps they are more appreciated and more valued, and who would want to deny someone the chance of bringing a child into the world in such circumstances? We see enough instances where children do not seem to be wanted; in cases where they are cherished we should be supporting their arrival. We should be making their way into the world easier for the families who will love them.

Partly to that end I will move to amend clause 8, page 6, lines 1 to 8 (the inserted section 9(1)(c)(i) and (ii)). I will move to delete subparagraphs (i) and (ii) and substitute the following new subparagraph:

(i) if, having regard to all the circumstances of a particular woman, the woman would be unlikely to become pregnant other than by assisted reproductive treatment;

The current provisions in this section determine that ART is accessible for a woman who is or appears to be infertile. Whilst no definition is given of infertility, it is generally given that this section refers to medical infertility only. That excludes single women and lesbians, who are unlikely to become pregnant by any other means but who are not medically infertile in the strict sense. This amendment would create a more encompassing piece of legislation, allowing ART to be accessible to a wider range of women.

As I understand it, in comparable legislation in New South Wales there are no restrictions on who can access this legislation. The South Australian proposed bill is much more restrictive, and in between there is the Victorian legislation that uses the wording that I will be substituting in my amendment. It mirrors the wording of the Victorian Assisted Reproductive Technologies Bill 2008. In his second reading speech, Victorian Attorney-General Rob Hulls referred back to the Victorian Law Reform Commission review of artificial reproductive technologies, which had underscored the Victorian legislation.

With reference to the women who would be included under this Victorian legislation, should my proposed amendments be accepted, he said:

The VLRC reviewed relevant research and was satisfied that parents' sexuality or marital status are not key determinants of children's best interests. Rather, it is the quality of relationships and processes within the families that determine outcomes for children.

As I said, after all it is all about creating loving families, and excluding single women or lesbians from these services in South Australia will not stop them accessing them. I again draw on Attorneys-General Hulls' comments in his second reading speech:

Some people who cannot access treatment in Victoria choose to travel interstate or overseas to places where the law does not prevent them obtaining treatment in a clinic. This leads to unnecessary expense and inconvenience for the parents concerned and may affect the child's opportunity to make contact with their donor in the future. Others elect to self-inseminate. This means that they do not have access to the benefits of medical checks and mandatory counselling that the clinic system provides.

My amendment is about safety. It means that women do not have to access unscreened donor semen to have a child, nor will they have to travel to New South Wales or Victoria to have their child. It applies to women regardless of their sexuality. Heterosexual or lesbian, why should a

woman who wants to become pregnant be forced to seek a sperm donor outside of the ART system, which could provide her with some degree of confidence that the sperm she will be using does not confer genetic abnormalities and does not have the prospect of conferring disease down the track or, indeed, viral infections? What is the point of our passing legislation in this place that precludes a class of women from accessing ART in South Australia if they can get exactly the same service across the border in New South Wales or Victoria?

In summary, we need to be making sure that we are legislating for all South Australians, and ensuring that all South Australians are able to access the services they require in a non-discriminatory way to make their families. I am pleased to be supporting the Reproductive Technology (Clinical Practices) (Miscellaneous) Amendment Bill and urge all members to do the same.

The Hon. C.V. SCHAEFER (15:51): My contribution will be brief. I find conscience bills both interesting and frustrating. They assume that many of us have skills and knowledge that we, in fact, do not have. We are expected to understand detailed technical and scientific explanations, without the assistance of what would normally be probably a quite feisty debate within our party room and the expertise that shadow ministers and ministers are able to obtain.

Having said that, I suppose it leads one to actually rely on conscience, which I think is a good thing. I think conscience is an indefinable thing. It is what we instinctively believe to be right or wrong as opposed to the programming that we receive, particularly as adults. This bill seeks to abolish the Reproductive Technology Council, abandon the code of ethical practice, change the principles of the act, change eligibility requirements for access to reproductive technology, authorise the creation of a prospective donor registry and allow the posthumous use of sperm in certain circumstances.

The difficulty I have is that it seems to me that science has long surpassed ethics. Scientists and science can do things now which exceed and surpass the basic tenets of humanity as we have learnt and known them. The other difficulty that I have is that this bill, in fact, mirrors the practice of the rest of Australia. So, by not passing it (if that were to be the case) we would be condemning people who wish to use this technology to travelling interstate away from their loved ones and spending extra money.

It fascinates me that we have to reach national standards for road safety, and yet something as difficult as this we pass without really giving it a great deal of thought. My example of technology surpassing ethics and the knowledge of the average person was in the news last week (I think) where British scientists have now created living sperm from stem cells. So, it seems to me that, if we continue to go down the path which embraces technology above that which we think is both human and humane, we do so perhaps at our peril as a society.

In-vitro fertilisation has been part of the accepted lifestyle, if you like, of South Australians for many years. It has been a great comfort to many people (some of whom we know) to be able to access in-vitro fertilisation in its various forms. However, it seems to me that this bill gives greater rights to—and I will quote from the act—'the person to whom assisted reproductive treatment is provided' than it gives to the welfare of the child who is created from this technology.

I am ill at ease with the concept that the rights of the adult are more important than the rights of the child. I am uncomfortable with the view that children are somehow a right of adults, whether they are married or not, whether they cohabit or not, whether there are two obvious parents or not—almost like fluffy toys. It is almost like saying, 'Well, I'm an adult and, therefore, I'm allowed to have a child.' I am not convinced that society is the better for embracing all of the technology that is available to it without very carefully looking at the ethics.

Article 7 of the United Nations Convention on the Rights of the Child states:

> The child shall...have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

I think article 7 mitigates what this particular bill is requiring. As I say, I am uncomfortable with my decision and I am uncomfortable with having to make a decision, because I am fully aware that most of the bill simply reflects the practice of other states across the nation. However, I do not think that gives me the right to say, 'Well, it's happening everywhere else and, therefore, it's okay here.'

I have thought long and hard about this. We all had a letter from people, who are the product of in-vitro fertilisation and who are now adults, asking for the right to know who their donor father is. In the end, I agree that that should take place from now on. However, I have a

fundamental belief that, if something was legal at the time that it happened, it should remain legal. I almost always do not believe in retrospectivity. I assume that there would have been a number of donors at that time who do not wish to be known and named. So, again, I cannot support that section of the act.

I probably will not vote against the second reading because, as I say, it merely reflects what is already happening. However, there will be clauses which, if they come to us, I will vote against. I will be supporting the Hon. Dennis Hood's amendment and I will, in the end, probably vote against the bill, but I must say that is very much up in the air for me at this stage. I am forced on this occasion, as I say, to follow what is probably more my instinct than my knowledge.

The Hon. DAVID WINDERLICH (16:00): I will be supporting the second reading of this bill, and I am broadly supportive of the bill as a whole although I am open to minor amendments. I think it is sensible, practical and compassionate legislation. These can be difficult areas and difficult discussions because they go to the heart of our deepest beliefs and feelings about love and family.

I do think the welfare of the child should be paramount in these considerations but, speaking as a heterosexual serial reproducer and a person who has been in a very long-term relationship, my perspective is that the welfare of children is dependent on the support given to parents and families and on the skills of parents and families. I do not think the details of reproduction and conception are actually critical to that.

The current legislation, the Reproductive Technology Act 1988, was pioneering legislation at a time when in vitro fertilisation was a very new area of biomedical science. A portion of this bill involves the modernisation of the regulation of this area of science that takes into account changes since that time, including the development of national accreditation, licensing and ethical guidelines.

The areas of this bill that I will comment on further include the expansion of this technology beyond married couples. The original act excluded infertile single women and lesbian couples. The current bill includes them by removing the marital requirement for assisted reproductive technology. I do understand that raising children is a lot of work and it is more work for one person than it is for two, but I do not think we should have a blanket exclusion that denies a single mother the right to have children.

There are times when a single parent, particularly one who goes through some of the thought and reflection involved in accessing this technology, would do a much better job than many married couples, and there are plenty of examples of dysfunctional married couples. I also believe that there are lesbian and homosexual couples that are capable of providing more love and stability and structure to a child than many heterosexual couples.

As I said, I do not think it is the details of the plumbing—the reproduction and conception—that are critical here. It is about the skills and resources of the parents; that is what we should focus on if the welfare of children is indeed our priority. I have emails from correspondents stating that they have been together for 10, 15 and 26 years relating how they want children or the expense and difficulty that they have had to go to in order to have children. I will read from one of those, as follows:

> I am a parent in a same-sex family that was created despite South Australia's discriminatory legislation, and I am one of the lucky ones; I did not catch any diseases from a donor. Others are not so lucky. Our families will be created despite discrimination; it is up to you whether we do it with safety or with risk.

Correspondents have pointed out to me that South Australia is the last state to pass such legislation. Another correspondent highlighted the contradiction in our approach in this area—the exclusion of same-sex couples—and other legislation, saying:

> ...the state 'permits' and encourages me to be a foster carer to children within the alternative care system. However, the same state legislates against me in that I am not able to access reproductive technology. On one hand I am deemed a safe and fit parental figure for children with often extremely abusive and traumatic family lives with this abuse and trauma largely being inflicted by heterosexual parents. On the other hand the same state is sending a clear message that I am not an 'appropriate' person to bring a child into the world and so should not be allowed to access reproductive technology.

I find that quite a powerful illustration of the contradiction because it focuses on what I was saying before. The issue of the reproduction of the child outweighs what I think is the much more important question of the quality of care.

An earlier email that I read out referred to the risk of disease. The original act allowed the use of technology when there appeared to be a risk that a genetic defect would be transmitted to a child conceived naturally.

This bill would broaden the use of technology beyond the risk of genetic defect to include the risk of serious diseases or serious illness transmission. I have been contacted by a number of constituents who identified this as an important issue. They informed me that couples are being forced to travel interstate for treatment or they are undergoing backyard inseminations, in effect, with sperm that has not been screened for disease or genetic defects. One correspondent says:

> I had my first child using donor sperm, and inseminating myself, with the support and professional advice of my doctor, but in future I would like to have access to safe, medical practices. I know of a number of female couples who have left the state in order to start a family. I think it's about time South Australia 'stepped up' and supported couples and families who would benefit from this bill being supported.

Another correspondent writes:

> Under the current law these families have to either travel interstate every month for treatment or alternatively undergo risky procedures at home with donor sperm that has not been medically screened to rule out infectious diseases or genetic disorders. Such...do it yourself procedures may also lead to future custody cases if prior agreement between a donor and a recipient family breaks down. In short, these options potentially endanger the health of the mother and child, as well as putting enormous financial and emotional pressure on the family.

So, in effect, people will seek to have children through ART methods, and we can have either a backyard situation or a regulated one. The bill would also allow for the sperm of a male donor who has died to be used (if the donor had consented to the use of his semen) for the benefit of the woman who was living with the donor on a genuine domestic basis. Again, this is not an ideal situation. It seems a remote possibility, and it is psychologically complicated. The emotions around a child born in these circumstances would be bittersweet. However, this does happen.

Last year, I heard the Reverend Andrew Dutney, a wellknown theologian and media commentator, and a member of the South Australian Council on Reproductive Technology, describe situations just like this. Just because these situations are rare and difficult does not mean to me that they should be prohibited. Care needs to be taken and there needs to be strict regulations, counselling and time for reflection by the prospective parent, but I cannot really see that this kind of circumstance should be outlawed.

The bill enables access to ART for future infertility as a result of a medical condition, disease or medical treatment. Again, I think this is sensible. I think that some of the critics of this legislation identify concerns, which I share, about the risks of co-modifying life and scheduling things such as families and fitting them in around other things in your life. I have some difficulty with those notions, but the variety of circumstances under which people have children and begin families are very diverse. I do not think we can have a 'one size fits all' model that prohibits the use of compassionate discretion in terms of access to assisted reproductive technology.

This bill sets in train a process that will enable people to access information about their genetic parentage through a yet to be established donor registration program to be approved by the Minister for Health. Again, this is another very difficult area. I have an open mind on how we approach this. I think there are very strong competing interests. I am inclined to support it at this stage but, as I have said, I will listen to the arguments.

One correspondent has raised an issue, and I am not clear about whether the bill addresses it. It is to do with the relationship between the changes outlined in this bill and custody matters. In their email, the correspondent says:

> When we began our family in 2008 with no fertility issues we were not able to access treatment and did not have the funds to travel interstate or the work flexibility. Therefore we used a known donor and used DIY. Since 2008 we have had 3 children now aged 10, 8 and 2 years. In 2006 our donor decided to change his mind and is now fighting us through the federal magistrates court to access to the children under the law amendment of 2006. He has so far walked in and has gained access every 2nd Saturday, separating our children (our daughter goes in the morning and our sons in the afternoon), our eldest son now is high risk for depression and is desperate for this to stop. The children have known their family all their lives to be two mums who have worked well in our community—school and social.

I have no idea of the rights and wrongs of this case, but it raises an important question about how these reforms might relate to custody issues. I feel we often deal with some unattractive legislation in this place. We have bills that are publicity stunts, bills that strip away rights or bills that play on and build on fears held in the community. This bill is complicated. It raises difficult questions, but it is practical, compassionate and sensible. I am struck by how it is the result of close listening to

people and careful reflection about their real needs and emotions. It is the sort of legislation that suggests that parliament and politics have a useful, positive and enlightening role to play in life.

As I said before, these questions raise issues about our deepest beliefs about family, love and the forms they take, but I do not see this as in any way contradicting a priority on the welfare of children. The welfare of children is best addressed through the resources, support and skills of parents. It is not a matter for the details of reproduction and conception. I think we are confusing biology with sociology and, in terms of looking after our children, we must focus more on the sociological aspects: how families relate to each other and how well parents are supported and trained to do their job. If we really have fundamental concerns about the welfare of children in this context, they are probably best addressed in decision making through expanding counselling and so forth and not through blanket prohibitions on the ways in which people can form families.

The Hon. B.V. FINNIGAN (16:11): I rise to contribute briefly to the debate on the bill. This bill largely updates the practice of assisted reproductive technology in the state—or updates the legislation with practice, particularly in relation to some national guidelines that were developed to reflect judicial decisions. The bill envisages the abolition of the Reproductive Technology Advisory Council. I would like to place on record my appreciation of the many people who have served with distinction on that council over the years of its existence. As honourable members have indicated, this was a fairly complex and controversial area of medicine when it began, and the people who served on the council played an important role in guiding the ethics and practice of ART in this state.

I associate myself with the remarks made by my colleagues the Hon. Mrs Zollo and the Hon. Mrs Schaefer in relation to certain principles they think are fundamental when we look at this matter, namely, that the rights of the child ought to be paramount; that we have to ensure that children are not considered a right or commodity; and that it remains the ideal that children know both their parents. As honourable members have indicated, that is no reflection on the many fine single parents, same sex parents and those who may be raising a child where the father has died during gestation or not long afterwards.

There are many examples of loving families and very dedicated parents in all those circumstances, but we need to make an ethical judgment about the ideal that guides our legislation in this regard. There is no doubt that the question of the use of posthumous sperm is a very difficult one, in that there are people in that circumstance who want to reflect the love that they shared with their deceased partner through having a child, and it is very difficult to make a judgment about that. Again, I am not convinced that it is in the best interests of the child to have a predeceased father from the beginning. On that basis, I oppose that measure.

I support the amendment of the Hon. Mr Hood in relation to the wording regarding the rights of the child being paramount, and I oppose the amendment of the Hon. Mr Hunter in relation to expanding the use of this technology. I reserve my position in relation to the final bill, depending on how it shapes up in the committee stage.

Debate adjourned on motion of Hon. T.J. Stephens.

HARBORS AND NAVIGATION (MISCELLANEOUS) AMENDMENT BILL

Second reading.

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (16:15): I move:

That this bill be now read a second time.

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

Leave granted.

The *Harbors and Navigation (Miscellaneous) Amendment Bill 2009* makes amendments to the *Harbors and Navigation Act 1993* to establish a Facilities Fund consisting of levies payable on recreational and commercial vessels and applied towards establishing, maintaining and improving facilities for use in connection with vessels.

The Facilities Fund replaces the Recreational Boating Facilities Fund established by regulation. Currently the Harbors and Navigation Act gives powers for regulations to be made to charge a levy to be paid on the registration of a power-driven recreational vessel and for payment of the levy into a special fund for recreational boating facilities. Power also exists under the Act to charge a corresponding levy in respect of commercial fishing vessels and for collected monies to be paid into a fund for commercial fishing vessels.

The Bill establishes one Facilities Fund at the level of the Act, broadens the application of the Fund to include recreational and all commercial vessels and repeals the ability to establish a levy from the regulation-making powers of the Act. This makes the establishment of a Fund and its application more equitable for all vessel users and more transparent. The levy funds will continue to be required to be expended on vessel facilities, thereby ensuring vessel owners obtain a direct benefit from the levies they pay. The amount of the levy will continue to be set in the *Harbors and Navigation Regulations 1994*.

Unlike the current arrangements in the Harbors and Navigation Act, which separates levy monies into commercial and recreational funds, the Bill contemplates only one Facilities Fund. Only one Fund is proposed because it is often not possible to distinguish between vessel facilities that benefit recreational as opposed to commercial users and because it will be more efficient to administer a single Fund.

It is important to appreciate that vessel facilities are not limited to vessel launching or retrieval ramps but include the installation, maintenance and improvement of navigation aids and emergency marine radio which all vessels rely on when navigating our waterways, irrespective of their launching or mooring arrangements.

The regulation-making powers continue to provide for a committee to advise the Minister on the amount and allocation of levy funds. The South Australian Boating Facilities Advisory Committee was established by the Harbors and Navigation Regulations in 1996 and it will continue to assist the Minister in the setting of levy amounts and providing advice on the application of levy funds to vessel facility projects. The committee will be established by regulations under a new name and will include members representing the interests of commercial and recreational vessel users.

The opportunity has been taken in this Bill to increase penalties for the operation of an unregistered recreational vessel to ensure a penalty commensurate with the cost of registration and any required levy, and to deter non-payment. The penalties applicable to commercial vessels for this purpose are already at an appropriate level and provide an appropriate deterrent.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Harbors and Navigation Act 1993*

4—Amendment of section 55—Registration

This clause increases the penalty and expiation fee of the provision.

5—Amendment of section 90—Recreational boating fees and charges

Currently, the fund may only be applied to defray the costs of administering the Act as it relates to recreational vessels. This clause amends section 90 to broaden the scope of the fund so that it may be applied to defray the costs of administering and enforcing the Act as it relates to recreational and commercial vessels.

6—Insertion of section 90A

This clause inserts proposed section 90A

90A—Facilities Fund

Proposed section 90A establishes the Facilities Fund. The Facilities Fund is to consist of facilities levies payable under the regulations on the registration, inspection or survey of vessels and income from investment of money belonging to the Fund.

Proposed subsection (4) ensures that a certificate of registration, inspection or survey will not be issued for a vessel until any levy payable on the registration, inspection or survey is paid.

The Fund may be applied by the Minister towards establishing, maintaining and improving facilities for use in connection with vessels and the payment of expenses of administering the Fund.

7—Amendment of section 91—Regulations

This clause makes consequential amendments to the regulation making power in the Act by deleting paragraphs (ad) and (ae) and amending paragraph (af) of section 91(2).

The establishment of the Facilities Fund by proposed section 90A removes the need for a power to make regulations to establish a fund for recreational boating facilities and a fund for commercial fishing vessel facilities.

The amendments to paragraph (af) of section 91(2) ensure that a committee established by the Minister is able to provide advice on the amounts of the facilities levies, and the application of the Facilities Fund, under proposed section 90A.

Schedule 1—Transitional provisions

1—Interpretation

2—Funds

These clauses contain transitional arrangements for the implementation of the measure. The effect of the arrangements is to ensure that all money in the Recreational Boating Facilities Fund is transferred into the Facilities Fund.

Debate adjourned on motion of Hon. T.J. Stephens.

APPROPRIATION BILL

Adjourned debate on second reading.

(Continued from 14 July 2009. Page 2842.)

The Hon. J.S.L. DAWKINS (16:16): In supporting the passage of this bill, I recognise its importance in providing finance to the various programs incorporated in the 2009-10 budget. It is my intention to focus on some particular areas that relate to my responsibilities for the opposition, particularly in regard to the budget presented early last month.

The initial area I want to talk about is in relation to the northern suburbs and areas adjacent to the northern suburbs which, for the purposes of the government's new portfolio, have been put into that area—even though they were not asked about it. Particularly, I commence by indicating community concerns and my own concerns about the ongoing situation at the Modbury Hospital. In the Appropriation Bill debate in this council on 31 July 2007 I said as follows:

While on the health sector, I have to say that I am disturbed by the manner in which this budget has treated Modbury Hospital. Shortly after paying dearly to return it to government management, the decision to remove the paediatric and birthing services at Modbury defied description. Despite a partial backflip on the paediatric services, the situation remains that more than 600 women annually will be forced to go to the Lyell McEwin Hospital, or somewhere else, to have their babies.

That is what I said almost two years ago. It is unfortunate that the situation at Modbury has continued to deteriorate in the time since.

We have learnt, increasingly, that the Rann government wants to strip back suburban hospitals in favour of a hospital at the rail yards, which will not be built for years and will swallow just about all of the health budget. The Liberal Party wants to continue to deliver critical acute services close to where people live and, in saying that, we definitely want to keep services operating at Modbury Hospital that the government continues to strip away.

The other matter is that not only will the government's plans for suburban hospitals lower the standard of care for patients but also they will reduce opportunities for our future medical workforce to train in local communities. Cutbacks on the ability of people to access Modbury means not only added pressure on Lyell McEwin Hospital from that direction but we also have the current situation where the federal Labor government has done the opposite to the state Labor government and decided to put Gawler into the inner metropolitan area whereas, to its credit, this state government has classified Gawler as country for just about everything. So, we now have a situation in Gawler where the very successful GP Inc arrangement for emergency and after hours consultations at the Gawler Health Service will be closed down by the federal government.

It is crazy; and the federal government is doing this only because it was a very good initiative of the Howard Liberal government. However, it means that in emergency and after hours situations more and more people will head to the Lyell McEwin Hospital. So there is this added pressure of people from Modbury, where Modbury has been laid bare. It is a great shame, and I know that many people in the north-eastern suburbs are concerned about what can actually be done at that excellent facility, which has been stripped. I think all the Gawler changes do is add to the huge pressure on the Lyell McEwin Hospital.

We know that they are in the process of building a car park at Lyell McEwin, and it is badly needed. If you have ever tried to get a car park around that hospital you will know that the streets are congested; local residents find it very difficult to get a car park there as well. Mr Acting President, you and I were both on the Elizabeth Vale school select committee, and I remember the issues in relation to parking in the vicinity of the Lyell McEwin at the time.

During the remainder of my speech I will ask a few questions to which I would like some answers. I do not necessarily expect them before we conclude this debate tomorrow, but I would appreciate it if the answers could be provided in writing in the near future. The first relates to the

Northern Connections Office. The director of that office is Dr Mal Hemmerling and there seems to be some confusion about his role. The opposition was told in estimates that he would start in a full-time capacity in August, but apparently the director has referred to himself as the 'acting director'. If he is the acting director will the position be advertised, as was the case recently with the Director of the Office of the Southern Suburbs?

I would also be interested in receiving some detail of the work that has been carried out by the Northern Connections Office staff: first, since the first officer took up a role in the minister's office in August 2008, as indicated by the minister in estimates; and, secondly, since the office opened at Philip Highway, Elizabeth, on 17 April this year. I am also keen to know what action will be taken to ensure that the office works for the benefit of all the areas covered by the five councils that were allocated to this portfolio's geography by the minister when she was appointed. I would like to make it clear that I believe this office has a role in advocating for the townships within that area.

My colleague the member for Goyder, now Deputy Leader of the Opposition, asked some very good questions on my behalf, one being about the townships largely within the Playford council area and one within the Salisbury area, but the minister did not seem to realise that those townships were actually within the boundaries of the area that she designated for the northern suburbs portfolio, so that was a concern. I would be interested to know more about what work will be done with the communities of One Tree Hill, Virginia and Angle Vale, which are all situated within the Playford council, and St Kilda, which is within the Salisbury council area.

I turn to the area of regional development. The regional development budget statement has a section on page 3, where it goes into some detail about the new Regional Development Australia arrangements which were due to come into full effect on 1 July this year. Certainly a transition process is underway. We know that the federal government's former ACCs (Area Consultative Committees) have been closed down, some of them for some time. I refer to a paragraph on page 3 of the statement, which states:

> There will be no loss of service locations under the new arrangements. All locations covered by the current arrangements will continue to have a service presence under the RDA network and the state government will continue to provide substantial funding to the state's regional development organisations.

I will go into this in more detail, but I am concerned that funding levels remain. We have seen since the Regional Department Australia proposals were supposedly locked in by the federal government that they dropped their commitment in the 2009 federal budget by almost $250,000. I will come to that later.

In the changes that we see where the regional development board network has been brought together with the ACCs and into largely the same boundaries as the state government's new common regions, we have a situation where the former northern regional development board is almost exactly the same as the new RDA for the Far North. There is a similar situation on the Limestone Coast, where there was the one regional development board that had the same boundaries as the old area consultative committee. However, in the remaining regions there are more complex situations, and I will go through them.

We have a situation where the new Eyre and Western RDA will be made up of the former regional development boards of Whyalla and Eyre. I know the Eyre Peninsula Local Government Association and its constituent councils and other stakeholders have been concerned about how these two boards will work under the one umbrella, given the significant differences between the core interests and issues of Eyre Peninsula as against the industrial city of Whyalla. A similar case exists in relation to the Riverland Development Corporation and the Murraylands regional development board, which will come together in this new Murray Mallee or Murraylands/Riverland Regional Development Australia Board.

In both cases, I understand that the transition arrangements are trying to accommodate the wishes of those four boards, that they retain their identities and their independence, even if they have an umbrella board over the top of the two pairings. I understand that there will be more discussion in the near future with the Office of Regional Affairs and the Department of Trade and Economic Development about the way that works. I am very keen that the identities of those bodies remain as has been promised in relation to shopfront and leadership with the board, the chief executive and other staff.

We also have a situation where the Yorke, the Southern Flinders Ranges and the Mid North regional development boards have all been brought together to form the new regional

development Australia organisation known as Yorke and Mid North. However, the District Council of Mallala has been taken away from the Yorke board, and I will mention that a little later.

I have some connection with that, because some years ago, I think when the Liberal Party was in government, the Mallala council had not been able to be involved in a regional development board, and it came to the then minister, the Hon. Rob Kerin, and myself, and we managed to assist the council to join the Yorke board. It has been a successful marriage. The current chair of the Yorke board, Mr Ian O'Loan, is from the Mallala area and is the current chairman of the Regional Development South Australia peak body.

So, we have a situation where there are three boards, three CEOs and three shopfronts. We have been told that they will remain. How we deal with the three CEOs is something that I suppose the new boards need to work out.

We have a similar situation where the Kangaroo Island, Adelaide Hills and Fleurieu regional development boards will be brought together. This is a combination of two of the government's regions in one but, here again, we have similar issues to the previous three board amalgamations.

We then move to what has been known as the Barossa and Light Development Board, which had previously incorporated the Barossa Council and the Light Regional Council. That is now having Mallala added to it, and also the town of Gawler. This is an interesting situation, because the town of Gawler has never been in a regional development board before and has been covered by the Northern Adelaide Business Enterprise Centre for a number of government delivery services. I am sure that the town of Gawler will pay for its involvement in only one of those organisations, not both, so that is something that will need to be sorted out.

I think the negotiations are continuing, but it just shows that the people—in both the state and federal governments—who thought this was all going to be rolled in and finished by 1 July (which is now 15 days ago) are living in fairyland.

As the current opposition spokesman for regional development—and I do not know whether that will continue, but I hope it does—I will continue to monitor all these arrangements in the long term. I do not want there to be a situation where all these different boards have in good faith accepted the arrangements with a long-term view, only to be told after it has all settled down, 'Sorry, we're now going to close the shopfronts and we're going to reduce the number of staff and do other things.'

I am concerned about that. I think the new boards will have a role to play in this. I note the number of advertisements in the metropolitan and country press in relation to expressions of interest for members of Regional Development Australia boards. I echo some of the thoughts, expressed some months ago, of very good local government people: that it is vital that these boards retain the local board ownership and that the people who run these boards live locally and have the integrity to make them function as well as the regional development boards have in the past.

As part of Regional Development Australia, the whole of Adelaide has been allocated to one region, as it was with the area consultative committee. I think the prospects for that body are in doubt, because, when we queried the government and its federal counterparts about the almost $250,000 shortfall and what was offered as part of this Regional Development Australia proposal, we were told, 'Well, the $244,000 was going to go to the Adelaide RDA, but that'll only be operating in a very informal sense, so that money will be distributed out among the regions.' I do not know what that means, whether it means that the stakeholders in the Adelaide metropolitan RDA have not been satisfied that this is a deal with which they want to be involved, but I think time will tell.

Moving on, we know that for some time the state government has not seen fit to give regional development boards more than $65,000 per annum in total for business advisers, and that the boards have had to top this up from other funds. I think pressure needs to be applied to provide more resources for business advisers, given that the previous business advisory positions that resided in the old area consultative committees have ceased to exist. So, there are fewer business advisory positions out there in each region.

I would also appreciate some advice, by way of written response, in relation to the future of the six Department of Trade and Economic Development regional managers. They had a focus role in the regionalisation of the Strategic Plan. That has been completed, and I am interested to know what is the future of those positions.

In relation to the Regional Development Infrastructure Fund, which is mentioned in the budget papers several times, it is interesting that the $3 million budgeted by the government has again been underspent. This is in stark contrast to the fact that a Liberal government will deliver $7 million a year to the Regional Development Infrastructure Fund, a fund which was established by a Liberal government and which has been proven to seed much greater investment in regional areas.

I will conclude very shortly. I just want to mention a couple of other matters that relate to work done by government bodies and officials, involving areas in which I have a particular interest. First, I would like to talk briefly about the issue of surrogacy. We have been talking this afternoon in this council about reproductive technology, and in my speech I mentioned the surrogacy bill. I would like to highlight the fact that I first introduced a bill into this place in June 2006. It was referred to the Social Development Committee, with my acceptance, in September 2006, and that committee brought down a report in November 2007.

In response to that report I introduced a second bill in February 2008, and I am proud to say that, after some very good debate in this chamber, it passed on the voices in June 2008. It is now July 2009, the House of Assembly has its last sitting day today, and I understand that it will not be debated again. There has been limited debate, but it will not be debated further or go to a vote until at least 24 September. I hope that is when this bill will be dealt with.

It is a conscience matter. I appreciate the way in which it has been dealt with in this chamber, but it has been stalled in the House of Assembly. The Standing Committee of Attorneys-General agreed, probably almost two years ago, that every jurisdiction in this country would develop uniform legislation towards legalising surrogacy, particularly relating to the surrogacy that I have advocated where no money changes hands and it is very tightly held within families.

The Attorney-General in this state has done nothing about it. He has made it quite clear that he is against surrogacy, so he has gone against the standing committee. It has been left in the hands of the Minister for Health and his office to deal with my bill in the absence of a government bill. I have worked closely with minister Hill's office on the suggested amendments that they have made. I have accepted all but one of those amendments. The bill is being handled by the member for Morphett (Dr McFetridge) in another place, and I look forward to it being progressed when we come back in September.

The other issue that I have had a lot to do with is suicide prevention, particularly the community response to eliminating suicide. The former minister for mental health, who is in the chamber, was not keen on the CORES program, but, when the new minister (Hon. Jane Lomax-Smith) came in about 12 months ago, I had some discussions with her and with Monsignor Cappo about the possibility of the government supporting the CORES program. I was told that it would be considered as a part of the government review of mental health, particularly suicide prevention practices, but unfortunately there has been no response.

The issue of suicide has not gone away. This issue, while it is very evident in country areas, is even more so (these days) in suburban areas, and it is something that we need to do more about. This program uses everyday people from all walks of life in the community. I urge the government to do something in this area. I commend the Eyre Peninsula Local Government Association for committing some $11,000 towards running a program in that part of the state. Certainly, action is needed, and it needs to be community based. I commend the CORES program to the government for its further consideration.

In conclusion, I am grateful that this debate has given me the opportunity to note the funds appropriated in the budget to various agencies and to raise particular issues regarding the regional development and northern suburbs portfolios, and other important areas.

The Hon. T.J. STEPHENS (16:45): I rise to speak on Premier Rann's eighth Labor budget; the budget that will define this government going into the state election in March 2010, as it argues the case for a third term. It is a budget from a tired and arrogant government which has spent eight years doing next to nothing and is now trying to promise and borrow its way into a third term.

This is a budget which, in a remarkable move, contains a promised $750 million in expenditure cuts which will be offloaded to an external razor gang whose recommendations will not be known until after the election. This budget makes none of the hard decisions it is supposed to make. The $750 million in savings, made either through tax increases or cuts to jobs in the public

sector—and you can be sure there will be many—are on the way, but we will not be told what those cuts will be until after the state election.

Members of the opposition are stunned by this move, and the South Australian public should be, too. How can members opposite defend the Treasurer on this one? It is truly bizarre, and it is a decision that can only have been made in an attempt to avoid public scrutiny. As some of my Liberal colleagues have already stated, we do hope the Public Service Association is paying very close attention. We hope it is watching, because it is very clear what the Rann government is up to. It is a massive con. There is $750 million in savings, but 'We will tell you all about it on the day after the election.' It is quite unbelievable.

I will move on to state taxation. Small businesses, hoping to grow and employ more people, have had those hopes dashed by record levels of land tax, payroll tax and WorkCover levies. It is highly regrettable that we are recognised around the nation as being the highest-taxing state in Australia. It is official: under the Rann Labor government, South Australia is the highest-taxing state in the country. Total state taxation revenue in 2009-10 will be $48 million higher than in 2008-09.

Tax revenue has steadily increased by 61 per cent since this government came to office. We should be used to it by now. Labor governments, whether they be federal or state, are high-taxing, high-spending governments. We saw the Whitlam years, the Hawke and Keating years with high taxing and high spending, and now Rann and Foley—unbelievable!

Increases on property taxes, such as land tax, have been incredibly disappointing. We have seen an increase since the 2001-02 budget from $731 million to $1.428 billion. I have talked to business people and constituents about land tax. They are having to sell properties and their business interests here in South Australia and move interstate where the land tax regime is fair and reasonable. South Australia's restrictive taxation regime is doing nothing to encourage small business growth in South Australia and, in fact, it is causing small businesses to move interstate.

Earlier in the year in this place I said that I recalled hearing the Treasurer speak on radio responding to a caller who complained that his land tax bill had increased from $15,000 to $58,000 in one year. The Treasurer stated:

> Well, firstly, I'd be more than happy, if the listener has a complaint, to write to us and we will look at it. But he is saying his bill has gone from $15,000 to $58,000. Two things have occurred: it's either a factor of property value increases and, bearing in mind in South Australia we have a shortage of industrial property and it may well be in fact that he has received a significant increase in the capital value of his land which is a benefit to both him and to his business.

As I said at the time, I could not believe my ears when listening to the Treasurer. The Treasurer has no understanding that, as the capital value of property increases, it does nothing to affect the actual cash flow of a business or an individual or provide any extra capacity to pay these unfair land tax bills. It just demonstrates how out of touch the Rann government is.

I will now touch briefly on the current situation with WorkCover. As a member of the Statutory Authorities Review Committee, I have had several opportunities to hear directly from representatives from WorkCover. It is always a sobering experience. It is always in a forum open to both the public and the media.

WorkCover's unfunded liability has blown out from $56 million in 2001 to $1.3 billion in 2009, and that does not include the public sector unfunded liability; if that were added, there would be an increase of almost another $500 million. It represents bad news for the South Australian taxpayer. Let us not forget that this government promised reduced WorkCover levies—another promise this government has failed to deliver on.

Looking at this budget's fiscal position and outlook—in particular, deficits—we can see in the 2009-10 budget that there are budget deficits on all three accounting measures: the first is a net lending deficit of $1.541 billion this year, a cash deficit of $1.540 billion this year and a net operating deficit of $304 million in this budget year.

The state's 2008-09 and 2009-10 revenue has strengthened by $130 million and $722 million respectively since the 2008-09 budget, mainly due to bailouts by the federal Labor government. The Rann Labor government has been telling the public that there are huge budget black holes; however, revenue has increased by massive amounts. The Liberal opposition maintains that the government has not really had an issue with revenue. We have had seven years

of incredible revenue thanks to the GST revenue from the federal Liberal government—a measure opposed by Labor on all fronts.

However, the Treasurer continues to underestimate revenue collections every year. From 2002-03 to 2008-09, the government will have collected a massive $3.8 billion more than it expected. These revenue windfalls are masking unbudgeted increases in expenses, which have been highlighted by the Auditor-General. Part C, page 6 of the 2007-08 Auditor-General's Report states, 'The state has received very large amounts of unbudgeted revenues.'

It has never been about revenue problems for this government: it has an expenses problem. Anyone who knows a little bit about managing a business—and, unlike most government MPs, we on this side do know something about it—knows that managing the state's economy employs the same principles. In business, you must control your expenses. If your expenses are blowing out, your profit is obviously affected and you will run at a loss. This government is not managing expenses efficiently, and we have run into a loss and deficit position for this year and the next.

The government also fails to deliver on its promises. It makes policy on the run. We were promised a Mount Bold Reservoir expansion but, in the next budget, it had vanished. Where is the money? It is nowhere to be seen. Members will recall the Upper Spencer Gulf desalination plant promised in the 2007-08 budget; it is no longer going ahead. We had tramlines to West Lakes, Port Adelaide and Semaphore promised last year; the money for that project is nowhere to be seen in this year's budget. We were promised an underpass along South Road between Port Road and Grange Road. Where is the money for that in this latest state budget?

Last year, the Treasurer and Premier Rann were down at AAMI Stadium pledging to give $100 million to the South Australian National Football League. It was delayed in the Mid-Year Budget Review, and now it has gone completely. South Australians cannot trust this government to deliver on any of the promises in this budget. It has broken promises in the past and it will break them again. This is a budget full of promises just waiting to be broken.

A state Liberal government would have delivered a budget that provided a long-term vision instead of merely looking to the next state election. The state Liberals have demonstrated vision by releasing policies for the future, policies on water and a master plan for Adelaide that sets out a vision for providing a City West precinct and includes plans to be part of a World Cup soccer bid using first-class sports and entertainment facilities. It is a vision that enhances public transport. It is a vision that brings alive and preserves the Parklands by staking out a greater role for state government in planning decisions in the city and in the Parklands, just as we tried to do with the Victoria Park precinct.

Finally, I want to touch on sport, recreation and racing. Predictably, sport, recreation and racing were some of the lower profile areas that got a raw deal in this budget. As Sport SA and other stakeholders continue to tell the opposition, the Rann government is doing little to tackle the lack of quality sports and recreational facilities In South Australia. One positive aspect of this budget details that $1.7 million will be provided in 2010-11 for an upgrade of the Santos Stadium running track—something we have long been calling for. Again, I am concerned that this is one of those promises that will be lost in the ether of hot air. An upgrade of the Eagle Mountain Bike Park has also been flagged.

There was an entire section dedicated to sport, recreation and racing in the Treasurer's budget speech last year, but this year there is not a word. For me, that was the first clue that sport, recreation and racing was going to be neglected in this budget. As far as racing is concerned, the industry is already struggling. It is disappointing to find that $2.2 million in government funding pledged over the next four years for the Summer Racing Carnival has now been scrapped. For an industry that is already on its knees, this is a real kick in the stomach. With those comments, I commend the bill.

The Hon. R.P. WORTLEY (16:56): Before I begin, I want to make a number of comments in regard to the—

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! The Hon. Mr Wortley has the floor.

The Hon. R.P. WORTLEY: Thank you, Mr Acting President. I refer to the contribution made by the Hon. Robert Brokenshire the other night. I was not in the chamber at the time, but I

was in my room listening to it. It amazes me how sanctimonious the Hon. Mr Brokenshire can be when criticising this government's budget with regard to a number of items and underfunding. The Hon. Mr Brokenshire was a minister in a government that delivered deficit after deficit after deficit, year after year after year—along with these characters on the other side of the chamber. He was part of a government that starved education, health and our police force. It is all very well to be sanctimonious in this chamber and it is all very well do a lot of talking, but there is a difference between talkers and doers. There are talkers and doers in this chamber. The Hon. Mr Brokenshire happens to be one of the talkers and members of this government are the doers.

Having said that, it is with a sense of pride that I rise today to support the objectives and terms of the eighth Rann Labor budget, which was recently handed down by the Treasurer. In doing so, I look back on and endorse the remarks I made at this time last year, in an entirely different economic environment, about the government's plan for our state. I noted then that it was Labor's constant intention to continue to foster an inclusive society—a society that allows people to achieve their best while protecting its vulnerable members; a society that recognises both the opportunities and challenges that lie ahead of us. Those remarks are just as valid now in the context of the most severe economic downturn in living memory as they were at this time last year. I re-endorse those remarks now because they are and always will be the hallmark of Labor's commitment to the electorate.

Our commitment remains strong and steadfast, despite the stormy economic weather that has buffered our state and country in recent months. That the present global recession was the crucible for the 2009 budget is unarguable. We all know that international economies and institutions are reeling from the effects of the present crises. Avenues of capital have been hard hit; our trading partners have been adversely affected; and a number of our export markets have been significantly eroded.

Although we are not immune to the effects of the global recession, we can have confidence in our position, due to the budget surpluses so reliably delivered to date by the Rann Labor government—budget surpluses delivered while still investing in vital infrastructure and services in health, education, police, transport, justice, the environment and, in particular, our water security, as well as job creation and tax reform.

It is undeniably the case that revenue streams to South Australia have been significantly adversely impacted by global events. Such is the nature of this economic crisis, no advanced economy and no advanced country are immune. So, the challenge for Labor has been the continuance of that investment in jobs, services and infrastructure while retaining fiscal discipline and safeguarding our finances into the future. It is a measure of the strength and foresight of this government that our state's AAA rating has been confirmed, even in the current circumstances. This is an enviable achievement.

Before addressing the budget measures in detail, I want to briefly hark back to my remarks this time last year about the government's task of alleviating the damage done by the previous conservative government—damage done over the years of under-investment, disinvestment and the profligate sale of our state's assets, much to the detriment of the whole community.

I refer to the years of decline in our rural and regional areas and years of neglect in health, education, transport and many other vital areas. This was the abysmal legacy that the Rann government has worked so hard to turn around. Given what may lie ahead of us, it remains the case that those opposite are still demonstrably unfit to put themselves forward as an alternative government.

They may have elected a new leader—their fourth in as many years—but factional infighting will continue to dog their steps, as it has for generations. In fact, Dean Jaensch recently commented in *The Advertiser* that 'factions have dominated the internal machinations of the Liberal Party for more than 40 years'. He said that its history through those 40 years suggests the party has no alternative but to fix itself before it will have any real chance to convince voters; and I could not agree more. Meanwhile their traditional bailiwicks—the rural and business sectors—have rightly turned their backs on the rabble that calls itself the Liberal Party. I can only say that I await developments with interest, but I would like to now return to my main theme.

While the global economic crisis will result in net operating deficits for the states and the nation, we have planned carefully to return the budget to surplus in good time by delivering our capital works program and supporting jobs. I turn now to the nuts and bolts of this 2009-10 budget. This is essentially a budget about jobs—jobs for South Australians. Infrastructure spending will total

$11.4 billion over the next four years. A total of $3.9 billion will be expended in 2009-10, with associated benefits of nearly 14,000 jobs. The Rann Labor government enjoys an excellent relationship with its federal counterparts, and this is demonstrated in the Rudd government's trust in providing decisive levels of additional funding to this state.

It is in the context of this partnership that I offer two examples of our enhanced capability over the next four years. First, there is $1.5 billion for new education initiatives under the building and education revolution program, which is part of the nation building economic stimulus plan. This will include capital works funding of $842 million for government schools and $337 million for non-government schools, delivering new gymnasiums, libraries and classrooms, and representing an unprecedented level of investment in our children and their future. Some $692 million will be committed to families and communities, with priority being given to new public housing, disability services, homelessness and overcrowding in indigenous communities.

This expenditure will be augmented by over $4 billion on health this financial year—an increase of 93 per cent in health expenditure since this government was elected to office. Our health reform program, unlike that of those opposite, is cohesive, consistent and based on reality, not on an array of ill-thought-through proposals they have propounded.

The Queen Elizabeth, Lyell McEwin, Berri and Whyalla hospitals will undergo redevelopment works, as will the Flinders Medical Centre and the Glenside campus. Preliminary work and project work on the new 21st century Royal Adelaide Hospital will continue, as will works towards the GP Plus centres at Port Pirie, Elizabeth and Marion.

I alluded earlier to our strong partnership with our federal colleagues. The strength of our relationship is highlighted by the fact that this partnership will provide $546.1 million over the next four years for health infrastructure and services, including: a new health and medical research institute, to which $200 million has been committed; $60.9 million to augment the improved functioning of our emergency departments; $53.9 million towards urgently needed improvements in indigenous health—so important given the increase in the rate of chronic diseases, such as diabetes and kidney disease—and $51 million towards additional midwives and nurses.

I turn now to the government's commitment to water security. An additional $2.1 billion will be allocated over the next four years to ensure that our water supply is absolutely secure. This budget has earmarked $833 million for South Australia's $1.8 billion desalination plant, from which the first water will be delivered by December next year.

In addition, $164 million will be expended in the current year to upgrade and expand water recycling infrastructure and wastewater treatment plants. This is just part of the total $413 million to be expended over the next four years. Members will be familiar with the exceptional circumstances interest rate subsidies for the drought-affected areas. The budget provides that these will continue for another 12 months thanks to a contribution of up to $93.6 million from the commonwealth and an additional injection of $10.4 million from the state.

I turn now to transport. Our commitment to public transport infrastructure has been amply demonstrated in recent years. Indeed, it was in the context of last year's budget that we announced the commencement of a 10-year program to extend, redevelop and electrify our public transport infrastructure. We are now supplementing that program by extending rail services to Seaford, at a cost of $354.2 million over four years, and electrifying the Noarlunga line. A range of other transport initiatives will be implemented ahead of schedule.

The completion date of the Gawler rail line will be brought forward two years, with a total investment over four years of $335.5 million. The link between the O-Bahn and the city will be improved over a three-year period, cutting travelling times dramatically. Road safety, a particular interest of mine, has not been neglected in this budget. Roadside hazards on rural roads will be addressed, as will junction anomalies and signage. An additional $23 million will be allocated over the next four years for these purposes.

Business is one of the most important engines of our economic progress. As an acknowledgment of that, on 1 July the payroll tax rate was reduced to 4.95 per cent in accordance with our promise. The tax-free threshold was increased to $600,000. This demonstrates our commitment to our business partners. Even so, we know that many South Australians are doing it tough. Consequently, despite falling revenues resulting from the global economic crisis, this budget contains no new taxes. What this budget does contain, however, is additional tangible support for our workers.

Let me just mention a few of these initiatives. We will address the skill shortage through an investment of more than $155 million over the next four years. This will provide more than 55,000 training places. TAFE workers and students will be pleased to know that TAFE infrastructure will be improved to meet demand. In a major innovation, we will establish a photonics and advanced sensing institute at Adelaide University and a learning and research hub for materials and minerals science at Mawson Lakes.

Security of our citizens is also paramount. The Rann government is committed to maintaining law and order in our community, and the provision made in this year's budget reflect that commitment. The operational budget for South Australia police has increased to more than $660 million this year. This represents an increase of more than 5 per cent on last year's allocation. Our police academy is to be redeveloped at a cost of $59 million of which $5.4 million will be spent in the current year. As a result, the state will have an advanced training institute for our young police officers of the future offering state-of-the-art technical facilities.

The safety of the people of South Australia in times of trouble is also of paramount importance. I refer not only to the community's expectation that police and related services will rapidly attend emergency events. Unfortunately, we are all too well aware of the devastating effects on lives and property of, for example, bushfires and other large scale natural disasters.

To ensure our safety, we will upgrade the government radio network to digital technology over the next four years. More than 95 per cent of our state is covered by this network (one of the largest in the world); without it our police, ambulance personnel and emergency services cannot respond to calls in the timely and efficient fashion our community expects. The digital upgrade will enhance that speed and efficiency to the benefit of all. Other enhancements for the safety and security of our people include expanded DNA testing services, videoconferencing facilities in prisons and an expedited opening of the Sturt Street courts.

Finally, I turn to the government's establishment of the Sustainable Budget Commission. The commission will examine the budget process, recommend improvement mechanisms and put forward savings strategies. Given next year's election and related imperatives, the commission will be putting forward a suitable date for the 2010-11 budget. Comprehensive work on budget improvement strategies will begin following the election. The establishment of the Sustainable Budget Commission demonstrates the Rann government's commitment to fiscal discipline, one of the hallmarks of Labor's management of our state's finances.

The response from the stakeholders and related groups to this year's budget has been extremely positive. *The Advertiser* editorial of 5 June noted that a number of sound budgets had been delivered since 2002 but that 'none had been framed in the context of such a challenging global financial environment'. The editor commented:

> …this is a disciplined budget which, if compared to those produced by other States, gives an impression the State's finances are under control and the economy is well placed to withstand the buffeting it is certain to receive from the downdraft of the global financial crisis…In a nation that is seen, globally, to be surviving strongly in the midst of a crisis, South Australia is a stellar performer!

Business SA commented:

> Maintaining the State's triple-A credit rating is a major boost and the Treasurer should be applauded for securing the future borrowing ability of the State.

The Executive Director of Adelaide University's Institute for Social Research stated:

> The State Government is sensibly using its capacity to borrow at low interest rates to help boost the economic activity in support of the Federal Government's stimulus. This is a prudent strategy during a downturn.

The Property Council of Australia (SA) noted:

> The debt we accrue now will crystallise into an economic legacy on which future generations will prosper…(the Treasurer) has delivered a sound budget in these tough times.

Again, I could not agree more. This is a budget of which South Australians, once again, can be proud. A budget which is acknowledged as economically sound and which anticipates genuinely unprecedented social and infrastructure investments. As I said on this occasion just 12 months ago: it has been up to Labor to do the hard yards, to repair the years of Liberal neglect, to take on the future and plan for the expectations of South Australians—for themselves and their children. Those words hold even more—

The Hon. R.L. Brokenshire interjecting:

The Hon. R.P. WORTLEY: Here's our sanctimonious Mr Brokenshire. Very well, Mr Brokenshire, I am glad you are here to join us today. Those words hold even more truth now in the current context of global uncertainty and decline. Labor is ready for the challenges of the future. Its leadership is solid; its plan carefully thought out; its aspirations for our community apparent for all to see. I commend this budget wholeheartedly.

Debate adjourned on motion of Hon. J. M. Gazzola.

SECOND-HAND VEHICLE DEALERS (COOLING-OFF RIGHTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 July 2009. Page 2843.)

The Hon. R.L. BROKENSHIRE (17:10): I rise to advise the council that Family First supports the principles of what the government is intending to do here, because one of our important legislative regulatory processes in the parliament is to ensure the protection of consumers wherever possible. We are certainly supportive of the basic principles of the bill. I will speak briefly to the bill and then make some comments in conclusion.

The bill restricts the right for people previously convicted of indictable dishonesty offences to serve as salespeople. We agree with that gesture, and I note these provisions are more generous than those provisions for second-hand dealers and pawnbrokers who cannot even have committed a summary offence of dishonesty. Our comment is to note that maybe more than just indictable offences of dishonesty (we presume a reference to part 5 of the Criminal Law Consolidation Act) could have been considered. Possibly, part 7 of that act could have also been included, being offences against public order, which, to a large extent, involve dishonesty or attempts to cover up illegal behaviour—for instance, one would be bribing a person in public office or abusing public office.

A separate question arising from the discussion on who is appropriate to be a dealer is how a person conducts their business. The conventional way, of course, is to run a car yard and customers come to the yard to inspect cars. I am concerned that, whilst these provisions are being made for licensed dealers, we seem to be seeing more and more de facto car yards set up on every other corner of a main road across the whole metropolitan area. Sadly, there is no provision to address any issues with respect to the sale of those vehicles, whereas the licensed people who are genuinely employing have warranties and a lot of other overheads and are strong contributors, through motor trades and the associated industry sector, to our economy.

I come now to the most contentious aspect of this bill, that is, the cooling off rights provisions. I will start by repeating a comment I made during my speech on the Statutes Amendment and Repeal (Fair Trading) Bill. I asked where the evidence base was for the original provisions concerning recreational liability. The minister, in her former capacity as substance abuse minister, often proclaimed that the government's approach was evidence based.

So, here we ask: what was the evidence base for the cooling off changes? Does the minister have some statistics on calls or complaints about second-hand vehicle dealers to the Office of Consumer and Business Affairs or other concerns expressed about second-hand vehicle dealer practices? If the minister does have anything, we would appreciate some information on that during the committee stage. Failing that, I presume that this is more of a uniformity measure than anything else.

The Motor Trade Association of South Australia made a submission that a deposit should be the greater of $100 or 1 per cent, rather than the lesser of 100 per cent or 2 per cent. If a person is in the market to buy a $40,000 vehicle, the deposit necessary would be $100 on the government's part and in the MTA's case it would be $400. For a $100,000 vehicle, the deposit would be $100, if the government has its way, and $1,000 under the MTA's model.

On one level, we can understand the logic that a person in the market for a $100,000 vehicle ought to be good for a $1,000 deposit, and the $100 deposit looks a bit silly in that instance. We ask the government whether it thinks that the $100 deposit is acceptable for what we could call the prestige vehicle sale situation. We have some sympathy for the MTA's position, having regard to the prestige vehicle scenario in particular.

That brings me to the other issue of the deposit of up to 10 per cent that is current industry practice. The MTA is asking to be able to retain at, say, the start of the cooling-off period an

amount in addition to the non-refundable deposit and, of course, that deposit must be refunded if the consumer cools off.

Family First agrees with the Hon. Michelle Lensink that subsections (5) and (6) of new section 18B of the bill read a little confusingly with respect to whether a refundable deposit can be taken in addition to the non-refundable deposit. While subsection (5) provides that you can, subsection (6) speaks of refunding moneys paid under the contract. What moneys were contemplated under this clause?

On balance, it would seem that an additional refundable deposit cannot be sought by dealers, and that leaves us with the likelihood that dealers cannot continue their current practice of requiring a deposit of up to 10 per cent. I ask the minister to take this on notice, to be fair, and tell us during the committee stage or at an appropriate time why that policy decision has been taken and what evils were occurring with up to 10 per cent deposit required.

In relation to clause 18D, I note that there are provisions there to protect the purchaser if their trade-in vehicle is damaged, but I cannot see what would happen if a vehicle that is taken on a test drive is damaged or even lost at that time. Is the dealer entitled to claim money out of the deposit for repairs to the vehicle?

With respect to clause 25, I wonder why a prospective purchaser is required to apply for compensation from a dealer who induced a prospective purchaser into a contract. Why cannot the court simply make an order—in sentencing—for the purchaser to be compensated? The government should perhaps look at that. I share the opposition's curiosity about how 'inducement' will be interpreted. Some guidance would be useful on the record not only for the parliament but also for the courts in applying that provision.

I now want to speak briefly to the Hon. Ann Bressington's amendment and the MTA's statements about that amendment in correspondence I have seen today. It asked why inspections are not required of private sellers but only dealers, as per the Hon. Ann Bressington's amendment. The latest figures I could find from the MTA's 2006 election policy document was that 60 per cent of sales occur on the private market, which accounted then for about 70,000 sales per annum. It is a fair question, as one would think the greater risk to road users is posed by private sales rather than sales from dealers. However, I ask the minister whether the public and private inspectorate is ready, or what funding would be necessary for inspections to occur (as the Hon. Ann Bressington proposes or, indeed, as the MTA proposes). We estimate on those figures that there are over 120,000 sales per annum, and I wonder how many inspections occur at present and, therefore, how many more will be required under that measure.

Family First supports inspections of all second-hand vehicles sold, as long as the cost benefit analysis is favourable. I can give the minister some assistance on this by quoting from the MTA's 2006 policy document and noting that the ACT, Queensland and Victoria at that time had, and I assume still have, inspection regimes at change of ownership. New South Wales, interestingly, requires inspections annually. We are not advocating that but, given some of the media comment and responses from the Minister for Road Safety and other ministers in recent times about the number of unroadworthy vehicles we are seeing in South Australia, I think this is an issue that needs to be addressed. The MTA said at the time, and it is worth noting:

> A Federal Office of Road Safety study concluded that the most effective means of limiting vehicle emissions is to ensure they are in good tune and repair. The most recent research on vehicle inspections and the attitude of the general public comes from McGregor Tan Research Omnibus suggesting 48 per cent were in favour of a roadworthy inspection prior to change of ownership while 24 per cent believed an annual inspection should occur and 23 per cent consider random vehicle inspections to be adequate. In consideration of road safety, the environment and consumer protection (knowledge of legal and roadworthy vehicle purchase) 64 per cent of those surveyed believe 'change of ownership' roadworthy inspections will take unsafe cars off the road, 34 per cent believe the inspections will improve their knowledge about the car being purchased whilst only 7 per cent could see no benefit.

So there are some arguments on the merits of having mandatory inspections, and that demonstrates the merits in the concept of the Hon. Ann Bressington's amendment, but it may well fall short of the mark given the significant percentage of sales that occur on the private market. However, we ask the minister to give us some further information on what that might cost and what further benefits might arise from dealers, if not all vendors, needing to refer their purchases to a vehicle inspection.

On the question relevant to the functioning of the fund, the wording of which is struck out in this bill, I ask: what recent prosecution activity has there been of errant or fraudulent dealers; and what penalties have been handed out to convicted offenders?

Before concluding, I ask that the minister state to the parliament answers to the questions raised by the MTA in its letter to her dated 13 July 2009 that have arisen in my contribution during the second reading thus far.

In closing, Family First congratulates the government again for the intention of this initiative—to protect consumers—and we also congratulate the MTA for the constructive way in which it is working on this bill; clearly, it sees merit in this as well. However, it is a balance between protecting consumers and ensuring we have a viable motor industry. For those reasons, we indicate support for the second reading. However, we also indicate that we may be looking to support amendments during the committee stage.

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy) (17:23): By way of concluding remarks, I thank all those honourable members who contributed to the second reading debate. The main features of this bill are the introduction of a two-day cooling off period for the sale of second-hand vehicles by a dealer; the introduction of a negative licensing system for salespersons; and changes to the second-hand vehicles compensation fund.

The bill has been developed with a view to promoting the protection of purchasers of second-hand vehicles in a way that does not unduly burden the industry. There has been feedback from the industry about the bill, and I have listened very closely to those concerns and have attempted to accommodate those wherever possible. I take this opportunity to comment on some of those issues raised in debate and thank those individuals for their very constructive role in consideration of those matters and amendments to date.

In relation to the non-refundable deposit, the introduction of a cooling off period is intended to protect consumers. If a consumer elects to exercise their right, the dealer will be entitled to keep the deposit; this must not exceed 2 per cent of the price of the vehicle or $100, whichever is the lesser. The non-refundable deposit aims to cover any administrative or other expenses associated with the sale incurred by the dealer. The deposit is not intended to be a penalty or deterrent for the consumer to exercise his or her cooling off right and is a fair and adequate amount for both parties. The bill provides that the dealer may ask for a deposit of not more than 2 per cent of the price of the vehicle or $100, whichever is the lesser, prior to the expiration of the cooling off period. Accordingly, if the cooling off period has been waived or has expired, the dealer may seek a higher deposit.

The suggestion has been made that the dealer should be able to ask for a larger deposit at the commencement of the cooling off period and, if the purchaser decided not to go through with the purchase, the non-refundable deposit would be retained by the dealer and the rest of the deposit would be returned to the purchaser. This suggestion is not supported as it would be administratively inefficient and create a burden for the purchaser.

For instance, if the purchaser decides not to go through with the purchase, the purchaser would have to take active steps to ensure that the dealer refunds the remainder of the deposit. They would have to return to the dealership or the yard to get back their refundable part of the deposit, whereas the non-refundable part of the deposit for the cooling off period is simply forfeited if they choose not to take up the offer of the vehicle. It is a risk that the dealer may not refund the money in a timely manner, and it is also an administrative step that is not necessary given that the dealer would have to return that part of the deposit anyway.

The waiver form for the cooling off period will be prescribed in the regulations, and it is intended that the waiver be in a very simple format. I have given a commitment that the industry will be consulted in the development of that waiver form.

As to auctions, the act currently permits auctioneers to sell vehicles by negotiation immediately after conducting an auction without the requirement to be licensed. However, selling vehicles by fixed price before an auction is not covered by this exemption; therefore, auctioneers doing this would most likely be operating as unlicensed dealers. If anyone has concerns about this practice occurring, they should contact the Office of Consumer and Business Affairs to enable us to investigate those practices and stop them from occurring.

The industry has made the suggestion that a definition of auction to allow sales only at the fall of the hammer should be included in the act in order to address the issue of auctioneers selling vehicles before or after auctions. An auction is commonly defined as a public sale at which goods or property are sold to the highest bidder. There is no need to include a specific definition of a word with a commonly understood meaning.

If the act is amended to restrict unlicensed auctioneers to conduct sales only at the fall of the hammer, then auctioneers will either, first, not be able to sell vehicles other than to the highest bidder at a public auction or, secondly, be required to hold a dealer's licence for post-auction sales which will then provide the same protections and obligations as sales by dealers. Such a change would alter the whole nature of the auction process, which currently contemplates a degree of post-sale negotiation (albeit limited) between the auctioneer and purchaser, similar to that in the real estate industry. Currently, sales conducted immediately following an auction are treated as sales in the same terms as auction sales—that is, the purchaser is not entitled to a cooling off period and the dealer has no duty to repair. I have been advised by parliamentary counsel that their view is that it is not necessary to define the terms 'auction' or 'immediately after auction' as the ordinary meaning of both 'auction' and 'immediately' are widely understood, and there is no desire to change this section of the act.

In relation to what is an inducement for the purposes of inducing a consumer to sign a waiver of cooling off rights, simply informing the purchaser of his or her rights to waive would not be considered an inducement, nor is advising the purchaser that he or she may take possession of the car immediately (subject to payment) if they waive their cooling off rights. However, offering an incentive such as a discount to motivate or persuade the purchaser to waive his or her right, or engaging in conduct thought to influence the consumer, should be construed as inducement. For instance, throwing in an extra pair of tyres or floor mats would be considered an inducement. Whether or not the dealer induced the purchaser to waive his or her cooling off period is a question of fact depending on the circumstances of each transaction and would be determined by a court.

The presumption regarding a person and his or her close associate who buys or sells six or more vehicles in a 12 month period is specifically targeted at backyard dealers. This presumption is intended to assist the commissioner in prosecuting unlicensed or backyard dealers. The presumption is rebuttable and simply acts as an aid of proof. For example, when prosecuting an unlicensed dealer, the fact that a person and their associate bought or sold six or more vehicles in a 12 month period makes them a dealer; however, the defendant may rebut the presumption by providing evidence to the contrary to show that the vehicles were bought and/or sold for private use or other than in the course of the business of selling second-hand vehicles.

This presumption is not intended to catch instances such as fleet transactions or families, particularly families where there may be a number of teenagers who buy and sell more than six vehicles within a 12 month period, who can clearly demonstrate that they are not engaging in backyard dealing. The commissioner has the discretion not to prosecute and/or persons may be able to easily establish that despite the number of vehicles bought and sold they were not otherwise acting as a dealer.

The existing presumption for an individual has also been amended to include 'buy'. The presumption does not mean that a person can carry on the business of a dealer without a licence, provided they buy or sell up to only four vehicles. It creates a presumption that allows the commissioner to rely on evidence of four sales to prove that the person was a dealer. In relation to the situation where fraudulent documents are used by potential salespersons when applying for employment, I refer to section 45 of the act, which provides the following general defence:

> …if the defendant proves that the offence was not committed intentionally and did not result from any failure on the part of the defendant to take reasonable care to avoid the commission of the offence.

In this circumstance, the dealer is covered by the defence provided that he or she can satisfy the court that he or she took reasonable care to ensure that the person employed had not been convicted of an indictable offence of dishonesty, or, during the period of 10 years preceding the employment, had not been convicted of a summary offence of dishonesty, and is not suspended or disqualified from practising or carrying on an occupation, trade or business under the law of this state, the commonwealth, or other state or territory of the commonwealth.

After consultation with the industry, I have decided to amend the bill in another place in relation to the second-hand vehicles compensation fund. The amendment proposes that the Magistrate's Court should still determine claims on the compensation fund. It is also proposed to

expand the use of the compensation fund only to prescribed education programs and investigating compliance with the act or possible misconduct of dealers or salespeople.

The industry has indicated that it accepts these changes, and I confirm that the industry will be consulted in the development of prescribed educational programs. I thank members for their very valuable contributions and look forward to this matter being dealt with expeditiously in committee.

Bill read a second time.

In committee.

Clause 1.

The Hon. J.M.A. LENSINK: In relation to backyarders, I appreciate that, in the definition of those who would need to be registered, the number of transactions is reduced from six to four. This is something I asked about in my briefing with the department as well, but I am not clear on the response. How does the government intend to detect some of these sales, because some will be between close associates and so forth?

I imagine that there needs to be some beefing up of the detection system rather than being reliant, for want of a better word, on people who dob them into the Office of Consumer and Business Affairs. Does the government have any intention of implementing some sort of additional software through the Office of Motor Registration, similar to the way the commonwealth has cracked down on Centrelink fraud, by improving the flow of information from an agency such as the Office of Motor Registration that might help detect some of these transactions, and pass them on to the Office of Business and Consumer Affairs to highlight some of these activities? I just wonder whether the government has any program that would actually improve the amount of information it is able to use in order to detect such sales.

The Hon. G.E. GAGO: I have been advised that we do not contemplate any new systems because we believe our current systems are adequate. Some of the measures that are taken to assist with monitoring compliance include the compliance team officers regularly checking advertisements in newspapers, and that also includes online advertising. For instance, they look for numberplates that might continue to reappear and also contact phone numbers that might regularly recur as well. They also liaise regularly with Motor Registration in terms of monitoring compliance.

For instance, one of the added protections comes from the fact that if a rego is transferred, it is actually presumed that the vehicle has been bought and sold, so it is monitored in that way as well. So, we believe that that is more than adequate to ensure that compliance is occurring.

The Hon. J.M.A. LENSINK: I thank the minister for those comments. This is probably more of a comment than a question, but I think that there are still some concerns in relation to two of the matters the minister raised in her second reading response. In relation to auctions and the definition as a commonly understood term, I am still getting a sense that that is a rather woolly approach to something that is quite critical to this particular piece of legislation and in relation to land sales, but land sales are not germane to the discussion we are having today.

I note that the minister said that there may be some limited post-auction negotiation immediately after an auction for vehicles which I assume may have been passed in. I still have a sense that it may well be a problem if we continue not to define that in this legislation. That allows room for bracket creep—as I think I described it—and the regulation could become looser and looser as practices change.

This may be a question for Parliamentary Counsel, but my understanding is that the industry practice at the moment is that, at the time of sale, they can currently ask for a deposit of up to some 10 per cent (I think it is usually in the order of about 5 per cent) and that is not, as I read it, in the current act nor in the bill.

If the new act is to be silent on that because there is a reference to a non-refundable deposit, which is explicitly stated as a certain percentage and has a certain limit on it, will it become illegal to request a larger deposit, which is currently industry practice? That is a question that can be taken on notice by the minister, so that she can seek advice from parliamentary counsel. They are two concerns. Because the auction issue falls into clause 4, 'Interpretation', I indicate that I would like a bit more time to discuss this with my colleagues and with industry, if the minister would provide some forbearance on that matter.

The Hon. G.E. GAGO: I have been advised that, in relation to auctions, the legal advice on this has been fairly clear; that is, the issue of concern is not about the definition of either 'auction' or 'immediate'; those definitions are well understood legally and technically. The issue is about the ability to sell post auction and whether or not that requires a dealer's licence.

The current act provides that any sale prior to an auction is illegal; however, it does allow a sale immediately after an auction, and this bill clarifies that. It maintains the status quo in terms of the sale of vehicles prior to an auction which is currently illegal and will remain illegal. However, it will continue to allow for the provision of the sale of a vehicle immediately after an auction.

My sense is that currently there are very few problems in the industry in terms of immediate post-auction activity. I am not aware of any complaints, and if I have received some they are very few. That activity currently does not appear to create any problem to the industry at all. What it seems to be doing is making sale activity sensible. You go along to an auction, particularly a group auction at which vehicles are being auctioned. A person might put in a bid, which fails, but the owner says, 'Oh, well, if they split the difference, if they are prepared to pay 50 bucks more, I'll give it to them.' So, the auction has been completed, but immediately after there is a small window of opportunity for a transaction to occur. To stop that quite sensible, I think, and reasonable activity which allows industry to operate in a reasonable way, where there does not appear to be any problem occurring currently in the industry in relation to that activity, would seem to be fairly heavy-handed when there is little to indicate that it is needed.

I am not too sure whose interests we would be protecting by requiring that there be no activity that could occur after the close of hammer. I am not too sure whose interests we are concerned about and who we think is going to benefit by being more heavy-handed when, as I said, it does not appear to be creating any significant problems that I am aware of, unless someone is not telling me something, but it does not appear to be causing any undue problems in the industry, except helping people buy vehicles and get on with it.

In relation to the deposit, the advice is that if a person chooses to opt for a cooling-off period then the dealer can only apply the $100 or 2 per cent, whichever is the lesser. It would be illegal for the dealer to include a greater deposit than that—it does not matter if it is refundable or non-refundable. So, that would become illegal.

If a person chose to forfeit their right to a cooling-off period then the dealer could apply whatever deposit they felt was reasonable—whatever was in the industry standard. If a person chose to adopt a cooling-off period and at the end of the cooling-off period chose to then proceed with the deal to purchase a vehicle, the dealer could then apply an additional deposit; again, whatever is within the industry standard. I hope that provides some clarity.

The Hon. J.M.A. LENSINK: I thank the minister for that response. In relation to the window of opportunity, as she defined it, relating to negotiations after the fall of the hammer, does the minister have a view as to what sort of time period that generally is?

The Hon. G.E. GAGO: Is the honourable member asking me what the definition of 'immediate' is?

The Hon. J.M.A. LENSINK: Yes.

The Hon. G.E. GAGO: The general understanding of 'immediate' is that which is in the dictionary, which means without time lapsing—I am advised, of course; I do not have a dictionary in front of me—straightaway, and that—

The Hon. J.S.L. Dawkins: Tomorrow, today; what?

The Hon. G.E. GAGO: I am letting you know what the dictionary definition is. The test of that, whether that would constitute five minutes, 10 minutes, a day or two days, would be something that would be determined by the courts. So, they would determine whether that period was within the reasonable definition of what is commonly known and understood as immediate or not. Obviously, I am not a lawyer, but, clearly, it would mean that it is conducted in a very timely way in relation to that auction.

The Hon. J.M.A. LENSINK: Arising from that, can the minister advise, first, whether that has actually been tested in the courts, and, secondly, whether it is something that OCBA's officers monitor in relation to auction sales in South Australia?

The Hon. G.E. GAGO: I do not have the answer in relation to the number of breaches and whether it has been tested in court. I can find out whether there are any examples. As I have

already stated, to the best of my knowledge, I am not aware of complaints about post-auction activity. It has not been brought to my attention in the past. There might be something on record but, as I said, it is not something that has been identified as being problematic. However, I will attempt to find out whether there are any numbers and bring that back.

The Hon. J.M.A. LENSINK: There is also the matter of whether OCBA's officers monitor that in South Australia, and whether it is something that they actively pursue as a matter of concern or not. The minister may not have that information to hand, but if she could bring back a response I would appreciate it.

The Hon. G.E. GAGO: Currently, it is a legal activity. I have been advised that OCBA would be involved only if there was a complaint received that raised concerns about the duration being too long. To the best of my knowledge, we have not received complaints but, as I said, I will double-check that and, if there is any information, I will bring it back.

Progress reported; committee to sit again.

RIVER TORRENS LINEAR PARK (LINEAR PARKS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 July 2009. Page 2769.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (17:57): I rise to conclude my remarks from the last time we sat. Indeed, I posed some questions that the minister has provided me with a copy of, and I am sure he has them with him and will put them on the record. We also indicated, at that time, that the LGA would be making a submission to the government in relation to this bill, which it has done, and it indicated that there were some amendments that it would like drafted.

The minister tabled those amendments yesterday. I have a facsimile here from Wendy Campagna, the Executive Director of the Local Government Association, indicating that the LGA supports the amendments proposed by the minister. In light of that, I indicate that the opposition supports this bill and we look forward to the further stages of the debate.

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Small Business) (17:58): I thank the honourable member for his contribution and other members who have contributed to this debate. There are a few matters I need to address before this bill goes into the committee stage which we can deal with, hopefully, tomorrow.

The Hon. Mr Brokenshire first spoke back on 16 June. I am pleased to note that the honourable member supports this important bill, which seeks to provide for the future protection of public open space along Adelaide's major watercourses—other than, of course, the River Torrens which is already protected. I have moved an amendment to the bill to clarify that it only applies to public land that is either owned or under the care and control of government agencies or local councils. Although this was always the case, I believe the amendment makes it clearer.

As the honourable member notes, the original River Torrens Linear Park Act arose from the sale by the previous government of riverfront land at Underdale. The government has landholdings along the other waterways that I intend to ask the department to explore for inclusion as linear parks in accordance with this bill. Without the passage of this bill, there will remain the potential for the situation at Underdale to be repeated. Although I am not aware of any such instances occurring since Underdale, the potential does exist and this bill seeks to remove that risk.

In response to the Hon. Mr Ridgway's questions about what other waterways other than those identified in the second reading explanation would be captured by this legislation, I advise that any urban waterway could be the subject of future linear parks. The honourable member cites the example of rural waterways including the Glenelg River in the South-East. They are not urban waterways although, of course, if the amendment is carried which seeks to delete the word 'urban' and substitute 'public', then of course that would provide for the possibility of linear parks being established in non-urban areas. It was the government's original intention when this bill was introduced that it would apply to urban waterways, but the amendment will allow the act to apply to other waterways.

The original River Torrens Linear Park Act 2006, as its long title states, is clearly an act to provide for the protection of the River Torrens Linear Park as a world-class asset to be preserved as an urban park. The bill amends this long title to provide for other linear parks to also be

preserved as urban parks. The bill does not extend control over other waterways that are not in an urban setting. The legislation provides for the possibility of linear parks in regional towns and centres as well as metropolitan Adelaide, but it was not intended to apply to rural areas. However, as I indicated to the honourable member the other day, after we have done some thinking about it and since we are deleting the word 'urban' anyway within this bill and replacing it with 'public', there is probably no reason why it should not apply to such areas.

Certainly, I can think of a number of cases where regional towns within this state have watercourses running through them. A significant proportion of towns such as Clare, Strathalbyn, Victor Harbor and a number of other towns do have watercourses where parks are situated. In principle, there is no reason why we should not make those linear parks, particularly if the councils concerned request it. However, I repeat that it was not the original intention of the government that the bill would apply to those, although there is no reason why, at some stage in the future, that should not be the case.

The honourable member's second question related to restrictions on private land holdings within the linear parks and stated that it is his understanding that private landowners were not able to sell or subdivide their land. This is not correct. The River Torrens Linear Park Act 2006 only applies to government landholdings or land under the care and control of the council. It is true, however, that the current act and the bill allow for the compulsory acquisition of private land subject to, and in accordance with, the Land Acquisition Act 1969. However, if the land is not required, there is nothing to stop the landowner selling or disposing of the land privately. The ability of the landowner to subdivide, however, is dependent on the zoning. If the land is zoned for open space, it might not be able to be subdivided, but that is a separate issue to this bill as subdivision is controlled by the Development Act 1993.

The amendment filed in my name seeks to clarify that the act would apply only to unalienated Crown land, land owned by or under the control of the minister or another agency or instrumentality of the Crown, or land under the care, control and management of a council. The bill provides the legal mechanism for the establishment of further linear parks by the deposition of a GRO plan identifying the land covered.

The government will liaise and consult closely with any councils affected by a proposed linear park, as it did with the original GRO plan establishing the River Torrens Linear Park. The Local Government Association did write, after I prepared that response to the honourable member, and requested that it be formalised in the act that the consultation with the relevant councils take place before any park is declared. The government is happy to do so, and that amendment has been filed in my name. As with any parks and public spaces, ordinarily the landowner/occupier will be responsible for maintenance and ongoing care and control of the land.

Finally, I want to put this bill in the context of the recently released 30-Year Plan for Greater Adelaide. I point out that, under the section in the plan that relates to open space, sport and recreation, targets are set within that section, as follows:

- Ensure that the Greater Adelaide Open Space System will consist of at least 160,000 hectares by 2012.
- Provide a minimum of 12.5 per cent open space in all new developments.

It goes on to state:

- Prioritise the following activities for the Greater Adelaide open space framework:
- greening the Gawler Buffer, which will consist of about 230,000 hectares by 2014

I think this is relevant to this bill, and I believe it puts this bill in the perspective of the government's overall plan for Greater Adelaide in the next 30 years. It goes on to state:

- developing the Gawler River linear park, which will link a system of open space in and around Gawler with the Gawler, South Para and North Para rivers, by 2036
- developing waterway linear parks along the River Torrens, Gawler River, Little Para River, Dry Creek, Sturt River, Pedlar Creek, Onkaparinga River, Port Willunga Creek, Christies Creek and Field River by 2036
- developing a coastal linear park from Sellicks Beach to North Haven by 2020
- implement MOSS [metropolitan open space system] by rezoning 130 hectares in the Gawler buffer by 2012 and investigating further MOSS land for rezoning.

There is also within that plan draft policies for linking greenways to parks, reserves and bikeways, and there are also policies in relation to greening transport corridors and so forth. I particularly

wanted to put that on the record because it does, I believe, indicate that the bill before us is a part of achieving the government's plan for Greater Adelaide over 30 years. With those comments, I commend the bill to the council and look forward to the committee stage tomorrow.

Bill read a second time.

STATUTES AMENDMENT AND REPEAL (FAIR TRADING) BILL

The House of Assembly agreed to the bill, with the following amendment, to which amendment the House of Assembly desires the concurrence of the Legislative Council:

Clause 36, page 17, line 21 [clause 36, inserted section 74H(4)]—

Delete 'section' and substitute 'act or any other act or law'

At 18:09 the council adjourned until Friday 17 July 2009 at 11:00.