LEGISLATIVE COUNCIL

Wednesday 12 May 2010

The PRESIDENT (Hon. R.K. Sneath) took the chair at 14:16 and read prayers.

PAPERS

The following paper was laid on the table:

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

Local Government Grants Commission South Australia—Report, 2008-09

HEALTH AND HOSPITAL REFORMS

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (14:18): I table a copy of a ministerial statement relating to COAG health reforms made today by the Premier.

QUESTION TIME

VICTORIA SQUARE

The Hon. J.M.A. LENSINK (14:19): I seek leave to make an explanation before asking the Minister for the City of Adelaide a question about Victoria Square and Victoria Park.

Leave granted.

The Hon. J.M.A. LENSINK: In April, as the newly appointed Minister for the City of Adelaide, the minister announced her desire to see a revamp of Victoria Square. Subsequently, the Adelaide City Council released a $100 million master plan, with significant changes to the square, to which it has committed $24 million of its own funds, while the state government is providing $2 million for a 'design' study.

Last year, the Adelaide City Council released a master plan for Victoria Park, at a total cost of $16 million, to which it committed $4 million of its own funds. It applied unsuccessfully to the federal government's Community Infrastructure Fund. So, large parts of that plan have now been shelved. My questions are:

1. Does the minister fully support the master plan for Victoria Square?

2. What report, expert advice or external material does the minister rely on to set Victoria Square as the number one priority for the city?

3. Does the state government have any plans to provide significant funds for the master plan and, if not, what source of funding does the minister anticipate will help to finish it off?

4. Does the government have any plans to assist the city council with Victoria Park?

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 for the City of Adelaide) (14:20): I thank the honourable member for her questions and for her interest in this most important project. This is a project that stimulates the imagination of all South Australians because Victoria Square is the centre of our city and something that is important to all of us.

Along with that great interest in Victoria Square, history has shown that one of the problems of attracting such a great degree of interest is that it also attracts a great degree of differing opinions. And there's the rub: over the years, although there have been a number of plans and proposals put in place, it has been difficult to get a strong general consensus or even strong support for a particular project and, unfortunately, most of them have waned.

However, I am pleased to say that the Adelaide City Council unveiled the draft Victoria Square master plan this month which is obviously aimed at reactivating Victoria Square and creating a really vibrant public space for the city centre. I have been on the public record in the past with criticisms about Victoria Square and its disconnectedness with the rest of the city and the lack of opportunity for people to gather there for events. One of the examples I gave was that it was a

great place for a rally or a march to lead off from but was fairly poorly equipped to accommodate many other types of events or activities. Although it has done some successfully, it is limited.

The draft master plan has been developed by a council-appointed multidisciplinary design team working collaboratively with stakeholders to model a major civic space aimed at trying to benefit all South Australians in some way. I understand that construction has been planned for two stages, similar to the ongoing revitalisation of North Terrace. I understand that the first stage, which is planned to begin next year, will convert the northern part of the square into an open space for large events. Stage 2 is expected to commence in 2012, and that is the section with a stormwater management and garden component.

I think that this is an exciting concept put forward for Victoria Square. It builds on the significant investment already committed by this government to reactivate the city as a whole, including investment in the new Royal Adelaide Hospital and so on. The total cost is estimated at around $100 million. At this stage, the Adelaide City Council has budgeted $24 million for the build, with the remaining funding coming from other sources, including federal and state governments, and the possibility of private investors is also to be investigated.

The state government has already committed $2 million for a final engineering and design study to be completed by the end of this year so that construction can begin in 2011. The Adelaide City Council is currently undertaking a consultation process, seeking views from the public, which I understand closes on 7 June 2010. Apparently, the council has set up a pretty snappy website where one can do a bit of a flyover and make comments online, but people can also put forward submissions in other more conventional ways. I certainly encourage all South Australians to have their say about Victoria Square. I think it is most important that we get a wide cross-section of views about this.

The consultation process is being run by the Adelaide council, and it is now time for all South Australians to give their opinion on that draft master plan. I think that is a very positive thing to occur. Obviously, the work around Victoria Square overlaps with our 30-year plan agenda—also our integrated design strategy plan that we will be setting up, and our commissioner—and would be considered as part of that as well.

As I said, I encourage all South Australians to take part in that consultation process. That is the stage that it is now up to. I look forward to seeing what the Adelaide City Council comes back with after that consultation process has been completed.

VICTORIA SQUARE

The Hon. J.M.A. LENSINK (14:26): I have a supplementary question arising from the answer. Given the minister's answer, can she advise how much the state government is providing and what sources of federal funding may be involved; and will she say whether this is a fully funded project or whether still outstanding funds are to be allocated?

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 for the City of Adelaide) (14:26): We are only at the master planning stage; consultation has not been completed. The designs and the plan have not been completed and signed off on, so they would not be fully costed yet. I do not think the honourable member has any understanding. I have already put on the record that the estimated cost so far is $100 million. The Adelaide City Council has put aside $24 million, the state government has committed $2 million for the final engineering design, and federal funding and other private investments will be investigated.

This is a project that is being both coordinated and controlled by the Adelaide City Council. It is their project; it is their master plan. They are responsible for the consultation. After that consultation they will then bring back the results of that with, no doubt, a proposal for the state government to consider further, and I relish the opportunity to consider that further proposal.

BURNSIDE COUNCIL

The Hon. S.G. WADE (14:27): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question on the subject of the investigation into the Burnside council.

Leave granted.

The Hon. S.G. WADE: I refer to the fact that the minister's three month investigation into the Burnside council will shortly enter its 11th month. I note the minister's failure to address my

queries yesterday about whether the natural justice period for persons named in the investigative report on the council has commenced. The minister also failed to indicate when she is expecting the report to be publicly available.

I understand that once the minister has received the completed investigation report, under section 273(3) of the Local Government Act the minister must provide a copy of that report to the council and give it a reasonable opportunity to provide a response. This process must be undertaken before the minister is able to issue a directive, make a recommendation to the Governor or take any enforceable action to resolve the affairs of the council.

I also note that, under the Local Government (Elections) Act 1999, the latest possible date for close of nominations for local government elections this year, and therefore the commencement date for the caretaker provisions, is 21 September of this year—it could be earlier than this date—which leaves the minister with, at the most, four months to finalise the report, undertake the natural justice period, receive a response from the council, determine what is required to be done and take that action. My questions are:

1. Has the natural justice period commenced?

2. If it has not commenced, when is it expected to do so?

3. Given the statutory process for dealing with these issues, is it almost inevitable that the council will go into caretaker mode for the November election before this process is concluded?

4. Where is the justice for candidates for the election of the Burnside council, and the Burnside community, if the minister's tardiness in this process means that they will have insufficient time to properly consider the issues that are 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 for the City of Adelaide) (14:30): It is woeful, Mr President. Isn't it a sad and sorry day! Members have had a considerable period of time to go away and research and come back to this place with questions that are absolutely to the nub and thrust of government, that put us under scrutiny and on the razor's edge and really put this government to the test. What do they do? What do they give us? What do they bring back? The same tired old questions over and over and over—they are like a worn-out old record. What a dull, lazy opposition. How lazy can they be? How lazy is that, that they come back with the same tired old questions when I have already gone to great lengths to put on record all this information; all information that I have at hand is on record?

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: Well, why don't you write to Mr Ken MacPherson, the investigator, and request this information? He is completely independent and can conduct this investigation in the way he sees fit to conduct it. It would be most improper and irresponsible of me to interfere in any way whatever. What is more, could you imagine if I did? Had I issued any form of directive to the investigator, can you imagine the howling, hollering and bleating that would go on in this chamber? At least I could then say that they are doing their job, whereas this line of questioning is an absolute abuse and waste of taxpayers' money.

I have put these matters on record: it is a process of the investigator. The process is determined by the investigator himself as he sees fit—he determines that. I do not direct the investigator as to how he goes about that process. I determined the terms of reference in relation to the complaints I had received and I appointed the investigator, but the process is up to the discretion, expertise and professional wisdom and judgment of the investigator. The process is his to determine.

My understanding is that he has begun the preparations for the final stage, the natural justice phase. Exactly how far into that he is, I do not know as it is a matter for him, the investigator. I have already put on record that, clearly, this natural justice stage would, I believe, be determined according to the individual responses, needs, accessibility, and so on in relation to that. They are matters the investigator would have to determine and accommodate, and that is up to him.

As I have said clearly already, it is absolutely in the hands of the investigator and it would be most improper and irresponsible of me to interfere with this in any way at all. I have encouraged the investigator to expedite this as best as he possibly can. He has committed to me to do that, so I

believe he is doing his very best to expedite the matter. We must leave it in the hands of the investigator to do the job that he has been put in charge to do.

BURNSIDE COUNCIL

The Hon. S.G. WADE (14:34): By way of supplementary question, has the minister fully approved all requests from the investigator for funds and resources to expedite the investigation process?

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 for the City of Adelaide) (14:34): I have. I believe I have done this on at least two occasions, namely, when the investigator requested of me an extension to the finalisation of the investigation. At each of those times I asked whether he required any additional resources to assist him in expediting the completion of his report or to assist him with that, and I asked him to let me know.

I think on both occasions he has requested additional assistance. I could not tell you about the timing of that, but I do know that he has requested some extra paralegal assistance and, I believe, some administrative assistance as well. I have authorised whatever resources the investigator has identified that he needs to expedite this investigation.

The PRESIDENT: The Hon. Mr Darley has a supplementary question.

BURNSIDE COUNCIL

The Hon. J.A. DARLEY (14:35): Thank you, Mr President. Yesterday, minister, you mentioned that, during the period of natural justice, people named in the report would be given the opportunity to read that report, and you also mentioned that some of those people may need legal advice. Is it the intention of the government to pay for that legal advice?

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 for the City of Adelaide) (14:35): To the best of my knowledge, no. As I said, I am only speculating as I have had no official information about this. The information I gave yesterday—and I didn't say 'I don't believe,' I actually said 'read the report'—was that I am not too sure what the natural justice component constitutes.

However, my understanding is that, where the investigator has findings where a person is named or identified in that way, the person has some opportunity to respond to those findings; exactly how that is done I don't know, and I would not want to put any detail on that. In terms of how an individual might respond, again I have received no information regarding what individuals might require. We have certainly received no requests for legal assistance, and I doubt that it would be appropriate for the government to provide that even if it were asked.

The PRESIDENT: I advise the honourable member that tolerance was shown by the President because that should have been a supplementary question out of yesterday's answer.

MOTOR VEHICLE REGISTRATION FEES

The Hon. T.J. STEPHENS (14:37): I seek leave to make a brief explanation before asking the Leader of the Government a question about vehicle registration fees.

Leave granted.

The Hon. T.J. STEPHENS: Recently, I spoke with a small business person who advised me that they had just registered some of their company vehicles in South Australia and interstate. Two were registered here in South Australia and two were registered in Queensland, but I was disturbed when I found that the cost of registering a vehicle in Queensland was significantly lower than in South Australia. I was advised that the total cost of registering a utility in Queensland was $707, while in South Australia it was a total of $950. These were standard 12 month registrations for exactly the same vehicles. Being the numbers man of note that you are, Mr President, you would have would have worked out very quickly that that is a difference of 25 per cent. It is quite disgraceful.

Given that in the recent past the minister has said that South Australia is open for business, what sort of incentive does he think this provides to people in small business to set up or continue operating in South Australia?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (14:38): Obviously the figures that the honourable member is using would include third-party insurance costs, and it may very well be that third-party coverage in this state is more comprehensive than that in Queensland. I am not sure exactly what the situation is in Queensland but, presumably, when it comes to insurance, the greater proportion of fees depends on the scheme. I am not sure whether or not that is part of the answer; I would have to research it, and I will refer the question to my colleague in another place.

However, as a general comment can I say that in many respects this state has cheaper charges and lower costs than other parts of the country: we have cheaper housing costs, lower payroll tax and so on. It would be impossible for us to be the lowest in every single commodity, and I am sure that if you looked through all the costs and charges in the state you would find some where we were higher than other states, but you would find many where we were lower. Overall, South Australia is a low cost place in which to do business in this country, and this government is always looking at ways to keep our costs competitive.

Having said that, we will also have members opposite saying (if not in today's question time then no doubt very soon) that we should be spending more money in a whole host of areas including roads, for example, which of course these fees largely go to provide.

What economics is all about, and what good government is all about, is balancing up the costs. We need to make our industries competitive, of course. Fees and charges have to be competitive but also we endeavour to provide a level of services commensurate with the needs and the particularities of the people in this state.

That, of course, is the hard part of government, and this is what it is all about. It is very easy to look around and say that we charge more than some states in terms of a particular fee, but it is also true that we provide levels of services in some areas that are higher than those elsewhere. What we do know is that overall South Australia is a low cost state to do business in.

PUBLIC SPACES

The Hon. CARMEL ZOLLO (14:41): My question is to the Minister for Urban Development and Planning. Will the minister please outline how recent state government funding is assisting the creation and improvement of public spaces within the city for the enjoyment of all South Australians?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (14:41): I thank the honourable member for her question. This in some ways flows on from other proposals for the city referred to earlier through my colleague the Minister for the City of Adelaide.

The government, through the Planning and Development Fund's Open Space and Places for People grant program, provides financial assistance to local government for the purchase, planning and development of open space and for enhancements to the public realm.

The Planning and Development Fund is a statutory fund whose principal sources of revenue are derived from the open space contribution scheme. This revenue scheme allows the government to implement open space and public realm projects across South Australia.

Since 2002, more than $70 million in funding has been provided through the Open Space and Places for People grant programs to beautify this state through the creation and improvement of public spaces.

The principal objective of the Places for People program is to revitalise and create public spaces that are important for the social, cultural and economic life of communities. A secondary aim of the program is to foster a culture of specific urban design in councils establishing practices that will benefit future public realm projects.

The Open Space program involves projects designed to assist in the preservation, enhancement and enjoyment of open space areas containing elements of natural beauty, conservation significance and cultural value. The program is specifically for works relating to conservation and recreation on public land.

Whether it is helping to redevelop and upgrade local parks and recreational facilities, the government has been there to support local government bodies and local service groups and

volunteers to invest in their communities. During the past eight years, this government has distributed $51.9 million to local councils as Open Space grants and a further $18.8 million through the Places for People program.

To come specifically to the question, one of the many beneficiaries of these initiatives has been the Adelaide City Council. These include grants to upgrade Hindmarsh Square which was recently completed, North Terrace which was completed just in time for the Festival and the Northern Lights, and the River Torrens Linear Park including the Zoo precinct.

Recently, the Adelaide City Council received $800,000 to redevelop the north-east corner of Hindmarsh Square. Previously, the government has also provided funds for redevelopment of the north-west corner of that square and it is great to see how popular that new area is. The upgrading of the area adjacent to the new Crowne Plaza Hotel and the new apartments that have been built there includes a new promenade, seating, planting and shared use pavement area off Grenfell Street that visually complements the new buildings that were on the former Academy Cinema site. The area around Hindmarsh Square has attracted increased residential development in recent years and the Adelaide City Council's upgrade has delivered additional quality open space in this part of the city.

North Terrace is rightly regarded as Adelaide's premier boulevard, housing many of South Australia's most important and beloved public institutions. Importantly, the North Terrace precinct provides one of the most significant areas of open space within the City of Adelaide. The government has provided $2.06 million to fund completion of the North Terrace stage 3 redevelopment, which encompasses Prince Henry Garden outside the southern wall of Government House. This section of the North Terrace project has provided a significant improvement to our premier boulevard between the National War Memorial at the corner of Kintore Avenue to the main entrance of Government House at the corner of King William Road. The completion of stage 3 is in keeping with the previous stage 1 and stage 2 redevelopment of this precinct of North Terrace, with provision of new pavement, lighting, landscaping, public art and street furniture.

The successful redevelopment of North Terrace from Frome Road to King William Road completes a once-in-a-generation opportunity to improve open space in Adelaide's institutional zone. The redevelopment to the entrance of the Adelaide Zoo late last year has been an outstanding success. The government provided the Adelaide City Council with $675,000 to assist the $2.369 billion cost of returning more than 2,000 square metres of alienated Adelaide Zoo land back to public use. This project has also provided increased security in pedestrian access to Botanic Park and the Zoo. A new public entrance was constructed to cope with a forecast increase in visitors from fewer than 400,000 a year to an estimated peak of 700,000 a year with the opening of the Zoo's panda enclosure.

I also had great pleasure in attending the official opening earlier this year of a new $1 million footbridge on the River Torrens in a section of the Parklands which was colourfully known as Dead Man's Hole. This wonderful piece of infrastructure links northern Adelaide with the Adelaide Zoo and the Botanic Garden and makes it easier for people to access events such as WOMADelaide and the Fringe.

The 27 metre long footbridge provides walkers, joggers and cyclists an alternative route to and from the city, downstream from the Hackney Bridge and through some of the most picturesque sections of the Parklands. Designed by Adelaide-based company Oxigen in association with Northrop Engineers, the footbridge is a great addition to the Parklands Trail Project that is jointly supported by the state government and the Adelaide City Council. This government is proud to have contributed more than $1.5 million towards the development of the Parklands trail through the Planning and Development Fund's Open Space initiative.

These are just some of the many projects, many of them open with in the last six months, within the Adelaide council area that have been supported by the Planning and Development Fund in the past year. Many other council areas throughout metropolitan Adelaide and regional South Australia have similarly benefited from the funds provided to support their local projects. I commend these initiatives to all members of the council.

BUILDING THE EDUCATION REVOLUTION

The Hon. J.A. DARLEY (14:47): I seek leave to make a brief explanation before asking the Minister for Industrial Relations a question regarding SafeWork SA and the Building the Education Revolution.

Leave granted.

The Hon. J.A. DARLEY: Earlier this year we were advised by a constituent that staff from SafeWork SA were taken off existing duties to urgently investigate a number of issues arising from the Building the Education Revolution projects. This included investigating builders' licence and registration details and also examining safe work methods and practices in connection with occupational health and safety. My questions are:

1. What was the actual cost to the South Australian government to do this work?

2. Was it paid for by the commonwealth?

3. What was the result of these investigations?

4. Was any noncompliance detected, and, if so, which building projects were involved, where were they located, and what action was taken?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (14:48): I assume if that action were taken, it was probably earlier this year before I became the minister. I am not aware of any specific action being taken since I have been the minister. However, I will undertake to investigate the matter for the honourable member and bring back a reply.

I will just say in relation to Building the Education Revolution that it has been a huge success in this state in terms of—

Members interjecting:

The Hon. P. HOLLOWAY: Well, members opposite should have a look at some of the graphs. There was a very good one in *The Australian* this morning about the performance of the Australian economy relative to that of most of our OECD partners; that is, how little has been added to the debt in this country to avoid the impacts of the global financial crisis relative to that happening in other countries. There is no doubt that this country has performed splendidly because of the appropriate level of stimulation given to the economy during that period and, of course, as the federal Treasurer told us yesterday, it will enable the debt that was incurred to be paid off much more quickly because we have been so successful in dealing with the impact of this crisis.

I think we have approximately 800 schools in this state. The whole point of the exercise was to ensure that we stimulated the economy. To be effective, that work needed to be done very quickly and it was. I believe, and I put on record, that Rod Hook and his people at the Office of Major Projects and Infrastructure have done an absolutely fantastic job in this state in ensuring that that money, notwithstanding the fact that it had to be spent very quickly, has been spent in a responsible manner. I think this state has been able to ensure that the money for the Building the Education Revolution was spent at least as well, if not much better, than in other states.

Notwithstanding that, given the speed and the scale of it, it is inevitable that there would be some pressure, and so it certainly is appropriate that the state would have the appropriate level of scrutiny over that expenditure. However, I put on record that I believe that not only have the BER and other stimulus fund projects succeeded magnificently in minimising the impact of the global financial crisis on this country but also the people responsible for it in this state, particularly Rod Hook and his team, deserve all the credit for managing such a large outlay of funds in a relatively small time in the best possible manner.

GREATER EDINBURGH PARKS

The Hon. R.P. WORTLEY (14:52): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question about the Greater Edinburgh Parks precinct.

Leave granted.

The Hon. R.L. Brokenshire interjecting:

The Hon. R.P. WORTLEY: You're harping for them now, are you? Be a little bit individual, mate. Don't harp the Dawkins' line, make up your own lines, mate. We are hearing so many regenerated lines around this place today, I just want to be sick. Be original—

The PRESIDENT: Order! The Hon. Mr Wortley will ask his question.

The Hon. R.P. WORTLEY: Thank you, sir. I thought I would explain something. Last week, the minister outlined some of the winners of the Local Government Management Association Leadership Excellence Award 2010. I understand that a project was also declared the most outstanding example of local government partnership designed to achieve growth.

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

The Hon. R.P. WORTLEY: Take his line again, mate; just remember what he is saying. Will the minister inform the chamber about this project?

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 for the City of Adelaide) (14:53): I thank the honourable member for his most important question and his interest in these important policy matters. The City of Playford and City of Salisbury have cooperated in establishing the Greater Edinburgh Parks precinct as an employment hub. The precinct is estimated to have over 1,100 hectares of potentially developable land and should attract 25 to 50 per cent of Adelaide's industrial land consumption over the next 20 years.

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: I cannot hear myself think, Mr President. The land is currently designated by the draft of the 30-Year Plan for Greater Adelaide to provide well-located industrial land that is free from residential development for the long-term future of metropolitan Adelaide. It will enjoy world's best practice in the application of ecologically responsible high-tech and knowledge-based technologies. The precinct will strive to take advantage of emerging new industry and business sectors, including defence, mining, construction, aerospace, food processing, education and environmental. The Edinburgh Parks precinct has already attracted major companies, including:

- a $125 million state-of-the-art distribution centre for Coles;
- a $100 million food processing facility for Inghams;
- a $24 million logistics optimisation centre for DHL;
- BAE national headquarters;
- MTU Detroit Diesel;
- Futuris;
- and many others.

The state government estimates that the growth in Edinburgh Parks and the surrounding area is likely to create over 38,000 direct jobs over the next 20 years, with direct economic output likely to be around $3.4 billion.

The department of transport has been involved in this initiative by realigning sections of the Northern Expressway. The Department of Trade and Economic Development has adopted a similar model for the Tonsley Park redevelopment. The precinct presents a range of opportunities, which makes it an ideal location for additional industrial expansion, creating a higher level of confidence for investment in the region.

In addition to the comprehensive transport infrastructure, Edinburgh Parks features innovative landscaped areas, including open space, walking and cycling trails, and sporting/recreational facilities. The site offers a range of benefits for people working in that area.

Environmentally sensitive stormwater management, involving an aquifer for a storage recovery system and reticulated non-potable water supply, has also been incorporated in the Edinburgh Parks design.

Northern Adelaide is one of the fastest growing areas in South Australia, with over $8 billion in projects which are either nearing completion or soon to commence. So, it is not surprising that this very innovative project was declared the most outstanding example of local government design to achieve growth and that it received such an important award in acknowledgment of that achievement.

MINDA INCORPORATED

The Hon. M. PARNELL (14:57): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about the Minda dunes.

Leave granted.

The Hon. M. PARNELL: A draft master plan developed for Minda's Brighton campus, which includes 144 commercial beachside apartments, has been released by Minda Incorporated. The Brighton retirement apartments, in a five storey block, are included in a $200 million plan that also features 69 retirement villas.

This development is proposed to be located on top of the last remaining privately owned remnant dune system along the Adelaide metropolitan coastline, a system that contains species of conservation significance, including species and plant communities found nowhere else on the metropolitan coast.

Although the front or forward sand dunes on the Minda land are protected from development, the secondary dunes, which contain the highest diversity of significant flora (some eight species) and are in the most intact state, are not protected.

Over a decade of community effort, including conservation groups, Minda volunteers, scientists and the state and local government, has been put into the site's protection, and local, state and national funding has been invested in the site for planning and onground works.

Should development proceed in the secondary dunes, the City of Holdfast Bay suggests that seven plants of conservation significance would essentially become locally extinct within the Minda sand dunes and two would become regionally extinct on the Adelaide metropolitan coastline.

In Saturday's *Advertiser*, Tim Lloyd suggested that a lack of government funding has forced Minda Incorporated to propose this aggressive development to provide an income stream of $5 million per year. Tim Lloyd said:

> By short-changing these institutions, and failing to fix their outmoded accommodation, they have turned executives who should be focused on the care of their clients into property developers selling off the farm in a desperate search for capital and income.

At a public meeting on Thursday 22 April, the Deputy CEO of Minda Incorporated, Robert Cairney, said that Minda had been in discussions with minister Holloway on the future of the master plan. I also note that, according to Daniel Wills in *The Advertiser* last week, a spokesperson for the minister said that no formal request for major project status had yet been lodged. My questions are:

1. What has been the nature of the minister's discussions with Minda Incorporated over the Minda dunes site?

2. Does the minister rule out the granting of major development status for this housing development if the City of Holdfast Bay refuses approval?

3. What guarantees can the minister give that his government will ensure that the remnant secondary dune area will be protected?

4. If the government does not allow Minda to proceed with its proposed master plan, how will the government assist in raising the $5 million per year that Minda hopes to receive through the development?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (15:00): May I just say that the honourable member referred to an article by Tim Lloyd, which I thought was a very dishonest and unprofessional article. To try to blame the state government for what is being proposed at Minda Home is quite outrageously dishonest—and let me put that on the record. We do not expect an awful lot from *Advertiser* journalists at times, but that was really quite over the top. In relation to the—

The Hon. R.I. Lucas: We see the arrogance has gone.

The Hon. P. HOLLOWAY: What is arrogant is that members opposite–

The Hon. R.I. Lucas: On the third sitting day—the arrogance of this government.

The Hon. P. HOLLOWAY: In other words, journalists can tell outright lies in the newspapers and, of course, Mr Lucas will agree with them because he is in league with half of

them. In fact, I am sure when we have a more appropriate occasion (and I am looking forward to the Address in Reply when some of the nonsense that has been spoken about the recent election can be addressed) some balance can be put into that debate. Since the question was about Minda—

Members interjecting:

The Hon. P. HOLLOWAY: We know that members opposite do not want to hear the truth. Again, the real arrogance in this parliament is from Liberals who continually try to prevent the truth being told. It will be told in relation to this particular article. If we use the next 17 minutes of question time by them interrupting, so be it.

When I first became the Minister for Urban Development and Planning some five years ago, I soon became aware that Minda was looking at the future plans for its area. As a result of that, in 2006, at my instigation, the North Brighton Coastal Plan Amendment Report was introduced to guide any future development of the North Brighton site.

Specifically, that plan amendment report considered public access along the foreshore, the provision of appropriate linkages through the site, the protection and enhancement of significant coastal environs, the interface between adjoining land uses. As a result, changes to the development plan included a realignment of the coastal conservation zone boundary to increase the area of land protected by the zone from 1.8 hectares to 3.3 hectares and to ensure adequate protection of the remnant dune system, or certainly the frontal dune system.

On 31 March this year, Minda released a draft master plan for public consultation. As a matter of courtesy, Minda informed me that they were doing that and showed me the plans. That was the total of my involvement to date: to meet with them and be informed about what they were proposing to do. At this stage Minda have released their plan. It was out for public consultation and Minda are responsible for that master plan. As I understand it they are still getting feedback. That explains why, when my office was asked about it, there was no formal proposal and nor has the government indicated in any way that it would look favourably at it or make any other comment about it.

At this stage it is simply a master plan that Minda have put out for the future of their site at North Brighton. It is up to them as to what happens. They are getting public feedback. When they are ready, I guess they will release what they plan to do and take action from there. I am not going to make any hypothetical decisions on what may or may not be a final proposal. Why else would Minda be putting out their draft master plan for public consultation if they were not going to respond to it?

I know my colleague, the local member for the area (the member for Bright), has put on public record her views in relation to it. I am sure others in the community will share the view. It is up to Minda to respond to the public response to their proposal. I have not made any comment on it. As I said, I have simply met with people from Minda to become informed of their proposals.

This government took action in 2006. It was one of the things I did early on as Minister for Urban Development and Planning to ensure that the sand dunes at Minda, at least the frontal dunes, were properly protected. I have not actually seen the area in question, and I do not propose to see it until it becomes of any relevance to any proposal that may be put forward. The action that I took back in 2006 was to ensure that should Minda proceed with any development plan, which even in those days (four or five years ago) they were talking about doing, there would be some protection for the dunes.

At this stage, it is up to Minda as to what they intend to do and to put their proposals there. I can understand why Minda would be looking at ways of ensuring that its site is viable. Clearly, much of the infrastructure on the North Brighton site is fairly old now; a lot of it was constructed 50 years ago or thereabouts. Some of it is heritage listed; some of it is not. Clearly, Minda are trying to do their best for the people who depend on their services, and they are also consulting with the community.

To suggest that in some way the government has been trying to influence this process, as the journalist in *The Advertiser* did, is, I think, quite outrageous. The honourable members opposite might think it is arrogant to defend that but, if it is arrogance to sit here and take criticism that is false and just accept it, that will not happen. I do not believe it is arrogant to defend the position of the government, and we will strongly defend it against false accusations.

This proposal is entirely one that Minda have put forward. They have told me that they will be seeking public consultation. I certainly made the comment to Minda in relation to this particular proposal that I expected that there would be a number of issues associated with it, but it is up to them as to how they respond. In doing that, I think all of us would support the work that Minda does in protecting intellectually disabled people. I think the community has a great deal of sympathy for Minda and the work that it does but, clearly, there are other planning issues that will need to be addressed. I will await the result of Minda's public consultation process before I make any further comment on the validity or otherwise of what it is proposing.

MINDA INCORPORATED

The Hon. M. PARNELL (15:07): Arising from the minister's answer, is he ruling out further protection for the secondary dunes via a development plan amendment or any other means?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (15:08): The development plan amendment that was introduced back in 2006 was specifically to do that. I would not propose to rezone land belonging to Minda for some other purpose without talking to them. I think it would be fairly outrageous if I, as a minister, were to try to rezone land that was owned by any institution or individual without discussing it with them first.

The honourable member wants us to protect a whole lot of other land owned by other people, but he is saying that in this case the government should come in and make arbitrary decisions. That land is owned by Minda. They have a community service obligation to deal with their land in a community-sensitive way, but they also have an obligation, obviously, to protect those people who are dependent on them.

Nobody has put the proposal to me—and they certainly did not at the time—that the development plan amendments we made were inappropriate. As I understand it, on that secondary dune area where this proposal is to build buildings, there are already some buildings in that particular area. As I said earlier, I have not inspected the site, and I am not overly familiar with that part of the site, but certainly no proposition has been put to me to rezone that area. If we were to do that, it would have a significant capital value impact on the land that Minda has, and that is not the sort of action, I believe, that anyone would take capriciously.

COMMUNITY RESPONSE TO ELIMINATING SUICIDE

The Hon. J.S.L. DAWKINS (15:10): I seek leave to make a brief explanation before asking the Minister for Industrial Relations a question about the Community Response to Eliminating Suicide (CORES) initiative.

Leave granted.

The Hon. J.S.L. DAWKINS: Many members will be aware that for a number of years I have championed the Community Response to Eliminating Suicide initiative. CORES aims to give community leaders the skills to recognise the warning signs of suicidal behaviour, and the confidence to intervene before a crisis occurs, by assisting the person at risk to receive appropriate help. CORES was established in regional Tasmania, with one program funded in the regional municipality of Kentish in 2003-04. Since then the program has expanded its reach in Tasmania and been implemented in regional Victoria and Queensland to now have 17 programs nationally. In addition, negotiations are ongoing with the Western Australian government.

Certainly in some of those places in Victoria and Queensland the programs were initiated after concerns about suicides in the workplace. In 2008 the Eyre Peninsula Local Government Association decided to fund the CORES package by itself, primarily because it felt that CORES was far more appropriate to its region than were other suicide intervention programs put forward by the state government. The EPLGA recently extended its funding because of the well demonstrated community benefit of the CORES initiative, and I am pleased to say that that has been supported financially by the Eyre Peninsula Division of General Practice and the commonwealth Department of Health and Ageing.

Last week I met with Mr Mark Stemm, the chairman of CORES, when he was visiting Adelaide. Mr Stemm advised me of a new CORES strategy that has been developed specifically for the workplace. Workplace CORES builds momentum in the workplace through delivery of the one day course in suicide intervention. Participants are guided through a professionally developed handbook on how to spot the danger signs and how to intervene properly to make a real difference

in the lives of people around them. The program was developed because of research nominating workplace stress as a factor in suicide. According to the Australian Bureau of Statistics, in 2008 alone 2,191 people died from suicide in Australia, an alarming number, given that it is generally recognised that many suicides are not registered as such. My questions are:

1. Is the minister aware of any research on the links between workplace stress and suicide that has been done by his department?

2. If there is no such data, will the minister consider undertaking research investigating the links between workplace stress and suicide in South Australia?

3. Will the minister agree to meet with CORES representatives and consider funding a pilot workplace CORES program in South Australia?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (15:13): I thank the honourable member for his important question, because obviously all of us are concerned with the impact of suicide and the related issue of mental illness. It is particularly relevant to the portfolio I now hold because it is well known that there is a higher incidence of depression and suicide in people who have been out of the workforce for long periods. It is also recognised that many people on the WorkCover scheme suffer from psychological illness, largely as a result of coming to terms with the situation and the results of the workplace injury. That is a well-known fact.

To address those issues, I am certainly aware that WorkCover and its claims agents are highly responsive to a situation where a workers compensation claimant is threatening or contemplating suicide. I am well aware that WorkCover and Employers Mutual staff are trained in critical incident management and suicide intervention. It is a difficult and unfortunate issue. Enough research has been done worldwide to demonstrate that those people who have been out of the workforce for long periods have a higher incidence of depression and suicide. If there is anything I can add, I am happy to do so, and will seek further information to determine what other specific work has been undertaken in relation to that important area.

FAIR WORK SYSTEM

The Hon. J.M. GAZZOLA (15:15): My question is to the Minister for Industrial Relations. Will the minister provide the council with details on the role South Australia plays in the national Fair Work system?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (15:15): I thank the honourable member for his important question. Most members in this place would be aware that from 1 January this year the full private sector in South Australia—including non-government community services, private schools and universities—is now covered by the commonwealth Fair Work Act 2009.

Recently, in February, the South Australian government signed a three year contract with the Fair Work Ombudsman to provide education, information and compliance services to implement the Fair Work system. Under the contract, SafeWork SA will provide transitional education visits (TEVs) to assist employers transferring to the new system. These visits will be unobtrusive and will focus exclusively on providing meaningful support to employers so that they understand their new workplace rights and obligations. Transitional educational visits will involve undertaking a very significant number of visits to employers across regional and metropolitan areas in South Australia.

During the transitional educational visits, inspectors will provide for the specific needs of the employer they are visiting, and will provide a tailored suite of education products. Amongst other things, these products will include specific fact sheets, business self-assessment sheets, best practice guides, Fair Work education and information program materials. The visits will be based on geographical areas within metropolitan and regional South Australia and will mainly focus on businesses that were previously in the South Australian industrial relations system, such as sole traders and partnerships.

In 2010 SafeWork SA will undertake 5,000 transitional education visits with a further 2,500 a year in 2011 and 2012. As at the end of April 2010 SafeWork SA inspectors have completed 1,587 transitional education visits and are on target to meet the 5,000 TEVs scheduled for 2010. In addition to the transitional visits, SafeWork SA will undertake at least 500 complaint investigations

a year and 500 targeted compliance activities a year for the next three years. I commend SafeWork SA for its commitment and leadership in advancing this important work.

MOOMBA GAS FIELDS

The Hon. D.G.E. HOOD (15:17): I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question regarding the Moomba gas fields and South Australia's energy future.

Leave granted.

The Hon. D.G.E. HOOD: Members would be aware that Adelaide's power station at Torrens Island runs on natural gas that is pumped about 900 kilometres from our gas fields at Moomba. I note with concern that the Electricity Supply Industry Planning Council's annual planning report says that supplies at Moomba have been diminishing since 2003. I understand that something in the order of about 9,000 megalitres of crude oil and about 4,000 megalitres of LPG remain at the site, which leaves about five or six years of life if extraction continues at the most recently reported rates. However, a document that I received last month by way of a freedom of information request implies that the limited remaining Moomba gas supplies are largely becoming unprofitable for the company to extract.

Moomba is the only significant resource of gas and oil that we have available ready and tapped in this state, so the concern is that from this point on we may be reliant upon interstate fuel through the SEA Gas line from Victoria and a new Epic Energy line from Queensland, and thus will potentially be unable to power our own power plant with South Australian gas in the future. My questions are:

1. What is the government doing to address this looming problem?

2. Can the minister foresee South Australia, already facing difficulty in fighting the Eastern States for water, also being reliant on Victoria (in this case) for natural gas in the future?

3. What is being done to secure long-term baseload power—not just wind and solar, which have severe limitations in terms of providing baseload power—to secure South Australia's energy self-sufficient future?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (15:19): The honourable member would be aware that the SEA Gas pipeline from Victoria was completed just in time (literally, by hours) to deal with the situation we had back on New Year's Day in 2004 or 2005 when the Moomba plant struck difficulties and was offline for a month or two over the peak period. We were very fortunate that that pipeline was finished just in time so that we could deal with the issues we faced.

While it has been known for some time that the known gas fields within the Cooper Basin have been in decline, there is some significant hope that new forms of gas (such as shale gas in horizontal pockets within the Cooper Basin) may well be the way of the future. I know that Reg Nelson, the Chief Executive of Beach Petroleum, has stated that he believes that we may only have actually so far discovered about 10 per cent of the total gas within the Cooper Basin and that anything up to 90 per cent may be available in these nonconventional gas resources.

If one looks at the United States, for years gas supplies were in decline but in recent years the amount of gas produced internally has gone up rapidly as these new nonconventional supplies of gas have been exploited. There is every hope, particularly with companies such as Beach which now have tie-ups with some of these American companies that are the leaders in the field of technology and gas recovery, that this may well become a source of gas for the future.

As I said, for some years now this state has already been drawing gas from Victoria, and there is also a pipeline between Ballera in Queensland and Moomba; and we are already using gas from the Queensland part of the Cooper Basin. Of course, in the future, depending on what happens with coal seam methane, which is another alternative form of gas within central Queensland, there is the possibility given the pipeline structure that that could be used for this state.

Therefore, if one looks at the gas that is available to south-eastern Australia, there are still significant gas supplies and there is the potential for gas from these new nonconventional sources. There is also work being undertaken in Queensland, and I have had a look at such operations,

where the underground gasification of coal resources is taking place and being investigated as a much more environmentally sensitive alternative to the use of coal for directly firing power stations.

There is work being undertaken within this country and within this state in relation to some of those new technologies. I believe that we are not likely to run out of gas immediately. The conventional supplies which have been exploited for the last 40 years since the 1960s in the Cooper Basin are being depleted, but I think there is the prospect of other supplies of gas. Also, of course, we would hope that, within the next decade or so before we do start to experience problems in relation to gas availability, geothermal and other forms of energy will come onstream as longer-term alternatives.

What I am happy to do is to arrange a briefing for the honourable member, if he has not already had one, on the potential for new and alternative sources of gas to be used to provide energy for the South Australian market.

MATTERS OF INTEREST

COUNTRY PRESS SA AWARDS

The Hon. J.S.L. DAWKINS (15:24): I rise today to speak about the Country Press South Australia Awards, which were held on 26 February this year at the Renmark Club. The host of the awards was Mr Ben Taylor, the President of Country Press SA and General Manager of the Murray Pioneer group. He is the most recent of several generations of his family to lead that organisation.

I was very pleased once again to present the Community Profile award, which I have sponsored for a number of years, and I am pleased to say that the judge of the award this year was Ms Tory Shepherd, the health reporter for *The Advertiser*. The winner was Ms Deidre Graham from the *Border Times* newspaper, which is based in Pinnaroo. Deidre comes from the circulation area of that paper, which of course crosses into Victoria. She is passionate about the area, and I was delighted that she was given the award.

The *Border Times* entry reported on the story of Philip O'Driscoll, who was involved in a horrifying helicopter crash in Canada five years ago and who was returning to Pinnaroo to help open the 2009 Pinnaroo Show. Tory Shepherd said that Deidre Graham's article was 'a gripping piece presented in a well-written and evocative style. This piece starts strongly and that strength pervades the whole piece.' She said, 'The subject is obviously an immense asset.' I reiterate my congratulations to Deirdre Graham on her journalistic efforts in that part of the state.

It is also interesting to note that the second prize was awarded to the editor of the *Murray Pioneer*, Mr Paul Mitchell, who also oversees the *Border Times*. Paul finished runner-up in that section with his story on Barmera's fanatical Collingwood supporter, Con Doupis. 'This profile is written with style and flair,' said judge, Tory Shepherd. 'It's jokey and blokey and jovial, really interesting even for non-football lovers.'

The third place in that award was *The Islander* newspaper, which had a very successful night overall. The winner in the category of best newspaper over a circulation of 6,000 was *The Courier* at Mount Barker for the second year in a row. Second place went to the *Murray Pioneer* of Renmark, and third place went to *The Times* of Victor Harbor.

The winner in the category of best newspaper with a circulation between 2,500 and 6,000 went to *The MurrayValley Standard* at Murray Bridge for the sixth time in succession, which is an extraordinary result. In second place was the *Northern Argus* at Clare, followed by *The Recorder* in Port Pirie. The award for best newspaper under a circulation of 2,500 went for the second time in a row to the *Plains Producer* at Balaklava, followed by *The Loxton News* and *The Islander*.

Best Advertisement (Image/Branding) was won by *The Recorder*, and the Best Advertisement (Priced Product) went to the *Whyalla News*. *The Loxton News* won the Best Advertisement Feature, and *The Islander* took out the award for Best Supplement.

The Courier at Mount Barker won the Best News Photograph, and the award for the best sports photograph was a tie between Graham Fischer from the *Barossa & Light* Herald, who actually won the previous year, and Sean McGowan from *The Islander*. In third place was Donna Sims from the *Katherine Times*. The best front page went to the *Port Lincoln Times*, and *The Plains Producer* won the Editorial Writing award, and Excellence in Journalism was taken out by the *Barossa & Light Herald*'s Michelle O'Reilly.

The Best Sports Story was won by *The Plains Producer*, with an article written by Lauren Parker and Kym Jarman, and I have talked about the Community Profile Award that I was pleased to present. I congratulate all the newspapers that participated in the awards; it is a very good and well-run organisation. I once again thank Tory Shepherd for judging my award.

I am also pleased to indicate that joining me at the awards that night in Renmark was the Liberal candidate for Chaffey and, I am pleased to say, now the member for Chaffey, Mr Tim Whetstone. He took the opportunity to meet many people from his electorate and across the state, as he continues to do in his new role.

Time expired.

SOUTH AUSTRALIAN RESOURCES AND ENERGY INVESTMENT CONFERENCE

The Hon. R.P. WORTLEY (15:30): I rise to discuss the South Australian Resources and Energy Investment Conference which was held from 4 to 6 May. South Australia now leads our country, with an extraordinary array of operational environmental initiatives in hot fractured rock geothermal exploration; wind technology; the use of solar energy in public buildings, including this one; tree planting programs; recycling of glass and plastic bottles through a deposit scheme; the widely supported supermarket plastic bag ban; and our feed-in tariff arrangements. This is entirely due, I might add, to the forward thinking of the Rann Labor government. We are on the brink of an explosion in a variety of renewable energy technologies right here in South Australia. Indeed, we have attracted nearly 60 per cent of investment in geothermal power technology in Australia for the period 2002-13, enabled by the government's visionary and highly effective Petroleum and Geothermal Energy Act.

The concept of geothermal power has been discussed by scientists for some decades now. For the benefit of those opposite who might not know what a hot rock is if they sat on one, I thought I would take the opportunity to spell out exactly what this means. Essentially, the idea is to pump water underground to heat it. The steam produced goes into a turbine which drives a generator. The result—clean electricity production. No fossil fuels burned, no need to transport or store those materials. That is something we all want. This is a technology that could bring enormous benefits to our state and our nation.

How does it work? Simply put, the deeper we go into the earth, the hotter the earth gets. Scientists need access to hot rocks, but cost implications mean that they need to be accessed at relatively shallow depths. In the remote north-east of our state, a promising area has been located. The area is well known to scientists due to the proximity of the Cooper Basin gas reserve, which provides natural gas to a number of state capitals, including Adelaide. The temperatures in a body of granite some four kilometres below this area are sufficiently high—about 250°—making it the hottest proximate non-volcanic rock ever found and consistent for the desired purpose. The geothermal stress fracture conditions are ideal, the drilling conditions familiar.

One expert, Dr Chopra of the Australian National University, has said that 'there's enough energy in that volume of rock to power the whole nation for more than 100 years—with greenhouse gas free emissions.' While this may sound ambitious, Professor Tim Flannery writing in *The Sydney Morning Herald* in September 2005 said:

> This one rock body in South Australia is estimated to contain enough heat to supply all Australia's power needs for 75 years, at a cost equivalent to that of brown coal, without the carbon dioxide emissions.
>
> So vast is the resource that distance to market is no object, for power can be pumped down the power line in such volumes as to overcome any transmission losses.

We all know that those opposite—and their federal counterparts—have had their head in the sand with regard to these matters. Indeed, who could forget Senator Minchin's extraordinary comments on climate change on *Four Corners* in November 2009, when he said:

> For the extreme left (climate change) provides the opportunity to do what they've always wanted to do, to sort of de-industrialise the western world...

Sorry, Senator Minchin (soon to be ex-Senator Minchin), that remark was not only ludicrous, but it was deliberately fearmongering.

Climate change and its ramifications are not the product of a left wing conspiracy. They are real, and the Rann Labor government is taking action on the issue while looking towards the unparalleled community and economic benefits such technologies can bring to South Australia. That is why this conference was so timely.

The prospectivity of South Australia continues to draw attention from explorers and miners around the world, with the state government's incentives acting as a catalyst for action. There have been several important new discoveries, along with a scramble of joint venture deals being done as confidence in the state grows. Those who attended the conference were executives of major mining companies, investors, representatives of mining service industries, government representatives, mining consultants and a wide range of media. A technical forum was also held during the three day event. When outlining last year's budget, premier Rann stated:

The Rudd government has asked every state to reach a 20 per cent target for renewable electricity generation by 2020. We had a much more ambitious target in South Australia—to reach that 20 per cent by 2014.

We are going to reach our target ahead of our 2014 deadline, and years ahead of the national deadline. So (our new) even tougher target of 33 per cent by 2020...will keep us at the forefront internationally of jurisdictions supporting renewable energy.

Time expired.

LABOR PARTY

The Hon. R.I. LUCAS (15:35): I rise to speak about ongoing instability and factionalism within the Labor Party. At the start of each parliament, the Leader of the Government engages in a series of discussions with the members of the Legislative Council about matters of mutual interest, committees and committee processes, standing orders, etc. On most occasions, the Leader of the Government meets, generally by himself, with the individual members.

The intriguing issue on this occasion is that, when the Leader of the Government met with individual members of the Legislative Council, he was accompanied by a constant companion—he had his faithful St Bernard dog at every meeting, wagging his tail and trying to sound authoritative in relation to the ongoing discussions. I am not sure whether or not the St Bernard had the flask of wine around the collar the St Bernard dog generally has when it is embarking on missions of saving lost souls. The lost soul on this occasion, I understand, is indeed the minister—minister Holloway himself.

Labor MPs are openly discussing in the corridors that the Hon. Mr Holloway has been told that he has one or two years left as minister and Leader of the Government in this chamber and that, at the end of the one or two year period, the constant companion, the St Bernard dog, the Hon. Mr Finnigan, will be taking over as the Leader of the Government. Heaven help this chamber and heaven help the government if indeed that were to occur!

The Hon. Mr Holloway, as one would expect, is very, very unhappy about the set of circumstances unfolding for him. I understand that he complained that the right, under Senator Farrell, had promised that it would support him for four years as a minister. I understand that he was then told, 'That promise was made when we thought we were going to lose the election. Now that we have won the election, surprisingly, all bets are off. The four year guarantee has gone. You've got one or two years before you go.'

I understand that part of this plan is also, through a casual vacancy organised through the right, for Michael Brown, the Secretary of the Australian Labor Party—a man who thinks he has considerable talent—to come to the Legislative Council to assist those people in this place he thinks need assistance.

The Hon. I.K. Hunter interjecting:

The Hon. R.I. LUCAS: All secretaries of the Labor Party overstate their degree of importance. Time will not permit on this occasion, but I do hope to organise, as I have in the past, an appropriate motion to look in more detail at matters of interest in relation to the factions in the Labor Party.

However, there are many other issues. I see the Hon. Mr Wortley is in the chair. Who, indeed, leaked the information in relation to the Hon. Mr Wortley and the mobile phone bill? First, let me say that I do not think anyone believes that it has come from the staff. They are loyal and conscientious and certainly would not engage in those sorts of games. The Hon. Mr Wortley, I understand, is very concerned and has some clear ideas and thoughts as to exactly where that information that was used to try to embarrass the Hon. Mr Wortley came from.

The Hon. Mr Wortley, of course, has been engaging in a series of high level—high level for him, anyway—lunches and discussions. The Hon. Mr Wortley was having what was hoped to be a

quiet lunch with Senator Farrell and minister Conlon, who had just left the left faction of the Labor Party (and we will talk about that in greater detail as well), at the Aldgate Pump Hotel.

The question can obviously be asked: does it relate in any way at all to the preselection of Senator Wortley and the potential view of the right faction in relation to that issue? I am sure the Hon. Mr Wortley has some strong views on that issue that he will share with colleagues.

Why did minister Conlon leave the left faction? What, indeed, are the activities of the President in our chamber, the Hon. Mr Sneath's new faction in the Labor Party? What role will it be playing in some of the ongoing factional discussions? These are important issues which I am sure we will have an appropriate occasion to discuss in the not-too-distant future.

FAIR TRADE CERTIFIED CHOCOLATE

The Hon. I.K. HUNTER (15:40): From the Liberal Party's fictional creation myths, let us go to something a little more important. This may be a brave assumption but some of my colleagues here might recall a speech that I made last year on fair trade certified chocolate. This is a combination of two things very dear to my heart—fair trade and chocolate. I thought I might revisit the topic given that this is Fair Trade Fortnight.

The fair trade system is about providing decent working conditions, sustainability and a just trade arrangement for workers and producers in developing countries. It is a trading partnership that seeks to address the imbalance of power in conventional trade which, traditionally, discriminates against the poorest and most vulnerable.

Fair trade offers workers and producers in developing countries control over their own lives. It offers them a dignified and sustained livelihood. The 2010 Fair Trade Fortnight runs from 1 to 16 May, and last Wednesday I was pleased to help out at the Fair Trade SA information stall in Rundle Mall. Despite the bad weather, there was genuine interest from passers-by and very few knocked back the offer of free fair trade chocolate tastings.

Last Friday it was announced that our own Adelaide City Council has been awarded the status of Fair Trade City. Adelaide is the first capital city in Australia and only the third council in Australia to be recognised in such a manner. I congratulate the city council on being proactive on this important issue.

The Fair Trade Town or City initiative has proved highly successful in other parts of the world, raising awareness in fair trade sales by up to 70 per cent in some cases. I am confident that the Adelaide City Council's own fair trade campaign will prove just as successful here. I am delighted to report that the fair trade movement has grown over the past 12 months with sales climbing despite the world's economic downturn. Last year sales of fair trade products exceeded $36 million, up from $23 million in 2008. Fair trade certified products currently available in Australia include coffee, tea, nuts, sugar, cotton, rice and chocolate cocoa.

I acknowledge that some critics of fair trade (and there are a few) claim that the movement is little more than a branded lifestyle, something of interest to righteous yuppies and with very little real value, but I respectfully disagree, and I expect that the Ghanaian cocoa farmers would disagree too.

I am encouraged that fair trade merits bipartisan support across Australia most notably by that pillar of the South Australian Liberal Party, the lion of Sturt, the federal member for Sturt. I note also that the office of Steve Georganas, the federal member for Hindmarsh, and our own Office of the Premier and Cabinet have also been recognised as fair trade workplaces. I am also pleased to report to my colleagues here, who may not have noticed, that the coffee served here in Parliament House is fair trade certified. We can all have our indulgences and our morning coffee, knowing that our caffeine fix is not as exploitative of impoverished farmers as it once may have been.

As consumers, we hold a great deal of power. With our purchases and our choices we can influence market outcomes. As consumers, we also have a responsibility to make informed decisions, to know where products are coming from, who has produced them and under what conditions. Admittedly, that takes a bit of effort and requires some research on our part. This might explain a recent Australian study that shows that there is a gap between sentiment and action in supporting the fair trade cause. However, I am encouraged by the growing sales figures of fair trade products, proving that more and more consumers are willing to make the effort to shop responsibly.

Today more than five million people across 58 developing countries in Africa, Asia, Oceania, Latin America and the Caribbean benefit from the fair trade system. Five million might not seem enough when we are talking about tackling poverty on a global scale but to those five million individual people and their families it is, quite simply, life changing. It is, after all, a very good start. Fair trade is about giving those who are the most disempowered tools to change their own world. As Nelson Mandela has often reminded us, 'Overcoming poverty is not a gesture of charity, it is an act of justice.'

I invite honourable members to join with me in making the switch to justice, making the switch to fair trade products even if it is only in one item that you might buy regularly at the supermarket. To give you a little taste of what that might be, I have some free fair trade products—they are not props and not unparliamentary—to give to my colleagues here today who have listened to my speech.

DEVELOPMENT APPROVALS

The Hon. M. PARNELL (15:44): I draw members' attention to serious questions of integrity surrounding recent development approvals and the role of Labor Party donors and supporters in those projects. One of the last decisions this government made before it went into caretaker mode before the last election was to rezone an area of land for a large shopping centre development on the site of the Gawler Racecourse. This development was approved, against the wishes of the local council.

The lesson to be drawn from this approval is that, I believe, developers have now come across the winning formula to make sure that controversial developments, particularly those against the wishes of local councils, will be approved. To help achieve the approval, the proponents, the Gawler and Barossa Jockey Club and Thoroughbred Racing SA, employed lobbyist Nick Bolkus and used the planning firm Connor Holmes to prepare all the paperwork, including the drafting of the formal zoning changes, or ministerial development plan amendment.

As members would be aware, Nick Bolkus is a former Labor senator and current chair of SA Progressive Business, the Labor Party's fundraising arm. Connor Holmes were also the consultants used by the government to determine areas for urban expansion as part of the government's 30-year plan. This same combination (Nick Bolkus and Connor Holmes) was used just two weeks before that decision to successfully achieve development approval for the equally controversial Buckland Park development. The decision to approve Buckland Park was roundly criticised by planning experts, including the Planning Institute of Australia.

To come back to the Gawler Racecourse development, the Gawler council strongly opposed that proposal because it was in direct contravention of the Gawler development plan and it would inappropriately skew the retail focus away from the traditional Gawler main street.

We note also that the state government committed $6 million to the Gawler Racecourse redevelopment, with the rest of the redevelopment funds coming from the sale and redevelopment of that land. So, that is the winning formula, but there is more, if you add to the mix one of the Labor Party's own major donors. Let us take, for example, Lang Walker, whose Walker Corporation is behind the Buckland Park development I referred to.

Just days before the government approved the Buckland Park development, Lang Walker (billionaire property developer) attended a $1,500 a head Labor Party fundraiser. He was joined by Nick Bolkus, health minister John Hill, transport minister Patrick Conlon and various other business identities. That was a meeting at the Lion Hotel. Members will recall that the *Sunday Mail* produced a photo of various business leaders attending.

If I take Lang Walker as an example: he is a major donor to the Labor Party, described as Australia's 13th richest citizen, someone who managed to get himself a yacht built for $50 million and he did not need to sell his $30 million yacht to do it, and various ministers have admitted that they have accepted his hospitality in Sydney, enjoying trips on his yacht.

The Hon. R.I. Lucas: Name them.

The Hon. M. PARNELL: 'Name them,' says the Hon. Rob Lucas. Certainly, I think minister Conlon, and minister Foley as well; but I digress. What is the public to make of these developments, or this feature of development approval in this state—this winning formula for controversial developments to be approved? The first thing we have to ask ourselves is whether our democracy is, in fact, for sale. As members are no doubt aware, the Greens have established a website called Democracy for Sale, where you can track donors to all parties and the nature of their

business. Are they property developers? Are they armaments manufacturers, cigarette makers or whatever?

The second question we have to ask ourselves is whether the public interest is being sacrificed for private interests. Certainly, these arrangements have a smell about them; they certainly have a bad look. The Greens would say that this is one, but not the only, reason why we need an independent commission against corruption in this state.

GIORNO DEL RICORDO

The Hon. CARMEL ZOLLO (15:50): On 10 February this year I had the pleasure to attend a commemoration mass at St Francis Xavier Cathedral, the reception that followed the mass and a photographic exhibition on the following Sunday, 14 February, to acknowledge and remember the Giorno del Ricordo. Also present on the day was the current Minister for Multicultural Affairs, the Hon. Grace Portolesi, as well as the Hon. David Ridgway, representing the opposition.

The Giorno del Ricordo was instituted by the Italian government in 2004 to preserve and renew the memory of the tragedy of the Giuliano-Dalmati. This day is celebrated yearly worldwide on 10 February. The Giuliano-Dalmati are natives of Istria, Fiumi and Dalmazia, the region now known as Dalmatia that stretches along the edge of the eastern Adriatic Sea.

The photographs exhibited serve to remind us of a dreadful chapter in what is quite recent Italian history. At the same time, they constitute a moving tribute to the extraordinary courage and resilience of the Giuliano-Dalmati in the immediate aftermath of World War II, when some 350,000 of these people were faced with a terrible choice.

Caught up in the heartless power politics of nations, when families were displaced and moved around like cattle, they had to renounce their Italian heritage and become part of Yugoslavia or they had to go elsewhere. As part of this, thousands were killed and, shamefully, their bodies were thrown in mass graves or 'foibe'.

Many who tried to settle in other parts of war-torn Italy found they were not at all welcome, and they faced a future of great uncertainty. The toughness and determination of the Giuliano-Dalmati shone through, however. They survived the refugee camps, threw all their possessions into old suitcases, boarded ships and embarked on long journeys to strange and far-off places.

It would be fair to say that countries such as Australia benefited enormously from this turbulent process. Australia was bolstered by the arrival of truly remarkable people—Italians who had triumphed over hardship and so capable of meeting virtually any challenge that came their way. The Giuliano-Dalmati who settled in South Australia adjusted quickly to their new surroundings, and their enormous energies were released.

Through hard work, through the general support of one another, and through an unshakeable belief in family, they prospered and made a better life for themselves. By doing so, they also enriched the culture of South Australia such that this state is today vastly more diverse and outward looking than it might otherwise have been.

The story of the Giuliano-Dalmati is painful yet compelling and ultimately inspiring. Despite the elapse of more than 60 years since that great movement of humanity, the organisers of the exhibition demonstrated they certainly have no intention of forgetting. I congratulate every one of those people, especially members of the Committee of the Giorno del Ricordo for gathering such excellent material and displaying it so respectfully. I also commend the group for helping organise a special remembrance mass and the Italian Consul, Dr Tommaso Coniglio, for the subsequent reception held in the city preceding the exhibition.

Together, these actions reflect great credit on this committee and the wider Italian community of South Australia. I again congratulate the committee on reminding us of the heroic Giuliano-Dalmati of the 1940s and on helping to pass on their story to current and future generations. I particularly mention Mr Rick Tocchiti, the President of the Famiglia Zarantina Association; Ms Franca Antonello, who worked tirelessly with the organisation of the events; Ms Mirella Mancini; Cavaliere Bob Masi; and Mr Monte Lawson-Masi.

History teaches us that, if there are not those who are prepared to record and commemorate history, then there are always those who are prepared to put forward their own version of events. Keeping faith with the truth and learning from it, no matter that sometimes it may be uncomfortable, is one way we move forward as a society. The history of migration is always so poignant and, when we have a history such as this one, it is even more extraordinary.

CHIVERTON, MR J. AND MRS A.

The Hon. R.L. BROKENSHIRE (15:54): It gives me great pleasure to put on the public record in *Hansard* my appreciation of a wonderful job done by Jim and Ann Chiverton. The day before ANZAC Day I was invited to a couple of functions, both of which were very enjoyable. One particular function was at the Port Elliot RSL hall, which was fitting for the day before ANZAC Day.

I have had the privilege of knowing Jim and Ann Chiverton for many years; in fact, they were very active in the McLaren Vale/Seaford area when I was in the House of Assembly representing the seat of Mawson, and since coming into the Legislative Council I have met with them on a couple of occasions. They have relocated further down the Fleurieu Peninsula to Encounter Bay, and Jim is now heavily involved in the Port Elliot RSL.

Importantly, both Jim and Ann (who have just celebrated 60 years of marriage, a magnificent achievement in itself) were involved in war service. As a result of that they travelled to many countries in Europe and other parts of the globe, finally settling here in South Australia and benefitting our community enormously, being very active in both the Anglican Church and the RSL, as well as a number of other organisations.

Jim and Ann asked me to launch a book they wrote, entitled *The World Book of Stories and Poems*. It is a great book and at the outset I must say, given the debate on whether or not we will see books published and printed any more in Australia, I was also pleased to see that it was published and printed right here in Adelaide, at Norwood. So we still have splendid book publishers and printers in this state, as well as in this nation, and it is important that we ensure that continues into the future and that we do not fall into the trap of seeing all our publications being printed and published offshore.

The World Book of Stories and Poems, given the experience and world travels of both Jim and Ann, is an inspiring book that has been well put together. It is a series of short stories and poems, but the important thing about the book is that it focuses on a lot of the tragedies, also the successes, the camaraderie, and the support that people gave each other during the tough years of World War II and some of the other conflicts around the globe. Together with that are some well written poems, which have a very good message in them. It is a book that someone can pick up at any time and read a few stories or poems and then put down, and it would be ideal on the coffee table.

The key to this is that Jim and Ann took the trouble to actually record close to, in Jim's case, 80 years of experience. It is not quite that in Ann's case, but it is still a lot of years of experience. They put it into a published format so that it is there for history and for the future. Not many people—myself included—will ever write a book that is printed and published. I have often thought about writing one about certain parts of my time in the parliament thus far, but it probably will not occur. Jim and Ann took the time to do this and it is a credit to them. The book was widely received at the launch, which was well attended, and I understand they are doing well with their sales—and I have to ensure that one of these books is given to the parliamentary library.

The point is that Jim has told me that they have ideas to write other books, and I think it is fantastic that someone with that experience is prepared, in their senior years, to record part of history and their experiences for the betterment of future generations. I commend the book to anyone interested in picking up a book in which they do not have to get heavily involved but a book which they can read and from which they can get some good messages. I congratulate Jim and Ann on their wonderful achievement.

INDEPENDENT COMMISSION AGAINST CORRUPTION BILL

The Hon. S.G. WADE (15:59): Obtained leave and introduced a bill for an act to establish the Independent Commission Against Corruption; to define its functions and powers; and for other purposes. Read a first time.

The Hon. S.G. WADE (16:00): I move:

That this bill be now read a second time.

The bill I introduce today will be familiar to the council. It is the ICAC bill that this council sent to the other place on 15 October 2009. I acknowledge that this bill is the product of collaborative legislative work over a number of years by the Legislative Council, drawing on contributions from Australian Democrats, Liberal and Family First legislative councillors.

Democrats MLC Ian Gilfillan first moved a bill to introduce an ICAC in October 1988. The Democrats tried again in 1990, 1998, 2005 and 2007. In 2008, the then shadow attorney-general (now the Liberal leader in the other place) moved a bill in the House of Assembly reflecting the Liberal model. In 2009, the Hon. Robert Brokenshire introduced a bill into this place which was in the same tradition as those bills, and that bill was further amended by the Legislative Council.

The Hon. R.L. Brokenshire: And passed.

The Hon. S.G. WADE: And passed, indeed, as the honourable member says, with the support, as I understand it, of all members except the government. Therefore, this bill represents the eighth attempt by members of this council to introduce an ICAC to South Australia and embodies 22 years of collective wisdom. We do not assert that it is therefore perfect. The Liberal opposition is keen for the collaboration to continue and we will be engaging all interested legislative councillors to improve this legislation. We reserve the right to put forward amendments as a result of that consultation.

The fact is that there is only one party that has opposed every single one of the eight ICAC bills that have come before this place, and that party is the Australian Labor Party. Admittedly there has been one major development in the Labor Party position in the last 12 months, and, to put it in context, I will quote from an article headed 'Rudd pushes on anti-corruption body' published in *The Australian* on 31 July 2009:

> Kevin Rudd has ramped up pressure on the Rann government to take a stand on regulating political donations and the role of lobbyists and to acknowledge the benefits of an independent anti-corruption body. Following Tasmania's announcement last week that it would set up an independent anti-corruption commission, South Australia and Victoria are the only states without such a body...The Prime Minister said in South Australia this week there were problems with corruption in public administration around the country and independent anti-corruption bodies played an important role in public life.

The article goes on:

> [Mr Rann] maintained his government's stance against establishing an independent anti-corruption commission, but said he favoured a national body to investigate corruption in public administration across the country.

Instead of taking up his own prime minister's call, premier Rann set off the great federal ICAC furphy.

What has the government done since that statement in July? In November, then attorney-general Atkinson failed to even raise the issue of a national ICAC at a meeting of the Standing Committee of Attorneys-General (commonly known as SCAG). In a ministerial statement in the other place last Thursday, the new Attorney-General said:

> Prior to the recent state election, the government promised to push ahead with the Premier's plan to pursue the establishment of a national anti-corruption body. I am today travelling to Melbourne to a meeting of the Standing Committee of Attorneys-General to argue the case for a national approach.

The attorneys-general's argument was so strong that the communiqué issued after the meeting did not even mention the issue. It did state:

> The South Australian Attorney-General suggested that SCAG consider a national approach to anti-discrimination law at a future meeting.

I can only surmise that perhaps his advocacy was so strong and so clear that the committee thought that he was talking about anti-discrimination legislation and not anti-corruption legislation. This government is not serious about a national ICAC. It should get out of the way and let this parliament establish an effective state-based one. As a side comment, I acknowledge that the Australian Greens have announced that they are going to introduce legislation for a national anti-corruption commission, but this is not the Rann government proposal.

The Greens' proposed commission has a focus on corruption across all commonwealth departments and agencies, the activities of federal parliament, federal parliamentarians and federal law enforcement agencies. It would not have jurisdiction over state entities. To underscore that point, I will read from a media release of 12 March 2010 issued by Australian Greens leader, Bob Brown, in which he called on the South Australian premier to back the national legislation and establish a state-based independent commission for anti-corruption. Senator Brown states:

> Australia needs an independent national anti-corruption commission to operate alongside state schemes. A national ICAC would not replace a South Australian ICAC.

The Liberal Party went to the election with the state-based ICAC as the central plank of a range of measures on transparency. *The Australian* of 23 February 2010, a mere three days into the campaign proper, carried an article headed 'Redmond pushes Rann on trust, corruption. ' It stated:

> The premier yesterday scotched rumours he was planning to back down on his opposition to an ICAC...During the launch yesterday of the Liberals 'transparency' policy, the opposition leader recommitted to establishing a corruption watchdog within 100 days of winning office on March 20. The staking of firm campaign positions by the major parties on this issue insured the issue of trust continued to dominate the election campaign. 'I think the public will make up their mind about whether they trust Mike Rann on this issue any more than they trust him on other issues,' Ms. Redmond said yesterday.

Other parties, such as Family First and the Greens, had declared positions in support state-based ICAC. At the election, more than 60 per cent of voters for this council voted for parties supporting an ICAC. The Liberal Party won more votes than Labor at the general election. We have the mandate on this issue.

The Labor Party has suffered in terms of people's willingness to trust them. In February this year, only 34 per cent of people surveyed by *The Advertiser* said that they trusted premier Rann, compared with 51 percent of people who said they trusted opposition leader, Isobel Redmond. Another *Advertiser* poll found that only 21 per cent of people polled thought that premier Rann told the truth.

I think that one of the factors at play here is that people are not prepared to trust politicians who simply say, 'Trust me.' Trust is more likely to be engendered in politicians who are willing to be accountable and open themselves up for scrutiny. The Liberal Party knows that power corrupts and that absolute power corrupts absolutely. We know that our party will suffer from time to time from an ICAC, but we also know that future Liberal governments will be better, more effective governments for the presence of an ICAC.

I know that I was not alone in hoping that the new Attorney-General would help his party take a step back and look afresh at this issue, but it was not to be. On the first day in parliament as Attorney-General, he chose to give a ministerial statement reiterating the government's opposition to a state-based ICAC. The new Attorney-General's top priority was not to have an ICAC. In the statement last Thursday, the Attorney-General, Mr Rau, named nine distinct elements that compose our current what he called 'public integrity system', a system that he asserted is adequate. The nine elements are:

- the SAPOL Anti-corruption Branch;
- the Ombudsman;
- the Police Complaints Authority;
- the Auditor-General;
- the Government Investigations Unit in the Crown Solicitor's Office;
- whistleblower protection legislation;
- the DPP;
- an independent judiciary; and
- the Royal Commissions Act 1917.

The Attorney-General claims that these are an acceptable alternative to an ICAC. As has been highlighted in debate on the predecessors to this bill, this set of agencies is inadequate. Perhaps most telling is that most of the entities that the attorney lists who in a position to make free public comments have publicly supported the introduction of an ICAC or highlighted problems with current arrangements.

The current Ombudsman, Richard Bingham, has chosen not to state an explicit position on whether the government should introduce an ICAC, but has noted a number of shortcomings with the current complaints process, such as a lack of uniformity, the frustration experienced by complainants who are referred back and forth between agencies and the lack of efficient complaint management between them. The Director of Public Prosecutions, Mr Pallaras, is quoted as saying:

> An anti-corruption authority with full law enforcement powers over both the public and private sector is the best tool yet to educate the community on issues relating to corruption.

Mr Pallaras called for an ICAC in his annual report to parliament on 14 October last year.

Former auditor-general and former acting ombudsman, now the investigator responsible to investigate allegations of corruption at the Burnside council, Mr Ken MacPherson, has also been a consistent advocate for an ICAC. In August 2007, he delivered a speech outlining the many reasons why an ICAC is needed in South Australia. He said:

> Whilst the powers of the Auditor-General may be extensive, the matter of corruption does require that there be power to conduct covert operations. That's the only way that people like Brian Burke and co were flushed to the surface. And this is not a traditional role of the Auditor-General in the Westminster system.

In relation to the Police Complaints Authority, there is concern that the authority is effectively police investigating police. The Police Complaints Authority is not sufficiently independent to avoid the perception, and therefore gain the public confidence, of being a truly independent body capable of pursuing its own members. Again, I refer to the former auditor-general, Ken MacPherson, when, in relation to the PCA, he said:

> In the absence of the existence of an independent entity, with authority to oversight the law enforcement agency, there's no accountability other than those internal to the agency itself. And it frightens me every time I hear something along the phrase of 'there's going to be a Commissioner's inquiry—a Commissioner's inquiry into the police'. It's like the chief lion looking into a problem in the lion's den. It just doesn't work.

The Law Society has also persistently advocated for an ICAC in South Australia. Law Society President, Richard Mellows, earlier this year stated:

> In the Society's view, the current mechanisms in place in this State are limited in what they can investigate. An independent, broad-based anti-corruption commission is the answer. Such a Commission is better placed to deal with corruption issues than the hotchpotch of State watchdogs which we currently have.

Attempts last year to strengthen whistleblower laws by providing protections for complainants who go to the media were opposed by this government. Considering this is an endorsed alternative to an ICAC in the Attorney-General's ministerial statement, it would not have been inconsistent with the government's position to have strengthened this agency. Perhaps the government fears this too might be a little too effective.

The fact that the new Attorney-General asserts the adequacy of current arrangements also flies in the face of comments during the election campaign by his predecessor, Hon. Michael Atkinson. On 15 March, then attorney-general, Michael Atkinson, admitted on radio FIVEaa that changes are needed to deal with corruption in South Australia. He said:

> Improvements can be made and should the Rann government be re-elected there are things we'll be doing to improve our anti-corruption measures.

Last Thursday, the Attorney-General said that he is going to initiate an unspecified review. The government needs to come clean on what it had in mind going into the election and whether it will follow through on them after the election. Elsewhere in the ministerial statement, the Attorney-General said:

> The South Australian government supports the establishment of a national body with the ability to root out corruption unbridled by state borders. Corruption does not respect state borders. Demands for the establishment of a state so-called ICAC have been noisy but unsupported by a substratum of fact or logic.

Logic tells me that, even if the Rann government is right and South Australia is inhabited by the pure and untainted by corruption, we will still need an ICAC, because, as they say, corruption does not respect state borders and mere mortals might come from other states and territories, take advantage of us and engage in corrupt practices. As the Premier used to say so often, if you have nothing to hide, you have nothing to fear. It is time we caught up with our interstate counterparts and the realities of the modern world and restored confidence in government by making sure that it is able to demonstrate the integrity it claims to have.

I conclude my remarks by reiterating that the Liberal Party continues to stand with our Legislative Council colleagues who are determined to see South Australia have the best state ICAC it can get and to have it as soon as possible. I commend the bill to the house.

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

INDEPENDENT COMMISSION AGAINST CORRUPTION BILL

The Hon. R.L. BROKENSHIRE (16:15): Obtained leave and introduced a bill for an act to establish the Independent Commission Against Corruption; to define its functions and powers; and for other purposes. Read a first time.

The Hon. R.L. BROKENSHIRE (16:15): I move:

That this bill be now read a second time.

To the delight of all my colleagues, I advise that I will not be speaking for very long on this bill at this point. I make that point particularly for the benefit of the Hon. Mr Lucas, who loves everyone else to be quick, but when he gets to his feet he takes hours.

I am reintroducing this bill because Family First strongly believes that a bill should be introduced in South Australia to establish an independent commission against corruption. This belief is based on the fact that we have had so much representation from members of the South Australian community and also that we see all states, other than Victoria and South Australia, with an ICAC. No matter how you dress it up, gloss over it or paint it, arguing that there should be a national ICAC will not work. I know that other states, such as Queensland, are assessing their own ICACs to review and strengthen them, and so on.

I introduced this bill in the last session, and I am now reintroducing the measure. To save time at this point, I refer honourable members to my contribution on 4 March 2009 (page 1487 of *Hansard)*, when introducing the bill. I also refer honourable members to my summing up comments and indeed, the comments of other honourable members (and I thank them for those comments) on 15 July 2009 (page 2908 of *Hansard*).

I note that that bill passed in this chamber on 14 October 2009 but, unfortunately, it was held up by the government and did not progress through the House of Assembly. I am confident that Labor is slowly but surely coming around. If we can get a bill through this chamber again this session, hopefully with the support of the cross-benches in the lower house, and with the support of the media and pretty well everyone else in this state other than the government, the government will come around completely and we will see an ICAC established in South Australia.

Premier Rann and the new Attorney-General are supposedly pushing for a national ICAC, yet that has been received with disinterest by the Standing Committee of Attorneys-General (SCAG), as my colleague said. I am not sure where it was on the *Notice Paper*, but I reckon it was a last-minute urgent email. In fact, I wonder whether it even got on the notice paper. My experience with SCAG is that you have to be well ahead to get anything on SCAG. It does not move fast; it moves at about the pace of a snail. It is the slowest of all the ministerial council meetings.

I suggest that, because most jurisdictions already have their own, and are happy with that and like their independence, they will not be willing to change because one Labor state (namely, South Australia) does not want to grasp the nettle and deal with the issue at a state level.

The Hon. S.G. Wade interjecting:

The Hon. R.L. BROKENSHIRE: It's a smokescreen; I've got that written here. In other words, it is an excuse to do nothing. With those remarks, I commend the bill to the council. I look forward to the speedy passage of the bill through the council so that we can put pressure on the government in the House of Assembly.

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

SUBORDINATE LEGISLATION (MISCELLANEOUS) AMENDMENT BILL

The Hon. R.L. BROKENSHIRE (16:21): Obtained leave and introduced a bill for an act to amend the Subordinate Legislation Act. Read a first time.

The Hon. R.L. BROKENSHIRE (16:21): I move:

That this bill be now read a second time.

I have always been someone who is happy to adopt the good ideas of others and not reinvent the wheel for the sake of doing so. Someone I have a lot of time for and worked with closely and someone who is a very learned gentleman and who has now gone to greener pastures, probably where he will make a lot more money than he made in this place (the Hon. Rob Lawson) had a private member's bill—

The Hon. R.I. Lucas interjecting:

The Hon. R.L. BROKENSHIRE: Greener pastures. He has gone back to being a QC, where they make lots of money. Returning to the bill, the Hon. Rob Lawson had this bill as a private member's bill. I know that many members of parliament and the community and media have concerns. I will not take long to go through this now but it is important to highlight why I have introduced this bill. We have seen the merit of such a bill in recent times with the imitation firearms

issue, where the government showed its contempt for the upper house by simply reintroducing regulations shortly after they had been disallowed. The government did a similar thing when WorkCover fee regulations were disallowed by this chamber, but then reintroduced them shortly thereafter.

I refer honourable members to the Hon. Robert Lawson's words in *Hansard* on 14 October 2009 when introducing the bill. I note that this bill passed the second reading on Thursday 3 December 2009 but was not advanced any further in the previous parliament. In this day and age where increasing numbers of laws impacting families and communities are being put through the parliament by regulation instead of as acts, it is important we reform the process through this bill, in particular, so that the present government cannot show contempt for parliament, as it has in the past; indeed, nor any future government.

Also, where a dispute is about one part of regulations, that part can be disallowed but the rest retained. At present we have a blunt tool for disputing regulations—that is, all or nothing. You have either got to throw the whole regulation out or you have to retain it. As the former member, the Hon. Rob Lawson MLC, pointed out, it is a shame to lose the rest. A quick illustration: council by-laws are mostly uniform. One might take issue, for instance, with laws making it illegal to kick a football or play cricket on the beach. The way the process currently works, you have to disallow all the by-laws, not just that aspect. The need for reform exists.

In a democratic parliament in a democratic state in the democratic nation that we still have, if the absolute majority of members of the Legislative Council believe that a regulation is not in the best interests of the South Australian community and they disallow it, it should not be reintroduced in that term in the same format as before. It is contempt of the parliament and the community of this state. It is something that we oppose, particularly when we also see a pattern—which I hope we can change—as occurred last year, that whenever we FOI'd, the minister got hold of that FOI (and I will have more to say about this later) and doctored, manipulated and twisted it, got it out to the media and destroyed the facts coming out. Again, that is undemocratic and it is time that we stood up on behalf of the South Australian community. I commend this bill to the house.

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

WILLUNGA BASIN PROTECTION BILL

The Hon. R.L. BROKENSHIRE (16:25): Obtained leave and introduced a bill for an act to provide special planning and development procedures to protect the amenity of the Willunga Basin; to make related amendments to the Development Act 1993; and for other purposes. Read a first time.

The Hon. R.L. BROKENSHIRE (16:26): I move:

That this bill be now read a second time.

Last year, Family First introduced this bill, and I thank my colleagues who supported it because we were successful in getting it passed by the Legislative Council. It was all members other than government members. Of course, it stalled in the lower house. However, it was interesting that the political debate continued on the argument of protection of some of our prime agricultural land. We have issues at Mount Barker and in the Virginia/Two Wells triangle at the moment. It was interesting that, when the heat was on, we started to get hundreds and thousands of people petitioning in support of this, and, whilst the government, including the local member, initially dismissed it, the member for Mawson (Mr Bignell) began to see some importance in this bill.

He suggested that a joint working group be set up. In fact, the Leader of Government Business and minister for planning supported the request by the member for Mawson that government support be given to a working group. Mr Bignell's concept was that a group from the McLaren Vale/Willunga Basin wine region and the Barossa Valley wine region would work together to look at some overarching bill.

The fact is that, whilst I hope we will be looking at some general policy that has interests and aspects common to all those prime threatened agriculture areas that are peri-urban to the metropolitan area, all the study and research I have done shows that you do need to have dedicated legislation to protect each region, such as in the Napa Valley in California and in Swan Valley in Western Australia.

I note with interest that, after the election, the member for Mawson said that he would bring in a bill. If that becomes a government bill, I will be absolutely delighted and over the moon. I will

have achieved all that I wanted to achieve, provided it has the same framework and intent as the bill that I have just introduced to the house.

We cannot afford to wait any longer and I do not want to see procrastination on behalf of the government. Whilst Family First supports development, at times you cannot have development at all cost, and the protection of this basin is really important for the long-term interests of food security, and all the other areas that I have mentioned.

I will not take any more time now. I commend this bill and I will give members time to rethink it, but I intend to put this to the vote in a month or two. I made a commitment to many people that I would do that, and, in the meantime, I hope to see a bill introduced by the government or by Leon Bignell as a private member's bill. I commend the bill to the house.

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

ENVIRONMENT PROTECTION (RIGHT TO FARM) AMENDMENT BILL

The Hon. R.L. BROKENSHIRE (16:30): Obtained leave and introduced a bill for an act to amend the Environment Protection Act 1993; and to make a consequential amendment to the Land and Business (Sale and Conveyancing) Act 1994. Read a first time.

The Hon. R.L. BROKENSHIRE (16:31): I move:

That this bill be now read a second time.

I foreshadow further amendments to this bill because I have had a meeting, again, with key industry sector groups in agriculture, and I want to address some issues with respect to this right to farm bill that will also address the conflict between mining and farming rights.

I declare my interest as a farmer and my family as farmers, but I am introducing this not in the interests of my family as farmers but as a member of the Legislative Council who has many constituents very concerned about the right to farm. Whilst other states are also looking at this, we do not lead the way in Australia at this point, and we certainly do not lead the way internationally when it comes to right to farm. Look at America and some parts of Europe if you want to see how serious they are about ensuring that food production is secured with right to farm legislation in their countries.

As I said, the bill is one I introduced last year, and it was passed; again, I thank all my colleagues who supported it, and I trust that it will get support again when it is voted on during 2010. To assist my colleagues and others who may want to look at the words that I introduced the bill with on 23 September 2009, they are on page 3297 of *Hansard*, and my summing up comments and the comments of other honourable members on 18 November 2009 are on page 4003 of *Hansard*.

I note that this bill also passed this council on 18 November but was not progressed through the House of Assembly. I am passionate about this issue. There is plenty more to come in relation to the protection of family farming and South Australian food security from Family First during this term. I would love to see the government take this on: it can improve it, if it wants to, but I really want to see right to farm protected.

Nearly weekly now, issues come up for farmers that make it more and more difficult for them to get on with the business of producing food and, counter to that, we are seeing more and more food being imported into Australia—much of it inferior quality, I might add—and more and more of our good land being subdivided, which is going to restrict our capacity to produce food in the future as the world gets hungrier and, as we see from government notification, 500,000 more people coming into this state in the next 10 or 15 years.

I believe that it is important that we get on with this. One thing that is crucial to farming is the fact that you know that you have your government and your parliament behind you giving you that right to farm. Changing structures, machinery and practices in farming are making it more of a night activity, for example, and that is just a fact of life.

When people come to live in a rural area, from time to time during the year, depending on the season, they have to put up with balers, headers and air seeders going at night and, in our case, milking machines going from 3.30 to 4.00 in the morning. It is a fact of country living and, if people want to come and enjoy that—and we encourage them to do so—they need to accommodate farmers' practices in the best interests of food security. I commend the bill to the house.

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

BUDGET AND FINANCE COMMITTEE

The Hon. R.I. LUCAS (16:36): I move:

1. That a committee to be called the Budget and Finance Committee be appointed to monitor and scrutinise all matters relating to the state budget and the financial administration of the state.
2. That the standing orders of the Legislative Council in relation to select committees be applied and accordingly—
   (a) That standing order No. 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only;
   (b) That this council permits the committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to any such evidence being reported to the council; and
   (c) That standing order No. 396 be suspended to enable strangers to be admitted when the committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.
3. That members of the council who are not members of the committee may, at the discretion of the chairperson, participate in proceedings of the committee but may not vote, move any motions or be counted for the purposes of a quorum.
4. That a full-time research officer position be made available to assist the work of the committee.

I follow the example of my colleague the Hon. Mr Brokenshire and refer honourable members and those millions of other interested readers of *Hansard*—

The Hon. M. Parnell: Tens of millions.

The Hon. R.I. LUCAS: —tens of millions of interested readers, as my colleague says—to my previous contribution on this when I moved the original motion on 7 February 2007 and then summed up on 28 March 2007. Whilst I will raise a number of issues, I do not intend to repeat all the detail of the original debate to convince the Legislative Council, as it did in its entirety (with the exception, obviously, of government members) to vote for the establishment of the Budget and Finance Committee in 2007.

At the outset, I indicate that I hope that a majority of members in this chamber are able to vote for the re-establishment of the Budget and Finance Committee, and, secondly, that we can proceed to a vote when the parliament next sits for private members' business, which is in two weeks' time. I will send an email around to all members to confirm that wish. It is obviously in the hands of members in terms of its timing.

At the time of moving to establish the Legislative Council Budget and Finance Committee, there was strong support from the opposition and all Independent and minor party members at that time. The government, through the Leader of the Government and the Hon. Mr Finnigan—who, as I outlined earlier, believes he will soon be the Leader of the Government in this chamber—trenchantly opposed the establishment of the Budget and Finance Committee. I will briefly remind members of some of the extraordinary claims the government made. The Hon. Mr Finnigan said that the mere moving of this motion was a very strong argument in support of the reform or abolition of the Legislative Council, that it was a clear demonstration that this council was not being used to its proper effect in holding the government to account. He said that it was an indication that the Legislative Council was becoming a political football, which ignores due process in order to get a headline.

So, the establishment of a Budget and Finance Committee in the Legislative Council was a political football that ignored due process, in the view of government members in this chamber. The Hon. Mr Finnigan went on to say that it was a 'political exercise just to get a few headlines, trying to get a few witnesses in order to get some TV stories and to get some articles in *The Advertiser*'. He went on to say that it encapsulated the problems with the operations of the Legislative Council and that it was a half-baked proposal with extraordinarily light terms of reference which say almost nothing. He further said that it was an alternative process to enable us to go after public servants, and indicated that we, the Legislative Council, were no longer interested in presenting policies and plans for how to run the state and being fiscally responsible. In an extraordinary summary paragraph he said:

I urge all members to uphold the traditions of the Westminster system and continue to hold the government to account through the traditional and proper communication channels and the proper means instead of this half-baked, ill-conceived attempt to try to embarrass public servants instead of taking the fight up to the government.

That was the government's position in relation to the establishment of a Budget and Finance Committee—the extraordinary assertion that the support of an accountability mechanism such as the Budget and Finance Committee was in some way inimical to the traditions of the Westminster system, that in some way this was a threat to holding governments to account for budget and financial processes. Pleasingly that was only the view of the current Leader of the Government in this chamber and of someone who believes he will soon be the Leader of the Government in this chamber. All other members—Independent, minor party and opposition members—supported the establishment of the Budget and Finance Committee.

I will not go through all the detail, but I believe that all existing members of the Legislative Council would be only too aware of the work of the Budget and Finance Committee over the past three years. I advise all new members of the Legislative Council that, if they wish, I am happy to meet with them to outline what I believe to be the worth and merit of the establishment of the Budget and Finance Committee. Rather than just me speaking, I ask members to speak to other members of the committee who participated in its operations, particularly the Hons Mr Hood and Mr Brokenshire, who served time on the committee; to the Hon. Mr Darley, who was almost a permanent attendee of the committee; and to the Hon. Mr Parnell, who attended a number of meetings of particular interest to him.

I reiterate to members that, unlike most of our other committees, in establishing this committee, as a result of an amendment moved by the Hon. Mr Parnell, to which we agreed readily, this committee comprised (and we hope will continue to comprise) five members, but all other members of the council can participate and ask questions when they so choose. We follow a process, but I think probably another half a dozen members of the Legislative Council attended various meetings. The Hon. Mr Darley was an almost permanent attendee at its meetings and we appreciated his input, but up to half a dozen other members came along to meetings that discussed various matters of interest to them.

If there was a particular portfolio of interest, such as the environment portfolio in the case of the Hon. Mr Parnell, members attended those meetings to ask questions. If one had a particular interest in matters relating to disability funding, then the member concerned would attend the committee when the chief executives of those departments and agencies that fund that particular area of government were present, a matter that would be of interest, I am sure, to the Hon. Ms Vincent. There is the option to attend and participate in the operations of the committee.

The other matters I will refer to briefly are that the committee comprised on the last occasion five members—three non-government and two government. It was chaired, as are a number of select committees, by a non-government member. The chairing is obviously a decision for the committee to take at its first meeting. I strongly believe that, if the role of the Budget and Finance Committee is to be as we would wish it to be, irrespective of who is in government—whether it be Labor or Liberal—it and the operations of the Legislative Council will be best served if this committee is chaired by a non-government member. I am sure that the Hon. Mr Brokenshire can attest to the fact that, if this committee were chaired by a government member, the smooth operations of the committee could be made much more difficult.

Certainly the most recent example we had was when the government again chose to prorogue the house early, in early December of last year, prior to the election. The government has a view that when that occurs none of the committees should continue to operate—in particular, the Budget and Finance Committee, as well as other select committees. Pleasingly, a majority of members of that committee did not take that view, but if there were to be a government member there is the potential for the operations of the committee to be negatively affected. However, as I said, that is a decision for the committee to make.

It is Liberal Party policy—and it was at the election—that this committee ought to be a standing committee of the Legislative Council. Clearly, that is not the government's position because it did not support it even being established under the select committee provisions of the Legislative Council. It remains the view of the Liberal Party that, if it were in government, a standing committee should be established in this area, which would ensure that its resourcing and staffing would be consistent with that of other committees.

I mentioned this in earlier contributions, but I would like to quickly note that I am not personally a great supporter of the joint committees of the parliament. I am of the view that if this

Legislative Council is to demonstrate its worth and merit it needs to control the committees in which it participates to the degree that it can. Only one committee, the Statutory Authorities Review Committee, is wholly Legislative Council based: all the other committees are joint committees of the parliament. Unravelling all that is potentially a very difficult task; nevertheless, it remains my personal view (it is not a party view) that, as we make changes to the committee system to the extent that we can, those who believe in the merit and worth of the Legislative Council as a chamber ought to bear in mind that we should be strengthening the role of the Legislative Council and its control of the committee system.

So I believe that a new Budget and Finance Committee that is a standing committee of the Legislative Council would be a powerful new arm of the committee system of the Legislative Council. I am also of the view, as I indicated previously, that a third committee which perhaps covered more of the social policy areas controlled by the Legislative Council would be advantageous. Of course, we already have a Social Development Committee, which is a joint committee of the parliament. If you were to make changes along those lines you would necessarily need to make changes to the joint committee processes.

Again, and worryingly, some of the recent committees that have been established in the joint committee process—such as Natural Resources, and I think also Aboriginal affairs, although I am not sure about that one—have moved away from the equal representation from both houses model, which involved three members from the House of Assembly and three members from the Legislative Council. Natural Resources has four House of Assembly members and—

Members interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Gazzola advises me that his understanding is that the only committee that has moved away from the 3:3 model is the Natural Resources Committee. I think that was an unfortunate development. When the original committees were established they were 3:3. I understand that the government has a view of perhaps increasing that committee to six members from the House of Assembly and only three from the Legislative Council, but I hope if that ever saw the light of day the minor parties and Independents would give the proposition short shrift. It is bad enough that it is 4:3 at the moment, but if it were to become 6:3 the domination by the House of Assembly over the Legislative Council would certainly be contrary to the notions this chamber originally had in relation to the establishment of joint committees.

The Legislative Council is an important chamber and I do not believe it should be seen to be subservient, in any of its roles, to another place. The Legislative Council should assert its role in relation to the committees and seek to develop and strengthen the role of the committee system of the Legislative Council in relation not only to this decision on the Budget and Finance Committee but also to decisions on other committees as well.

My final point is that while at the moment we are looking at a committee that is to be established under the select committee provisions—rather than the standing committee provisions, which is the policy of the Liberal Party—my personal view (not the party view) is that we ought to support the position that if it is established as a standing committee at some stage in the future it should continue to be chaired by a non-government member. That would be a paid position, as are the positions for the Statutory Authorities Review Committee and other committees which are currently held by government members.

I believe an argument can be mounted for that. Certainly, when one looks at the Senate and other upper house committees around the nation one can see that at least some of the paid committee positions are chaired by non-government members. One can defend an argument, whether under a Labor or Liberal government, that the chair of the Statutory Authorities Committee could be a government member but the chair of the Budget and Finance Committee, if it were to be a standing committee, could be a non-government member. Given that two-thirds of the members of the Legislative Council in recent years have been non-government members, I do not think that is an unreasonable position. I hasten to add that is a personal view and not a party view.

A more detailed and lengthy explanation for the need for the Budget and Finance Committee is outlined in my contributions in February and March of 2007. I will not be repeating those, other than to say that I urge members to support it. I hope we can have a vote in two weeks. In particular, to those new members of the Legislative Council, if they wish to have a discussion about how the Budget and Finance Committee operates, I am only too happy to have that discussion prior to our voting, or I urge you to discuss it with some of the other members of the committee or people who have attended meetings of the committee to get their perspective as well.

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

ELECTORAL PROCESS

The Hon. S.G. WADE (16:53): I move:

1. That a select committee of the Legislative Council be appointed to inquire into and report upon the following matters related to the general election of 20 March 2010:

    (a) the use of bogus how-to-vote cards and other election day material to mislead voters and measures that may be necessary to ensure that electors are not misled;

    (b) provision of voting services including voting by post and services to residents of declared institutions;

    (c) the integrity of the roll, including the identification of voters presenting and measures for subsequent verification; and

    (d) management of the election by the electoral commission, including the powers and resources available to the commission.

2. That standing order No. 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.

3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.

4. That standing order No. 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

At the election on 20 March, the Australian Labor Party used dodgy how-to-vote cards to try to mislead electors. The Labor Party used its party members wearing T-shirts emblazoned with a Family First slogan to distribute how-to-vote cards also bearing a Family First slogan but directing preferences contrary to the registered Family First how-to-vote card.

In the past, there have been occasional breakouts of dodgy election tactics, but this case was unprecedented in two particular respects. First, Labor's dodgy how-to-vote cards were unprecedented because the same party that used the tactic had moved legislation to ban it only months earlier. In distributing the fake how-to-vote cards, the Rann government did exactly what it said it wanted to stop and would stop when it amended the act to insert sections 112A and 112B to deal with bogus how-to-vote cards. In then attorney-general Atkinson's second reading explanation, he said:

> Although the government believes there is nothing wrong with attempting to solicit the second-preferences of voters honestly, it does not believe the same can be said where bogus cards, purporting to be issued by an independent or minor party, dishonestly direct preferences to a major party (or any party or candidate).

The Labor Party knew it was wrong but did it anyway. I do not propose to debate the government's interpretation of events around the passage of section 112C of the Electoral Act Amendment Bill 2009. The Liberal Party has a different understanding but, to the extent that those events are relevant to the terms of reference, that is a matter for the committee.

Secondly, Labor's dodgy how-to-vote cards were unprecedented because it was not an isolated incident. It was the most systematic, coordinated use of dodgy electoral practices ever seen. The tactic was used across four marginal electorates: Morialta, Mawson, Light and Hartley. The tactic was planned by the central campaign. The tactic was presented to local campaigns and campaigns had the opportunity to opt out.

The Labor Party had special how-to-vote cards printed for each electorate and matching T-shirts specially printed. This was not the work of a rogue party volunteer. This was a systematic organised deception involving the ALP state campaign director and dozens of party workers. After the election, the public reaction was overwhelming. The public felt cheated.

The tactic may not have been enough to change the result of the election overall on this occasion, but it was certainly seen as unethical and disrespectful to the electorate. Family First indicated that it would be moving to amend the Electoral Act to prevent the use of bogus how-to-vote cards in the future, and the Hon. Robert Brokenshire has given notice of such a bill.

Two weeks ago, the Liberal Party and Family First announced that we would be supporting a committee such as this motion proposes. Yesterday, the government announced that it would be

introducing legislation to deal with dodgy how-to-vote cards. In addition, yesterday the Greens indicated that they would be moving for a ban on how-to-vote cards, full stop.

However, in moving this motion, the opposition is arguing that it is one thing to fix up the loophole but, if we do not do more than fix a loophole, we simply set the political apparatchik on the hunt to find another loophole. It is our view that the community trust in the electoral system is so important that we must act decisively to protect the public from misleading electoral behaviour. We cannot afford to have another episode of misconduct; if we do, public trust in the electoral process and the democracy that rests on it will be undermined.

I am not in the habit of quoting myself, but I would like to do so to highlight that my concerns are not recent. On Tuesday 8 September 2009, speaking on the second reading of the Local Government (Elections) (Miscellaneous) Amendment Bill, I said:

> Whatever level of government we are talking about, it is important that election processes are transparent and accountable; in fact, it is vital to ensure a robust democracy. Voters need to be confident that elections are conducted impartially and that safeguards are in place to prevent tampering with or distorting of the election process. We are reminded of the importance of transparent elections and public faith in the processes by relatively recent events: the Iranian elections earlier this year and also the Afghanistan elections, which are currently in progress. The peace and good order of those nations is and has been jeopardised by a lack of confidence in the electoral process.
>
> While Australia has a strong democratic process, we need to be vigilant in maintaining the transparency of the processes and ensure that there are safeguards to prevent abuse. In this context, I think it would be helpful to remind ourselves that even well developed democratic states can still have problems with their electoral processes, which undermine the credibility of the governments elected as a result. Of course, most recently, the United States had major problems with 'pregnant chats' and other electoral issues, which served to cast a pall over the election results and I think undermined the moral authority of the people who took office after those elections.

I believe that the Labor Party has put itself in this situation. It has undermined its own moral authority. Labor was elected with only 48.4 per cent of the two-party preferred vote. At the beginning of its third term, the credibility of the Labor Party and the moral authority of the Labor Party has been undermined. I have no doubt that the ALP has damaged its brand, and it will pay the price at this year's federal election. Therefore, we want to make sure that this parliament does all that it reasonably can to protect the electoral processes.

It may be that the committee will come back and recommend amendments to the Electoral Act. One option would be the Family First and ALP approach of allowing how-to-vote cards but seeking to legislate against dodgy ones. Another option would be the Greens' approach of banning how-to-vote cards altogether. As Liberals, we would want to consider the freedom of speech implications of any such move.

Other options may be put forward, such as allowing only registered how-to-vote cards to be distributed, or limiting the capacity of people to distribute material within a certain distance of the booth. We think there would be value in having a committee consider these and any other options for reform.

While the Liberal Party is not interested in a long-winded inquiry, we do consider that there are three other aspects of the election that serve to undermine the integrity of the electoral processes and need to be looked at. Term of reference (b) asks the committee to look at the provision of voting services, including voting by post and services to the residents of declared institutions. The number of postal votes at the 2010 election was approximately double the number at the 2006 state election. There were widespread delays in the processing of applications, such that there were reports that many voters did not receive ballot papers or were not able to lodge their votes in time. Concern has also been raised that there was inadequate provision for hospital patients to vote, and it has been claimed that 96 patients at the Flinders Medical Centre were not able to vote. The parliament needs to understand the cause of the delays and any disenfranchisement that may have resulted.

Term of reference (c) asks the committee to look into 'the integrity of the roll, including the identification of voters presenting and measures for subsequent verification'. A family has claimed that it engaged in systematic fraudulent voting to vote 159 times. I understand that those claims are being investigated by the Government Investigations Unit. A number of voters asserted that they were entitled to vote even though their name did not appear on the roll and that they were not provided the opportunity to cast a declaration vote. Under sections 71(1) and 71(2)(d) of the Electoral Act, a person whose name does not appear on the roll is entitled to lodge a declaration vote to allow their enrolment to be verified later.

Term of reference (d) asks the committee to look into 'management of the election by the electoral commission, including the powers and resources available to the commission'. It is not the regular practice of the Parliament of South Australia to have a committee to inquire into the conduct of elections, but it is not without precedent. I note that the federal parliament maintains a joint standing committee on electoral matters, which regularly provides reports on elections.

The Liberal Party wants this inquiry to be focused and timely. In our view, the dodgy how-to-vote card issue, in particular, needs to be resolved in time for any necessary action to be taken in time for local government elections later this year. To this end I will be seeking the support of honourable members to vote on this motion on the next Wednesday of sitting. I commend the motion to the council.

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

STATUTES AMENDMENT (SURROGACY) AMENDMENT BILL

The Hon. J.S.L. DAWKINS (17:03): Obtained leave and introduced a bill for an act to amend the Statutes Amendment (Surrogacy) Act 2009. Read a first time.

The Hon. J.S.L. DAWKINS (17:04): I move:

> That this bill be now read a second time.

It has come to my attention that there is a need to amend the Statutes Amendment (Surrogacy) Act 2009. That legislation passed through the Legislative Council on the voices on 18 June 2008 and the House of Assembly on 19 November 2009 by 31 votes to seven.

The act not only legalises altruistic gestational surrogacy in South Australia but also allows for future surrogate parents to apply to the Youth Court to have their names listed on their child's birth certificate. This seemed to be an anomaly with existing interstate surrogacy schemes. The act's transitional provisions give parents who are already raising a child from a non-commercial surrogacy arrangement (that is, prior to the passing of the act) the ability also to apply to the Youth Court to have their details added to their child's birth certificate. It is a retrospective measure.

At the time of drafting the bill in 2006, the transitional provision was specifically aimed at allowing the constituents who brought this issue to my attention, Clive and Kerry Faggotter, and other parents of surrogate children the opportunity to be officially listed as parents on their child's birth certificate. Of course, that was to avoid the rather ludicrous situation where people have had to adopt their own child in order to do that. Clause 1(4) of the transitional provisions currently provides:

> An application cannot be made under this clause if a child has been born as a result of the relevant pregnancy and the child is more than 5 years old on the day on which this clause comes into operation.

Due to the delay in government members in the lower house allowing this private member's bill to be debated (and I remind members that my original bill was introduced in June 2006), there was an unintended consequence in that Mr and Mrs Faggotter's son, Ethan, had already turned five; thus they are unable to apply to the Youth Court to correct the birth certificate anomaly.

The Faggotters' case is well known to us because Mrs Faggotter, particularly, has championed this cause very publicly. She has appeared before a standing committee of the parliament and explained the problems, as she said, with her insides. Not everyone is keen to do that. There are other people in the community who are far more private about these matters and you certainly do not blame them for that. Therefore, we do not know how many others are in the same position as Mr and Mrs Faggotter and young Ethan.

The amendment will increase the age limit from five years to 10 to afford the Faggotters and other similarly affected couples the opportunity to avoid this situation of having to adopt their own child. This oversight was brought to my attention shortly after the bill's successful passage through the House of Assembly.

On 27 November 2009, I wrote to the health minister (Hon. John Hill) requesting his support for an amendment to be debated with the government's support, and I did that on the basis that the Hon. Mr Hill had handled the legislation in the lower house for the government, even though Labor members did have a conscience vote, as did the Liberal Party, on this matter. Minister Hill referred my correspondence to the former attorney-general (Hon. Michael Atkinson) on 24 December 2009. In turn, I wrote to then attorney-general Atkinson directly seeking his concurrence for an amendment to the act.

Considering it took me 3½ years to get the bill through the parliament as a private member, I was keen that the government might sponsor this and therefore make it a much quicker process. As I had not heard from the Hon. Mr Atkinson, on 15 February I issued a media release criticising him for his lack of response to this issue. After the election, when it was announced that the Hon. Mr Rau was to become the new Attorney-General, I subsequently wrote to him on this matter. On 19 April, I received a response from Attorney-General Rau. In part, his response advised:

> As you have noted, a change to the age limitation in the Act would require further legislation. I do not propose to introduce any further legislation now.

However, the Attorney-General's correspondence does state:

> I am advised SCAG [Standing Committee of Attorneys-General] has adopted the principle that the model legislation should allow an order to be granted to parents already raising a child born before the commencement of the legislation through a non-commercial surrogacy arrangement made before the child's conception up to the time the child turns 18, as long as all the parties agree and the order is in the child's best interests.

The bill which I have had drafted is not as lenient as the proposed SCAG model legislation which is currently being drafted. The Attorney-General has given no commitment to implementing the SCAG model legislation in South Australia or adopting this aspect in any future legislation.

In asking the Legislative Council to pass this bill, I hasten to add that the government has been advising me since 2006 that SCAG was considering surrogacy legislation and that the government would act following SCAG's recommendation. To date, I have not seen any considerable action on this issue from SCAG which would justify my waiting for the government to act on this issue. Certainly, the new Attorney-General has referred to the work of SCAG and I know that some work has been done on the model legislation, but, if I can be flippant, it worries me that Ethan Faggotter might be 18 before the SCAG legislation gets to this parliament. Certainly I would hope that is not the case, but the quick passage of this legislation through this council, and hopefully through the House of Assembly, will ensure that this bill is passed before the 2009 act comes into effect in November this year.

I remind members who were here at the time and new members that that 12 month delay was not of my design but one of a number of amendments which were recommended by the Department of Health and moved by the Minister for Health in another place and which I accepted. The act does not come into effect until November this year, and so in passing this bill in a reasonably speedy manner, it should be able to be inserted into the act before it comes into effect. I seek members' support for this measure. I am sorry that we had to come back with it so soon, but, in my view, it needs to be inserted into the new act. I would hope that, within the next few weeks, members will have an opportunity to make a contribution and then I will call for a vote on the matter so that we can forward it to the House of Assembly.

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

MEMBERS' REMARKS

The Hon. M. PARNELL (17:14): I move:

That this council—

1. Notes the decision of the Supreme Court on 9 April 2010 in the matter of White and Others against the State of South Australia.
2. Notes with alarm the misguided intervention of the two government ministers in this case, namely, the Treasurer (Hon. K.O. Foley) and the Minister for Police (Hon. M.J. Wright).
3. Notes the remarks of His Honour Justice Anderson that the comments of the ministers were unfounded, unreasonable, antagonistic, unjustified and offensive and that His Honour increased the award of damages to the plaintiffs by $135,000 as a direct consequence of the ministers' behaviour.
4. Calls on the Treasurer and the Minister for Police to apologise to the South Australian people for the impact their comments have had on the finances of the state.

This motion deals with a disgraceful situation whereby the conduct of two ministers in a recent civil court case has cost the taxpayers of this state a substantial amount of money. In the motion, I refer to the sum of $135,000; however, that is only the tip of the iceberg because the precise liability of the state for legal cost has yet to be determined.

On my calculation the amount is likely to top half a million dollars, and every cent of that can be sheeted home to these two ministers. Before getting into the detail of the motion I need to

explain to members the circumstances that led to the court case and the role that ministers Foley and Wright played in undermining a settlement to that case.

The summary that I recount is largely taken from notes supplied by Brian Walters SC, who was one of the lawyers representing the plaintiffs. In May 2000 several groups converged on the Beverley uranium mine to support the local Indigenous people and to oppose mining. On 9 May, about 70 people walked quietly and peacefully onto the land constituting the uranium lease.

The police reacted with violence. They drove cars into retreating protesters; they beat protesters with batons, including protesters on the ground; they sprayed fleeing protesters with capsicum spray; and they sprayed people who had already been brought to the ground. In one case, for no good reason, they sprayed into the rear of a cage car and left the three young women occupants, one of whom was an asthmatic, in the sun for over an hour. They sprayed an 11 year old Indigenous girl who was legally entitled to be on the land.

STAR Force officers (that is, the riot squad) with helmets, shields and batons used wedge formations to drive into retreating protesters and attack them with shields and batons, even though they were leaving the land and obviously behaving peacefully. The police targeted anyone who was filming, and this included a Channel 7 cameraman and Lucinda White, who had not been on the land at all but was standing outside the fence to film police conduct. The police then locked 30 prisoners into a shipping container even though they had no legal basis for arresting them in the first place. They held their prisoners for up to eight hours, giving them no food and virtually no water in that time.

The Police Complaints Authority recommended disciplinary charges against police, but no disciplinary proceedings were launched. Not having seen the police made accountable in any other way, 10 plaintiffs sued for assault and false imprisonment. They included Jamie Holland, the Channel 7 cameraman who was locked in the shipping container, and Helen Gowans, the 11 year old Indigenous girl who had been sprayed by the police.

Senior ministers in the South Australian government publicly attacked the plaintiffs calling them 'ferals' and 'anarchists' and accusing them falsely of having put the lives of police at risk. They also implied that they had deliberately provoked the police response in order to claim damages. They publicly stated that they would not settle the claim.

The trial lasted four months. All the plaintiffs gave evidence, and they were cross-examined at great length by senior counsel for the State of South Australia. All the police gave evidence. At no stage did police apologise for their conduct. Last month, on 9 April 2010, nine years and 11 months after the incident, the Supreme Court of South Australia awarded the plaintiffs a total of $724,560 damages, together with costs yet to be assessed—that is, nearly three-quarters of a million dollars.

The judge was scathing about the comments of the senior ministers involved, the Hon. Kevin Foley and the Hon. Michael Wright. He said that he had increased the damages because of their unjustified comments. I do need to refer directly to His Honour's remarks. His Honour Justice Anderson said:

> It was submitted that the public statements of both the Deputy Premier Mr Foley and the Police Minister Mr Wright show a 'high handed and contumelious disregard of the rights of the plaintiffs'. The statements were made by the Ministers to a newspaper to explain why the government had instructed its legal advisers to withdraw from a mediation at the last moment. The mediation had been suggested by and agreed to by both parties and had been approved by the court.
>
> Mr Foley described the plaintiffs as 'a bunch of feral protesters who put the safety of our police officers in peril'. The plaintiffs submit that this statement is all the more offensive because it was made with knowledge of a Police Complaints Authority report. This report described incidents which occurred at Beverley on 9 May 2000. The conduct of several police officers was criticised. That conduct was the unnecessary use of force by the use of both capsicum spray and batons and a failure to follow proper procedures.

His Honour went on to state:

> The fact that there are criticisms clearly set out in the report is sufficient to show that the statements made by the ministers are unfounded and made in the face of adverse comments by the Police Complaints Authority on the actions taken by the police against the protesters. The report is particularly critical, as am I, of the decision to hold protestors in custody in a shipping container and for long periods which were unjustified. It is also critical of the force used by individual officers. Mr Foley in his statement, also said, 'The government sends a message to any anarchist group that we will not be a soft touch. They can have their day in court.'
>
> The plaintiffs have now had their day in court and have succeeded. My findings indicate that the comments made by Mr Foley were both unreasonable and antagonistic when made in the circumstances of aborting the

planned mediation. These statements are relevant to the assessment of exemplary damages. The comments are one-sided and do not acknowledge the extreme way in which the police dealt with the protesters and the circumstances of their detention.

Mr Wright, as the Minister for Police, made similar provocative statements without any factual basis. He must have known the full details of the report. He said, 'The offering of substantial sums to the plaintiffs by way of settlement has the potential to undermine the authority and good standing of the SA Police.' He also said, 'The payment of a settlement amount may encourage other members of the public to provoke a response from SA Police in similar situations with a view to seeking compensation from the state.'

Again, these comments were unjustified and offensive to the plaintiffs and will sound in exemplary damages. The authority and good standing of the SA Police was undermined by the report. It is my view that both ministers, in making these statements, have acted with a high-handed and contumelious disregard of the plaintiffs as citizens of the state with a right to protest, and with the right to be treated according to law if they did protest. As I have found, they were not treated according to law.

They were His Honour's words in the judgment. When calculating damages His Honour stated:

In addition, each plaintiff is entitled to be compensated for the unnecessary and demeaning remarks of the two government ministers. In my view an award of $15,000 would not be overcompensation.

That amount, $15,000, was applied to nine of the plaintiffs who were unlawfully detained, hence the sum of $135,000 directly attributable to the comments of those two ministers.

Normally when civil proceedings for damages are commenced in court, the parties seek to reach an agreement without the need for a trial. In the present case, as His Honour found, the government ministers prevented any negotiations. Eventually the plaintiffs did offer to settle the case and they offered to settle it for far less than they were ultimately awarded by the court in damages.

The difference between what the plaintiffs offered to accept and what they were ultimately awarded by the court was about $75,000. Had the ministers not interfered, there is every chance that a settlement would have been reached, either for that amount or for a lower amount, and that would have avoided an unnecessary trial, and it would have avoided hundreds of thousands of dollars in unnecessary legal costs. I estimate about $400,000 being the legal costs, about $200,000 each side; however, the court is yet to determine the government's precise liability for costs.

The operative provision of my motion is at point 4, and the wording: 'Calls on the Treasurer and the Minister for Police to apologise to the South Australian people for the impact their comments have had on the finances of the state.' Members should know that I am not calling for condemnation of the police force. I am not even calling for either the police minister or the police themselves to apologise to the protesters, even though I think that would be the right thing to do.

I think that if this government had any moral fibre then it would admit the mistakes that were made, it would put in place mechanisms to make sure those mistakes never happened again, it would apologise to the victims and it would move on. However, the government has not sought to do that, and in this motion I only seek the ministers' apologies to the people of South Australia for the impacts that their comments had on the finances of the state; that is, probably upwards of $500,000 that they have personally and directly cost us as taxpayers.

All members should be distressed at the circumstances that gave rise to this case, but most of those issues are really for another day, particularly those issues of accountability for wrongdoing and making sure that our authorities, including the police, learn from their mistakes.

Our system of government relies on the separation of judicial, executive and the parliamentary arms of government so that each can bring the other to account. It is a tribute to the effectiveness of that system that in this case the judiciary has called the executive arm of government to account and required it to pay substantial damages for its severe wrongdoing and for the harm caused to citizens.

My motion is focused solely and squarely on the conduct of ministers Foley and Wright; it does not focus on the conduct of the police. I want those ministers to apologise to the people of South Australia for the financial impacts of their behaviour. They have cost us a small fortune and they should apologise. Members should bear in mind that these ministers knew that the Police Complaints Authority had found against the police, yet they continued to attack and denigrate the plaintiffs and refused to allow any negotiation over a settlement. As a result, ministers Foley and Wright, between them, have cost SA taxpayers about $500,000 in extra damages and court costs.

We should also remember that the judge specifically increased the award of damages to take into account the fact that the ministers had literally added insult to injury. My fear is that the government has learned nothing from this sorry episode and that, having failed to learn, that is a recipe for history to be repeated.

Debate adjourned on motion of Hon. R.P. Wortley.

AUTISM SPECTRUM DISORDER

The Hon. A. BRESSINGTON (17:27): I move:

That this council calls on the Minister for Disability as a matter of urgency to—

1. Increase funding to Autism SA and any other similarly funded non-government organisation to enable them to provide services and support for people diagnosed with Pervasive Developmental Disorder—Not Otherwise Specified commensurate to those available to people with autism and Asperger's Syndrome; and
2. Implement measures to—
   (a) address any disparity in services and support provided by Disability SA between people diagnosed with Pervasive Developmental Disorder—Not Otherwise Specified and autism and Asperger's Syndrome;
   (b) ensure a single definition of Autism Spectrum Disorder that encapsulates Pervasive Developmental Disorder—Not Otherwise Specified is used universally throughout government departments and agencies;
   (c) improve access to and expedite diagnostic services for Autism Spectrum Disorder; and
   (d) increase awareness of this condition so as to aid early identification, community acceptance and decrease the associated stigma.

I put this motion before the council to highlight the current disparity in services and support available to people living with disorders classified under the umbrella of autism spectrum disorder. This motion specifically refers to Pervasive Development Disorder—Not Otherwise Specified (PDD-NOS). For those unfamiliar with PDD-NOS, I will start by providing a brief outline of the condition. To do so I will rely upon the definition used by the federal government and other states, for here in South Australia PDD-NOS is largely unrecognised and misunderstood, with no consistent definition in use. PDD-NOS comes under the heading of autism spectrum disorder. Nationally, this heading covers autism, Asperger's and PDD-NOS.

This condition differs from autism in that sufferers display only a limited number of autistic traits, be they impairment in either verbal or non-verbal communication skills, displaying restricted repetitive patterns of interests and behaviour, or difficulty coping with change. According to the Diagnostic and Statistical Manual of Mental Disorders IV, it is typified by late-age onset.

However, it is still captured in the literature and in other jurisdictions under the umbrella term autism spectrum disorder and is referred to by many experts as atypical autism. As with autism, there is presently no cure for PDD-NOS so it is imperative that early diagnosis occurs to enable interventions to be accessible. Early intervention is critical to children who are on the autism spectrum scale to encourage them to live as independently as possible in their adult years.

Of course, early diagnosis and intervention also allows families to participate in developing constructive family systems to support the child, as well as allowing them some comfort knowing that, when the parents are no longer able to oversee their children, they will have gained sufficient life skills development to be able to care for themselves, often with minimal supervision and monitoring.

As mentioned, the South Australian definition of autism spectrum disorder differs from that in use nationally, in that it does not include PDD-NOS, with only autism and Asperger's being captured. While this may seem a quibble over words, it is this distinction that sets South Australia apart as a national delinquent of service delivery for those living with PDD-NOS. Despite displaying many of the symptoms of autism and requiring the same interventions and support, South Australians with PDD-NOS are unable to access any of the state-funded services automatically available to those diagnosed with autism.

While the recognition of PDD-NOS and funding for services differs from state to state (and I am sure the government will respond to this motion by pointing to similar failings by other backward states), it would seem from research that South Australia is unique in not identifying PDD-NOS as belonging to the autism spectrum disorder and funding services accordingly. Monsignor David

Cappo, the Commissioner for Social Inclusion, evidently came to the same conclusion, stating in a letter to a constituent, 'SA is the only state that does not fund, in some form, PDD-NOS for disability services.' In fact the only services, other than the tokenistic access to the disability library and the info line, that a South Australian diagnosed with PDD-NOS is automatically eligible for are those which are directly funded by the federal government; namely, the Autism Advisor Program and the Early Intervention Funding Package, provided as part of the Helping Children with Autism Package.

However, eligibility for these services requires that a child is diagnosed by the age of seven years, which, according to Autism SA, is a very rare occurrence. Hence, if a child is diagnosed at the age of 7½ or eight years of age, they are excluded by the services funded by the federal government altogether. Of course, this is a matter for the Minister for Disability to take to the COAG meeting to have rectified.

In contrast, for those living with autism, a range of state-funded services is available as an entitlement of diagnosis, with either Disability SA or Autism SA providing specialist early intervention therapies as part of their Early Childhood Program or Early Development Program, respectively, in addition to respite, intensive case management, and educational supports offered in conjunction with the Department of Education and Children's Services.

I do not pretend that the services available to those diagnosed with autism are ideal and without deficiency. To do so would be to ignore the woeful plight of the disability sector as a whole. However, for those living with the diagnosis of PDD-NOS and their carers, the difference between the services outlined above and the support of those with PDD-NOS that they receive is enormous, because those with this particular condition get little more than shuffled from pillar to post, between mental health services and disability services, with no real see/touch/feel assistance at all.

Ms Sherallee Andrew, a carer, has battled the system for the last 17 years trying to access the services that her daughter Joanne so desperately needs. From an early age, Joanne was showing autistic symptoms but, due to the failings of our diagnostic system and the difficulty in diagnosis of PDD-NOS, it was not until only recently—at the age of 20—that she was finally diagnosed. From her early learning difficulties and language and speech delay, it was not until Joanne was six years old that she started saying her first few words, and it was obvious to all that she had a problem.

During primary school, Joanne's learning and emotional delays became increasingly noticeable, with Joanne falling so far behind that by grade 7 the school exempted her from participating in the basic skills test as it was thought that she would be unable to cope. With little specialist intervention, Joanne was still at this stage speaking like a much younger child, and unfortunately Joanne suffered the teasing by other students that so often accompanies participation in mainstream schooling.

Consequently, Joanne became increasingly self-conscious and more introverted. Despite endeavouring to access services for her daughter, and having Joanne diagnosed with multiple learning and language-based disorders, Sherallee was confronted with a system that offered few services that met her daughter's needs, and the little on offer progressively diminished as Joanne aged.

By high school, Joanne had been engaged by the Child and Adolescent Mental Health Service, who treated her as a mental health patient, despite Sherallee seeking a diagnosis through Autism SA that her daughter was in fact autistic, as she rightly suspected her daughter to be. Additionally, Joanne's high school endeavoured to get her into a special needs class but was told that, due to Joanne's diagnosis, she did not fit the funding criteria.

During this time, Joanne became angry and distressed and, while having to watch her daughter's deterioration, Sherallee decided to withdraw Joanne from school and keep her at home. This decision was made because of the distress her daughter suffered through having to engage in mainstream education, which spiked her sensory perceptions and had her daughter living a nightmare every day.

Like so many people who are diagnosed with autism or Asperger's, Joanne has a gift: she has a highly analytical scientific mind. She can grasp facts, figures and statistics like second nature and can rattle them off. If you have one green and one blue eye, she will rattle off the statistics of how many people in the world have that condition and why they have it, and she has all this in her memory.

She also had to develop her own language because our symbols, our alphabet, make no sense to her. She is actually writing in what is believed to be an ancient Rune language. The signs and symbols of that Rune language, which is no longer used, make perfect sense to her, and she has written volumes of books on her revelations, her light bulb moments, if you like. She has also had to develop a language specific to her and her family because of the disorder she has.

These light bulb moments, as her mother calls them, can occur at 1 o'clock in the morning, when she has a flood of information coming into her mind and she has to write it and get it out. She can go for 36 hours straight, just writing what is coming into her mind in her own special language. Once that 36 hours is up, or the information stops flowing, she will drop for two days and just sleep it off.

Joanne, like others with PDD-NOS, is sensitive to smells and unable to tell the difference between a fragrance and an odour so, if you are wearing perfume, to Joanne you just smell. She is highly sensitive to sharp noises, such as bells and buzzers, and also to music. Those three things set her off on the rocking that is quite often linked to autism and Asperger's.

We can only imagine what this young girl's day was like, having to live in an environment where almost all her symptoms were triggered from minute to minute. Joanne is also highly analytical and sees patterns in almost every aspect of life, but she has been unable to learn how to control those impulses or develop a strategy to cope with them because she has not been able to access any services.

Life became so difficult for Joanne that one night she actually wrote on her bedroom wall, 'I hate humans.' Eventually, when Joanne came of age, her mother signed her out of school. Not having had any support or help for her daughter during her early years, she was become a recluse and is progressively getting worse.

At the age of 20 Joanne does not know how to access public transport, she has not learnt how to read a timetable, and she is unable to travel alone on buses and trains because of her disorder. These were life skills that she would have developed had she been able to access the services and supports available to those with a recognised autism spectrum disorder.

Some years later Joanne was fully diagnosed with a condition that matched her symptoms, that being PDD-NOS. However, as explained above, this was no relief to her mother Sherallee, who soon learnt that, despite her daughter requiring the same interventions as required by those living with autism and Asperger's, these specialist services were not available to Joanne or were out of financial reach to Sherallee as a pensioner. As an adult with PDD-NOS, Joanne is not able to participate in the adult programs offered by either Autism SA or Disability SA. She does not receive automatic support from Housing SA to assist in the transition to independent living, nor is Sherallee able to access respite to give herself a break from the 24/7 job of being Joanne's carer.

Additionally, this diagnosis did little to address Joanne's exclusion from mainstream society, with PDD-NOS not enjoying the same level of recognition or community acceptance as autism or Asperger's. In Sherallee's own words in a letter to minister Rankine, 'The tag of PDD-NOS is just a barrier to access and inclusion'. The only barrier that has existed to those with PDD-NOS is that in South Australia we have failed to include PDD-NOS as an autism spectrum disorder.

Everyone in the industry that services those with autism and Asperger's knows that PDD-NOS is yet another division of autism. Everyone knows that the early interventions, treatments, services and supports for PDD-NOS are identical to those for autism and Asperger's. Yet, because of what appears to be a bureaucratic glitch, many are excluded from any access to services at all. It was not until Joanne was assessed as meeting the criteria for Disability SA's exceptional needs unit that Sherallee was able to engage any of the specialised services available to those with autism. Unfortunately, even this was only temporary, with Joanne no longer meeting the criteria.

Today Sherallee is working towards her daughter being rediagnosed with autism so that as an adult Joanne will be able to access at least the limited socialisation and housing support services on offer. Additionally, it is Sherallee's fear that if Joanne is not rediagnosed and PDD-NOS continues to be neglected, and if something were to happen to her and she was no longer able to be Joanne's primary carer, her daughter would be left to her own devices—which, because of red tape, are very limited indeed.

While Joanne's story highlights many fundamental failings within the diagnosis and treatment of autistic spectrum disorders, it typifies many of the experiences of those who are diagnosed with PDD-NOS. Another constituent, who is caring for his nine year old grandson, is today reliving Sherallee's experience, with his grandson being denied services by Disability SA and Autism SA due to his PDD-NOS diagnosis. Instead, he is being handballed to mental health service providers who are failing to meet his needs.

Of course, this leaves the door open for practitioners to purposely misdiagnose those with PDD-NOS to ensure that they have access to services and support, which in turn creates another long-term problem in that the occurrence of PDD-NOS will not be reported, and governments will see no need to increase funding or services and support specifically for those with this condition because it will not be seen as an increasing problem. I believe this was exactly the same situation that we had with Asperger's when the differences between that disorder and autism were becoming apparent.

In a recent interview with *Stateline*, minister Rankine stated that she was mindful of the problems with this disorder and that she agreed that a national approach was necessary. She also stated that she was waiting for the next COAG meeting to bring this problem to the table. I remind members here that the federal government already provides funding to the states for PDD-NOS, which is included in autism spectrum disorder funding, and that the South Australian government is the only one that fails to recognise this disorder outright, according to Monsignor David Cappo.

The obvious question is: where is the funding that is provided under the federal umbrella actually going, and for what is it being used, if it is not including PDD-NOS sufferers in South Australia? Further, why has this government failed to allocate services and support while in receipt of that funding? This government, apparently, is prepared to receive funding from the federal government for a disorder that it fails to recognise as being in need of services and supports because, and only because, the DSM-IV has not been specific enough for SA. Yes; that is right—we have based our exclusive approach for those with PDD-NOS on an oversight of the DSM-IV.

So, we are unlike other states, and, with the knowledge that in 2013 it is likely that the diagnostic criteria of the DSM-V will have changed and done away with Asperger's and PDD-NOS for a sole diagnosis of autism spectrum disorder, when I say this is a bureaucratic glitch, that is exactly what it is.

As a result, those with PDD-NOS will continue to be excluded until this minister is prepared to make the call for the people of this state outside of a COAG meeting with merely the stroke of a pen to ensure that children with PDD-NOS can access the services and supports they so desperately need. How much funding is it going to take to house those adults who are cruelly diagnosed with this disorder and then denied the early interventions that have proven over time to be so very successful?

With premier Mike Rann's promise to reconnect and re-engage with the people of this state and to aim towards fostering confidence through ongoing consultation and by listening to the concerns and aspirations of South Australians, perhaps the Minister for Disability (Hon. Jennifer Rankine) might want to re-engage and reconnect with this part of the community and put her hand into her bag of empathy and compassion and make a decision in the true welfare of those people in this state who are currently left out in the cold, are not recognised as being in need and whose families are placed under enormous pressure trying to cope with the difficult traits of PDD-NOS, as well as the deterioration over time that they are forced to sit and witness. It is all avoidable.

I note that, in this government's disability policy of 2010, entitled Disability Support Policy: A Social Inclusion Approach, premier Mike Rann uses all the right words, and we would expect nothing less, of course. The policy states:

> We believe in the fundamental right of people with a disability to have access to services they need and to have greater control over the decisions that impact on their lives. To help ensure this, we are developing a more socially inclusive approach to supporting people with a disability, as well as their families and carers.
>
> Our Social Inclusion Board, chaired by Monsignor David Cappo, has been asked to develop a blueprint for the long-term reform of disability services in South Australia. It is a responsibility this government takes very seriously.

Yet it would seem that this Labor government has again failed to recognise PDD-NOS, with this policy promising only to recognise 'students with autism and Asperger's disorder to streamline support for these students'. There is no mention at all of PDD-NOS.

Additionally, in its policy the government promised that two of the new special education units for children with a disability would have a specialist focus on autism spectrum disorders becoming 'centres for best practice in autism spectrum disorder learning'. I suspect the answer is evident, but I ask whether these units will include children with PDD-NOS as part of their best practice.

Is it too much for the people of this state to ask that the minister of this government who is paid to meet the needs of some of the state's most vulnerable dare make a decision for the people of this state without first having to consult with other states about a disorder that they already acknowledge?

According to Monsignor Cappo, SA is the only state that excludes those with PDD-NOS from essential services and supports. No doubt by 2013 when the DSM-V is released, all states will move towards a national, united approach, but the families of those with PDD-NOS in South Australia should not have to wait until then to receive what they are entitled to.

It is this disparity between the services available to those living with PDD-NOS as opposed to autism disorder that gives rise to the wording of the motion before the council. I call upon members to support PDD-NOS being rightly recognised as an autism spectrum disorder and for services to be provided accordingly. I also inform the council that Autism SA is in total support of this motion. I commend it to the council.

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

GIFFORD, MR DUN

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (17:50): I table a copy of a ministerial statement, entitled Eulogy for Dun Gifford, made today by the Premier.

SITTINGS AND BUSINESS

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (17:51): I move:

> That, during the present session and unless otherwise ordered, if the council has not adjourned at 10pm on Tuesdays and Wednesdays, a minister shall move the motion 'That the council do now adjourn.'

Last Thursday, when we debated procedural matters, I indicated that it is always appropriate that, at the start of the session, we look at how we can make the business of the council more efficient and more contemporary, particularly in relation to the changes made some time ago in the House of Assembly.

All this motion does is put a nominal 10 o'clock cap on sittings on Tuesdays and Wednesdays. Should it be carried, it is of course always in the power of the council, if it does not wish to adjourn at that time, to refuse or, indeed as the motion provides, unless otherwise ordered, the council could take action to continue sittings. However, really, I think this motion needs to be considered in relation to a number of other changes that do not require changes to the standing orders.

After having discussions with some members of the council, I think this is the general view. Again, when this motion is debated at a later time, I will be interested to hear the views of members; essentially, this motion is here to generate that discussion. Until we actually put something before the council, as we have experienced in the past, it is unlikely that any change will ever happen.

What we could do in conjunction with this, I believe, is to consider sitting a little earlier in the evening rather than 7.45. A number of members have made the comment to me, 'Why don't we resume at 7.30, after the tea-break?' That at least would give us an extra 15 minutes in the evening, and it would mean that we would not have to sit so late.

There is also the option of the council sitting on Wednesday and Thursday mornings from 11am to 1pm. It has been the practice of the council in recent years that we have, depending on business, been able to sit between 11am and 1pm, usually on Thursdays but often also on Wednesday in recent times. So, it does provide an extra two hours on each of those two days to complete the business so that we do not need to have the long sittings in the evening. I believe that

does not require a change to the sessional orders, but it is something we can arrange, depending on the business before the council.

If you look at all those three measures together—that is, perhaps an earlier start in the evening, 7.30pm rather than 7.45pm, the use of Wednesday and Thursday morning sittings, where appropriate—I believe this motion has some merit by putting at least a cap or a target for completing business by 10 o'clock on Tuesdays and Wednesdays when the council normally sits. As I said, if the business of the council requires it, we can sit beyond that cap. However, one would hope that, if we have the cap on those days, it will act as some encouragement for the council to endeavour to complete its business before that time.

As I said, I am moving this motion as a sessional order to see how it works. It would be my proposal that we perhaps do it in conjunction with those two other measures I have indicated, which do not need a change to sessional orders. However, as I indicated last week, as the Leader of Government Business, I am also keen to hear from any other members if there are ways in which they believe we can make our sittings more efficient.

One of the other ways which has been suggested is the capacity, particularly since there are a large number of bills these days, including private members' bills, to incorporate second reading speeches within *Hansard* without reading them. That is something that we can now do under the standing orders and I would encourage members that, where appropriate—and it may not always be appropriate and if someone wants to introduce a private member's bill, they can always read it out if they wish to do so—we insert that in *Hansard*, because I believe that would make the sittings of the chamber more efficient.

I hope that those measures I have canvassed, including the one in this motion, will be considered by the chamber, and I look forward to hearing debate on this motion in the days ahead. I commend it to the council.

Debate adjourned on motion of Hon. D.W. Ridgway.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from 11 May 2010.)

The Hon. R.L. BROKENSHIRE (17:56): Prior to the election, many people across the state to whom I spoke were saying that the government had run out of puff, vision and direction and it was looking very tired. That was a pretty obvious fact to most of us who keep an eye on the government of the day.

The Hon. R.P. Wortley: They gave us another four years, Robert.

The Hon. R.L. BROKENSHIRE: The honourable member says that they gave them another four years. In one sense, yes, they did. The Leader of Government Business said that the two major parties received an absolute majority of the Legislative Council votes, but the fact is that crossbenchers are still here based on a system. The fact is that the government is still here based on a system which is not one of an absolute majority of votes or this government would not be here, it would be out and a new government would be in. I think government members need to understand that, when they talk about representation in the Legislative Council, they would have been out on their ear because 52 per cent of the absolute majority of South Australians said that they did not want this government.

The Hon. R.P. Wortley interjecting:

The Hon. R.L. BROKENSHIRE: Four years to get their puff back. Well, they had better get onto their oxygen bottles pretty quickly. The Governor is a great person and one whom I admire, but he simply reads the government's prepared speech at the opening of parliament. We watched the federal budget last night and they called that a boring budget. If they thought the federal budget was boring, they should have been here listening to the vision for the next four years because, in comparison, it made last night's federal budget incredibly exciting. Where is the vision? Where is the lateral thinking? Where is the strategy, the real direction and reinvigoration of a government that has now been given a third term?

The Hon. R.P. Wortley: It's all here, mate. You just can't see it, that's the problem.

The Hon. R.L. BROKENSHIRE: As the honourable member said, it is all there, but we cannot see it. It is not being spelt out; it is not being shared properly with the South Australian

community. Over the last eight years, this government has been blessed with an incredible growth tax called the GST, one which I can strongly remember both the now Premier and the now Treasurer doing everything in their power to oppose, pull apart and prevent from occurring.

What a wonderful opportunity for the South Australian community to be given a growth tax, a consumption tax, which grew and grew over the past eight years, yet apart from what the federal government has delivered for South Australia, little has been delivered by the South Australian government. They talk about record amounts of infrastructure. When you drill into those projects, on most occasions, clearly the big partner is the commonwealth government. Yet we now have a razor gang coming in that is going to slash at least $750 million. That was not reported when the Governor came in here to give his speech—nothing about the $750 million.

In fact, today I heard the Treasurer say that the instructions to the razor gang were to go further than $750 million. He would not say how much further he wanted them to go so that he would be able to have a better opportunity of cherry picking what he cuts with the $750 million and what he chooses not to cut. Of course, that comes through to priorities.

I ask honourable members in this chamber whether they agree with the government's priorities when so many basic essentials are not being delivered for South Australians. As we come out of this election period and we go into a new session, there is over $2 billion of what are effectively really unfunded projects, including gold-paved walkways between the new Adelaide stadium and further expansion of the Adelaide Convention Centre.

If one goes out into the country in a Commodore such as the one I drive, the speed limit between Willunga and McLaren Vale has been reduced from 100 km/h to 80 km/h but even at 75 km/h my Commodore is bottoming out. However, there is no announcement about even catching up on basic things that should be provided to South Australians like roads and safety issues around those roads.

There is no real vision: it is all hinged on mining and defence. I am not against mining or defence: I support them both, but where is the focus on food security and value-added agriculture in a hungry world? Do you know where the focus is on that? Cutting PIRSA. I will predict that when the razor gang comes out there will not be a PIRSA as we know it; PIRSA will come under DWLBC.

There are 110 people coming out of the department already, and my contacts tell me that there is another heap to be shreddable. You might as well do away with PIRSA altogether and not just slip it in under a super department. I understand that we are going to see even bigger super departments, but show me where efficiencies, cost savings and positive benefit of delivery to the South Australian community have occurred with the existing super departments like Families SA (which is also responsible for Housing SA) and a range of other entities! Is there better delivery of services there? Is there better protection for children there? I do not think so.

The justice department is a monster of a department but I hear that it is going to increase even more. I am told that some of the most senior CEOs now are knocking at the knees, worried about whether they are going to be tapped on the shoulder when the razor gang reports.

The Hon. R.P. Wortley interjecting:

The Hon. R.L. BROKENSHIRE: No, it is not scaremongering. I know a few of those CEOs and they are fairly worried—fairly worried, indeed—and so they should be. It is not scaremongering at all. If I was one of those CEOs I, too, would be pretty worried about the razor gang.

The Hon. R.P. Wortley: It's all good news.

The Hon. R.L. BROKENSHIRE: The honourable member says, 'It's all good news.' Let us wait and see when the razor gang reports. Let us see what sort of management practices they recommend.

With the dodgy how-to-vote scandal that transpired, how can we trust Labor when it does that sort of thing? I look forward to supporting the select committee. It will be interesting to see who was the architect of the dodgy documents, the designer of the T-shirts, etc.

Members interjecting:

The PRESIDENT: Order! The honourable member might want to stick to the Governor's speech.

The Hon. R.L. BROKENSHIRE: I want to finish on mandates, which the government talks about. As one of the 22 members in here, I do not believe that the government has a mandate to do everything that it says it is going to do. I do not believe that it has a mandate to put our grandchildren into debt with a greenfield site for the Royal Adelaide Hospital.

I am not sure whether they have a mandate to spend the money they intend to spend—in the paper today it is absolutely guaranteed, even though it is not signed off—on Adelaide Oval, because the member for Adelaide was tossed out. I do not believe they have a mandate from that point of view and, with 52 per cent of the people and the Save the RAH party raising the profile, I do not believe they have a mandate for the new hospital.

I look forward to what the razor gang will deliver. I also hope that this government does get reinvigorated and does what the Hon. Ann Bressington said about listening, delivering, being trustworthy, and the like. Our job in this council is to keep the government honest. With the crossbenchers and other members, I look forward to ensuring that happens and there is reinvigoration, real vision, real direction and real sustainable opportunity for the state of South Australia, because I did not hear it in the Governor's speech the other day.

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

STANDING COMMITTEES

The House of Assembly notified its appointment of standing committees.

At 18:08 the council adjourned until Thursday 13 May 2010 at 14:15.