LEGISLATIVE COUNCIL

Wednesday 21 July 2010

The PRESIDENT (Hon. R.K. Sneath) took the chair at 14:18 and read prayers.

LEGISLATIVE REVIEW COMMITTEE

The Hon. R.P. WORTLEY (14:19): I bring up the sixth report of the committee.

Report received.

The Hon. R.P. WORTLEY: I bring up the seventh report of the committee.

Report received and read.

PAPERS

The following papers were laid on the table:

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

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

SCHNEIDER, PROF. S.

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) (14:26): I table a copy of a ministerial statement relating to a tribute to Stephen Schneider made earlier today in another place.

MURRAY-DARLING BASIN

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): I table a copy of a ministerial statement relating to the Murray-Darling Basin plan made earlier today in another place by my colleague the Hon. Paul Caica.

QUESTION TIME

TRAFFIC POLICE PLAN

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:28): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations, representing the Minister for Road Safety, a question about SAPOL's recently proposed traffic police plan.

Leave granted.

The Hon. D.W. RIDGWAY: As reported on the ABC on 6 July, Adelaide currently has more than 50 police officers on motorcycles, but the newly proposed traffic police plan would cut that number by 22. Deputy Commissioner of Police Gary Burns said that the plan would result in an additional 15 police within the metropolitan area but that there would not be as many on motorcycles.

Opposition to the plan has been voiced considerably by the Police Association and officers within SAPOL, as evidenced by Twitter and anonymous calls to my office. The Police Association made a statement in the *Sunday Mail* that it is simply folly to underestimate both the practical and psychological deterrent effect which motorcycle and rider have on an errant road user. In other words, this proposal has significant implications for road safety.

The role of the Road Safety Advisory Council is to monitor road safety performance in South Australia and make recommendations to the Minister for Road Safety and the state government for strategies and actions that will reduce road trauma. My question is: has the minister received any advice from the Road Safety Council on this SAPOL proposal and, if so, will he provide a copy of that advice to this house?

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) (14:29): I thank the honourable member for his question, and I will refer it to the Minister for Road Safety in another place and bring back a response.

LEIGH CREEK COPPER MINE

The Hon. J.M.A. LENSINK (14:29): I seek leave to make an explanation before directing a question to the Minister for Mineral Resources Development about the Leigh Creek Copper Mine.

Leave granted.

The Hon. J.M.A. LENSINK: With respect to the old Leigh Creek Copper Mine, which is currently under acquisition by Phoenix Copper and which has been investigated in the past under previous tenancy, action has been sought by the Copley and Districts Progress Association. Previous owners of that particular lease set up an opportunistic venture south-east of Copley near Leigh creek in 2006. As I understand it, the mine currently stands dormant. However, there has been a one in 100 rain event in the past six months, which has resulted in acid leachate spilling over the heaped crushed ore.

The local community is very concerned that this leachate has flowed into the watercourse. I understand that PIRSA has undertaken some soil sampling which shows elevated levels in the creek. However, my understanding from the progress association is that PIRSA is of the opinion that compliance issues at the mine are minor. My questions to the minister are:

1. Can he outline what visits PIRSA has made to this particular site and what investigations it has undertaken?

2. With respect to the soil and water testing that has been carried out on-site following this rain event, is the minister concerned with any levels of particular chemicals and which chemicals would they be?

3. Can the minister advise the current status of that particular site?

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) (14:31): I thank the honourable member for her question. I understand that the Hon. Mr Parnell also requested some information. By now he should have a significant bulk of information under FOI in relation to those events, which includes all the detailed reports, as I understand it.

As the honourable member said in her question, Phoenix Copper announced on 8 July its purchase of the Leigh Creek Copper Mine, which is likely to be finalised in late July 2010 following shareholder approval. So, we are talking about events that happened prior to that.

I just make the comment that I think that the takeover of this operation by a more substantial company will be a good thing. Leigh Creek and districts (in which the Mountain of Light copper mine is located) had a high rainfall event commencing on Thursday 8 April 2010 which totalled 92.2 mm over a two-day period.

As a result of this event, the copper leachate solution in the heaped leach pads at the Mountain of Light mine overflowed the collection drains and then flowed into the stormwater silt retention dam. This dam is located on the lowest point of the lease, near the lease boundary adjacent to an ephemeral creek. It is designed to collect stormwater from the site to settle out silt before any water is released to the creek.

The rainfall event resulted in some copper leachate solution flowing directly into the silt retention dam, which then overflowed into the adjacent ephemeral creek. The creek was visibly contaminated with a diluted copper leachate solution for a distance of approximately 500 metres downstream from the mine site.

A subsequent rainfall event on 19 April removed any visible signs of the copper leachate from the creek. The operators of the mine notified PIRSA by phone of the spill on Sunday 11 April 2010. This was followed up with a formal notification by email on Monday 12 April at 3.30pm from the tenement holder, Leigh Creek Copper Mine.

At the time of the notification it was indicated that it was not possible to commence immediately remediation activities due to the inaccessibility of vehicles to the site as a result of the rain. PIRSA dispatched two officers to the site to undertake an inspection on Wednesday 14 April.

Following the inspection, PIRSA met with the EPA on 16 April to discuss the spill. PIRSA is the lead agency, which will liaise with both the EPA and the Department of Water, Land and Biodiversity Conservation to ensure the most appropriate and timely remediation of the creek contamination without causing further damage to the creek system.

On 16 April, PIRSA issued a formal notification letter to the tenement holder, which is the Leigh Creek Copper Mine (LCCM). The notification letter instructed LCCM Limited to undertake an internal investigation into the incident, to provide PIRSA with a site remediation plan and to commence site remediation by 23 April 2010. PIRSA also instructed the LCCM not to commence any remedial activities in the creek system until further instructions from PIRSA were provided.

LCCM provided a site remediation plan on 23 April which included the immediate rectification of the issues that caused the overflow and seeking engineering consultancy advice to implement improvements as necessary to ensure that future significant rainfall events are accommodated properly. LCCM has committed to the completion of the immediate rectification works by 14 May and any resultant works from the consultancy advice by 30 June.

On 28 April 2010 PIRSA was contacted by a member of the Copley and Districts Progress Association who expressed concern that the Copley Dams and some nearby borrow pits that are currently filled with water may have been contaminated with copper and arsenic from the Mountain of Light mine overflow. These dams are believed to be used for recreational purposes.

In close conjunction with the EPA, PIRSA responded by despatching an officer to collect water and soil samples from relevant locations, including the Copley Dam, on Friday 30 April. He was accompanied by a member of the Copley and Districts Progress Association during the collection process. Analysis of the water samples by the EPA indicated that the copper and arsenic concentrations were well within the guideline requirements for primary recreational contact such as swimming. The EPA directly contacted the Copley and Districts Progress Association on Friday 7 May with the results of the analysis.

The soil samples taken in the creek bed adjacent to the mine site returned slightly elevated copper concentrations that were still within the guideline requirements for standard recreation use. The results of the soil sample analysis were communicated to the Copley and Districts Progress Association by PIRSA on 15 June. On 15 June two PIRSA officers inspected the site remediation works. The remediation works appeared to have been completed to plan and engineering sign-off was requested before recommencing operations. The PIRSA officers also collected a series of soil samples in the creek bed with the aim of providing sufficient information about the nature of the copper contamination such that an appropriate remediation plan for the creek bed could be devised. Sample results and a draft remediation plan are expected by 23 July.

PIRSA, together with the EPA and the Department of Water, will continue to closely monitor the Mountain of Light mine to ensure that all remediation activities are completed to a satisfactory level. That was the action that was taken following the April high rainfall event.

The only other point I should make is that this particular operation at the Mountain of Light copper mine comprises shallow open pit mining of non-sulphide copper ores and adjacent dilute heap leaching. The site has not been actively mined since early 2009 due to low copper prices; however, operations are due to recommence in 2010.

In fact, as I said, it had not been operating as a mine at the time of the event and that is why the takeover of this operation by Phoenix Copper, should it be approved by shareholders, would be a good thing. The original mining lease was originally granted in 1987 and most recently renewed in 2008. I think that should provide all of the answers to the honourable member's question.

LIQUOR LICENSING

The Hon. S.G. WADE (14:39): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about annual liquor licensing fees.

Leave granted.

The Hon. S.G. WADE: The Office of the Liquor and Gambling Commissioner distributed a discussion paper yesterday called 'A Safer Night Out' which foreshadowed the government's intention to implement an annual licence fee to liquor licences to 'ensure that the liquor industry contributes more towards the cost of its regulation'. The paper makes clear that regulation in that context includes base administration costs. The minister's press release states that the government

will introduce 'a scheme of annual liquor licensing fees so the industry makes a more effective contribution to the cost of compliance and enforcement'. On ABC radio yesterday afternoon the minister is reported as saying that the cost of the misuse of alcohol in South Australia is over $1 billion, so the industry should contribute to the cost of compliance. My questions to the minister are:

1. What costs is the government proposing to recover through these fees: is it the costs of regulation, the cost of compliance, the cost of abuse, or all of the above?

2. Is the consultation on the model for the recovery of costs only or the scope of the costs?

3. What proportion of the costs of regulation compliance and abuse does the government aim to recover through this scheme?

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) (14:40): I thank the honourable member for his question, and I very much appreciate the opportunity to talk about the provisions being proposed in this discussion paper and set the record straight in terms of some of the scurrilous mischief-making that has been going on, as well as some of the significant scaremongering that has occurred.

As we know, two discussion papers were released yesterday. They are discussion papers out there outlining a series of proposals for the general public and key stakeholders to consider. They have a six-week period in which to forward their comments to the government and for us to consider those comments and work on what appropriate steps we should take to move forward. It is, as I said, only a discussion paper.

Compliance and enforcement, which are the main focus of my attention in relation to the proposals being put forward, cost money. We know that, overall, the misuse of alcohol costs the community, as the honourable member mentioned, $15.3 billion Australia-wide, and approximately $1 billion of that is the South Australian share. We know that alcohol taxes do not go anywhere near covering those costs.

The industry cries that it is already paying for the costs of alcohol, including misuse, compliance and enforcement. They say they have already paid those costs, that they are already contributing. Quite simply, they are not. When you add up all those costs, they are quite significant, and they are clearly not being covered by the current tax arrangements in place.

These costs, including enforcement and compliance costs, are heavily subsidised by all taxpayers currently, and that includes ordinary mums and dads. Compliance and enforcement measures are there to ensure that certain standards apply around the sale and consumption of alcohol. Those standards are aimed at minimising harm and at keeping the community safe, so quite clearly around these elements there are benefits for the community in relation to compliance and enforcement costs.

There are also clear benefits to the liquor licence holders, as a licence actually allows them a monopoly in relation to the sale of alcohol. Not every retail outlet can sell alcohol, only some, so in some respects there is a privilege associated with the holding of a licence. There are many other businesses that sell products that are licensed and have an annual fee, such as second-hand car dealers. Liquor is no different. It just so happens that here in South Australia we have not had annual licensing fees, whereas in almost all other states they do have annual licensing fees.

Having a licence provides a person with a privilege or a right to sell something. However, this right also comes with a set of responsibilities, particularly when those goods being sold can be harmful. As I have already said, we know that alcohol-related harm costs the Australian community $15.3 billion a year—and they are 2005 figures, I understand, so it is probably more than that now.

The fee that we are proposing for consideration is in fact a really small fee. The base rate—

Members interjecting:

The Hon. G.E. GAGO: They snigger across from me; they snigger. For most pubs and clubs, the base fee is $1,000 a year. That is $3 a day. What is the cost of a glass of beer? About three bucks; three bucks, round about, for a glass of beer. A glass of beer a day is what the base annual fee is going to cost us, roughly—and I am being generous here—the cost of a glass of beer a day. This is going to bring the sky down on us. The whole system is going to collapse over the

cost of, round about, a glass of beer a day to provide these protections to the community. We also know that, in the proposals we are looking at, many small country pubs are actually going to be exempt from some fees. Many of those smaller pubs and clubs are going to be exempt.

The fee that we are proposing will apply to almost all liquor licence holders, that is, those who sell alcohol: pubs, clubs, bottleshops and retail outlets—the suppliers of alcohol. The AHA is saying that this cost is going to be passed on to consumers of alcohol. Well, it may be, and if this is so, the $3 a day, the glass of beer a day, if that is going to be passed on, and it may well be—it probably would be offset by the cost of changing their books—let's take their word, why shouldn't the cost of alcohol reflect more closely the real cost of alcohol? What's wrong with that model anyway? Why should all taxpayers—and there are a number of honourable members here in this chamber who do not drink alcohol—why should the whole community, subsidise the cost of consuming alcohol?

I think that it is reasonable to put forward for public consultation—and that is all we are doing—a model where those who consume alcohol start to pay for the real cost of alcohol. For all these reasons that I have outlined, almost all other states have put an annual licence fee in place. As I said, some are being quite scurrilous in their scaremongering, saying the sky is going to fall in. It has not fallen in in other states. They manage very well with this modest impost.

The licensing fee is only one part of a suite of measures that this government has put forward for consultation to bite the bullet on some of the appalling behaviour and conduct that we see around some of our pubs and clubs, on the street and around our entertainment precincts. People are saying to me they are sick and tired of having their night out ruined by drunken, loutish, violent, offensive behaviour, and we know that this problem is on the increase. This problem has become worse, and the research shows us that one of the elements it is associated with is increased trading hours. The problems have become worse as trading hours have been extended.

One of the things that we have put forward is a closing down of trading hours, a mandatory close-down across the sector, for three hours in a 24-hour cycle: from 4 to 7am, or, if they are into the breakfast trade, from 5 to 8am. That ensures a mandated two-hour close-down in entertainment areas, where they can revitalise and clean up, where entertainment crowds can be dispersed and the area revitalised ready for business the next day.

One of the other proposals being put forward is the strengthening of powers of the Liquor and Gambling Commissioner to be able to take action around problem venues. This includes being able to put in place, where it is deemed necessary, for instance, extra CCTV cameras and an increase in the number of security guards. We are looking to put in place a range of measures, including the ability to mandate lockouts where it has been assessed and deemed necessary.

The mandate for lockouts will apply not necessarily to just a single venue: it can apply to a number of venues, because some of the data we have received shows that lockouts can work. They can be very effective in reducing unruly, intoxicated misbehaviour on our streets. However, the data shows us that it does not work when a number of venues in an area join in to a lockout but one or two venues opt out. All that does is provide an imbalance to the trade in that area, and it disadvantages those responsible licence holders who are trying to do something about better managing alcohol misuse and putting a lockout in place. That is another initiative.

We are also looking at improving regulation around party buses. We know that there have been some significant problems reported by not only police but also venue operators in entertainment areas.

The Hon. J.S.L. Dawkins: You've been going for 12 minutes; you've only got 36 to go.

The Hon. G.E. GAGO: And the more interjections I receive the longer I will go on.

The Hon. J.S.L. Dawkins: Twelve minutes.

The Hon. G.E. GAGO: It will be more if I keep receiving interjections. Just to finish, one of the other initiatives we are looking at is banning some of those behaviours that we believe contribute to binge drinking, such as drinking games, all-you-can-drink admission charges and things like laybacks. Mr President, I know that you probably do not know what a layback is, but that is the term used for pouring alcohol (usually spirits) directly into the mouth of a person who is sitting at a bar. That alcohol is poured from the bottle (not from a glass), so it usually administers high concentrations of alcohol in very concentrated bursts.

These are some of the initiatives that we are putting in place, and we are biting the bullet. We need to clean up our streets and make our pubs, clubs and streets safe for our young people and for all the community to be able to go out at night and enjoy themselves. These are proposals for consideration, and I am very pleased to have had this opportunity to outline some of these initiatives.

I think there was a question about the proportion of income involved. I have already put on the public record—and it is an estimate only—that the rough estimate of the revenue that this licence fee in the current model going out for consultation will generate is around $5 million. In terms of how that might be spent, the details of the spending would obviously need to be dealt with through a budgetary process, but I will certainly be pushing for all of that to be directed towards cost recovery, including enforcement and compliance costs.

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

LIQUOR LICENSING

The Hon. S.G. WADE (14:55): I would like to clarify that the minister is telling us that the cost to the state is $1 billion in social costs, but her concluding remarks—

The Hon. G.E. Gago: A billion.

The Hon. S.G. WADE: —yes, a billion—suggested that not a cent of that was going to address the social cost of abuse and that it was all going into compliance and enforcement. Is the government more concerned about its own expenditure than the needs of the community?

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) (14:55): He is outrageous, Mr President, and that is the scurrilous, mischievous scaremongering that I was talking about.

In terms of the costs that I talked about—the costs of alcohol misuse to the community—it is $15.3 billion across Australia and the South Australian share of that is around $1 billion, not $1 million or whatever the honourable member misquoted.

The response that I was giving was in relation to the industry sector saying that the contribution it makes in terms of taxes already covers the cost of alcohol. I was using those figures to quite clearly demonstrate that that is not true. They do not cover the cost of alcohol. This state contributes enormous amounts into the wide elements of alcohol misuse, which covers things such as violence, court costs, health costs, premature death and the productivity loss associated with alcohol misuse. Already this state contributes large amounts right across those areas.

What we are saying, what I am proposing here, is a series of new measures, legislative and non-regulatory measures. I am saying there is no point putting in place new provisions unless we are prepared to police it and enforce it. Thus, we are looking at an enforcement, regulatory and compliance cost recovery system in terms of the liquor licensing components.

LIQUOR LICENSING

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:57): I have a supplementary question. Does the minister expect the new arrangements with licence fees and full compliance and enforcement to achieve 100 per cent cost recovery?

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) (14:57): Mr President, I just did the sums for them. I can't believe it. They don't listen. They are thick, Mr President. I have already given the sums. I have already said the estimates of revenue received from this—and this is with the model we are proposing but there might be changes to that through the consultation process—will generate about $5 million. The liquor regulatory enforcement compliance and other costs are currently around $3 million a year. As I said, we are proposing a series of new provisions. There is no point putting provisions on the table and putting them out there when we are not prepared to police them and to make sure that they are put in place.

The PRESIDENT: The Hon. Ms Zollo.

Members interjecting:

The PRESIDENT: Order! Are you ready now?

Members interjecting:

The PRESIDENT: No, we are not.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Zollo.

PROMINENT HILL

The Hon. CARMEL ZOLLO (14:59): I seek leave to make a brief explanation before asking the–

Members interjecting:

The PRESIDENT: Order!

The Hon. CARMEL ZOLLO: —Minister for Mineral Resources Development a question regarding Prominent Hill.

Leave granted.

The Hon. CARMEL ZOLLO: I understand that premier Mike Rann officially opened the $1.15 billion copper and gold mine at Prominent Hill in May 2009, more than a year ago. This major new mine created 1,200 jobs during the construction and mining phases and is now providing economic benefits extending beyond the north of our state to jobs in the many industries in South Australia that support and rely on the resources sector.

With an open pit nearly half a kilometre deep, the copper and gold mine is expected to produce eight million tonnes of ore a year for the first decade of its operation. Will the minister provide any updates on the progress of mining at Prominent Hill and state whether there have been any significant developments that could extend the life of that mine and perhaps even open up opportunities for further exploration?

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) (15:01): I thank the honourable member for her timely question. In fact, only just last week there has been a truly significant development announced by the board of OZ Minerals that will have a major impact on the continued future of mining in this state.

Last week, OZ Minerals' board of directors approved a $135 million underground mine at its Prominent Hill copper and gold project near Coober Pedy. Prominent Hill is already one of the most significant examples of a new generation of commercial mining operations that are coming on line in this state. Prominent Hill is one of the new operating mines, and we have seen a trebling in the number of operating mines in this state since this government came to office in 2002, and we look on track to grow that fourfold to 16 by the end of 2010.

The immediate go-ahead for an underground mine will complement the existing open pit operations and take this already major mining operation to a completely new level. Going underground will not only allow OZ Minerals to increase annual copper and gold production but opens the way for further exploratory drilling deep under the surface of the mine. Further underground exploration could possibly lead to even more potential discoveries at Prominent Hill, which would extend the mine's life.

The South Australian government, through PIRSA, approved the revised mining and rehabilitation plan (MARP) for the construction and operation of the underground operations in December 2009, clearing the way for last week's board decision. That approval had been delayed due to the uncertainty created by the national debate on a proposed resources super profits tax.

While this government accepted the need for a tax regime that ensures Australians receive a fair return on our country's resources, we argued forcefully that refinements were necessary to protect the interests of this state, in particular, our copper and gold projects, such as Olympic Dam and Prominent Hill. We know that those concerns were heeded and taken into account in the revised mineral resources rent tax. These changes, advocated by this government, ensured that copper, gold and uranium were exempt from the new resources rent tax. Now that the commonwealth has ended the uncertainty, we are quickly seeing evidence of renewed interest in long-term investment in our state's mining sector.

OZ Minerals' decision to proceed with an underground mining operation at Prominent Hill vindicates this government's stance on demanding revisions to the original resources profits tax. Major announcements such as the OZ Minerals' expansion at Prominent Hill ensure that South Australia continues to drive up mineral production beyond the goals we set ourselves in the South Australian State Strategic Plan. About 250 jobs are expected to be created at Prominent Hill from the underground operations, and about 25,000 tonnes of copper and 12,000 ounces of gold are expected to be mined underground annually.

OZ Minerals is in the process of hiring contractors to begin this project, which should take about two years to complete construction. This means that the new mine will be open and in production by the second half of 2012.

I would also like to take this opportunity to acknowledge the efforts made by OZ Minerals to work closely with the local and regional community in the development of its operations at Prominent Hill. OZ Minerals deserves special mention for the success it is having in attracting and retaining Aboriginal workers. A vibrant mining industry in South Australia offers the best opportunity for jobs in the outback and particularly so for Aboriginal people.

This government supports regional South Australia and the best way to show that support is by encouraging mining and the service industry that it requires to support its operations. This means more jobs closer to existing regional communities and the new and improved infrastructure that follows the mining sector.

The expansion of the Prominent Hill mine is great news for OZ Minerals, great news for the economy of South Australia and great news for South Australians. Again, it demonstrates that our critics, who want to dismiss the hundreds of millions of dollars invested into the mineral resources sector as just an exploration boom, are plainly wrong. The upsurge in exploration encouraged by this government's pro-mining policies is leading to the discovery of world-class ore bodies, generating keen interest from local and overseas investors. This, in turn, has created a pipeline of new projects and the potential to expand existing operations.

I personally witnessed the latest advance of this potential for new projects with the signing in Adelaide of the deeds of assignment of iron ore rights between Centrex Metals and Wugang Australian Resources Investment Pty Ltd. Wugang Australian Resources is the local arm of the Wuhan Iron and Steel Company, China's third-largest steel producer. The signing of this agreement allows the $261 million joint venture immediately to begin exploration and development studies on two new magnetite projects on southern Eyre Peninsula. Their aim is to establish two five-million tonnes a year iron ore projects within the next four to five years to build on the success of Centrex Metals' existing Wilgerup haematite iron ore development near Lock on Eyre Peninsula.

The investment commitment announced this month is one of the largest by a Chinese-backed steel entity in the recent history of the state's resources sector. OZ Minerals' decision to expand Prominent Hill and the signing of the joint venture agreement between Centrex and WISCO again highlight the continued investor confidence in South Australia's mining and energy sectors. The key reason for that confidence and the economic growth and prosperity that it is delivering to our state is the climate of investment certainty created here since the Rann government came to office.

SEAFORD HEIGHTS DEVELOPMENT

The Hon. R.L. BROKENSHIRE (15:07): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about the Seaford Heights development.

Leave granted.

The Hon. R.L. BROKENSHIRE: I read with great interest the article in today's *Southern Times* Messenger concerning the Seaford Heights housing plan that the headline claims endangers tourism, amongst other economic opportunities.

The Seaford Heights development will comprise 1,130 homes on a 77-hectare site that is east of South Road and falls within what I have defined in my bill before this chamber as the Willunga Basin. Local winemakers, business owners and environmental groups, amongst others, are urging the government to have a rethink. The City of Onkaparinga is being accused of pushing the development while the state government is pushing for the development assessment plan. I was particularly interested to read the following:

Mawson MP Leon Bignell (ALP) is circulating a petition amongst local winemakers, business owners and tourism operators, urging his Labor state government to rethink the development. A public hearing will be held...(next) Tuesday.

My questions to the minister are:

1. Is the local ALP member speaking on behalf of the government, and has the government shifted its policy on this development?

2. Why did the government not exclude that area from the Greater Adelaide plan if the local member for Mawson has concerns about the development?

3. Has the government sold the land through the Land Management Corporation?

4. Will the government now support the Family First Willunga Basin Protection Bill?

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): If the honourable member wanted to protect that part of the Willunga Basin, given that it has been zoned for housing since at least 1993 or before, it is a pity he didn't take action to do that in the eight years he was a member of the government. It has been zoned for redevelopment for many years; in fact, it was included in the first urban growth boundary (and I think minister Laidlaw was the minister at the time) that included most of that land in 2003.

There has not been any change to the urban growth boundary. Let me put it this way: the only change in the southern areas to the urban growth boundary, apart from a very minor adjustment in that area, was the addition of Bowering Hill, which is west of Main South Road. I have made it clear in the time that I have been Minister for Urban Development and Planning that we did not wish to see any further development east of Main South Road.

Of course, with respect to this proposal, I believe that the Land Management Corporation sold the land two or three years ago to, I think, Fairmont Homes, but my advice is that it had been zoned for residential development significantly before that. That land, as I said, has been in the urban growth boundary for many years.

The honourable member asked about what my colleague the member for Mawson is doing. The member for Mawson is rightfully concerned that any development in that area, given that it is towards the entrance of McLaren Vale, should not unnecessarily intrude or deter tourism development in that area. Certainly, he has been lobbying me very hard; in fact, I had a meeting with him this morning on this very matter. He has been lobbying very hard to ensure that any development in this area, given that it has been approved for many years, should have the minimum impact upon the McLaren Vale region, and I can fully understand why he would do that.

At this stage, the development plan is with the Onkaparinga council. My understanding is that it has not yet left the council. It has been out for consultation, but I am not sure what the final version of that plan will be. Obviously, people within the McLaren Vale wine district and others had the opportunity first with the council to seek changes to that development plan, and I would encourage them to do so.

Once it leaves the council, it will then come to the Department of Planning and Local Government for further consideration. Obviously, I would be keen to ensure that any development plan amendment, before it is finally approved, would take into account these important issues. I think that the main issues that seem to have been raised down there are adequate screening and an assurance that any development would not impact upon the tourism value of the McLaren Vale wine region.

That is certainly entirely consistent with Labor Party policy, and I believe that the member for Mawson is acting appropriately in relation to that. As for preventing any development there, given that, as I said, this land has been zoned residential for almost 20 years—it may be longer; we have only been able to follow it back that far, and it may well have been zoned earlier than that—it is inevitable that we use it for that.

However, that said, it is important that any development there should not impact unduly on the tourism value of McLaren Vale. There should be appropriate screening and location of facilities to ensure that that does not happen. As I said, the member for Mawson has already seen me in relation to those matters. He has lobbied me. The development plan amendment has not yet left council. It may well be that the council makes changes; so be it, but it will go to the department and

then to me sometime later. The initial decisions to provide this land for housing were made decades ago.

SEAFORD HEIGHTS DEVELOPMENT

The Hon. R.L. BROKENSHIRE (15:13): As a supplementary question, is the minister saying that he will consider reviewing the situation in his capacity as minister in entirety with respect to the development proposal, or is the minister indicating to this council that he may consider making significant conditions regarding adequate buffer zones?

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) (15:14): What I am saying is that, given that it has not yet come to me, it would be unwise and inappropriate as the planning minister to make too many comments on it. Let me say that I am well aware of concerns in that area. I can assure people that when the development plan amendment does come to me we will be looking to ensure that it addresses those concerns.

My role as the Minister for Urban Development and Planning is to ensure that the council's consideration of its development plan—and it is a council DPA, it is not a ministerial DPA—adequately addresses the issues that are put forward by the public during the council's public consultation phase, and I will do that.

AUSTRALIA DAY AWARDS

The Hon. I.K. HUNTER (15:15): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about Australia Day awards.

Leave granted.

The Hon. I.K. HUNTER: The minister has spoken before in this place about the importance of recognising the achievements and contributions of women, and I hope and trust that she will continue to do so. On the opening of nominations for the Australia Day awards, can the minister provide some information for members who may wish to nominate women for these awards?

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) (15:15): I thank the honourable member for his most important question. Nominations for Australia Day awards are due in by the end of this month, and I take this opportunity to remind all members and all South Australians that they can nominate women for these significant awards.

It is unfortunate that the track record across the nation is that, for every woman nominated, two men are nominated for awards and this, unfortunately, is also reflected in the numbers that go on then to be actually awarded honours. There are many people, both men and women, doing great things for our community, and it is important that women's contributions are equally acknowledged and rewarded. Women, as we know, are often the quiet achievers and can be easily overlooked.

This is a great opportunity for South Australians to do their bit to help rectify this imbalance. Nominating a woman who you might think has made a positive contribution to the community is a great way of recognising her work. Members and the public might choose to nominate a prominent woman in the public eye but you can also think about a woman in your community who is more of an unsung hero and who has not currently been recognised for her efforts.

I believe that the Australia Day award nominations provide a real opportunity to highlight the contributions of South Australian women from all walks of life and from across the state. It is an unfortunate social reality that women do not tend to blow their own trumpet. Australians are, as a rule, socialised not to draw attention to our successes—we often understate them—and women are even more prone to this. This makes it even more important for all of us to take that small step to nominate the outstanding individuals that we might know about who come across our paths to bring them to the notice of the broader community.

These contributions to our community come from myriad forms, whether it is an old lady who has been working tirelessly to revegetate a patch of bush or someone who has dedicated years of service to helping in a hospital. Our community is enriched by their selfless work, and their contributions should be recognised and celebrated by us all. It really is a great way for us to thank

these women for being leading citizens, role models and inspirations to all of us for making South Australia a better place to live.

Seeing more women honoured is also an important message to send to our young women. It is a way of helping us show them that women are valued in our community and that they, too, can do important and significant things. Nominations for the awards close on 31 August 2010, and I understand that state and territory recipients will be announced in November and then proceed to the national level of judging. The national award recipients are announced on Australia Day eve in Canberra, and the Australian of the Year awards website can be visited at www.australianoftheyear.org.au for more information on awards.

YOUNG PEOPLE, NURSING HOMES

The Hon. K.L. VINCENT (15:19): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations, representing the Minister for Disability, a question regarding young people in nursing homes.

Leave granted.

The Hon. K.L. VINCENT: Earlier this month I met with Bronwyn Morkham and Phillip Beddal from Young People in Nursing Homes and I was saddened and even outraged to learn that more than 6,000 young people with disabilities currently live in nursing homes. Nursing homes, as I am sure I do not need to point out, are designed to care for people in our community who are entering the latter stages of life and not for young people who have complex physical and social needs. While the elders in our communities certainly add to the fabric of our society, they have very different interests to young people. This results in young people in nursing homes often feeling isolated, from both their peers and society in general. In fact, many young people in nursing homes suffer from depression and related illnesses.

Aside from this, nursing homes are not geared towards caring for young people with disabilities and are unable to provide for the rehabilitation and therapy that many young people with disabilities require. My concerns are shared by the Julia Farr Youth Group, who raised this as an issue at a recent meeting with my office. I, too, am a member of this group and I found it very difficult to look into the faces of my fellow young disability advocates and friends and see the fear in their eyes that this situation may happen to them. Of course this situation could be avoided if governments around Australia properly supported people with disabilities to live in appropriate accommodation. My questions to the minister are:

1. How many Disability SA clients under the age of 65 years are currently living in nursing homes?

2. What action is the government taking to move these people into more appropriate accommodation?

3. What is the age of the youngest Disability SA client currently living in a nursing home?

4. What is the government doing to prevent any more young people ending up in this abhorrent situation?

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) (15:22): I thank the honourable member for her questions. Personally I have a great deal of sympathy for the placement of young people with disabilities in nursing homes. From my time as a former nurse many years ago when I worked in a number of aged care facilities in Victoria, I know from personal experience that a significant number of young people were in those facilities because there was quite simply nowhere else more suitable to place them, which was an absolute tragedy. The nursing and other staff in those facilities worked very hard to try to accommodate appropriate services for these young people in that home; however, it was always quite clear that they should not have been placed in that facility. If we had been able to find them alternative and more appropriate accommodation, we certainly would have done so.

One of the few pleasing things about this situation that I observed over the years was that with time the situation improved and there appeared to be fewer young people misplaced in these facilities. Certainly work was done to try to address that. However, it is a most inappropriate place to care for a person with a disability. I will refer the question to the Minister for Disability in another place and bring back a response.

YOUNG PEOPLE, NURSING HOMES

The Hon. S.G. WADE (15:23): By way of supplementary question, given the minister's comment that the situation has improved over time, could she give the honourable member details on the data in South Australia over the past 10 years?

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) (15:23): I will refer that question to the Minister for Disability in another place and bring back a response.

ANTI-VIOLENCE COMMUNITY AWARENESS CAMPAIGNS

The Hon. J.S.L. DAWKINS (15:23): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations, representing the minister for substance abuse, a question about the Queensland government's One Punch Can Kill campaign.

Leave granted.

The Hon. J.S.L. DAWKINS: On 17 November 2009 I asked the Minister for State/Local Government Relations, in her capacity representing the former minister for substance abuse, to consider the Queensland government's One Punch Can Kill campaign and Victoria's Step Back. Think campaign in any South Australian anti-violence public awareness campaigns.

The Hon. B.V. Finnigan: What extraordinary hypocrisy! You spent the first half of question time attacking us about the liquor licensing matter, and here you are being the greatest—

The PRESIDENT: Order!

The Hon. B.V. Finnigan interjecting:

The PRESIDENT: Order! The Hon. Mr Finnigan will come to order!

The Hon. J.S.L. DAWKINS: Thank you, sir, for your protection from ill-informed and ignorant interjections. On 20 January 2010, I received a letter from the then minister for substance abuse advising that she would ask Drug and Alcohol Services SA to consider these campaigns and discuss its implementation with the Office of the Liquor and Gambling Commissioner and South Australian police. I recently travelled to Queensland to meet with Queensland police as well as the office of the Queensland Minister for Police regarding the One Punch Can Kill campaign.

The Hon. B.V. Finnigan interjecting:

The Hon. J.S.L. DAWKINS: Yes? Do you want to say that out loud?

The Hon. B.V. Finnigan interjecting:

The Hon. J.S.L. DAWKINS: I don't care who you are talking to, say it out loud. During these briefings, I was advised that, due to the success of the One Punch Can Kill campaign, the Bligh government has funded a third tranche of funding of a least a further $500,000. In light of this information, I ask the following questions:

1. Is the minister aware of the previous minister's commitment to consider the One Punch Can Kill campaign and future South Australian government anti-violence public awareness campaigns?

2. Is the minister aware that the Bligh government has recently invested a third instalment of at least $500,000 into the One Punch Can Kill campaign due to its success?

3. Given six months have elapsed since the former minister's commitment, can the minister advise the council of the results of the discussions with Drug and Alcohol Services South Australia, Office of the Liquor and Gambling Commissioner and South Australian police?

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) (15:26): I am very pleased to accept this question. I have to say, being the former minister for substance abuse, I have outlined in this chamber on many occasions details of the extensive drug and alcohol campaigns that this state has put in place. We work very hard and take this issue very seriously.

I have used this figure in this chamber today: alcohol abuse and misuse alone costs this nation $15.3 billion, as I said, and South Australia's share of that is around or over $1 billion, so it is

a significant cost to the community. I would hazard a guess that the abuse of these substances has adverse effects that resonate right throughout our community.

Indeed, that is one of the reasons, as the Hon. Bernard Finnigan interjected, why this government has decided to bite the bullet in terms of promoting a series of changes for public consultation, a series of proposals for public consultation, to address alcohol-fuelled behaviour in our pubs and clubs and around our streets.

We are biting the bullet to ensure that we take steps not only to ensure that our children are safe when they are having a night out but that each and every one of us can feel confident, when we have a night out on the town, that we can have a safe and enjoyable night out.

ANSWERS TO QUESTIONS

BUILDING INDEMNITY INSURANCE

In reply to the **Hon. J.M.A. LENSINK** (13 May 2010).

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): I am advised:

The Ministerial Council on Consumer Affairs has not made any decisions on Home Warranty Insurance, nor am I aware of any decision having been made by the Council of Australian Governments on the topic.

However, I have asked that the South Australian Office of Consumer and Business Affairs (OCBA) raise the matter of Home Warranty Insurance with South Australia's representative on the National Occupational Licensing System Steering Committee, as the body that will consider licensing eligibility requirements during the development of the National Occupational Licensing System.

3 & 4 The number of complaints varies from year to year. Overall, however, the number of complaints referred to OCBA remains small when compared to the level of building activity across the state.

When complaints are received, and builders are found to have acted unlawfully, I am advised that OCBA has a range of powers to take action against builders. OCBA has the power to suspend licences immediately in some circumstances and can take disciplinary action to have a builder's licence cancelled. OCBA can also seek an enforceable undertaking from the builder.

CHILDREN IN STATE CARE

In reply to the **Hon. A. BRESSINGTON** (25 May 2010).

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): The Minister for Families and Communities has advised that:

The support needs of each child or young person in residential care are reviewed every three months and a wide range of services are engaged in this process to ensure targeted supports are in place for individual children, including:

Families SA and private Psychological Services that provide one on one therapy for children and young people. Families SA Psychological Services also provide consultative support for staff on issues, such as, anger management and protective behaviours.

Child and Adolescent Mental Health Services (CAMHS) provide one on one therapy and support.

The Second Story Youth Health Service provide health assessments conducted by Clinical Nurses and Community Health supports including counselling and group work for targeted health issues.

Behaviour Intervention Service (BIS), located next to the Cornerways Community Unit, provides specialist supports for children who are not succeeding in mainstream education programs.

Mentor programs are in place to offer meaningful recreational and social activities for these children.

Staff are on site to provide care and protection to children and young people who reside in residential care at all times. Residential care staff provide intensive support for the children and develop strong relationships and positive attachments with the children.

All 10 children and young people residing at Cornerways Community Unit are receiving support from wide ranging therapeutic services to meet their individual needs.

Families SA residential care staff are extensively screened as part of the selection process. Those selected undertake a six week training program provided by the Department's College for Learning and Development, a Registered Training Organisation.

They are supported to continue their learning and obtain Certificate 4 in Youth Work. In addition, regular training is provided to staff within a workplace learning environment.

Residential care staff are part of an integrated service team that includes social workers, psychologists and mental health workers.

All children living at Cornerways Community Unit are engaged in an educational program. When necessary, programs are modified to meet the individual needs of each child. Some of these children have a history of disengaging from school, often pre-dating their time in alternative care. Alternative programs are regularly accessed to respond to the educational needs of these children.

All young people are offered a variety of activities, in and out of the Unit each day. Like any other children they also engage in many recreational activities.

Children are supervised closely at all times. Staff respond assertively to all instances of running away.

When children and young people engage in criminal activity they must take responsibility for their actions and accept the consequences. Staff residential care units work with residents who have offended to support them to address their offending behaviour.'

MATTERS OF INTEREST

PAY EQUITY

The Hon. J.M. GAZZOLA (15:28): I rise to commend the Australian Services Union for its work on pay equity. The Minister for the Status of Women (Hon. Gail Gago) was pleased to accept a petition from the Australian Services Union just recently. As honourable members might be aware, the Australian Services Union used this year's Equal Pay Day to hold a rally and a march, which ended up on the steps of Parliament House. It was heartening to see so many supporters at that rally.

Pay equity is an important issue. Despite improvements to gender pay equity, I believe that the average gender pay gap is still around 17 per cent. Improving pay equity is critical not only to redress gender inequity and secure economic independence for women but also to improve Australian productivity and economic performance.

On 23 November last year, the report 'Making it fair: pay equity and associated issues related to increasing female participation in the workforce' was released. The report is the outcome of a year and a half inquiry conducted by the House of Representatives Standing Committee on Employment and Workplace Relations. I note that this is just one area that the federal Labor government has made a priority. We have also seen great progress in areas like parental leave, a far cry from the Howard government, which clearly thought that pay equity and parental leave were just too hard; better instead to just chip away at the rights of workers.

Some further detail on this issue is interesting. On 4 November 2009 the then federal minister for employment and workplace relations announced that the government had reached an historic agreement with the Australian Services Union, representing social and community service workers, to support a test case on pay equity for community service workers under the new fair work system. It was proposed that, under this new system, workers in these sectors across Australia would become covered by a single modern award rather than the multitude of state and federal awards that currently apply, and that under the Fair Work Act 2009 and through the office of Fair Work Australia orders would be sought that they provide pay equity.

The importance of this case goes beyond equity and fairness. As ASU Assistant National Secretary, Linda White, noted on the announcement of the agreement between the ASU and the federal government, it would also 'support retention of staff and address a chronic skills shortage in

the sector', and pay equity in this section of the economic community would be 'at the forefront of delivering social inclusion to our country'.

I point out that the community sector is a key part of the Australian economy and that 85 per cent of employees in the sector are women. The work of the sector and its social and economic importance to our community is often unrecognised. The ASU is currently awaiting the outcome of the equal pay case with respect to community sector workers, which I understand is the first national equal pay case under the Fair Work Act. I am sure that everyone in the council is eagerly awaiting the outcome of this case.

In closing, I again commend the ASU for its commitment to pay equity and ask this council to note both its consistent dedication to this issue and the petition that was given to the Minister for the Status of Women.

TRAFFIC POLICE PLAN

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:32): Today I voice my concerns about the state government's attitude to the recently announced traffic police plan by the Commissioner of Police. Amongst other negative publicity on the plan was the *Sunday Mail*'s opinion piece 'Police cutbacks on motorbikes irresponsible'. The article summarised the problems with the plan and I am calling on the state government to respond to this matter with some action.

My two main concerns are that the issue of motorcycle police within the new traffic plan is being masked purely as a matter of redeployment and that the government has absolved itself of the responsibility to provide public safety by virtue of these decisions being operational matters. It is clear that this government will take any opportunity to credit itself for any success stories coming back out of the South Australian police department.

Each time a group of cadets graduates, Labor pats itself on the back for providing resources. Whenever the latest crime figures are released, good or otherwise, a press release will present them in a manner allowing Labor to reiterate its supposed dedication to public safety. In those instances, it is never a commendation to the operational success of police, praising the ability to train their officers well or deploy them in an efficient or effective manner.

However, in the face of this contentious decision by senior figures within SAPOL, premier Rann has been very quick to distance himself from these decisions and, no doubt, to disconnect from the possible failures of this new traffic plan from any poor decisions within his cabinet. The facts and figures are that the commissioner has decided to cut the 50 motorcycle police officers to 22. The plan is to put 28 officers in rural South Australian areas. It apparently works out that there will be 15 additional traffic police officers in the metropolitan area, but they will not be on motorcycles.

The simple fact is that the commissioner's job is to make do, as efficiently and effectively as possible, with the resources given to him. There are obviously questions being asked about whether this traffic plan does utilise those resources in the best possible way. However, my first criticism is that SAPOL is clearly under pressure when it comes to resources. The fact they are having to rob Peter to pay Paul, as has been put by the Police Association, is a clear indication they do not have the resources that they need.

As Mark Carroll said in his opinion piece on Sunday, in 2001 SAPOL described in its own report motorcycles as far outweighing cars for flexibility, being able to respond to any incident at short notice, as well as being extremely cost effective. He described what once used to be 'support for a robust contingent of motorcycle officers'. This is the reason the decision to take the valuable motorcycle resources out of SAPOL has set off warning bells for the opposition about the obvious pressures the Commissioner is under to delegate what few resources he has.

The Police Association has asked why the extra traffic officers could not come from the 400 extra police delivered in the Rann government's last term, or perhaps from the extra 300 committed in this term. Perhaps the commissioner is aware of the reality of how many of those additional officers will actually be available for operational duties. It is no secret that the onerous administrative systems of SAPOL are not conducive to freeing up police for operational duties.

I have been very vocal in the past about how many police committed by premier Rann actually end up on the beat. This matter is causing considerable angst with the Police Association and, as evidenced by the Premier's Twitter site, throughout SAPOL in general. Has the government ever demanded an explanation from the commissioner as to why this decision was made? Can the

minister and the Premier assure the public that SAPOL has not been put under pressure to make seemingly bad decisions due to a lack of resources?

During question time today I asked the Minister for Road Safety whether the government has sought any advice from the Road Safety Council on this latest decision. I have further sought that he table that advice if he has received it. I would assume that they have enough interest in the matter to make every effort to get independent advice on this particular decision.

The Premier has stated that that is an operational matter in which he will not become involved. Therefore, will he claim credit for the success that ensues if the traffic plan goes well, and, more importantly, will he be man enough to accept the responsibility if this decision leads to increased crime and decreased public safety?

QUORN AMBULANCE STATION

The Hon. CARMEL ZOLLO (15:36): On Saturday 26 June it was my pleasure to represent the Minister for Health in the other place (Hon. John Hill) on the occasion of the opening of the new ambulance station in Quorn. I was delighted to officially open the new Quorn volunteer ambulance station, with many volunteers, members of the community and SA Ambulance Service management present.

The new station complex is an exciting development, both for the Quorn community and for the SA Ambulance Service as a key member of the SA health system. The Quorn population of around 1,200 people relies on the ambulance service to be there when they need medical assistance. It represents an investment of $840,000 and is money well spent for the health needs of the community.

The new facilities are thoroughly deserved, and I am pleased that the dedicated volunteers who invest so much of their time and effort into ensuring that Quorn has an ambulance service now have up-to-date facilities and equipment. The purpose-built station is well equipped to assist crews to rapidly respond to any emergency in the community. It can also accommodate local and visiting officers and facilitate space for training and study.

I have to say that the improvement in facilities compared with the previous site is amazing. I was shown the shed from which the service previously responded and was pleased to see the tremendous upgrade and to note that the new facilities cater for every need of the volunteers. The state government understands that different communities have unique needs and require flexible and integrated solutions. The new Quorn station will meet its community's needs today and into the future.

I also commend the SA Ambulance Service volunteers. I understand there were 14 volunteers and their families present on the day. I make particular mention of Volunteer Team Leader Mr Travis McDonald, with whom I was honoured to officially open the station. I think we all appreciate that people in country South Australia see themselves wearing many hats and are involved in providing a number of services in their community. The volunteers are the driving force behind the ambulance service in the Quorn community, and it is important to acknowledge the vital role they play in ensuring that Quorn has a reliable, professional and dedicated ambulance service.

I am told that in 2009 Quorn ambulance officers transported 102 patients and travelled more than 2,000 kilometres with patients on board. Quorn ambulance officers are a vital part of what constitutes SA Ambulance Service's ability to provide expert medical intervention, emergency medical response and non-emergency patient services in smaller country towns across South Australia. This new fantastic facility and exceptional community service would not exist without the volunteers, and this highlights the importance of providing volunteers with the facilities to match their skills and professionalism.

Minister Hill recently publicised the fact that the Rann government is in the process of renewing SA Ambulance Service stations and that, since 2008, six new stations have opened in Morgan, Kingston, Lock, McLaren Vale, Port Adelaide and, of course, most recently Quorn. I am pleased to say that he also advised that, in addition to other stations in the metropolitan area, construction is under way for further country volunteer stations at Orroroo and Booleroo.

I also acknowledge the presence on the day of the member for Stuart in the other place, Mr Dan Van Holst Pellekaan, as well as the Mayor of the Flinders Ranges Council, Mr Maxwell McHugh; the Deputy Mayor of the Flinders Ranges Council and the Hawker volunteer team leader, Mr John Shute; Dr Tony Lian Lloyd from the Kanyaka Surgery; and I again mention the volunteers and their families.

As a former minister for emergency services, I value the vital role that volunteers play in rural communities, and I know how much their efforts are appreciated throughout their local areas. Unit manager of the State Emergency Services in Quorn, Margaret Smith, represented the SES on the day. Regrettably, it is not unusual for both services to meet in sad circumstances because of road crashes, and I know that both support and appreciate their respective roles.

I also thank Mr Neale Sutton, Executive Director of the Country Patient Services of SA Ambulance, for his assistance on the day. I am certain that all honourable members join me in congratulating everyone involved in the planning and building of the wonderful new facility in Quorn.

ADELAIDE THUNDERBIRDS

The Hon. T.J. STEPHENS (15:41): As honourable members would be well aware, on Sunday 11 July the mighty Adelaide Thunderbirds thumped the Waikato Bay of Plenty Magic in the ANZ Championship Grand Final at the Adelaide Entertainment Centre. A huge and vocal crowd watched the Thunderbirds take out the ANZ Championship. The atmosphere was electric, with a full house of 9,300 people cheering the girls on.

In what was widely acknowledged as a dominant performance, the Thunderbirds proved too good for the Kiwis on the big stage, winning 52-42. Putting the disappointment of losing last year's Grand Final behind them, as well as a loss to the Magic girls just three weeks prior, the Thunderbirds were deserving winners. It was an honour to be there in my capacity as shadow minister for sport. Like the other people in the crowd and those watching at home, I was proud of the Thunderbirds' performance.

The Thunderbirds fully deserved the premiership, as they have enjoyed a remarkable season. So, well done to the entire 2010 squad: Emily Beaton, Georgia Beaton, Erin Bell, Kate Beveridge, Carla Borrego, Mo'onia Gerard, Jasmine Keene, Sharni Layton, Geva Mentor, Jo Sutton, Natalie von Bertouch, Sheree Wingard, Edwina Gosse, Melissa Rowland, Beth Shimmin and Kate Shimmin.

The Thunderbirds' domination of this season is reflected in the recent announcement of the 2010-11 Diamonds squad. Six Thunderbirds players were named in the squad, and they give themselves a chance to be in the team at the upcoming Commonwealth Games. We expect big things from this team, and I am sure they can grab the gold medal in Delhi. The Adelaide Thunderbirds named in the squad are Emily Beaton, Erin Bell, Kate Beveridge, Mo'onia Gerrard, Sharni Layton and Natalie von Bertouch.

The state Liberals are strong supporters of the Thunderbirds, who are terrific role models for the great sport of netball. Members would be well aware that the state Liberals were committed to giving netball some significant and vital financial assistance should we have won government in March. I commend the team at Netball SA for the future plans it has for the sport here in South Australia.

I congratulate the Chief Executive, Stephanie Greene, and her board—Chairman, Graham Gilbert, Val Wright, Lisa Gilbertson, Graeme Gilbert, David Dahm and Mark Harris. They do a tremendous job, as do all the committees and the entire staff at Netball SA.

Netball has well over 90,000 participants in South Australia, and it is an important sport to so many communities, particularly in regional areas. Only last week, I was at Port Augusta discussing the planned central oval redevelopment. The discussion quickly turned to netball, how the sport continues to prosper and the need for facilities to accommodate the rising number of participants.

I have noted the Premier's recent comments in the other place about the importance of netball in the community. Given that the Premier feels this way, I encourage and challenge him to talk to Stephanie Greene and the board of Netball SA about matching the level of support the opposition promised at the last election. I am certain Stephanie would be more than happy to take a call from the Premier. Although I doubt that particular phone call will come, I congratulate the Premier and the Lord Mayor for the reception held last week to honour the team. It is important that these types of achievements are celebrated, and I strongly support that particular gesture.

Lastly, the Thunderbirds celebrated its inaugural gala dinner at the Adelaide Zoo Sanctuary Room last week. It was a memorable night, with the squad and great team of committed coaching staff, led by Jane Woodlands-Thompson, being congratulated for a season to remember. Co-Captain Natalie von Bertouch's form on the court was duly recognised, with her taking out the

majority of awards on offer, sharing one with sharpshooter Carla Borrego, who was sensational in the grand final.

I wish the Thunderbirds and coaching staff an enjoyable break, if they are lucky enough to get one, and I have no doubt they can go back to back and win the championship again next season.

CIVIL TRAIN SA

The Hon. J.A. DARLEY (15:45): I rise today to speak about Civil Train SA and its civil training facility at the Playford Alive Works site. Last month I was invited to the Civil Contractors Federation to visit the Playford Alive site and to witness the important work that is carried out by Civil Train SA. Civil Train SA is the training arm of the Civil Contractors Federation and is a not-for-profit registered training organisation. Civil Train SA is the largest provider of civil construction training in South Australia and provides training and assessments to a national standard.

Following an analysis of skill requirements for South Australia, the Civil Contractors Federation identified a shortage of trained and accredited workers in the civil construction industry. In order to address this, Civil Train SA secured funding to deliver additional training and educational opportunities for South Australians. This funding was used to undertake a Green Star refurbishment of the CCF head office and training facilities at Thebarton, introduce a mobile training unit and purchase earthmoving simulators.

The mobile training unit will be deployed to regional South Australia to encourage a greater number of students from these areas to undertake training in civil construction and to provide those students with the same training opportunities as their city counterparts. An increase in skilled operators in these areas will also lead to greater employment opportunities.

The introduction of earthmoving simulators is a significant shift from traditional training methods but it is predicted that this will increase the number of students from an average of 400 to 1,300 in the first three years of the project by streamlining the training process.

In 1994 Civil Train SA established a live training site located at Munno Para. This site provides a unique opportunity for on-site training on heavy machinery for both new operators and those needing to renew or update their qualifications. It offers a safe and controlled environment to refine their skills before undertaking assessment, and has an emphasis on occupational health and safety.

During my visit I was able to observe firsthand the training and assessments conducted at the site. I saw participants learning to dig a trench with an excavator and grading a dirt road with a road grader, a job which was completed for the Land Management Corporation. At first glance it may seem that these tasks are not complicated but with machinery often costing in the vicinity of $300,000 it is imperative that operators receive adequate training, to ensure not only that they are capable of operating the machinery but do so in a manner which will not endanger the worksite.

I was afforded the opportunity to drive the grader myself—and was eager to do so considering myself to be proficient in handling farm machinery—but after witnessing the size of the grader on-site, I reconsidered my acceptance of the offer.

This training site forms part of the Playford Alive Works project which allows employment and work experience opportunities for young people in the area. The live, on-site training often involves the building and construction of local infrastructure and buildings. Recently, the Playford Alive project was able to secure 21 per cent of the 250 training places that were offered through the Department of Further Education, Employment, Science and Technology's Learn to Earn program, of which Civil Train SA is a participant.

This initiative aims to identify young people who have left school and who are at risk of becoming long-term unemployed, and to engage them in a program which provides them with skills essential for the workplace. The Learn to Earn program allows youths to develop new skills and increase their self-confidence, and opens up employment opportunities. In 2010 Civil Train SA offered an eight-week training program to support 36 young people as part of Learn to Earn and is an excellent example of an operation working proactively to address youth unemployment. I congratulate the Civil Contractors Federation on this initiative.

DRAGON BOAT FESTIVAL

The Hon. J.S. LEE (15:49): Last month I had the pleasure to attend two Dragon Boat Festival events. One was organised by the Taiwanese Association of South Australia and the other

one was organised by the Chinese Welfare Services. The Dragon Boat Festival in Chinese is called the Duānwǔ Jié (I might have to hand that to Hansard).

An honourable member interjecting:

The Hon. J.S. LEE: Okay. This festival is traditionally celebrated on the fifth day of the fifth month of the Chinese lunar calendar. The festival commemorates the death and life of a famous Chinese scholar by the name of Qu Yuan, who was also a beloved minister serving the King of Chu. However, because of a conspiracy he had to leave the service of the king, and, in his anger and sadness, he jumped into the river and committed suicide.

All the citizens wanted to rescue him, and they grabbed a lot of the Chinese dumplings, called zongzi, and threw them into the river so that the dragon monster in the river would not eat his body but rather the rice pudding. This festival continues today and has been adopted by many Chinese communities in South Australia.

It has been declared a public holiday in mainland China since 2008, and it is a public holiday in Taiwan, Hong Kong and Macao. It is also celebrated in countries with Chinese populations, such as Singapore and Malaysia. Equivalent festivals outside of Chinese-speaking societies, such as Japan, Korea and Vietnam, have also adopted the Chinese Dragon Boat Festival.

It was a pleasure to attend the annual dinner of the Taiwanese Association of South Australia. So much effort was put into preparing the dinner. All the volunteers cook up a big meal and everyone shares the pleasure of not only the rice pudding but also all the delicacies from Taiwan, as well as the Chinese cuisine.

I do want to mention also the Chinese Welfare Services, because when it organises the Dragon Boat Festival it incorporates a multicultural theme with it. The participants included Italian, Latvian and Filipinos. They have also built it as a multicultural concert and encourage positive ageing development programs so that seniors can perform in front of an audience. It was an enormous pleasure to see this cross-cultural exchange and linguistic diversity between older people in South Australia.

The Chinese were singing Italian songs, the Latvians were performing the Tai Chi dance and the Filipino seniors were singing Chinese songs. I just loved their energy. I congratulate the organisations for putting up such a wonderful show, as well as putting in all the effort and wonderful work they do in that community for the Dragon Boat Festival.

CRIMINAL CASES REVIEW COMMISSION

The Hon. A. BRESSINGTON (15:53): Today I would like to recount for those unable to attend the lessons imparted at a recent public meeting I held at which the guest speakers were Paddy Hill and Mr Gerry Conlon, both of whom were wrongly convicted for involvement in the bombings carried out by the provisional IRA in the early 1970s.

In their subsequent appeals many years later, it was found that the police and forensic witnesses had intentionally deceived the courts. It was the overturning of their convictions and the growing concern of the UK public that caused the British government to establish the Runciman royal commission to look into the administration of criminal justice in the UK.

The commission recommended the establishment of the Criminal Case Review Commission (CCRC). Standing apart from the established judiciary in government, applicants who have previously extinguished the judicial appeals mechanism are able to apply to the CCRC for a review of their criminal conviction in England, Wales and Northern Ireland. The commission was empowered to review all material forming the basis of the conviction, as well as any new material which had come to light or which was not presented during the trial. This includes information not normally available to the defence. If, following review, the commission is satisfied that there are grounds for retrial, it will refer the case back to the Court of Appeal. In the 11 years since then referrals by the CCRC have led to the overturning of some 300 convictions which had otherwise exhausted all avenues of appeal. Fifty of those convictions were for murder; four of them involved people who were hanged after they were convicted.

Both Mr Hill and Mr Conlon spoke of the trauma that their wrongful conviction caused, not just for them but for their families, and how even after they had been released they have struggled to rebuild relationships and reclaim their lives. Both now work tirelessly in assisting others who have suffered miscarriages of justice—a task made substantially easier with the establishment of

the CCRC. I am very sorry for the unimaginable pain and suffering these men and their families have endured and I am very grateful to them for having spoken to us about their experiences.

Additionally, I fear that here in Australia we too have innocent men and women serving time for another's crime or, as in the Henry Keogh case, potentially no crime has occurred at all. Two recent cases have demonstrated that Australia is not above the occurrence of miscarriages of justice despite how we may pretend that that is the case. Both Andrew Mallard in Western Australia and Graham Stafford in Queensland were convicted of murder and served lengthy gaol terms prior to having their convictions quashed. The case of Edward Splatt, whose biography of sorts *Flawed forensics: the Splatt case and Stewart Cockburn* has recently been released, makes plain that South Australia's legal system is just as vulnerable. As was recently stated in an ABC article by a former justice of the High Court, Michael Kirby OAM:

> What we need to consider in Australia is a body which is full-time working on examining these cases, so that it doesn't depend upon a letter written to some newspaper that gets people behind it. There are too many chance factors in that and too many possibilities of slipping through the floor boards.

I am convinced of the need for South Australia, but preferably the federal government, to establish a CCRC. The determination of whether a criminal case be retired for fears of miscarriages of justice should in no way be politically influenced. One only has to review the statements of the former attorney-general in the other place concerning the case of Henry Keogh to realise that this is presently not the case.

Time expired.

STATE BUDGET

The Hon. R.I. LUCAS (15:59): I move:

That this council notes—

1. statements made by the Treasurer and Premier before the election about the state of the budget; and

2. with concern recent information about the state of the budget and the Rann government's management of the state's finances.

In speaking to this motion, I note that we are moving into the last two days of what has been a very abbreviated sitting period since the 20 March state election, and time will be limited when we reconvene in September just prior to the bringing down of the state budget.

I remind members of the Rann government's position prior to the 20 March state election. There were any number of statements, but I refer briefly to the statement by the Premier and Treasurer, the Treasurer in particular, on 18 March, just two days prior to the election, under the bold heading 'Labor costings keep budget strong'. Our Treasurer is certainly not known for humility in anything he says or does, and he was happily patting himself on the back about how the budget, as a result of his magnificence and the magnificence, as he sees it, of his Premier and government, was in a very strong position as we went into the 20 March state election.

He indicated that throughout the campaign every Labor policy he believed had been accompanied by detailed costings and that he on that day, 18 March, was releasing those costings, and that they had been collated and reconciled against the overall state budget position. He summarised his commitments as being over the current forward estimates $1.2 billion ($752 million recurrent and $461 million investing expenditure). Further on he said:

> The budget remains robust with strong surpluses maintained in 2010-11 and 2012-13, demonstrating that Labor's pledges are affordable and deliverable. Labor has struck the right balance between investing in jobs, services and key infrastructure and maintaining the strength of the state's finances.

Then, unsurprisingly, most of the rest of the statement was a two-page sledge against opposition leader Isobel Redmond and the Liberal Party and what he saw as the 'terribleness' of the Liberal Party's economic and budgetary strategy leading into the 20 March election. There are any number of other statements to which I could refer from the Treasurer, patting himself on the back in relation to, as he would see it, the magnificence of looking after the state's finances, but that document, statement and summary encapsulates the government's and Treasurer's position prior to the election.

I turn now to the truth, the reality and the information that has been flooding in to the opposition over past weeks about the state of the state's budget. A broad indicator over the years as governments, ministers and treasurers run into political and financial trouble, a fair reflection, is

the extent and level of the leaks provided from those in the know in order to reveal the truth of what is really going on. We know there are many angry people who hear the claims and statements being made by the Treasurer and government and know that the facts and truth are completely and starkly different from the claims being made by the Treasurer.

We have seen that the clearest public example has been the ongoing scandal in relation to the Adelaide Oval project. We know that the Treasurer confessed that he is—and these are his words, not mine—'not the sharpest tool in the kit'. I guess on this side of the political fence that assessment of his own capacity is one of the few statements on which we can wholeheartedly agree with the Treasurer. But, sadly, even though he describes himself as not the sharpest tool in the kit, he is actually the person with the responsibility for approximately $15 billion worth of taxpayer funding and expenditure. If you have somebody who says he is not the sharpest tool in the kit, who conveniently, worryingly perhaps—if you accept his story—can genuinely forget key meetings and key figures and key commitments in relation to his management of the budget, then I am sure the taxpayers of South Australia have great concern that this is the person in charge of the state's finances.

Adelaide Oval, as I said, is the perfect example. We have a project about which the government said 'not a dollar more than $450 million will be spent'. Whilst there are varying estimates, the impact on the state budget was going to be a minimum of $350 million; it might have been 450 million, depending on whether or not the federal government was going to provide a grant of $100 million towards the Adelaide Oval project. I am going back now to late last year when this particular stunt was first dreamt up, or first announced I should say, by Mr Foley and Mr Rann.

What we know now in terms of the impact on the state budget and state finances is that, instead of being potentially $350 million over the forward estimates, at the very least it is now $535 million, and that is only on the direct Adelaide Oval project. We know that there is another $40 million to be hidden in a Convention Centre budget for the bridge over the Torrens. We know that there is approximately another $50 million to be hidden in the transport budget to pay for the buses having to get in and out of Adelaide Oval. We know that there is another $11 million to be hidden, probably in the Convention Centre budget, for an open-air car park south of the River Torrens. So there is approximately $600 million-plus of public taxpayer funded expenditure hidden in various budgets in relation to the Adelaide Oval project, instead of the approximately $350 million that was originally talked about.

We are talking there, on just one project, of a hit of $250 million at least, at the moment, on the state budget. In addition to that, there are additional costs that we are still only establishing. The most recent evidence that we took from a Treasury officer on the Budget and Finance Committee indicated that for some reason the government—the Treasurer, the caucus—has agreed to subsidise the loans that SACA has taken out on the western stand redevelopment. We are told that $469,000 has already been paid for that, and up to $800,000 will be paid by August.

Why would this caucus, this government, approve an $800,000 subsidy to SACA, in addition to the grants they have been getting, and a government guarantee on their loan, as opposed to a situation—and we heard a story only yesterday—where those involved with breast-screening clinics in South Australia are having to work through budget cuts which they know are coming, about which they have been told, and which indicate—as was revealed yesterday on ABC Radio—that in all the circumstances there will be an increased number of up to 20 on the various options of undetected breast cancers in women in South Australia.

So how this caucus—how you, Mr President, in caucus—can support those sorts of priorities when breast cancer clinics are scrimping and saving for every last dollar and there is a blowout of $250 million-plus in the cost of this project at Adelaide Oval, and they are providing subsidies on interest costs which no-one was told about, I do not know. In fact, the Treasurer explicitly told the parliament that there was not to be $1 of subsidy and the truthfulness of that particular statement has been demolished by the evidence of one of his own senior Treasury officers.

The more that we look at this particular project the more we will see costs being hidden in other budgets. That does not reduce the taxpayer cost: the taxpayer is still paying for it. The point of the contribution I hope to bring together quickly today is that, when one looks at the total budget (which is what this government is going through—the Sustainable Budget Commission and the budget processes), the Treasurer is going to say, 'Well, I've got to find hundreds of millions of dollars in cuts to pay for all these blowouts in these other sorts of projects.'

It is about time the community and, I would hope, at least somebody in caucus start to wake up to this particular issue and that over the coming weeks the decisions, some of which I suspect I will outline for the first time to caucus members in this contribution today, and the hard questions are put to the Treasurer. I hope that he is not glibly allowed to just get away with, 'Well, we have to do this and we have to do that.'

Some difficult decisions sometimes have to be taken, and hopefully some competence in terms of managing not only the budget but also specific projects like the Adelaide Oval project needs to be brought to bear. That is part of the reason why the Treasurer was sacked from handling the Adelaide Oval project but, lo and behold, they put minister Conlon in charge of the project, who is the second most notorious minister in this government for managing overspending and blowouts in projects; one only has to look at the South Road/Anzac Highway project, the trams project or the Northern Expressway project. Anything that that minister touches, similar to treasurer Foley, has blown out in terms of overspending.

Someone hopefully within the caucus will have the courage at least to stand up, ask the questions of the Treasurer and the Premier and say, 'Don't talk to us just about, "We have to make these particular savings," what about you managing some of these projects better? Instead of blowing out costs by $250 million plus in relation to Adelaide Oval, and some of the other examples, what about managing them better so that we don't have to then start cutting programs likes BreastScreen South Australia, etc?'

There are many others. The Royal Adelaide Hospital project is one that this community and the government will have to monitor because the government has said that it is going to be able to build this project for $1.7 billion. It wants to do it as a PPP, and what most people do not realise is the reason it wants to do it as a PPP is that it does not have to make any payments out of the budget until the budget year 2016-17. So, for the next four years it can have the private sector attempt to build this particular hospital without any significant payments having to be made by the taxpayers in the budget over the next four to five years.

Of course, what happens is that from 2016-17 taxpayers will have to pay $200 million to $300 million, and I think that the Hon. Mr Darley issued some figures on this particular issue during the election campaign. We will have to pay $200 million to $300 million a year for the next 30 to 35 years to pay for those costs. Of course, that does not worry the current Premier and the current Treasurer because their view is that they are not going to be around in 2016.

Some from their own party would unkindly suggest that they will not be around at a much earlier date than that. The Hon. Mr Wortley will be well aware of those sorts of discussions going on in the caucus at the moment, but I will not be diverted. The Hon. Mr Wortley is well known for his loyalty to whatever his particular faction cause is at the particular time that suits his purpose, but I am not going to be diverted here.

The Premier and the Treasurer are happy to delay those sorts of $200 million and $300 million payments a year, and therefore it is not impacting on the current four-year estimates because, as I said, they do not believe that they will be here in 2016-17. If the PPP cannot be brought to a conclusion—that is, if there are no private sector people prepared to engage in a PPP—the government will then have to build the $1.7 billion project on budget.

What that means is that over the next five to six years, between now and 2016, instead of there being no budget impact, the government will have to find out of the budget $1.7 billion-plus (because no-one believes it will be built for $1.7 billion) which is not currently in the forward estimates. That is just a massive hit on the state's budget, and it is a fair indication why the government wants to build this as a PPP.

The third thing that needs to be brought into reckoning is the issue of asset sales. The government announced in the Mid-Year Budget Review of 2008-09 significant asset sales, and two of those of most interest were the sale of our forestry assets and the sale of government buildings. We have now been advised (although it was not clear in the early days but I suspect the decision might have been taken in the last 12 months) that the government has included in its current forward estimates, in terms of the health of the budget, estimated revenues from both forest asset sales and the sales of government buildings.

Those who followed the forestry asset sales processes in Victoria and Queensland will know that they are fraught with some difficulty. It is not impossible, but they are fraught with some difficulty. Whilst we do not know what the valuations that have been included in the budget for possible collection from the forest sales are, that is obviously going to be an important issue in

relation to the integrity of the budget figures over the next four years; and it will be an issue, I am sure, we will be pursuing with the Under Treasurer in the Budget and Finance Committee in the coming week or so.

The fourth key area, of course, is the massive area of election promises. The Rann government, as I said earlier, in its calculations made $1.2 billion in promises over the four years which it said were costed but, frankly, its costing document did not bear scrutiny.

There are obviously dozens and dozens of other issues but they are four of the key issues at the moment impacting on the health of the state budget—together with, obviously, other issues such as the ongoing challenges of managing the finances of a health budget which continues to haemorrhage and a range of other budgetary problems that the government has.

The situation we were in was that the government (prior to the election, of course) came up with this idea of a Sustainable Budget Commission, and it announced prior to the election that it was going to establish this highly paid person, Mr Geoff Carmody, to be in charge of the Sustainable Budget Commission and it was going to be charged with the responsibility of coming up with $750 million worth of budget cuts over the forward estimates period. However, of course, conveniently for the government, the Sustainable Budget Commission was not going to be asked to produce a report until after the state election. The Sustainable Budget Commission has been, since late last year and early this year, supposedly working its way through those particular processes.

One of the first things that the Sustainable Budget Commission established, and this is within the confines of the work the Sustainable Budget Commission was doing, was that the budget was not in the healthy position that the government was publicly proclaiming. To put some numbers on this, the Treasurer said just prior to the election that the budget remains robust with strong surpluses maintained in 2010-11 and 2012-13.

The government's position was that in 2012-13 it was claiming that the net operating balance, which is its latest measure—its only remaining measure of a surplus or deficit—at the time of the Mid-Year Budget Review was going to be $316 million for 2012-13 and for 2009-10 it was in deficit by $174 million. I think we need to bear in mind, when the current Leader of the Government in this chamber talks about budget deficits, that this government, after receiving billions of dollars from the GST deal that the former government negotiated, still managed to plunge the state into deficit on every measure, including the net operating balance measure that the Treasurer uses.

That was the claim, but what the Treasurer knew but did not reveal and what the Sustainable Budget Commission established in its discussions with the Treasury was that, when you actually go to the final year of the forward estimates (which is actually not 2012-13 but is 2013-14), in that particular year the estimates are that the net operating balance (that is, the last remaining measure of surplus or deficit) straight after the election has been calculated at almost $500 million deficit. So, in the following year (because the government had put off until that following year, 2013-14, a number of significant commitments and expenditures), instead of this supposedly healthy position in the previous year of a $300 million-strong surplus, as he was patting himself on the back for, he was looking at a deficit of almost $500 million in that particular year.

It is as a result of that that the Sustainable Budget Commission and the government have had to go through, and are going through, a process of having to find significantly greater savings than the supposed $750 million that the Sustainable Budget Commission was tasked with last year. I will quickly go through the process and then the break-up of it. Information provided to the opposition indicates that on 6 April this year the cabinet approved an additional savings task of $1.3 billion over and above the pre-existing savings tasks. So, what we are looking at is a total savings task at the moment which might be a combination of cuts and, as we have seen today, revenue raising measures, such as increased liquor licensing figures—and I am sure there will be other massive increases in licensing fees and fees and charges right across the board.

The Sustainable Budget Commission and the government are looking at total savings measures of over $2 billion over the forward estimates period. That $1.3 billion, on our advice, is approximately $100 million extra in 2010-11, $200 million in 2011-12, $400 million in 2012-13, and $600 million in 2013-14. I think the important one—because they are a lot of figures—is just to go to the end period, 2013-14: that is where the government is looking to end up—it is obviously at the time of the next state election; it is the final year of the forward estimates.

On the information that has been provided to the opposition, the government and the Sustainable Budget Commission are going to be looking for budget saving measures of at least $1.2 billion per year—not over a four-year period but per year. In a budget aggregate, which is

currently around $15 billion, and it is obviously going to increase to over $16 billion or so over the forward estimates period, we are talking about a very significant cut to the state's finances, coming after a period when we have had the rivers of gold flowing into the state coffers, through the GST deal and the property tax revenues that have been flowing into the government.

There is no excuse à la 1993-94, when the state went broke as a result of the State Bank and we had to tighten our belt to match the extent of the state's finances at that stage. Nothing like that has occurred. What has occurred is simply eight years of ongoing mismanagement in terms of the state's finances. The revenues have been flowing in, but the government has failed to manage those revenues, for example, Adelaide Oval and the infrastructure projects I have highlighted earlier.

The extent of the problem we have is that, whilst the figure of more than $2 billion—and on some estimates (and we will explore this with the Under Treasurer) the total required savings over the forward estimates are around $3 billion for government departments and agencies—is a big figure, I think the critical figure is what will be the annual savings, ultimately, that the government and the budget savings commission are trying to drive. That figure would appear to be well over $1 billion and, as I said, possibly over $1.2 billion per year. We are talking about a very significant cut or increase in taxes and charges to be imposed on the community.

How this has come about is obviously through financial mismanagement and incompetence by a man who describes himself as not the sharpest tool in the kit; so, it is perhaps unsurprising. However, we the taxpayers are the ones who will have to put up with the implications of this incompetence and/or negligence.

In relation to the work being done by Treasury, the budget commission and others involved in this matter, a memo went out to all chief executives on 7 April, the day after the cabinet meeting approved the additional savings task. I understand from my colleague the member for Davenport that the Treasurer has again denied some aspects of this story today. Sadly, we have seen so many times where he says something in the house only to remember that he forgot something or forgot that he remembered something, and he has had to go back into the house and correct the record. I am sure we are going to see a similar circumstance again once the budget comes down in September.

The memo that went out to all the chief executives on 7 April makes it clear that there is now to be one aggregated savings task for each agency. Those who have been on the Budget and Finance Committee for the last few years will recall that what we sought to do with each agency was to go through the implications of the 2008-09 budget, the 2008-09 Mid-Year Budget Review cutbacks, the implications of the 2009-10 budget cutbacks and, in some cases, going back as far as the cutbacks announced in 2006-07.

What most members perhaps do not realise is that, whilst these cuts were announced in those years, the agencies make decisions only on a year-by-year basis. Some do make some decisions on an ongoing basis, but in most cases when we would say to an agency, 'Okay; you've been told to cut $5 million this year, $10 million next year, $20 million in two years' time and $30 million in four years' time. Outline to the Budget and Finance Committee what you are going to cut.' They would say to us, 'Well, here's how we are going to get the $5 million in the first year.' Then we would say to them, 'Okay; how are you going to get the $10 million the second year?' 'We'll talk to you next year about that.' 'How are you going to get the $20 million in the second year?' 'Well, we'll talk to you in that particular year about that.' It has all been put off on the never-never. It is a bit like putting it on the credit card. These are cutbacks on the credit card, basically; they have all been deferred.

What we have tried to do with the Budget and Finance Committee, as the Hon. Mr Darley, in particular, and some other members would know, is that, as we went through each agency, we tried to add up, in some cases successfully, what the aggregate savings task was going to be two years down the track for each agency. The one good thing the Sustainable Budget Commission has done (in our view, it could and should have been done by Treasury) is that it has aggregated all those five particular areas. These include the 2008-09 budget savings announcement; the 1,600 full-time reductions announced in the 2008-09 Mid-Year Budget Review; and the efficiency dividends announced in the 2006-07 budget, which were an ongoing efficiency dividend and which had to be done each year with new and additional savings.

The fourth one was a CPI adjustment announced in the 2009-10 budget, which was an announcement, basically, that you would not get CPI adjustments on some of your grants and

things like that. The fifth one was the 2009-10 budget savings announcement of $750 million, and in the sixth one the chief executives had been told of the additional savings requirement (which the Treasurer is now denying), which we are saying is $1.3 billion.

What the agencies have now been told is, 'Here are the six savings tasks. We are going to add them all up, and this is what you've got to save in 2010-11, 2011-12, 2012-13 and 2013-14.' I have seen some of those in relation to some agencies and, without putting the numbers on the record, they are very significant. Those who have been looking at the work of the Budget and Finance Committee perhaps will not be surprised, other than the additional savings requirement which has now been incorporated into each agency target.

The point we make about this meeting in April is that this is less than three weeks after the state election and, because of the cabinet processes, it means that two weeks after the state election the Treasurer and the Treasury would have had to have been in a position, at the very least, to finalise a draft of this document and circulate it to cabinet for that meeting on 6 April.

There is nobody in South Australia who is going to believe anybody who says that the government, the Treasury and the Treasurer, in particular, were unaware that what they were saying prior to the election was not rubbish; that is, no way in the world could this budget be described as strong and robust with surpluses, which is what they were talking about. As I said, once they incorporated the election commitments of the government, they were staring, for 2013-14, at a post-election net operating balance of close to $500 million, including the government's supposedly funded election commitments.

The Treasurer certainly would have known that, and I believe the Premier must have known that as well, prior to the election because all of this does not just happen in 10 days after the election, particularly given the first week after the election, when ministers and everyone else were still running around trying to work out exactly who had won, and the inevitable transition to a re-elected government.

The Sustainable Budget Commission, in outlining to chief executives the process that it wanted to adopt, said that it was meeting with (and did meet with) all of the chief executives in April. This memo was going out on 7 April. Savings proposals from agencies had to be submitted by the middle of May this year, and the Sustainable Budget Commission would then meet with chief executives again during late May. Through June, the Sustainable Budget Commission would work through these particular proposals.

We were advised that the Treasurer received only last week or this week either the final report from the Sustainable Budget Commission or a final draft for his consideration. Certainly, in the next two weeks, cabinet is going to have to consider the $2 billion plus in revenue from the budget savings measures that agencies have proposed. It will be at that stage when cabinet will ultimately make some decisions.

Let's be quite clear on this: the Treasurer is saying there has been no additional target. He had better go off and look at the memo that has gone out to chief executives because that makes it quite clear, in the language it uses, that an additional savings target to help restore the fiscal position of the budget has been included in the work that has to be undertaken. All chief executives have copies of these particular documents and memos.

The chief executives were told that ministerial consultation and liaison were the responsibility of each executive. I think it is important to note that the directive given to chief executives was that all proposals had to be forwarded to the commission for consideration. What the budget commission was saying to the chief executives was that, if there were any sensitive or difficult proposals, they had to be considered by cabinet once in receipt of the commission's report; that is, ministers were not to impose up-front restrictions or limitations on what could go forward to cabinet—for example, the breast screening type reductions.

Even if he had wanted to (and I suspect he probably did not), the directive was that the Minister for Health could not rule out those cuts prior to cabinet consideration; it had to be a cabinet consideration. No political filters were to be applied at that early stage. All submissions, controversial or otherwise, were to be submitted to the commission for consideration by the cabinet. So, that is where we are at the moment in relation to the budget.

The purpose of my contribution today is, at this stage, to place on the record the reality in terms of what is going on within the government at the moment—a forlorn hope perhaps that someone in the caucus might ask the Treasurer some questions over the coming six weeks as we

lead up to the state budget in relation to his contention that this is the only way that the budget can be managed in terms of the very significant additional cuts and the way in which the cuts are to be proposed.

Things such as, for example (and I have spoken on this before), the Public Sector Performance Commission, and agencies such as that, should be the first things to go, whereas we saw the passionate defence from the Leader of the Government in this chamber about what he saw as the magnificence of the work of the Public Sector Performance Commission. These are the areas where cuts ought to be made, rather than in areas such as breast screening and other services that are being delivered of benefit to the community. With that, I seek leave to conclude my remarks.

Leave granted; debate adjourned.

NATIVE VEGETATION (APPLICATION OF ACT) AMENDMENT BILL

The Hon. M. PARNELL (16:37): Obtained leave and introduced a bill for an act to amend the Native Vegetation Act 1991. Read a first time.

The Hon. M. PARNELL (16:39): I move:

That this bill be now read a second time.

This is a very simple bill that gives effect to something which has already been debated and agreed by this council but which is yet to be formally legislated. The bill clarifies the current ambiguous definition in the Native Vegetation Act of the area to which the act applies. In particular, this bill confirms that the act applies in the bush suburbs of the Mitcham Hills.

The Native Vegetation (Miscellaneous) Amendment Bill 2008 was received in this chamber on 27 November 2008. In closing the second reading debate on that bill on 4 March 2009, the minister said, 'Members have indicated that there is general support for the provisions of this bill.' The bill then went into committee on 14 May. I note in debate on clause 1 of the bill that the Hon. Stephen Wade, speaking for the opposition, said:

In relation to the bill as a whole, I reiterate that the opposition supports the bill. Indeed, the main thrust of the bill was proposed by a former Liberal government.

We then proceeded to debate the bill in committee, but we got only to clause 7 of the bill, progress was reported and then further debate on the bill was abandoned. In fact, to this day, I am still not sure why we did not complete debate on a bill with which most members had said they agreed. We got to clause 7, and the amendments that I now bring before the chamber were in an earlier clause that we passed over with no debate and no dissent.

My bill reintroduces, directly from the government's bill, those provisions which clarify that threshold question of: where does this act apply and where does it not apply? Generally, members would appreciate that the Native Vegetation Act applies outside the metropolitan area, but the act is worded in such a way that it applies to some parts of the metropolitan area but not others. Specifically, the act currently applies to areas that are to the east of the hills face zone.

When these provisions were drafted, I imagine that it was assumed that the hills face zone was a continuous and contiguous strip where it was very easy to determine which parcels of land were to the east of it and which were not. However, the hills face zone is not a continuous strip: it exists as islands and disconnected parcels of land spread along the length of the Mount Lofty Ranges.

When debating this provision last year I used the example of the Mitcham Hills where some areas are covered by the act but others are not, and that is just not good enough. The importance of ensuring that the Native Vegetation Act applies to the Mitcham Hills is because it is one of the last remaining areas where we find the woodland associations connected with Eucalyptus microcarpa.

As members may know, Eucalyptus microcarpa (or grey box) is a woodland association that occurs on heavy soils, such as clays, and in South Australia it occurs in only three small disjunct populations, that is, the Bordertown/Naracoorte region, the Melrose/Quorn region and in the eastern and southern suburbs of Adelaide.

Some 15 years ago botanists were describing this vegetation association as being 'poorly conserved'. The association, as I have said, is found relatively close to the city, on the foot slopes of the Mount Lofty Ranges, and it stretches between Stonyfell and Willunga. This woodland

association was known as the 'black forest'. It once occurred on the Adelaide Plains, but it has since been almost completely cleared.

Heyward Park at Unley Park, which is less than four kilometres from the city centre, contains the last remaining patch of this association on the Adelaide Plains, and that is why it is so important that we protect what little is left of the grey box woodlands.

Importantly, the federal government has stepped up to the plate and, on 1 April this year, the grey box (or Eucalyptus microcarpa) woodlands were declared as an endangered ecological community under the commonwealth's Environment Protection and Biodiversity Conservation Act. The full title of the listing is Grey Box (Eucalyptus microcarpa) Grassy Woodlands and Derived Native Grasslands of South-Eastern Australia.

This has been recognised at the federal level, yet in South Australian state law it is still unclear that our primary native vegetation protection laws apply to this area. I also want to point out at this stage that, in the community, a number of people are working hard to make sure that we recognise, appreciate and, in fact, re-establish this eucalyptus microcarpa woodland. I want to draw particular attention to the group who go by the name of the Grey Box Community Group, based in the Blackwood/Eden Hills/Belair area, who have been active over the last several years to draw attention to the plight of the last remaining Eucalyptus microcarpa woodland and have sponsored days such as the Grey Box Community Day which was held up at Blackwood last year for the first time and this year on World Environment Day. I want to acknowledge the work of artist Greg Johns and also horticulturalist Karen Lane who propagated most of the 7,000 plants that were distributed to the community on that day.

In relation to this bill, my bill makes it quite clear that the bush suburbs of the Mitcham Hills are covered by the Native Vegetation Act and the bill lists those suburbs including Belair, Bellevue Heights, Blackwood, Coromandel Valley, Craigburn Farm, Eden Hills, Glenalta and Hawthorndene. As members would know the Native Vegetation Act does not apply to planted vegetation, so this has no impact on plants, whether native or otherwise, that people have put into their back or front yard. It only applies to naturally occurring native vegetation and ensures that that vegetation cannot be cleared without approval.

Ignorance is no excuse when it comes to breaking the law and, if it is unclear where the law applies, then it puts citizens at a distinct disadvantage and at a serious risk of unknowingly breaking the law. I believe that most people want to do the right thing but to do so there must be no doubt what laws apply and what laws do not apply. With those words, I commend the bill to the council.

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

ELECTRICITY (RENEWABLE ENERGY) AMENDMENT BILL

The Hon. M. PARNELL (16:47): Obtained leave and introduced a bill for an act to amend the Electricity Act 1996. Read a first time.

The Hon. M. PARNELL (16:47): I move:

That this bill be now read a second time.

In 2008 this parliament helped to proudly usher in the nation's first solar feed-in bonus scheme for households. The Greens at that time proposed amendments which were accepted. We moved to extend the length of that scheme and we also moved to expand it to include small generators other than households, including churches and small businesses. At the time that solar feed-in bill passed we said that it was not generous enough but we were pleased to at least be the first state to introduce it. Now other states have well and truly overtaken us and South Australia is now playing catch-up.

Members would also be aware that the Greens have raised over the last two years the issue of electricity retailers ripping off households in connection with this solar feed-in scheme. As members might recall, the legislation was passed in 2008 and it came into operation on 1 July of that year. When the legislation came into operation, the act then required that the sum of 44¢ per kilowatt hour should be paid for any excess electricity (net electricity, if you like) generated by solar panels and fed into the grid.

Prior to the introduction of this scheme, the electricity companies were in fact paying the owners of solar panels effectively a sum of between 16¢ and 24¢ a kilowatt hour which represented what those consumers were in fact paying for the electricity that they purchased from the retailer

but, since 1 July 2008, some retailers chose to replace what they were already paying with the 44¢ premium rather than, as was intended by the government and I think all of us here, that that payment would be in addition to them actually paying for the electricity.

The premium, you have to remember, is not paid for by the electricity retailer: it is actually paid by virtue of a small charge on all other electricity consumers and that amount as that is then passed on to the solar panel owner by the retailer. It certainly does not come out of the pocket of the retailers, so we describe this as 'the great solar rip-off'. What we have found is that companies like Origin, AGL and TRUenergy are in fact collecting windfall profits while they are expecting the rest of the community to pick up the tab for this important action on climate change. In fact, all companies are now paying just a few cents per kilowatt hour.

The Greens started a campaign to ensure that householders with photovoltaic cells were paid a fair price. We introduced into this parliament a private member's bill—the Electricity (Feed-in Rates) Amendment Bill 2008—and that bill was designed to close the loophole and to require the electricity companies to do the right thing and to pay a fair price for the electricity in addition to the legislated feed-in tariff. That bill was passed by the Legislative Council. We passed it here on 8 April 2009. It was opposed by the government and, when they got their hands on it in the lower house, they refused to pass it. So we have given the government the opportunity to fix up this problem of their own making and they have rejected it. The government's excuse at the time was that they were going to have a review. They were going to review the scheme and therefore they were not prepared to pass the Greens' bill. The trigger for the review was the reaching of a target that was set out in the legislation.

The review terms of reference were finally released in, I think, November 2009, some five months after we were told that the review would commence; in other words, the review was supposed to start in May 2009. In June 2009, the government voted down the Greens' bill to fix up the solar rip-off loophole and said at the time that it would have an alternative response by September 2009. It had no such thing, and in fact the review only began some two months later than that—in November 2009.

Of course, that meant that there was no chance of fixing up this problem before the March state election. I predicted last year that it would be at least the middle of this year before we saw any action to fix this problem. But, here we are in July 2010 and we are still no closer to knowing how the government intends to fix up this scheme and, in the meantime, Origin, AGL and, since August last year at least, TRUenergy continue to rip off householders, and this is incredibly frustrating.

Even worse is the fact that, when announcing the review, the government flagged that it was interested in slashing the maximum size of solar systems that qualified under the feed-in scheme from 30 kilowatts down to 10 kilowatts. This will have major impacts on those who choose to invest in larger solar systems, particularly farmers who see the need to diversify their operations and want to generate a new form of income by harnessing the energy from the sun.

At this point, I make note of the statement the Premier made today in another place and tabled in this place just before question time, namely, the Premier's tribute to Stephen Schneider, who very sadly passed away. In his tribute, the Premier referred to the considerable contribution that Stephen Schneider made to policy in the area of renewable energy in South Australia. The Premier said:

> Professor Schneider made extensive recommendations to the state government during the course of his Thinkers' residency. These include measures to both reduce emissions and increase our capacity to deal with the inevitably changes that will occur.

The Premier then went on to outline which of those recommendations had been acted upon. I reflected, on hearing the Premier's words, on the other recommendations that Professor Schneider made that have not yet been acted upon. One that I found on page 53 of the Thinker in Residence report from 2006 was that, as part of the objective of building resilient communities, the professor said that we need to create renewable energy income for farmers.

The best way for farmers to do that—and farmers in the Riverland are looking at this already—is to invest in renewable energy and to use that as a way of generating more predictable income than the vagaries of fruit growing, for example, which is so dependent on an increasingly unreliable water system. So, Professor Schneider was right. What concerns me is that the government is thinking of dropping the capacity of solar farms that will qualify for the feed-in tariff under this bill.

Last year, I asked the Minister for Mineral Resources Development, representing the Premier, questions about this scheme, and when we will see the results of the scheme, because we know the report has been sitting on either the Premier's or some other minister's desk for nine months. I still have had no answer to my question. The frustration I find at not being able to access this is compounded by the fact that I went through the proper channels under the Freedom of Information Act and had the report denied as well.

So, the government has been sitting on this consultant's report. I remind members that the consultant was Mr Paul Miley of Consulting Partners, and his report, it says, will be considered by cabinet and further updates posted on the government's website as they become available. Well, there are no further updates.

The election campaign then was upon us before we knew, and January and February this year was again a golden opportunity for the government to announce that it would fix up the solar rip-off and bring South Australia into line with the increasing number of other jurisdictions that are now powering ahead of South Australia. Certainly, the solar industry was very concerned about the suggestion of reducing the capacity of solar installations that would qualify for the feed-in tariff.

Here we are now in July, and the Greens are prepared to move to the next stage. There is no point reintroducing the bill to fix up the rip-off that the government has been aware of for over a year, and it now has a report that it is sitting on, which hopefully tells it how to fix it up. We are moving on to the next stage, that is, to move South Australia from a net feed-in tariff scheme to a gross feed-in tariff scheme. In doing so, we would come part way—and that is all it is—to matching the New South Wales scheme that has been introduced recently.

The New South Wales scheme came into operation on 1 January this year. That scheme provides for a gross feed-in tariff of 60¢ per kilowatt hour for all the electricity that eligible solar voltaic systems or wind turbines generate. Two aspects of that scheme are important for us. First of all, it is a gross scheme rather than a net scheme, and secondly, it applies to other forms of renewable energy than photovoltaic. It applies to small wind generators as well.

The New South Wales government has no doubt learnt from some of the mistakes of their federal colleagues, and they have made it a requirement that the solar PV systems must be installed by people who are properly qualified and who hold grid connect design and install accreditation from the Clean Energy Council, because the last thing we want to see would be a repeat of the home insulation scheme, which saw unqualified people installing the wrong products in the wrong places. So, the New South Wales government appears to have its act together, making sure that qualified people will be doing the work.

The Consumers Association, through its *Choice* magazine, has recently produced a review of some of the different feed-in tariff arrangements that apply. It says:

> There is little argument: New South Wales currently has the country's most generous electricity buyback rate for those investing in solar power.

The article goes on to say:

> Origin Energy's solar power manager, Dominic Drenin, goes so far as to call it 'the best residential solar panel offer in the world'.

The article then qualifies that by saying:

> …but there are doubts about how long the generous incentives will last, with the popularity of the scheme meaning it's likely to be reviewed by state government soon.

Then it goes on to describe the different schemes. There is a lesson to be learnt from that, which is that we do not want 'shooting star' types of schemes, where only a small number of people get in early before some cap is reached and then the scheme is axed. That provides no security for would-be householders or for the renewable energy industry that needs to plan ahead with investment time frames longer than worrying whether this scheme will last the next month or the next year.

So the Greens' bill that I have introduced today is very simple. We have not gone back to the retailer rip-off component in order for us to be able to have a clean debate on the merits of gross versus net feed-in tariffs and to test the will of the parliament on that question. As I have said, the ball is in the government's court to fix up the retailer rip-off.

The bill, as I have introduced it, does follow the example of New South Wales and allows small-scale wind and other renewable sources as well as solar energy. When I say it follows

New South Wales, in fact it does no such thing. It follows bills that the Greens have introduced all over Australia, including at the federal level. What I meant was that it is consistent with the New South Wales approach, which in fact borrowed very much from the Greens' own bill.

The rate that is paid under the scheme is increased from 44¢ to 50¢, and as I have said it is going from a net scheme, and that is where householders are only paid for the excess power that they export to the grid, to a gross payment, where householders are paid for all the power that they export to the grid. That will significantly increase the return to households, and it will decrease the payback time for solar panels. In fact, the payback time will be significantly reduced, possibly by five years or more, under this scheme.

The case study for the effectiveness of gross schemes is not the New South Wales scheme, or just that scheme, which is only fairly new, but Germany, where they have had such a scheme for some time. That answers the question that many of us ask: why does Germany have thousands of times more solar installations than Australia, when it is a northern hemisphere country, much of which is covered in snow for part of the year? The answer is that they have a gross feed-in tariff, so installing solar panels is actually an economically smart thing to do in Germany.

What I want to make very clear is that, by introducing this bill with this new, more generous scheme for renewable energy, it does not mean that people on low incomes are going to have to pick up the tab for wealthier people who are more able to install these systems. My plea to the government is to not be lazy in its analysis of the scheme and to simply say that it will just add to everyone's electricity bill, because it does not have to. The bill itself does not identify the source of funding, as the current act does not. The Greens believe that, after thorough consultation with the social agencies, with people working on programs for low-income people, we have come up with three possible ways for the scheme to be funded that do not impose an unnecessary burden on low-income people.

The three methods that I want to briefly explore are as follows. Firstly, we could attach the extra costs associated with this scheme to only those electricity consumers who use above average amounts of electricity. Secondly, we could fund part of the scheme through general revenue. Thirdly, we could look at attaching additional costs to those who install large, energy-guzzling devices, in particular monster air-conditioning systems.

The calculations that we have done are that if this bill were accepted as it is, and if the government chose to use the current model of spreading the cost equally amongst all electricity consumers, it would result, I think, in an unfair imposition on low-income people of about $15 a year added to the electricity bill. I do not think we need to go down that path, and I do not want to see that as the outcome, because that would be a significant burden on low-income consumers. There are fairer ways and I will just go through them.

I mentioned firstly that we can look at attaching the cost to people who use above average amounts of electricity. What we could do is use an inclining tariff, so that we focus more on low users of electricity rather than low incomes in terms of attaching the additional cost to fund this scheme. We know that the vast majority of low-income people are also low energy users. There is a direct correlation between income levels and the amount of energy that is used. We also know that small consumers, particularly low-income people, under-contribute to the network problems. In other words, they are not part of the problem, and the problem is what we call the 'peakiness' of the grid. In other words, they tend not to be the people installing massive air conditioners that put a massive extra load on the electricity system at the time of greatest heat. It is that peakiness of the grid that requires us to install new peak generators.

These low-income people are not generally the ones contributing to that problem, but they do at present pay more than their fair share of the cost of fixing that problem. What we could have is an inclining block tariff where you have an initial low base, or what you might call a lifeline tariff, which is based on a reasonable or average level of consumption. You could then follow that with three or four fairly steep inclining tariffs, and the feed-in costs to support this scheme would only attach to the higher tariffs. That would spare the cost of this scheme being an extra burden for low-income families.

The second thing we could do is obtain some of the cost of this scheme from general revenue. That might be an unpopular thing to say, but members should bear in mind that there is no sensible reason why we treat electricity infrastructure different to other natural monopoly infrastructure. For example, when it comes to roads, water infrastructure or broadband networks,

there is an expectation that the government will pay, if not all, part of the cost: that it will not all be levied on consumers. However, for some reason in the case of electricity, and in particular in the case of renewable energy, governments argue that the cost must be totally borne by consumers.

If members are interested in some of the ways the government could use general revenue to pay for an expanded feed-in scheme, you could, for example, consider the fact that the state government receives greater GST revenue when the price of electricity rises. It is that windfall GST that could be used by state government to contribute to the funding of the feed-in tariff.

Over time, through the progressive privatisation of the electricity supply market, there has been a shift from taxpayers to customers in terms of paying for infrastructure. So, infrastructure that was once funded through a progressive system (taxation) is now being funded via a flat or regressive system: in other words, through customers. I think we need to preserve some of that original progressive funding model. That is the second way that I think this scheme could be funded.

The third way is that we could add an extra cost at the time of installation of large power-using devices: in particular, large air conditioners. We need to remember that households that have solar voltaic electricity systems are already playing their part in reducing the peakiness of the South Australian electricity grid, and that is a direct benefit to all South Australian consumers because it reduces the capital costs of expanding infrastructure to cope with peak demand.

You only need to think of the time of day when these massive air conditioners are running full steam, and that is on those hot days when the sun is usually shining pretty brightly and people are hiding in their homes away from the sun. The air conditioners, especially these massive newer ones that are popular in some housing estates, are already being subsidised by the rest of the community. The Greens believe that we need a greater price signal not just at the point of operation through increased electricity use but also at the point of installation. In fact, a levy on these massive new air conditioners could be collected and then used to fund this new gross feed-in scheme.

In fact, some experts have gone so far as to suggest that households should be required to install a solar PV system at the same time that they put in a monster air conditioning system to compensate for the increase in peak demand that is caused by that air conditioner. My bill does not propose such a thing, but it does make the point that, if we offset the installation of these air conditioners with renewable energy, then the array of solar panels on someone's roof becomes an un-air conditioner and balances out what would otherwise be a spike in demand through the grid.

The other thing, which I mention in passing, that the government could do, if it is serious about protecting low-income energy users from the inevitable price rises in electricity that will come not from this bill but from a price on carbon when we eventually see it, is to lead by example and install solar hot water services on every Housing Trust rental property.

The government, I think, put out a statement some months ago saying originally that all government buildings were going to have solar panels on them. Then, when pushed, they said, 'Well, not that vast bulk of public buildings that actually comprises the Housing Trust estate.' So, in fact, there will be very little action in terms of renewable energy on government buildings as a result of that announcement, but Housing Trust properties is the way to start. That means that the benefits of solar energy and solar hot water will be not just for the rich but for everyone.

In conclusion, the Greens believe that it is now time for South Australia, having been the innovator, to move to the next stage, and that is to shift to a gross scheme. The scheme is not economically reckless; in fact, it is conservative. The New South Wales Labor government scheme I referred to before is a scheme operating at 60¢ per kilowatt hour. In my bill I have suggested 50¢, and we need to remember that the current net scheme is 44¢. The reason that I have not gone as far as New South Wales is that, as I said, there is a danger in getting into a boom-bust cycle where you have a mad rush of householders desperate to take advantage of a scheme that they know will probably not last and the government realising that the scheme is too popular and then abandoning it. That is no way to plan for long-term investment in renewable energy.

The other point to note is that the New South Wales scheme is only for seven years, whereas the South Australian scheme was for 20 years, so we do need the security that comes from a longer term scheme. In my bill we have a lower rate, but we have ensured a longer time for the market to adapt and to avoid this boom-bust cycle which has bedevilled the solar industry over the last few years.

By way of stop press, because I know members here are keen to keep abreast of the latest developments, there was an announcement today (in fact, I only received it at the end of question time) at 3.42pm, and it is published in the Carbon + Environment Daily newsletter. It says that the Victorian government has announced that it will establish between five and 10 large solar plants in regional areas in a bid to source 5 per cent of its electricity from large-scale solar power plants by the year 2020.

That is the announcement of premier John Brumby. He said that the 5 per cent target was 'Australia's most ambitious solar commitment' and would be backed by the country's first feed-in tariff for large-scale solar. So, even though I am desperately trying to bring this government and South Australia up to the pace in terms of a feed-in bill, we see that the Victorians now are proposing to introduce such a scheme, not just for the small or relatively small solar and wind installations that my bill covers but also for large-scale solar.

It will be no surprise to members that as a result of that announcement today a range of people have come out congratulating premier John Brumby, including the Clean Energy Council, the Australian Conservation Foundation and, I will also say, Greens Senator, Christine Milne, who pointed out that a properly designed feed-in tariff is recognised as the reason Spain, Germany and some states in the United States have seen tremendous booms in renewable energy—and that, of course, creates jobs and investments, cleans the air and reduces emissions. Senator Milne points out that one-off, ad hoc grants do not do anything to develop the industry.

So, congratulations go to the Victorian Premier. He is still a fair way behind the Greens' clean energy bill introduced some time ago, but at least some premiers are starting to understand what can be done at a state level to support renewable energy and to support solar and wind, in particular—although, as members will note when they go through the detail of my bill, I have not confined it to just those two forms of renewable energy, but there is the option for the government to add other forms of renewable energy that would be covered by the bill.

With those remarks, I encourage all members to get behind this bill, as this chamber did last time I brought a feed-in bill to this parliament. If, in the meantime, the Premier wants to use the winter break to release the report that he has been sitting on for nine months and introduce a more generous feed-in scheme than the one I have tabled in this parliament today, I will be the first person to congratulate him. However, I am not holding my breath.

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

CHILDREN'S PROTECTION (GRANDPARENTS AND FAMILY CARE) AMENDMENT BILL

The Hon. R.L. BROKENSHIRE (17:19): Obtained leave and introduced a bill for an act to amend the Children's Protection Act 1993. Read a first time.

The Hon. R.L. BROKENSHIRE (17:20): I move:

That this bill be now read a second time.

I am pleased to move this bill to put families first in foster care considerations in the child welfare system. The motivation for this bill is not only the principle but also the constituents who have come to Family First over the last eight years having found themselves discriminated against in preference to foster-carers.

Family First has a huge amount of respect for foster-carers, and this bill is by no means an attack upon them; some of them are members and supporters of our party. People who step into foster care do so out of compassion and generosity, and at great personal cost to their own families, and they can be numbered amongst the unsung heroes of our state.

However, with the growing number of children, sadly, finding their way into the guardianship of the minister, and reports of children being kept in motel rooms or centres without a family atmosphere, it is our view that the logical solution is for Families SA to be told by the primary governing policy document (that is, the legislation of the parliament) that they have to drop their ideological differences with or biases against grandparents of foster-children and place them in their care when there are not strong grounds against doing so.

The bill is subtitled 'Grandparents and family care' because the focus is principally on grandparents but, as legislators, we acknowledge there are other perfectly capable family care providers, be they aunts, uncles or even older siblings. In Aboriginal culture there might be appropriate kinship arrangements.

This bill is about raising the priority of exploring these options so that the department is required to show it has considered those options and has solid documented grounds for declining such a placement when it does so. In addition, a family carer who wants care of a child is given standing to participate in the court proceedings. We foresee that the Youth Court will be grateful in many instances to see a care placement available with competent family carers, hearing from them firsthand, rather than relying on the testimony of the department and the parents of the children concerned.

Family First believes this legislation is important because the decision to allocate a placement in family care or foster care is so critical in the early days of intervention. Just as in family law cases, the situation that exists immediately after the moment of upheaval for the children is usually the situation that is allowed to continue as the status quo for the foreseeable future. For instance, if children are removed from their parents, say, in an emergency situation and placed with a foster carer, a bond often develops between carer and child after a traumatic situation, and then the status quo is very difficult to change. The status quo is hard to change in the Youth Court or with the department because experts attest that it is no longer in the best interests of the child for that arrangement to change.

Consequently, Family First wants to see the grandparent or family carer given every possibility through an initial investigation to take that first care of children from their own family. We can see a considerable benefit for the foster care system from this reform by its strengthening the focus on family placement at the earliest possible opportunity. The vital foster care resource I referred to earlier will be available to the kids who really need it the most, that is, those who do not have a viable extended family to love and care for them.

It is poor policy, we believe, for a child to be placed with and then, via the status quo, stay with one of that scarce pool of foster carers when a perfectly viable family care placement exists. Even in recent times, we have had grandparents, in particular, contact us requesting intervention with Families SA to support those grandchildren. Those people have the dedication, they certainly have the loving home environment and often they are well aware of the circumstances and the reasons why these children have been placed in foster care, far more than foster-carers who are not part of the family, and they want to be able to continue the family relationship with that grandchild or grandchildren.

When you look at data from the Australian Institute of Health and Welfare from 2006, it is interesting to note that we are not doing very well in this state compared with some other states in kinship care. In fact, it shows that 47.1 per cent of kinship care is the target that New South Wales is achieving. In South Australia, we are sitting at 38 per cent. So, not many more than a third of the children placed under the guardianship of the minister or, through Families SA, in foster care have an opportunity to go into foster care with their grandparents or some other close and loving relatives.

Recently, the argument put by Families SA to one of my constituents was that the department did not want to place the child in the care of the grandparents because, whilst the woman was the grandmother of the child, she had remarried and the department said it did not recognise her loving new husband as fit and proper to look after the child. I think it is just slackness on the part of the department, which felt comfortable because it had placed the children in a foster care environment and it would be difficult for the department to put in the effort to analyse and take a new direction so the grandparents could have had that opportunity. From my point of view, if a grandparent remarries and the husband or wife of that grandparent wants to love, embrace and look after that child, that is an environment Families SA should be looking at.

I will finish by making one point to highlight another element that has come up through our constituents' interaction with the department; that is, that some of our constituents (and I am sure it is the same for our colleagues in both this chamber and the other place) feel they are discriminated against because of their personal situation. A grandparent, for instance, may have a condition, such as a disability, that the department uses as an excuse not to place children with them when, with assistance from the department or, indeed, another agency of government, that grandparent could provide that care and leave non-family foster-carers available to provide for other children in need, because there is certainly no shortage of children in need. We are hearing more and more of children under the guardianship of the minister being placed in communal housing, with carers who come in and out, which, in my opinion, is not satisfactory.

Our bill amends the Children's Protection Act to ensure that people with disabilities are not discriminated against in the selection of care placement providers. I look forward to and encourage

any debate on this bill from honourable members. I believe it is time we put some pressure on Families SA; no-one else seems to be doing it. The parliament can do it. We have tried before with select committees and the like, and we acknowledge the efforts of many honourable members, such as the Hon. Ann Bressington in this place. It seems that, unless we continue to put pressure on Families SA—and, in fact, unless we amend the law, so that Families SA has no choice but to abide by the law of the parliament and the democratic process—we will continue to have mid-management and above, particularly, making decisions that are not in the best interests of families and particularly those children who need that love, care and attention. I commend the bill to the council.

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

DISABILITY (MANDATORY REPORTING) BILL

The Hon. K.L. VINCENT (17:29): Obtained leave and introduced a bill for an act to provide for the protection of persons with a disability; and for other purposes. Read a first time.

The Hon. K.L. VINCENT (17:30): I move:

That this bill be now read a second time.

I will try to keep my comments brief as, in essence, this bill is pretty simple: it stands to protect some of our most vulnerable citizens which, to me, seems like a pretty simple concept. As members will see, it seeks to protect people who are unable, or are likely to be unable, to even recognise abuse and neglect toward them, such as people with intellectual disabilities or people whose physical disabilities are such that they are unable, or likely to be unable, to report abuse and neglect. That seems a pretty simple idea to me, and I would like to elaborate on that by explaining how the inspiration, if you like, for this bill came about.

A few weeks ago I attended a Productivity Commission hearing which was inquiring into disability services. While there, I heard the parent of an adult child with an intellectual disability speak about her daughter's experiences while living in institutional residences for people with disabilities. I believe that this young woman had lived most of her life in such institutions and, while she was there, she suffered more abuse and more neglect than, frankly, her mother cared to know about. I believe the mother's exact words were, 'I'll never know exactly how much abuse my daughter suffered during her time in institutions and, frankly, I don't want to know.' Mr President, I think that speaks for itself, as I am sure you will agree.

I am not suggesting for a moment that, the minute we put people with disabilities into supported residential facilities or institutions, they are going to be abused or neglected, but we do need to recognise that people with both physical and intellectual disabilities are at higher risk. In fact, research shows that people with intellectual disabilities in particular are four to 10 times at higher risk of being victimised than people without disabilities.

This bill seeks to protect not only those people but also those who have the courage, under this bill if it should become an act, to report abuse and neglect. Why should it be a punishable offence or something that is feared to report the abuse and neglect of some of our most vulnerable people? Why should people feel afraid or feel that they are to be punished for standing up for people who cannot stand up for themselves?

As I said, I am not suggesting for a moment that all people with disabilities are subject to this treatment but we do need to recognise that there is a much higher risk of it happening. Article 17 of the UN Convention on the Rights of People with Disabilities states that every person with a disability—that is, every person—has the right to integrity, both physical and emotional, on an equal basis with all others. The trouble with the UN Convention on the Rights of People with Disabilities is that it does not have any teeth, if you like. It is more of a philosophical document and, while it says some wonderful things, until we have a complete overhaul of the entire disability services system it will not actually stand for much. I think that is a pretty sad fact because all people, with or without disabilities, should have integrity and should have the right to protection.

It is also important to note that this bill does not stand to provide mandatory reporting to people whose disabilities would not prevent them from recognising or reporting their own abuse—I suppose people like myself. So, it does not take away from the privacy or dignity or choice of these people but it does, in fact, protect the dignity of people who cannot report abuse and neglect themselves.

I am aware that there will be some implications, particularly financially, if this bill should become an act but we do have a six-month lead-in, as you will see in the bill, to provide time for the training for all necessary people to become mandatory reporters for people with disabilities, and we do have several service providers onside to help us implement that training. So, it is out there and it does make sense.

As you are aware, we have similar provisions for children under the Children's Protection Act and for the elderly under the Aged Care Act federally. So, it just seems to make no sense to me and my party that people with disabilities can be completely underlooked—overlooked—well, both overlooked and underlooked in this sense. In fact, everyone we have spoken to in regard to this bill has said, 'I can't believe that this isn't already in place,' and our only possible response has been, 'Nor can we.' As I said, it just makes sense that, if we are going to protect children and the elderly on the understanding that they are some of our most vulnerable people, why would we not protect people with disabilities who are just as vulnerable, if not more so?

I think that any implications of this bill—particularly financial—coming into place would be far overridden by the emotional and physical cost of not having mandatory reporting in place for people with disabilities, not just for people with disabilities but also their families. Members would have heard that story I told about the parent of the child who lived in institutions and who now lives with the pain and regret every day of knowing that, in her mind, it is her fault that happened to her daughter because she allowed her to live in institutions.

It is also with great disappointment and even greater sadness that I point out to members that, if this bill should become an act, South Australia would in fact be the only state with specific disability mandatory reporting in place. As I said, it seems such an obvious thing that, again, I cannot believe this is true, but unfortunately it is.

On the positive side, however (as I do tend to be a 'the glass is half full' type of person), I hope that, if this bill were to be made law in this state, it would be only a matter of time until the rest of the states, I would hope, follow suit. All I can do is encourage members to consider this bill very seriously. It does a lot in five and a bit pages.

While I completely recognise that this is not a holistic solution to solving the problem of abuse and neglect of people with disabilities, any person with a disability who has ever felt vulnerable, or any parent or family carer of a person with a disability—such as the parent I talked about earlier—will tell you this is a damned sight better than nothing.

I hope that members will consider supporting this bill and making article 17 of the UN Convention on the Rights of Persons with Disabilities a reality for all people in this state.

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

ELECTORAL (VOTING AGE) AMENDMENT BILL

The Hon. T.A. JENNINGS (17:40): Obtained leave and introduced a bill for an act to amend the Electoral Act 1985; and to make related amendments to the City of Adelaide Act 1998, the Juries Act 1927 and the Local Government (Elections) Act 1999. Read a first time.

The Hon. T.A. JENNINGS (17:41): I move:

That this bill be now read a second time.

I introduce this bill today because, within our society, there currently exists an ageist discriminatory policy to deny the right to vote to young people of 16 and 17 years of age, yet 16 year olds and 17 year olds are allowed to work (or, in fact, often have to work), pay tax, leave home, drive cars, get married, become parents, make career decisions related to training and education, and they can, of course, join the armed forces. Indeed, in many cases we do expect them to shoulder all these responsibilities.

Despite this, they are not entitled to have a say or a voice on the policies which dictate how they carry out their very adult affairs. In 1973, voting was lowered to include 18 year olds, as it was recognised in changing circumstances at that time that 18 year olds were indeed mature and responsible enough to make decisions regarding their wishes for the future of our country and their country.

Our current social situation is considerably different from 1973. Our young people are more educated than ever before. They are already often politically active in groups, such as the United Nations Youth Association, the Oaktree Foundation, Make Poverty History, the Australian Youth

Climate Coalition and Students of Sustainability, which last week at Flinders University saw the largest student-run conference in Australia.

I also note that 15 year olds are able to join the Labor Party, the Liberal Party and some other political parties and often do. Citizenship education, youth engagement campaigns and high-speed interactive media have made Australian young people more politically savvy and aware than previous generations. Australia currently has an ageing population, and as the baby boomers continue to age and continue to vote the political agenda will be increasingly dominated by issues that are primarily focused for older and ageing people, and young people may further be marginalised and disconnected from our political system.

A Canberra member of the Legislative Assembly, Mary Porter, examined this issue with her colleagues in parliament and came to the conclusion that it would be a very positive step towards engaging young people in politics where they were clearly capable to do so. The most frequent criticism of offering young people a vote is, of course, that they are not well enough equipped with the knowledge of the political and governmental process to understand what is happening. Mary Porter responds (and I would agree):

> I would also say that there would be many young people who would possibly not be ready to vote, but we could say that about any age group.

Indeed, it was once argued that women, of course, were too naive or too innocent to participate in politics and that political debate and participation would be too much for them. It was argued that their husbands or fathers would know what was in their best interests. Many of these arguments that were put way back then (which, of course, we discount now) are similar to those that are mounted against 16 and 17 year olds. Just as they are patronising, they are also archaic. Thankfully South Australia was among the leading states in the world in granting suffrage to women and, in this case, if we were to extend suffrage to 16 and 17 year olds, we would again be leading the world but, of course, we continue to follow. Austria allows 16 year olds to vote at all elections while Germany and Switzerland allow 16 year olds to vote at a number of elections at different levels in different areas. Cuba, Nicaragua and Brazil or allow voting for 16 year olds, although in Brazil it is only compulsory at 18 years of age.

Another argument often levelled against young people is that they are too impressionable to be able to make a considered choice when faced with aggressive campaigning strategies of political parties. The ABC published an article with some recent research that was done in South Australia that suggested that all voters were highly impressionable and voted more on whether a candidate looked competent rather than the party's policy—again, no difference between 16 and 17 year olds and those over 18.

To stop 16 and 17 year olds voting sends the message that they are not real citizens: their views are not valid, they are neither intelligent nor mature. These messages can often become a self-fulfilling prophecy. The political acumen of these young people can be seen when one watches a program such as *Q&A* on the ABC which frequently takes questions from young people under 18 and even featured an entire episode where former prime minister Kevin Rudd faced off against a parliament full of young people. Mr Rudd finished a little worse for wear from that experience. I would like to see what would happen in the coming election should 16 and 17 year olds be able to have a voice.

From the ABS data from 2009 we know that there are 446,010 young Australians aged 16 to 17 who are currently denied this right to vote. In South Australia that is 21,832 individuals currently disenfranchised. Young people have considerable expectations made of them, and we expect them to take on responsibilities, yet we do not grant them the rights associated with these responsibilities. This bill goes some way to granting those rights for those who are willing. This bill would grant the right to vote for those 16 and 17 year olds who choose to. It would not make it compulsory for them but it would in fact give them the option to vote should they desire.

I will finish with the words of Reverend Jonathon Mayhew who in 1750 in the American War of Independence campaigned for no taxation without representation. I think the same today can be applied in regard to young people. We must grant them the representation they deserve in allowing them to vote and allowing them to have a say in the future of this country in which they will live for much longer than us lawmakers. I commend this bill to the council.

Debate adjourned on motion of Hon. Carmel Zollo.

FACILITIES FUND

Orders of the Day, Private Business, No. 1: Hon. R.P. Wortley to move:

That regulations under the Harbors and Navigation Act 1993 concerning Facilities Fund, made on 3 December 2009 and laid on the table of this council on 11 May 2010, be disallowed.

The Hon. CARMEL ZOLLO (17:48): On behalf of the Hon. R.P. Wortley, I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

DEVELOPMENT CODES AND STANDARDS

Orders of the Day, Private Business, No. 2: Hon. R.P. Wortley to move:

That regulations under the Development Act 1993 concerning adoption of codes and standards, made on 10 December 2009 and laid on the table of this council on 11 May 2010, be disallowed.

The Hon. CARMEL ZOLLO (17:48): On behalf of the Hon. R.P. Wortley, I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

STOLEN GENERATIONS REPARATIONS TRIBUNAL BILL

The Hon. T.A. JENNINGS (17:48): Obtained leave and introduced a bill for an act to establish the Stolen Generations Reparations Tribunal and to define its functions and powers; and for other purposes. Read a first time.

The Hon. T.A. JENNINGS (17:49): I move:

That this bill be now read a second time.

I move this bill today on the stolen generations to establish a stolen generations reparations tribunal. I do so because, as many of us would know, this country has a very black history and a very dark history when it comes to our treatment of Aboriginal people. I do so because we need to move forward and take steps towards reconciliation between Aboriginal and non-Aboriginal people in this country. I note that a stolen generations reparations tribunal is some way overdue in coming, much as the apology was a long way overdue, although when it did come it provided a great deal of hope and cohesion in our nation. Such a move as a stolen generations reparations tribunal would provide similar hope and similar reconciliation in this country.

I have been touched, as many in this chamber would have been touched, by the stories in the 'Bringing them home' report. The report, which came to the federal parliament over a decade ago, exposed stories that had long gone untold and hidden. We have a very long way to go in providing adequate response to these historical violations. Aboriginal children have been forcibly separated from their families and communities since the first days of European occupation. Often the only basis for removal was the fact that they were Aboriginal. Regardless of the facts about their family situations, simply by being Aboriginal children they were deemed to have been neglected and their parents incompetent.

Violent battles were fought over the rights to land, food and water in this country, and Aboriginal children were taken and exploited for their labour, often at no cost to the kidnapper, of course. There were frightening and sometimes violent raids on Aboriginal camps to search for and seize children. Survivors report being hidden by family members, being made to look extra black so as to not be a popular candidate for becoming an adopted child and taken in by another family, and seeing violence committed against the children's families.

One woman's story, presented in relation to the 'Bringing them home' report, was presented as confidential evidence from 1997 and it provides some idea of the devastation of these acts. The story goes:

I grew up Oodnadatta area with my grandmother and she would see the missionary coming. She would run away with me. She would keep running away and the police would come sometimes and shoot the dogs and that, and my grandmother would run in the creek and hide me away till about really dark and come back home. I might have been 10 or 11. We see one missionary coming, one of my auntie roll me up like a swag sort of thing, you know, and hid me away. But I must have moved and he got me out and said to me, 'I'll give you a lolly and we'll go for a ride, go to Oodnadatta'. They put me on a train and my grandmother was following the train. She was running behind the train singing out for me. Then I was singing out, 'I'll be back'. I thought I was going for a holiday or something.

This was confidential evidence case 382 of a South Australian woman who was removed from her grandmother's care in the 1960s. She was never informed of the reason for her removal. The Aboriginal chief protector in South Australia made a submission to the commissioner of public works on 27 August 1932, demonstrating the differing opinions in South Australia at the time. I quote as follows:

> The general opinion of station people is that it is a mistake to take these children out of the bush. They say the Aboriginal mothers are fond of their children and, in their own way, look after them and provide for them and that when they grow up they are more easily absorbed and employed than those who would have been taken out of their natural environment and removed to the towns. The mission representatives say that, if the girls are left in the bush they only become the prey of the white men and become mothers at an early sage. My experience has been that removing them to towns and to institutions does not overcome this trouble, it only accentuates and increases it.

Many of the reasons behind the removal were based on the idea that, within European Australian society, a better life could be provided for Aboriginal children. Whilst Aboriginal parents were grateful for training and education to allow their children to live more easily in a changed and changing world, it was not necessary to forcibly remove these children to achieve this. These are the words of Matthew Kropinyeri as told to the royal commission in 1913:

> In regard to the taking of our children in hand by the state to learn trades, etc., our people would gladly embrace the opportunity of betterment, but to be subjected to complete alienation from our children is, to say the least, an unequalled act of injustice. No parent worthy of the name would either yield to or urge such a measure.

Another further devastating story to highlight the lasting emotional and social impact and damage that these policies have caused over the years is another one of the many personal stories told in connection with the 'Bringing them home' report:

> 1936 it was. I would have been five. We went visiting Ernabella the day police came. Our great uncle Sid was leasing Ernabella from the government at the time, so we went there. We had been playing altogether, just a happy community, and the air was filled with screams because police came and mothers tried to hide their children and blacken their children's faces and tried to hide them in caves. We three—Essie, Brenda and me—together with our three cousins, the six of us, were put on my old truck and taken to Oodnadatta, which was hundreds of miles away and we got their in the darkness.
>
> My mother had to come with us. She had already lost her eldest daughter down the children's hospital because she had infantile paralysis—polio—and now there was the prospect of her losing her other three children, all the children she had. I remember that she came in the truck with us, curled up in the foetal position. Who can understand that—the trauma of knowing that you're going to lose all your children? We talk about it from the point of view of our trauma, but our mother, to understand what she went through, I don't think anyone can understand that.
>
> It was 1936 and we went to the United Aborigines Mission in Oodnadatta. We got there in the dark and then we didn't see our mother again. She just kind of disappeared into the darkness. I've since found out in the intervening years there was a place they called the natives' camp and obviously my mother would have been whisked to the natives' camp. There was no time given to us to say goodbye to our mothers.
>
> From there we had to learn to eat new food, have our heads shaved. So one day not long after we got there my cousin and I…we tried to run back to Ernabella. We came across the train. We'd never seen a train before and it frightened the hell out of us with the steam shooting out. So we ran back to the mission because that was the only place of safety that we knew. She was four and I was five.
>
> Then we had to learn to sleep in a house. We'd only ever slept in our wiltjas and always had the stars there and the embers of the fire and the closeness of the family. And all of a sudden we had high beds and that was very frightening. You just thought you were going to fall out and to be separated.
>
> There was a corridor and our cousins were in another room. We'd never been separated before. And the awful part was we had to get back into that train later on with one little grey blanket and go down to Colebrook…a matter of weeks after. From that time until 1968 I didn't see [my mother]. Thirty-two years it was. [I stayed at Colebrook] till 1946 [when] I was fourteen or fifteen. We were trained to go into people's homes and clean and look after other people's children. I went to a doctor and his wife. They were beautiful people. I stayed with them a couple of years.

[Sitting suspended from 18:01 to 19:48]

The Hon. T.A. JENNINGS: As members may be aware, I was in the middle of addressing this bill to establish a stolen generations tribunal, and I was sharing with the parliament the stories that come from the 'Bringing them home' report and from those presentations that were made at that time. I was in the middle of a story which I will take up here:

> I guess the most traumatic thing for me is that, though I don't like missionaries been criticised—the only criticism that I have is that you forbad us to speak our own language and we had no communication with our family. We just seemed to be getting further and further away from our people, we went to Oodnadatta first, then to Quorn next, then when there was a drought there we went to Adelaide and went out to Eden Hills and that's where we

stayed till we went out to work and did whatever we had to do. I realised later how much I had missed of my culture...I realised later how much I had missed of my culture and how much I'd been devastated.

Up until this point of time I can't communicate with my family, can't hold a conversation. I can't go to my uncle and ask him anything because we don't have that language. I guess the government didn't mean it as something bad but our mothers weren't treated as people having feelings. Naturally a mother's got a heart for her children and for them to be taken away, no-one can ever know the heartache.

She was still grieving when I met her in 1968. When me and my little family stood there—my husband and me and my two little children—and all my family was there, there wasn't a word we could say to each other. All the years that you wanted to ask this and ask that, there was no way we could ever regain that. It was like somebody came and stabbed me with a knife. I couldn't communicate with my family because I had no way of communicating with them any longer. Once that language was taken away, we lost a part of that very soul. It meant our culture was gone, our family was gone, everything that was dear to us was gone.

This bill focuses on communal reparation. It includes measures such as funding for healing centres, community education projects, community genealogy projects and funding for access to counselling services, health services and language and culture training. The bill establishes a stolen generations reparations tribunal which is constituted according to the following principles:

- acknowledging that forcible removal policies were racist and caused emotional, physical and cultural harm to the stolen generations;
- asserting that Aboriginal children should not, as a matter of general policy, be separated from their families;
- recognising the distinct identity of the stolen generations and that they should have a say in shaping reparation; and
- ensuring that Aboriginal persons affected by removal policies should be given information to facilitate their access to the tribunal and other options for redress.

The key elements of the stolen generations reparation tribunal are:

- reparations should be guided by the van Boven principles and should be material, in kind and non-material, and include but not be confined to monetary compensation;
- the provisions of ex gratia payments as a minimum lump sum payment to all Aboriginal people forcibly removed from their families as a recognition of the fact of removal;
- acknowledging the intergenerational harm of the forcible removal policies, that reparation should be extended to include not only the individual removed but also their family members, communities and descendants of those removed; and
- claimants will only have to demonstrate the act of removal occurred under certain legislation or was carried out, directed or condoned by an Australian government.

The van Boven principles are a set of principles developed by Theo van Boven in 1996 for the United Nations on the Right to Reparation for Victims of Gross Violations of Human Rights and Humanitarian Law. The van Boven principles recognise the right of remedy for victims of gross violations of human rights. The 'Bringing them home' report cites the van Boven principles and concludes that reparation for the stolen generations should be guided by these principles. The tribunal's functions include:

- deciding on appropriate reparation;
- deciding on an appropriate amount of any ex gratia payment;
- providing a forum and process for truth and reconciliation by which Aboriginal people affected by forcible removal policies may tell their story, have their experience acknowledged and be offered an apology by the tribunal or by others;
- consider proposed legislation to report on whether it should be contrary to the principles of this act; and
- inquire into prejudicial policies and practices by government or a church organisation brought to the tribunal's attention.

This bill also establishes the eligibility criteria for those entitled to reparations and ex gratia payments. As a nation and a state, we owe the Aboriginal population recognition of a history of

gross violations of human rights. They deserve reparations in acknowledgement of the suffering that they have endured for decades.

Whilst no compensation, no apology and no amount of money can ever fully compensate these people for the violations committed, the healing effects of acknowledgement and compensation can. Entire generations suffered loss, grief and trauma. They can never be adequately compensated. Individuals lost their Aboriginal identity, their parents, their culture, their language, and communities lost leaders. They lost their history and, as I have said, they lost their language and their culture. They often ceased to exist as an independent community.

I will conclude by drawing the parliament's attention to the Universal Declaration of Human Rights, which compels us to grant reparation in article 8:

> Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

This is not the only international treaty binding us to act here. Article 2(3) of the International Covenant on Civil and Political Rights (1966), article 39 of the Convention on the Rights of the Child, article 19 of the Declaration on the Protection of all Persons from Enforced Disappearances, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and article 6 of the International Convention on the Elimination of all Forms of Racial Discrimination all provide a right to compensation for the violation of human rights.

This bill and the establishment of a reparations tribunal has a dual function. It will redress past harm and create measures of reparation that offer enduring social, cultural and economic benefits to those affected. This is only fair. We as a society have inflicted enduring social, cultural and economic harm upon these individuals and upon their society. I commend this bill to the house.

Debate adjourned on motion of Hon. B.V. Finnigan.

HUMAN RIGHTS, BURMA

The Hon. T.A. JENNINGS (19:55): I move:

That this council:

1. Notes the 5 March 2010 report of the United Nations (UN) Special Rapporteur on the situation of human rights in Myanmar documents 'a pattern of gross and systematic violation of human rights which has been in place for many years and still continues';

2. Notes the Special Rapporteur states these violations 'may entail categories of crimes against humanity or war crimes under the terms of the statute of the International Criminal Court' and recommends that 'UN institutions may consider the possibility to establish a commission of inquiry with a specific fact finding mandate to address the question of international crimes';

3. Notes on 9 March 2010 the Burmese regime announced the election laws for the forthcoming election based on the 2008 constitution that excludes political activists who have been arrested, Buddhist monks and nuns and public servants from standing for election, prevents the National League for Democracy (NLD) headed by Aung San Suu Kyi, and winners of the country's last election, from registering if Aung San Suu Kyi remains a party member, and annuls the results of the 1990 election which saw the NLD win more than 80 per cent of the vote; and

5. Welcomes the Australian government's indication that it would support investigating possible options for a United Nations commission of inquiry, and—

   (a) articulates its support for human rights and democracy in Burma;

   (b) calls for the release of each of the 2,100 political prisoners in Burma;

   (c) condemns the 2008 constitution as anti-democratic; and

   (d) supports the call for all governments to refuse to accept the results of the Burmese elections scheduled to be held later this year unless all political prisoners are unconditionally released and a new democratic constitution is introduced that would permit the full participation of all political parties and individuals and would respect the will of the Burmese people.

It is timely that I rise today to speak on this motion because, of course, almost 22 years ago, on 8 August, more than 3,000 Burmese students, activists and monks were murdered by the military regime in scenes of unprecedented violence and brutality. On that day on which the world remembers the innocent Burmese murdered by the military in the uprising, now of course over two decades ago, it is time that Australian governments increased pressure on the regime by expelling these students and freezing all Australian bank accounts associated with the regime. Australia should not give comfort to those who have grown wealthy by stealing from their own country, and

at least three children of senior military figures of that regime are, in fact, reported to be living in Australia.

In the latter part of this decade, with the Saffron revolution, on the eighth day of the eighth month of 1988, decades of incompetent, corrupt and repressive dictatorship drove a famously tolerant and peaceful Burmese people onto the streets. The unprovoked attacks on these demonstrators were horrific. The military responded with systematic bashings, arbitrary arrests and torture and, of course, widespread murder.

In late September 2007, hundreds of thousands of monks, nuns, activists and ordinary citizens turned out in a peaceful protest against the regime on the streets of Rangoon and many other cities and towns throughout Burma. Of these, at least 31 protesters were killed and 3,000 arrested, including 18 elected MPs and many monks and nuns. Monasteries were invaded and ransacked and monks were beaten and tortured. The world must not turn its back on the plight of these Burmese.

The events of 22 years ago not only demonstrate the viciousness of the military in their determination to maintain a vice-like grip on power and to pillage their country regardless of all human cost but also show the courage of the people of Burma and their commitment to restoring democracy after so many decades of dictatorship. We have now seen the 20th anniversary of the last Burmese election pass. This, of course, was won in a landslide by democracy leader Aung San Suu Kyi and her party. The MPs elected in 1990 have never been allowed to take their seats, and the repression and abuse of human rights has continued unabated since then. New elections, of course, are scheduled to be held this year under an anti-democratic constitution that was rammed through in 2008. The military and their collaborators are guaranteed to maintain control no matter which party has the support of the Burmese people.

In 1988 Australia, disgracefully, was the first country to recognise the repressive military dictatorship that emerged from the chaos of this uprising. I am now pleased to see that the tides have turned in this country. Twenty-two years later—it is well past time, of course—we have undone the mistake of our previous leaders and we have given assistance to the Burmese people struggling to be free.

In recent years, the European Union and the USA have also rejected the elections, and the Rudd government has won rare praise from Burma campaigners for a move in Geneva that could lead to an international legal case against Burma's military junta for crimes against its people. This, of course, came after a discussion in the United Nations Human Rights Commission in Geneva about the report of their Special Rapporteur Tomás Quintana. That report called for an investigation into Burma's military for human rights crimes and war crimes against civilians, and it was angrily rejected by the Burmese government as unobjective and politically motivated.

At the Geneva meeting, I am proud to say that Australia endorsed an investigation into ways that a United Nations commission of inquiry might be held. In its response to the Special Rapporteur's report, Australia, through the diplomatic language, of course, was robust. Australia's representative in Geneva is quoted as saying that Australia would support investigating possible options for a United Nations commission of inquiry. Tough talk indeed for the United Nations.

The Greens have seen this as the first steps towards an international criminal court prosecution of the Burmese regime and judiciary, and it is something that the Australian government has previously strongly resisted but we very much welcome. Further evidence that Australia is looking to increase pressure on Burma came during a Senate debate welcoming the government's initiative, which passed unanimously without requiring a vote.

On top of that, Australia formally made clear its dismay at the five electoral laws unveiled recently by Burmese authorities. In fact, Australia's foreign minister, Stephen Smith, made a detailed statement to the Australian parliament on that issue, prefacing his remarks by saying Australia had joined the international community in suspending judgment on whether Burma's plans for elections this year, the first in 20 years, signalled a genuine intention to return to democracy.

In recent times, the Burmese authorities published five electoral laws which will govern the conduct of the election and, whilst in some respect it is not surprising, I very much doubt that there will be an appropriately conducted election on the basis of the publication of these electoral laws.

With its diplomatic shift in Geneva, Australia has put more pressure on Burma, though campaigners are still hoping Canberra can be convinced to widen those sanctions. The

New South Wales parliament has also since then moved a similar motion in support of free and fair elections to be held in Burma, and around the country similar motions such as this are being moved in different parliaments and, of course, across the world.

It is time to get tough on the enemies of democracy and, in this case, Burmese democracy. The spirit and courage of the people of Burma and their commitment to restoring democracy after over 56 years of dictatorship remains strong, and so should we. With the international community's help and the help of parliaments such as ours, Burma can once again be free, and the South Australian parliament can play some part in achieving that. We can show that the world is watching.

Debate adjourned on motion of Hon. B.V. Finnigan.

NEW MIGRANTS

The Hon. J.S. LEE (20:04): I move:

That the Social Development Committee inquire into and report on 'New Migrants' with particular reference to—

1. the number of new migrants settled in South Australia in the last ten years;
2. their countries of origin, cultural background, religion and language;
3. the types of visas granted to them at the point of entry (e.g. refugees, skills migrants, business migrants, international students, etc.) and circumstances they choose to migrate to South Australia;
4. their age groups, family structures, education/qualifications, skills levels, English language proficiency;
5. the types of support currently available to help the new and emerging communities understand their rights and obligations—whether new educational curriculum, training and employment pathways should be considered to help them acquire suitable skills for employment;
6. their level of integration and adjustment to life in South Australia—identify which groups of new migrants are most vulnerable and at risk and how they overcome their personal and social barriers so that they can achieve greater social, education and economic participation in the mainstream community;
7. the suburbs or townships they reside in and duration of their stay in South Australia and if they move, which state do they go to;
8. the overall social and economic impact of new migrants in South Australia;
9. any other relevant matters.

I am pleased and honoured to be serving on the Social Development Committee for the 52nd parliament. The committee is chaired by the Hon. Ian Hunter. The other members include the Hon. Dennis Hood and the Hon. Kelly Vincent from this place as well as members from the other place. In the first meeting, the esteemed chair, the Hon. Ian Hunter, asked all members of the committee to table areas of interest with a view to conducting future inquiries. I shared my thoughts about a possible inquiry into new migrants. At the time, members from the Social Development Committee showed considerable interest.

Since then, I have had various discussions with leaders of various ethnic communities, as well as Mr Hieu Van Le, the Lieutenant-Governor of South Australia and Chairman of the South Australian Multicultural and Ethnic Affairs Commission. Mr Le is truly an inspiration to many South Australian migrants. As we know, he has been a strong advocate for promoting multiculturalism, and I take this opportunity to acknowledge Mr Le's tireless efforts and contributions to make South Australia an inclusive society.

The discussions and research work I did led me to move this motion in this house. In speaking to the motion, I refer to a publication entitled 'People of South Australia: statistics from the 2006 census'. The report provides detailed statistical information on the diversity of the South Australian community. Honourable members in this house are most welcome to have a read of the 477 pages of this long report. The statistics are useful, but the figures were produced approximately four years ago, so the data is a bit out of date. Nevertheless, the report is a good starting point.

I would like to provide the council with an overview of South Australia's multicultural diversity. South Australia's population is becoming more and more diverse. Migrants settling in South Australia in the past 3½ years have come from more than 200 different birthplaces.

Approximately one in five South Australians was born overseas, with about half of this group born in English-speaking countries and the other half born in countries where English is not a dominant language.

According to the ABS census data, the arrival of skilled and business migrants from India, Malaysia, China, Korea and the Philippines has risen sharply, and there are a number of growing African communities due to refugee entries. There has also been a steady flow of skilled and business migrants from South Africa. The potentially big communities of the future in South Australia are predicted to be Chinese, Indian, Filipino, Malaysian and South African.

It has also been recorded in this 477-page report that there is a steep rise in the number of households where certain languages are spoken. Hindi (India) has risen 105 per cent; Mandarin Chinese, by 127 per cent; and Korean, by 210 per cent. In contrast some of the established migrant communities from the traditional source countries, such as Greece, Italy and the former Yugoslavia, are getting smaller and are ageing. The proportion of people over the age of 65 in these established communities is growing rapidly.

European settlement brought initial diversity of immigrants to Australia, and this trend has continued to the present time, although there have been variations in attitude to migration, ranging from the White Australia Policy to populate or perish, refugees and asylum seekers. As we all know, the debate continues. There is little likelihood that immigration will cease, although the mix of immigrants and immigrant groups has changed considerably and is likely to continue to do so.

We need to recognise that the cultural and linguistic background of these new migrants is significantly different from the traditional migrants. I believe that, as members of parliament, we need to better understand the needs and aspirations of new migrants so that we are in a better informed position to develop sound and inclusive policies and legislation.

I am not here today to debate future population strategy or policy in relation to immigration, because it will be covered by the motion moved by the Hon. Michelle Lensink, through the Environment, Resources and Development Committee. As a matter of clarification, my motion deals more specifically with the social development issues faced by new migrants or new Australians who are currently in our community.

Over the years, we have seen the gradual abandonment of the assimilation policy in favour of integration and then of multiculturalism. Integration reflected an awareness that the first generation of immigrants was unlikely to assimilate completely and that their adaptation to the new society would be more effective if their cultural needs were recognised rather than denied. While emphasis was still placed on English language acquisition, it came to be recognised that bilingualism or multilingualism was an advantage and more support was given to foreign language media as a way of communicating with new Australians.

I am very pleased to report that there is an increased recognition that immigration was a two-way opportunity, where the older or more established Australians could learn from new migrants as well as teach them. Migrants are increasingly recognised for their cultural enrichment to many aspects of our lives and significant contributions to the development of the South Australian economy.

With the continuous growth of new migrants in South Australia, this motion aims to examine the social and economic impact of the new and emerging communities. Currently, there are a number of outdated quantitative statistical publications such as the census data, but what we need is a consolidated report that will pull together a broad range of social development issues important to all South Australians.

For example, do we know whether the current educational system is providing the right environment and learning outcomes for new migrants' children? Do we know whether our current training and employment pathways are adequate to help them acquire suitable skills for employment? Have employers and industry groups been adequately consulted so that they can provide equal opportunity for new migrants? Do we know which groups of new migrants are most vulnerable and at risk? Do we know what personal and social barriers they currently face?

There have been some antisocial behaviours or violent incidents reported in the media from time to time, either towards a new migrant or caused by a new migrant. These incidents, if not managed well, can create unnecessary anxiety, misunderstanding and fear, which can accumulate into serious social problems in the South Australian community.

Based on my contribution today, I believe members of the council will recognise that it is a priority for politicians, government departments and community groups to understand the level of integration and adjustment to life for new migrants in South Australia. To conclude, for the healthy and robust development of a multicultural society and for new migrants to achieve greater social, educational and economic participation in mainstream Australian community, I urge members to support the motion.

Debate adjourned on motion of Hon. I.K. Hunter.

WORKERS REHABILITATION AND COMPENSATION

Adjourned debate on motion of Hon. R.I. Lucas:

That the regulations under the Workers Rehabilitation and Compensation Act 1986 concerning claims and registration—discontinuance fee, made on 26 November 2009 and laid on the table of this council on 11 May 2010, be disallowed.

(Continued from 23 June 2010.)

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) (20:13): The government opposes this disallowance motion. Section 76AA of the Workers Rehabilitation and Compensation Act gives WorkCover the power to impose a discontinuance fee upon employers when they cease to be registered with the scheme. Regulation 16A of the Claims and Registration Regulations sets the formula for the calculation of this discontinuance fee. The formula was developed and consulted on by WorkCover and supported by the government.

As all members are aware, a previous disallowance motion against this regulation was debated and passed last year. The government opposed the motion, maintaining that the formula within the regulation is the simplest and fairest method of calculating a discontinuance fee that appropriately requires employers exiting the scheme to pay their share of historically insufficient levies.

As such, this government remade the regulation in November last year. However, the opposition has seen fit to move another disallowance motion without seeking any information about why a discontinuance fee is necessary. It has also not considered any views, other than that of the organisation Self Insurers of South Australia (SISA), which clearly has a vested interest in increasing its membership through more employers moving to self-insurance in South Australia.

The honourable member argues that the discontinuance fee prevents employers from moving to self-insurance and, thereby, reduces the opportunities of workers to return to work. In actual fact the existence of the discontinuance fee allows the WorkCover board to continue applications for self-insurance and be confident that when employers exit the scheme there will be no adverse impact on WorkCover's finances.

Under section 60 of the act, the WorkCover board is required to consider the impact on the fund of any move to self-insurance. Any move to self-insurance results in loss of levies for WorkCover and may have an adverse impact on a scheme which is currently underfunded. The existence of the discontinuance fee allows the board to satisfy the requirement under section 60 and know that there is no impact on the scheme.

The honourable member referred in his speech to two actuarial reports which indicated that the average levy rate would not change if the percentage of self-insurers in the scheme changed. However, let me point out that the PricewaterhouseCooper's report is more than 12 years old and was released at a time when the financial difficulties of the scheme were not yet clear. The other report referred to was from 2004 and its conclusions were based on assumptions, including the exit fee at the time, and so cannot be applied to a situation where no exit or discontinuance fees exist.

Finally, allow me to restate the reasons that WorkCover and the government continue to support a discontinuance fee. Historically, WorkCover has had levy rates which, with hindsight, were set below what was necessary to appropriately fund the scheme. WorkCover is now rectifying this situation. Employers who leave the scheme are charged a discontinuance fee as they have, in general, previously been undercharged and they will no longer contribute to restoring the scheme to a position of full funding.

The formula within the regulation links the amount payable by the existing employer directly to the level of underfunding experienced by the fund. It is the simplest and fairest method of

calculating a discontinuance fee that appropriately requires employers exiting the scheme to pay their share of historically insufficient levies. When the scheme is fully funded, the discontinuance fee will be zero.

So, let me ask members of the opposition why, after repeatedly berating WorkCover in parliament and in the press about the scheme's financial status, they oppose measures such as these which seek to address the problem? As a member of a responsible government, I oppose the disallowance motion.

The Hon. A. BRESSINGTON (20:18): I rise briefly to reaffirm my support for the motion to disallow the regulations under the Workers Rehabilitation and Compensation Act 1986 concerning discontinuance fees. For those seeking my rationale I refer to my speech made on 18 November last year. As was outlined by the Hon. Rob Lucas (who has taken the reins on this issue from the Hon. Rob Lawson), self-insurers, regardless of the measure used, achieve far better results for both employers and injured workers.

Given this, I am of the opinion that this parliament should not intentionally impede a company's ability to move to self-insurer status. However, their departure from the WorkCover scheme must be equitable to those who remain. Thanks to a briefing provided this morning by the minister and the Chief Executive of the corporation, I have a greater understanding of how the arrangements prior to these regulations, to which we will revert, fall short in achieving this. That said, I remain of the opinion that the proposed discontinuance fees still go too far.

I am hopeful that, if these regulations are again disallowed, the government will not simply re-introduce them without amendment but instead will encourage WorkCover Corporation to engage in meaningful negotiations with Self Insurers of South Australia, as I believe a middle ground can surely be found. It has always been my understanding that the intent of disallowing this regulation was to try to force the corporation and the government to move forward to a more cooperative approach and away from an adversarial one.

I would just like to make the point that there is no objection from self-insurers, or anyone else, to the existence of disallowance or exit fees. Self-insurers are not saying that they do not want to pay any fees. They are just saying that with the formula devised now it will be prohibitive for any business to move to self-insured status. I believe that middle ground can be reached if we can get WorkCover Corporation and SISA to sit down and try to reach agreement on what is equitable for everyone.

The Hon. T.A. JENNINGS (20:20): I rise to indicate that the Greens will oppose the motion to disallow the regulations under the Workers Rehabilitation and Compensation Act 1986 concerning claims and registration discontinuance fees. I thank the minister for providing a briefing to my office. I also acknowledge that this reflects the position the Greens last took when this matter was discussed.

The rationale put before us is that, as we know, the WorkCover scheme has probably been very underfunded—and historically so. We are looking at many other issues with the WorkCover scheme, and the Greens will work with other members in this place in relation to them. I look forward to the review of the WorkCover scheme some time later this year.

The Greens have a principle of a publicly well-funded WorkCover scheme. We have a principle that injured workers should be protected. In fact, no-one should be injured or die as a result of leaving for their job that morning. No mother, father or child should lose a family member due to a workplace incident.

We have accepted the government's case that this fee does not put in place unnecessary barriers for those who wish to become self-insured. I reiterate that the Greens' position is that we would prefer a robust public system rather than people leaving to self-insure.

The Hon. R.I. LUCAS (20:22): I thank members for their contributions to the debate. Given that the debate was first conducted only a little while ago, it was reasonable that those of us who contributed before did not repeat earlier contributions. There were some new members in the chamber who did need to address the issue at hand, so I thank those members for their contributions.

I will briefly make two or three points in response. I did note with interest that the Leader of the Government indicated—and I will check the *Hansard*—or said something along the lines that the levy had been set at too low a level in terms of achieving the goal of full funding of WorkCover.

I do note that only recently WorkCover announced a reduction in the WorkCover levy. The minister in charge of WorkCover is saying that the levy rate has been set at too low a level when WorkCover Corporation has only just reduced it, so the minister responsible for WorkCover is actually speaking out against a decision which the WorkCover Corporation has only just taken and which is supported by the Premier and Treasurer in South Australia.

The Leader of the Government is adopting a courageous position in opposing the position of the Premier, the Treasurer and WorkCover Corporation. Nevertheless, we admire his courage. It might be an indication that he does not see himself long for the position and the chamber—but that is a matter for debate on another occasion.

The PRESIDENT: The Hon. Mr Lucas should stick to the motion.

The Hon. R.I. LUCAS: It is the motion, Mr President.

The PRESIDENT: It has nothing to do with the motion.

The Hon. R.I. LUCAS: Exactly what the Leader of the Government said was that the level of the WorkCover levy had been set at too low a level. Mr President, I am responding only to the statement made by the Leader of the Government, which, Mr President, I gather you allowed as part of the debate. I was just responding to it.

I raised another issue in my contribution which the minister responded to only briefly. I think it is only fair that, if it wants to argue a position in relation to this, the government should provide some actuarially-based evidence to justify the position it is adopting.

I indicated, based on the evidence taken by the Statutory Authorities Review Committee, that two actuarial reports had been presented to WorkCover, supposedly (and I asked for copies of those but, obviously, they are not going to be provided), which actually argued against the government's position, that is, these actuarial reports indicated that if employers left WorkCover to join self-insurance or to undertake self-insurance, there would not be this pressure on the levy rates for the remaining employers in the scheme.

The government's position and those who support the position of the government and of WorkCover is the reverse. I put on the record that we had been informed that there were two actuarial reports that argue against the government's position and WorkCover Corporation. The minister tonight, for the first time, has conceded that, in fact, that is the case. His only argument was that one of the reports was, I think, five or six years old and the other was 12 years old.

I note that nothing has been undertaken—that we are aware of, anyway—by WorkCover Corporation since, and I suspect that is because it has had two goes at asking the actuaries to try to back up their argument, and the actuaries have said, 'Well, no, what you're saying is wrong.'

I think that it is not unreasonable, given all the judgments we make about WorkCover—or not all the judgments but some of the judgments we make about WorkCover in relation to the unfunded liability—to say that, obviously, they are based on the expertise of those experts called actuaries who do the work and crunch the numbers and who make judgments about the impact of various decisions on the unfunded liability.

The minister here tonight for the first time has conceded that, over a period of time, two actuaries have done the work and come up with advice, evidently completely contrary to the government's position and to WorkCover Corporation's position, in relation to this issue. If the government wants to progress this, and I am not sure how the numbers in the chamber will go this evening, but if the government's position is maintained, it can just ignore this debate.

However, if this regulation is disallowed, what WorkCover or the government should do is, at the very least, commission an actuarial report to see whether or not that information can be used, perhaps, as the Hon. Ann Bressington said, to move this debate forward to some compromised position; that is, something different from the government's arrogant insistence that it knows best and that whatever the numbers are in relation to this formula, so be it, and it is just going to keep on reinstituting the regulation as it stands.

Certainly, my view will be, and I make it plain, that if it is disallowed this evening and if the government reintroduces it in exactly the same form without any consultation, on behalf of the Liberal Party I will take a position to the party room that we continue to seek to disallow it until the government is prepared to sit down, as the Hon. Ms Bressington has suggested, and, perhaps, seek some compromise.

But I think that doing any compromise can be done only on the basis of actuarial evidence. If the two actuarial reports so far do not support the government's case, then, maybe, if it gets a third actuary it might eventually find someone—I think we call it 'forum shopping', when one is talking about independent medical examiners or doctors—who is prepared to support its position. If that is the case, good luck to it; at least it will have some evidence to come to the Liberal Party and to Independent members to justify the position that it is adopting. I think that is not an unreasonable position to be putting to members.

With that, I am disappointed that the government is not prepared to make available the two reports. I guess we will have to go through the process of lodging FOI requests to see whether we can get both those reports now and make them more freely available in terms of better informing this particular debate. I would urge members in the chamber to support the disallowance to at least allow a further consideration by hopefully the government, WorkCover, SISA and all the other stakeholders in relation to this.

If I can conclude and just support the words of the Hon. Ms Bressington: WorkCover is about issues, obviously for employers, but more importantly it is about issues in terms of employees and injured workers. One of the critical things we were told throughout all of the recent investigations into WorkCover has been the issue of return to work. No-one has disputed the fact that self-insurers have far superior return-to-work measures than WorkCover Corporation. If one is interested in injured workers and employees, then that ought to be an issue that people consider when they address this particular resolution.

The council divided on the motion:

AYES (12)

Bressington, A.	Brokenshire, R.L.	Darley, J.A.
Dawkins, J.S.L.	Hood, D.G.E.	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I. (teller)	Ridgway, D.W.
Stephens, T.J.	Vincent, K.L.	Wade, S.G.

NOES (9)

Finnigan, B.V.	Gago, G.E.	Gazzola, J.M.
Holloway, P. (teller)	Hunter, I.K.	Jennings, T.A.
Parnell, M.	Wortley, R.P.	Zollo, C.

Majority of 3 for the ayes.

Motion thus carried.

TORRENS ISLAND QUARANTINE STATION

Adjourned debate on motion of Hon. A. Bressington:

That this council calls on—

1. The Minister for Environment and Conservation to—

   (a) conserve the heritage value of the Torrens Island Quarantine Station and the remaining pristine environment on the northern end of Torrens Island by taking steps to prevent any further industrial development of these sites;

   (b) take steps to restore the Torrens Island Quarantine Station buildings on the South Australian Heritage Register and ensure sufficient funds are available to do so;

   (c) engage in negotiations with the Treasurer with the objective being for the Department of Environment and Heritage to take control of the northern end of Torrens Island, including the site of the former quarantine station, from the Generation Lessor Corporation;

   (d) take steps to provide tourist access to the Torrens Island Quarantine Station and surrounding historical sites and engage in consultation with all relevant parties with a view to facilitating regulated tourism; and

2. The Treasurer to—

   (a) release details of the application before the Development Assessment Commission and of the proposed commercial uses of the proposed allotments; and

(b) cease moves to further develop Torrens Island and cease negotiations with commercial parties seeking to do so.

(Continued from 30 June 2010.)

The Hon. M. PARNELL (20:37): I rise briefly to support the motion that calls on the Minister for Environment and Conservation to take various steps. At the heart of the motion is a need for a more transparent process that has, as its primary objective, the protection of Torrens Island from inappropriate development.

I acknowledge the Hon. Ann Bressington for bringing this motion to the house and also for the very useful forum that she hosted in Parliament House last week. I am also grateful to members of the National Trust, who facilitated a tour that I took a fortnight ago of Torrens Island. Members would be aware that this issue has been locally controversial and has taken up a great deal of space in the pages of the *Portside Messenger*.

At its heart, the conflict is over the appropriate use of an area that is relatively undisturbed. Members might think it unusual for me to describe Torrens Island as relatively undisturbed because it has a massive power station there, but one of the ironies of sites where access is restricted is that, apart from the footprint of that particular power station, there is very little other visitation of the island and it is relatively undisturbed.

Part of Torrens Island is mangroves and sand dunes and it is in excellent condition. It is in excellent condition because it is behind a locked gate and very few people have access to it, which means that the usual human impacts that have so degraded the coastal environment are largely absent from Torrens Island.

The application that is before the Development Assessment Commission is an application for a subdivision. Subdivisions of themselves do not cause any impact on the environment. A subdivision is an exercise in drawing lines on a map, but the problem is that this is clearly not just an application for a subdivision but that it is effectively the precursor to a debate on what will happen to each of those blocks once they have been subdivided. The big fear is that industrial development, such as developments that have been moved out from the Inner Harbor as a result of the Newport Quays development will be located in amongst the native vegetation and the natural environment of Torrens Island.

The Hon. Ann Bressington's motion refers to the heritage values of the island and, if members have not had the chance to visit the old quarantine station, I suggest that they seek that opportunity, because it is really a remarkable place in South Australian history, a place where many early arrivals disembarked. Most of them got through that process; a number did not, and their graves are still there to be seen.

The government's position, as outlined by the local member, treasurer Foley, and other members of the government seems to be that, because there is a power station on the island, then it is open slather for industrial development. I agree with the Nature Conservation Society that that is not the right approach to take. In fact, the Nature Conservation Society of South Australia is quoted in the local Messenger newspaper as saying:

> This is the last sand dune mangrove area remaining in the Port region, which makes it really significant.

That quote is from Georgina Mollison, the society's conservation ecologist. She goes on to say:

> There is very little left of this type of ecosystem remaining, particularly in metropolitan Adelaide. From an ecological point of view it is a buffer for the Port River, and we need to maintain a buffer in that area to minimise the effects of industrial development.

Members would also appreciate that Torrens Island is in fact the intertidal area and, particularly, part of the Adelaide dolphin sanctuary. It begs the question: with the amount of development, both industrial and residential, occurring around and in some cases on top of the dolphin sanctuary: what is the point? What is the point of declaring a dolphin sanctuary if anything goes in terms of residential and, in this case, industrial development?

The honourable member's motion calls on the government to publish more details in relation to the proposal, and I would say that it is not good enough for the government to simply allow to be published on the Development Assessment Commission's website the bare bones of a subdivision application when clearly what people have a right to know and are interested in knowing is to which heavy industries the government proposes to sell or lease these blocks, once subdivided, on Torrens Island. We know, for example, that Heritage SA and the Native Vegetation

Council have already made comment on the subdivision proposal, yet there is no easy access to their reports. The government should be open and honest with the people—not just of Port Adelaide but also the people of the state—because this heritage is of state significance, and tell us exactly who it has in mind.

It also brings to mind the debate we had here not that long ago over the Searles boatyard. I remember being castigated by the Leader of the Government and other members of the government that we were standing up for old tin sheds and standing up for the old waterfront heritage of Port Adelaide. The point is that those people who were dislocated from those sites now need somewhere to go, and what the government is doing, most inappropriately, is sending them towards Torrens Island. We know there are other locations, other empty waterfront sites and other industrial sites at Gillman, for example, that would be far more appropriate than this area on Torrens Island. To my mind it shows that this government cares very little for protecting open space, and in particular environmentally significant open space.

I expect that the Environment, Resources and Development Committee of parliament will have something to say about this development when we have a look at it, as we looked last year at a similar project whereby the government rezoned a large area of biodiversity park for industrial development, the same area that the environment department had been funding community groups to rehabilitate. The other government departments relating to trade are more than happy to rezone that not quite completely revegetated land for industrial development. So, with those words, the Greens are pleased to be supporting the Hon. Ann Bressington's motion.

Debate adjourned on motion of Hon. B.V. Finnigan.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (PARENTAL GUIDANCE) AMENDMENT BILL

Adjourned debate on second reading.

The Hon. D.G.E. HOOD (20:46): I rise briefly to indicate Family First's support for the Hon. Ms Lensink's bill. This is a good bill. From time to time bills come up in this place that make you think 'Gee, why didn't I do that?' I must say this falls firmly into that category, so my congratulations to the Hon. Ms Lensink. This is a good initiative. It is one that I think, frankly, is overdue. Many of us bemoan the increasing sexualisation of children in our society and I think that this measure, although a very, very small step in that direction, is a step in the right direction towards curtailing that influence.

Another aspect of this bill that I think is particularly significant is that it really makes it clear that in many ways industry self-regulation is questionable at the least. In the case of the industry that this particular legislation targets, I think it is an industry that needs some regulation, needs a little bit of a helping hand in that direction, if you like. So this bill will go a very small way to doing that. It would certainly be a small step, but an important step, and one which we wholeheartedly support. I think there are many other things that can be done, of course, but this is a good step in the right direction and we support it wholeheartedly.

The Hon. A. BRESSINGTON (20:48): I rise to indicate my support for the Classification (Publications, Films and Computer Games) (Parental Guidance) Amendment Bill 2010, introduced into this place by the Hon. Michelle Lensink. This bill seeks to utilise existing consumer advice provisions in the classification act to provide parents purchasing tween or teen magazines with some guidance on the magazine's content and appropriateness for the child's age. As was highlighted at a briefing held yesterday morning—and I thank the honourable member for organising that—this bill comes before us as a result of a concerted campaign by the Youth Affairs Council of South Australia in the build-up to the March state election.

Members interjecting:

The Hon. A. BRESSINGTON: Is that different from what I said?

Members interjecting:

The Hon. A. BRESSINGTON: I will correct that—YWCA, instead of YACSA. However, concerns about the sexualisation of children, particularly young girls, have rightly in my opinion long been held by parents, educators and professionals. Despite not having developed the cognitive, emotional or social tools to deal with exposure to adult and sexualised material, our children are literally bombarded with sexualised images and references and encouraged by media and advertisers to mimic adult behaviour and embrace adult ideals.

It is important that our children have a good sense of self, but they are losing the will and skills to enjoy and continue their growth through childhood to adolescence and are expected to bypass this special time in their lives and become adults long before they are capable of its comprehension. This period has been described by Dr Michael Carr-Gregg as the latency period.

We know that the seeds of body image disorders in teenagers are sown in childhood, during the formative years in which children begin to develop their understanding of status and develop their ideal body image. That research has shown that girls from the age of six desire a thinner ideal body and have an awareness of dieting to achieve this. Research has shown that this does not bode well for their adolescence, when body image concerns heighten and lead to low self-esteem, depression and eating disorders not just during adolescence but into adulthood.

Other members have drawn attention to the positive aspects of teen and tween magazines, such as articles on bullying, particularly cyber bullying, and fitness. While these are positive lessons and commendable, one cannot ignore that these magazines rely upon, if not exist entirely for, the advertising dollar. Advertisers see such magazines as an opportunity to target impressionable young girls and, unfortunately, like most advertising in the modern era, most of the adverts draw upon existing body image or attempt to create new body image or status insecurities.

With the sole intention of moving product, young girls are told that what makes them liked by their peers is the way they look and that they should look like the models wearing their product. They are told that looking sexy is empowering and that that look is only a product or two away. Additionally, most of the articles (if you can call them that) reinforce the unhealthy messages of these adverts, with the focus on denigrating or promoting the appearance of celebrities, provide tutorials on how to be more attractive (presumably to the opposite sex), including which clothes to buy and accessories to have, etc., and on coupling relationships.

This is then reinforced by peer group pressure, with Ms Rita Princi commenting at yesterday's briefing that some of her clients, who are young girls, have been teased for dressing differently from the ideals sold by these magazines, with some being teased for not having the magazines themselves targeted by this bill.

While it is easy to target our outrage at examples of overtly sexualised images and references in tween and teen magazines, the point needs to be made that such magazines are only a small part of the problem. From TV commercials and programs to Bratz dolls, bimbo celebrities and sexualised music videos and lyrics, the sorry reality is that, in our modern society, young girls are provided with few healthy female role models.

While this parliament must do all it can to restrict sexualised material being available to, and more importantly targeted at, young people, particularly young children, unfortunately, due to the federal classification scheme, we are very limited in our ability to independently exercise control over the classifications of teen and tween magazines and other material targeted at children. Working within these parameters, the bill before us instead seeks to utilise and, I guess, guide existing consumer advice provisions in the Classification (Publications, Films and Computer Games) Act 1995.

Consumer advice needs to be distinguished from classification. Classification is the formal categorisation of material into the relevant categories of classification listed in section 15 of the act, those being unrestricted, category 1, category 2 or refused classification (in the case of publications), whereas consumer advice is intended to supplement this rigid categorisation with advice or warnings for consumers.

There is no requirement for a publisher to submit an otherwise unrestricted classification publication to the South Australian Classification Council or the Attorney-General for assessment as to whether it requires consumer advice. Instead, and presumably as the honourable member intends, the Attorney-General or the council, having received a complaint about a publication, may under section 24A of the act call in a publication for reclassification and, despite knowing full well that its classification status will not change from unrestricted, decide as part of that process that it should carry consumer advice.

The decision as to whether a publication must carry a consumer advice marking is entirely at the discretion of either the Attorney-General or the classification council and, while the bill envisages guidelines, none presently exists. While the amendments to section 21 of the act, which provide for consumer advice warnings of a PG or M marking, would appear to be operative provisions, the ability of the minister to require consumer advice, whether it be using these well-

known classification markings or some other warning, already exists in the Classification (Publications, Films and Computer Games) Act 1995.

I have had little time to research this bill since the briefing yesterday, so I am unaware of how often, if at all, the South Australian Attorney-General or the South Australian Classification Council exercises the power under section 21 and requires the publication to carry a consumer advice. The Labor member responding on behalf of the government may be able to answer that question for me.

I indicate to the council that I will be moving a minor amendment (I apologise to honourable members for the short notice) which will allow the Attorney-General, when making a notice under section 21, to also make a declaration under section 19A requiring all or a specific number of subsequent editions of that publication to also carry that consumer advice. My reading of section 19A in the act, particularly the term 'classification granted', is that it presently restricts declarations to the formal classifications listed in section 15 and cannot be applied to consumer advice; hence, it would be necessary for the Attorney-General to issue a notice for each subsequent edition.

While theoretically possible, in practice this would be unworkable and would create the difficulty for the publisher to add the consumer advice after it had been released, unless they had of their own volition brought it to the attention of the Attorney-General or council prior to its release, and that would be highly unlikely. Instead, my amendment will make clear that 'declaration' under section 19A can relate to consumer advice.

With that said, I support the bill as it at least seeks to address, within the limited capabilities of this parliament, the ever-growing concern about the sexualisation of our children. As stated, we should do all we can to push back against those who, for commercial gain, exploit our children, and hopefully in doing so reclaim that precious period in a child's life: their childhood.

The Hon. B.V. FINNIGAN (20:57): Parents and other people in the community are rightly interested in monitoring the material their children read. There has emerged in recent times a growing market for magazines, movies and consumer goods aimed at what are sometimes called tweens. The popularity of the Hannah Montana character and Bratz is evidence of this trend. I am aware of these characters as I do have a lot of nieces and nephews and they are quite interested in some of these things.

Some of the material aimed for sale to younger girls contains information or content that is of concern to parents. Some of this material might be reference to sex, drugs or strong language which, while not attracting any restriction in terms of classification, is not something parents want their children exposed to without their guidance.

The premature sexualisation of girls is a matter of considerable community debate and concern to parents, women's groups and others. This debate has canvassed a wide range of areas, including marketing, clothing, popular movies, music video clips and, of course, publications, which are the subject of this bill. The YWCA is to be commended for the interest it has shown in this subject and its commitment to the welfare of girls and their parents. I and a number of other Labor members, I am sure, would have been interested in attending the YWCA briefing yesterday, which was scheduled at the same time as the regular meeting of Labor members. This was pointed out to the Hon. Ms Lensink's office.

The government shares the concern of parents and others regarding the possible exposure of young girls in particular to inappropriate material without the guidance and education that parents provide. However, the government is not satisfied that this bill is the appropriate way to deal with the legitimate and well-considered concern that many in the community have expressed. It is necessary, firstly, to consider the classification regime that applies to publications. The bill amends the Classification (Publications, Films and Computer Games) Act 1995, South Australia's National Classification Scheme legislation.

The National Classification Scheme (NCS) is a joint commonwealth, state and territory legislative and administrative scheme under which publications, films and computer games are classified and their advertising, sale, demonstration and exhibition regulated. The commonwealth legislation, the Classification (Publications, Films and Computer Games) Act 1995, establishes the Classification Board; determines the types of classifications that are applied to publications, films and computer games; empowers the Classification Board to classify publications, films and computer games; sets out the procedures the Classification Board follows in making its

classification decisions; and establishes a review mechanism (the Classification Review Board) which, on application, reviews decisions made by the Classification Board.

Each state and territory has enacted its own enforcement legislation. These acts determine how films, publications and computer games can be sold, hired, exhibited, advertised and demonstrated in each jurisdiction. The relevant South Australian act is the Classification (Publications, Films and Computer Games) Act 1995.

Unlike other jurisdictions, South Australia maintains its own separate classification regime that can, if triggered, classify publications, films and computer games independently of the commonwealth boards. The classification bodies under the South Australian act are the South Australian Classification Council and minister. When classifying publications, films and computer games, the council and the minister have basically the same powers as the commonwealth boards and, like the boards, must classify in accordance with the National Classification Code and the classification guidelines issued under the commonwealth act. A classification decided by the council or minister has effect to exclude any classification of the same publication, film or computer game under the commonwealth act.

In addition to the power to classify a publication, film or computer game, the commonwealth boards and, by virtue of section 21 of the South Australian act, the South Australian council and minister may or must, depending upon the classification given, determine consumer advice giving information about the content of the publication, film or computer game. As this bill contains amendments relevant to publications, it is worthwhile briefly considering the classification of publications under the National Classification Scheme.

'Publication' is defined very broadly to mean any written or pictorial matter other than a film, computer game or an advertisement for a publication, film or computer game. Under the NCS legislation, code and guidelines, publications are either submittable (meaning they must be submitted for classification by the board) or not submittable. A submittable publication is one that, having regard to the classification code and guidelines, contains depictions or descriptions that:

(a) are likely to cause the publication to be classified 'refused classification';

(b) are likely to cause offence to a reasonable adult to the extent that the publication should not be sold or displayed as an unrestricted publication; or

(c) are unsuitable for a minor to see or read.

The point of the submittable/non-submittable distinction is to ensure that publications that contain material that is below that which would attract a restricted classification do not have to be submitted for classification. When one considers the content of non-submittable publications and the number of magazines, books, pictures and so on that are published and released for sale into the market each year, the logic of this becomes apparent. Once submitted, a publication may be classified in descending order—

- refused classification (RC);
- category 2 restricted;
- category 1 restricted; or
- unrestricted.

A publication not meeting the criteria for one of the restricted categories must be classified unrestricted.

Unrestricted publications may be sold from any premises to any person and, unless subject to an express condition to the contrary, need not be displayed or delivered in a particular type of packaging but must display the determined marking and any consumer advice determined by the classifying body.

I turn now to the bill which seeks to make changes to consumer warnings applying to unrestricted publications. Clauses 1 and 2 are formal. Clause 3 amends the definition of 'determined marking'. I understand that changes to the definition are consequential upon the amendments to section 21 in clause 5.

Clause 4 amends section 18 to make clear that that provision which requires publications, films and computer games to be classified by the council or the minister in accordance with the

National Classification Code and the National Classification Guidelines must be read subject to the new provisions in section 21.

Clause 5 amends section 21 to add a new subsection (1)(a) that provides that the council or the minister may require a publication to carry one of two consumer warnings:

- M—mature (not recommended for children under 15); and
- PG—parental guidance recommended for children under 15.

The amendment relating to the M consumer warning is unnecessary. The guidelines for the classification of publications already provide that unrestricted publications containing material that is not suitable for readers under 15 years of age will be labelled with consumer advice that reads, 'M—Not recommended for readers under 15 years.'

The relevant determination under the commonwealth act, the Classification (Markings for Publications) Determination 2007, dictates the form of the required consumer warning. It is a rectangular box divided into three sections, the top section containing the word 'UNRESTRICTED', the middle section containing the words, 'M (Mature)' and the bottom section containing the words, 'NOT RECOMMENDED FOR READERS UNDER 15 YEARS'. The marking must be no smaller than 30 millimetres in height and 70 millimetres in width. It is an offence under section 46B of the South Australian act to sell a publication unless the relevant consumer advice is displayed on the publication or the packaging of the publication.

There is currently no provision for a PG type consumer warning to be mandated for unrestricted publications. PG is not a publication classification, so it is not entirely clear what types of publications would be caught by the amendment. PG is a film and computer game classification. A quick look at the code and the guidelines for films and computer games gives some idea of the sort of material that would get an unrestricted publication a PG consumer advice.

What would not be covered? First, anything unsuitable for a minor under the age of 18 would be restricted. Secondly, anything unsuitable for a child under the age of 15 would be unrestricted but would attract an M consumer warning. As indicated earlier, a provision for an M consumer warning already exists. That leaves material which, according to the film and computer game guidelines, may contain material which some children find confusing or upsetting and may require the guidance of parents or guardians.

The impact of the classifiable elements—themes, violence, sex, language, drug use, nudity—should be no higher than mild. The scope of a PG consumer advice for publications could thus be extensive. A large range of mass circulation magazines, such as *Woman's Day* and *New Idea*, as well as so-called lads' magazines and health magazines, contain material that some children under the age of 15 might find confusing or upsetting, or which discuss one or more of the classifiable elements—themes, sex, violence, language, drug use, nudity—in a mild way. This could also apply to many novels, prints, paintings, and so on.

Under these amendments, the council or the minister would be required to examine any magazine, book, picture or publication reported to it, him or her as potentially containing PG material and be forced to assess it and, if appropriate, require the relevant consumer advice to be attached. Even if the government was prepared to run a massive complaints-based system, a new administrative structure would have to be established. This structure would have to include trained assessors and a support structure to receive and process complaints and notifications. The current system is simply not set up to deal with this. There is no administrative structure. There are no trained assessors. It would have to be set up largely from scratch and would involve a substantial cost to establish and run on an ongoing basis.

It would also add costs to publishers and distributors in South Australia who would face the prospect of their unrestricted publications being submitted, assessed and required to carry PG consumer advice. Distributors and retailers would be at risk of having popular titles removed from shelves to be repackaged with a PG warning, even though the particular magazine or book complies with the law in all other states and territories. This risk and associated costs could lead to publishers withdrawing titles from the South Australian market. They would not be popular with, nor fair on, the vast majority of magazine and book consumers.

If introduced, the new laws would need to be enforced. This would mean diverting police resources into enforcing PG consumer warnings on magazines, novels and the like. Parents are quite right to be concerned about the content of the magazines and books their children read. That is what the National Classification Scheme is there for.

In its current form, publications that contain material that is unsuitable for children under the age of 15 may already be identified and labelled with an M consumer warning. Extending this regime as proposed will make it expensive to administer, enforce and comply with, and would place South Australia out of step with the other member jurisdictions of the National Classification Scheme.

As I said earlier, the government understands the concerns of parents, family members and carers regarding content that children are exposed to; however, this bill is not the appropriate way to address these concerns because of its flaws. The government will consider further what may be more effective ways to deal with the problem, particularly in the context of the National Classification Scheme. I am not aware that this bill has been the subject of widespread consultation with interested groups and those it would affect, particularly retailers and publishers.

Given that some honourable members take the view that it is the government's responsibility to ensure private members' bills are dealt with promptly, that it is the government's responsibility to fix flaws in its own bills after their passage, and that it is the government's responsibility to consult with relevant industry operators on its own bills, the government cannot be satisfied that such a considerable change to the law should be rushed with fewer than two months' consideration. For all of the reasons I have outlined, the government opposes the bill.

The Hon. J.M.A. LENSINK (21:10): I thank all honourable members for their contribution. I also thank the speakers who were prepared to come in yesterday to brief members, and I indicate for the record that they were Winnie Pelz, who is the Acting CE of YWCA; Rita Princi, who is a child and family psychologist; and Professor Elizabeth Handsley of Flinders University, who is an expert in media law. Both Rita and Elizabeth are board members of Young Media Australia, so they have spoken extensively on this issue. I do note from the preceding speaker that the ALP had its caucus at the same time; I apologise for that. However, things being as they were, all three of those speakers who were able to come in are very busy people, and I do appreciate their time. I do note that minister Gago was able to send her adviser, and I appreciate her attending.

In summing up, I reiterate for the record that there are many, many publications that the Classification Council just does not see. I anticipate that a very limited number of these publications would be captured by this legislation. As I said in the briefing yesterday, those publications know who they are. We have a system that is very much reliant upon the industry being aware of whether they are relevant to be captured by a particular piece of legislation. Then, if they are in breach, it relies on consumer complaints to the classification board and then investigation.

This bill will not restrict the sale of publications in any way; it is consumer advice. It provides two examples to determine markings that may be used; it does not mandate what they are. There are other ones that may also be anticipated. I believe it has provided an opportunity for greater community input and understanding of this particular issue. I am disappointed that, once again, the Labor government has decided to behave as a dog in the manger. While the government bleats platitudes about understanding the issue, it has used hyperbole and circular arguments not to support this bill. As I said in my second reading explanation, all of the parties were invited to address this issue at the YWCA; so they are certainly aware of it. It is a very small bill of some four clauses.

May I say that this is the government that sought to ban that great threat to civil society, the eating of cats and dogs, in its first term, yet this is an issue that is of great concern. There were 300 people who paid nearly $30 to go to Walford College on a cold evening to listen because they were very concerned about this issue. However, the government has chosen not to make any effort to participate in this and to send a message to marketers of products to children and pre-teens.

I also note that the Senate committee, which reported some time ago, which was chaired by a Labor senator and whose recommendations were provided to a Labor government, has done absolutely nothing to implement any of those recommendations. So, Mr President, you heard it here first: expect to see some version of this bill in some incarnation in the name of the government, and they will claim credit for themselves. I put them on notice that their actions are noted, and they will be judged accordingly. I commend the bill to the house.

Bill read a second time.

In committee.

Clause 1.

The Hon. B.V. FINNIGAN: As I indicated, the government is concerned about this issue and wants to take a considered, measured approach to solving the problem. The honourable mover has said that this bill is only targeted at a small group of publications and that they know who they are. It is my understanding that the law does not quite work like that. If this bill were passed, the minister or the council would have to act on assessing publications reported to it. I do not think that the minister or the council could say, 'I'm sorry, this bill wasn't aimed at you,' because that is not what the act would provide.

You cannot pass clauses and amendments to laws and say, 'We only intend for it to apply to this group of people, and other people it won't apply to,' because that is not what the statute provides. So, I would ask the honourable member if she can confirm that it is her understanding that under these amendments the council or minister would be required to examine any magazine, book, picture or publication reported to it or him or her as potentially containing PG material, be forced to assess it and, if appropriate, require the relevant consumer advice to be attached?

The Hon. J.M.A. LENSINK: I think the honourable member quite deliberately misunderstands the way the classification system operates.

The Hon. B.V. Finnigan: Just answer that question I just asked.

The Hon. J.M.A. LENSINK: I am answering it.

The Hon. B.V. Finnigan: No, you are not.

The Hon. J.M.A. LENSINK: I am answering it.

The Hon. B.V. Finnigan: Well, you can just say yes.

The Hon. J.M.A. LENSINK: No, I am not going to just say yes. I am going to answer it in the way that I choose, not in the way that the acolyte of Don Farrell chooses to answer it for me. The way that the classification system operates is that it does not sit in judgment on every publication that is sold in South Australia. It relies on complaints, and not everybody sits around trying to ping a magazine for a particular complaint.

There was a complaint made to the council several years ago relating to a magazine called *Zoo Weekly*, I think it was, and so it investigated that. It said in the annual report that, specifically, the complaint focused upon matters of a violent content and alleged sexual content inclusive of that material printed on the cover of the magazine. The magazine is currently unrestricted in respect of its classification.

The Classification Council and the Attorney-General do not rush around to retailers and check every magazine for its content. It is reliant on complaints from members of the public, and in response to complaints it then investigates. So, obviously, the producers of magazines are very well aware of what the regulatory environment is doing, they are well aware that there was a Senate inquiry and they would be well aware that this parliament is looking at this particular issue and, therefore, they would be remiss if they did not seek to comply with those laws.

The Hon. B.V. FINNIGAN: The short answer there was yes, the council or minister would be required to examine any magazine, book, picture or publication reported to it or him or her as potentially containing—

The Hon. A. Bressington: Due to a complaint made.

The Hon. B.V. FINNIGAN: Yes.

The Hon. J.M.A. Lensink: I said that.

The PRESIDENT: Order!

The Hon. J.M.A. Lensink: Yes. So, what's your point?

The Hon. B.V. FINNIGAN: Yes. So, she is agreeing that that is in fact how the bill works. The honourable—

The Hon. J.M.A. Lensink interjecting:

The CHAIRMAN: Order! The Hon. Mr Finnigan.

The Hon. B.V. FINNIGAN: How am I insinuating it? I asked: is it correct that any publication, etc. referred or reported to the minister or the council would have to be assessed and potentially given a consumer advice? The answer, clearly, is yes. The honourable mover's

response is, 'But not many of them will, and the publishers know what they've got to comply with, so it's not really a big issue.' Again, that is not the way to make laws, to say, 'We don't think that many people are going to be caught by this law, so it's not really that important.' That is really not the way the law works.

I would, therefore, ask the honourable mover if she is able to provide any information or whether has she made any estimates as to the cost of implementing this scheme, given that she does acknowledge that people would be able—whether or not they would choose to take up that option—to make complaints and have the minister or the council assess publications for PG content and potentially issue a warning.

The Hon. J.M.A. LENSINK: On the question of cost, I am reliant on the record of the South Australian Classification Council. The one I have in my hand is for the year ended 30 June 2007, so I will necessarily have to make some assumptions that the number of complaints are comparable.

The council in that particular year met six times. Its expenditure for the year was $3,900. It received a total of 21 queries, and they were: complaint about advertising (seven); query about classification of a computer game (one); query about consumer advice (one); query about classification of films, video, DVD (two); complaint about merchandise (two); query about classification of publications (one); query about sale of computer game (one); complaint about TV content (two); query about the act (one); query about copyright (two); and information about censorship (one).

From that, I take it that two queries out of 21 related to the issues that might broadly come under this ambit. As it was $3,900, I cannot imagine that unless there were some sudden stampede of people rushing off to make complaints to the South Australian Classification Council that it would be significant.

The Hon. B.V. FINNIGAN: I wish to place on the record that the honourable mover obviously failed to mention there that our scheme is consistent with the commonwealth scheme, so most of it is done by the commonwealth, which expends considerably more on the subject. This amendment would create a new category of consumer advice out of step with the rest of the jurisdictions in Australia, which I believe would create quite a number of newer complaints.

An honourable member interjecting:

The Hon. B.V. FINNIGAN: It is my opinion, and that is why I am asking the question. It is my opinion that it would lead to an increase in complaints, but I would be interested in what the honourable mover has done to investigate something a bit more thorough than her opinion. Clearly, she has not done that. She is having a guess, and the guess is that not many people would complain so it is not a problem. Clearly, there is no realistic or considered view on what this proposal would cost.

The Hon. J.M.A. LENSINK: The member, quite rightly, is entitled to have his point of view, but I do not think he has advanced the discussion. If he is going to make the argument that this is inconsistent with the federal regime, why would we bother having the act at all? It has been retained by South Australia by successive governments, and it has taken an independent position on the issue of classification of computer games and, in some instances, films. Why should publications be any different?

The Hon. B.V. Finnigan: You might want to tell us how much it will cost. That was simply my question.

The Hon. J.M.A. LENSINK: Well, $3,900 to deal with 21 complaints in a financial year. You spend more in five minutes on the former auditor-general investigating the Burnside council, so that is a bit rich. If the honourable member has a question, I would be interested to hear it.

Clause passed.

Clauses 2 to 4 passed.

New clause 4A.

The Hon. A. BRESSINGTON: I move:

Page 2, after line 23—Insert:

4A—Amendment of section 19A—Classification of publication forming part of a series

Section 19A—After subsection (1) insert:

(1a) If the council or the minister makes a declaration under this section, other references in this act to classifying a publication will be taken to include applying a classification to publications in a series of publications within the ambit of the declaration (including with the effect that consumer advice applying to a publication that has been classified will also be applied to all publications within the ambit of the declaration).

As I said in my second reading contribution, this is a simple amendment that expands the application of section 19A in the Classification (Publications, Films and Computer Games) Act 1995 to cover consumer advice notifications.

Section 19A of the act presently allows the Attorney-General or the Classification Council to make a declaration that a classification applied to a publication will also apply to all or a specific number of subsequent editions of that publication. My reading of section 19A of the act, particularly the term 'classification granted', is that it presently restricts declarations to the formal classifications listed in section 15 and cannot be applied to consumer advice.

The amendment does nothing to detract from the bill and, rather, simply seeks to avoid the doubt of whether section 19A can be applied to consumer advice notifications under section 21 of the act. It may not be necessary but, if the intent of this bill is carried, teen and tween magazines for the first time will be forced to carry consumer advice warnings, and it is my concern that a publisher may attempt to question the validity of a declaration under section 19A that relates solely to consumer advice.

The Hon. J.M.A. LENSINK: I am happy to accept the honourable member's amendment and commend it to the committee.

New clause inserted.

Remaining clause (5) and title passed.

Bill reported with amendment.

Bill read a third time and passed.

POPULATION STRATEGY

Adjourned debate on motion of Hon. J.M.A. Lensink:

That the Environment, Resources and Development Committee undertake a review into South Australia's population strategy, specifically—

1. the usefulness of the population targets as set in the State Strategic Plan;
2. the capacity of existing energy, water and arable land sources to provide for these projected targets;
3. the impact of the implementation of the 30-year plan on stressed habitats;
4. projections of the ability of South Australia's workforce to provide adequate skills for future demands and what changes to the mix of migration are required to address future needs, including for regional South Australia;
5. barriers to the retention of overseas skilled migrants;
6. limitations of existing data collection regarding skilled migrant trends; and
7. any other matter.

(Continued from 26 May 2010.)

The Hon. CARMEL ZOLLO (21:26): In speaking to this motion I move to amend the motion as follows:

Leave out all words at the beginning of the motion, namely, 'That the Environment, Resources and Development Committee undertake a review into South Australia's population strategy specifically—' and insert the following:

That the council notes the state government is currently undertaking a review into South Australia's population strategy and acknowledges the progress and success that the state has made since the population policy was published in 2004. The review will consider matters regarding sustainability and population and migration and will be informed by existing plans such as the 30-Year Plan for Greater Adelaide, Water for Good and the Training and Skills Commission's five-year plan.

In moving this amendment, the government agrees to consider:

- the usefulness of the population targets as set out in the State Strategic Plan;
- the capacity of existing energy, water and arable land sources to provide for these projected targets;
- the impact of the implementation of the 30-year plan on stressed habitats;
- projections of the ability of South Australia's workforce to provide adequate skills for future demands and what changes to the mix of migration are required to address future needs, including for regional South Australia;
- barriers to the retention of overseas skilled migrants;
- limitations of current data collection regarding skilled migration trends; and
- any other matter.

In other words, the government has made a commitment to address and consider all the issues moved in the motion of the Hon. Michelle Lensink. The state government has set population targets to ensure prosperous and sustainable economic growth, to support innovative and skilled workplaces and to support the community meeting its future needs.

The government has set these targets, ensuring that development takes place within a framework of sustainability, economic, environmental and social. The government has put into place planning mechanisms and processes to accommodate a growing population that are integrated, comprehensive and long term. This planning process includes urban development and interaction with natural habitats.

The second theme in the motion relates to government workforce and migration projections. The state government has a very strong capability to project future demand for occupations, the impact of these demands on education and training systems and the role of skilled migration to fill any gaps in local supply.

The Training and Skills Commission provides regular updates of future demand for skills over a forecast five-year period. This process involves considerable and widespread consultation with industry and other relevant stakeholders to understand their future skills needs and to incorporate this information into the workforce planning process.

This information is provided to the Department of Trade and Economic Development to inform the development of annual skilled occupation lists. I would like the opportunity to expand further on the government's amended motion in order that members can hear this government's commitment to this important matter. The Rann government considers population targets to be vitally important in setting out the desired growth pattern for the state to reach demographic sustainability and to positively influence workforce and economic outcomes for the state and its residents, particularly in the regions.

The government also recognises that a growing population can, without proper planning processes, bring about adverse effects on the environment, people's wellbeing and ultimately quality of life. Community concerns on the sustainability of population growth relate to issues such as whether the state will have enough water to consume, traffic congestion, greenhouse emissions and the impact on local habitats of urban creep on the metropolitan fringes of Adelaide.

These concerns have to be balanced with the importance of population to sustaining regional communities, sustaining consumption and growing markets, meeting skills requirements of business and maintaining the status of South Australia at a national level. Population targets have not been set in isolation from planning how a government will meet demands for its services, how the physical capacity of utilities and resources will grow to accommodate population change and the setting of a business environment conducive to promotion of investment and employment creation.

Plans such as Water for Good and the 30-Year Plan for Greater Adelaide provide a sound basis to sustain this population growth. The government's substantial investment in desalinisation, upgrading our public transport systems and enhancing our road networks illustrates how we are putting this planning into action. As mentioned, the government is conducting a review of the existing population policy, which will consider matters regarding sustainability and population and migration.

The 2004 policy was developed in direct response to projections that South Australia's population would head into decline before 2030. Following its release, South Australia's Strategic Plan incorporated several population targets, including one to increase net overseas migration to 8,500 per year by 2014. This was achieved by 2005 and since then has been increasing every year. The updated population policy will not only inform the revision of population targets contained within South Australia's Strategic Plan but also inform the federal government's review under the leadership of Australia's first Minister for Population, the Hon. Tony Burke MP. The collaborative approach between the commonwealth and state governments demonstrates the importance placed on managing population in South Australia in both Australia and South Australia.

I turn now to the workforce related elements of the member's motion. Assisting industry groups and individual businesses source labour to meet project demands or industry growth targets is also a core government strategy. The planning for meeting skills requirements incorporates total supply: local graduates and overseas and interstate migration and the future demand for each occupation at an industry level.

The modelling of skills requirements is undertaken by DFEEST. This work is used not only for informing the state-sponsored migration list but also for the work of the Training and Skills Commission, and the state government in its resource allocation process for the vocational education and training, or VET, sector. The criteria include: labour market criteria matching with supply and demand; government priority for STEM occupations—that is, science, technology, engineering and maths—to support growing industries; consultation with industry; and fine or sensitivity considerations, including specific occupational industry needs.

State-sponsored migration is considered a very important aspect, meeting both workforce growth targets and also increasing the general skill levels of the South Australian workforce. The government recognises that, given the recent increase in the number of migrants coming to the state, retention becomes an issue if population targets depend on overseas people becoming residents in the state over the long term.

The demand for specific occupations or people with certain skills can change over time to be unduly influenced by delays in the visa process or lags in labour market information. If migrant arrivals find that those opportunities do not exist, then retention becomes an issue without support services in place.

In addition, growth of particular industries will, in part, depend on the ability to source skilled labour and if overseas people with relevant skills cannot be retained because of difficulties with settlement then growth aspirations may not be met. The government provides appropriate support to state-sponsored migrants upon arrival and, in the first months of settlement, understanding that information about a new country and providing networks and access to services have an important influence on long-term settlement outcomes.

I understand that the Minister for Industry and Trade in the other place will be overseeing the development of the review. The population policy review was announced on 17 July, and honourable members may wish to also read the minister's announcement. It is expected that the revised policy will be ready for cabinet's consideration by mid next year. If I may, I will place some of the minister's comments on the record:

> We need our population to grow so that our economy can continue to expand but we also need to take into account the impact of an expanding population on issues such as climate change and water, urban planning, transport, the provision of health services and water infrastructure.

Later in his media release he states:

> This is a challenging task but a strong population policy is vital in ensuring strong economic development and sustainability. It is imperative that we get this right. Future population policy development will be supported by a high level, whole-of-government steering group and team of population experts. Interested parties will also be able to have a say during a public consultation period, with submissions to be called later this year.

Given the announced government review, with its access to the resources required as well as far-reaching public consultation and that this body of work will also feed into and inform the announced sustainable population review to be held at the federal level, I would ask honourable members of the chamber to support the motion in the amended form As previously mentioned, I would also ask that members note that the minister has made a commitment to address all of the seven points, as moved by the Hon. Michelle Lensink.

In asking members to support the motion in the amended form, I commend the Hon. Michelle Lensink for what has turned out to be a timely policy issue to be addressed in the

work of the government. I believe, without making any judgment on the efficiency of the ERD Committee—of which I am a member and indeed, so is the Hon. Michelle Lensink—that, given the significance of this body of work, it is best placed as a government review. I would urge honourable members to support the motion in the amended form.

The PRESIDENT: The Hon. Carmel Zollo, could you come up here for a minute? There is something wrong with that amendment. We are trying to sort it out. It might save us all a bit of time if we can sort out the amendment.

The Hon. R.I. Lucas: I would like to speak to it.

The PRESIDENT: Would you?

The Hon. R.I. Lucas: Yes.

The PRESIDENT: Well, I have got Mr Parnell down before you.

The Hon. R.I. Lucas: Get someone to speak. Let's get on with it.

The PRESIDENT: We are trying to get on with it.

The Hon. R.I. Lucas: Well, the motion is ridiculous.

The PRESIDENT: Well, that is what we are trying to sort out.

The Hon. R.I. Lucas: Well, it is a bit late; she has moved it. She can't un-move it. Someone else will have to fix it up.

The PRESIDENT: Well, that is what we are trying to do.

The Hon. R.I. Lucas: Well, she can't. What incompetence!

The Hon. CARMEL ZOLLO: Before concluding my comments, I understand that we need to correct the amendment. I understand there has been a mistake.

The Hon. R.I. Lucas: We do? You do.

The Hon. CARMEL ZOLLO: Well, I need to correct the amendment.

The Hon. R.I. Lucas: Exactly. You're incompetent. Don't get us to correct it.

The PRESIDENT: Order!

The Hon. CARMEL ZOLLO: There is no change in the actual words, so calm down.

The Hon. R.I. Lucas: Yes, there is. There is a change in the motion.

The Hon. CARMEL ZOLLO: Just calm down.

The PRESIDENT: All calm down.

The Hon. CARMEL ZOLLO: We need to leave out all the words after 'That', in line 1 and insert the following—what I said before:

> the council notes the state government is currently undertaking a review into South Australia's population strategy and acknowledges the progress and success that the state has made since the population policy was published in 2004. The review will consider matters regarding sustainability and population and migration and will be informed by existing plans such as the 30-Year Plan for Greater Adelaide, Water for Good and the Training and Skills Commission's five-year plan.

In other words—for the information of the Hon. Rob Lucas, who is getting himself very excited—all we are doing is leaving out the word 'that' in my amendment, so calm down.

The Hon. R.I. LUCAS: Point of order, Mr President. This chamber has had an amendment moved, seconded and spoken to. The Hon. Ms Zollo cannot just stand up and say we need to do something different.

The Hon. Carmel Zollo: That's my advice from the President. Do you know any better?

The Hon. R.I. LUCAS: Yes, I do. I intend to outline it in the point of order. No member can just stand up and say, 'We now need to do things differently.' The member will have to seek leave to withdraw the amendment. Then, if the council agrees to the withdrawal of the amendment, the member can seek leave to move an amendment in a different form. I suspect even then that that is contrary to the standing orders, but if the chamber was willing to be gracious, at the incompetence of the Hon. Ms Zollo, we may well agree to doing it contrary to the standing orders. You cannot just

stand up as a member, drowning in your own incompetence, and say that we now need to do something and that people should not get upset about it.

The PRESIDENT: Order! The Hon. Ms Zollo can seek leave to withdraw her original amendment to move—

The Hon. R.I. Lucas: Which is what I just said.

The PRESIDENT: —I'll make the rules here—and move the corrected amendment.

The Hon. CARMEL ZOLLO: I seek leave to withdraw my original amendment.

Leave granted.

The Hon. CARMEL ZOLLO: I move:

Leave out all words after 'That' in line 1 and insert the following:

the council notes the state government is currently undertaking a review into South Australia's population strategy, and acknowledges the progress and success the state has made since the population policy was published in 2004. The review will consider matters regarding sustainability and population and migration and will be informed by existing plans such as the 30-Year Plan for Greater Adelaide, Water for Good and the Training and Skills Commission's five-year plan.

I have now repeated that three times; that is how good it is. I again urge members, as I have done previously, to support this motion. Rather than send a reference to the ERD Committee, I believe a well-resourced government review will achieve greater results for the state.

The Hon. M. PARNELL (21:47): The Greens support the motion. I rise to speak in favour of it as the third member from this chamber of the Environment, Resources and Development Committee. I acknowledge that the Hon. Michelle Lensink, the mover of the original motion, also sits on that committee. I had thought that, rather than have to bring a motion to this place, we may have been able in the committee to have agreed to this inquiry, but clearly the Hon. Michelle Lensink had some premonition that the government might not like it, so it is a more efficient method to have brought this motion before us as clearly it would have failed, given that the government has the numbers on that committee.

In relation to the merits of the motion, it relates to population, which can be a vexed debate. It is easily side-tracked by, for example, fear campaigns over asylum seekers with dog whistle politics or, in some cases, vuvuzela politics as the dog whistles are so loud and audible, and the fear that some federal members of parliament would have us feel in relation to asylum seekers, which ignores the fact that they are such a very small part of new arrivals that we really do need to put it into perspective.

The new Prime Minister says that we need a sustainable Australia rather than a big Australia. I agree that we need a mature debate. In South Australia the government unashamedly wants a big state—it is planning for it. It is not just planning for increased population because that is inevitable; it is planning for it because they want it to happen. The population projections that underpin a large number of the government's current plans are contested. They are by no means soundly based in evidence, but the decisions made on the basis of these population projections are irreversible.

Once you have rezoned the farmland around Mount Barker from farming to housing, and you have allowed subdivisions to occur, it is irreversible. We are not going to go back, even if the population projections turn out to be wildly overstated. The 30-year plan in fact entrenches urban sprawl and population growth whether or not that is good for South Australia.

In terms of the Environment, Resources and Development Committee, the committee is yet to decide on its own inquiry program. I understand from the Parliamentary Committees Act that there is a pecking order applied to inquiries: at the top of that order is a matter that has been referred by a house of parliament, and an inquiry undertaken of the committee's own volition is dealt with as a secondary matter.

I note that whilst the committee is yet to decide on its inquiry program, certainly there has been some informal discussion amongst members that one inquiry might be into higher density housing, including transit-oriented development, and I think that, as an idea for an inquiry, has some merit. If it in fact does get up as one of the committee's own inquiries, this Legislative Council ordered inquiry will absolutely complement that work because they are very much a part of the same issue.

I turn briefly now to the Hon. Carmel Zollo's amendment to the motion. In this amendment, she basically invites us simply to note that the government has the matter under control and that the matter is in hand. I understand that the announcement of the inquiry was last weekend, and the effect of the proposed amendment is that this council is being urged by the government to sit back, relax and allow the government to undertake its own inquiry, rather than the more rigorous process that will come from an inquiry by the Environment, Resources and Development Committee, where we will call the witnesses and we will determine who it is we want to give evidence.

Members interjecting:

The Hon. M. PARNELL: I am not going to be distracted. In general terms, if there is ever an alternative put that we have a parliamentary committee inquiry or we just have a government inquiry, I need a great deal more convincing than that which the Hon. Carmel Zollo offered to think that a government inquiry is the preferable option. If I look at some of the words in the Hon. Carmel Zollo's amendment, she notes:

> The review will consider matters regarding sustainability and population migration—

that is fine, but this is the bit that sticks in my craw—

> and will be informed by existing plans such as the 30-year plan for Greater Adelaide, Water for Good and the Training and Skills Commission's five-year plan.

The problem with that is that the government is proposing to take as given some of the most flawed documents that have ever been presented to the people of South Australia. In other words, if this inquiry is going to be informed by the 30-year plan, it is not going to question the 30-year plan or the population projections that underlie it. It is basically going to say that this is a starting point, we accept it as a fact and we will go from there.

In fact, I think the Environment, Resources and Development Committee will do a much more thorough job and that we will actually debunk a fair bit of the 30-year plan and its flawed thinking, including the contested population growth projections that underlie the plan. So, with those brief words, the Greens will be supporting the original motion in its unamended form.

The Hon. R.I. LUCAS (21:53): I rise only to speak briefly on matters of procedure—

Honourable members: Hear, hear!

The Hon. R.I. LUCAS: Hear, hear—on matters of procedure in relation to this issue. The Hon. Ms Zollo tabled an amendment a minute before this debate was to ensue, and my only suggestion to government members to try to prevent—

Members interjecting:

The PRESIDENT: Calm down!

The Hon. R.I. LUCAS: —embarrassment to members like the Hon. Ms Zollo is that it would make sense actually to circulate amendments to members of the Legislative Council at least a little while prior to the debate. It is not as if this was off being drafted. It is clearly a considered position of the caucus, so, at the very least, it would have been known, we assume, since yesterday morning. As the Hon. Mr Finnigan tells us, everyone knows that the caucus meets on Tuesday mornings. So, for 40 hours or so, the government has known its position, and I think it is only common courtesy for members of the government, if they wish amendments to be considered, to table them or file them as we are required to file amendments to government legislation or others.

The Hon. B.V. Finnigan interjecting:

The Hon. J.S.L. Dawkins: Chuck him out! You need a big crane to do it, but chuck him out.

The PRESIDENT: Order! The amendment was drawn up some weeks ago and, like all amendments, it is circulated on the day.

The Hon. R.I. LUCAS: Thank you, Mr President. Well, that's even worse. I thought it was only done yesterday, but if this amendment was drawn up some weeks ago, the President has let the cat out of the bag.

The PRESIDENT: Order!

The Hon. R.I. LUCAS: This amendment was drawn up weeks ago—

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —and yet this member won't even put it on the table until we're here.

The PRESIDENT: Sit down!

The Hon. R.I. LUCAS: Outrageous!

The PRESIDENT: Sit down! You're the one who's outrageous. You know full well that even your amendments do not get distributed in the council until they are moved. If the Hon. Ms Lensink would like to sum up?

The Hon. R.I. LUCAS: What was the point of your statement, Mr President?

The PRESIDENT: I said that you know full well that amendments are drawn up and then they don't get circulated in the council until they are moved. Would the Hon. Ms Lensink sum up?

The Hon. R.I. LUCAS: No, I'm still speaking.

The PRESIDENT: Are you?

The Hon. R.I. LUCAS: Indeed.

The PRESIDENT: Unless I sit you down, you mightn't be.

The Hon. R.I. LUCAS: Well, you might like to try, Mr President.

The PRESIDENT: I might like to try.

The Hon. R.I. LUCAS: On what grounds?

The PRESIDENT: On the grounds that I'm the President.

The Hon. R.I. LUCAS: Are you?

The PRESIDENT: And if you don't start making a bit of sense, I will sit you down.

The Hon. R.I. LUCAS: Well, you are at the moment, Mr President.

The PRESIDENT: I'm making lots of sense.

The Hon. R.I. LUCAS: I thank the President for his intervention because he made it quite clear that this amendment had been drawn up weeks ago. All I am saying is that it would make sense if you have an amendment to a motion—and this is not the end of the world—

The PRESIDENT: You're seeming to make it out to be.

The Hon. R.I. LUCAS: It is not as if this is the most controversial issue that needs to be addressed by this chamber.

An honourable member interjecting:

The Hon. R.I. LUCAS: Well, her amendment was properly drawn up. The Hon. Ms Zollo's was incompetent—

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —and made no sense and embarrassed her in the chamber. All I am suggesting is—

The PRESIDENT: Order!

Members interjecting:

The Hon. R.I. LUCAS: Well, the Hon. Ms Bressington didn't make a mistake with hers.

The PRESIDENT: Order! The Hon. Mr Lucas will get on with his point or he will sit down.

The Hon. R.I. LUCAS: Thanks, Mr President, for your help.

The PRESIDENT: You're welcome.

The Hon. R.I. LUCAS: The point I am making is that, to save members from their own incompetence, like the Hon. Ms Zollo, if she had circulated the amendment beforehand, a number of us could have looked at it and provided some advice.

The Hon. Carmel Zollo: It was.

The Hon. R.I. LUCAS: No, it wasn't.

The PRESIDENT: Order!

The Hon. Carmel Zollo interjecting:

The Hon. R.I. LUCAS: Well, to us.

The PRESIDENT: Order!

The Hon. Carmel Zollo interjecting:

The Hon. R.I. LUCAS: So, we're not deserving of seeing a copy. What about the Independents?

The PRESIDENT: Order! Members of the government should not encourage the grandstanding. The Hon. Mr Lucas.

The Hon. R.I. LUCAS: Thank you for your assistance, Mr President.

The PRESIDENT: You're welcome.

The Hon. R.I. LUCAS: I can't hear myself think over the shrieking from the backbench. The only point that I am making is that it just makes sense in relation to these issues—and even the final procedures that were adopted, in my view, were still contrary to the standing orders, but in the spirit of graciousness that the opposition and other members are known for, we acceded to the member in seeking to move it in an amended form.

My interpretation of the standing orders would be that the amendment should have been defeated and another member on behalf of the Hon. Ms Zollo could have moved the amendment in a different form. It had been moved and seconded. She had spoken to it. She has no right, on any reading of the standing orders, in my humble view, to stand up at that stage and move the amendment in a different form.

As I said, this council was being gracious and allowed the Hon. Ms Zollo to do that. That is the only point that I am making. It would make sense if you have an amendment—and it is not as if it is the most controversial issue being addressed by this chamber—to circulate it so that members in the chamber can look at it, and if there is a problem, can address it. That is just a simple request to the Hon. Ms Zollo and to government members, Mr President. I thank you for your courtesy.

The PRESIDENT: Under standing order 140, 'A proposed amendment may, by leave of the council, be withdrawn by the mover; and may be again moved.' So, if the Hon. Mr Lucas stays here for another 20 years he will get it right.

The Hon. J.M.A. LENSINK (22:00): I thank all honourable members for their contributions. I acknowledge that the Hon. Carmel Zollo did provide me with a copy of her amendment yesterday, for which I am grateful, and I am grateful for her remarks in which she has described the terms of reference that I have outlined as useful and that the government would use them in its inquiry.

However, I certainly will not be accepting her amendment to this motion. For the benefit of honourable members, in case they are not quite aware, the government is simply seeking to withdraw the referral of this important issue to the Environment, Resources and Development Committee and do an exercise in congratulating itself on behalf of this council on the strategy which it curiously announced on the weekend, some half a week before this particular motion was to be voted on. The substance of the—

The Hon. B.V. Finnigan interjecting:

The Hon. J.M.A. LENSINK: Yes, you do. You have a tendency to steal a whole lot of our stuff and crossbench stuff on a regular basis.

Members interjecting:

The PRESIDENT: The Hon. Ms Lensink has the floor.

The Hon. J.M.A. LENSINK: In response to the Hon. Carmel Zollo's comments that it would be a very large body of work to undertake, that may well be the case but the Environment, Resources and Development Committee, at least prior to the election, was a very efficient

committee and undertook an extensive inquiry into transport, which I think could be called in shorthand—

The Hon. Carmel Zollo interjecting:

The Hon. J.M.A. LENSINK: No. For the transport inquiry we engaged the University of South Australia, I think it was, to assist us. It looked at all forms of transport and came up with a number of very useful recommendations. So I think that is a bit of a furphy. The population debate is divided largely into two areas, one being the environmental constraints, and I think Labor has belatedly realised that the whole issue of population is a very mainstream concern in our community and therefore the targets that it has set are some cause for alarm.

I have discussed this issue with Mitch Williams, who is our water spokesman. As members may be aware, he farms sheep and has a fairly basic rule of thumb: he calls it 'carrying capacity'. If he has a certain area of land, he knows that he can carry a certain amount of stock, and I think that is basis on which the environmental concerns are arising.

The other aspect, which I will very briefly talk about just to update the chamber from when I moved the motion, is in relation to skills. We are in a unique position at the moment where the federal government is revising its skilled occupation lists. South Australia needs to provide a very accurate list of skills which will assist us with our future economic growth. For that reason the Skilled Migration Growth Group (I will not run through the entire list of employer groups that it represents) was formed to try to assist the government with that particular aim, and I have written to the Minister for Industry and Trade, the Hon. Tom Koutsantonis, and urged him to meet with them ASAP, and I certainly hope that he does.

However, the government has not actually achieved its migration targets. Indeed, the strategy that it outlined in 2004 has not been held to account. I will refer to a couple of points there. In particular, under 'Strategies for population growth and renewal', it says:

> This population policy's broad strategic objectives are to improve:
>
> (1) the State's net migration performance by:
>
> (a) increasing the State's share of the national migration intake;

and on that count it has not; it has been decreasing since 2006—

> (b) increasing the number of expatriates and potential interstate migrants returning or relocating to the State;
>
> (c) reducing the net outflow of young and skilled people.

In relation to those, we are actually doing really badly. As recently as 25 May the ABS put out a media release headed, 'Interstate migration continues to slow South Australian population growth.' It says that South Australia continues to lose people to other states at a greater rate than it gains them, according to a report. After hitting a 20-year low in 2005-06, the number of South Australians moving interstate has increased, with about 26,300 departing in 2008-09. Net losses have also increased in the six years to 2008-09.

That net interstate migration loss was calculated at 4,676. This is regardless of a policy that the Rann Labor government published in 2004 that aimed to reduce that figure to zero. So it is well over 4,500 people, and I think those statistics need to be held to account.

The other issue that I think needs to be examined is whether population statistics include temporary visa holders and student visa holders or whether they merely include long-term permanent residents. In this regard, my understanding is that the ABS has revised the way it calculates population and now includes temporary visa holders when it has not in the past, so that is another issue we need to examine.

There is a lot of rubbery stuff going on with regard to population. I am not surprised that the government has sought to turn the committee system into a poodle so that it can just undertake its own population statistics and ask that this council commend it for its work. I commend the original motion without the amendment to the parliament.

Amendment negatived; motion carried.

INDEPENDENT COMMISSION AGAINST CORRUPTION BILL

Adjourned debate on second reading.

(Continued from 12 May 2010.)

The Hon. A. BRESSINGTON (22:07): I rise to indicate that I will be supporting the second reading of this bill. I will not go into as great detail as I did on 26 September 2007 and 15 October 2008, but I will reiterate that I believe that this is probably one of the most important bills that we will debate in this place and also remind members that my concerns about an ICAC are really that we do not have an independent commission against corruption that merely deals with politically advantageous issues, and this ICAC would actually deal with the concerns of everyday citizens concerning the corruption of process of government departments that I, and other members in here, hear about multiple times in a day. I think it is very important, if we are going to insist on an ICAC, that we actually take those matters into consideration.

The fact is that we get those complaints in here every day—I do, and more than once a day—mainly because the government says we have so many levels of review that it is all just working fine and dandy in South Australia. But, in actual fact, if our ministerial officers; ombudsmen; commissioners for public employment, equal opportunity, health and community services complaints; the Legal Practitioners Conduct Board; Medical Board; Police Complaints Authority; court authorities; and countless other such review and oversight bodies actually worked to deliver justice, we would not be sitting here having this debate. It seems that the opposition and crossbenchers are the only ones who acknowledge that we have serious issues in this state as far as following through on appropriate policy and enforcement of legislation. I believe it is time to get that in order.

I relate to members here that I am considering moving some amendments. They are not going to be complicated amendments, but they will look to provide a level of protection, as I have said, to whistleblowers as well. The honourable Vickie Chapman of the opposition stated during the election campaign that the Whistleblower Protection Act needed to be reviewed, and we here have all acknowledged that at some stage. When the Hon. Robert Lawson was here, he stated that it was a most useless piece of legislation, and I tend to agree with him. I think that, if we are going to have an ICAC here in South Australia, and if we are going to actually rely on whistleblowers from time to time to bring issues to that ICAC, those whistleblowers need to have extended protection under the ICAC bill other than the flimsy protection that is afforded to them under the Whistleblowers Protection Act.

I hope honourable members here will support—as I believe they will—an ICAC in South Australia. I hope that the government this time around sees common sense. They could perhaps attribute a part of the swing against them in some seats in the last election to the fact that they were not listening to the people about this very issue.

The Hon. B.V. FINNIGAN (22:12): I will not detain the chamber for too long this evening. This bill is another ill considered and ill thought-out approach by the opposition that does not really address this issue in a thorough and thought-out way. The Hon. Mr Wade said that this bill represents 22 years of collective wisdom, I think it was, of legislative councillors from all over the place. What this bill embodies is the wisdom of whoever invented and drafted it in the 1980s in New South Wales.

The Hon. R.L. Brokenshire interjecting:

The Hon. B.V. FINNIGAN: This is not a speech I have used before at all. In fact, I am extemporising; therefore, it would be unlikely that I would have used the speech before.

Members interjecting:

The PRESIDENT: The Hon. Ms Bressington has had her go. She might sit there and listen or leave the chamber, and the Hon. Mr Brokenshire might like to do the same. The Hon. Mr Finnigan.

The Hon. B.V. FINNIGAN: Thank you, Mr President. The Hon. Mr Brokenshire confirms my point that the ICAC bills that get moved are, in fact, just a carbon copy of the New South Wales model. There is no estimate here of the cost, which could be based on interstate ICACs of between $15 million to $40 million. Again, there is no thought given to how this would be paid for within the confines of the budget.

The mover, the Hon. Mr Wade, has mentioned authorities backing up or giving evidence for his bill. One is Senator Bob Brown, which is obviously just a play to make sure that the Greens support the bill. The second is Mr Ken MacPherson. Correct me if I am wrong, Mr President, but I am sure that we have spent an awful lot of time hearing from members of the opposition about how

Mr MacPherson is not doing a good job with the Burnside council inquiry. The Hon. Mr Lucas is always telling us how he is laughing all the way the bank; he has taken us for a ride with the money that we have paid him. The Hon. Ms Lensink this very evening—not half an hour ago—was getting stuck into Mr Ken MacPherson, yet the Hon. Mr Wade holds him up as one of the reasons why his bill should be supported. This is the kind of bending in the wind that we see with the opposition—no consistency, no overall thoughtful or well-considered approach.

The other great evidence is an *Advertiser* poll that said Isobel Redmond was more trusted than Mike Rann. Apparently, the basis for lawmaking in this state is now what an *Advertiser* poll said about who people trust. That is the best way. So, when you want to make major changes to the legal and integrity structures of this state and when you want to make considerable changes to our legal system and the way in which we govern and the public administration of our state, you rely on an *Advertiser* poll about who people trust: that is the big guide. That is what we get from the shadow attorney-general. Why they even bother having a shadow attorney-general with a law degree is beyond me, because apparently *Advertiser* polls are all you need to look at.

We know that the idea of having an ICAC solves all problems in relation to corruption and provides somewhere to go for political issues is simply a furphy because what generally happens is that those who are dissatisfied with what other bodies, such as the police or whoever, are doing will generally claim that the ICACs are not doing the right job either.

I draw honourable members' attention to what Mr Barry O'Farrell, the Leader of the Opposition in New South Wales, who aspires to be the next premier, said in a story on the ABC website on 6 September 2009, as follows:

> NSW corruption claims: ICAC should 'break down doors'. The New South Wales opposition says the authorities should be breaking down doors to investigate the death of slain businessman Michael McGurk and allegations of a tape exposing government corruption.

You might recall, Mr President, that this was indeed investigated by ICAC and dismissed as having no merit whatsoever, but here was Mr Barry O'Farrell, the Liberal leader in New South Wales, saying that ICAC should be breaking down doors and that 'ICAC's inner spring has wound down'. So, he is saying that ICAC is not doing its job because it was not giving credence to very discredited claims which were investigated by the ICAC and dismissed summarily.

The opposition leader in Queensland, the leader of the Liberal National Party, John-Paul Langbroek, is saying that they need a royal commission in Queensland because the Crime and Misconduct Commission (CMC) in that state is not doing its job. According to John-Paul Langbroek, the CMC is not doing its job; it is not investigating corruption. It is not good enough; they need a royal commission.

So, the idea that a one-stop shop fixes all your problems is just nonsense. As we have seen, Liberal leaders in other states, when it suits them, politicise and carry on trying to get political advantage and criticise the ICACs that do exist in those states because they are not providing them with the political outcomes they want. So, I think members need to think a bit more carefully about what ought to be done in this regard, and that is precisely what the government is doing.

I do not know whether honourable members are perhaps not paying enough attention to what the government is doing. I draw honourable members' attention to a ministerial statement on public integrity made in the other place by the Attorney-General, Mr Rau, on Tuesday 22 June, which states:

> In my statement of 6 May, I also informed the house that I would review the operation and effectiveness of South Australia's public integrity system with a view to improving any imperfections that this review may identify.
>
> On 12 May this year, I wrote to a number of interested parties to seek their views about the public integrity framework here in South Australia. These parties included a number of statutory officers and bodies which play a role in the system. I invited parties to make a submission about any improvements or changes they believe would strengthen and enhance the public integrity structures in South Australia and aid public confidence in the system.
>
> The closing date of 14 June for the receipt of these submissions has now passed and my department is considering the content of the submissions received. I expect that some late submissions will be received and these will also be considered. I recognise that there may be contributors who may not wish their submissions to be put in the public domain for a variety of legitimate reasons. I respect this and I do not consider that it is for me or my department to release these submissions or identify contributors, particularly as I do not know to what extent, if at all, these submissions were prepared on a confidential basis.
>
> After considering these submissions, taking advice from my department and further consultation, I intend to report to cabinet and this parliament about my conclusions and any proposals for improvement that may arise. I will not now pre-empt the outcome of this review by speculating on what proposals will arise. As I have indicated, my

review of South Australia's public integrity framework is now well underway. Any recommendations I take to cabinet will be based on the need to maintain and enhance public integrity and community confidence in public administration in South Australia.

That is the end of the ministerial statement made by the honourable Attorney-General on 22 June in the other place.

So, the government is going about considering the issue of enhancing and upholding public integrity in this state in a considered and thoughtful way, taking account of the existing structures that we have in this state, listening to what those involved in the system have to say and considering the budgetary implications that would arise from any proposal.

The government is considering in a thoughtful and measured way what is the best way to ensure that public integrity is upheld and enhanced in this state, rather than simply grabbing the model from New South Wales, chucking it on top of the rest of our legislation, with no costings, no consultation and no thought about whether or not it really fits within the existing framework of this state.

What the government is doing is taking a thoughtful, measured and considered approach that will aim to enhance and uphold public integrity and confidence in public administration in this state, rather than this ill thought-out and ill-conceived approach.

The Hon. S.G. WADE (22:21): If there are no other members who want to make a second reading contribution, I would like to sum up and close the debate at the second reading stage. I thank honourable members who have made contributions and acknowledge that a number of members have indicated to me that they stand by their statements on the record.

In terms of the contribution made by the Hon. Ann Bressington, I thank her for it, and I agree with her that this is one of the most important issues facing the state, not merely for dealing with current issues in relation to corruption but also in helping to build a future South Australia that is resilient against corruption. That seems to be an aspect that the government fails to grasp.

As I indicated in my second reading explanation, we are happy to work with the crossbenchers, and I particularly acknowledge the Hon. Ann Bressington's interest in exploring whether this bill could be enhanced, particularly in relation to whistleblower protection, and we would be keen to do that with her.

In summing up, and with a view to helping members consider their position at the second reading stage, I briefly reflect on developments that have occurred since my second reading explanation on 12 May. Before I made my second reading explanation, the Attorney-General had announced that he was going to undertake a review of the current arrangements, but the nature of that review was not clear.

Only subsequently did it become clear that only existing public sector anti-corruption agencies were invited to make submissions. These are the very people who have a direct interest in maintaining the current arrangements. The request for submissions only seeks views on current arrangements, not views on establishing an ICAC or any other mechanism.

Submissions were sought on 14 June; in other words, five weeks after they were requested, and that day happened to be a public holiday. This was hardly a well-considered review, as the Hon. Bernard Finnigan would have us believe. The Director of Public Prosecutions—one of the few people invited to make a submission—has publicly indicated that he understood that the request excluded the consideration of an ICAC.

The Attorney-General's ministerial statement clearly ruled out the public's preference for a state-based ICAC. He colourfully ridiculed calls for a state-based ICAC in the following terms. He said they were 'noisy but unsupported by a substratum of fact or logic', and, 'In the absence of evidence, logic does not [support] the need for an ICAC.' That, to me, sounds to be pre-empting the review and has all the hallmarks of a Clayton's review.

Even the review lacks the transparency and trust that anti-corruption bodies are meant to engender. The review was by invitation only and it was closed to the public. The review was not conducted with openness and, as the Hon. Bernard Finnigan has reminded the house, the minister's own ministerial statement states that he does not know how confidential the submissions might be so he will not make any of them available.

Why not say to people, 'If you are making a submission to me on a matter of public interest, please expect it to be made public'? Instead, he insists that it is, by nature, a confidential

discussion. The terms of reference of the review would not consider significant changes to anti-corruption measures in South Australia. I would respond to disorderly interjections by saying, 'No, I don't believe the Attorney-General's in-house closed-door review is adequate.'

The other development since my second reading speech on 12 May was the one in Victoria. By late last year, the Brumby ALP government was the only companion of the Rann government in being sceptical about the need for an ICAC. Since then, both governments have reviewed their position. The differences in the approach between the two governments is marked and is a condemnation of the arrogance of the Rann government.

The Brumby government—a government which shares the Labor heritage—chose to have a high level, independent review and appointed an independent commissioner. It published clear and open terms of reference and its review took six months. By contrast, the Rann government's is relatively quick and dirty. It is internal to the minister's office; there is no public request for submissions; and there is a very brief time frame. Structurally, it is not designed to achieve a publicly transparent, publicly confident result.

On 2 June, six months after that review was announced, the Brumby government received the review. I think we were told on the Friday that it might take some weeks for the Brumby government to come to a view, but by 2 June (whether that was a Monday or Tuesday, I am not sure), there was the cogency for the need for an ICAC. The Victorian government was the only government that had been holding out with the Rann government against an ICAC but, within days, they accepted the need for an ICAC and they announced that move. So, this leaves South Australia as the only state in the federation which does not—

The Hon. B.V. Finnigan interjecting:

The PRESIDENT: Order! The Hon. Mr Finnigan had his go. The night will end a lot sooner without the interjections.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: The Hon. Mr Lucas will remain silent. The Hon. Mr Wade.

The Hon. S.G. WADE: I will continue with my remarks and I can assure the Hon. Bernard Finnigan that I am masterfully ignoring him. He can do all he likes to get onto *Hansard* but I will not give him that opportunity. We are the last state in the federation without an ICAC. The arrogance of this government and its review shows that it has learnt little from the election of 20 March. We might not have been able to win a majority of seats with a majority of votes at the last election, but you can be sure we will do it at the next election.

My third reflection on the developments since my second reading explanation in the middle of May is that the government has finally put to rest the furphy of a federal ICAC. Following the Tasmanian announcement in the middle of last year that they were going to have an ICAC and comments from the then prime minister Kevin Rudd that he thought that anti-corruption commissions were an important part of public integrity, premier Rann let loose a decoy (I hope that is not offensive to any duck hunters present) of a federal ICAC. Nobody had ever suggested that an ICAC would benefit from being federally based—

Members interjecting:

The Hon. A. BRESSINGTON: Point of order, Mr President.

The PRESIDENT: Order! The Hon. Ms Bressington has a point of order.

The Hon. A. BRESSINGTON: I think that the language of the Hon. Bernie Finnigan towards the Hon. Stephen Wade was most unparliamentary and I would ask him to withdraw it.

The PRESIDENT: What did he say?

The Hon. A. BRESSINGTON: He called him an idiot.

The PRESIDENT: The Hon. Mr Finnigan should withdraw that remark.

The Hon. B.V. FINNIGAN: I withdraw it and I look forward to getting the Liberals to withdraw all their interjections, too. I would love to see some of them on the record.

The PRESIDENT: Order! The Hon. Mr Wade.

An honourable member: We'd like to get them on the record, too.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Finnigan withdrew his remarks. There is no need to carry on about it. The Hon. Mr Wade.

The Hon. S.G. WADE: In case members were not able to gain the last point through the babble from government backbenchers, the federal ICAC, which was let loose by premier Rann as an attempt to justify why he thought that he did not need to follow the lead of every other state ALP jurisdiction except, at that stage, Victoria, was this proposal for a federal ICAC. There had not been any suggestion of a federal ICAC for state-based corruption at that point.

In fact, as far as I know, other than premier Rann's idea and that of the South Australian government, there is still none. As I said in my second reading explanation, the Greens bill for a federal ICAC—and if there were a Greens member here they might defend their federal colleague—is for federal corruption. As I understand it, there is no proposal from any government or any entity other than the Rann Labor government for a federal ICAC to deal with state corruption.

I apologise to the crossbenchers because I did intend for my summing up to be shorter but, as I continue to get interrupted by government members, I will need to restate my position. The government let loose this decoy in July last year, yet in November it failed to put it on the Standing Committee of Attorneys-General (SCAG) agenda. I will spell this out because the government is being belligerent in not letting me deliver my summing up.

In the Standing Committee of Attorneys-General in November, former attorney-general Atkinson chose not to put it on the agenda. If it was so important and it was the solution to corruption challenges, which presumably the Premier decided was sufficient to suggest a federal ICAC, why didn't they put it on the agenda?

In SCAG in May this year there was underwhelming interest in an ICAC. It was well known amongst the legal community, the Standing Committee of Attorneys-General and the bureaucrats that support them, but it took the Victorian announcement to flush out this government and this Attorney-General to admit that the federal ICAC was dead. It was only after that he said it was unlikely that a national ICAC would be successful.

I think the Attorney-General indicated that 'there is little support for establishing a national anti-corruption body in the foreseeable future'. Instead of being a constructive contribution to a national debate, the federal ICAC proposal has been exposed as a weak decoy by an arrogant Premier.

The fourth element of the developments since my second reading explanation in mid-May has been the Burnside saga. The Burnside council dilemma is a case study and an argument for an ICAC. The day before I tabled the bill, the New South Wales ICAC issued a report which showed that local government is almost twice as likely to engage in functions with a high risk of corruption than state agencies, making them much more vulnerable to corruption. I also note as a footnote that the Charles Sturt inquiry that the council referred to the Ombudsman in December last year is another example of a matter that could be considered by an ICAC.

I was going to leave out the next portion of my speech but, because government members are keen for me to defend my proposal, I will continue. The government is saying that there is no need for an ICAC, yet it has established a major inquiry into the Burnside council. In this context I have received an email from an officer of the Burnside council which challenges my use of the word 'corruption'. I thought it might be helpful to outline elements of the minister's ministerial statement and elements of the terms of reference, and reference them to my bill to show how useful my bill could be in terms of dealing with corruption.

I am glad that government members are interested in this. There are three elements from the minister's statement. The first statement from 22 July was that 'allegations have mounted considerably in recent months, including claims of bullying and harassment, undue influence, defamation and leaked confidential information that raise serious concerns and I need to be assured that the council is not failing in its responsibilities to the ratepayers of Burnside'. Clause 5(2)(a)(iv) of the bill provides:

> conduct of a public officer or former public officer that involves the misuse of information acquired in the course of his or her official functions (whether or not for his or her benefit or for the benefit of any other person);

The leaked confidential information which the minister referred to in a ministerial statement of 22 July is clearly an example of leaked confidential information which would come within the parameters of this bill we are now bringing up in the second reading. In the second element, the minister says:

> I have decided on the terms of reference for the investigation (attached) that are capable of getting to the bottom of this matter. The terms will address potential breaches of law and/or failure to meet obligations, including potential undue influence.

This bill under clause 5(2)(b)(ii) provides:

> grounds for disciplinary action under any law;

And 'undue influence' under clause 5(2)(a)(i) provides:

> conduct of a person that adversely affects, or could adversely affect, directly or indirectly the honest or impartial exercise of an official function by a public officer or public authority;

I put it to you, Mr President, that that is clearly covered by the minister's ministerial statement in relation to the failure to meet obligations, including potential undue influence. Considering the acute interest of government members, I will proceed with another example from the minister's statement. The minister's statement of 22 July makes clear that disciplinary action is possible resulting from the investigation.

For the benefit of government members I will read from the ministerial statement the relevant section:

> Section 273 of the Local Government Act 1999 details potential actions available to the minister as a result of an investigation, ranging from:
>
> - making recommendations to council;
> - directions to fix problems;
> - recommend the Governor declare a defaulting council (possibly involving suspension of all of its councillors);
> - appointing administrators; and
> - eventually vacating positions.

I refer members to clause 5(2)(b)(iv), which provides:

> grounds under any law for removing a public officer from office, whether or not the proceedings for an offence, disciplinary action, breach of the code or removal from office can still be taken.

Referring back to the minister's statement, clearly that potentially brings the Burnside inquiry into the ambit of this ICAC. I notice that the minister has lost interest, but, nonetheless, I will speak on for the record.

An honourable member interjecting:

The Hon. S.G. WADE: The government members demanded to know more about my bill; I feel duty bound to inform them. I will just clarify: that was in relation to the relevance of my bill to the minister's ministerial statement of 22 July. I thought I might turn now to the terms of reference of that investigation. First, dot point 1 under section 1 states:

> ...the alleged improper use of confidential council information by elected members and by staff of the council.

My ICAC bill under clause 5(2)(a)(iv) would deal with that matter. The terms of reference at dot point 2 under section 1 state:

> ...the obligations of elected members to act honestly and with reasonable care and diligence in the performance of the discharge of their official functions and duties.

I draw the attention of members to clause 5(2)(b)(ii), which provides:

> grounds for disciplinary action under any law;

And clause 5(2)(a)(ii) provides:

> conduct of a public officer that constitutes or involves a dishonest or partial exercise of his or her official functions.

The third issue I raise is term of reference 4, which states:

...whether improper weight has been placed by elected members or by staff on the council in making any decisions of council on the views and/or influence of a person who is neither an elected member or a member of staff since the 2006 election.

I remind members of clause 5(2)(a)(i) of my bill, which provides:

[Matters which involve the] conduct of a person that adversely affects, or could adversely affect, directly or indirectly the honest or impartial exercise of an official function by a public officer or public authority [are covered by this act].

I hope that deals with the inquiries by government members as to the relevance of my bill to corruption, because it provides a current example of a matter which is taxing the resources of this state in dealing with matters in relation to local government. We would not be in the position we are in in relation to the Burnside council if we had an ICAC. I would just clarify—

The Hon. P. Holloway interjecting:

The Hon. S.G. WADE: I would love to have another go; I really would. We would not be in the position we are in in relation to the Burnside council if we had an ICAC. I specifically refute the allegations of the Hon. Bernard Finnigan. I challenge him to find one place in the record where I have made a criticism of Mr Ken MacPherson. I have constantly held, and I will continue to hold, this minister accountable for her mismanagement of the local government portfolio.

I am not going to allow the Hon. Bernard Finnigan to try to provide cover for a weak and incompetent minister by trying to deflect them as a personal attack on a person who is not the target. I believe it is this minister who has mismanaged the local government portfolio and the Burnside inquiry. I believe it is this government which has failed to put in place an ICAC that could well have avoided this situation. Let me explain why an ICAC actually would have made it much less painful to deal with the Burnside situation.

Firstly, independence; we need to avoid situations where politicians are making judgments on whether or not corruption should be investigated. What we have in the local government situation is a state government politician who has, to be frank, political allies in the local government sector and who is being asked to decide whether or not corruption allegations should be investigated. It is important that we establish independence in determining whether there is a case of corruption to answer. We need independence in terms of who is the investigator.

Now, under the current system, the minister for local government in relation to local government matters has actually got to find an investigator. That, in itself, is a choice and that, in itself, raises a factor for dispute in the process of dealing with corruption. Also, there is an issue of independence in terms of the setting of time frames, the costings that are provided and the processes that are involved.

Surely this house does not need any more reminding that those issues are contentious. I am constantly raising issues in relation to those matters in this house. If we had an independent ICAC and those matters were in the hands of an independent ICAC, the independent ICAC would have the confidence of the state to get on with the job. To be frank, I do not have confidence in this government; I do not have confidence in this minister.

An ICAC would also have flexibility, which would have given us a better capacity to deal with the Burnside situation. For example, we understand that there are at least two, if not more, distinct elements in the investigation in relation to Burnside. With an ICAC, one or other of those elements might well have been able to have been dispatched before the others needed to be resolved. We would not have been held up by a specific, time-limited investigation, where the investigator feels that they need to deliver one report. An ICAC could have dealt with them as separate references and delivered them as separate reports. An ongoing body would have that flexibility.

Thirdly, an ongoing ICAC would have, in the Burnside context, had momentum. It would already have been set up so that on 22 June 2009, when the minister for local government decided an investigation was warranted (or for that matter, on its own motion), an ICAC would have been set up, ready to go to get on with the job. Instead, the minister had to decide she was going to have one; she had to find an investigator, get the staff, get the resources, presumably had speak to the Treasury about the funding and time was lost, if you like, in that process in and of itself.

Fourthly, if we had had an independent ICAC operating in June last year, we would not have lost the time that we have lost through the lack of established processes and protocols. The minister has repeatedly told us that the natural justice period has started. No, I withdraw that. I can

only recall on one occasion that she told us that it had started. That was on 31 March, four months ago. She has constantly told us that it is about to start but still, apparently, it is yet to start.

If we had an established ICAC, if on 22 June last year an ICAC could have taken on that role, the ICAC would have already had established policies and protocols in relation to how matters were going to be dealt with, including natural justice periods. So, instead of losing months as the government, the investigator and crown law discuss how best to implement a natural justice period, we could have actually got on with the job. Instead, here we are; what was meant to be a 12-week inquiry is now a 12-month inquiry.

I just want to make sure that I do not lose track of the numbers—I think this is point No. 5. I also submit that an ICAC would have been more economical. This inquiry is going to cost us $1 million. For a government that can make rash costings on stadiums and add a hundred million there and a hundred million there, $1 million might sound awfully humble.

I just remind honourable members that the Ombudsman's office, one of the most valued public accountability mechanisms in this state, I would say, costs this state $1.6 million a year; in other words, only 60 per cent more than the Burnside investigation is going to cost us. I submit that an ongoing ICAC would have done as good a job as Mr MacPherson I am sure will do. It would have been able to do so more efficiently, demonstrated by the fact that the Ombudsman's office can manage to run all of its references for the 2009-10 year for $1.6 million.

I apologise to those crossbench MPs who inquired as to how long I was going to speak. I gave them a much shorter estimate, but I would claim provocation. I would now like to conclude by saying that the government is putting forward a range of bills at the moment which it says are the fulfilment of election commitments. There is a touch of humility there.

Last parliament, the government continued to talk about fulfilling its mandate. In fact, it was threatening to abolish this council because it was so determined to fulfil its mandate and it felt that we were getting in its way. Thankfully, we do not hear the mandate word anymore and nor should we, because they have lost their mandate.

At the last election, the Liberal Party won 51.6 per cent of the two-party preferred vote. I would remind the government that the overwhelming majority of voters supported parties—in other words, any party other than the Labor Party—who named an ICAC as a central policy. The mandate for this piece of legislation goes far beyond the Liberal Party. It goes far beyond anything this government has been able to achieve.

I ask the government to get out of the way and give the people of South Australia what they want. They want an ICAC which is effective, to deal with any issues of corruption as they arise, but also, to make South Australia a healthy, resilient community, that is robust against the onset of corruption, wherever it may emerge.

Bill read a second time.

MOTOR VEHICLES (MISCELLANEOUS) AMENDMENT BILL

Second reading.

The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister for the City of Adelaide) (22:48): I move:

That this bill be now read a second time.

I seek leave to have the second reading speech and explanation of clauses incorporated into *Hansard* without my reading it.

Leave granted.

This Bill contains a number of minor, technical amendments to improve the operation of the *Motor Vehicles Act 1959*.

Most of the amendments are related to the *Motor Vehicles (Miscellaneous No 2) Amendment Act 2009* which was passed by both Houses of Parliament on 1 December 2009. That Act introduced enhancements to the Graduated Licensing Scheme and is scheduled to come into operation on 4 September 2010. I will refer to that Act as 'the GLS Amendment Act'. The amendments correct cross-referencing omissions and provide a regulation-making power for the high powered vehicle restriction scheme.

The remaining amendment has been identified as necessary to implement the desired policy position regarding drug and alcohol dependency assessments.

Section 81AB—Probationary Licences

Section 81AB of the *Motor Vehicles Act 1959* refers to situations when probationary licence conditions should be imposed upon a driver. The GLS Amendment Act clarified the circumstances in which probationary licence conditions should be placed upon a driver. The amendment entailed a significant reorganisation of section 81AB. This has resulted in a cross-referencing omission which has meant that a probationary licence holder who incurs a disqualification, and appeals the disqualification to the Magistrates Court, would not be subject to probationary licence conditions upon return to driving but would obtain a full licence.

This is contrary to current practice and to the intention of the legislation. An amendment rectifies this.

Section 98AAD—Licence or Learner's Permit falsely obtained is void

The GLS Amendment Act increased the penalty for the section 98AAE offences of unlawfully altering or damaging a licence or learner's permit and being in possession of a licence or learner's permit that has been unlawfully altered or damaged from $750 to $2,500.

The penalty for the similar offence in section 98AAD of being in possession of a licence or learner's permit that was issued or renewed on the basis of a false or misleading statement is $750. It is appropriate that the maximum penalty for these offences be consistent. It is therefore proposed to increase the maximum penalty to $2,500.

Section 139BD—Service and Commencement of Notices of Disqualification

Section 139BD outlines the process involved to serve notices of licence disqualification issued by the Registrar of Motor Vehicles under the *Motor Vehicles Act*. The proof of service process requires the driver to attend personally a Customer Service Centre or Australia Post office to acknowledge that the notice of disqualification has been served upon them. This process was established so that a driver who is detected driving whilst disqualified cannot allege they did not know they were disqualified because they did not receive the notice.

The Safer Driver Agreement is one of the enhancements in the GLS Amendment Act. It allows provisional drivers, upon disqualification, to either choose to serve their disqualification or alternatively, by entering into a Safer Driver Agreement, to obtain a provisional licence subject to additional specific conditions. If the Agreement is breached, the driver is liable to a period of disqualification equal to twice that of the original term.

A notice of disqualification for breaching a Safer Driver Agreement is not currently included in the notices of disqualification to which the proof of service process applies. This means that drivers receiving such notices of disqualification in the post would be able to argue non-receipt of the notice, which would be counterproductive to the enforcement of licence disqualifications. This is also contrary to the intention of the GLS Amendment Act and this Bill rectifies this omission.

Section 79B—Alcohol and drug dependency assessments and issue of licences

Section 79B requires an applicant for a licence, who has been convicted of, or expiated, multiple prescribed drug or alcohol offences to undergo a drug or alcohol dependency assessment before a licence is granted. If the assessment finds that a person is dependent on drugs, the Registrar of Motor Vehicles must refuse to issue a licence. If a person is found to be dependent on alcohol, the Registrar may grant a licence subject to alcohol interlock scheme conditions.

The circumstances in which the Registrar requires a licence applicant to undergo an assessment are based on the circumstances in section 47J of the *Road Traffic Act 1961*. Section 47J was the court based scheme for requiring dependency assessments of repeat drink drivers, and it has been superseded by the administrative scheme in section 79B, with the aim of relieving the courts from being involved with these matters.

Section 47J of the *Road Traffic Act* was triggered when a person was convicted of a prescribed offence and had previously been convicted of a prescribed offence committed within 3 years before the later offence. The 2 offences committed close together were considered to show a pattern of dependency sufficient to warrant a dependency assessment. This was also the intention of section 79B of the *Motor Vehicles Act*, but it is not currently reflected in section 79B where the trigger is the date of application for a licence rather than the date of committing the latest offence. This allows for potential abuse of this provision as an applicant can defer the date of application for a licence, thereby avoiding the requirement to undergo a dependency assessment. The Bill rectifies this situation.

In addition, the current circumstances in section 79B do not capture all the combinations of offences that section 47J captured and the Bill amends section 79B to ensure the range is the same.

Section 145—Regulation-making power

Lastly, a power to make regulations regarding exemptions from the high powered vehicle provisions has been included. This will allow regulations to be made that give the Registrar the power to cancel or require the surrender of a certificate of exemption and to create offences, for example obtaining a certificate on the basis of false information.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Motor Vehicles Act 1959*

4—Amendment of section 72A—Qualified supervising drivers

This clause corrects a cross-reference.

5—Amendment of section 79B—Alcohol and drug dependency assessments and issue of licences

Section 79B(1) requires the Registrar of Motor Vehicles to send an applicant for a driver's licence to an assessment clinic to determine if the applicant is dependent on alcohol if the applicant has expiated or been convicted of a certain number of drink driving offences in the 5 years preceding the date of the application.

This amendment requires the applicant to be sent to an assessment clinic if the applicant committed a specified number of drink driving offences in the 5 years preceding the commission of the most recent drink driving offence. The principal effect of the amendment is to ensure that an assessment is required if the applicant committed a required number of offences in the 5 years preceding the offence that led to the most recent loss of licence, rather than in the 5 years preceding the date on which the application for a new licence is made. The amendment also alters the weight to be given to certain levels of drink driving offences in determining whether or not an assessment is required, ensuring for example that medium level offences that are first offences are not to be treated as lower level offences for that purpose.

Section 79B(2) requires the Registrar to send an applicant for a licence to an assessment clinic to determine if the applicant is dependent on drugs if the applicant has expiated or been convicted of a certain number of drug driving offences in the 5 years preceding the date of the application.

This amendment requires the applicant to be sent to an assessment clinic if the applicant has committed a specified number of drug driving offences in the 5 years preceding the commission of the most recent drug driving offence. Again, the principal effect of the amendment is to ensure that an assessment is required if the applicant committed a required number of offences in the 5 years preceding the offence that led to the most recent loss of licence, rather than in the 5 years preceding the date on which the application for a new licence is made.

6—Amendment of section 81A—Provisional licences

This clause amends section 81A(16), 81A(17) and 81A(18) of the measure, as inserted by the *Motor Vehicles (Miscellaneous No 2) Amendment Act 2009*.

Section 81A(16) provides that the holder of a P1 or P2 licence must not, if he or she is under the age of 25, drive a high powered motor vehicle (which is a vehicle of a class prescribed by the regulations or by the Registrar by notice in the Gazette). A minor amendment is made to section 81A(16) to ensure consistency in the use of terms in the Act.

Section 81A(17) provides that the Registrar may, on application by a P1 or P2 licence holder (and payment of the prescribed fee, if any), grant the holder an exemption from the prohibition in section 81A(16) for such a term and subject to such conditions as the Registrar thinks fit. Section 81A(18) then requires the Registrar to issue a certificate of exemption to such persons.

This amendment, together with the amendment in clause 10, make it clear that regulations can be made on matters relating to exemptions under section 81A(17), including the issue, carriage and production of certificates of exemption and the use, suspension, cancellation or surrender of exemptions or certificates of exemption.

7—Amendment of section 81AB—Probationary licences

This amendment is consequential on amendments made by the *Motor Vehicles (Miscellaneous No 2) Amendment Act 2009*.

8—Amendment of section 98AAD—Licence or learner's permit falsely obtained is void

Section 98AAD(2) makes it an offence (without lawful excuse) to have possession of a licence or learner's permit that was issued or renewed on the basis of false or misleading statements or evidence given by the applicant. This amendment increases the maximum penalty from $750 to $2 500 in line with the penalty for similar offences in the Act.

9—Amendment of section 139BD—Service and commencement of notices of disqualification

This amendment is consequential on amendments made by the *Motor Vehicles (Miscellaneous No 2) Amendment Act 2009*.

10—Amendment of section 145—Regulations

This amendment provides for the making of regulations on matters relating to exemptions from the prohibition on the driving of high powered vehicles by P1 and P2 licence holders (exemptions that can be granted by the Registrar under section 81A(17)). Regulations can be made, amongst other things, on the issue, carriage and

production of certificates of exemption and the use, suspension, cancellation or surrender of exemptions or certificates of exemption.

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

STAMP DUTIES (PARTNERSHIP INTERESTS) AMENDMENT BILL

Received from the House of Assembly and read a first time.

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) (22:50): I move:

That this bill be now read a second time.

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

Leave granted.

The need for this Bill arises as a result of the decision of the Full Court of the Supreme Court of South Australia in *Cyril Henschke Pty Ltd and Ors v Commissioner of State Taxation* [2009] SASC 148 (the 'Henschke case').

The Full Court found that a partner's interest in partnership property is not an interest in the underlying assets held by the partnership, but is rather a chose in action entitling each partner to their share of the profits derived from the assets and the value of the partner's share of the assets upon dissolution.

Therefore, although upon retirement, a retiring partner may agree to sell his or her chose in action to the continuing partners, a retirement may also occur with no transfer. Rather, the retiring partner may simply leave the partnership taking cash representing the value of his or her proportionate share in the partnership property, without there being any transfer of the underlying partnership assets.

The decision of the Full Court has significant implications for stamp duty assessments as they relate to partnership interests. The judgment has left the way open for any partnership, wishing to effect a retirement of a partner or partners, to effect such a retirement by adopting the method used in this case, and consequently significantly reduce their stamp duty liability.

The potential revenue that may be lost is considered to be significant. Partnerships are a popular way to structure business enterprises in South Australia and therefore it is possible that partnerships may seek to effect any retirements of partners in the same way, and therefore avoid any stamp duty liability.

Leave to appeal the decision of the Full Court to the High Court of Australia has been obtained. However, the Government is nevertheless moving to amend the Act in order to ensure that the revenue base is protected regardless of the outcome in the High Court.

The Bill will ensure that partnership transactions continue to be taxed in the same manner that they were taxed prior to the Henschke case, thereby protecting the revenue. The provisions will apply both prospectively and retrospectively.

I commend this Bill to Honourable Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Stamp Duties Act 1923*

3—Insertion of section 71AB

This clause will insert a new section in the Act that specifically deals with the imposition of duty on transactions relating to interests in partnerships. In particular, the provision will make it clear that any transaction affecting an interest, including an interest consisting of a right to a proportion of the surplus property of a partnership if assets were realised and liabilities discharged, will be subject to duty. A transaction within the ambit of the section may be subject to duty even if there is no transfer of assets or change in the ownership of an equitable interest in the partnership.

The provision also reflects the current practice in relation to the assessment of duty, in that land is assessed according to its unencumbered value and all other assets are assessed on their net value.

Given the application of the new section to any instrument that may effect or evidence a relevant transaction, the provision makes it clear that if 1 instrument relating to a transaction is duly stamped, any other instrument relating to the same transaction will be exempt from duty to the extent necessary to avoid the imposition of double duty.

The section will operate both prospectively and retrospectively.

4—Amendment of section 71E—Transactions otherwise than by dutiable instrument

This clause makes a corresponding amendment to section 71E of the Act in relation to transactions within the ambit of proposed new section 71AB that are not effected by instrument.

5—Amendment of section 91—Interpretation

In a manner consistent with the proposed new section 71AB of the Act, it is intended to ensure that the Act applies so that an interest of a partner in a partnership will be considered to constitute a beneficial entitlement to a proportionate share in each and every asset of the partnership.

6—Amendment of section 95—General principle of liability to duty

Section 95 of the Act imposes duty with respect to transactions that relate to the acquisition of significant interests, or of increased interests, in land rich entities. Subsection (4) is to be amended to reflect the fact that these provisions extend to transactions that relate to changes in the interest of persons as partners in partnerships that hold relevant interests in land rich entities.

Schedule 1—Transitional provision

1—Transitional provision

This provision will allow the Commissioner of State Taxation to reassess duty on the basis of the amendments that are to be effected to the Act. However, the Commissioner will not be able to impose penalty duty on account of a reassessment under this clause and the measure will not affect a liability for duty with respect to the Deed that gave rise to the Supreme Court proceedings in the matter of *Cyril Henschke Pty Ltd v Commissioner of State Taxation*.

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

STATUTES AMENDMENT (DRIVING OFFENCES) BILL

Received from the House of Assembly and read a first time.

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) (22:50): I move:

That this bill be now read a second time.

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

Leave granted.

This Government is committed to protecting South Australians from the actions of street racers, who demonstrate a reckless indifference to the lives of others and who by their actions, put the lives of innocent drivers and pedestrians at risk.

The Bill introduces street racing as an serious criminal offence, through reforms to the *Criminal Law Consolidation Act 1935*, with consequential amendments to the *Road Traffic Act 1961* and the *South Australian Motor Sport Act 1984*.

These measures build upon the Government's other initiatives to combat hoon driving behaviour set out in the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) (Miscellaneous) Amendment Act 2009*.

We are determined to pursue the tough initiatives contained in this Bill to reflect the community's intolerance of such irresponsible and dangerous behaviour.

I seek leave to have the remainder of the speech inserted into Hansard without my reading it.

Amendments to the Criminal Law Consolidation Act 1935

The criminal conduct of street racing will be inserted into Part 3, Division 6 of the *Criminal Law Consolidation Act 1935*. Consequential amendments will be made to section 44B of the *Road Traffic Act 1961*, where the conduct of street racing is currently prescribed as an offence.

The definition of street racing will capture participants in street race, which will include those present in a motor vehicle whilst it is driven in a street race, or those that assist in the promotion of the street race or those who engage in any other conduct that assists in the street race taking place. It shall be a defence to the charge of participating in a street race by being present in the vehicle, if the person proves they were not the driver and did not consent to the motor vehicle being driven in the race.

As to the features that will aggravate the offence of street racing, these will be as follows:

- the offender knew that, at the time of the offence, he or she was driving the motor vehicle in circumstances of heightened risk;
- the offender committed the offence knowing that there were one or more passengers in or on the vehicle;

- the offender was, at the time of the offence, driving a motor vehicle that had a major defect about which the offender knew, or ought reasonably to have known.

Circumstances of heightened risk is defined to capture a broad range of circumstances and weather conditions that increase the danger of engaging in the indictable offence charged. 'Major defect' is defined to capture vehicles whose use constitutes a serious risk to the safety of any person. This definition was deliberately drafted in a broad sense to capture the risks posed by the major defect not only to the occupants of the vehicle but also to pedestrians in close proximity and indeed other road users. It is intended to capture those individuals who either modify their vehicles for the purposes of engaging in hoon driving behaviour and at the other end of the spectrum, those who do not take steps to maintain the vehicle that they own or drive, but, despite this, choose still to engage in risky behaviour on our roads.

As to penalties for street racing, for a first offence that is a basic offence, imprisonment for three years will apply in addition to licence disqualification for one year or longer if the court thinks fit. For a first offence that is an aggravated offence, or for any subsequent offence, the penalty will be imprisonment for five years and licence disqualification for three years or longer. It is intended that the offence of street racing will constitute a prescribed offence for the purposes of clamping, impounding and forfeiture of vehicles under the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007*.

The Bill also amends section 5AA of the Act to provide that driving a motor vehicle in a street race will constitute an aggravating factor for a section 19A offence (causing death or harm by dangerous use of a motor vehicle or vessel). The applicable penalty for aggravated section 19A offences is life imprisonment (where death or serious harm is caused) or 7 years imprisonment (for other harm).

It should be noted that, in the most serious cases where death has resulted, it may be appropriate to charge the accused with manslaughter; it is not the Government's intention to remove that charging option for such cases. Rather, these changes seek to ensure that, where charges are laid under section 19A and street racing is proved, the higher maximum penalties applicable to aggravated offences will apply.

The Bill also amends section 19A(5) to clarify that for the purposes of determining whether an offence is a first or subsequent offence, the focus is on the similar conduct of dangerous driving, rather than the degree of harm that resulted from previous dangerous driving (which is entirely fortuitous). The Bill does by amending section 19A(5) to provide that identified offences involving similar conduct will be taken into account for the purpose of determining if an offence against section 19A is a first or subsequent offence.

A technical amendment to section 19B of the *Criminal Law Consolidation Act 1935* that addresses alternative verdicts is also necessary as a result of the introduction of street racing as a serious vehicle offence.

The Bill also affords an opportunity to clarify any ambiguity that may exist when police officers and indeed other emergency workers are engaged in driving in emergency circumstances that may subjectively be considered dangerous or poses a greater risk to other road users than ordinarily would be the case. It is therefore proposed to clarify the criminal liability of police officers when engaged in police pursuits and other types of emergency driving, by providing a defence if charged with section 19A of the *Criminal Law Consolidation Act 1935* (the offence of cause death or harm by dangerous driving). A related amendment will also be required for sections 45 and 46 of the *Road Traffic Act 1961* (the offences of careless driving and reckless and dangerous driving).

Currently Rule 305 of the Australian Road Rules provides that a provision of the Australian Road Rules does not apply to the driver of a police vehicle in specified circumstances. However the exception afforded by Rule 305 of the Australian Road Rules does not canvass offences under the *Road Traffic Act 1961*. Section 110AAAA of the *Road Traffic Act 1961* provides an exemption for drivers of an emergency vehicles from offences against sections 44B, 45A, 82, 83 and 110. However drivers of emergency vehicles still remain able to be charged with sections 45 and 46 of the *Road Traffic Act 1961* and sections 19A of the *Criminal Law Consolidation Act 1935*.

This amendment does not exempt police officers or other emergency workers prescribed by regulation from being charged with an offence against section 19A of the *Criminal Law Consolidation Act 1935* and sections 45 and 46 of the *Road Traffic Act 1961*. It will instead provide a defence to a charge against these provisions, provided very particular circumstances are met. Those circumstances will be that at the time of the offence, the emergency worker was:

- carrying out duties as an emergency worker;
- acting in accordance with the directions of his or her employing authority; and
- acting reasonably in the circumstances as he or she believed them to be.

Emergency worker will be defined as a police officer, or a person who is an emergency worker as defined by the regulations for the purposes this section.

Amendments to the South Australian *Motor Sport Act 1984*.

The introduction of street racing as an indictable offence under the *Criminal Law Consolidation Act 1935*, covers a range of activities that, aside from being a driver of a vehicle involved in a race, speed trial or other, captures those individuals who promote or assist in the promotion of such an event. Accordingly there are many legitimate events that involve speed trials or races between vehicles that need to be protected from being captured by this new offence. Accordingly, section 25 of the *Motor Sport Act 1984* requires amendment to ensure those participating in legitimate motor sport events are not eligible for prosecutions for offences under the *Road Traffic Act 1961*, the *Motor Vehicles Act 1959* and Part 3 Division 6 of the *Criminal Law Consolidation Act 1935.*

Summary

The Government is concerned at the reckless and irresponsible behaviour of some drivers on our roads. In recent, tragic cases, this behaviour has led to the death of innocent people. This Bill is designed to strengthen current laws and measures to deter and punish hoon-driving behaviour. I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Criminal Law Consolidation Act 1935*

4—Amendment of section 5AA—Aggravated offences

Section 5AA of the principal Act sets out what constitutes an aggravated offence for the purposes of that Act. Offences committed in the circumstances of aggravation listed in the section attract higher maximum penalties.

This clause inserts new subsection (1c) into section 5AA. The new subsection sets out the aggravating factors applicable to the commission of offences under proposed section 19AD. The aggravating factors apply only to an offender who is a driver of a vehicle and include driving the vehicle in circumstances of heightened risk (which is defined in the section), driving with passengers in or on the vehicle or driving a vehicle with a major defect (with also a defined term) if the driver knew or should have known of the defect.

The clause also amends section 5AA(1a), to make driving a motor vehicle in a street race an aggravating factor for an offence against section 19A.

5—Amendment of section 19A—Causing death or harm by use of vehicle or vessel

This clause amends section 19A of the principal Act (a section providing offences for those who cause death or harm by certain driving behaviour) to increase the range of offences that will count as "first offences" for the purposes of the section. Under the proposed amendments, all previous offences against section 19A (regardless of the degree of harm caused) and all offences involving the similar relevant conduct (ie. dangerous driving or dangerous vessel operation) will be counted.

The clause also inserts a defence for emergency workers (being defined as police or other workers prescribed by regulation). The defence is made out if the worker was acting in accordance with directions of his or her employer and was acting reasonably in the circumstances.

6—Insertion of section 19AD

This clause inserts new section 19AD into the principal Act.

The new section establishes an offence of participating in a street race, or in preparations for a proposed street race. Participating in a street race is defined to mean being present in a motor vehicle being driven in a race, promoting or assisting in the promotion of a race or proposed race or otherwise assisting or intending to assist a race or proposed race. There is a defence for a person charged with participating by being present in a vehicle if the person establishes that he or she was not the driver and did not consent to the vehicle being driven in the race.

The new section also defines what constitutes a street race and sets out procedural matters in respect of the new offence.

7—Amendment of section 19B—Alternative verdicts

This clause amends section 19B of the principal Act to reflect the amendments made to the Act by this measure.

Part 3—Amendment of *Road Traffic Act 1961*

8—Amendment of section 44B—Misuse of motor vehicle

This clause amends section 44B of the principal Act (removing conduct amounting to street racing from that section) and is consequential upon the creation of the new offence of street racing by clause 6 of this measure.

9—Amendment of section 45—Careless driving

This clause amends section 45 to insert a defence for emergency workers in keeping with the defence proposed to be inserted in section 19A of the *Criminal Law Consolidation Act 1935* by clause 5 of this measure.

10—Amendment of section 46—Reckless and dangerous driving

This clause amends section 46 to insert a defence for emergency workers in keeping with the defence proposed to be inserted in section 19A of the *Criminal Law Consolidation Act 1935* by clause 5 of this measure.

Part 4—Amendment of *South Australian Motor Sport Act 1984*

11—Amendment of section 25—Non-application of certain laws

This clause amends section 25 of the principal Act to make it clear that (in addition to current exclusions) Part 3 Division 6 of the *Criminal Law Consolidation Act 1935* as amended by this measure does not apply in respect of a vehicle or its driver while the vehicle is being driven in a motor sport event contemplated by the principal Act.

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

At 22:51 the council adjourned until Thursday 22 July 2010 at 11:00.