LEGISLATIVE COUNCIL

Tuesday 28 September 2010

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

TRUSTEE (CHARITABLE TRUSTS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

MOTOR VEHICLES (MISCELLANEOUS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

PAPERS

The following papers were laid on the table:

By the President—

Joint Parliamentary Service, Administration of—Report, 2009-10

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

Reports, 2009-10—
- Capital City Committee
- Legal Practitioners Disciplinary Tribunal
- Witness Protection Act 1996

Regulations under the following Act—
- Criminal Law (Sentencing) Act 1988—Sentencing

Rules of Court—
- District Court—District Court Act 1991—Civil—Amendment No. 14
- Supreme Court—Supreme Court Act 1935—Civil—Amendment No. 13

Financial Statements for the Administered Items for the Department of Treasury and Finance (2010-11 Budget Papers)—Corrigendum

By the Minister for Urban Development and Planning (Hon. P. Holloway)—

Mixed Use (Islington) Zone Development Plan Amendment by the Minister—Report

Regulations under the following Act—
- Development Act 1993—Miscellaneous

McGEE, MR EUGENE

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) (14:22): I table a copy of a ministerial statement made by the Premier on the Eugene McGee disciplinary hearing.

YUENDUMU FAMILIES

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) (14:22): I table a copy of a ministerial statement made by the Premier in relation to the Yuendumu families.

RESIDENTIAL ENERGY EFFICIENCY 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) (14:23): I seek leave to make a personal explanation.

Leave granted.

The Hon. G.E. GAGO: On 15 September 2010, the Hon. Michelle Lensink asked a question about insulation installation and the Residential Energy Efficiency Scheme (REES). In my answer I stated that I understood that all insulation companies involved in this scheme had become appropriately licensed in 2009. Today I have been advised that OCBA has received new

information from ESCOSA in relation to another installer who had been involved in the REES. That installer I have been advised was licensed in May 2010.

CORRECTIONAL SERVICES

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) (14:28): I table a copy of a ministerial statement made today by the Minister for Correctional Services relating to proposed legislative amendments.

QUESTION TIME

INDEPENDENT COMMISSION AGAINST CORRUPTION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:29): I seek leave to make a brief explanation before asking the Leader of the Government a question about an independent commission against corruption.

Leave granted.

The Hon. D.W. RIDGWAY: The ALP has long argued that South Australia does not need an independent commission against corruption because we already have, among others, the Police Complaints Authority. The Ombudsman does not have the powers to investigate complaints against police of alleged corruption; the Police Complaints Authority refers those matters to SAPOL's Anti-Corruption Branch.

Eminent lawyers, including corruption fighters in South Australia and other states, including former Labor premiers Peter Beattie and Bob Carr, and also independent anti-crime commissioners in states which have them, all urge the establishment of an ICAC in South Australia. Even the State Coroner says that the secrecy provisions in the Police Complaints Act are too restrictive. They say that the Police Complaints Authority should be disbanded and replaced with a more transparent system of investigation, through an independent commission. One of the criticisms is that complaints of corruption against police eventuate (via the Police Complaints Authority) in the Anti-Corruption Branch, which effectively is police investigating police.

The Leader of the Government may have heard a fascinating midnight phone call made by the former attorney-general Michael Atkinson to FIVEaa this week, in which he lambasted the Legal Practitioners Conduct Board. He said that having lawyers investigate the conduct of lawyers is like Caesar judging Caesar. My question is: now that even the previous attorney-general sees the folly of Caesar judging Caesar, when will the government scrap the internal Police Anti-Corruption Branch and the involvement of the Police Complaints Authority in complaints of alleged police corruption and replace them with an independent commission against corruption?

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): The first point I make is that the Police Complaints Authority is headed by a lawyer, as I understand it, and not headed by a member of the police force. It is an independent body that does it but, in relation to the broader issue of the roles of these authorities, the leader would be well aware that the Attorney-General is currently investigating such arrangements, and I am sure we will have a report fairly soon.

OFFICE FOR WOMEN

The Hon. J.M.A. LENSINK (14:31): I seek leave to make a brief explanation before asking the minister for the Status of Women a question about appointments within her portfolio.

Leave granted.

The Hon. J.M.A. LENSINK: In South Australia, what have once been permanent positions of the director of the Office for Women and the manager for the Women's Information Service have more recently been advertised as acting positions of some 12 months. I, and I think other honourable members, have been contacted by women's advocacy services, which are very concerned that this is a move to downgrade the services that both these offices provide. My questions to the minister are:

1. Why have these positions not been advertised on a permanent basis?

2. What effect has this had on the number of applicants compared with previous recruitment advertising campaigns?

3. Will the minister confirm whether the offices for the Office for Women and the Women's Information Service have been or are being downgraded?

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) (14:32): I thank the honourable member for her most important questions. Quite the converse is occurring in relation to the Office for Women. It will go from strength to strength and has done so in the last number of years. The director's position has been an acting one for some time. Particularly, most recently that relates to the budget initiatives we have been looking at and the savings we have been required to find. We had proposed to look at a restructuring of the office in line with other areas as well, and in light of the considerations that were under way it was felt that it was appropriate to have the position remain acting.

Members would be well aware from the budget announcements that we have proposed a new merger involving the Office for Women, multicultural affairs and a number of other areas as well that will come together to create streamlining of particularly back-of-shop type procedures and work and administrative roles. This will create a streamlining of services and will reduce duplication. Currently these very small agencies operate in a way that duplicates a range of different services. In light of that there will be a major restructure.

The integrity of the Office for Women and the vital policy work it contributes will remain intact, although obviously there will be a restructure and there could also be a rebadging. Those details are currently being worked through, but it in no way reflects a diminution of the role and function of the office; in fact, quite the opposite: I believe that we will have even better services come out of that office. They will be more efficient and more effective and we look forward to that. The position will then be allocated around the new structure once that new structure has been signed off.

In terms of the recent incumbents, I put on the record that each and every one of those people in that acting position have been of an extremely high calibre. I have to say how incredibly fortunate I have been to have had such strong leadership within the Office for Women over a number of years. When vacancies became available we had a large number of applications, all from high calibre applicants and, as I said, I cannot stress strongly enough how fortunate we have been, how privileged we have been, to have that particular leadership within that office.

OFFICE FOR WOMEN

The Hon. J.M.A. LENSINK (14:36): Can the minister confirm whether the Women's Information Service is also captured as part of this restructure?

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) (14:36): It is. The Women's Information Service is one of those very important services provided from the Office for Women. We are currently looking at that service and looking at ways, again, to improve efficiencies and to ensure that that role and function continue in an ongoing way, providing relevant, vital and contemporary services in line with community needs and expectations. So, it is timely that we look at that and make sure that we are providing contemporary services in line with community needs and expectations.

PUBLIC SECTOR MANAGEMENT

The Hon. S.G. WADE (14:37): I seek leave to make a brief explanation before asking the Minister Assisting the Premier in Cabinet Business and Public Sector Management a question relating to public sector management.

Leave granted.

The Hon. S.G. WADE: In March 2010, the minister's predecessor gave a commitment to the Public Service Association: 'There will continue to be job growth in the public sector during our next term of government, if re-elected.' Does the government stand by this commitment?

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) (14:37): I think one needs to understand that in the current Public Service there are about 100,000 people. It is roughly a 60/40 ratio, with 60 per cent in administrative clerical services and the other 40 per cent in the professional sector, such as

police, nurses, teachers, doctors, etc. If one considers the policy that the government is putting forward, we are displacing 3,750 positions. Each year about 7,000 people leave the—

The Hon. J.M.A. Lensink: I can't believe you can say this with a straight face.

The Hon. P. HOLLOWAY: Do you want an answer or not?

The Hon. S.G. Wade: Is it growth, or not?

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: You want facts. How do I put facts without a straight face, Mr President? What a question we have from members opposite. The fact is that what this government is seeking to do is to uphold the promises made by the Premier and the former minister in relation to public sector tenure. What we are doing is trying to readjust the budget of this state. In the deluded fantasy land of members opposite they think that somehow or other the budget can just—one only has to look at the pathetic performance of the Leader of the Opposition today: hours of rhetorical attacks but no alternative at all, not one single alternative. What members opposite need is a lesson in economics 101. The fact is that public sector services do not stay static. If you look at the health sector—and the same would be true of disabilities and other areas—it is growing at 10 per cent a year.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Well, Mr Lucas, you look in the mirror.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: I know how you do it, Mr Lucas, that is, look in the mirror. Look in the mirror for you, Mr Lucas. If Mr Lucas wants to know, he should look in the mirror and he will see one staring back at him. He will see one staring back if he looks in a mirror. So, that is where you find one. We know where the unparliamentary language is coming from.

As I say, within the budget there has been a 10 per cent growth in the health sector, and it is true of other areas such as disability. That has been happening for a decade or more. Government revenues are growing by about 5 per cent (obviously less than that in both areas) in real terms, and that happens every single budget. What you have to do is restructure state services. If you are to meet the health needs and the other demands, you cannot just keep everything else static.

Revenue is growing at 5 per cent, and expenditure in a significant sector like health is a third or 40 per cent of your budget, not just in this state but in every other state and all around the world, because of new discoveries in drugs and the ageing of the population. There are a whole lot of reasons why it is happening; it has been happening for two decades, and it happened during the time of the previous government. What you have to do, therefore, is restructure your budget.

You cannot just use a formula that worked last year, four years ago, eight years ago, 10 or however many years ago. You cannot just keep it static: you have to continually restructure. That is what this government is doing with its budget: it is restructuring and that means that some jobs will have to be replaced by others.

To go back to the question, it is likely that in four years' time there will be as many public servants as there are now, but they will be different public servants because of the simple fact that if health is growing at 10 per cent—and we expect that with an ageing population and new health discoveries that will continue to be the case—there will be different needs and demands.

Governments can either do what the opposition's economic policy dictates—pretend it will go away and live in some deluded fantasy world where you pretend that is not happening and just think, 'Things will always stay the same'—or you can actually deal with real problems. That is what this government is doing. In relation to the question—are there likely to be more jobs in four years' time—there very well might be but they will be different ones. What we cannot do is continue to have the same structure of our public sector.

The structure of the public sector in 2010 will not be the same as it will be in 2014, just as it was not the same many years ago. In the mines and energy department back in the 1950s, well over 1,000 people were working there: now it is fewer than 200. These things change and, if demand is in health and in families and community services, then that is where the resources will need to be. Given that the demand is growing faster than revenue, we need to restructure.

That is what this government is doing and that is what we will do, and we will seek to uphold those promises made by the Premier in particular. We are seeking to do that with very generous targeted separation packages rather than use forced redundancies. That is our preferred method.

Members interjecting:

The PRESIDENT: Order! We have had enough excitement for the afternoon.

Members interjecting:

The PRESIDENT: Order! Are we all finished now? The Hon. Mrs Zollo.

WHYALLA RARE EARTHS COMPLEX

The Hon. CARMEL ZOLLO (14:43): I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about investment opportunities in Whyalla.

Leave granted.

The Hon. CARMEL ZOLLO: Whyalla is one of South Australia's most important regional cities. As a base for OneSteel, it has become a major employer for both the mining industry and steelmaking. Operation Magnet has provided the city with a new lease of life and changed the landscape in terms of the red dust that once bedevilled the city when crushing occurred at the steelworks. With so much of the workforce of Whyalla relying on OneSteel for its livelihood, will the minister provide an update on any investment opportunities that could diversify the city's industrial base?

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) (14:44): I thank the honourable member for her important and timely question. It was with great pleasure that I was invited to Whyalla by Arafura Resources earlier this month to attend an event to announce that the city had been selected as the preferred site for a $1 billion rare earths complex. I can happily inform members that Arafura and OneSteel have reached an agreement on access to land zoned for industry just north of the existing steelworks. To quote the Mayor of Whyalla, Jim Pollock, 'This is great news for the City of Whyalla.'

Whyalla was chosen after an exhaustive national search by Arafura Resources for a suitable site for its major investment. The proposed rare earths complex is expected to create a significant long-term economic boost for this important city and the surrounding region in terms of both jobs and investment. The entire complex is expected to occupy a total area of 730 hectares. Arafura Resources advises me that Whyalla was chosen due to the city's standout qualities such as the availability of land close to associated infrastructure and access to a highly skilled workforce.

While the state government was not required to provide any financial inducements to secure the decision, we did work long and hard through PIRSA and the Department of Planning and Local Government and also contributions from the Whyalla Economic Development Board and council to convince Arafura of the merits of choosing Whyalla as the best site for this project. South Australia welcomes and supports initiatives to further develop mineral production in this state that will further underpin our vibrant and sustainable resources industry. While we have already achieved the target in South Australia's Strategic Plan of increasing the value of minerals production to $3 billion four years early, we are still aiming to increase the value of minerals processing to $1 billion by 2014. With Arafura Resources predicting production to begin on site by 2013, this will no doubt assist us in achieving that target.

As Minister for Urban Development and Planning, I have decided to declare the Arafura Resources rare earths complex at Whyalla a major project, thus triggering the most rigorous development assessment process available in South Australia. This is a very significant project and requires the highest level of scrutiny. The scale and complexity of the proposal and its potential to contribute significantly to employment in the state's economy clearly satisfy the significant economic test required to justify a declaration. The large-scale production and use of chemicals and the need for proper risk management also satisfy the environmental test, while the improvements to the diversity of employment and skills within Whyalla's workforce satisfy the test of social importance.

It is important to note that such a declaration will enable the independent Development Assessment Commission to set the guidelines for the proponent to undertake an environmental impact study or a public environment report, whichever the commission deems to be the most appropriate. As I have publicly said, I would expect that, for a project of this scale and complexity, it would be a full EIS, but that is obviously up to the commission. Major development assessment is also the only statutory process in South Australia that is recognised by the commonwealth under its environmental protection and biodiversity conservation law.

This proposed investment will set Whyalla on the path to being Australia's gateway to the world in terms of exports of rare earths. While the resource for the complex is to be sourced from Arafura Resources' Nolans Bore deposit in the Northern Territory, having a facility that can refine these materials in South Australia opens up supply opportunities to local mine operators with access to these commodities. Although South Australia does not have a stand-alone rare earths prospect, there are a handful of projects that could produce this material as a by-product of mining for other resources. Having a rare earths complex at Whyalla suddenly makes it more feasible to process these materials.

I am aware that this project is still in its very early stages and it will obviously need to satisfy all statutory approvals and requirements, but if Arafura's confidence in achieving such approvals is any indication then we can expect a major $1 billion investment in the Upper Spencer Gulf. Such a facility is expected to create more than 1,000 jobs during the two-year construction phase and about 200 to 300 ongoing jobs at the processing site. An investment on such a major scale will no doubt act as a catalyst for attracting support industries to not just Whyalla but also the Upper Spencer Gulf region.

Arafura Resources' plans to use the Adelaide to Darwin rail line to transport the rare earths from a siding at Rankin Springs, which I think is about 100 to 150 kilometres north of Alice Springs, to Whyalla also make use of that important piece of rail infrastructure. It is interesting that, where significant ore has been railed north to the port of Darwin, there is an opportunity here for the rail to bring ore in the reverse direction.

For the uninitiated, rare earths are in demand worldwide for use in lasers, computer and television screens, fibre-optic cables, iPods and mobile phones. They are also essential for developing green technologies such as low-energy light bulbs, wind turbines, rechargeable motor vehicle batteries for electric and hybrid cars, high-strength magnets used in the motors of such cars, and other magnets. With China, the major source in the global supply of rare earths, announcing that they will be significantly curtailing exports of this material, opportunities have opened for companies such as Arafura Resources to enter this market. The building of the rare earths complex is consistent with this government's desire to broaden the state's regional economic base by expanding its mining and mineral processing industry and enhancing the development of key regional infrastructure.

Arafura plans to source staff and supplies from the Whyalla region for the rare earths complex and will work with local organisations to provide pre-employment and on-the-job training programs. Community benefits derived from Arafura's planned operations in Whyalla include jobs and training for local people, providing skills that will last beyond the life of the project; support for regional economic development; sharing of resources and infrastructure developed for the complex, such as power, and less reliance on water from the Murray Darling river system due to the construction of a small desalination plant; such a plant will provide the adjoining salt works with brine discharge for use in its operations; about $100 million annually into the local economy, primarily through wages and long-term business stimulus; and Whyalla can be expected to be recognised globally as Australia's gateway for rare earth oxides.

As I said before, these are early days in the process of finalising the mine at Nolans, but this government is quite excited by Australia's potential as a supplier of rare earths and the opportunity for Whyalla's involvement.

WHYALLA RARE EARTHS COMPLEX

The Hon. M. PARNELL (14:52): Notwithstanding that the minister said that it is early days and the EIS has not yet been commissioned, has Arafura advised the government how it intends to manage, store and dispose of the long-lived radioactive processing waste that will come from the plant, which I understand will be up to 680,000 tonnes a year? In particular, will the waste be returned to the mine site in the Northern Territory or will it be disposed of here in South Australia?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development, Minister for Urban Development and Planning, Minister for Industrial Relations, Minister Assisting the Premier in Public Sector Management) (14:52): My understanding is that some of that waste will be returned to the mine site but, obviously, that will depend on the chemical processing of it and the nature of that particular waste. I will seek a more detailed answer for the honourable member.

WHYALLA RARE EARTHS COMPLEX

The Hon. T.J. STEPHENS (14:53): I have a supplementary question.

The Hon. B.V. Finnigan: Do you remember where Whyalla is?

The Hon. T.J. STEPHENS: Thanks, Hon. Mr Finnigan. Yes, I would like to know where Whyalla is, you goose. Can the minister give us a guide as to the time frame that Arafura is looking at with regard to the $1 billion in capital that it needs to raise?

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) (14:53): As I said in my answer to the question, I think it was in about 2013 that they were hoping to do it.

Members interjecting:

The Hon. P. HOLLOWAY: Yes, well, that is their stated timetable. I think what the honourable member needs to understand is that rare earths are extremely strategic materials. China has been responsible for about 95 per cent of all production, but they have announced that they are curtailing that. As I said earlier, rare earths have wide applications in a number of new high-technology areas, not the least of which are defence applications. Clearly, there is a lot of strategic interest in these particular commodities. I believe there is no better time than now for the financing of such a project.

These resources have been known for some time, but I believe that the strategic situation surrounding this material has never been as favourable, inasmuch as that would support the development of the project in Australia. So, given that we have Nolans up in the Northern Territory, close, fortunately, to the rail line, we have the opportunity to develop that processing facility in Australia which could produce up to 10 per cent of the world supply. I think about 20,000 tonnes is the production target of rare earths. Given the wide and important use that these materials have in very key areas and given the supply constraints now being imposed by China, one would hope that that is a very favourable situation for raising finance.

CHILD PROTECTION RESTRAINING ORDERS

The Hon. A. BRESSINGTON (14:55): I seek leave to make a brief explanation before asking the minister representing the Attorney-General a question about child protection restraining orders.

Leave granted.

The Hon. A. BRESSINGTON: Late last year, this place passed the Statutes Amendment (Children's Protection) Bill which, as members may recall, provided for child protection restraining orders enabling parents whose child has run away from home to apply for a restraining order against a person harbouring the child against their will.

Many cases involve young teenage girls who have been lured away from the family home by older men. These older men may have encouraged young girls to stretch the boundaries and rules of the family to create conflict within the family and then encouraged those girls to move out of home and live with them. Too often, drugs and alcohol are used as a grooming tool.

In other cases, children have been lured away by their peers who have often already found themselves in a drug culture through other family or friends. The provisions of the child protection restraining orders were enacted and came into operation on 1 August this year. While one would have expected the relevant stakeholders to be briefed and prepared for this commencement by the Attorney-General's Department, this unfortunately did not occur.

Staff at the Courts Administration Authority were seemingly not informed, with few staff knowledgeable, let alone conversant, regarding its existence. In fact, they did not receive the child protection restraining order application form until long after it had come into operation and, to this day, do not have the tailored affidavit that is to accompany an application available on the courts website. The effect of the inadequate preparation by the Attorney-General's Department for the

Public Service, police and judiciary was utter confusion, not least of which involved our constituents.

One in particular, a father of a 13 year old girl who ran away to live with her 18 year old boyfriend, did not learn of the child protection restraining order until it was raised on radio. Due to the front-line police having no knowledge of child protection restraining orders, this father was initially told by an officer that it was not a police problem and that they were powerless to intervene. More disturbingly, it is alleged that another officer informed the daughter that she was free to leave home and her parents were powerless to stop her.

To further demonstrate how woefully prepared stakeholders were, when this father's child protection restraining order application was heard, the associate magistrate had to briefly excuse himself to go into his chambers and read the relevant provisions because he was not familiar at all with the legislation. My questions for the minister are:

1. What is the usual process carried out by the Attorney-General's Department for briefing relevant stakeholders to ensure that they are prepared prior to a new offence or, in this case, restraining order, coming into operation?

2. Given the obvious failings in the preparation for child protection restraining orders, will the minister commit to reviewing the process to ensure they are not repeated?

3. Given that the case mentioned has highlighted the need for cooperation between the police, Families SA, the Courts Administration Authority and the judiciary, what further measures will the Attorney-General be taking to ensure this occurs and child protection restraining orders work to assist parents to protect their children?

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) (14:58): I thank the honourable member for her detailed question. I will refer it to the Attorney-General and bring back a reply.

SCHOOLIES WEEK

The Hon. B.V. FINNIGAN (14:58): I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about safe partying for young people during Schoolies Week.

Leave granted.

The Hon. B.V. FINNIGAN: The question of binge drinking in our pubs, clubs and streets is recognised as being an important challenge for the state government. Schoolies Week has in recent years become an event in which young people can be exposed to excessive drinking, possibly for the first time in their life. Will the minister provide the council with information on initiatives to promote safe partying during Schoolies Week?

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) (14:59): I thank the honourable member for his very important question and his very youthful perspective on these matters, of which obviously other members opposite me are envious. We are approaching the time of the year when large numbers of students will gather to celebrate the achievement of completing high school. It is obvious that it is a tremendously important time of the year, when young people make one of the most important rites of passage in their lives from high school to the wider world, and we all want that occasion to be a significant and enjoyable period of their lives, but we also want that turning point to be a safe one.

To make Schoolies Week safe and fun, a $5,000 grant from the government's Office of the Liquor and Gambling Commissioner will support partnership with Encounter Youth to provide free seminars at 13 schools. Through the highly regarded Safe Partying Education Campaign, Encounter Youth will be talking to students while they are still at school and focused on their studies. The program will help them to plan ahead and to think about certain situations that they might find themselves in and give them some strategies to help keep themselves safe.

The program also gives students realistic information about responsible drinking and penalties for underage drinking and drinking in dry areas. Parents also have a role to play here, and I would encourage them to talk to their teenagers about the risks associated with excessive drinking and its impact on health and wellbeing.

In addition to the $5,000 grant to assist Encounter Youth, a number of other South Australian government departments and agencies devote considerable resources and activities to ensure that Schoolies Week is successful and safe. For instance, the Office of the Liquor and Gambling Commissioner will also be working with licensees in the area to ensure they are aware of their obligations under the Liquor Licensing Act and have their identification processes up to speed. SAPOL will also have an appropriate presence during Schoolies Week. A range of health-related agencies and services also participate in helping to make Schoolies a great success and a safe place to be.

These services are provided at some cost to the South Australian community, but it seems, I think, an appropriate cost to wear on such a significant occasion. As a result of this very successful partnership, schoolies' celebrations in South Australia become some of the safest and most well-organised in the nation. We are the envy of many other states in terms of how well our Schoolies Week event is organised and how safe we are able to maintain it, and I am sure I join the rest of the members here in wishing all the very best to the 2010 group of Year 12 students as they are about to embark on the next exciting stage of their lives.

PARKS COMMUNITY CENTRE

The Hon. T.A. FRANKS (15:03): I seek leave to make a brief explanation before asking the minister representing the Minister for Families and Communities a question about the proposed closure of the Parks Community Centre.

Leave granted.

The Hon. T.A. FRANKS: As the minister will be aware, on Friday 17 September the state government notified the Port Adelaide Enfield council that it would no longer provide funding to operate and manage the Parks Community Centre and that council-run services at the Parks Community Centre will cease on or before 18 March 2011. These services are delivered from the sports, fitness and aquatic centres, the library, the theatres and the arts and crafts area and include youth, children's and other events, including senior citizens'; and I must say also that the Adelaide Roller Derby League got its start in the Parks Community Centre.

It was described by Don Dunstan as a centre that was a social icon for Australia and, when there were attacks on it under a previous Liberal government, Premier Rann, then leader of the opposition, said it was a fundamental assault on the western suburbs to attack the Parks Community Centre.

My question is: can the minister explain why the government considers a 2.8 kilometre elevated South Road superway, the state's most expensive road project ever, budgeted at $825 million, more worthy than funding the Parks Community Centre for the next 165 years, or the Adelaide Oval redevelopment funding alone, which could be worth 100 years of funding to the Parks Community Centre or, in fact, just the express footbridge that will herd people from that Adelaide Oval to the Casino, which could fund the Parks centre for the next seven and a half years?

The PRESIDENT: The honourable minister, in answering the question, should ignore the opinion in the question.

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) (15:05): I thank the honourable member for her most important questions. I will refer those questions to the Minister for Families and Communities in another place and bring back a response.

PORT AUGUSTA AND DAVENPORT ABORIGINAL COMMUNITIES

The Hon. T.J. STEPHENS (15:06): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations, representing the Minister for Aboriginal Affairs, a question about the Port Augusta and Davenport Aboriginal Communities.

Leave granted.

The Hon. T.J. STEPHENS: Lew Owens' report into problems faced in the Port Augusta community, handed down on 17 August, highlights a number of issues, including community violence, racism, drugs, youth gangs and a lack of amenities. This report has identified problems raised by the Port Augusta council some six years ago. According to the report, there is no shortage of programs or funding to deal with these problems, but there is a serious lack of

coordination between commonwealth, state and local governments. Mr Owens outlines several reforms in his report, including a committee to oversee all the programs, to eliminate redundant services and improve cooperation between responsible bodies.

Recently, the Aboriginal Lands Standing Committee, including the Hon. Tammy Franks, visited the Davenport community. To put it mildly, we were quite shocked by the horrid conditions in which people on the outskirts of Port Augusta are forced to live. To see issues such as houses with sewage backing up, which is quite commonplace, on the outskirts of a community such as Port Augusta was absolutely staggering. My questions are:

1. Does the minister concede that the Rann government has failed the communities of Port Augusta and Davenport?

2. What action is the government taking to immediately coordinate response to these conditions, where people are living in absolute squalor?

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) (15:07): I thank the honourable member for his important questions. I will refer those questions to the Minister for Aboriginal Affairs in another place and bring back a response.

ADELAIDE SHOWGROUND

The Hon. I.K. HUNTER (15:07): I direct my question about the Adelaide Showground to the Minister for Urban Development and Planning. Will the minister provide an update on the steps undertaken by the government to ensure the continued success of the show and the Adelaide Showground venue?

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): I thank the honourable member for his important question. The Royal Adelaide Show is rightly regarded as a South Australian icon, loved by many generations of South Australians. The Royal Adelaide Show, which is currently administered by the Royal Agricultural and Horticultural Society of South Australia, continues to evolve and transform itself alongside the great changes seen in our state from the earliest days of the colony to the present day. During this time, the Royal Adelaide Show has remained one of this state's most loved and popular events.

Although the Royal Adelaide Show has evolved during its long and illustrious history, there are many aspects of the show whose popularity never wanes, among them the wood chopping, events on the main arena, the animal pavilions and the arts and crafts exhibition. There are many loved favourites capturing the public's attention, alongside thrilling new rides and displays. The Royal Adelaide Show is just one of the many events that are staged at the Adelaide Showground throughout the year. The Adelaide Showground site is not only a fantastic exhibition and entertainment precinct but also a significant contributor to the South Australian economy.

The ongoing changes to the Adelaide Showground, including the building and transformation of its exhibition halls and ongoing use of these facilities, have ensured that not only does it retain relevance to South Australians but also it makes the best use of this fabulous location so close to the city of Adelaide. On 24 March last year, I initiated the Adelaide Showground Development Plan Amendment. The process began with the preparation of a master plan for the showground and associated land prepared by the landholder, the RAHS. This master plan provides insight into the showground's potential to accommodate a more diverse and intense range of land uses in addition to the entertainment and exhibition activities it currently accommodates.

Following a consultation process, which attracted input from the community, the City of Unley and government agencies, I was able to approve the Adelaide Showground Development Plan Amendment in time to coincide with this year's royal show. The approved Adelaide Showground Development Plan Amendment now provides the showground the opportunity to grow and continue to be a significant contributor to the South Australian economy. The updated zoning and planning policies will allow the Adelaide Showground to be transformed into a modern exhibition and entertainment precinct.

It is pleasing to note that the City of Unley has worked closely with the state government in the best interests of its residents and the people of South Australia to determine the final shape of

this development plan amendment. As a result, many of its constructive suggestions have been incorporated into the final DPA, against which development applications will now be assessed. Importantly, the new zoning allows the Royal Agricultural and Horticultural Society (RAHS) of South Australia to implement its master plan vision for the showground. The master plan allows the 26-hectare site to provide more diverse and intensive uses. In doing so, it makes better use of its ideal location close to the city, Parklands and major transit corridors in a way that is consistent with the objectives of the 30-Year Plan for Greater Adelaide.

I am confident that the Adelaide Showground will retain its important role as an entertainment and exhibition precinct, hosting the Royal Adelaide Show and other annual events. The Adelaide Showground site is bounded by Rose Terrace, Goodwood Road, Leader Street and the Adelaide-Belair-Noarlunga-Tonsley railway corridor. A new showground zone has been created that opens opportunities for the RAHS to provide continued and enhanced entertainment and exhibition-type activities, ongoing development of public transport facilities and increased car parking.

New development could include complementary commercial and community activities, such as sports facilities, consulting rooms, offices, tourist accommodation, a childcare centre and gymnasium and new mixed use development along Rose Terrace on the northern side of the showgrounds and along Leader Street on the southern side. The initial rezoning proposal has been modified in response to last year's community consultation process to strengthen the emphasis on high quality urban design.

The approved development plan amendment now also includes policy that aims to preserve the operations and safety of the arterial road network and reduces to three from five storeys the building height for development within the Leader Street policy area. Further developments also need to be consistent with the development plan amendment's policy on noise management in a mixed use environment, as well as policy to protect the role, function and historic importance of existing activity centres.

The Adelaide Showground Development Plan Amendment provides a road map for the development of the Adelaide Showground, one that is in keeping with its surroundings and also one that ensures its ongoing success. The Royal Adelaide Show and the events and exhibitions that take place at the Adelaide Showground site are a barometer to the economic success of our state. The Royal Agricultural and Horticultural Society of South Australia is well known for taking a considered and long-term approach to the management of the Adelaide Showground. Importantly, the Adelaide Showground Development Plan Amendment provides the society with a road map to secure its long-term success.

PARKS COMMUNITY CENTRE

The Hon. R.L. BROKENSHIRE (15:13): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question about the Parks Community Centre.

Leave granted.

The Hon. R.L. BROKENSHIRE: The Parks Community Centre was opened in late 1979 after the change of government from the Corcoran Labor government to the Tonkin Liberal government. Credit for construction of the centre belongs largely to former premier and local member for what was then Ross Smith, the Hon. John Bannon, who said, as the new opposition leader in a press release late in 1979, that the centre was 'one of the most notable community projects in the whole of Australia and one which has attracted international interest'. He then said that he would be 'happy to use whatever influence I possess to safeguard the Parks Community Centre'. Former premier Bannon went on to state:

> Probably the only real danger to be faced by the Parks is that it will continue to attract visitors from other areas, people who come to gape and admire.

My research reveals that the centre was established because a large number of housing trust homes were constructed in the area and families in desperate need for housing from across the state were brought into the area in rapid succession. Consequently, there was a pressing need to address social harmony and build community, something the Parks has performed admirably. Former premier Bannon said in debate in 1981, on a bill about the centre, that 120 Adelaide suburbs had been surveyed for their desirability to live in, and of those all the Parks suburbs had

ranked bottom. Consequently, the then Dunstan government took the socially innovative and bold step of building a unique community centre there. I give credit to those two former Labor premiers.

The feedback I have from the Parks community is that the centre has continued to fulfil its purpose of addressing disadvantage and building community in the area. However, many problems and disadvantages remain in the Parks area. Constituents are telling me that closing the centre will be a serious detriment to their community and could see young people turning to crime. My questions to the minister are:

1. Is the state government in dispute with the Port Adelaide Enfield council regarding the level of funding provided in the past, present and future for the centre?

2. Has the government made submissions to council seeking a greater funding contribution and, if so, what was the response?

3. Has Labor betrayed the voters of the Parks, the seat of Enfield, the western suburbs and the bold vision of former premiers Dunstan and Bannon encapsulated in the Parks Community Centre?

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) (15:16): I thank the honourable member for his questions. Any negotiations in relation to the Parks Community Centre would have been conducted by the Minister for Families and Communities. These are not matters that relate to my portfolio responsibilities, so I am happy to refer those questions to the relevant minister, or ministers it might even be, in another place and bring back a response.

PUBLIC SECTOR MANAGEMENT

The Hon. R.I. LUCAS (15:16): I seek leave to make a brief explanation before asking the Leader of the Government a question on the subject of the Public Service.

Leave granted.

The Hon. R.I. LUCAS: In a passionate contribution in this chamber, recorded in *Hansard* on 2 May 2007, minister Holloway said:

> The Australian Labor Party was founded in the 1890s...to protect the conditions of Australian workers, and to give them a fair go...What has not changed is that the Australian Labor Party believes in a fair go for Australian workers and their families—and that will continue.

My two questions to the minister are:

1. Given the fact that the minister and the Rann government have now established the precedent of removing, by legislative changes, conditions of SA workers in the public sector in the middle of enterprise bargaining negotiations, is this an indication of how he and the Rann government will conduct all future enterprise bargaining negotiations with South Australian workers in the public sector?

2. Given the minister's statement in parliament, how does he defend his decision and the Rann government's decision to remove conditions of SA workers in the public sector, and does he accept that he has been exposed, as one observer noted to me this morning, as a 100 per cent rolled gold hypocrite?

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) (15:18): The answer to the first question is no. Clearly, it does not set a precedent. There are particular situations that, obviously, relate to long service leave and leave loading, and they are set out within the Public Sector Act. The only way there could be a change would be as the result of a change to the act.

I think it needs to be pointed out to the council that in relation to leave loading the government will not be taking those steps in relation to those workers who do shift work. I can well recall when Clyde Cameron introduced the leave loading principle back in the 1970s. It was a very simple principle. It was common in those days that tradespeople would receive above award wages but when they went on holidays they would not get those above award wages and would, therefore, be disadvantaged, and that was a discouragement to take leave.

That was clearly the thinking at the time to introduce leave loading, and it was later extended to other workers. Later on I think that Clyde Cameron invented the word 'fat cats' in relation to those who were getting it, because he felt that that was not really the intention of that reform. Regardless of the origins of this particular measure, as part of the legislation the government will provide (if it is passed) two additional days' leave in relation to the leave-loading offset. So there are special conditions that obviously apply.

Rather than saving the $30 million a year (as it will be in the out year) in relation to the long service leave measure and a similar amount, I believe, or something of that order in relation to the other measure, the government could have had a higher target for reducing public sector numbers, but the government believes, and I stick by what I said in relation to principles, that we have to take tough decisions. I said in answer to an earlier question that the government does have to realign the public sector.

There will be approximately 4,000 administrative positions vacated every year. So, over the next four years, approximately 16,000 clerical and administrative workers will leave the public sector. We need to reduce the numbers in those areas by about 4,000. So there is the opportunity, with 16,000 people going, through the generous separation packages and also retraining, to absorb many of those numbers. I would hope all of them can be accommodated (that would be our aim) through the generous TVSPs or other positions that will become available due to attrition, because the workforce is ageing.

What we have to do is realign the public sector. The options would be to make further harsher savings that will impact on services and reduce the number of public servants further, or we can take these measures. Ultimately, it will be up to this parliament to determine whether those measures are allowed through or not. I would suggest that it is a better alternative to reduce some of those conditions, which are not only out of line with the private sector but also out of line with other public sectors in this country. We are not the wealthiest state, but we do offer conditions that are very favourable, and they will remain so even with these changes.

Is it not a better alternative that we take the steps proposed by the government in its budget rather than reducing another 600, 700 or 800 or however many extra public servants it would be to make these sort of savings? We need to make these savings, as I say, to realign our budget to meet continuing needs as demands for health, disabilities and other areas such as families and communities grow. The only way we can possibly have any chance of meeting that is by realigning the budget.

PUBLIC SECTOR MANAGEMENT

The Hon. R.I. LUCAS (15:22): I have a supplementary question arising out of the non-answer.

The PRESIDENT: The Hon. Mr Lucas has a supplementary question arising out of the reasonable answer.

The Hon. R.I. LUCAS: Given the minister's refusal to answer my second question, does he now argue that the Australian Labor Party, which was founded in the 1890s, is no longer there to protect the conditions of Australian workers and to give them a fair go?

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) (15:23): I thought I did answer it. Yes, we are doing it. As I said, the alternative is actually the numbers.

The Hon. R.L. Brokenshire interjecting:

The Hon. P. HOLLOWAY: The Hon. Mr Brokenshire interjects, but I remind him that when he was police minister we had about 3,500 police. We now have nearly a thousand more police than that. What is the best alternative? We can have a greater number, we can have a smaller number of people who have better conditions, or we can have through the Public Service more people providing the services but still being remunerated at conditions that are favourable compared to those in the rest of the country.

This government has made its decision and, as I said, it will be ultimately judged by the parliament. The choice is to make further cuts to public services or to make this particular cut in relation to these two measures.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. R.I. Lucas: WorkChoices Holloway, they are calling you.

The Hon. P. HOLLOWAY: The honourable member can call me whatever he likes, but I will sleep easy. I am quite happy to justify the budget of this government which, in very difficult circumstances, is seeking to retain the economic credibility of the government, which it needs to do through its rating, but at the same time also to realign the budget. We can just pretend away all the issues facing us. We can pretend that health and all these other issues are not growing. The Hon. Mr Lucas can live in the past back under his budget in 2002, when we spent probably half of what we now spend on health.

It would be interesting to look at those figures. Even then, when the Hon. Mr Lucas was Treasurer, we know the struggles he had to meet the health budget at the time, and that is happening all around the country. We do need to realign the budget. We do need to make difficult choices and this government is prepared to make them but, in making them, they will be fair and in accordance with the principles for which this party stands. However, as I said, public sector conditions, in particular long service leave and the leave loading, are prescribed within the Public Sector Act, and the only way they can be changed is by changing that act.

WOMEN HOLD UP HALF THE SKY AWARD

The Hon. CARMEL ZOLLO (15:26): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about the Women Hold Up Half the Sky Award.

Leave granted.

The Hon. CARMEL ZOLLO: As Minister for the Status of Women, I know that the Hon. Gail Gago has been concentrating hard on having more South Australian women recognised for their achievements. Can the minister inform the chamber of the latest efforts to recognise women?

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 thank the honourable member for her most important question. Last week I was very pleased to announce the creation of a new annual Australia Day Council of South Australia award to recognise outstanding South Australian women. As I have said many times, I believe that too many women go unrecognised for the work they undertake in both paid and volunteer capacities. It is my intention that this award provides an excellent opportunity to celebrate the women who give so much to our communities, and we know that women are often notoriously bad at putting themselves forward and singing their own praise.

The first of the annual awards is to be presented at the Australia Day Honours Awards at Government House in January 2011, so we can look forward to that first annual award event. It will be called 'Women Hold Up Half the Sky', the award having taken its name from the well-known and very famous artwork by the internationally recognised South Australian artist Ann Newmarch. Ms Newmarch, who lives in Adelaide, is herself a recipient of the Order of Australia for services to art. She has had over 30 solo exhibitions and is represented in many major national and international exhibits.

I was recently honoured to meet with Ann Newmarch at the Art Gallery of South Australia, where her amazing inspirational work is actually held, and I want to take this opportunity to thank the Art Gallery. The particular piece of art was not on display at that time but was in storage, and they very kindly got it out of storage so that we could do some promotional activities around Ann Newmarch and this fabulous piece of art. I do thank the people concerned for their efforts in that regard.

Not only is the name of the artwork very fitting for the new award: Ann Newmarch herself is a very inspirational woman. She is a very active, dynamic and creative South Australian woman, who has won a great deal of national and international recognition for her work. As members know, this new award is part of an ongoing strategy by the Rann government to increase the nomination and public recognition of women. In 2009, I launched an information kit, *Recognising and Celebrating Inspirational South Australian Women.* The kit provides information on how to pay tribute to the outstanding achievements of women by nominating them for prestigious mainstream awards.

The South Australian Women's Honour Roll, which the state government launched in 2008, is also an important part of the strategy, with over 250 women nominated for the roll last year. We had an excellent start to the Women's Honour Roll, and we are now moving to make it biennial to ensure that it is a very special and prestigious event and that it remains that way. As part of this, we are strengthening its connections with the Australia Day Awards system, including supporting the nomination of South Australian women for national awards. New nominations for the biennial honour roll will be announced on International Women's Day next year. I encourage all members in this place to think about nominating an inspiring woman for the Half the Sky Award. Nominations will remain open until 10 December.

SITTINGS AND BUSINESS

Adjourned debate on motion of Hon. P. Holloway:

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

(Continued from 24 June 2010.)

The Hon. K.L. VINCENT (15:31): I wish to speak briefly to the minister's motion which, if passed, will effectively shut this place down at 10pm on Tuesdays and Wednesdays. At a glance, it would seem that there is some sense in passing this motion. Common sense dictates that working late into the night after a full day's work is not very productive or, indeed, effective. In fact, the Motor Accident Commission here in South Australia estimates that fatigue is a contributing factor in approximately 30 per cent of fatal crashes. So it is clear to me that fatigue affects judgment and, therefore, fatigue does not make for good lawmaking.

However, one must keep in mind that much of the work done late into the night on Wednesdays relates to private members' business, which is too important to skip over or cut short. Of course, that is not to say that government business dealt with late on Tuesday evenings is any less important. It is too central to the lives of South Australians. So, what should we do: sleep less at the risk of being tired and making bad law, or sleep more and make better law? We are seemingly in a bit of a conundrum—or are we?

I ask fellow members: why is it that we start at quarter past two on most sitting days? Surely we can utilise more of our daylight hours. We have heard the Hon. Mr Hood propose that we start earlier, and I must agree that this would go some way to solving this issue. We could also look at reducing the dinner break. I cannot see why we need nearly two hours to digest our dinner when surely an hour would suffice. In fact, the Hon. Mr Hood makes a number of suggestions in his speech on this motion and, while I may not agree with all of them, I welcome the notion of reforming the way in which this place carries on its business.

I understand that the Hon. Mr Parnell has filed an amendment which allows for private members' business to be debated on a Thursday in the event that it is cut short by the 10 o'clock finish. That makes perfectly good sense to me, and I put on the record that Dignity for Disability will be supporting the Hon. Mr Parnell's amendment.

Debate adjourned on motion of the Hon. Carmel Zollo.

STATUTES AMENDMENT (ARTS AGENCIES GOVERNANCE AND OTHER MATTERS) BILL

Adjourned debate on second reading.

(Continued from 16 September 2010.)

The Hon. J.M.A. LENSINK (15:36): I rise to indicate that the Liberal opposition will be supporting this bill. I think it is fair to say that it arises from a fairly sensible review which was conducted by Arts SA to standardise sections of the arts acts. There are quite a number of them which have been promulgated, if that is the correct term. These are acts which govern such institutions as the Museum, the State Library, State Opera, the State Theatre Company, the Festival Centre, the Art Gallery, Carrick Hill and the History Trust, among others.

They have been promulgated over some many decades and, therefore, as governance has matured over the years, some of them need to be updated to catch up. I note that the member for Bragg in another place stated that it is her personal philosophy that, on this side of the chamber at least, we certainly do not agree that a one-size-fits-all approach is necessarily required for these things. However, I think in this instance it is probably an improvement. I would encourage

honourable members to read the comprehensive contribution of the Liberal Party leader and our spokesperson on the arts, Isobel Redmond, on 15 September in the House of Assembly.

The bill introduces a set of fairly standardised governance arrangements for all of our arts bodies. It simplifies the relationships with the government and stipulates a set of consistent powers and functions for each board or trust. A number of those governance provisions relate to the board, the composition of the board, the conditions of membership, ministerial direction and control, any committees that may be established by the board, delegations, common seals, annual reports, annual budgets, staffing arrangements, authorised offices, official insignia, issues to do with gifts and so forth. They are set out in the bill which itself is relatively lengthy, but that is because it is an amending act which identifies all of those acts and then inserts those provisions into them.

I would also like to place on the record our gratitude to the many people who have served on those boards over many years. All South Australians owe a debt of gratitude to the people who are prepared to serve in this capacity. The arts industry does not have the sort of financial records and so forth, including sponsorship, to make it an easy area to operate in. Indeed, I recall that our former minister for the arts in the last Liberal government, the Hon. Diana Laidlaw, was able to obtain, I think, under interesting circumstances, some funding for a Rodin sculpture. I am not sure whether the former treasurer, the Hon. Rob Lucas, would have approved of the manner in which she obtained that funding, and I am not even sure whether—

The Hon. R.I. LUCAS: I was always very happy with whatever Diana did.

The Hon. J.M.A. LENSINK: I am pleased with the Hon. Mr Lucas's response that he was always pleased with however the Hon. Diana Laidlaw was able to make contributions to the arts. She was very creative in that regard. I am not convinced that that would readily be able to take place with the present administration.

As I said, there are a number of different trusts and institutions that are covered by this particular piece of legislation, and members would be very familiar with them, many of which are located quite close to us in the North Terrace Precinct. The composition of each board will be a maximum of eight members which will include at least two women and two men. Board appointments will be for up to three years, with a maximum nine-year period, and boards must meet at least six times in each year.

Each board is subject to general direction and control of the minister; however, there will be a level of independence established by statute. I have referred to the issue of the committees. There will be conflict of interest provisions, and the like. So, with those comments I endorse the bill to Legislative Council members and look forward to the committee stage of the debate.

The Hon. T.A. FRANKS (15:42): I rise to indicate the Greens' support of this bill, which introduces a suite of governance arrangements for the major arts bodies in South Australia. The bill does not change the operations or objectives of any of these organisations; in fact it streamlines their relationship with the government and ensures a consistent and clear set of powers and functions for each of their boards or trusts.

The acts covered by this bill include the Adelaide Festival Centre Trust Act 1971, Adelaide Festival Corporation Act 1998, the Art Gallery Act 1939, Carrick Hill Trust Act 1985, South Australian Country Arts Trust Act 1992, History Trust of South Australia Act 1981, South Australian Film Corporation Act 1972, South Australian Museum Act 1976, Libraries Act 1982, State Opera of South Australia Act 1976 and the State Theatre Company of South Australia Act 1972. Now, that is a veritable array of arts icons in this state, and I think that South Australia, as many are aware, has much to be proud of with its artistic tradition. We happily wear the title of 'Festival State' and the arts do contribute a lot to our wearing that title proudly.

This bill introduces consistent provisions for board structures, and many of these organisations, of course, are quite historical and have come about in their own way and in their own time and, as they are arts bodies, with their idiosyncrasies. This bill will in fact bring all those boards up to 21st century standards. I am very pleased to see that a gender balance is one of the new features that will be ensured in respect of all these boards, with a provision in fact of a minimum of two men and two women for each board. We also have boards that will not exceed certain sizes and will ensure appropriate measures for the appointment and removal of members.

Currently, as they stand, some of the boards have two or three positions that have been reserved for representative groups, such as subscribers and employees. I note in particular that, in relation to subscribers, say, for the State Theatre Company of South Australia, I understand that

the issues with those positions have been addressed by an in-house amendment to be moved by the government. We are happy to see not only that those concerns were heard but also that appropriate measures will be taken to ensure that the current people on those boards see out their term and that the board is then appropriately transitioned.

Another issue, which the Hon. Isobel Redmond, the member for Heysen, has raised, is the issue of the representation of local government on the Libraries Board. Again, the Greens support her work in ensuring that those voices were heard, but I also commend the government, because it has done a really good job of ensuring that the arts bodies were well consulted. Rather than declare and demand and then defend its position, which it tends to do in some other areas, in this particular situation the government has, in fact, consulted and come up with what I think is quite a good bill.

The revised boards will be professional bodies that will take these arts organisations into the 21st century and beyond. As I have said, I believe that the arts are, in fact, a great asset for South Australia and, with professional boards that are modern, reflective and gender diverse, they will see this state proud and certainly support our reputation as not only a festival state but also an educated and cultural state.

I note, though, that recent reports, which were part of the Sustainable Budget Commission's recommendations, certainly recommended cutting the arts. I would hope that future governments will not be looking to do such a thing, because that is not a sustainable way of going about presenting a sector of this state that is unique to South Australia and something we hang our hat on as part of our identity in South Australia. So, I would hope that in the future we will see more positive moves towards the arts from this government. I commend the bill to the council.

The Hon. R.I. LUCAS (15:48): I rise to speak to the second reading. There are two broad issues about which I want to direct questions to the minister and her advisers. I obviously do not expect the minister, not being overly experienced in the arts, as indeed neither am I, and I suspect she is less experienced—

The Hon. T.J. Stephens: Yes, you are. You love it!

The Hon. R.I. LUCAS: Well, I love the arts but, in terms of the drafting of the legislation, I would expect that the minister would not be in a position to respond immediately to a number of the questions I intend to put. So, I raise the questions during the second reading, which will allow the minister and her advisers to bring back a reply either at the conclusion to the second reading debate or at clause 1 of the committee stage. The two broad areas on which I seek response from the government are as follows. The first is in relation to the various ministerial control provisions. When one looks at the bill, there are any number of clauses that one can refer to. Essentially, they would all appear to have been drafted in either very similar or exactly the same words for the draft bill we have before us.

My question to the government is: for each of the arts bodies covered by the legislation, can the minister indicate which arts bodies, as a result of this proposed legislation, will have greater ministerial control powers in their governing acts than under the current acts of parliament? That is, as a result of bringing in this overarching provision, which is the same for all arts bodies, over which bodies will there now be greater ministerial control?

We had a recent example of some legislation in the parliament (the name of which immediately escapes me) that was a similar attempt by the government to bring in overarching legislation that covered a whole range of agencies and bodies and, as a result of that in terms of the governance of those bodies, some had greater control, some had lesser control: it was the end product of bringing in one particular provision that applied to everybody. When one asked that question, it was interesting to see the differences, and I think it is important for this parliament, as we go through the committee, to understand where the government is making changes in relation to the ministerial control provisions.

One of the things I have learnt over the years in relation to the arts communities is that they jealously guard what they see as their artistic independence. There is an endeavour in this particular ministerial direction provision to try to cater for that. I am seeking a detailed response from the minister's advisers in relation to all these bodies on where there is any greater control by the minister over the decisions of the particular arts bodies.

The second general area is similar. We have provisions that relate to conflict of interest under the Public Sector (Honesty and Accountability) Act. I again ask whether the minister'

advisers can advise whether, under the particular honesty and accountability provisions, this bill results in any case for an arts body where the conflict of interest provisions would either be less onerous or, indeed, more onerous than the conflict of interest provisions that currently exist under the current acts of parliament that govern the operations of those particular bodies.

The third area relates to the powers and functions areas. When one looks at that, it relates to areas like engaging agents, consultants and contractors, entering into contracts, etc., acquiring, holding or taking on hire, lending, exchanging, disposing etc.—a whole range of quite detailed powers and functions. I again seek from the minister and her advisers an indication of where the boards are being given even greater powers under this bill than exist under current acts in relation to these particular provisions, in particular, the engagement of consultants, agents, contractors, entering into contracts and acquiring or purchasing objects, properties, etc.—those general provisions covered under the powers provisions in the legislation. With that brief contribution at this stage, and subject to the minister's officers' response, I intend to pursue some or all of those issues in committee.

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) (15:54): I thank all members for their second reading contributions and indicated support for this amendment bill. The bill introduces consistent and contemporary governance arrangements, it clarifies the obligations and powers of the boards that it includes and it streamlines administration. The bill has been extraordinarily well and extensively consulted on and, as the Hon. Tammy Franks notes, that is reflected in the quality of the legislation before us. I will seek in the committee stage to answer the questions asked by the Hon. Robert Lucas. With those few words, I again thank honourable members and look forward to dealing with the committee stage in an expeditious way.

Bill read a second time.

In committee.

Clause 1.

The Hon. R.I. LUCAS: I am not sure how the minister wants to proceed. I have asked a series of detailed questions. I would have thought it would make sense for the minister's advisers to prepare a written response and provide that. From my viewpoint, if no further questions arise in relation to that, then the committee stage would not need to be delayed at all. If there are particular issues then I would intend to pursue them in the committee. I cannot expect that the minister's advisers are going to be in a position to answer them on the run this afternoon; and, indeed, I would like to consider whatever response they have anyway. As I raised in the second reading, my suggestion is, as we do with other measures, that the minister and her advisers take the time to prepare a response and we may then be able to considerably shorten the committee stage of the debate, rather than proceeding with it this afternoon.

The Hon. G.E. GAGO: I thank the honourable member for his questions. I have just had a chance to seek what level of detail we have in response to the three questions asked by the Hon. Rob Lucas. At this point, we do not have a detailed response in relation to questions 1 and 3, so we will need to take those on notice and bring back a response; that is, if the information is available; nevertheless, we will seek to do that. In relation to question 2, in terms of the honesty and accountability matters, the question was: will this bill result in conflict provisions that would be more or less onerous than the current provisions for these boards? I am advised that the answer is no, that they remain the same because they are bound under the Public Sector Act.

Progress reported; committee to sit again.

CONTROLLED SUBSTANCES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 September 2010.)

The Hon. A. BRESSINGTON (16:00): In this bill, the government seeks to increase the maximum penalty for trafficking in a controlled drug in licensed venues, raves and other entertainment areas such as concerts from 10 years to 15 years. However, the bill specifically excludes cannabis and hash from the increase in penalties. Despite the overwhelming scientific evidence that cannabis is a harmful drug associated with the onset of schizophrenia and other mental health conditions, the Labor government, in a flashback to the now defunct Woodstock

philosophy that cannabis is not a harmful drug, has ignored the harms caused to young people and again ignored the science and medicine.

In promoting the bill, the government pushed its importance in protecting young people from drug pushers but, by excluding cannabis, the government has exposed our youth to the serious mental health issues that science has now proven to be linked to cannabis use. In defending the exclusion of cannabis from the bill, the government stated that it did not want the increased penalty to inadvertently apply to young people. This is despite the fact that, to attract the increased penalty, a person must be in possession of a trafficable quantity or over 100 grams of cannabis.

A trafficable quantity of cannabis is over 3½ ounces, which is over 50 street deals and has a value of over $1,250. If someone is in possession of such a large quantity at a nightclub or a rave, they clearly intend to sell it to others and should be prosecuted the same as any other drug dealer. That the Rann government refuses to prosecute serious cannabis dealers with the full force of the law proves that it still believes, despite the evidence to the contrary, that cannabis is a soft drug.

I would also like to reiterate some points made by the Hon. Dennis Hood. Just because the statute books provide for a significant penalty, that does not mean that the judiciary will impose that penalty or anything remotely close. Maximum penalties are rarely, if ever, imposed. This is particularly true when it comes to illicit drug offences where short-term nonparole periods and suspended sentences are the norm. As a result, this bill allows the government to yet again appear to be tough on drugs on paper but make little practical difference.

The bill is further neutered by the current decriminalisation of illicit drugs, not just cannabis, as many of the public believe, but also other serious drugs such as cocaine, heroin, ecstasy and practically every other illicit drug. Where a person is found in possession of a quantity less than the trafficable amount, the police must divert the offender under section 36 of the Controlled Substances Act 1984 for assessment. The permitted amounts are set out in schedule 1 of the Controlled Substances General Regulations 2000 with the amounts varying for each substance. As is the case with cannabis, the permissible amounts are generous and verge on decriminalising not just use but also street dealing.

As an example, a person can be in possession of 1.99 grams of methamphetamine which, depending on whether it is in powder, base or crystal form, could cost up to $1,000 to purchase and could be separated into twenty 0.1 gram street deals, each retailing for at least $50. This is the same for cocaine, heroin and ketamine or, as I said, every other illicit drug, meaning that, despite the increase, a savvy dealer could escape not only the increased penalty but also conviction by ensuring that they are never in possession of a trafficable amount at any one time.

I also use this opportunity to indicate my support for the Hon. Dennis Hood's amendment to create an offence for failing to attend an assessment to which they have been diverted in lieu of prosecution for a simple possession offence under section 37L of the Controlled Substances Act 1984. Under the current act, failure to attend should result in the offender being prosecuted; however, as the honourable member indicated, this rarely occurs.

I can say from experience with DrugBeat, we had probably half a dozen people who were in the diversion program who were booked in for appointments to attend for assessment. They did not show up. We notified the police and were told that that would require the issuing of a warrant and it was just all too hard, so those six people did not have to comply with the law at all and there was no prosecution or follow-up for their not attending an assessment. So, they got off with no assessment, no prosecution, no charge and walked away scot-free.

By not pursuing those who have failed to attend the diversionary program, the tenuous distinction between the decriminalisation of illicit drugs and legalisation is absolutely lost. If there is no penalty for being in possession of what are quite substantial amounts of illicit drugs then I ask how this is not legalisation? It is most fitting that the proposed penalty for failure to attend is equal to the penalty for the possession offence. I also indicate my support for the renaming of 'simple cannabis offences' to 'prescribed offences'. While I appreciate the term 'simple' is used as a synonym to 'basic', the 'simple' term, particularly when you consider that only an expiation notice results, conveys a relaxed attitude to the offence.

The Hon. B.V. FINNIGAN (16:06): In closing the debate, I thank all honourable members for their contributions to the debate on this bill. The Hon. Mr Wade asked for some statistical information. I apologise that that was not given at the last sitting; there was a bit of a

miscommunication over the changeover of files amongst officers, but I am now available to provide some of those.

First, in relation to licensed premises, I am advised there are a total of 5,898 licensed premises and 2,139 restaurant, club and special licences. There are 601 hotel licences, 289 restaurants that have an extended trading authorisation, 40 entertainment venue licences, 383 club licences that include an extended trading authorisation, and 483 special circumstances licences that include an extended trading authorisation.

So far as offences are concerned, the Commissioner has provided the following information: apprehension reports in 2009-10 were 33; in 2008-09, 39; in 2007-08, 18; and in 2006-07, 13. These figures relate to the original statement that SAPOL advises that since 2006-07 there has been a 179 per cent increase in detections by police on apprehension reports for drug-related offences in licensed premises.

The Commissioner does not have the other figures that the Hon. Mr Wade requested. They would have to be extracted from courts data and police apprehension data by the Office of Crime Statistics and Research. A request has been forwarded that that be done, but there has not been time yet to get the results. I am happy to provide those to the honourable member when they are available. The reason it is not easily done is, of course, because there is no specific offence yet.

If I can turn to the amendments that have been filed, in relation to the Hon. Ms Bressington's amendments, in the course of debate in the House of Assembly various members of the opposition expressed their opposition to the exclusion of cannabis. The evil at which drug offences are aimed is not merely the level of harm that any given drug may cause but also the illicit drug trade, such as the effect of organised crime, including violence, corruption, extortion and offences of dishonesty.

The government agrees that a person who has, for example, half a pound of cannabis in a pub is there most likely for the purpose of trafficking and deserves to be treated as such, so the government will be supporting the Hon. Ms Bressington's amendment. My understanding is that the Hon. Ms Bressington will not be moving her second amendment.

The government opposes the Hon. Mr Hood's amendments, first, because we see them as irrelevant to the purpose of this bill and, secondly, we do not consider them appropriate policy; indeed, we consider them to be bad policy. The third reason is that evaluations show that the system is working as well as might be expected. Fourthly, a further evaluation is currently underway and is due in February next year, so we consider amendments of this kind to be premature.

I am happy to provide further information to the Hon. Mr Hood. I understand, this time informally, that he is not proposing to move his amendments. If he chooses to move them, I will be happy to put more information on the record as to the reasons the government would oppose his amendments. I again thank honourable members for their contribution, and I look forward to the committee stage of the debate.

Bill read a second time.

In committee.

Clause 1.

Progress reported; committee to sit again.

STATUTES AMENDMENT (DRIVING OFFENCES) BILL

Adjourned debate on second reading.

(Continued from 21 July 2010.)

The Hon. D.G.E. HOOD (16:14): I rise to indicate that, in short, Family First supports this initiative and will support any initiative by this or any future government aimed at lowering our road toll. The bill introduces street racing as a serious criminal offence for the first time and, as I understand it, would cause this offence to be heard, on many occasions, in the District Court rather than the Magistrates Court, which should see an increase in penalties for this type of offending.

The definition of street racing will include all participants of the street race, including, obviously, the driver, but also people who assist in the promotion of the street race or those who

engage in any other conduct that assists in a street race taking place. Perhaps more controversially, the bill, as it stands unamended, also includes passengers in the vehicle.

However, as the minister has noted, it shall be a defence of the charge of participating in a street race by being present in the vehicle if the person proves that they were not the driver and did not consent to the motor vehicle being driven in the race. It is perhaps an appropriate time to indicate that I am aware of the amendments of the Hon. Ms Bressington, which Family First is favourable to, but of course would like to hear the debate.

There are also factors listed that will deem the offence as aggravated, including driving the motor vehicle in circumstances of heightened risk, for example, if the road or weather conditions are poor or if the offender committed the offence knowing that there were one or more passengers in or on the vehicle (I think 'on the vehicle' is a very wise inclusion in the bill, because that can happen on occasions) or if 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.

Obviously, driving a vehicle with a defect heightens risk and would not only include the sort of old bombs with worn tyres but also, I presume, vehicles so over-modified for performance that they have actually become dangerous. The basic first offence carries a three-year maximum period of imprisonment with a licence disqualification of one year. Aggravated offences carry a maximum of five years' imprisonment with three years' disqualification.

The first question I raise concerns the issue of a case involving two street racing offenders, Scott Fenney and Corey Sully, who were dealt with in a hearing by magistrate Simon Smart on 16 September last year. Both were charged with causing death by dangerous driving, causing harm by dangerous driving and two counts of causing injury by dangerous driving. Sully was also charged with leaving the scene. They killed an innocent motorist, 22 year-old Tom Brooks, earlier in the year while they were street racing in two Subaru WRXs at speeds of up to 130 km/h along Torrens Road, which I understand is a 60 km/h zone.

Now, I understand that if they were charged with drink driving then they would have lost their licence automatically in those circumstances. Given that the offending at the time did not give rise to an automatic disqualification under the law, the police officers indeed arrested the two and placed them on bail not to drive. A lawyer successfully argued, however, that they were innocent until proven guilty and the magistrate must give them both back their licences despite the fact, I should point out, that they had killed an innocent motorist only a couple of months earlier.

I ask the minister on notice whether that particular loophole has been closed by the bill, because I would think that most members of the public would expect that, in those circumstances that I have just outlined, there would, in fact, be an automatic loss of licence, as occurs under many other driving offences; indeed, much less serious offences. In short, will a person charged with street racing face an automatic loss of licence? I think we all agree that a strong message needs to be sent to people involved in street racing. An immediate loss of licence would send a clear message to some youths (whether they be youths or not, of course) involved in such activities.

Last year, South Australia lost Tom Brooks. There was also the case of Ricardo Rocha, another 22 year-old charged with causing death by dangerous driving over another high-speed street race which killed Minh Bui of Woodville Park and seriously injured two other innocent people. There are many stories involving deaths due to street racing that we read of every few months in the paper, indeed, every few weeks, it seems in recent times. I agree that, as a state, we need to be tougher on street racing, and that is why Family First intends to support the passage of this legislation. I also submit that we need to enforce immediate licence disqualifications to get these people off the road immediately

We also need to give so-called 'revheads' a place to blow off steam, a place where they can legally race away from innocent motorists so that no harm will be done to bystanders. I note that, in fact, my colleague, the Hon. Mr. Brokenshire, has a track at his farm that he lets people use from time to time which I am sure would be a great deal of fun. I think it is a good way for people to experience the thrills that can be provided through high-powered cars without putting anyone at risk.

I should place on the record that Family First supports the development of a motorway or speed track (or whatever the right term is) so that this sort of activity can occur legally and safely. Indeed, as a so-called 'revhead' myself—I have often been called that on a number of occasions—I think there is a great deal of fun that can be had legally and safely if we are prepared to invest in this. This bill is the right way forward, together with tough laws against illegal street racing. We are

generally supportive of this legislation and are inclined to look favourably on the amendments proposed by the Hon. Ms Bressington.

The Hon. A. BRESSINGTON (16:19): I rise to speak briefly to the Statutes Amendment (Driving Offences) Bill 2010 and in doing so indicate that I will be supporting the bill on condition of the amendment. The bill seeks in part to create a new offence of participating in a street race and quite elaborately sets out the conditions under which a street race will have taken place at law, the defences for emergency personnel, the aggravating circumstances and the defences available.

While arguably few in number, the horrendous carnage and wanton waste of life that results from high-speed crashes following a street race is traumatic, not just to the victims, their families and friends and emergency personnel, but also to the broader community when we wake to images, either on the television or in the paper, of a car severed by a stobie pole or reduced to a fifth of its size after a head-on collision. Regardless of whether serious injury occurs, the reckless disregard for the safety of other road users and pedestrians by those engaging in street races should be a serious offence, deserving of significant penalties, and under this bill will be.

While many have pointed out that there are existing laws that cover much of what is targeted by the bill, I am of the opinion that the new offences, and specifically the elements required for these new offences, and the aggravating circumstances, are an advancement of current law. I do, however, hold concerns about the reversal of onus of proof from the prosecution to the defendant for establishing the participation of a passenger in a street race.

Essentially, the bill proposes to presume that a passenger in a motor vehicle that is in the street race abetted the driver to commit the offence, that is, the passenger egged the driver on. While this may indeed be the case in some or even most instances, I take the position that this is not a sufficient justification for reversing the onus of proof and requiring the defendant to demonstrate that they did not consent to the street race. As the Minister for Road Safety rightly pointed out in the other place, it will indeed be difficult to provide evidence of the behaviour of a passenger in a vehicle that is involved in a street race. This is true whether one is seeking to prove the passenger's participation in that race or whether, as this bill would have it, a passenger is trying to prove they did not consent to the race.

I assume the courts will not simply accept that a passenger did not consent from their testimony alone. To do so would be to render this provision futile, as no properly advised defendant in such circumstances will willingly concede their guilt. Even applying the balance of probabilities test, an innocent defendant will presumably have to offer the court corroborating testimony of the driver or other passengers to escape conviction. While such testimony may be forthcoming, whether the passenger is truly innocent or not, the current presumption can, and likely will, result in an innocent person being convicted.

The presumption of innocence is argued as sacrosanct to the law, and largely I agree. There is much to be admired in Benjamin Franklin's often-used quote that 'it is better a hundred guilty persons should escape than one innocent person should suffer.' This principle was dated back to the origins of law itself by another American identity, former president of the United States, John Adams, when he said, 'There never was a system of laws in the world in which this rule did not prevail', and can be found in the Bible, in the book of Genesis, in an exchange between God and Abraham.

As for the argument that was put by the government's representatives in the briefing provided that it is not always possible to ascertain who the driver of the vehicle is, I would again argue that this is not sufficient reason to reverse the onus of proof. Instead, the more appropriate approach, which is the existing approach of the law, is to charge under section 74AB of the Summary Offences Act 1953 a passenger who refuses when asked to inform a police officer of who was driving the vehicle. This offence currently carries a more than sufficient penalty of $1,250 or imprisonment of three months.

I would also like to make the point that charging the passenger under such circumstances would inadvertently act as a disincentive towards a passenger cooperating with the police. A passenger who is reliant upon the favourable testimony of the driver to demonstrate that they did not consent to the street race is hardly going to put in their name. To address this concern I will be moving an amendment to restrict section 19AD(2)(a) to the driver of the motor vehicle and consequently to delete section 19AD(4). In doing so, I stress that a passenger who abetted a driver to commit a street race, where there is sufficient evidence to make out the elements of the defence,

can be charged as a principal offender under section 267 of the Criminal Law Consolidation Act 1935 and be liable for the maximum penalty as a driver of the vehicle.

This amendment was endorsed by the South Australian Law Society in a letter to my office which has been circulated electronically to members in this place. The President of the Australian Lawyers Association, Mr Anthony Kerin, has also endorsed my amendment in a lengthy and considered submission, which closes with the following:

> I reiterate my comments that it is inappropriate for a defendant to have to prove anything. If there is a question about intent, that should be a matter for the police to prove. All of this does lead to sloppy prosecution. This drafting is as a result of a trend in recent years for incursions into the rights of members of the community. Expediency and making it easier to prosecute people by eroding the presumptions of innocence and to burdens of proof are a worrying development in drafting generally.

As I said at the outset, I support the bill and its intention, but I do so on the condition that the dangerous reversal of onus of proof is removed from the bill.

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

GAMING MACHINES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 September 2010.)

The Hon. T.J. STEPHENS (16:27): I rise as the lead speaker for the Liberal Party on this bill, and I thank my colleagues in the other place who have made a contribution to this measure. I especially thank the member for Goyder, who was responsible for the carriage of this bill in the other place.

Mr President, as you would be aware, gambling matters are matters of conscience for the Liberal Party, and I am sure that my colleagues will make their own contribution as they see fit. At the outset, I point out to the council that I have a small interest in the freehold of a hotel in country South Australia, as does my colleague the Hon. David Ridgway. I do not want it said that we have not declared our minor interest right from the start. That being said, in my opinion, one or two parts of this bill are less than ideal, and I will address these further in my contribution; but the majority of the bill I intend to support.

On 23 June 2010, the Australian government released a Productivity Commission report on gambling. At that time, work and consultation on this particular bill was evidently quite advanced. The government took the decision that further consideration of the bill should be deferred until after the Productivity Commission had released its final report. The bill has now been assessed against the Productivity Commission report and is considered to be consistent with the commission's recommendations regarding strengthening consultation processes and the incorporation of stakeholder views into policy development processes.

The government believes that there is no reason to further delay or fundamentally change the bill, a bill which is well understood by industry and the concerned sector. However, it must be said that the gambling industry faces interesting times due to the Prime Minister's recent deal on gambling reform with Independent Tasmanian MP Andrew Wilkie. That deal, to lock in the MP's support in the federal parliament and thus help federal Labor to cling on to power, means that the industry faces a significant shake-up in regard to gambling reform. Perhaps this bill should have been delayed to see what happens first in the federal parliament.

Essentially, through this contract, Mr Wilkie's views on gambling will be imposed on the states. If the states do not agree, the federal government will be required to legislate to override the views of the states. So, we certainly have some interesting times to come. This bill seeks to create better responsible gambling environments and reduce costs and risk associated with regulation, as well as making some administrative improvements.

The first of the proposed measures to create better responsible gambling environments is a proposal to remove the fixed price of $50,000 on electronic gaming machine entitlements. This fixed price was identified by the Independent Gambling Authority as a primary reason why the trading system has failed to achieve the target of a reduction in gaming machine entitlements by 3,000. Let us not beat around the bush: the trading system the Rann government introduced in its first term has been an utter failure. I do commend the plan to remove the fixed price on gaming machine entitlements, and I believe it will encourage smaller venues with just a handful of machines to exit the market by selling their gaming machine entitlements.

Since the trading scheme was introduced there has been a change of thinking, and most people with an understanding of gambling issues think that reducing the number of actual gaming venues will have a greater impact than reducing the number of gaming machines in the market. The apparent aim of the trading scheme was to reduce gambling opportunities by reducing the number of machines, so I do not know whether anyone still believes that this by itself is still a worthwhile objective. If a publican with 20 machines removes his two worst performing machines, are we any better off? I sincerely doubt it.

It is my strong personal view that it is far better to have a smaller number of large venues with gaming machines. These venues are better staffed and resourced to implement responsible gambling measures. Venues with just a handful of machines selling their entitlements should result in fewer people being provided the opportunity to simply gamble out of convenience at a smaller local venue. I encourage members who are not convinced about this idea to go and speak with people in the concern sector such as Mark Henley from UnitingCare Wesley.

The member for Stuart flagged on behalf of his regional constituents concerns about some of the negative possibilities for smaller venues in removing the cap, and I commend him for so doing but, as he also said, it is appropriate to do this now and allow the market to determine how this will play out. As supporters of free enterprise we naturally support the removal of the cap. Let us remember that these smaller venues will not be forced to exit the market, but I think some will take up that opportunity due the removal of the cap.

The bill also formally recognises the work of the IGA, Clubs SA and the Australian Hotels Association in creating the Club Safe and Gaming Care responsible gambling agencies. The IGA, through its recently released codes of practice, created incentives for gaming venues to participate in Club Safe or Gaming Care. I commend the work that these responsible gambling agencies are carrying out within the industry.

The bill also proposes to reinforce the incentives created in the IGA's new codes of practice by imposing longer closing hours on those gaming venues that do not have a responsible gambling agreement with an industry responsible gambling agency. Those particular venues will be required to close from midnight to 10am on weekdays and between 2am and 10am on weekends. For those venues that sign up to a responsible gambling agreement and have late trading, it is proposed that obligations for training, referrals to gambling help services and restrictions on the use of automatic coin machines be imposed during late trading.

The bill provides a mechanism to extend responsible gambling regulation to venues located on airport land controlled by the Australian government, such as Roulettes Bar at Parafield Airport. This type of venue pays no tax on its machines to the state government, but this measure will allow responsible gaming rules to be enacted at such venues, and I support this initiative. The bill responds to concerns that some clubs have had over the provisions that allow the transfer of gaming machine entitlements to facilitate club mergers or amalgamations. It is a minor change that allows the club to demerge if the objectives of the merger are not met. This is a commonsense move and I commend it.

The bill will also seek to strengthen compliance and enforcement provisions. The draft bill proposed a relatively complicated system of civil penalties. Given the submissions received from the industry and advice from the commissioner, the bill has adopted a clearer and simpler system of expiation notices for minor offences. The approach adopted is broadly consistent with the Liquor Licensing Act, which is also administered by the commissioner. Whilst I am supportive of a simpler system of expiation notices, I am opposed to the creation of a new offence detailed in clause 36 of this bill. This is about the creation of a new offence for gaming machine dealers who offer any form of inducement to a person to enter into a contract for the sale or supply of a gaming machine, gaming machine component or gaming equipment.

Further, part of clause 28 of the bill seeks to give the commissioner the discretion to refuse a form of contract if, in his opinion, there are inducements on offer from a gaming machine dealer. As a former retailer, I would not support the government interfering with a transaction between a gaming machine dealer and a private business. The industry is already heavily regulated, and I think this step goes too far. I see no reason for government to intervene in these transactions. I have read the debate that took place in the other place, and my colleagues there, as much as they tried, could not get the minister to see their side of the argument. As the member for Stuart stated in his contribution:

Why is this industry different from other licensed industries, such as building or car dealerships, liquor licensees, GPs, surgeons, all that sort of thing, where these types of inducements, all above board, are very often in place with regard to purchasing? Why is this industry different from those? If the purchasers of gaming machines are all above board and doing what they are meant to do, and if the sellers of gaming machines are all above board and doing what they are meant to do, what is the problem with inducements?

I say to the minister, what on earth is wrong with a hotelier or pub licensee getting a discount? This is not the public sector. We are talking about individuals and private companies engaging in run-of-the-mill commercial arrangements. If a local football club can get a discount for purchasing five machines instead of four, I say good luck to them. If a city pub is owned by an individual and the vendor offers him a round of golf or tickets to the football finals as an inducement, the publican should be free to make up his or her own mind about that.

Private sector operators are not accountable to the taxpayer for the financial decisions they make. They should be entitled to accept an offer or reject it based on their own self-interest. There are several manufacturers selling gaming machines in South Australia. They compete on price, they compete on quality, and they compete on service levels. If an inducement has sweetened the deal, then so be it. Who is hurt here? What interest is the minister trying to protect? What ill does this new regulation seek to cure? I do not believe that it is the place of government to prevent business from doing business.

It is time for the Rann government to get out of the face of South Australian business. This part of the bill is a good example of the overbearing, nanny state approach taken by this government, and I find it disappointing, to say the least. Clearly, the minister and this government have made up their mind on this issue, however, so I just place on the record that I am opposed to it.

Under the same clause, the commissioner is required to approve contracts to purchase gaming machines. If both the vendor and the purchaser in this arrangement have already been approved by the commissioner and if individual gaming machines cannot be purchased unless they have been approved by the commissioner, then I cannot understand why the commissioner, additionally, needs to be involved in approving every contract for the purchase of gaming machines.

This seems to me to be another case of unnecessary Rann government red tape. What needs to be understood here is that these are transactions between private companies and individuals. We are no longer talking about transactions conducted by the State Procurement Board. Taxpayers' dollars are not in play. Contracts entered into by the private sector do not need the belt and braces approach taken by the public sector. Section 39 appears to over-regulate what should be a private matter between risk-taking individuals.

As a Liberal, I believe that individuals and firms should, as far as possible, be allowed to make business decisions, to be entrepreneurial and to take risks. Allowing markets to operate freely is the surest way to economic success. Requiring government approval of all contracts is going too far. Perhaps a less heavy-handed approach would be for purchasers or vendors to provide the commissioner with notice of each transaction. The Office of the Liquor and Gambling Commissioner could then review each transaction at its leisure. If there are any concerns, these can be dealt with.

Before I conclude my remarks, I also want to place on the record my thoughts on the government's Gamblers Rehabilitation Fund. I think that, while we are discussing a bill about responsible gambling measures, it is timely to discuss this fund. Since taking on the shadow gambling portfolio, I have received zero positive feedback about this fund, its transparency and how the funds are allocated. My understanding is that the Casino contributes over $100,000 per annum to the fund and hotels and clubs contribute around $2 million collectively each year—a significant amount.

These are funds which should be spent directly on harm-minimisation initiatives and frontline services. Yet it is my understanding that half of the Gamblers Rehabilitation Fund basically goes into public servants' salaries. It is my firm view that the responsibility for allocating these funds should be removed from the Department for Families and Communities and its problem gambling service and we should investigate ways of allocating the funds in a more transparent way.

In New Zealand, the government and gambling industry all contribute to a charitable trust that provides funds for gambling counselling. I refer to the website: http://www.woodlandstrust.co.nz. Trustees meet from time to time to distribute the funds in

accordance with the constitution of the trust. Administration and overhead costs are therefore very low. I am currently looking into different models for allocating funds to help problem gamblers as I am certain that it can be done better.

Having made these comments and criticisms, there is certainly a wide range of common sense and practical measures contained within the bill, and that is why it will get my support. I have discussed the bill with the AHA and its gaming care division as well as with representatives from the hospitality industry and the Adelaide Casino. My office has also been in contact with Mr Mark Henley from Uniting Care Wesley.

As shadow minister for gambling, I would like to thank all the stakeholders for their work and input. In particular, Mr Matt Halliwell from my office has put countless hours into preparation for this bill, and I must give him credit where credit is due. Also I would like to thank the minister for arranging briefings for me and my colleagues who are of course interested in the bill, and I look forward to its progress.

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

STATUTES AMENDMENT (DRIVING OFFENCES) BILL

Adjourned debate on second reading (resumed on motion).

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:41): I rise to speak to this bill, and I thank the council for allowing this matter to be adjourned on motion so that I could deal with another matter. The opposition always supports initiatives that will make our roads safer. Apart from handling the road safety portfolio in this council, I also have particular interest in this bill as the shadow minister for police. The proposal has implications on the ability of officers to secure convictions and also protection from these laws when having to undertake urgent duty driving.

A major element of the bill is the introduction of street racing into the Criminal Law Consolidation Act. Some very serious penalties are already present under the same act under section 19A. Causing death or harm by dangerous driving carries a gaol sentence even where serious harm is not caused. The maximum penalty is five years' imprisonment.

Following on from that section, we will now have section 19AD—Street racing. Regardless of whether a death, injury or crash ensues, the maximum penalty for the first offence is a three-year gaol sentence and a one-year loss of licence—although I am a bit surprised that you might have a three-year gaol sentence and a one-year loss of licence but not be able to access a vehicle while you are in prison!

If the first offence is deemed to be aggravated, then the maximum penalty is a five-year gaol sentence and a three-year loss of licence. These situations constituting an aggravated offence are sensible, involving circumstances of heightened risk (such as low visibility, poor traction or at night), if the person is carrying passengers or the vehicle has a major defect. Subsequent offences would involve a previous conviction under the Road Traffic Act of excessive speed, reckless and dangerous driving, driving under the influence of alcohol or drugs or drink driving.

My colleague the shadow minister for road safety, the member for Kavel (Mr Mark Goldsworthy) sought a number of clarifications during the second reading stage of the bill. We understand that this bill is part of a fulfilment of an election promise and is attempting to deal with a seriously dangerous culture growing in our younger community.

Street racing events are not usually confined to an individual participant. Despite maybe not being an organised event, a street race would usually involve at least one other person egging another on. I appreciate that the government is attempting to approach this legislation in a way that deters and, where needed, penalises all involved in the offence of participation. This is important because people must realise that their encouragement of the driver has a huge impact on their decision to participate most of the time.

Mr Mark Goldsworthy questioned why these provisions were not included in the Road Traffic Act and I agree that replacing these provisions probably will not have an educative effect on the potential street racing participant. Following the minister's explanation that it is a general principle to include indictable offences in the Criminal Law Act, I have been led to believe that this is being done partly in the name of administrative tidiness. I gather the main implication of placing it in the Criminal Law Consolidation Act is the view and approach that would be taken throughout sentencing. For that fact, I can see merit in doing it like this. The street racing offence is

homing in on all participants, and there is much-needed recognition that the driver is not the only guilty party but also passengers and possibly people promoting and organising these events.

This brings me to an area that has raised a number of questions throughout the briefing, and it affects a police officer's ability to secure on-the-spot convictions at the scene of street racing. I know that the Hon. Ann Bressington is moving amendments to this clause. I am aware that the government may be supporting these amendments. We are consulting with various stakeholders, and we will clarify our final position on those amendments when, I assume, we will do the committee stage of this bill on Thursday.

Under the bill, the police will be able to secure a conviction when they turn up to the scene of a street racing event. This is obviously relevant to the effectiveness and efficiency of the police and, as one can imagine, the ease with which an offender could cover themselves by quickly vacating the vehicle, for example. I appreciate that it would be relatively difficult for the police to gain evidence in many situations that someone had been aiding and abetting a street race. A defence is provided that a person was not the driver and did not consent to the race. The minister mentioned that the standard of proof under this provision is on the balance of probabilities rather than proof beyond reasonable doubt.

In my consideration of the clause, I assume that in the majority of situations the driver will be made obvious by the registration and ownership of the vehicle. The consent of a passenger may be harder to ascertain, but I feel that the character, background and criminal history of a potential offender will be effective in satisfying the judge of the probability of their participation. As the shadow minister for police, one of my main priorities is seeing that matters are dealt with expeditiously at the scene. The Hon. Ann Bressington's amendments do put the onus on the police to determine who the driver/offender was and to charge them, rather than the person having to prove that they were not the driver nor gave consent. Essentially, it replaces the onus of proof. I appreciate the argument behind this that an innocent passenger could wind up being charged and have to prove their innocence.

I have also received correspondence from the Law Society, which I am sure others have received, endorsing the Hon. Ann Bressington's amendments and expressing what would have to be alternatively amended to keep the original process proposed by the government: matters such as defining 'consent' as being given by a passenger who was charged. They think that establishing consent or the lack thereof will be a problem for both the prosecution and the defendant in a situation where they are using the defence mechanism of new section 19AD(4). This concern is justified. I can see both arguments at the moment, and we are still consulting to establish our final position on this matter.

Another important facet of the bill is the provision of a defence to a charge for emergency workers under the Criminal Law Consolidation Act provision, along with sections 45 and 46 of the Road Traffic Act, for careless, reckless and dangerous driving. After consultation with the Police Association, the opposition fully supports the provision, and I will read the justification for that support in the words of the association:

> It is the association's view that the proposed amendments do provide a measure of protection to a police officer acting in the execution of his/her duty and appropriately require proof that the officer was.

It is their view that new paragraph (c) provides an important protection to a particular police officer, because it permits the court to examine the officer's actions by reference to the subjective belief of that officer as to the circumstances existing at the relevant time. In addition, an important and necessary feature of this defence is the concept of 'acting reasonably'. This provides for an objective assessment by the court of the reasonableness of the actions of the police officer concerned.

The association clarified that, contrary to the view expressed in the adjourned debate on the second reading on 21 July 2010, the defence is not contingent upon the defendant's own subjective assessment about whether the conduct was reasonable in the circumstances.

> The words 'acting reasonably in the circumstances as he or she believed them to be' provides for both a subjective and objective test, consistent with the common law defence of honest and reasonable mistake of fact. So the officer must prove that he/she believed in the existence of a set of facts or circumstances (subjective test) and then the court must consider whether the defendant acted reasonably (objective test) in the circumstances as the court has found the defendant believed them to be.

> The association considers that the proposed amendments afford police in this state a measure of necessary protection for them to do their job.

The opposition has also filed an amendment to tidy up some wording of the clause. We thought that emergency workers acting in accordance with directions could be a little broad. There were a number of conversations between the minister's office, the minister's staff, myself and the shadow minister, and we are still negotiating on that particular amendment. So, while it might be on file, I am not sure whether we will be finally moving it. We are confident that we should be able to adequately protect emergency workers carrying out their duties. We will be having further discussions before we resume the debate, I assume, on Tuesday.

I note minister Snelling's comments throughout the second reading speech with regard to consultation. The shadow minister questioned whether the government had consulted adequately, and the minister responded that the road safety policy was taken to the election and that the government consulted with one million-odd South Australian voters. This response is typical of this government's arrogance with respect to consultation. Yes, in general, the policy was accepted by the South Australian people, but the government can hardly say it consulted on the detail of it with one million people. If Mr Snelling is looking at an enhanced career, the Labor Party needs to smarten up his act if that is how he thinks he would like to consult.

In a legislative sense, there are numerous options for implementing a policy, and winning an election does not relieve the government of its responsibility for consulting with experts and the public on how to implement those policies. Notwithstanding the government's arrogant approach to consultation, I indicate that the opposition will be happy to support the second reading of this bill.

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

PROFESSIONAL STANDARDS (MUTUAL RECOGNITION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 September 2010.)

The Hon. S.G. WADE (16:52): I rise on behalf of the opposition to address the Professional Standards (Mutual Recognition) Amendment Bill 2010. On 21 July 2010, the Attorney-General introduced this bill as part of the response to the HIH-induced insurance crisis. South Australia implemented the Professional Standards Act 2004 in 2006. Common with similar legislation in all states and territories, the act provides for the approval of schemes under which the occupational liability of members of occupational associations is limited in return for their members, firstly, holding compulsory insurance or minimum business assets up to a prescribed level and, secondly, adopting risk management and dispute resolution procedures.

To facilitate a national system of professional standards legislation and schemes, uniform regulations have been promulgated and a national Professional Standards Council and a common secretariat for state councils has been established. Mutual recognition has emerged as a problem in relation to the national operation of the schemes. That is not to suggest that these schemes do not currently operate beyond the boundaries of their own jurisdiction, but problems have been identified in terms of the clarity of the obligations and responsibilities.

At present, a professional's liability is capped only for acts and omissions occurring in jurisdictions where the professional has the benefit of a scheme. Although a professional can obtain the benefit of a cap in liability outside his home's jurisdiction, this is cumbersome, expensive and time-consuming, involving duplication and inefficiency. Either the professional's occupational association has to apply for schemes in all jurisdictions, or occupational associations need to permit interstate schemes.

To address this issue and to promote the national operation of the scheme, the Standing Committee of Attorneys-General has agreed to a model for mutual recognition in all jurisdictions approved in one jurisdiction to enable professionals to have capped liability outside their home jurisdiction. This bill reflects the nationally agreed model. In the process of consultation on this bill, the Law Society did raise the fact that two jurisdictions—Western Australia and New South Wales—have repealed sections which are analogous to section 5(2)(b) of the South Australian act.

That provision limits the capacity for schemes to cover occupational liability for acting in a personal injury matter in relation to legal professional costs. The Law Society is of the view that, for any scheme to be attractive to a large cross-section of the South Australian legal community, the embargo created by this section needs to be lifted. As well as the two jurisdictions that have already repealed those sections, I understand that Victoria is currently looking at the relevance of section 5 (2)(b) going forward. The government's response to the society which has been made

available to the opposition (and I thank the government for doing that) responds to the suggestion in the following terms:

> As you would be aware, the effect of the removal of s.5(2)(b) would be that occupational liability for acting in a personal injury matter would be included in the operation of the Professional Standards Act 2004, and thus would be able to be limited under a scheme. The government is not prepared to support this amendment. The main concern with the amendment is the potential detriment to those with large personal injury claims. Personal injury claims are viewed as a special category of claim, and such claims have been treated differently to commercial claims due to the vulnerability of the claimants.
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> For a catastrophically injured claimant, should their lawyer negligently cause the claim to fail, their only option for compensation is to then sue their lawyer for the resultant loss. The claimant would then be significantly financially disadvantaged should their lawyer's liability be capped and would have no avenue to pursue any further compensation. Such claimants rely on compensation to cover potentially life-long loss of earnings for medical treatment, house/transport modifications and other costs associated with permanent disability. The claims figures obtained from Lawguard indicate that the number of claims against lawyers for negligence in personal injury matters is fairly small, and it would be rare to have a claim that would be above the typical liability cap.
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> Therefore, the benefit of capped liability would be rarely utilised and, when compared to the impact on a claimant, the protection of vulnerable claimants takes priority. Additionally, at this stage just two other jurisdictions have excluded this liability from their equivalent acts and we understand that the Victoria is currently conducting a review of their act. Should more jurisdictions exclude this liability from their acts, the issue could be re-examined.

In conclusion, the opposition supports this bill as a sensible evolution to the professional standards regime put in place by this parliament some six years ago now. We will be supporting the second reading of this bill.

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

ELECTORAL (PUBLICATION OF ELECTORAL MATERIAL) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 July 2010.)

The Hon. D.G.E. HOOD (16:58): I rise today to indicate Family First's position with regard to this bill. As members are aware, this bill and the matters surrounding it, including the incidents of election day, have been subject to a select committee, so I will not reflect on the matters before the committee but perhaps just express some preliminary thoughts on the bill at this stage, and we will get to the detail at the committee stage of the bill.

This bill amends the Electoral Act 1985 and attempts to fix two significant issues once and for all. The first issue, of course, is the one that has received less publicity, if you like, and that concerns the banning of anonymous internet comments which flared up in the media just prior to the last state election. Section 116 is amended to allow the anonymous posting of internet and blog comments during an election campaign, and clause 5 of the bill gives effect to this intention. Family First supports the amendment, and I think that everyone in this chamber will support it. Indeed, it seems clear that *The Advertiser* supports the amendment.

The other issue involved the handing out of the so-called dodgy how-to-vote cards on election day. We all know the facts. I am not going to labour those facts. I think we are all very familiar with them. It was covered extensively in the media at the time. It was something that I think received extensive coverage and was widely criticised by senior political figures and commentators throughout the state. Very briefly, in a number of seats Labor volunteers dressed up as Family First supporters and asked voters to put a '1' next to Family First and a '2' next to the Labor Party, even though, of course, in those seats the Family First Party had agreed to preference the Liberal Party.

This bill purports to remedy the situation in clause 4 so that this can never happen again. I must say, it is at the direction of the Premier, as I understand it, that this bill comes forth. He is to be credited for insisting on this change so that this situation can never happen again. I think there is absolutely universal agreement that this sort of thing is detrimental to our democracy and should never happen again. The problem, however, is that we are not satisfied that the amendment proposed by this bill actually performs the task that it sets out to do. I will talk a little more about that in a moment.

Specifically, in the four marginal seats of Mawson, Light, Morialta and Hartley last election, as I indicated, Family First had directed its preferences to the Liberal Party candidates in each of those seats. It has to be noted that how-to-vote cards can only suggest how voters direct their preferences in the lower house. Where they actually put their votes on the ballot paper and in what

order they choose to do that, of course, is a matter that they can ultimately make up their own minds about. They do not need to follow how-to-vote cards at all.

So any preference deal, so-called, is therefore only as good as the ability of the party itself to direct its preferences and of their supporters to be able to do it. You do that in two ways, of course, and that is by having people on the polling booths handing out the cards, so firstly, a party that enters into such an arrangement has to be able to person the booths, to have enough people covering the booths. Secondly, they have to have confidence that their voters will actually follow that card, and do as the card asks. I would like to talk a little bit more about that in detail.

I think on that basis Family First can claim to carry a good deal of weight in those discussions because, as the data that I am about to enter into conclusively shows, by and large Family First supporters do follow our how-to-vote cards quite closely. As I said, we are able to person our booths, by and large. Our data indicates that we had about 98.6 per cent coverage of our booths at the last election. At the federal election it was actually a little bit lower, because of a number of conferences and the like that were happening, but about 98.6 per cent of the booths across the state from 8 in the morning until 6 at night were covered by Family First volunteers at the last state election.

That is not our best result, but that is about average for us in terms of our coverage across the state. So, we can person our booths, and that is the first tick in the box. The second tick in the box, the second issue that needs to be addressed, is: do our voters, or do voters of other parties, actually follow the how-to-vote cards? It is no good having people handing out how-to-vote cards if nobody is going to follow what is actually on the how-to-vote card. I will read a number of articles here which give credence to what I am about to conclude. A *Crikey* article dated 15 March 2007 states:

> A study of 16 years of electoral survey data overwhelmingly shows that [some voters do not follow the how-to-vote cards. Indeed,] Australian Green voters DO NOT follow the how-to-vote cards for the House of Reps 76% of the time. Even more interesting is that 79% of those same voters preferenced the ALP anyway. In contrast, FAMILY FIRST Party voters follow their how-to-vote cards 46% of the time.

So, about half the time at least, in that particular example, our voters followed the how-to-vote card. That is not a criticism of Greens voters. It is merely a fact that that is what the data suggests.

I think it is important to note that, with at least half (this is actually a very low figure) of our supporters following how-to-vote cards, obviously those preferences can make a significant difference in any particular seat, particularly in the outer suburban seats, where our vote is somewhere around the 8 to 11 or 12 per cent mark. I will quote from a few articles that back up that claim. *The Australian Financial Review*, for example, on 28 August 2005, not long after the party was formed, noted:

> The House of Representative's preference deal between the ALP and the Greens is not worth much to the larger partner, because all the Greens can do is advise voters, using how-to-vote cards, as to who should get their preferences; evidence suggests that nearly all Green voters (about 96 per cent) ignore that advice...Now, voting data suggests Family First [as they call it], the new kid on the block [at the time], has a significant ability to influence its voter's preferences...in seven seats Family First preferenced the ALP, and the turnaround was dramatic: 61 per cent of those votes now flowed to Labor. That's a difference of 26 per cent between a Family First preference deal for Liberals and a Family First Labor deal.

Our Parliamentary Library report of 9 February 2002 on the results of the South Australian election notes:

> Most of the Family First votes in the House of Assembly ballot were distributed to the...[Liberal Party] rather than the ALP—about 63 per cent went to the Liberals. However, there were 3 seats where a majority of Family First preferences went to the ALP—the deciding factor appears to be that the Family First How To Vote Card in these seats put the ALP ahead of...[the Liberals].
>
> Taking into account those seats where the Family First How To Vote Card recommended an ALP preference as well as the seats where the Card recommended a...[Liberal] preference, 66% of Family First votes did send their preferences to ALP or...[the Liberals] in accordance with the How To Vote Card for their electorate.

The point I am trying to make (and there are a number of quotes) is that somewhere between 50 per cent and roughly two-thirds of Family First voters do follow those how-to-vote cards across a number of elections. In some cases, the number is higher, but it is roughly two-thirds on average or as low as about 50 per cent—somewhere in between there seems to be a true reflection of what percentage of Family First voters follow our how-to-vote cards. So, it is a very high percentage. In fact, according to these articles, higher than the other minor parties. Therefore, you can see why

those preferences are fairly well sort after in very tight seats, particularly outer suburban seats, where our vote tends to be higher.

Another important article appeared in *The Age* of 26 June 2006, and it stated that Mr Rudd, the then prime minister, believed that Family First preferences cost the ALP three to five seats in the 2004 federal election. So, that is the situation with respect to what happens to our preferences. It seems clear that there is a relative level of consensus that people do follow our how-to-vote cards and, clearly, we can person our booths on the days that matter; hence the significance of those preferences, particularly in those outer suburban seats and, of course, in very tight seats as well.

Moving away from that for the moment, the question is: what do we know so far about what happened at the last state election? Well, there are a number of facts we know, which even the ALP does not contest, and that is that the ALP obviously valued the Family First preferences in those elections or it would not have bothered with the scheme they put in place.

It was apparent that the scheme was organised by the head office of the ALP. In fact, Michael Brown, the State Secretary of the Australian Labor Party here in South Australia, has admitted that. He made no attempt to conceal that fact. He was quite happy to acknowledge that—proud of it, apparently. I am not sure that I heard him say that he was proud of it, but—

An honourable member interjecting:

The Hon. D.G.E. HOOD: Well, that's right; yes.

The Hon. P. Holloway interjecting:

The Hon. D.G.E. HOOD: And so the argy-bargy begins. I have tried to keep away from making comments on what party did this and what party did that; I am trying to stick to the facts. I think all of us would agree that we never want to see it happen again, regardless of on what side of the house people sit. In terms of a list of facts—

The Hon. R.I. Lucas interjecting:

The Hon. D.G.E. HOOD: Well, there has been talk about it, hasn't there? There are also a number of facts that we know, and that is that it involved at least four electorates. I am informed that there was at least one other involved, but we know for certain that there were at least four electorates involved: Mawson, Light, Morialta and Hartley. To be fair, we do quite well in terms of our vote in Mawson and Light, and I would say we do fairly well in Morialta and not very well in Hartley—I think we got 4.7 per cent in Hartley if I recall correctly. So, in three of those four seats our vote is substantial and modest in Hartley.

The fourth issue worth noting is that it involved liaison with the MPs in those seats. I make particular mention that there were some MPs who decided not to be involved, and that is now on the public record. I pay tribute, if that is the right word, to the member for Newland, Tom Kenyon, who declined to be involved. He has said that publicly and to me privately and that is worthy of respect. I think it would have been tempting. There he was, in a very marginal seat, the seat of Newland, and I think most educated observers were thinking that it would be very hard for him to hang on.

We preferenced against him: as members probably know we preferenced the Liberal Party, but he did the honourable thing and decided not to be involved in the scheme carried out elsewhere. I like to think that things turned out his way for some reason. I am pleased, in a sense, that he was returned because he did the right thing. That shows to all of us that our conduct is important and that it is not always beneficial to do things that are not necessarily the right thing to do. I pay tribute to the member for Newland for his deliberate decision not to be involved, and it is a credit to him. We also know that it seems that the party machinery deliberately excluded the Premier from having direct knowledge of this. The Premier has denied that he had any direct knowledge.

The Hon. R.I. Lucas: You can't believe the Premier.

The Hon. D.G.E. HOOD: Well, all we can do is accept him at his word.

Members interjecting:

The Hon. D.G.E. HOOD: Call me old school, but I like to think that people tell the truth in here. Until I have evidence to the contrary, I will accept that as gospel and believe that the Premier did not—

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

The Hon. D.G.E. HOOD: Thank you. The Hon. Ms Lensink is very kind. I can only take people at their word, so I am happy to accept that. We also know that the T-shirts were deliberately designed to mislead people. They had 'Family First' in big letters written across the shirts. Whilst there was 'Put your' in very small letters, 'Family First' was in big letters and most people would assume that it was a Family First volunteer.

Finally, we also know that people were bussed or flown in—I am not sure which; I have been told both—from interstate to be involved in this. They are the facts before us, and that is what we know for certain. There has been a lot of conjecture around it as well, but that is what we know for certain. It is also important to note that Mawson was considered to be one of the most marginal seats in the lead-up to that campaign. When I say one of the most marginal seats, it was one of the seats most likely to change hands, in the view of many commentators, and the other was Light in Adelaide's north. I recall Light being the most marginal seat of all.

The how-to-vote card and volunteer impersonation concerning Family First at the 2010 state election was used in both those seats. It is interesting—and it may be coincidental—that in both those seats there was a swing to the sitting member. I am at a loss to explain that; I think the commentators were at a loss to explain that.

The Hon. I.K. Hunter: Good sitting members.

The Hon. D.G.E. HOOD: That is one possibility. It is clear that there is an argument to say that good sitting members will get support and hence be returned. There are other suggestions that are more sinister than that. We will never know what is the truth there, but it is an interesting result that deserves some comment and reflection. The overall point I make—and I think I would get agreement from the chamber on this—is that, while the Labor Party may not like these sorts of discussions, the Premier has done the right thing and said it will never happen again.

The Hon. R.I. Lucas interjecting:

The Hon. D.G.E. HOOD: The point we need to dwell on is that it does damage to our democracy: that is the bottom line. As a member of parliament all of us are sick of the fact that, when we are at social functions out in the community, at a work function or whatever it may be, politicians are not held in high esteem.

It is not something that you would need to be elected to this place to get a very firm idea of what level of esteem we are held in in the community. The plain truth is, and I am sure that everyone in the chamber would agree with this, that this sort of activity does not help that. I think that is a tragedy, because the reality is that I think that what members of parliament do is an honourable profession. Obviously, it is a very important profession.

I suppose it might be naive of me to say every single member of this parliament, but I think the absolute overwhelming majority of people in this parliament are here for only the right reasons, because they genuinely believe in what they are doing and they want to make a difference for their community. Obviously, we have diverse views, but people are here for the right reasons. That is the point I wanted to make. I think that this sort of activity—and I am not alone in this opinion, I am sure—does not reflect well on us. For that reason, we are very happy to support the changes in this bill.

I turn to the specifics of the bill, if I may. I think I have commented enough on the general circumstances that necessitated the bill. The bill proposes that we reinsert section 112C as a remedy for this situation of the so-called dodgy how-to-vote cards. However, Family First, as I indicated before, does not believe that this goes far enough. In fact, as has been widely publicised, we originally opposed the insertion of this section when the bill was attempted to be amended prior to the last state election.

We did that because we firmly believed, indeed, we had advice to the effect, that by inserting section 112C it could be read as banning community groups and other organisations from openly and publicly supporting particular candidates. I do not think any of us want that. That was the advice we had. We opposed it in good faith, of course, not expecting what actually happened on election day. So, with that in mind, I foreshadow that I will be moving an amendment in committee which will require that only registered how-to-vote cards can be distributed on election day.

To my view, this is a much better way of dealing with the issue. As somebody who is involved with the preferences, I am very familiar with this process. In simple terms, we will all lodge how-to-vote cards with the Electoral Commission which is the official how-to-vote card for each of the parties. All parties will do that, and then that is the only card that can be distributed on election day; then there is no misunderstanding. There is only one card for each party, and that is it: one card for each party for each seat. As I said, how-to-vote cards are already lodged with the Electoral Commission to allow for the preparation of electoral posters, so it makes sense to add a simple requirement that the how-to-vote cards handed out at polling booths are the same as the registered cards. That is it: one card per party per seat; end of story.

Our preferred way of dealing with misleading how-to-vote cards would be to provide that, on polling day and pre-polling days it shall be an offence to distribute how-to-vote cards that do not conform to a party's registered how-to-vote card as provided for in section 66 of the Electoral Act, and that is in terms of the preference numbering, not the design of the card, of course. I saw the Greens' card, for example, at the recent federal election, a very elaborate how-to-vote card with lots of colour and that on it, etc. That is not the part that the amendment will deal with; the amendment will deal with the specific order of the numbering on the how-to-vote card and provide that it should be identical to that used on the posters. As I say, one card per party per seat; end of story.

Section 66 provides that within four days of the close of nominations each political party is requested to lodge an example how-to-vote card. The current purpose for lodging the cards is so that they can be collated and printed on a poster that appears in every polling booth. The design and measurements for those cards do not necessarily match the cards that parties hand out on election day, as I indicated with the Greens' card a moment ago. There is nothing wrong with that.

There are specific size requirements, and no design elements are allowed on the registered cards. Our provision, or perhaps my amendment is a better way of putting it, would therefore assign an additional purpose to the lodgement of these cards. We do accept that, as a consequence of this change, candidates who fail to register cards with the Electoral Commission would be precluded from handing out how-to-vote cards. However, we understand that the vast majority of candidates lodge their cards correctly. We have had that confirmed to us by the commission.

Certainly, the larger parties who have the volunteers for election day would lodge their cards correctly. In the real world, the parties that have the ability to put people on polling booths would make sure that they get this right, and they know the consequences of getting it wrong. Indeed, one collateral benefit from a provision along these lines is that there would now also be a record of the how-to-vote card preferencing history kept by the Electoral Commission.

So, we would have a very clear record of who preferenced who over what period. To me, that appears to be a simple amendment to the Electoral Act. It means that it would now be clear that so-called dodgy how-to-vote cards or unregistered how-to-vote cards, if you like, are banned and simply cannot be used. It fixes it once and for all, with no questions asked.

Turning to another issue, if I may, as we are all aware there is currently a select committee inquiring into this event. Indeed, I am a member of that committee regarding this issue and what happened on election day, and the committee may very well make recommendations as to the best way to prevent such a thing from happening again. I would just like to say that, obviously, Family First is open to those recommendations. Indeed, we look forward to those recommendations and, for that reason, we would support voting on this bill being deferred until after the committee reports.

I have circulated my amendments to members for their consideration. I think it is the best way of solving this problem once and for all. Others have other ideas; we are certainly open to those. I think this is one that we need to get right once and for all, as I said, in the interests of our democracy and the esteem with which members of parliament and indeed political parties are held in the community.

I would like to touch on one final issue. I understand that the Greens have an amendment that seeks to ban how-to-vote cards. I have not seen that amendment. I am not sure that it has been tabled yet, but certainly the Hon. Mr Parnell has mentioned that to me. We are not closed to that at all; we would be open to considering that. I look forward to hearing in more detail about the Hon. Mr Parnell's amendment before making a final decision.

My final comment is that I think it is in the interests of all of us to get this right once and for all. I think that these sorts of things reflect poorly on us and I think there is genuine goodwill on all sides of the parliament now to ensure that this sort of thing does not happen again.

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

At 17:21 the council adjourned until Wednesday 29 September 2010 at 14:15.