HOUSE OF ASSEMBLY

Tuesday 29 August 2006

The SPEAKER (Hon. J.J. Snelling) took the chair at 2 p.m. and read prayers.

ASSENT TO BILLS

Her Excellency the Governor, by message, assented to the following bills:

City of Adelaide (Representation Review) Amendment,

Commission of Inquiry (Children in State Care) (Privileges and Immunities) Amendment,

Criminal Law Consolidation (Dangerous Driving) Amendment,

Criminal Law Consolidation (Throwing Objects at Moving Vehicles) Amendment,

Development (Panels) Amendment,

Environment, Resources and Development Court (Jurisdiction) Amendment,

Natural Resources Management (Transfer of Water Licences) Amendment,

River Torrens Linear Park,

Statutes Amendment (Disposal of Human Remains),

Statutes Amendment (New Rules of Civil Procedure),

Statutes Amendment (Road Transport Compliance and Enforcement),

Tobacco Products Regulation (Prohibited Tobacco Products) Amendment,

Water Efficiency Labelling and Standards.

PETROLEUM PRODUCTS SUBSIDY ACT REPEAL BILL

Her Excellency the Governor, by message, recommended to the house the appropriation of such amounts of money as might be required for the purposes mentioned in the bill.

McRAE, Hon. T.M., DEATH

The Hon. M.D. RANN (Premier): I move:

That the House of Assembly expresses its deep regret at the death of Terry McRae, a former member and speaker of the House of Assembly, and places on record its appreciation of his long and meritorious service and that, as a mark of respect to his memory, the sitting of the house be suspended until the ringing of the bells.

I was saddened to learn of the death, on 5 August 2006 at the age of 65, of Terry McRae. Mr McRae passed away after suffering a heart attack at AAMI Stadium while watching his beloved Adelaide Crows defeat Collingwood.

Terry McRae was a highly accomplished lawyer, a thoughtful and constructive parliamentarian, a fair and balanced speaker of this house, and a very learned and compassionate man. He was the member for Playford from May 1970 to November 1989, and was speaker from December 1982 to February 1986. During his 19 year career in this place he also held the positions of assistant opposition whip and chairman of the joint committee on subordinate legislation.

Terence Michael McRae was born in Adelaide on 11 January 1941, during the Second World War, to Irish-Australian parents. He was educated at St Ignatius College and then at the University of Adelaide, where he completed a law degree. He was admitted to the bar in 1963 and quickly established himself as a leading industrial lawyer. After unsuccessfully contesting the old seat of Torrens for the Labor Party in 1968 he eventually took his place as the member for Playford in 1970, a seat to which he was subsequently re-elected six times, albeit with continually changing boundaries—in fact, when I became the member for Briggs in 1985 I picked up a sizeable portion of his former seat. Indeed, at one stage he held most of the northern suburbs.

Terry McRae's maiden speech was erudite and articulate, and evoked the image of a fine lawyer marshalling his facts and prosecuting his case. In that speech Terry touched on the issues of federal/state relations in Australia and in doing so was quite prescient, given that under successive governments over the years we have seen the powers and responsibilities of the states pulled away either by constitutional decisions in the High Court or by the financial clout of the commonwealth. In his maiden speech he talked about federal/state relations and said that it would be 'a tragedy if the states were ever reduced to the ineffectiveness of the so-called States of America'.

He supported the abolition of the Legislative Council and urged both major parties to consider the views and demands of the state's very youngest voters. He also called for law reform in order to reduce delays and deliver justice, and I would like to quote from that speech. In July 1970 Mr McRae told this place:

To get to court one is literally enveloped by a mountain of paper, an orgy of words, a mint of money and a feeling of desperation and humiliation.

In that maiden speech he also talked about workers' compensation, an area in which he was absolutely an expert, and was recognised by people like Don Dunstan, Des Corcoran and Jack Wright as an expert in that area. He talked about equal pay for women and about the need to deliver a true living wage to all workers regardless of skill level. As one former parliamentary Labor colleague said recently, Mr McRae was always concerned about helping the most disadvantaged in society. Having come from a working class background he never forgot what it was like to struggle and was a constant advocate for the true battler. For him, and again I quote, 'the lowest was the highest'.

Terry certainly had disputes with some of his colleagues in the union movement and in the Labor Party and he was a very spirited parliamentary debater, especially while in opposition during the period of the Tonkin government. As speaker, from 1982 to 1986, during the first term of the Bannon government—from the end of 1982 to the very beginning of 1986—he was widely respected by members on both sides of the house for his fairness and approachability. He was seen as someone you could go to with problems and issues; he was a wise counsel. He was extremely kind to young members of parliament in explaining to them the rules of this place.

In the area of reform, Terry was probably best known for overseeing the introduction of television coverage to this parliament. It seems to be part of the landscape these days, but it was regarded as a very controversial decision at that time. As part of this, he carefully considered the arguments for and against TV coverage; he was worried about whether the coverage by television would alter the dynamics of both question time and debate. He also went on to try to get the balance right to establish a sensible set of forming guidelines for the television media, and I know that they are as appreciative of those guidelines as we are.

As one of his former colleagues said this week, Terry was guided by his lifelong belief that democracy should be open and should be made as accessible to ordinary South Australians as possible. When he lost the speakership in a party room ballot at the end of 1985, he was not bitter. I think that was the time when John Trainer came in as speaker. 'You win some, you lose some' he was quoted as saying in the press.

Two things about Terry McRae are perhaps not widely known or appreciated. The first is that after leaving parliament, he returned to the law and began a stellar third career. Having declined the title of 'Honourable' to which he was entitled, he once again became a highly effective advocate in the courts. Working at Kingston Chambers, he concerned himself with industrial, administrative, common and insurance law, along with personal injury and constitutional matters. Just a few years ago, he dealt with a case in the High Court in Canberra, which nicely book-ended a well-known appearance he made in the 1960s before the Privy Council in London. Very few lawyers would have that privilege of appearing before the Privy Council.

The Hon. M.J. Atkinson: A great tragedy.

The Hon. M.D. RANN: I know that the Attorney-General would love to have the title of Right Honourable and be a Privy Councillor, and we are happy at times to send him there. His colleagues in the legal fraternity said that right up until his death Mr McRae was a highly sought-after lawyer, and that he was both liked and respected for his thorough approach and courteous demeanour in court, which was exactly how I first met him in 1977 and 1978 during the time when I was an adviser to Don Dunstan and then a staffer to Des Corcoran, John Bannon and Jack Wright. He was always most helpful, kind and courteous to people, as he was to me when I was a rookie MP during his time as Speaker.

The second point to make about Terry McRae is that he was a devoted family man and that he lived a rich inner life. He gave warmly to those closest to him, especially his wife, Doreen, and his children, Jeremy, Sarah and Rebecca. His family recently described him as 'a kind, generous husband and father who encouraged and helped us all to achieve our potential'. Terry's interests were broad and eclectic; he was truly an intellectual. He was just as happy watching Central District play at Elizabeth Oval as he was at home reading French novels or studying philosophy and religion. A former colleague and friend, and former education minister, Greg Crafter, said that Terry was a terrific example of a lifelong student—someone with a permanently inquisitive mind who believed that education continued throughout one's life. He was someone who I always found had a deep interest in and understanding of history.

For many people, it would come as no surprise that, around the time of his death, Terry McRae was reading Dante's *Inferno* in Italian. Terry McRae's mind was perhaps best described by his friend, Brian Kelly. In his eulogy, Mr Kelly said:

> . . . his interest in virtually everything is his lasting monument. . . he was genuinely interested in what people had to say on any subject. . . and he was able to discuss things in a calm and rational way. . . I will always remember his ability to explain the most complex things in the most understandable language. . . I often thought that he would have been a great teacher in another life.

Throughout his life, Terry adhered to an overriding belief in institutions, whether they be the Labor Party, the Catholic Church or, indeed, parliament. He sought to bring about necessary change to help the less well off, primarily through those three institutions but also, of course, through the law.

Passionate and compassionate, devout and devoted, loyal and affable, knowledgeable and talented—these are just some of the qualities for which Terry McRae will be fondly remembered. I saw Terry walking down the street just a few weeks before his death. I was certainly shocked to come back to Australia and hear that he had died. On behalf of all members on this side of the house, I extend my condolences to Terry's family and friends at this untimely passing of a good and decent man.

The Hon. I.F. EVANS (Leader of the Opposition): On behalf of the Liberal Party, I second the Premier's condolence motion and express our regret at the passing of Terry McRae, former speaker and member of the House of Assembly. I speak on behalf of all Liberal members past and present when I put on the record our appreciation of his distinguished service to the state and the parliament both as a member of the parliament and as speaker. Mr Speaker, I ask that you convey to Mr McRae's family, his wife Doreen and children, Jeremy, Sarah and Rebecca, our deepest sympathies.

As the Premier has outlined, prior to entering politics, Terry was a talented industrial lawyer, being admitted to the bar in 1963. In 1968, he stood for the seat of Torrens and was defeated but was successful in being elected to the seat of Playford in the 1970 election and went on to serve for some 19 years. For those of us who have served in this place, we would all appreciate that to devote 19 years of your life to the service of the parliament and the state is a significant contribution to the people of South Australia, and we honour and thank Terry McRae for his commitment in this respect.

In his maiden speech, he supported federalism and emphasised the necessity for true power to be retained by the states. My father, who served with Mr McRae during the same period in parliament, tells me that he was an articulate and passionate speaker. He championed issues relating to law reform and, indeed, was a key agitator for the simplification of legal procedures and the introduction of pre-trial procedures. He spoke often about the poor and the underprivileged and how they could be best assisted. In 1974-75, he was one of the key promoters of the workers' compensation bill which, amongst other things, sought to provide compensation provisions including full pay for workers during sick leave. At that time, the bill was promoted by the government as being one of the best legislative measures of its kind in the world.

As the Premier outlined, Terry McRae did not have a lot of time for the upper house and supported the abolition of that place. He was a talented Speaker between the years of 1982 and 1986, before retiring in 1989. Our sympathies indeed go to the McRae family.

Mr HANNA (Mitchell): Other members have spoken highly of Terry McRae, and their commendations are well merited. I wish to add something briefly as a colleague in the legal profession and also as a fellow member of the Society of Labor Lawyers of South Australia. Lawyers are sometimes the subject of glib attacks in the community and sometimes even in the parliament. Mr McRae demonstrated perfectly the unfairness of such criticisms. He was courteous, humble, generous and thoughtful. He had a thorough commitment to social justice, and I know he practised that in terms of the work he did for deserving people, where he undercharged or, indeed, charged nothing at all for his services—and that he did before, during and after his time as a member of

parliament. My condolences to his family, his colleagues and his friends.

The Hon. M.J. ATKINSON (Attorney-General): Terry McRae was preselected by the Labor Party after a large expansion in the number of seats in the metropolitan area following the end of the Playford malapportionment of electorates in South Australia. He was preselected for the northern suburbs seat of Playford, which was then based on Elizabeth and, over subsequent years, continued to move south to its current location around Ingle Farm, Pooraka and Para Hills.

Terry McRae was a very learned and well-read man. He was a Catholic, and he had a great understanding of Catholic social policy and was an advocate for that policy in this parliament. That is perhaps why, in his first term of parliament, there were concerted attempts to remove his preselection, but he survived and continued until 1989. He was a federalist when that outlook was unfashionable in the Labor Party; that is to say, he believed in the Australian constitution and the distribution of powers between the commonwealth and the states as originally intended by those who wrote the constitution. His views are now unfashionable in the Liberal Party as well, as the Howard government continues the centralisation of power in Australia with all the enthusiasm of Gough Whitlam and Jim Cairns.

Nevertheless, Terry McRae was the only Labor MP of the political tendency I am pleased to represent, and I am sure he was pleased to see the growth in that tendency during his later years in the Labor Party. I think the biggest mistake the state parliamentary Labor Party ever made was not to elect Terry McRae to the ministry after the 1975 general election and not to make him attorney-general. But he later served as speaker here, and I was pleased to see his occupation of the chair during that time, because I was reporting parliament for *The Advertiser*. I can recall reading a very learned article by Terry McRae in the *Labor Herald*—in fact, I think it was a series—in which he reviewed John Mortimer's TV version of *Brideshead Revisited*, and I commend that review to members.

I am glad that Terry McRae continued to be an advocate for what he believed in for 19 years in this parliament, and I am glad that he lived to see five Central District premierships.

The Hon. G.M. GUNN (Stuart): The Hon. Terry McRae and I came into this place as members of the class of 1970, and I think that I am the only one left. I got to know the honourable member very well. I agree that he was a hard-working member of this chamber and that he had very strong views on industrial matters. I think he made a very good contribution. I extend my sympathies to his wife and family, as the last of the class of 1970 to be in this place.

The SPEAKER: I share with Terry McRae two privileges: that of being the member for Playford and serving as speaker. Terry is still fondly remembered in my electorate. He was a strong advocate for the people of the electorate of Playford and often, when I am speaking to some of my older constituents, my efforts are compared unfavourably to the fine work that Terry did representing the people of Playford in this parliament.

He also distinguished the office of speaker and it is a shame that he was not able to continue for longer than he did in that office. In all he did, Terry was strongly motivated by his faith which guided his principles concerning social justice and law reform and, as an advocate for those who have no voice for themselves, Terry excelled.

My condolences to his wife Doreen and to his children. It was a great shame that I was not able to be at his funeral. The only thing that prevented me was the funeral of my wife's grandfather at the same time, but otherwise I certainly would have been there. I will forward to his family the *Hansard* of today's proceedings and I ask members to please stand in their places.

Motion carried by members standing in their places in silence.

[Sitting suspended from 2.28 to 2.35 p.m.]

COUNCIL RATES

A petition signed by 586 residents of South Australia, requesting the house to urge the government to review the basis on which council rates and property taxes are levied and consider the cost of providing services with reference to the capacity of council ratepayers to meet the cost, was presented by Mr Pederick.

Petition received.

EGG DUMPING

A petition signed by 144 members of the South Australian community, requesting the house to urge the government to immediately facilitate a 'Buy South Australian Eggs' campaign and seek assistance from the Australian Competition and Consumer Commission to identify the practice of egg dumping in South Australia and investigate the food safety standard of interstate eggs being sold in this state, was presented by the Hon. R.G. Kerin.

Petition received.

UNBORN CHILDREN, PROTECTION

A petition signed by 20 residents of South Australia, requesting the house to urge the government to protect unborn South Australian children by enforcing the law and ensuring that pregnant women are supported and encouraged throughout their pregnancies and beyond, was presented by Mr Kenyon.

Petition received.

REPLIES TO QUESTIONS

The SPEAKER: I direct that the written answers to questions as detailed in the schedule I now table be distributed and printed in *Hansard*.

DFC, TRAINING BUDGET

In reply to **Ms CHAPMAN** (21 June).

The Hon. J.W. WEATHERILL: The 2004-05 annual report of the Department for Families and Communities states on page 65 that the department spent $155 634 125 on training. The reported amount in the annual report was an administrative error. The correct figure for the total training expenditure was $3 058 856. A correction will be included in the department's annual report for 2005-06.

LOWER MURRAY REHABILITATION SCHEME

In reply to **Mr PEDERICK** (11 May).

The Hon. K.A. MAYWALD: I am advised:

The Lower Murray project has two-mandated dates; water meters must be installed and operating by 1 July 2007 and water reuse

system operational by 1 July 2008. All irrigators involved are fully aware of these dates, and the majority have signed funding agreements with me to allow works to commence so they can meet these timeframes. These irrigators are now working with their privately appointed project managers to ensure that these dates are met.

There is a certain lead-time from when funding agreements are signed for the project managers to complete the final design, order materials and construct the works. The advice from the project manager is that it is likely to take 12 months from when the funding agreements are signed until meters can be installed.

This matter was discussed by the LMRIA Program Board on Friday 19 May 2006, and the board agreed that a letter should be forwarded to those districts who have yet to sign the rehabilitation funding deed, reminding them of their obligations to meet the mandated dates and that it is likely to take 12 months from the date of signing until meters can be installed.

RODEOS

In reply to **Hon. G.M. GUNN** (27 April).

The Hon. J.D. HILL: The Minister for Environment and Conservation has advised:

Mr Allchurch was the permit holder for the 2004 Marrabel Rodeo and, as such was responsible for ensuring that the conditions of the permit issued for the rodeo were not breached. The Clare Magistrates Court decided that, at the rodeo, two conditions of that permit were not met and, as the permit holder, Mr Allchurch was responsible for the breaches.

PRISONS, PORT AUGUSTA

In reply to **Mrs PENFOLD** (9 May).

The Hon. J.D. HILL: The Minister for Correctional Services has advised:

When water tanks were initially introduced to Port Augusta Prison, they were included as part of the building plans to collect water for the prison gardens, not for drinking purposes.

The infrequency of rain in the area and the inevitable rubbish that collects on the prison roofs and run-off areas would have made the collection of water for drinking purposes very dangerous. Therefore, it was never the intention that the water collected was to be used for drinking.

The tank taps were locked to ensure that prisoners could not use the water for drinking. Unfortunately, some prisoners found ways to remove the locks and used the water for drinking purposes.

In 2002, the Department permanently diverted the water to piping and to the storm water displacement area of the prison.

I reiterate my initial response to this question when it was first raised in this House. The new legislation to which the Member refers provides for tank water to be used only in laundries, toilets and in the bathroom. It does not apply to schools and it certainly does not apply to drinking water.

NATURAL RESOURCES COMMITTEE

The SPEAKER: I lay on the table a report of the committee entitled 'Management Boards: Levy Proposals', which has been received and published pursuant to section 17(7) of the Parliamentary Committees Act 1991.

COUNCIL FOR THE AUSTRALIAN FEDERATION

The Hon. M.D. RANN (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: Last month, every state premier and territory chief minister of Australia decided to create a new organisation to help regenerate the political strength of our states and territories. So, we formed the Council for the Australian Federation, and it is with deep humility, given my normal and natural shyness—the kinder and gentler Premier—that I accepted the unanimous choice of its members to appoint me as its inaugural chairman. This is the first council of its kind to be formed since Australia became a federation of states and territories in 1901. Its members will be each state and territory leader, regardless of party political status. This new council will recognise that Australia is a continent, not just a country. While the recent COAG meetings have become cooperative and productive, we believe the establishment of this new Council for the Australian Federation will make it work even better.

The council, which will meet two or three times a year, will become a clearing house for ideas and policy formulation. The reality is that, at present, the current arrangements for discussion, information-sharing, strategic negotiation and achieving consensus among states and territories is not well organised, and never has been. This council is designed to give these important functions a formal structure, under a small secretariat based in Canberra, the cost of which will be shared amongst the states and territories.

In brief, the functions of the new council would:

- find the best common position among states and territories of COAG-based agreements with the commonwealth;
- where appropriate, reach joint agreements on cross-jurisdictional issues where a commonwealth imprimatur is unnecessary, or has not been forthcoming;
- develop better procedures for the states and territories to share and exchange information and identify best practice policy and programs—in other words, to be a clearing house for ideas;
- anticipate future developments within the federal system, including decisions by the commonwealth government that might have a significant impact on the states and territories.

The chairmanship of the council will rotate between premiers and chief ministers on an annual basis. All states and territories have agreed that, while we support the national economy and a united Australian identity, the role of the federation was never designed to diminish self-government at the state level.

The inspiration for the council's formation came from a recent meeting in Montreal, Canada, and prior discussions involving me and premier Steve Bracks and representatives of other states and territories. Indeed, the Deputy Premier and Treasurer of Queensland, Anna Bligh, attended the meeting in Montreal. There we were able to see first-hand the workings of Canada's Council of the Federation, formed in December 2003. Canada's Federation Council, which comprises the 13 Canadian provincial and territorial premiers, crosses party political differences and unites to strengthen inter-provincial cooperation and exercise leadership on issues of importance to Canadians. It was interesting, I was able to meet with nearly all of the premiers of the Canadian provinces, and there could not be a closer correlation in constitutional terms, when you think about it—native title issues, huge land areas but relatively small populations, multiculturalism, and federal-state health agreements.

There, the premiers come from all different political parties. All those I spoke to told me how incredibly improved the processes have been since the establishment of that council. They unite to strengthen interprovincial cooperation and exercise leadership on issues of importance to Canadians. Of all the countries in the commonwealth, Australia, as I said, has most in common with Canada, and we can learn a great deal from each other. That is why we have invited the members of Canada's Council of the Federation, comprising all of the Canadian premiers, to meet with the Australian Council of Federation in Adelaide in 2008.

PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. K.O. Foley)—

Regulations under the following Acts—
- Emergency Services Funding—Amount of Remission
- Public Corporations—Captive Insurance Corporation
- Superannuation Funds Management Corporation of South Australia—Investment of Funds

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

- AustralAsia Railway (Third Party Access) Code, Ministerial Review of—June 2006

Regulations under the following Acts—
- Development—Constitution of Statutory Committees
- Harbors and Navigation—Restricted Areas
- Motor Vehicles—Vehicle Examination Fee
- Passenger Transport—Taxi Fares
- Road Traffic—
  - Declared Hospitals
  - Disqualification Offence
  - Southern Flinders Health Incorporated

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

Regulations under the following Acts—
- Electricity—Aerial Lines
- National Electricity (South Australia)—Transmission Systems

By the Attorney-General (Hon. M.J. Atkinson)—

- Listening and Surveillance Devices Act, 1972—Report 2005

Regulations under the following Acts—
- Births, Deaths and Marriages Registration—Disposal Fees
- Cremation—Cremation Permit
- Electronic Transactions—Excluded Transactions
- Fees Regulations—Proclaimed Managers and Justices
- Legislation Revision and Publication—Definition of Legislation
- Subordinate Legislation—Postponement of Expiry

Rules of Court—
- District Court—Rules—
  - Terrorism Police Powers
  - Subpoenas and Contempt of Court
  - General Civil
- Supreme Court—Rules—
  - Appeal Book
  - Corporations Rules
  - General Civil
  - Land and Valuation Rules
  - Police Powers
  - Preventative Detention
  - Subpoenas and Contempt of Court

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

Regulations under the following Acts—
- Chiropractic and Osteopathy Practice—General
- Natural Resources Management—Tintinara Coonalpyn Water Levies
- Wilderness Protection—General

By the Minister for Administrative Services and Government Enterprises (Hon. M.J. Wright)—

Regulations under the following Act—
- Roads (Opening and Closing)—General

By the Minister for Agriculture, Food and Fisheries (Hon. R.J. McEwen)—

Regulations under the following Acts—
- Fisheries Act—
  - Abalone Fisheries
  - Fish Processors
  - Lakes and Coorong Fishery
  - Marine Scalefish Fisheries
  - Prawn Fisheries
  - River Fishery
  - Rock Lobster Scheme of Management
- Livestock—Identification

By the Minister for State/Local Government Relations (Hon. J.M. Rankine)—

Local Council By-Laws—
- Barunga West, District Council of
  - No. 6—Boat Ramps
- Elliston, District Council of
  - No. 1—Permits and Penalties
  - No. 2—Local Government Land
  - No. 3—Roads
  - No. 4—Moveable Signs, Banners and Umbrellas
  - No. 5—Dogs
  - No. 6—Caravans and Camping
  - No. 7—Foreshore
  - No. 8—Waste Management

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

Regulations under the following Acts—
- Liquor Licensing—
  - AAMI Stadium
  - Coober Pedy
  - Kadina
  - Port Pirie

By the Minister for Employment, Training and Further Education (Hon. P. Caica)—

- Education Adelaide Charter and Performance Statements for 2006-07
- Flinders University—Report 2005
- University of Adelaide—
  - Annual Review 2005
  - Financial Statements 2005.

VISITORS TO PARLIAMENT

The SPEAKER: Although I think they have since left the chamber, I draw honourable members' attention to the presence in this house of students from Cedar College, who are guests of the member for Torrens; students from Valley View Secondary School, who are guests of the member for Florey; students from Concordia College, who are guests of the member for Unley; and students from Pulteney Grammar School, who are guests of the Hon. Russell Wortley from another place.

QUESTION TIME

HEALTH SYSTEM

The Hon. I.F. EVANS (Leader of the Opposition): My question is to the Premier. Does the Premier support federal Labor leader Kim Beazley's plan for the federal government to take control of the health system from the states? In the media last week Mr Beazley proposed a federal takeover of the health system, and he suggested that transferring health to the federal government would deliver $2 billion worth of savings. The former South Australian health minister, the member for Little Para, previously welcomed the idea of moving health to the federal government. The Treasurer has also previously supported moving health to the federal government; however, the current Minister for Health has opposed such a transfer.

The Hon. M.D. RANN (Premier): What we should all support is an activist partnership between a federal government that is committed to the health system as opposed to one that is not. Whilst they have effectively frozen funds we have been piling more and more money into our side of the bargain. Indeed, I understand the state government's contri-

bution to health and hospitals in this state increased by more than 30 per cent compared to a paltry increase by the federal Howard government. I guess that is the nub of it.

We have all seen what has been happening—and just remember the Prime Minister now wants a fifth term. We have seen what he has done to Telstra and what he is going to do to Telstra, and we have seen what he has done to industrial relations. One thing remains on John Olsen's agenda—

Members interjecting:

The Hon. M.D. RANN: John Howard's agenda—it was the same agenda! One thing remains on the agenda, and that is to cross that final rubicon, to dismantle Medicare. Go back and look for yourself at what John Howard said in the 1980s about Medicare. He has always wanted to dismantle Medicare—

The Hon. I.F. EVANS: I rise on a point of order.

The SPEAKER: Order!

The Hon. I.F. EVANS: The point of order is obvious: the question was not about John Howard and Medicare, it was about Kim Beazley taking over the health system.

The SPEAKER: I uphold the point of order.

The Hon. M.D. RANN: All of us are frustrated by that sense of one step forward, one step back. We are putting more commitment into health and hospitals while the federal government takes it away. Why have we seen COAG meetings where apparently health cannot be discussed (at least not in any substantive way)? We have made some progress on mental health and we have made some progress in certain other areas at COAG, including our push to set up a national call centre, but ultimately we want a real partnership on health with a federal government that supports our doing things in health rather than one that constantly takes things away.

There is a frustration from the states and territories around Australia regarding the fact that the Howard government wants to Americanise the health system, and its ultimate ambition to dismantle Medicare is being preceded by an attempt to starve it, to ringbark the public hospital system. That is what you should be asking for; you should be meeting with John Howard and saying, 'Match the states in their increases to the public hospital system.'

PROMINENT HILL

Mrs GERAGHTY (Torrens): Can the Premier explain the significance of the Oxiana Prominent Hill mine approval for South Australia?

The Hon. M.D. RANN (Premier): It is quite clear when you read the statements, and those opinion pieces, by one of the senior frontbenchers—who, on two occasions, made the big run for the leadership—that he is not only pre-empting the Liberal party room in making policy announcements, but also he is now speaking more broadly across all portfolio areas to establish his leadership credentials.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: He has gone red. We know what he is doing. He is a man of substance. We are right behind you, Marty. I am supporting you. You are a man of destiny just like Mark Latham.

The SPEAKER: Order!

The Hon. M.D. RANN: Last Friday, the board of mining and exploration company Oxiana gave the green light to its $775 million copper and gold mine at Prominent Hill. The mine is 650 kilometres north-northwest of Adelaide—by my recollection, anyway—and south of Coober Pedy in the state's Outback. It is about 1¾hours' drive south of Coober Pedy. Oxiana's board gave the go-ahead for Prominent Hill, after gaining all necessary approvals, including the state government's granting of the mineral lease and approval of a mining and rehabilitation plan. Yesterday, I travelled to the Prominent Hill site with the Hon. Paul Holloway and Oxiana officials, including its CEO, Owen Hegarty, and its chairman, Barry Cusack, for a first-hand briefing on the mine and moved the first dirt in the mine's construction. It is with an enormous amount of humility, I hope, that members noticed that I need some further on-the-job training in that area. The company expects the mine to be ready for commercial production by late 2008.

The estimated value of the resource at Prominent Hill is so far about $15 billion, but they are now looking at a series of other potential deposits in the immediate vicinity. We are looking at a major gold and copper mine in the area. However, at this first stage, the mine will create a combined total of 1 200 jobs during the construction and mining phases, and it will be a big boost to the economies in the north of our state, especially the upper Spencer and Coober Pedy as well as for South Australia generally. The mine will employ 400 people in ongoing operations to be accommodated at facilities presently under construction at the mine site. The vehicle that I was on yesterday is one of three that will be there, which is a 660-tonne vehicle with about 8½ tonnes of oil on board and, with each scoop, it can lift up about 30 tonnes of overburden. The mine will be an open pit: 480 metres deep, 1.4 kilometres long and 1.2 kilometres wide.

The go-ahead for the Prominent Hill project is another sign that South Australia is on the verge of a major mining boom. Let us be clear that mines mean jobs—thousands of jobs—and significant wealth generation and exports for the state. The Prominent Hill decision is just the first cab off the rank in what I think will be a major mining boom in this state; indeed, I predict that mining will dominate the economic future of the state in the second, third, fourth, fifth and sixth decades of this century. It is not hard to make a prediction because minerals exploration has skyrocketed in South Australia.

Mr Williams interjecting:

The Hon. M.D. RANN: If they want to attack what we are doing in mining, if they want to turn their backs on commentators who are saying that we are the next Western Australia at the point where Western Australia was in the late 1970s, choose your friends, but if you want to come out against the mining industry, so be it. Minerals exploration is skyrocketing in South Australia, aided by the government's plan to accelerate exploration (our PACE initiative). ABS data shows exploration activity has reached more than $110 million in South Australia in the four quarters to March this year, and that delivers on the South Australian Strategic Plan target more than a year ahead of schedule.

The scheme has also helped bring about a stunning turnaround in international visitor perceptions in South Australia. We will compare our mining exploration record against the members opposite's time in government any day of the week.

Members interjecting:

The Hon. M.D. RANN: Okay; here we go. Come in spinner. Come on, Marty, you are trying to upstage Mitch. In 2003, South Australia was 31st on the influential Fraser Institute's mining potential index. Members opposite

presumably know of the Fraser Institute in Canada. We were 31st out of 64 jurisdictions in 2003. God knows what we were when they were in government. In 2004, we rose to 18th position—from 31 up to 18—and now (this year) we are sixth in the world.

An honourable member interjecting:

The Hon. M.D. RANN: We have jumped 25 places in a few years. The member opposite said 'It is the spider bus.' He clearly has not heard. He goes to these mining conventions with a slightly glazed look on his face to hear mining industry leaders praising this government—the best government that they have had to deal with and, of course, a massive increase in mining exploration because of this government's PACE initiative. Go to the mining conventions, but stay awake. More than 100 drilling projects have benefited from our PACE initiative and some very significant discoveries have been made. As I mentioned, it will be the dominant industry in our economy.

I can announce today in this parliament that yesterday I was advised that our mining exports have now surpassed our wine exports in this state.

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

The Hon. M.D. RANN: There is more good news to come, with a number of resource companies expected to make major project announcements. Indeed, I predict that, within days, there will be more news on the mining front. Also coming up is the proposed expansion of BHP Billiton's Olympic Dam mine. The Olympic Dam mine is expected to generate 23 000 jobs in combined construction and operations, strong revenue for South Australia and a major lift in exports. Mr Speaker, I congratulate the Oxiana board and its managing director on the company's decision, which is a major vote of confidence once again in the South Australian economy.

I look forward to Oxiana's role and prosperous future in South Australia, both at Prominent Hill and elsewhere, with very clear indications yesterday that it is looking at a much bigger footprint in South Australia. Oxiana is aggressively determined to grow and the South Australian government is determined to support that growth. I am also pleased that it wants to buy local and employ local as much as it can, including the training of young Aboriginal people to work on the mine. I look forward to working with Oxiana and other companies, including imminent announcements in a partnership for the development of our mining industry.

COUNCIL FOR THE AUSTRALIAN FEDERATION

The Hon. I.F. EVANS (Leader of the Opposition): Given the Premier's previous answer in which he claimed that health cannot be discussed at COAG in any substantive way, will the Premier refer Kim Beazley's proposal to take over health from the states to the Council for the Australian Federation? The Premier is the inaugural chairman of the—

The Hon. K.O. Foley: After two months, this is the best you can do!

The SPEAKER: Order!

The Hon. I.F. EVANS: In the ministerial statement, the Premier outlined that he is the inaugural chairman of the Council for the Australian Federation—

The Hon. K.O. Foley interjecting:

The SPEAKER: Order!

The Hon. I.F. EVANS: The ministerial statement says that the Council for the Australian Federation is 'to help regenerate the political strength of our states and territories'. One of the roles of council is 'to anticipate future developments within the federal system, including decisions by the commonwealth government that might have a significant impact on the states and territories'.

The Hon. M.D. RANN (Premier): What did Kim Beazley say? He said, 'And that's why building better partnerships with the states and territories would be the first term focus of a Beazley Labor government.' He goes on to say, 'However, a Beazley Labor government would also look to the long term and be prepared to examine the need for big changes.' That includes being prepared—

The Hon. K.O. Foley interjecting:

The Hon. M.D. RANN: This is from Julia Gillard on behalf of the opposition.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: That includes being prepared genuinely to discuss the arguments for and against a single funder for health care—for and against. What part of 'discuss' and 'for and against' don't you understand? What I would like to see is genuine bipartisanship on the other side of the house so that we can work together towards the sunlit uplands of increased federal funding for health care and hospitals, not only in this state but across the nation.

The Hon. I.F. EVANS: I have a supplementary question. If the Premier wishes to have genuine bipartisanship, will he arrange to have all the opposition leaders put on the Council for the Australian Federation?

The Hon. M.D. RANN: I saw in the *Weekend Australian* a picture—it seemed to me to be a computer-generated picture—of the 'invisible following', it said, 'opposition leaders of Australia'. From what I read in that report, they have their own council—the council of the ineffective.

WORKCHOICES LEGISLATION

Ms BEDFORD (Florey): My question is to the Minister for Health. What protection from the federal government's new industrial relations laws will the government provide to public sector nurses?

The Hon. J.D. HILL (Minister for Health): I thank the member for Florey for her question and for her great interest in this issue. I am pleased to advise the house that my colleague the Minister for Industrial Relations will soon introduce a bill into parliament to remove any risk that public sector nurses and other health employees might be caught in the web of the Howard government's noxious IR legislation. Our nurses are a vital part of the South Australian health system, and we will not let them be exposed to the dangers of the federal system.

All future agreements between the government and health workers will be made in the state Industrial Relations Commission, provided the legislation passes. Under WorkChoices, award conditions such as overtime, penalty rates and shift allowances are at risk. WorkChoice legislation is bad news for our state, and it is bad news for our nurses. How could any member in this place support our nurses being exposed to this poisonous system? Well, unfortunately, there is at least one, and that is the Deputy Leader of the Opposition. We know this because the deputy leader put it on the record in a press release dated 3 August this year. She said, 'This legislation is not about penalising our nurses: it's about offering choices.'

The opposition has now come out in support of WorkChoices and in support for individual contracts for public sector nurses. To date, this is the only health policy of which I am aware that the opposition has, and that is a scary proposition for every nurse. Nothing would do more harm to our ability to recruit nurses than to be in the federal system, with lower wages and worse conditions. If we had lower wages and worse conditions for nurses, we would not be able to recruit them.

The Rann government makes a commitment to protecting nurses from WorkChoices, so long, of course, as our parliament supports the legislation, and this legislation will be a true test for the opposition. Will the opposition be supporting the Howard government's industrial relations agenda, or will it be standing up for the nurses and other health workers of South Australia?

SOUTH ROAD/PORT ROAD/GRANGE ROAD UNDERPASS

The Hon. I.F. EVANS (Leader of the Opposition): My question is to the Minister for Transport. With the budget three weeks away, will the minister advise the house of the latest estimated cost of the South Road/Port Road/Grange Road underpass project? The government has previously announced this project with a costing of around $122 million. Industry sources have previously suggested that the cost would be something approaching $250 million.

An honourable member interjecting:

The Hon. P.F. CONLON (Minister for Transport): Port Road and Grange Road. What is in the budget will be in the budget on budget day; that is what we do with budgets. One of the things we will not be doing with the budget is adopting the suggestion of the Leader of the Opposition, and that is cutting the current public transport fare to roughly 20 per cent of what it is currently. I happened to watch the Leader of the Opposition's interview on the web site, where he was asked what it cost to catch public transport, for a multitrip, was it?

The Hon. I.F. Evans interjecting:

The Hon. P.F. CONLON: Do you want to have another guess now? A 10-trip multitrip, he said was about $4. My wife would like to buy all her multitrips from him, because it is actually $25.10. The Leader of the Opposition will have to wait for the budget, but I can assure him that we will not be altering our fare structure to that suggested by him, because it would wreck our budget.

FIRST HOME BUYERS

Mr RAU (Enfield): Can the Treasurer inform the house of the cost of providing first home buyers with a full exemption from stamp duty?

The Hon. K.O. FOLEY (Treasurer): I read with great interest on the weekend in the *Sunday Mail* that the Leader of the Opposition has now permitted the Liberal opposition to exempt first home buyers from stamp duty if the Liberals hold government. I was quite astonished to see the quote, and he repeated on FiveAA only yesterday morning that the costing of the plan is somewhere between $25 million and $30 million. I was at a bit of a loss to work out how he came up with such a figure because even the basic arithmetic in the *Sunday Mail* article shows that $25 million to $30 million is a gross understatement.

That article referred to 8 000 first home buyers with a median stamp duty bill of $7 467. It is not rocket science. It does not take long on the calculator to work out that that is about $60 million. So he could not even do the basic of most basic arithmetic. He plucked out a figure of $25 million to $30 million. The most recent data is that there was, in fact, in 2005-06 an estimate of some 10 000 first home buyers, which now puts this policy commitment of the Leader of the Opposition at some $75 million.

The first major policy statement of the Leader of the Opposition has committed the state to $75 million per year in tax cuts. But of course he said it was only $25 million to $30 million, an error of 200 per cent. I find it extraordinary that the leader could just waltz in to a *Sunday Mail* interview, make policy on the run for the Liberal Party, not have done his homework on published data—it is not about the data not being available: it is freely available, and any simple calculation would have put that figure at a minimum of $60 million and, in fact, at $75 million.

It clearly shows that the Liberal Party has learnt nothing from its period in opposition. What did we see in opposition? For 18 months they built this great expectation that there would be massive tax cuts to land tax. Rob Lucas was at every public forum. The Leader of the Opposition was out there. Liberals were out there building up this false expectation that they were going to totally reform and massively reduce land tax in this state. And what did they do? Surprise, surprise—they plucked a figure of $25 million out of the air. And what then—

Mr WILLIAMS: Point of order, sir.

The SPEAKER: Point of order. The member for MacKillop.

Mr WILLIAMS: The point of order is one of relevance, sir. This tirade has no relevance to the question that was asked of the Treasurer.

The SPEAKER: I think it is relevant but it does seem to be debate.

The Hon. K.O. FOLEY: I come back to the point—and I take your point, sir—

The SPEAKER: The Treasurer needs to stick to facts.

The Hon. K.O. FOLEY: The fact was that when they offered that land tax cut they did not even know who would get it. That was the lazy shadow treasurer; he had not even worked out who was going to get it. The credibility of the Liberal Party of this state—just a few weeks out from a state budget—is a matter of public concern. It is a matter that should concern all South Australians, because in previous times the Leader of the Opposition—

Mrs REDMOND: Point of order, sir.

Members interjecting:

The SPEAKER: Order! The member for Heysen.

Mrs REDMOND: The point of order is on two counts: of relevance and debating. The question was about—as I recall the member for Enfield asking—stamp duty for first home buyers. It had nothing to do with land tax or previous elections.

Members interjecting:

The SPEAKER: Order! When I am responding to a point of order put by a member of the opposition, I expect the opposition to show some courtesy to me and not speak over me while I am responding. I think that the Deputy Premier is now debating the question and has strayed from the substance of the question. Did you have anything to add?

The Hon. K.O. FOLEY: I will conclude, sir, by simply making this very important point based on the facts. Come

the state budget in three weeks' time, the Liberal Party already has committed in its policy responses $75 million a year in tax cuts to first home buyers. So, when we look at the surpluses in that budget we know that $75 million of that will be run down by the Liberals. You cannot make poorly-based election promises such as that and not be held accountable.

AUSTRALIAN CONSERVATION FOUNDATION, GOVERNMENT COMMITMENTS

Mr WILLIAMS (MacKillop): What a lazy Treasurer! My question is to the Premier. What commitments has the government made to the Australian Conservation Foundation regarding any proposed new uranium mine in South Australia? In today's *Advertiser*, David Noonan is quoted as stating that the Australian Conservation Foundation has commitments from the Rann government that it will oppose the development of any new uranium mines.

The Hon. M.D. RANN (Premier): We in South Australia will determine our own policies as a government: they will not be determined by anyone else. I have made my position very clear on this matter, as have the Deputy Premier and the minister for resources. I stand by my public statements.

AFFORDABLE HOUSING

Mr PICCOLO (Light): My question is to the Minister for Housing. How is the state government helping South Australians get access to affordable housing?

The Hon. J.W. WEATHERILL (Minister for Housing): I thank the honourable member for his lively interest in the question of housing affordability. He in fact has an electorate that has many of the attributes that those opposite would seek to destroy if their solutions to the housing affordability question were to be put in place, living as he does on the urban fringe. Our $145 million State Housing Plan was entirely directed at this question of housing affordability. Housing affordability has become a very popular political issue at the moment, and the Prime Minister of Australia and the Treasurer of Australia, no less, have wandered into the housing affordability debate, a debate that you could not drag them into kicking and screaming some years ago.

You could not persuade them that housing affordability was any concern of theirs. Indeed, I can recall the days when they used to serve up Wilson Tuckey as a species of housing minister and say that—

The Hon. P.F. Conlon: He never writes any more. What's going on?

The Hon. J.W. WEATHERILL: That is right: he never writes, he never calls. But the answer in those days was that the federal government's contribution to housing affordability was a low interest rate environment. That was what they used to say. The Prime Minister, no less, used to take great pride in saying, in relation to house produces prices, when we raised the question of affordability, words like these:

> We have to be realistic about this issue. People who own their houses are not complaining that they have become more valuable. You have to keep a sense of realism. I don't get people stopping me in the street and saying, 'John, I'm angry with you because the value of my house increased too much.' They are not saying that.

This was John Howard in an interview with Alan Jones, 4 August 2003. That was then, but fast forward two interest rate rises and, all of a sudden, house price inflation is now the fault of the states. Two issues: their land taxes and their stamp duty arrangements—

The Hon. P.F. Conlon: Let me understand. If you're building a house, John Howard is responsible: if you're buying one, it's our fault?

The Hon. J.W. WEATHERILL: Exactly. So, stamp duty and land release are the two straw men now being erected and blamed for this affordability difficulty. We have been seeking to engage with the commonwealth for every year of our term. We have been asking them to sit down with us and design a national affordable housing agreement. Since 1945, commonwealth governments have accepted their responsibilities in relation to affordable housing. This government has been walking away from it every year of its term. Now it knows that it has to face the political reality of rising interest rates, so its first response is not to say 'Yes, you're right: let's build a partnership around this'; it is to blame the states. Shamelessly, they verbal the outgoing Governor of the Reserve Bank. What the outgoing Governor of the Reserve Bank said, rather than the nonsense being spread about, is:

> The first question is this: why have prices of the 8 million houses in Australia basically doubled over the last decade? The answer to that one is almost entirely on the demand side.

Basically, because we returned a low inflation rate, interest rates were halved. People could now borrow, if they wished, twice as much. They did not have to borrow twice as much, they could have taken it in lower debt servicing if they wanted to. But there were a whole lot of incentives in the system that meant they borrowed twice as much. The incentives were mainly tax incentives, plus a history of high inflation, so they borrowed the money, drove up house prices, so the whole stock of 8 million houses basically doubles in price. That is the answer to the first question. That is the key driver in relation to house price inflation in this nation: federal government policies on the demand side driving up those prices. We have always acknowledged that the state government has an important role to play. What we want is a willing commonwealth partner, not one that seeks to blame states and seeks to shift the political responsibility.

Can I say that what we are most concerned about here is the basic needs of our citizens, and it will not be assisted by the federal Liberal Party sponsoring right wing commentators who fly into town. I understand that Mr Day—who I understand is a putative candidate for parliament in the federal seat of Makin, a rich developer—has found somebody that he likes the views of. He is sponsoring and promoting a tour of this state by Mr Wendell Cox, a well-known right wing commentator who believes that we should tear up every piece of land between here and the Barossa Valley and flog it for low-cost housing. So it will no longer be Gawler, and the best of town and country; it will be one set of suburbs stretching all the way from Adelaide to the Barossa Valley. That is the future under the Liberal Party.

Mr Bignell interjecting:

The Hon. J.W. WEATHERILL: And the vineyards of Willunga torn up, with houses everywhere from Adelaide through to McLaren Vale, and beyond through to Willunga. That is the future under the Liberal Party. Urban sprawl all the way out into our hinterland. That is a vision for the future that we turn our back on, and it demonstrates the desperation of the federal Liberal Party, and I must say the desperation of the local Liberals who seek to ride on their coat-tails.

URANIUM MINING

Mr WILLIAMS (MacKillop): Again my question is for the Premier. Will the government clearly state its position on new uranium mines in South Australia? Does it now support or oppose new uranium mines? The Rann Labor government sought, and achieved, a mandate at the March election to oppose new uranium mines in South Australia, as per the unanimous decision of its party state convention last year. The Premier, in answer to my previous question, stated that he has made his position clear. Remind us again, Premier: what is your position?

The Hon. M.D. RANN (Premier): I have made my position clear repeatedly, on television and on radio and in newspaper interviews—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —about the position that I will present at the next ALP national conference, and I stand by what I said.

BUSES, SECURITY CAMERAS

Mr HAMILTON-SMITH (Waite): Does the Minister for Transport stand by his comments, made publicly on 19 July, that around 200 buses had been fitted with new camera systems and that new buses were being fitted at a rate of 35 per week? Can he tell the house how many buses have now fully operational new working camera systems on the road today?

The Hon. P.F. CONLON (Minister for Transport): The Duracell bunny is sneaky, isn't he? He said, 'Were they fitted? Will I stand by that? How many are operational?' Absolutely different issues. Can I say—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: No. You see, you have to fit them before you can operate them; you have to do that. My understanding is that—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: We will get back to this cheap little fellow, and we will get back to some of the things he has been running around with. My advice today is that 500 cameras have been fitted to the buses—500. Let's compare that to how many were in buses under the Liberals. Five hundred have been fitted, but under the Liberals—none; zero; nil. And let me explain this, sir: the contract, despite the complete misinformation—

Members interjecting:

The Hon. P.F. CONLON: And they ought to make a lot of noise because they do not want to hear, so I will wait until they quieten down, sir.

Members interjecting:

The SPEAKER: Order! Members on my left are out of control and need to come to order. I should not have to scream out 'Order!' to be heard over the din of members in the chamber screaming out trying to take over the member on his feet. The house will come to order. The Minister for Transport.

The Hon. P.F. CONLON: For the howling member for Waite, who does not understand the difference, you have to fit them all and make them operational and put remote downloading equipment in the depots. Do you know something else? He has been running around saying the contract is missed. They will all be fitted in time with the contract. There will not be any damages under the contract. They will be fitted in time to all of the buses. We will then put all the equipment in and make them all operational, and we will do that according to the time plan that we have always had, as we always did.

The honourable member loves it when we are not in parliament because he gets to tell any sort of story he likes in the media with no regard to the truth—no regard whatever. So, what has been happening in the adjournment, while we have been away, is that the Duracell bunny, making his run for the leadership, has been running about saying absolutely anything that will get him in the media. Most of all, what he has been doing is spending taxpayers' money. Do you know what he has done since the election where they had no promises?

Mr HAMILTON-SMITH: Point of order! I think the minister is straying into debate. I have a lot more questions for him.

The SPEAKER: Order! The minister needs to stick to providing facts to the house.

The Hon. P.F. CONLON: I will provide some facts to the house, Mr Speaker.

The SPEAKER: As long as the minister is doing that, he is in order.

The Hon. P.F. CONLON: Can I make the point that, if the member for MacKillop wants to get up and make snide comments about the Premier of South Australia, asking questions, it does not sit well in their mouth to complain about debate, does it? It is one-sided with him. He wants to get up and make snide comments, but he will not—

The SPEAKER: Order! The minister needs to return to the question.

The Hon. P.F. CONLON: The point I make about the member for Waite is that this is a pattern of behaviour. Misrepresenting whatever the actual facts are is a pattern of behaviour, as is once having a fanciful situation—

Ms CHAPMAN: Point of order! The question was how many cameras work. It had nothing to do with the debate about what is in the paper.

The SPEAKER: The deputy leader will take her seat. I draw the minister back to the question. As long as he is providing facts to the house that are relevant to the substance of the question, he is in order.

The Hon. P.F. CONLON: The question, as I recall it, was whether I stand by my comment that 200 were fitted on 19 July. Yes, because it is true. And I can say that about myself, can't I, Martin, because it is true as opposed to the nonsense you have been running about with. Since the election in March, $775 million (and rising) this bloke has committed and wants to spend in transport in South Australia. You want to ask? I will give you the details.

Ms CHAPMAN: Point of order.

The Hon. P.F. CONLON: He wants $775 million. They did not have the money then, but now they have $775 million.

The SPEAKER: Order! I think the minister is proceeding to provide details to the house that are relevant to the question. The minister.

The Hon. P.F. CONLON: Yes, sir. What I said on 19 July, that 200 were fitted, was true; it is true that to date 500 have been fitted. Is it in accordance with the contract that was written? Yes, that is true. Are we going to put remote monitoring at material depots? Yes, that is true. Is everything going according to plan? Yes, it is. Is there anything that is

not true? Yes, the things this bloke has been saying in the media.

Mr HAMILTON-SMITH: My question is again to the Minister for Transport. Given his answer to my earlier question, what precisely is the current status of the contract with Digital Technology International to fit the new security cameras to all public transport buses (that is, ones that work)? What went wrong? Why has the contract failed? Will damages be sought?

The Hon. P.F. CONLON: They have tremendous responsiveness to changed circumstances, have they not? They asked a question; no, the contract is on track. The contractor is due to finish them by 30 September and, as I understand it, 500 of 650-odd buses have been done. From memory, 50 of those buses have some earlier digital equipment but others have analogue and they will take a little longer to change. We have checked this today, asking DTI to actually fit that. But who have they been relying upon as one of the people criticising this contract? A subcontractor who lost work, and he lost it because after an audit there were problems with the quality of the work provided by Vision Security Services. So they have a disgruntled subcontractor who did not do good enough work supplying them with bogus information on a contract, and they present it to the house.

We expect DTI to fit all the buses within the contracted time—that is, 30 September. There is a month to go—

Mr Hamilton-Smith: Working?

The SPEAKER: Order!

The Hon. P.F. CONLON: The engineering genius! They will all be fitted in accordance with the contract and will be brought into service according to plan.

An honourable member: Door snakes!

The Hon. P.F. CONLON: They are back on door snakes! They are going well, are they not? After nine weeks they come into this place today, showing that they are going to be relevant as an opposition, and want to talk door snakes. They have always had a preoccupation with those things. I cannot help them in that regard, but if the opposition thinks it is going to get back into government on door snakes—

Members interjecting:

The Hon. K.O. FOLEY: I rise on a point of order. Is there a doctor in the house? I think the member for Waite is having a convulsion.

The SPEAKER: Order!

The Hon. P.F. CONLON: I think a few other questions are in order, such as whether Iain Evans supports the member for Waite's policy of spending $775 million. Is the Leader of the Opposition going to take to the election a plan to change the legislation to pay people for loss of business? Is he going to change the Land Acquisition Act, as he said? Is he actually going to spend the $70 million on seatbelts?

The SPEAKER: Order! The minister is now debating.

Mr HAMILTON-SMITH: My question is again to the Minister for Transport. At the time of awarding of the DTI contract to fit security cameras to the buses, was the government aware of concerns that the same system fitted to three bus companies in Melbourne had been removed, and that related products fitted to buses in the Northern Territory had failed?

The Hon. P.F. CONLON: I have an allegation from the member for Waite. In my experience his allegations are not accurate, so I am going to take that allegation and check it. However, I will tell the member for Waite that the person he has relied upon, the person who has been running about in the media saying what is wrong with the contract, is a disgruntled subcontractor who could not perform to the standards of the Department of Transport—and I will back the department against that person any day.

SCHOOLS, BUDGET

Dr McFETRIDGE (Morphett): Will the Minister for Education and Children's Services advise the house if there are any plans in place, or any discussions under way, that may lead to the closure of government schools because of budget cuts and the rationalisation of facilities? As reported today, Croydon High School is facing closure. The opposition has received information that, in addition to Croydon High, many smaller metropolitan and numerous country schools are now under the threat of closure due to what departmental sources have described as a 'slash and burn budget'.

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I thank the member for Morphett for his question relating to Croydon High School.

Mrs Redmond: And the rest.

The Hon. J.D. LOMAX-SMITH: I'm sorry?

Mrs Redmond: And others.

The Hon. J.D. LOMAX-SMITH: Indeed, we have had several questions about the outcome of the budget and, of course, that will remain until budget day. I can assure those opposite that Croydon High is a school that has undergone considerable debate amongst its community. I understand that the leadership of the school has recognised that there are issues with a declining enrolment. I, for one, like the rest of our government, really support local communities in their quest to resolve issues locally. We are facilitating conversations between that community and the department, and we will work with them for them—not politicians—to make a decision.

Dr McFETRIDGE: I have a supplementary question. Minister, are there any plans or discussions to close any other schools in the state, particularly country schools?

The Hon. J.D. LOMAX-SMITH: Can I say that we do not target country schools. It is a common allegation opposite that this government treats children differently according to postcodes. We do not. We want the best for all children in our public schools.

SCHOOLS, VALEO SYSTEM

Dr McFETRIDGE (Morphett): Was the Minister for Education and Children's Services' answer to my question on notice on 22 June 2006, regarding the implementation of the VALEO human resource management system, correct? The minister admitted in her answer that there were problems with the implementation of the Valeo system but that 'these issues have been rectified'.

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I think that the member opposite is referring to a newspaper article which was inaccurate in that there was a question about tax details and end of year accounts, and basically the information was inaccurate. I am happy to go through those matters in relation to that newspaper article and explain the issues that have subsequently arisen.

Dr McFETRIDGE: I have a supplementary question. In reply to my question on notice on 22 June 2006 regarding the implementation of the Valeo human resource management system, the minister said that any problems had been rectified. They clearly have not.

The SPEAKER: I am not sure what the question was.

Members interjecting:

The SPEAKER: Order! I call the member for Unley.

CITY OF UNLEY

Mr PISONI (Unley): Can the Treasurer advise if the debt of approximately $500 000 to the City of Unley was discussed in the negotiations for the sale of the Adelaide 36ers and the Dome and indicate what, if any, plans were made to repay the City of Unley? BASA originally borrowed $1 million from the City of Unley towards building the $2.5 million Wayville Sports Centre. In the Eastern Courier *Messenger*, dated 2 August, the City Manager, Mark Withers, said that the council had an understanding when the BASA's major assets were sold that its loan would be paid in full.

The Hon. K.O. FOLEY (Treasurer): I will get an answer to the house soon as I can.

SCHOOLS, GROUP CERTIFICATES

Dr McFETRIDGE (Morphett): My question is to the Minister for Education and Children's Services. Have all teachers received their group certificates for the last financial year?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I thank the member for Morphett for that question. In fact, he will realise that most of our group certificates go out to schools. The end of term was one week after the end of the financial year, so there was an extension that allowed them to be delivered later. I am absolutely certain that there are still teachers who have not received their group certificates because their addresses have changed and they have moved.

FRUIT FLY

The Hon. R.G. KERIN (Frome): Will the Minister for Agriculture, Food and Fisheries assure the house that there will be no cuts to the hours of operation of the state's fruit fly road blocks?

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries): Again, obviously, the budget is due in a few days' time, but certainly I have no intention of making any changes to any of the road blocks. They are a fundamental part of protecting this state, in particular the Riverland and many of its very valuable export markets. This state is fruit-fly free (a difficult thing to say after lunch) but something I have to say often, particularly in China and Japan when visiting on our behalf promoting our products. This is a very valuable commodity and we must protect it.

BAROSSA WINE TRAIN

Mr VENNING (Schubert): Is the Minister for Transport aware that the railway line to South Australia's premier tourism destination, the Barossa Valley, has lost its accreditation to allow passenger trains and is now a freight-only line? Does the minister support the line being improved so that it can again take passenger trains? South Australia's wine train, as I think the minister would know, has been saved for the state and purchased by a private operator. We all hope that it will be able to run on the line again.

The Hon. P.F. CONLON (Minister for Transport): I certainly support the private sector making private sector investment to improve infrastructure.

SCHOOLS, VALEO SYSTEM

Dr McFETRIDGE (Morphett): Will the Minister for Education and Children's Services tell me how many extra public servants have been employed to fix the faults in the VALEO payroll system?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I am happy to come back to the house with the exact answer to that question.

SCHOOLS, ROSEWORTHY PRIMARY

Dr McFETRIDGE (Morphett): My question is to the Minister for Education and Children's Services. Will the Roseworthy Primary School be redeveloped to the tune of $3.1 million in the next financial year, as promised by the then candidate for Light (now the sitting member), Tony Piccolo, who stated in a letter to the Light electorate on 15 March 2005, 'I am happy to advise local residents that a re-elected Rann government will invest $3.1 million for capital works in the next financial year to redevelop the local primary school?'

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I thank the member for Morphett for his question. However, I think he is again straying into the items which will be announced in the budget.

YALATA SWIMMING POOL

Mrs PENFOLD (Flinders): Will the Minister for Aboriginal Affairs and Reconciliation give a firm date for the completion of the swimming pool at Yalata, where young people urgently need positive activities to prevent them from falling into unhealthy practices? The pool was supposed to have been completed before the summer of 2005 but it is yet to be started. It is one of two pools the Premier promised for Aboriginal communities by the end of 2005. Grave concern was being expressed about the reported incidence of petrol sniffing which, as everyone should know, is severely injurious to health, the quality of life and general wellbeing.

The Hon. J.W. WEATHERILL (Minister for Aboriginal Affairs and Reconciliation): We do believe that this is an important initiative in schools for its therapeutic effect and its relationship with school attendance, but it would not be prudent to give a firm date for the completion of any construction project in a remote area of the state. There are real difficulties associated with that, but we will be doing it as quickly as we possibly can.

CHILDREN, SPECIAL NEEDS

Dr McFETRIDGE (Morphett): My question is again to the Minister for Education and Children's Services. Will the minister take prompt action to ensure that geographically isolated children who have special needs, for example, speech disabilities, be given early assessment by specialist services to ensure that adequate intervention and support is provided so that their learning is not further disadvantaged? At the annual conference of the South Australian Isolated Children

and Parents Association held recently in Peterborough, the following motion was carried by members:

That the South Australian State Council of ICPA write to the Minister for Education and Children's Services and the Minister for Health requesting that prompt action be taken to ensure that geographically isolated children who have special needs, for example, speech disabilities, be given early assessment by specialist services to ensure that adequate intervention and support is provided so that their learning is not further disadvantaged.

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): Indeed, I have had a meeting with this group of parents, who have been into my office and discussed the issues on that agenda and that item as well. Clearly, we need to work closely across the two portfolios of health and education, and we will endeavour to do that. We will be working in that area, because we understand the issues where several portfolios are involved and the need to make the child central and to focus attention on the child's needs rather than the service delivery schemes.

EDUCATION REVIEW

Dr McFETRIDGE (Morphett): Is the Minister for Education and Children's Services aware of the distress being caused in the UK by the implementation of the Excellence for All review of upper education, and is she aware that this review is very similar to the review being implemented in South Australia?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I thank the member for Morphett for inquiring about the distress caused in the United Kingdom. I have to say that I was born in the United Kingdom, but I have no responsibility for their distress.

OAKBANK EASTER RACING CARNIVAL

The Hon. R.G. KERIN (Frome): Will the Minister for Recreation, Sport and Racing explain to the house what he will do to ensure the future viability of the Oakbank Racing Carnival? The Oakbank Racing Club has written to the government outlining the difficulties it faces staging future carnivals.

The Hon. M.J. WRIGHT (Minister for Recreation, Sport and Racing): We are always happy to work with the racing industry on a whole range of issues. However, as the member would be aware, the former government corporatised the racing industry, and the new corporate structure (Thoroughbred Racing SA) has a responsibility, with, of course, the sale of the TAB, which the former government also sold, of working with Oakbank and all other racing clubs around the state.

The Hon. R.G. KERIN: Will the Minister for Recreation, Sport and Racing speak to the Minister for Tourism to see whether Oakbank can be included on the government's own calendar of major events for South Australia?

The Hon. M.J. WRIGHT: We speak each and every day.

HOSPITALS, MATERNITY SERVICES

Ms CHAPMAN (Deputy Leader of the Opposition): Will the Minister for Health now confirm that he is proposing to follow the Carol Gaston report recommendation, a report that was never published by the previous minister, and consolidate the maternity services in the Berri facility in the Riverland and close the birthing facilities in Waikerie, Renmark and Loxton?

The Hon. J.D. HILL (Minister for Health): No.

WORKCOVER

Mr WILLIAMS (MacKillop): Mr Speaker—

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: Will the Minister for Industrial Relations explain to the house why he chose not to be present at the forum held last Saturday morning in the western suburbs for WorkCover clients to discuss issues of concern to them? The meeting called by a group of WorkCover clients was attended by both senior staff from WorkCover and from EML. I was asked to ask the minister during question time not only why he did not turn up but also why he did not respond to the invitation.

The SPEAKER: The member has asked the question. The Minister for Government Enterprises.

The Hon. M.J. WRIGHT (Minister for Industrial Relations): Ministers would like to accept all the invitations they receive. The advice I have received from my office—and we are double-checking this—is that the invitation to which the member is referring was received in my electorate office on 22 August. It was then sent to the ministerial office on 23 August. Ministerial diaries do not quite work that way. As I have said, I am double-checking that information. I would have loved to have been there, but, if I am going to get notice of an event of that kind only a few days before the event, with a whole range of other invitations in and out of my electorate, it is going to be very difficult to attend, as I am sure former ministers on the opposite side would freely acknowledge.

The other point to be made in regard to that particular seminar, which was chaired by the Hon. Nick Xenophon, is that, yes, WorkCover staff were in attendance, and I am delighted they were there. To the best of my recollection—and I need to check this again—I think that some time ago we put in place for WorkCover to attend these forums when they were called, and that is really it.

REGIONAL SOUTH AUSTRALIA, MAJOR EVENTS

Dr McFETRIDGE (Morphett): What action will the Minister for Tourism take to increase the ability of regional South Australian centres such as Port Lincoln and Mount Gambier to host major events? On Tuesday 18 July *The Advertiser* detailed the National Tourism Investment Strategies Research Report which revealed that the government had highlighted a lack of upmarket accommodation in Port Lincoln and Mount Gambier which consequently restricts their ability to host major events.

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I thank the member for Morphett for his question. I think he perhaps needs to visit Port Lincoln again. It is one of the booming economies and there is a major investment in hotel development there. He perhaps needs to have an update on events in regional South Australia.

COXSWAIN TICKETS

Mr PENGILLY (Finniss): Can the Minister for Transport advise the house of any changes in policy in relation to coxswain tickets specifically for professional fishermen

insofar as there appears to have been changes to the system? Professional fishermen have received advice that, after 20 or 30 years of having a coxswain ticket with no expiry date on it, they now have to renew and pay substantial licence fees on a regular basis. Will this also apply to recreational fishermen who have boat licences?

The Hon. P.F. CONLON (Minister for Transport): I thank the member for Finniss for his question. Of course, it is well known to everyone that I used to work on boats myself so it is a matter—

The Hon. M.D. Rann: You were a boatswain, not a coxswain.

The Hon. P.F. CONLON: Well, I was a deckhand, not a coxswain and I pronounce that correctly.

The Hon. K.O. Foley: What were you?

The Hon. P.F. CONLON: I was a deckhand and a particularly good deckhand. I remember those great days on the water, sir. It was a life of freedom, carefree, no bosses, not a lot of work. It is obvious that I do not have the faintest clue as to the answer to the member for Finniss's question. I will take it on notice and get back to him. I have to say that there is plenty of water between the focsle and the wheelhouse.

GRIEVANCE DEBATE

BUSES, SECURITY CAMERAS

Mr HAMILTON-SMITH (Waite): The government's, and in particular the Minister for Transport's, little ruse on the question of bus security cameras has been exposed today. The Premier and the minister promised us, with great fanfare, right back on 6 February, that London-style terrorist attacks in Adelaide would be thwarted by new cameras to be placed on all buses.

A tender, which was available on the web site, closed on 21 February. A Perth company, DTI, was duly appointed to provide the products. Since then really nothing much has happened, I am ashamed to report, except that we have had quite a lot of misinformation—bordering on worse than misinformation—from the minister. When pressed on the questions of why security cameras are not fitted, why no security cameras are working and why the buses are not now equipped with new security cameras, the minister had no answer.

So he went away, sat down with his advisers and came up with a very clever—bordering on deceitful—response. On 19 July, in the Adelaide *Advertiser* and also on FiveAA with Byner, he said:

> The decision we made only about six months ago to start putting CCTV in the buses that didn't have it. We're doing about 35 a week. I mean you don't take them all off the road at once and we've done about 200 and we're doing about 35 a week.
>
> Now one of the things that has slowed the process down is that the bus contractors themselves. . . I mean, I saw the opposition out saying not a single camera, a CCTV camera has been delivered and it's wrong. It's just absolutely wrong. We're doing 35 a week.

The Advertiser of 19 July reads:

> The minister later revealed 150 new cameras had been fitted and more progressively were being installed at a rate of 35 per week.

I have been to visit our bus contractors. I have been to SouthLink and to Torrens Transit and I have spoken to a lot of bus drivers. I have spoken to a lot of people involved in the industry. From a range of inputs they have all given me one message: not a single camera system is working. The cameras may have been fitted but they are not wired up; they are not connected. Not only that, the control arrangements for them to function have not been fitted. It was put to me in one instance on the basis that there is about five hours' work to be done. About two hours' work has been done on some buses but the other three hours' work has not been done.

Here we are today, late August, not a single camera system working, yet the minister cunningly, he thinks—but deceitfully, I think—led people to believe on 19 July, when he said that the buses had been fitted, that all the problems were fixed; that they were working; that the buses had their cameras. Members may not be aware that there are about five cameras per bus as part of the system, with seven cameras for articulated buses. His reference to cameras fitted may have referred to some bits of equipment fitted but simply not working. Ministers have an obligation to come to the parliament and tell the public accurate information, not to be clever and tricky; not to try and deceive the public; not to try to deceive members of parliament; and not try to fib their way out of problems.

There is a case here that the minister needs to explain. He needs to explain what he was trying to achieve on 19 July when he misled the *Advertiser* and misled FiveAA and led the public to believe that the cameras were fitted and working. Clever use of words, he may have thought, but the intention is clear. Members now know from question time today the little ruse, the little game. It is shoddy work, Minister, and I say to his staffers: you will be exposed every time. We will get you when you try these games and we will reveal all to the public. It is not good enough.

Time expired.

EDUCATION, FEDERAL INTERVENTION

Mr O'BRIEN (Napier): During the parliamentary recess there has been some debate over teaching Australian history in schools. I do not have a great deal to say on the merits or otherwise of teaching history, but I am appalled at the federal government's intervention on the topic. The Prime Minister and his new federal education minister Julie Bishop weighed into the debate and have insinuated that they could withhold federal funding to the states unless Australian history becomes a compulsory part of the education curriculum. The headline in the *Australian* of 17 August was, 'Restore Subject or Funding is History.' On the following day, the *Financial Review* reported:

> The federal government is poised to expand its intervention into schools after its history summit approved a plan for all year 9 and 10 students to be taught Australian history based on a standard national curriculum. Schools are traditionally the responsibility of state and territory governments, but the Howard government has progressively increased its influence in classrooms by attaching conditions to funding.

To make this entirely clear, education is the responsibility of state governments. The federal government has no constitutional responsibility over our schools. Under Howard's tenure, the federal government has increasingly intervened in areas that are constitutionally under the states' jurisdiction. It does this by making funding to the states subject to what are often petty, ill-considered and at times completely

misinformed conditions. This particular intervention is petty. I have no intention of downplaying the importance of history but, in the wider scheme of education, the teaching of Australian history is not the highest current priority.

Education systems throughout the developed world are currently grappling with major issues such as increasing retention rates, lifting standards across the board and engaging more students in maths and science in order to overcome skill shortages in critical areas. Here in South Australia we have tackled these problems head on. An important part of this has been the SACE review which is examining ways in which to reinvigorate our upper year secondary education system. This is a major overhaul of our education system. To jeopardise these major plans by threatening to withdraw funding over a comparatively minor issue such as teaching history is contrary to the interests of every child in every school in South Australia.

As a result of having no constitutional authority over schools, the federal Minister for Education presides over a bureaucracy that has no experience in developing curriculum nor indeed in running schools. The federal minister is in no position to make informed and considered dictates on curriculum or the daily running of schools. Mandating from above, as is the case, that history should be a stand-alone subject fails to take into consideration how this would impact on other areas of the curriculum. To mandate a particular approach across Australia will limit choices and mean that important learning in other areas will be marginalised or omitted. The call for mandatory history is also largely misinformed. History has been a part of the core reception to year 10 curriculum here in South Australia since 1994. It is taught as part of the studies of society and environment, and I believe this is the same in most other states.

The former federal education minister, Brendan Nelson, developed a reputation for attempting to micro-manage the delivery of education services in the states despite having no constitutional authority to do so. Perhaps most infamously was his insistence on the national flag flying in schools as a condition of federal funding. It is unfortunate that Julie Bishop would appear to be following a similar path. Every time the federal government intervenes into areas under the states' constitutional responsibility they are undermining the careful division of power and responsibility that is worked into the Australian constitution. Opponents of federation often point to the unnecessary duplication of services between the federal and state governments as a reason to dismantle our federal constitution. This duplication would not exist if the federal government abstained from intervening in areas under the states' jurisdiction

Time expired.

STORMING OF FEDERAL PARLIAMENT, 10TH ANNIVERSARY

Mr PISONI (Unley): The 19th of August passed as a day like any other. It, in fact, marked the 10th anniversary of one of the ugliest events in Australia's short political history. August 19, 1996 saw the violent storming of the Australian federal parliament. On the evening news we saw Australian pitted against Australian as more than 60 police and protesters were injured and 49 people were arrested and charged with criminal offences. The bloodied heads and riot shields were sights we were more accustomed to seeing amongst the ruins of Beirut and Belfast than in our nation's capital. It was the eve of the Howard government's first budget. Having been elected in a landslide just five months earlier, the Keating government debt was nearly $100 billion, putting pressure on interest rates, jobs and exports. Voters were looking for liberation from unemployment and financial insecurity. Australians had voted for a change putting their trust in a new government.

Of the estimated 30 000 protesters at the rally, 2 000 broke away and in a two hour spree smashed their way through the doors of the federal parliament, assaulting police and destroying and pilfering property. The hostility and unnecessary violence was by far the most extensive ever seen in a protest in our nation's capital. This was an assault on our democratic processes. The protesters were organised by the ACTU and motivated by the newly elected Howard government's workplace reforms. They were addressed by the ACTU president, Jenni George, now federal Labor member for the New South Wales seat of Throsby, Labor leader Kim Beazley, and Democrat leader Senator Cheryl Kernot, who later became the Labor member for the Brisbane seat of Dixon.

Economic management and industrial relations were central to John Howard's election platform and, on balance, voters rejected the failed Labor model—fair and democratic I would suggest. The current union campaign seeks to bolster its dwindling membership by spreading misinformation among those whom they hope to recruit back to the future—those workers who have benefited most from the very changes that the union described 10 years ago as an attack on Australian workers. Kim Beazley has promised to tear up AWAs, the very contracts that have seen Australian workers' wages rise by more than 17 per cent over and above inflation in the 10 years since that riot. This contrasts to Labor with its union accord and regulated workplace, where workers achieved a mere 1.6 per cent increase in 13 years.

With flexibility, living standards have grown. Australia has grown to be a trillion-dollar economy under the responsible economic leadership of Howard, Costello and the coalition team. For South Australia in particular, mining promises economic security, yet Mr Beazley's pledge to scrap AWAs could impede potential mining stories such as the expansion of Roxby Downs, Iluka, Oxiana, Australia Zircon and Strathalbyn. Even Premier Mike Rann, who for ideological reasons once opposed uranium mining at Roxby Downs, is now more than happy to tout such mining as the linchpin of South Australia's economic future.

Beazley's pledge to scrap AWAs would have an obvious adverse effect on the local mining industry sector in which such agreements are now common practice—to the delight of the workers, I might add, Mr Speaker. Perhaps the leopard could change its spots and accept pragmatism over ideology on the issue of AWAs as well, for the good of South Australia. There is no doubt that when ACTU secretary Greg Combet recently told the assembly of comrades that unions once ran Australia and that it would be a better place if it did, he was not joking—a frightening concept for ordinary Australians.

19 August 1996 gave us a taste of how some of the union movement reacts when the control which it feels is its right is overturned by the democratic process. The union line does not take into account the desire or flexibility sought by students, the semi-retired and working parents with young families. It definitely ignores the 800 000 contractors who are taking control of their own lives and who have become the heroes and winners in Australia's new economy.

Under the Howard government reforms, we have the lowest unemployment in Australia in 30 years—not mass sackings as predicted by Labor and the unions, but 159 000 new jobs since the introduction of WorkChoices six months ago. Under Beazley's plan, the doors to continued prosperity in the future will be as smashed and as broken by the unions as were the doors to the federal parliament a decade ago.

McLAREN VALE WINE AWARDS

Mr BIGNELL (Mawson): I rise to congratulate a number of wineries and organisations in the McLaren Vale and Willunga area which have won major awards in the past month. First, I would like to pay tribute to Shingleback Wines which, two weeks ago, took out the prestigious Jimmy Watson Trophy.

Mr Pengilly: Is that in your electorate?

Mr BIGNELL: You bet it is. It is one of the great wine regions of the world.

Mr Pengilly: Only for four years.

Mr BIGNELL: Well, I love the fact that the member for Finniss passes through there to go to his home in Victor Harbor. He should make sure he calls in and buys plenty of McLaren Vale reds on the way through. It is the second year in a row that a McLaren Vale red has won the Royal Melbourne Wine Show's prize for Australia's Best One-year-old Red Wine. The family-owned winery was formed 11 years ago by brothers John and Kym Davey, who like to produce their wines with as little intervention as possible. John is the Senior Winemaker and Kym is the Managing Director of Shingleback. Their cellar door is in the McLaren Vale Visitors' Centre on the left as you drive into McLaren Vale from the Victor Harbor Road, I inform the member for Finniss, just so that he has the directions right. You know where it is; go in, open the boot, load it up with good reds.

Mr Pengilly: You are welcome at Middleton, too.

Mr BIGNELL: Yes, a very nice place. You have very nice whales at Middleton, member for Finniss. A week after the Jimmy Watson win, with locals still wiping the tell-tale red rings of celebration from their lips, it was time to raise our glasses once again. The McLaren Vale Visitor Centre that I was just talking about had taken out first place in a very competitive battle to be named Best Tourism Operation in the Southern Region, and that region extended from Glenelg up to Blackwood and down to McLaren Vale and Willunga, so it was very competitive, and they did a great job. It is a brilliant centre with local wines, art and food on display and on sale seven days a week. It really is, in my opinion, South Australia's best tourism centre and is as good as any that I have seen throughout the world.

The visitor centre pretty much runs on the smell of an oily rag. It is well managed, and its greatest asset is its fantastic group of volunteers who take shifts to pass on their knowledge and to help visitors from around Australia and throughout the world enjoy the beautiful McLaren Vale region. The clinking of glasses did not stop there for the locals, either. The member representing the Barossa Valley must be sitting back there and saying, 'How come they win all the awards down there?' It is because they have great wines in McLaren Vale.

Last Friday night brought with it yet another big win and another reason for McLaren Vale to pop and pull corks. Fox Creek Wines took out the top gong at the Hyatt/Advertiser Wine of the Year Awards with its 2004 reserve shiraz. Not only was the wine named Wine of the Year by a panel of industry experts, it was also the top choice of consumers who passed judgment in the Drinkers' Choice section. Congratulations to Fox Creek winemakers Chris Dickson and Scott Zrna and to Jim and Helen Watts, who are wonderful hosts. I have been fortunate to spend an afternoon sitting on their Fox Creek veranda with Jim and Helen and their famous border collie Shadow, who graces the labels of Fox Creek Shadow's Run wines.

Jim and Helen and a group of other medicos backed their judgment against that of supposed wiser heads 22 years ago. They were advised against planting vines on the black clay soils where Fox Creek stands. In those days, the 32-hectare site was used for growing barley and grazing sheep. Undeterred by the sceptics, they selected and planted fine quality cuttings and nurtured them, and we are now drinking the rewards of that leap of faith and of the hard work in the ensuing years. Fox Creek is no stranger to awards. It won three coveted bushing trophies in nine years from 1995 to 2003 as the best wine in the McLaren Vale wine show.

The reigning Bushing King, Ben Riggs, and his business partner at the sensational Penny's Hill Winery, Tony Parkinson, were also national winners last month. Tony Parkinson was in Sydney to collect trophies for the Best Shiraz and Best Wine of Show at the 2006 Boutique Wine Awards. The trophies were won by the 2004 Penny's Hill shiraz—the same wine that won the bushing trophy last year at McLaren Vale. The Boutique Wine Awards are open to Australian wineries that crush less than 250 tonnes, or the equivalent of 15 000 bottles—a category that represents almost 1 700 wineries around Australia. I would like to congratulate the Penny's Hill team of Tony Parkinson, Toby Beckers, David Paxton, Greg Jackson, Nic Bourke and Ben Riggs.

In another outstanding endorsement for our wonderful McLaren Vale region, a local winemaker has also picked up the top award at the 2006 Australia and New Zealand Organic Wine Show. Last month the Battle of Bosworth winery took out the trophy for Best Wine of Show with its 2005 Battle of Bosworth shiraz viognier. Owner and winemaker Joch Bosworth was delighted with the result, seeing the award as a tremendous endorsement for organic principles in both the vineyard and the winery. I congratulate all those big winners, who have come from McLaren Vale, in these national competitions.

Time expired.

PARLIAMENTARY SESSION

Mr PENGILLY (Finniss): I would like to spend a couple of minutes talking about the absolute nonsense that was perpetrated in *The Advertiser* yesterday, Monday 28 August, in relation to this session of parliament and how hard we are all going to have to work. Having sat through my first session of parliament up until we rose in early July (and, I have to say, not having been overworked), I was astounded to read that we have a huge period of legislation coming up and that we have to deal with about 100 bills. Not only that, but we also have to deal with the budget—if and when it does arrive—which I suspect will probably take care of a number of sitting days in its own right. Just doing a bit of rough homework on it, we are going to have to pass about seven bills a day to get through the government's 100 bills by the time we rise for the Christmas break.

I have never heard such a load of unmitigated nonsense in all my born days. Why *The Advertiser* seeks to prove to

itself that it is supporting this—another Rann-sham, another massive program, a smokescreen of ongoing deception—I do not know. I (along with other members in this place, I am sure) have no intention of passing seven bills a day, unless they are all slammed through by the government. The budget on 21 September will take a little time to absorb and I suggest there will be a few questions asked around that, and that will also have a fairly substantial impact on how many bills we pass in the parliament.

Unless we are going to sit here for three or four days a week, 24 hours a day (which would probably upset the staff substantially, not to mention the members), I do not know how we are ever going to get it done. As I said, it is an ongoing nonsense, an ongoing deception, being perpetrated by the Premier. It seems to me that this week's sitting is light on; there is little, if anything, to be discussed in the way of bills—

The Hon. M.J. Atkinson: Ongoing—surely you mean continuing?

Mr PENGILLY: Thank you, Mr Attorney: I am glad to see you are back and full of nonsense. The fact is that there is not a lot of any consequence this week, so that is the first week gone. It seems to me that the troika still reigns supreme over the government, with the three head serangs riding roughshod over the rest of the team—if the looks from the other side of the chamber during question time are any indication.

We do have this optional week from 11 December, and it would be nice to know whether we are indeed going to have that opportunity so that members can get themselves organised and allocate their time accordingly.

The Hon. M.J. Atkinson: How old will you be in 2014?

The SPEAKER: Order!

Mr PENGILLY: Perhaps if the Attorney-General can take a deep breath and listen for a change, instead of mouthing off, he will actually be able to pick up on the comments regarding the optional last week and come back and tell parliament what is going on.

The Premier has promised us a raft of law and order initiatives; he has been jumping up and down about law and order and victims of crime forever and a day—

The Hon. M.J. Atkinson: Didn't you listen to what I moved before and after question time?

The SPEAKER: Order!

Mr PENGILLY: Thank you, Mr Speaker. The Attorney-General can have adequate time to respond if and when it suits him, I guess. A lot has been said about law and order but, quite frankly, not much has happened. Perhaps the Attorney-General has not been consulted by the troika, I am not sure.

There is the bill to be reintroduced by the government regarding unjustified discrimination against homosexual couples, and it would appear that the government—

The Hon. M.J. Atkinson: How are you going to vote on that?

Mr PENGILLY: I am going to vote against it, I can tell you here and now. That is my answer. You ask me and I tell you that I am not into it at all—and the terminology is well suited for the occasion! That measure lapsed in the House of Assembly before the last election and we are going to have to deal with it again.

The Hon. M.J. Atkinson: Did you want it back or not?

The SPEAKER: Order!

Mr PENGILLY: Let him go, Mr Speaker; I am used to it. I return to the point on which I rose to my feet, and that is to explain that there is no possible way that this house can deal with seven bills a day, or 100 bills between now and the Christmas break. It is way past time that this nonsense stopped being perpetrated and we got on with what we are meant to be doing here, and do it properly.

WORKCHOICES LEGISLATION

Ms THOMPSON (Reynell): I am pleased to speak today, when the member for Unley has also talked about WorkChoices, a matter on which I believe he has very limited experience. My attention was grabbed today by a front page headline in *The New York Times* of an article written by Steven Greenhouse and David Leonhardt. The headline read, 'Real wages fail to match a rise in productivity', and I quote the first part of the article as follows:

> With the economy beginning to slow, the current expansion has a chance to become the first sustained period of economic growth since World War II that fails to offer a prolonged increase in real wages for most workers. That situation is adding to fears among Republicans that the economy will hurt vulnerable incumbents in this year's mid-term elections even though overall growth has been healthy for much of the last five years.
>
> The median hourly wage for American workers has declined 2 per cent since 2003, after factoring in inflation. The drop has been especially notable, economists say, because productivity—the amount that an average worker produces in an hour and the basic wellspring of a nation's living standards—has risen steadily over the same period. As a result, wages and salaries now make up the lowest share of the nation's gross domestic product since the government began recording the data in 1947, while corporate profits have climbed to their highest share since the 1960s. UBS, the investment bank, recently described the current period as 'a golden era of profitability'.
>
> Until the last year, stagnating wages were somewhat offset by the rising value of benefits, especially health insurance, which caused overall compensation for most Americans to continue increasing. Since last summer, however, the value of workers' benefits has also failed to keep pace with inflation, according to government data. At the very top of the income spectrum, many workers have continued to receive raises that outpace inflation, and the gains have been large enough to keep average income and consumer spending rising. In a speech on Friday, Ben S. Bernanke, the Federal Reserve chairman, did not specifically discuss wages, but he warned that the unequal distribution of the economy's spoils could derail the trade liberalization of recent decades. Because recent economic changes 'threaten the livelihoods of some workers and the profits of some firms', Mr Bernanke said, policy makers must try 'to ensure that the benefits of global economic integration are sufficiently widely shared.'

The reason that I wanted to quote that article from *The New York Times* is that it well illustrates what happens over time when there is a system of wage deregulation such as Howard is introducing with WorkChoices. I recently learned that the average pay of a retail worker in the US is $6.75 an hour.

Mr Pederick: They get tips.

Ms THOMPSON: Retail workers do not get tips.

Mr Pederick: Some of them.

Ms THOMPSON: Some workers get tips. The case cited to me was of somebody working in Foot Locker—an ordinary retail chain. My information is that similar rates apply in large chains such as Bloomingdale's, Macy's, etc. The standard rate for a retail worker is $6.75 an hour. That is not the minimum wage rate: the minimum wage rate is $6.25 an hour, and many on minimum wages do not get tips. Even in the restaurant and cafe industry, where there are tips, not all the workers share in those tips, and there is a clear hierarchy of who does and does not get tips. That matter is organised on a local basis. We do not want this type of society here. We do not want WorkChoices in Australia. We want a system where all workers are recognised for the contribution that

they make to our community, where everyone is able to bargain from a position of strength, rather than from an unequal position of weakness, given that workers, who may be in short supply at the moment, will not always be. They need to be able to have representation.

EVIDENCE (USE OF AUDIO AND AUDIO VISUAL LINKS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 June. Page 638.)

Mrs REDMOND (Heysen): I am the lead speaker for the opposition on this bill, and I expect that I will be the only speaker for the opposition because we will be giving it our full support and, hopefully, encouraging its speedy passage through both houses. The bill is more or less a technical measure to do with the law of evidence. It amends the Evidence Act, which will give legal recognition to the use of some modern technology in the South Australian courts. I may be well known for not being very keen on modern technology but, in this instance, it seems to me that the use of modern technology can be a real benefit to the court system, and hopefully it will lead to a much more efficient use of the time of numerous people, particularly those currently involved in transporting prisoners from place to place for the purpose of what are almost formalities in terms of the legal proceedings.

The bill amends the Evidence Act so that it provides that a person who is in the state, but not physically present in the courtroom, may give evidence or make submissions by means of an audio link or an audio visual link. In doing that, almost as a consequence of that provision, it allows for the court to administer the oath or affirmation by means of that link, and the normal rules applying to the person having made their oath or affirmation in that way will apply notwithstanding that they are doing it at a distance and not actually in the courtroom physically. The provision can apply to a defendant who is in custody and, indeed, I would expect that is where it is commonly going to be utilised.

However, there are certain circumstances where a defendant will be expected to be brought to the court, and those are where it is the defendant's first appearance before a court in relation to the charges, or where it is the preliminary examination that involves the taking of oral evidence, or where it is a proceeding for which the defendant's personal attendance is required by regulation unless the defendant requests that an audio or audio visual link be used. I would assume in the case of the second of those items—that is, a preliminary examination that involves the taking of oral evidence—the court would normally want the person to be present in court, particularly if it were only to be an audio link rather than an audio visual link, simply because it is much easier to tell if someone is obfuscating or if they are being full and frank in what they are saying if one sees them.

Indeed, many of the cases in which I was involved over the years wound up with the judge making a judgment that basically said that the evidence in this matter is equivocal. These were civil cases where it was on the balance of probabilities and so on. The judge would say, 'Look, I have heard good evidence from both sides and ultimately this case comes down to whether or not I believe the plaintiff.' They largely found the case on the basis of whether they found the plaintiff to be a true and reliable witness, and if they did, then the case would normally go in their favour, and if they did not, then, sadly, the case would go against them. I suspect that that is the reasoning behind that particular provision; that is, a court would normally expect to have a defendant come to give evidence if it is to involve taking oral evidence.

The other thing is that, when oral evidence is being taken, one would expect that there would be a right to cross-examination, and therefore we would expect the person to be present to make that particular aspect easier. As I said, those provisions apply unless the defendant actually requests that an audio link or audio visual link be used. I note that we are going into committee, so I guess I can cover it then, but I am not clear as to whether, if the defendant does request it, the court is obliged to grant that the audio or audio visual links be used, provided that the other provisions in the bill are present; that is, the ability to have private consultation with the person representing the defendant, and so on.

The bill also provides that the defendant has to be present in court in person and, in this case, there is no ability for the defendant to request otherwise. The defendant has to be present in person if the defendant's fitness to stand trial is to be considered by the court, or if the court considers there are good reasons in the circumstances why the defendant should be present and directs accordingly. The bill also provides for parties having a reasonable opportunity to object to the use of an audio link or audio visual link. I gather that, from the absence of anything specific in the bill, the judge, having heard the objections, will decide whether or not the audio link or audio visual link should be used.

If the person is represented by a lawyer who is not physically present with his client, then the bill provides that audio and audio visual links cannot be used to take evidence or submissions unless there are facilities for the lawyer and the client to have private oral communication. When one knows the need to have discussions with a client and understands the privacy and privilege that attaches to those discussions, that is really something which is self-evident but which clearly needed to be spelt out in the legislation so that a situation will not arise where someone could be deprived of their ability to have a private discussion with their lawyer because of the use of this modern technology.

The Hon. M.J. Atkinson: It will not allow that.

Mrs REDMOND: Yes, the bill specifically states that it will not be allowed if those things do not exist. The bill appears to put in place specific protection for all involved. As I indicated at the outset, in my view it should enable a more efficient use of the court's time, because there is no doubt that, on any number of occasions, prisoners are brought from places such as Yatala, Mobilong and other prisons—considerable distances—which often involves a number of personnel to deal with that prisoner while transporting them to the city or the nearest regional court, securing them while they await being brought into the courtroom and during their attendance at court, which will often just be a formality in terms of what will happen.

It will not be the day that they are standing trial or giving their evidence. However, at the moment, they are required to be brought to the court for some of these more formal processes. It seems to me to be self-evident that, by giving the courts the ability to do some of these things long distance using modern technology, we will free up considerable resources that can be put to much better use. I suppose that

it seems a little odd to those people who are not used to the system that it is necessary to bring in a bill to enable this to happen but, because of the nature of our courts, it has been necessary as we have had various technological developments. I hate to show my age but I remember when we first started to accept photocopied things, then faxes and all the other technologies which have developed.

I remember being in a firm when we were first given a mobile phone which someone could take to the courtroom. They were all great innovations, but until there is recognition in a formal sense either under the rules of court or in legislation (as in this case), then technically anything done using that technology could be tainted or subject to some sort of appeal or objection. In my view, it is a straightforward and sensible measure that the Attorney has brought before the house and I indicate the opposition's support for the bill.

The Hon. M.J. ATKINSON (Attorney-General): I am grateful for the opposition's support of the bill. Just to respond to the member for Heysen's queries in her contribution: first, the question of fitness to plead is dealt with under the Criminal Law Consolidation Act. Nothing in this bill is meant to affect or abridge any rights the accused might have under the Criminal Law Consolidation Act about determining his fitness to plead. We are not trying to get around the difficulties of fitness to plead using an audio visual link. Secondly, if the accused is remanded in custody in the Adelaide Remand Centre or Yatala, the link would be audio visual, not audio. I cannot imagine the circumstances in which audio would be permitted; it is not the government's intention.

Bill read a second time; bill reported without amendment.

The Hon. M.J. ATKINSON (Attorney-General): I move:

That this bill be now read a third time.

Mrs REDMOND (Heysen): Can I make just one comment on the third reading, and I apologise, because I should have raised this matter during the second reading debate. The Attorney's comments on the audio visual rather than audio link reminded me that I intended to ask how the court will satisfy itself in the use of an audio link as to the people involved. If you have only an audio link, how do you know that it is the person in question?

The Hon. M.J. ATKINSON: I hope the member is happy with this answer. There is already provision for audio link in our law. The provision for audio link is not created by this bill. If there is a problem with audio link, it should have become apparent before now. My advice is that it is not immediately clear where an audio link would be used rather than an audio visual link. If an audio link were to be used, we would have to rely on the processes of the court for the court to be satisfied as to the identity of the person at the other end of the audio link. I am sorry; that is not an answer I am entirely happy with. However, we will take it on notice and find out when audio link has been used in the past and what it might be used for in the future.

Bill read a third time and passed.

CHILD SEX OFFENDERS REGISTRATION BILL

Adjourned debate on second reading.

(Continued from 29 June. Page 734.)

The Hon. M.J. ATKINSON (Attorney-General): Again, I am grateful to the opposition for its support of this bill, which has been a difficult measure to draft. One of the glories of Australia still being a federation is that other states and territories can introduce new legislation such as this and we can use their jurisdictions as social laboratories to find out any defects in the bill before it is passed by South Australia last of all. Although it is de rigueur for the member for Heysen to condemn me for South Australia's being the last to introduce this legislation, I think it is a definite advantage for this state.

It worries me when ministers say that their legislation is an Australia first. I would like Victoria and New South Wales to experiment on live human beings in their jurisdiction before passing the law in South Australia. That is what we have done with this bill and I am sure that we have got it right. I think the member for Heysen contributed a useful overview of the purposes of the bill and how it sets about putting the policy in place, and I thank her for that.

I would like to comment on some of the matters that she raised. The member for Heysen asked about the tracking and record keeping in the dissemination of this information by the police and she has noted, quite rightly, that the fine detail of these principles is not spelt out in the text. Those details are not proposed to be spelt out although some principles are set out in schedule 2 of the bill. The reason for this balance—and it is a balance—is that a greater level of detail would be inappropriate for an act of parliament, although it is conceivable that it could be done by regulation if one had a mind to take the risk of being over-detailed and rigid in specifying information disclosure policy and principles.

We have provided for the possibility of augmenting the information disclosure principle by regulation. Should that be thought to be right, no Australian jurisdiction has gone to a greater level of detail and none is proposing to do so to my knowledge. Further levels of detail will be dealt with by police, policy and procedures. I have, for example, a copy of the New South Wales police information disclosure policy and procedures, the version from late 2003, and I would be happy to provide the member for Heysen with a copy if she would find that useful.

I also have a copy of the original 1998 guidance issued by the Home Office of the United Kingdom when the UK sex offender registration provisions came into operation. Again, I would be happy to make that available to the member for Heysen should she wish. The honourable member asked whether the reference to disclosure to legal practitioners for the purpose of obtaining legal advice or representation is a reference to a legal practitioner representing a registered person. I advise that it includes that situation, although it is not necessarily limited to that. For example, the Commissioner of Police may wish to disclose the information to a legal practitioner—say, for example, the Crown Solicitor—to obtain advice about his authority and obligations under the act.

I agree with the member for Heysen that the prescription of any circumstances in which regulations will allow or will not allow access to the information without authorisation should be approached with great care, if approached at all. The provision for regulations is there as a fail-safe. You can never be sure that you have a regime of restricted access to information absolutely right.

A newspaper in the United Kingdom recently noted that, after months of discussion and opinion from top lawyers, it turned out that in the relevant legislation concerned with

setting up the office of customs inspectors someone had forgotten to make the inspectors an exception to the rule that protected the confidentiality of case files. Anyone who had any dealings with the Customs Officers' Association during the 1980s in Australia would know that that was a terrible omission.

So this sort of thing can be a catastrophe. A fail-safe is a good thing if it can be organised. The government makes no apology for enacting tough restrictions on the ability to access and disseminate the information collected on the register. I thoroughly commend the member for Heysen for drawing attention to the dangers of vigilantism. Those dangers are well exemplified by instances both in this country and overseas. The member for Heysen expressed some doubts about whether the proposals in the bill are tight enough. I would be happy to look at any proposal to make them tighter, so long as that proposal does not, for example, unduly fetter the duties and responsibilities of the police to apply the law.

The honourable member expressed some puzzlement about the protection offered to information that is already in the public domain. I will try to explain that from first principles. It seems clear and obvious that some of the information held on the register will be sensitive and personal information such as marks of personal identification, but some, although not sensitive information of itself, will be sensitive either because of the fact that it is held on the register or because it is kept conveniently together with a collection of other related information, or both.

Take, for example, the simple matter of the usual home address of the offender. There is, it might be said, nothing particularly sensitive about that piece of information. It might well be in the public domain, and it usually is. One finds addresses in publicly accessible sources, such as telephone books, electoral rolls and the like. I would be surprised if any politician had not gone on a hunt at some stage for information about someone who had contacted their electorate office. People who contact us do not often take the precaution of telling us where to get in touch with them to give them the answer.

An argument might be made that there is nothing special that warrants keeping such classes of information heavily guarded, but a moment's consideration shows that this is not so. The address of that person is sensitive precisely because it is kept on a child sex offender's register. It is also sensitive because it is kept together with other information that makes up a personal profile, such as description, vehicle, place of employment, and so on. The rules say that the information can be released, it is just that there needs to be authority to do so. That means that some responsible police officer has to consider whether, given the other general governing principles, it ought to be released.

The government thinks that that is a good thing. I think that the antics of a certain current affairs program, the name of which escapes me just now, are enough to indicate to the member for Heysen and members of the opposition that one ought to handle this information sensitively, even though it may be in the public domain elsewhere. It is not our job to make witch-hunts easier.

The member for Heysen has raised the application of the provisions proposed for young people just around the age of consent, and she is right to do so: it is a subject worthy of full consideration. However, the fact is that young people concerned will have committed very serious criminal offences to make it onto the register. I am sympathetic to the point she makes and I understand that perhaps there is a need for some sliding scale. It is also a fact that the same kind of rule applies in all corresponding registration schemes in Australia. Maybe the fault, if there is any, lies in the substantive criminal law governing the offences rather than in this bill, which accepts the criminal law as we find it.

I await the member for Heysen's further thoughts with interest, and I congratulate her on her liberalism in these matters. I thank the member for Heysen for her indication of general support for the bill.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

Mr HANNA: I have followed the debate in relation to the second reading and I appreciate the objects of the bill as they are stated. Clearly, it is a monitoring and law enforcement mechanism in relation to sexual predators. Of course, the Attorney is aware of concern in the community, sometimes stirred up by the media, in relation to sexual predators who might live near a primary school or a playground, for example, and from time to time we hear of parents saying after the event, when the whereabouts of a predator becomes apparent, perhaps because of an attempted offence in such a place, 'We wish we had known.' Parents will say, 'If only we had known.'

So, there are these concerns in the community, of which the Attorney is aware, whereby people want to know the whereabouts of the sorts of people who would be on this offenders registration system. Is the government planning to do anything to address those concerns?

The Hon. M.J. ATKINSON: While I am Attorney-General we will not be going down the track of sharing the information on the register with the public, because of concerns about vigilantism. I have seen enough in other countries to know that we do not want that kind of conduct in Australia. I recall a report in the *Weekly Telegraph* from London, which is published in Australia, about an English mob attacking and burning the home of a paediatrician because they had been whipped up into believing that a paediatrician was like a pederast.

When some of the incendiarists were confronted with their mistake, they simply said that they had understandably, in their view, confused the two nouns. I am just not going to allow that to happen in South Australia, even if public opinion changes.

Clause passed.

Clause 4.

The Hon. M.J. ATKINSON: I move:

Page 8, after line 15—Insert:

(5) A reference in this act to the making of a restraining order under section 99AA of the Summary Procedure Act 1921 includes a reference to the making of an order under section 19A of the Criminal Law (Sentencing) Act 1988 that has effect as a restraining order under section 99AA of the Summary Procedure Act 1921.

Clause 9(1) of the bill provides that a court may make a child sex offender registration order on making a restraining order under section 99AA of the Summary Procedure Act. Section 99AA restraining orders are known as paedophile restraining orders. They restrain the person subject to the order from loitering near children either generally or in respect of specified places or classes of places or in specified circumstances. Section 19A of the Criminal Law Sentencing Act provides that a sentencing court may, on finding a person guilty of an offence or on sentencing a person for an offence,

exercise the powers of the Magistrates Court to issue a restraining order under the Summary Procedure Act 1921 as if a complaint had been made under that act against the defendant about the matters alleged in the proceedings for the offence.

An order made under section 19A has effect as a restraining order under the Summary Procedure Act. This amendment amends clause 4 of the bill to make clear that a reference in this legislation to the making of a paedophile restraining order under the Summary Procedure Act includes a reference to the making of an equivalent order under section 19A of the Criminal Law Sentencing Act.

Amendment carried; clause as amended passed.

Clauses 5 to 10 passed.

Clause 11.

Mrs REDMOND: Chair, I have a question on clauses 11, 12 and 13. I think we will be able to skip over a few of them together. Attorney, I raised in my second reading contribution—and I would not have taken it any further but for the fact that we have gone into committee, anyway—the issue of reporting, and, as I recall it, people are able to leave the state for a certain amount of time without having to record that absence, so long as they are primarily resident here. I suggested in my second reading contribution that it did not take a great wit to come up with a scenario where someone might regularly, but for periods of less than two weeks, leave the state sufficiently frequently and to such a regular other location as to enable them to predate in another location. I just wonder whether the Attorney has turned his mind to that during the break and whether there is any possible tightening of those provisions, because it just seems to me that a sexual predator of children could still find ways to achieve their goal, his goal, whilst still complying with the provisions of these next couple of sections.

The Hon. M.J. ATKINSON: Each time an offender goes, let's say for the fortnightly sojourn in another jurisdiction, the offender must tell the South Australia Police.

Mrs Redmond: If they went somewhere within South Australia.

The Hon. M.J. ATKINSON: Well, if their address remains the same in South Australia, and they are habitually having sojourns in another town in South Australia, no, they are not required to disclose that, that is correct. The member for Heysen says that that may be a loophole. It may be, and I think we will cross that bridge when we get to it, where there is some evidence that it is being abused in that way.

Clause passed.

Clauses 12 to 32 passed.

Clause 33.

Mrs REDMOND: I have a question that again relates to something that I raised in my second reading contribution, and I want the Attorney to just briefly go back over this issue of the young male offender, predominantly male offender, who may be found guilty technically of an offence which classifies him as a child sex offender because he had a consensual sexual relationship with his even younger girlfriend, and I appreciate that that could—

The Hon. M.J. Atkinson: Say, 15 years old.

Mrs REDMOND: Say, 15 years old—and I appreciate that that could well be reversed in terms of gender. I just want to get at the point, though, that I am concerned about the effect on that person in terms of their ability to get on with a normal life and not have this paedophile tag attached to them. I think I mentioned in my second reading speech a couple of instances where, clearly, the person had never had any tendencies as a paedophile, one with a chap who was in his mid 50s, where his former wife was running around accusing him of being a paedophile and of the courts having awarded custody of their daughter to him, a convicted paedophile, and, indeed, technically he was because when he was a very young man he had a consensual relationship with his then younger girlfriend, some 40 years earlier, and another situation where a young man of some 18 years, but who was of a mental age of about 12, was brought into the home of a young girl by the mother of the young girl and encouraged into a relationship with the young girl who was mentally about the same age as him.

The Hon. M.J. Atkinson interjecting:

Mrs REDMOND: He was about 18 but mentally about 12 and she was about 13 or 14. I remain concerned, and I appreciate that guidelines and protection are being built into this legislation so far we can, but I do remain concerned about not just the prospect of vigilantism, which is a very real danger if this information gets out and could be quite misdirected, but the difficulties that could arise for people who are really not sex offenders in any sense of the word but who get caught by this legislation. I just wonder whether the Attorney could perhaps expand on the thing that he mentioned at the end of his second reading speech, that is, that maybe we look at the other legislation so that we then do not classify them as child sex offenders, and whether that is the better way to address this issue. It seems to be a real potential problem for those who are quite innocent of any sexual offence against children, but who, nevertheless, get caught by the legislation.

The Hon. M.J. ATKINSON: If the offender is under the age of 18 he is not necessarily caught by the register, in these circumstances. That said, the member for Heysen's point is entirely legitimate, and one that has worried me in the crafting of this legislation. There are two things that comfort me and lead me to the conviction that justice will be done in this area. The first is that, in recent years, I think that the police, the Office of the DPP and the judges have exercised commonsense in these circumstances where there are mitigating factors in an offence of unlawful sexual intercourse; that is, where the age, or the mental age, of the consensual partners is reasonably close and there is no exploitation. I think the first thing is that the police these days might not charge in those circumstances.

Secondly, if the file goes to the Office of the DPP for adjudication, the DPP may not charge. Thirdly, even if the matter goes to court, I think the District Court judge will exercise some commonsense in whether to record a conviction or what kind of sentence to apply. A case springs to mind from a couple of years ago where a talkback radio host was becoming most voluble—

Mrs Redmond: Agitated.

The Hon. M.J. ATKINSON: —agitated—about a very light sentence imposed on a man who was, I think, in his early 20s who had a consensual sexual relationship with a girl of about 14 or 15 in Murray Bridge. This had occurred under the roof of the girl's mother, and had been encouraged and condoned by the girl's mother. Judge Vanstone handed down a very light sentence, if any sentence at all, because of the circumstances. I had to go on radio and give the host a talk on the facts of life, because this is not an area in which the criminal law can be of much use, in my view. I would rely on the commonsense of the prosecuting authorities and the judges that a person who is technically a paedophile in this area does not end up on the register.

There is a second thing that leads me to believe that injustice will not be wrought in this area; that is, that it is the intention of the Labor government to introduce spent convictions legislation at some time in this term of parliament. I know that spent convictions legislation was passionately opposed by the previous attorney-general, the Hon. Trevor Griffin, but I believe that, with his leaving parliament, the modern day parliamentary Liberal Party takes a different view of spent convictions legislation. Some, or all of you, may be inclined to support my proposal, which I hope will be nationally uniform legislation.

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: The last or second last, actually, I am pleased to say. If a mistake has been made by the prosecuting authorities or a judge, and someone who should not be characterised as a paedophile does have a conviction against their name, it may be possible in these circumstances for an unlawful sexual intercourse conviction to be expunged in limited circumstances where the circumstances warrant it. I know the member for Torrens brought just such a case to my attention where someone should not be characterised in this way because of an offence that occurred in another jurisdiction many years ago.

When I was minister for consumer affairs, a bloke who was about my age brought to my attention his sad circumstances where he had undergone a course of training in a trade. He wanted to be registered by OCBA in that trade, but it had been raised against him that, when he was, I think, 17 or 18, he had sexual intercourse with his girlfriend who was 15. After a few months of this relationship, the girlfriend had come to him and said, 'Look, my parents have found out about this, and they're going to dob you in.' So, being a young man of integrity, he presented himself, I think, at the Norwood Police Station and said, 'I've had sex with my underage girlfriend, and now I've presented myself for you to take account of this.' The desk sergeant said, 'Look, don't waste my time; get lost.' His girlfriend then again told him that her parents were about to dob him in, so he presented himself in another police station where they told him not to waste their time and to get lost.

Eventually, the girlfriend's parent's carried out their threat, he was reported for the offence, and he was convicted. Almost 30 years later, he was unable to get a job in his chosen vocation because of this. I am happy to say that I exercised my discretion to allow him to be admitted to the trade. I accept the point that the member for Heysen makes. It is a good point, and I will be on the lookout to see that there are no injustices of this kind. I urge members of this house to bring injustices of this kind to my attention. There are people who have become enemies of the person convicted who will use this in a malicious way, especially where family court cases are concerned.

Clause passed.

Clauses 34 and 35 passed.

Clause 36.

Mrs REDMOND: I have a question for the Attorney: why is New South Wales singled out for special attention? Is there something different about the New South Wales legislation or does he expect all states to have a similar provision in due course? What is it about clause 36 that needs New South Wales to be singled out for different treatment to the other states and jurisdictions?

The Hon. M.J. ATKINSON: Owing to the public clamour for this kind of legislation being greater in New South Wales and occurring earlier, New South Wales had legislation before there was an agreement on nationally uniform legislation in this area, so the bill has to deal with those persons who were registered in New South Wales before the nationally uniform legislation came in. I think the virtue of this clause is that it allows other states such as South Australia to look at the list of New South Wales offenders registered before national uniformity, distinguish between classes of them and treat them according to what we want to do—not what New South Wales was thrust into by the political climate in that state before national uniformity.

Clause passed.

Clauses 37 to 70 passed.

Clause 71.

Mrs REDMOND: I want to quickly go through the effective spent convictions provision in this clause. Has this been included on the basis that there will be spent convictions legislation? Is it there in anticipation of legislation which is not yet in force?

The Hon. M.J. ATKINSON: We have this provision because all jurisdictions except Victoria and South Australia have spent convictions legislation, and I hope we will be able to avail ourselves of this provision in respect of South Australian offenders when we get our spent convictions legislation in due course. I should have mentioned this provision in an earlier answer to the member for Heysen.

Clause passed.

Clauses 72 and 73 passed.

Schedule 1.

The Hon. M.J. ATKINSON: I move:

Page 38, line 34—after '(kidnapping) if' insert:
the person was sentenced on the basis that

This schedule sets out the offences for which sentencing renders the offender liable to registration.

The offences are divided into classes 1 and 2. Class 1 offences are those considered to be the most serious registrable offences. Included in the list of class 1 offences is, at paragraph (c), the offence of kidnapping—that is section 39 of the Criminal Law Consolidation Act. This section provides that the offence of kidnapping is committed where:

(1) A person. . . takes or detains another person, without the other person's consent—
(a) with the intention of holding the other person to ransom or as a hostage; or
(b) with the intention of committing an indictable offence against the other person or a third person

To ensure that registration is limited to offenders who pose a risk to the sexual safety of children, paragraph (c) includes only offences against section 39 if the kidnapping was done with the intention of committing a sexual offence against a child.

This amendment makes a minor but important change to paragraph (c). Advice from the DPP is that it may not be apparent at the sentencing of an offender for an offence under section 39 that the offence was done with the intention of committing a child sex offence, as section 39 requires only that the offence be done with the intention of committing an indictable offence. This could lead to confusion as to whether an offender is liable to registration. The amendment to paragraph (c), therefore, makes clear that the offence of kidnapping is a class 1 offence only where the offender was sentenced on the basis that the kidnapping was done with the intention of committing a sexual offence against a child.

Mrs REDMOND: I am very comfortable with that amendment. It seems to me to be closing a potential loophole. I would have thought that any defence attorney with their wits

about them may well raise that question in dealing with the registration of someone as a class 1 offender by asserting that the kidnapping was not done with the intention of committing a sexual offence against a child. It seems to me that by simply inserting the words proposed the court can be satisfied, basically, that the person was doing it with the intention of committing a sexual offence against a child, so that the kidnapping then becomes a class 1 offence, and it seems to me to be an eminently sensible improvement.

Amendment carried.

Mrs REDMOND: Before we move off that section, I wonder whether the Attorney sees any difficulty at all. Virtually every provision in this section of the schedule, dealing with class 1 and class 2 offences, refers to 'if the victim was a child' and, of course, 'child' is defined back in the definitions clause as being under 18. I wonder whether the Attorney sees any potential hazards in relation to consensual sexual relationships, given that people under the age of 18 are all included within the offences for which we are making people class 1 and class 2 offenders.

The Hon. M.J. ATKINSON: I understand the point that the member for Heysen is making, but, yes, 17 year olds can lawfully consent to sexual activity. If that is so, that person will fall outside the offence and, therefore, no offence will be committed. Yes, we have defined 'child' as under 18—and that is just routine and consistent with other legislation—but, if a child can consent, there is no offence.

Schedule as amended passed.

Schedule 2 passed.

New schedule 3.

The Hon. M.J. ATKINSON: I move:

After Schedule 2—Insert:

Schedule 3—Related amendments

Part 1—Preliminary

1—Amendment provisions

In this Schedule, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendments of Criminal Law (Sentencing) Act 1988

2—Amendment of section 10—Matters to which a sentencing court should have regard

Section 10—after subsection (4) insert:

(4a) Despite any other provision of this Act, in determining sentence for an offence a court must not have regard to any consequences that may arise under the Child Sex Offenders Registration Act 2006.

The bill makes it clear that the measures proposed to be applied to child sexual offenders are to protect children from sexual predators by two principal methods: the register and reporting, and the prohibition from child related work. The measures are not designed to be a punishment, although they will have unpleasant consequences for the offender. As honourable members would be aware, the bill before the house is modelled closely on the Victorian equivalent. That is, we waited to see what the best jurisdiction was and, lo and behold, it was Victoria—unusually. That act was amended last year by the Sex Offenders Registration Amendment Act 2005. Section 27 of that act amended the Sentencing Act to provide that the making of a sex offenders registration order should not be taken into account by a sentencing court in sentencing an offender. When introducing the bill, the Victorian minister remarked:

Since the commencement of the act on 1 October 2004, it is evident that the reporting obligations under the act have been taken into account when imposing a sentence on a person convicted of a sexual offence. This bill will amend the Sentencing Act 1991 to clarify that a court must not have regard to whether a person is a registrable offender when imposing a sentence for a sexual offence.

The government is of the opinion that the same result should apply here. This amendment seeks to achieve precisely the same result. May I say, sir, after the traumas I suffered from 1994 through to 1997 under your speakership, how your chairmanship has improved with advancing age.

Mrs REDMOND: I have two questions in relation to proposed new schedule 3. The first is really a technical one and perhaps I have not noticed it before. The very first provision states:

In this schedule, a provision under a heading referring to the amendment of a specified act amends the act so specified.

It seems to me to be redundant. I thought it was self-evident that that was the case. First, will the Attorney obtain a comment from his advisers about that?

The Hon. M.J. ATKINSON: Parliamentary counsel do nothing in vain: this has been done out of an abundance of caution. Parliamentary counsel know that their pellucid provisions are not always plain to every member of humanity.

Mrs REDMOND: Proposed new subsection (4a) states:

Despite any other provision of this act, in determining sentence for an offence—

This is an amendment to the Criminal Law (Sentencing) Act, so it is saying: 'Despite any other provision of the Criminal Law (Sentencing) Act, in determining sentence for an offence a court must not have regard to any consequences that may arise under the Child Sex Offenders Registration Act.' I have some hesitation about supporting this. Having only been confronted with it today, I think that we will look at it between the houses. It seems to me to override the very thing that the Attorney was talking about previously when we were discussing judges exercising their discretion not to record a conviction, for instance.

It would seem to me that it would be appropriate in some circumstances for a judge, who is satisfied on all the evidence that the person is guilty, to apply his mind to the very fact and say, 'I do not think it is appropriate for this person to be put on a child sex offenders register, so I will not record a conviction', so that the person does not go on there, but for the purpose of this amendment. This amendment has the exact opposite effect. This amendment says, 'Judge you are not allowed to consider that as a consequence when you are determining your sentencing.' As I said, I have some hesitation about the application of this particular provision, because in the Attorney's earlier remarks we referred to a situation of consensual sexual intercourse between two young people where you hope that the police perhaps would exercise their discretion not to lay charges and the prosecutor might exercise the prosecution's discretion not to prosecute.

However, the fact is that, if the parents are pressing for there to be a prosecution—and in the example given by the Attorney, indeed, it was only when the parents pressed for the prosecution that the police felt that they had to act—I can easily foresee circumstances in which police, rather than be confronted with all the publicity that might flow from an angry parent saying, 'My child is having unlawful sexual intercourse and the police are refusing to do anything about it', may well insist that a prosecution proceed and for the same reason the prosecutor agrees and then it is left to the discretion of the court. This seems to be narrowing the discretion of the court. Whilst I can fully understand the reasons for this in the case of an actual predator who is a child sex offender—I have absolutely no difficulty with it—I

again express some difficulty in relation to this provision so far as that particular circumstance might arise.

The Hon. M.J. ATKINSON: The member for Heysen can be a reasonable person, I know, so let me try to inveigle her into supporting this provision by an explanation of what this provision is and is not. It is not a provision which prohibits a judge from showing mercy to the offender by reasoning, 'Look, it would be unduly burdensome for this offender to go on the register, so I will not record a conviction,' so as to avoid the consequence of the offender going on the register. A judge can still do that, and I support that. This provision says that, once the judge has convicted and is turning his mind to sentence, then he is not allowed to reduce the sentence because of the burdens that the offender will suffer by reason of being on the register. If the member for Heysen dwells on it, I think she will know that the public is likely to become angry if it thinks that the introduction of the register has become an occasion for a lowering of the sentencing tariff for sex offences.

Mrs REDMOND: I thank the Attorney for that explanation. I am very glad that it is on the record, because it seems to me that there would otherwise be the potential for considerable confusion on the plain reading of this section where it says that, in determining sentence for an offence, a court must not have regard to any consequences that may arise. I accept absolutely the indication from the Attorney as to the intention of the legislation; that is, it is not to be that a judge lessens the sentence to be imposed on the basis that this is an added burden that someone will have to bear being on this register and therefore that needs to be taken into account to alleviate in some way, what would otherwise be applied as a sentence. I absolutely accept that.

However, as I said, I am very glad that the Attorney has now by virtue of the explanation placed on the record that that is the sole intention, because the plain meaning of the words could well lead a court to the view that a judge could not apply his mind to the consequences for certain people that might arise from simply being convicted and by virtue of the conviction being placed on the child sex offenders register.

New schedule inserted.

Long title.

The Hon. M.J. ATKINSON: I move:

After 'work;' insert 'to make a related amendment to the Criminal Law (Sentencing) Act 1988;'

Amendment carried; long title as amended passed.

Bill reported with amendment.

The Hon. M.J. ATKINSON (Attorney-General): I move:

That this bill be now read a third time.

I thank the opposition not only for its incisive review of the provisions but also for its consent to passing the bill this day.

Bill read a third time and passed.

ADJOURNMENT

At 5.36 p.m. the house adjourned until Wednesday 30 June at 2 p.m.