HOUSE OF ASSEMBLY

Wednesday 30 August 2006

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

HOSPITALS, PORT PIRIE REGIONAL

A petition signed by 3 943 residents of South Australia, requesting the house to urge the government to allocate sufficient funding and resources to enable the provision and ongoing operation of renal dialysis facilities at the Port Pirie Regional Hospital, was presented by the Hon. R.G. Kerin.

Petition received.

QUESTIONS ON NOTICE

The SPEAKER: I direct that the written answers to questions as detailed in the schedule I now table be distributed and printed in *Hansard*: Nos 2, 4, 10 and 20.

EARLY CHILDHOOD DEVELOPMENT CENTRES

2. **Dr McFETRIDGE:**

1. What were the budgeted expenditures for early childhood development centres in 2004-05 and 2005-06?

2. How many new centres will the government construct in 2006, how many will be renovated and what will be the total cost?

3. Where will the new centres be located and will areas with a high proportion of young children, and areas where there is a high demand for early learning be considered a priority?

The Hon. J.D. LOMAX-SMITH:

1. In 2005-06 the budgeted amount of $3.359 million was allocated for the capital cost of developing the 10 pilot Early Childhood Development Centres.

2. It is anticipated that all 10 of the pilot centres will be operational by the end of the 2006-07 financial year. Of these 9 are being established by refurbishing sites and 1 is being constructed.

In March 2006 the Government announced a further capital investment of $13 million over the next four financial years to develop another 10 Early Childhood Development Centres. Detailed planning for this new commitment is occurring in 2006-07.

3. The first 10 pilot Early Childhood Development Centres will be located at Salisbury North, Enfield, Hackham West, Cowandilla, Angle Park, Wynn Vale, Taperoo, Elizabeth Grove, Renmark and Murray Bridge. These areas were determined within agreed criteria, using demographic and other data including the proportion of young children and areas considered to have a high demand for early learning programs.

Areas for the first five in the second round of Early Childhood Development Centres have been identified as Port Augusta, Campbelltown, Marion, Woodcroft and Gawler. The identification of these areas also involved agreed criteria, using demographic and other data including the proportion of young children and areas considered to have a high demand for early learning programs. This process will also be applied to the identification of the remaining five areas.

EARLY YEARS LITERACY PROGRAM

4. **Dr McFETRIDGE:**

1. How many South Australian teachers have been trained in professional early learning as part of the Early Years Literacy Program?

2. What is the program's budgeted expenditure for 2005-06?

3. What is the anticipated total cost of early learning professional training in 2005-06?

4. How many teachers in special schools have received this training?

The Hon. J.D. LOMAX-SMITH:

1. Approximately 5 000 teachers from preschools and schools (R-3) across the state participated in 2005 and are continuing to undertake professional development in 2006.

2. The budget for 2005-06 is $11 163 000. This includes indexation for the teachers' salary increases as determined by the 2005 Certified Agreement.

3. Funding under the Early Years Literacy Program in 2006 of $5 594 644 has been provided for professional development linked to priorities determined through each school or preschool's Early Years Literacy plan.

4. In 2005, approximately 55 teachers from special schools have participated in training.

EARLY YEARS LITERACY PROGRAM

10. **Dr McFETRIDGE:**

1. Which schools, and how many teachers, currently participate in the Early Years Literacy Program for three year old Aboriginal children in pre-schools?

2. What is the total funding for this program in 2006 and what is the funding per school?

3. How many Aboriginal Education Coordinators are currently employed in the State education system?

The Hon. J.D. LOMAX-SMITH:

1. 161 sites in 2006, have been allocated funds for 405 three year old Aboriginal children. This funding provides for 13.5 full time equivalent teachers who provide focused programs for these children.

2. The Government has provided $10 million plus indexation for pay increases, totalling $11.163 million for the Early Years Literacy program in 2006, of which $1.046 million has been allocated to supporting three year old Aboriginal children in preschools.

3. There are 17 Aboriginal Education Coordinators currently employed by the Department of Education and Children's Services.

EXPIATION NOTICES

20. **Dr McFETRIDGE:** How many expiation notices were issued to vehicles making illegal right hand turns from Brighton Road into Wattle Avenue and Dunrobin Road, respectively, per month, between 24 January 2005 and 24 July 2005 and what is the total amount of revenue raised, per month, during this period?

The Hon. K.O. FOLEY: The Minister for Police has provided the following information:

Location	Notices issued per month—2005						
	January	February	March	April	May	June	July
Brighton Road & Wattle Avenue, Hove	0	9	16	0	0	0	0
Brighton Road & Dunrobin Road, Hove	0	17	11	10	3	7	9
Wattle only	0	6	20	0	0	3	0
Dunrobin only	0	3	9	0	0	0	0

Please note that the issued notices include cautions for this offence.

Location	Notices expiated (4) per month—2005						
	January	February	March	April	May	June	July
Brighton Road & Wattle Avenue, Hove	0	1 890	2 940	0	0	0	0
Brighton Road & Dunrobin Road, Hove	0	630	0	840	420	630	1 000

Please note that the amount includes the levy to the Victims of Crime Fund.

MINING AND RESOURCES

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

Leave granted.

The Hon. M.D. RANN: Yesterday I told the house about Oxiana's $775 million project to mine copper and gold at Prominent Hill, 650 kilometres from Adelaide. As well, approval has been given in the past two weeks to Terramin Australia for its lead, zinc and silver mine near Strathalbyn. Today I can provide the house with further confirmation that South Australia is poised on the verge of a mining and resources boom.

It is my very great pleasure to announce to the house that the government has today given the go-ahead for Australian Zircon's Mindarie heavy mineral sands project in the Murray Basin, 120 kilometres east of Adelaide. With the approval of the mining and rehabilitation program, production is expected to commence in January next year, with first production coming online in June 2007. The construction camp will be established late next month, while construction of the process buildings and removable primary concentrator plant will begin in mid-October 2006. Annual production is expected to be 30 000 tonnes of zircon, 10 000 tonnes of rutile and leucoxene and 60 000 tonnes of ilmenite. The project will provide jobs for about 160 people, with about 100 at the mine site and another 60 employed at the dry separation plant near Mindarie. The zircon mine is quite different from the massive zircon, zircon and ilmenite find over on the West Coast near Ceduna.

In addition, Adelaide Energy Pty Ltd has been awarded an onshore petroleum exploration licence in the Otway Basin. Adelaide Energy was awarded the licence from among five competitive bidders and proposes to undertake more than $13 million of exploration over the coming five years, with over $7 million of that expenditure guaranteed. Adelaide Energy's approach will bring new exploration strategies to this part of the Otway Basin, which was previously thought to be uneconomic. Guaranteed elements of the bid include 3D seismic acquisition, an aeromagnetic survey and the drilling of two wells, together with geoscientific studies in the first two years of the program. The non-guaranteed program includes two additional exploration wells and geoscientific studies.

I should say—and I do not want to pre-empt any further announcements this week; that is the last thing I want to do—I understand that there will be a series of other announcements over coming days about the resources sector. Also, I can confirm that SXR Uranium One has approved the development of the Beverley Honeymoon Mine. Construction is due to commence before the year's end, with production starting in the first quarter of 2008. This project has a capital cost of about $48 million, with just over $7 million in operating costs. It will employ 50 people in construction and 40 to 50 people in operations. The company will continue to work with government to obtain necessary approvals that meet the highest environmental and safety standards prior to any go-ahead. Of course, members will be aware that it received its licence to mine in February 2002.

As I say, I am very confident of further good news on the mining and resources front in coming days, but my natural shyness has again overcome me. With a government that is pro growth, pro mining and pro jobs, South Australia is well and truly open for business.

LEGISLATIVE REVIEW COMMITTEE

Mrs GERAGHTY (Torrens): I bring up the eighth report of the committee.

Report received.

Mrs GERAGHTY: I bring up the ninth report of the committee.

Report received and read.

VISITORS TO PARLIAMENT

The SPEAKER: I draw members' attention to the presence in the chamber today of students from Riverton and District High School, who are guests of the member for Frome; students from Modbury West Primary School, who are guests of the member for Florey; and students from Highgate Primary School, who are guests of the member for Unley.

QUESTION TIME

GAMING MACHINES

The Hon. I.F. EVANS (Leader of the Opposition): My question is to the Premier. Why has the government's poker machine reduction strategy failed to reduce problem gambling?

Members interjecting:

The SPEAKER: Order!

The Hon. I.F. EVANS: The Independent Gambling Authority report released today indicates that the reduction of poker machines has not reduced problem gambling, as promised by the government.

The Hon. M.D. RANN (Premier): Let us just think about this, and think about who voted for it and who did not.

The Hon. I.F. Evans interjecting:

The Hon. M.D. RANN: So you voted for it! You accept that you voted for it, okay. I understand that a report was sponsored by the IGA. What did that report that the IGA held up to government say? It recommended that we cut the number of poker machines. So, what apparently is the IGA attacking us for today? Doing what it told us to do—you did it; I did it; we all did it. But at least we can say one thing: I am advised that only one government in the world, other than, apparently, I am told, South Carolina, had the guts to rip poker machines out of hotels and reduce the numbers—and that was our government, with the support of some of the members opposite. Did the Leader of the Opposition vote for it?

The Hon. I.F. Evans interjecting:

The Hon. M.D. RANN: Oh, he won't say whether or not he voted for it. Of course, there were some things that happened. We remember that there was strong support to exempt the clubs. In fact, I see that today Mr Xenophon has been criticising the impact of the cut in pokies. I understand that Mr Xenophon voted to exempt the clubs. Perhaps he is going to change his party's name from 'no pokies' to 'some pokies'.

GLADSTONE EXPLOSION

Mr BIGNELL (Mawson): Will the Premier update the house on the Gladstone appeal and the assistance being offered to the families affected by the factory explosion?

The Hon. M.D. RANN (Premier): We were all shocked when we heard of the explosion in May that shook Gladstone and so deeply affected five families and, indeed, the whole Mid North community. The Leader of the Opposition, the member for Frome and I witnessed first hand the aftermath of the tragedy, as emergency service crews and volunteers searched for victims, many of whom they knew and counted as friends, through the CFS, SES or the local football club—in fact, I think particularly through the local football club.

As members would recall, I launched an appeal for the victims and their families with a pledge of $100 000 from the government. I asked the member for Frome, the former premier, to oversee the fund, and he has done a fantastic job in doing so. The Northern Areas Council also kicked in $10 000. I am pleased to inform the house that the fund-raising efforts for this fund have raised more than $213 000 for the families of the three men killed and the two men who were injured. Just last week, as part of our community cabinet, I travelled to the great hamlet of Stone Hut, where the local development committee—a terrific bunch of people—donated $5 000 to the appeal, the proceeds of their wild boar weekend.

This is typical of the way in which South Australians and, indeed, people around the country have opened their hearts to the victims of this tragedy. I want to thank the Red Cross for helping run the appeal and for absorbing the administrative costs of the fund-raising effort. I also want to thank the State Emergency Relief Fund Committee, chaired by the member for Frome, for overseeing the Gladstone factory blast appeal and its distribution of funds. I am told that $100 000 (it may be even more now) has already been distributed to meet the immediate needs of the families of the three men who died and the two injured workers. The committee has met and discussed the distribution of the funds with all the families and has now made decisions about how to distribute the rest of the funds to those families.

One pleasing aspect of the work of the State Emergency Relief Fund is that it has been able to cooperate with other community appeals, such as the Footy for Gladstone appeal in this case. So, they complement each other and reduce duplication and ensure that the needs of families are met, and it is great that the member for Frome was on both committees.

I was delighted to join the AFL commissioner, Bob Hammond, back in May for the announcement that the footy community was getting behind Gladstone in the wake of this tragedy. I want to compliment the footy community for a fantastic, generous and spirited response to this tragedy. That appeal has separately raised another $518 000, and people can continue to make donations through the SANFL until the Grand Final weekend. I want to thank all South Australians for their generosity to a community in need, and I particularly want to thank the member for Frome.

PROBLEM GAMBLING

The Hon. I.F. EVANS (Leader of the Opposition): My question is again to the Premier. Given the removal of gaming machines has done nothing to reduce problem gambling, what measures is the government now proposing to address the incidence of problem gambling within the community?

The Hon. M.D. RANN (Premier): It is kind of interesting; I am aware that the Leader of the Opposition's new chief of staff used to run the AHA, so if you do not know what is being done in terms of giving assistance for problem gamblers, which the AHA—headed by your chief of staff—was so proud of, then clearly there is something dysfunctional in the state opposition.

Members interjecting:

The SPEAKER: Order! The member for Ashford.

AMUSEMENT RIDES

The Hon. S.W. KEY (Ashford): Mr Speaker—

Members interjecting:

The SPEAKER: Order! I ask members to show some courtesy to members when they are asking a question.

The Hon. S.W. KEY: Can the Minister for Industrial Relations update the house on the steps the government has taken to protect members of the public in relation to amusement ride safety?

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I thank the member for her question, and I am aware of her deep interest in this particular area. New regulations concerning amusement structure safety came into operation on 1 July of this year. Generally speaking, there are greater requirements on repairs, maintenance and also inspections.

One of the key changes is that operators of the most complex rides need to be at least 18 years of age. Further, more engineers will be qualified to inspect amusement structures, and clear lines of responsibility will exist for safety and maintenance of amusement rides, with the onus resting with the owner. The maintenance and inspection program of an amusement structure must now be documented by its owner.

In regard to engineers, they are specifically required to identify and inspect all critical points of an amusement ride and to provide a report to Safework SA that details each of their inspections. There has been extensive consultation with the industry, and I would like to thank the industry for their input in getting us to these regulations.

This is all about maintaining the community's safety. Safety must always come first. The new regulations, together with a rigorous inspection regime by Safework SA, helps put South Australia at the leading edge for this year's Royal Adelaide Show. Anything we can do in our attempts to better protect families and children is a great step forward. The show, of course, provides great fun and entertainment but it also has to be safe for kids and their families, and I am confident that these regulations are a step in the right direction.

GAMING MACHINES

Mr GRIFFITHS (Goyder): My question is to the Minister for Gambling. Under the government's current poker machine strategy, how long will it take to achieve its 3 000 machine reduction target?

The Hon. P. CAICA (Minister for Gambling): Currently we have taken out of the system 2 200 machines. There are still 800 machines to go to reach the target of 3 000. As the Premier indicated, no other place in the world (bar South Carolina, which I was not aware of) has had the ability or, in fact, the nerve to reduce machine numbers from the system. What people have to realise, of course, is that since the legislation was implemented—only a 12 month period—we have had 19 venues close down and 2 200 machines out of the system. There are 800 to go. There will be another trading round in early 2007, and at that stage we will see a further reduction of machines. Whether we get to the target of a reduction of 3 000 machines as originally proposed is highly improbable, which means that we will subsequently have to look at ways of reaching that target, which was set by government and supported by parliament.

ION SITE

The Hon. L. STEVENS (Little Para): Can the Treasurer inform the house how operations will continue on the former ION site and how in turn this will secure the future for over 300 workers and benefit South Australia?

The Hon. K.O. FOLEY (Treasurer): The government is extremely pleased to be able to secure the future of Harley Davidson in South Australia as well as the future of some 317 workers and their families, and I am just disappointed that the opposition has been critical of this decision. We cannot win—if we do not help we get into trouble, but if we help we also get into trouble.

The government has signed an agreement with new Castalloy Pty Ltd, a wholly-owned subsidiary of Harley Davidson—so Harley Davidson now has a division of its company here in Australia. Following my radio interview on the ABC this morning I would like to clarify for the parliament the details of the deal that the government has signed with Harley Davidson because obviously, and understandably, there is some interest in this. As I said to the media, the government has agreed to purchase the Castalloy land and buildings for $8 million. The land is independently valued at $14.25 million. The purchase price has been discounted to allow for the cost of any remediation in the future, and the amount of $4.5 million of that discounted purchase price reflects the amount the government has allowed to meet future remediation costs. In addition, Harley Davidson has been required to contribute $1 million for remediation costs should the costs for remediation exceed the $4.5 million.

The building and land is leased to Harley Davidson on a full commercial term based on the government's purchase price of facilities of some $8 million. In the interview this morning I incorrectly referred to Harley Davidson as the purchaser of the land rather than the government, although in the same interview I made it clear that the government is the owner. Harley Davidson is charged rent of some $1.1 million per annum, with the lease agreement being for five years with an option for a further four. Importantly, this arrangement saves in excess of 300 jobs at the North Plympton plant.

This means that Adelaide will continue as a global supplier for Harley Davidson, retaining a cast metal manufacturing operation that could easily have gone to China or another location. The business is of strategic significance to South Australia's manufacturing base, being a key precision aluminium foundry and supporting an extensive supply base in excess of 100 local suppliers. The operation of Harley Davidson will provide significant ongoing benefits, including exports of about $65 million per annum.

PROBLEM GAMBLING

Mr GRIFFITHS (Goyder): Does the Minister for Gambling now concede that his government's strategy to reduce problem gambling—

An honourable member: And yours!

The SPEAKER: Order!

Mr GRIFFITHS: —by reducing the number of gambling machines has not worked, and is taking far too long? The Provincial Cities Association has hired the South Australian Centre for Economic Studies to conduct a study into problem gambling in regional South Australia. Mr Ian McSporran, the executive officer of the Provincial Cities Association, stated on radio on 1 August 2006 that:

> Our information is that other than the initial major withdrawal of machines, which was a mandatory withdrawal, on the current rate of withdrawal it will take in excess of 20 years to reduce the number of gaming machines by 3 000.

The SPEAKER: Before I call the Minister for Gambling I want to say that I think this is another example of going well beyond what is needed to provide an explanation to a question. It is more or less inviting the minister to debate the proposition put by the honourable member. I call the Minister for Gambling.

The Hon. P. CAICA (Minister for Gambling): The issue that seems to be—

Members interjecting:

The SPEAKER: I warn the member for MacKillop and I warn the Attorney-General.

The Hon. P. CAICA: Admittedly we are still to reach that target of 3 000 and strategies will need to be put in place if the next trading round does not make a significant dent in that number, but the point I wish to make is that the reduction in poker machine numbers and venues is one of a suite of initiatives that are required to have an impact on problem gambling.

In relation to the statistical data that I have on hand, it is interesting that in the 10 years previous to this current year the increase in net gaming revenue was about 8.9 or 9 per cent per annum on average. In the last 12 months we have seen an increase in net gaming revenue, but of 1.5 per cent. That, indeed, shows that the growth in net gambling revenue has slowed considerably. We know that most people gamble responsibly, and we also know that there is no single measure, given the very complex nature of human behaviour that involves problem gambling, to actually fix it with a single initiative. So we need a suite of initiatives. Also, we have increased funding significantly in the Gamblers Rehabilitation Fund to levels that have never previously been seen.

The reduction in gambling machines was one initiative that has had an impact. That impact has been a slowdown, and a considerable slowdown, in the increase in net gambling revenue. There need to be other initiatives in tandem with this

that address the very difficult and complex problem that is problem gambling.

ORGAN DONATION

Ms FOX (Bright): My question is to the Minister for Health. How many people have donated organs in South Australia this year?

An honourable member interjecting:

The Hon. J.D. HILL (Minister for Health): This is a serious matter, and I thank the member for Bright for her question because it gives me an opportunity to correct the record—a record which is a good one for South Australia and has been put in doubt by comments made by the Deputy Leader of the Opposition. It is surprising, of course, that she would say something that is inaccurate, misleading and wrong. In July she said the rate of donations in South Australia had plummeted. Before I get onto the facts about South Australia, let me say that Australia, unfortunately, has fewer organ donations than other comparable countries, and that is a problem that at a national level health ministers are addressing, and we are working together with the other states and the commonwealth to try to do something about it. In South Australia, for example, we have organ donor advisers in each of the four major hospitals in Adelaide, which has helped to keep up the numbers.

South Australia, of course, has a greater provision of organs compared with the other states, but Australia itself is generally lower than internationally. So far, this year, there have been 23 organ donations in South Australia. That compares very well with the 20 that occurred last year. So, rather than a plummet, there has actually been an increase since last year.

Ms Chapman interjecting:

The SPEAKER: I warn the deputy leader!

The Hon. J.D. HILL: The overall average from 1996 to 2005 has been 28 organ donations a year, so the 23 we have had in the first eight or so months of this year is on target. In fact, it would appear that we will beat that number. The largest number we have had in recent years was the year the David Hookes Foundation was established and there was a lot of interest in, and attention paid to, organ donation. I think the number was around 35 to 38, or something of that order. Of course, that demonstrates that publicity, talking about it and giving information to the public will help increase the rate.

The rules in Australia have changed somewhat over recent years. Many of us will have on our driver's licence that we are an organ donor. In fact, all that indicates is our intention to be organ donors. We are not actually signing up to donating an organ. That is done through another process which is run by the commonwealth government. You have to register. It is a bit complex, and I think as a result it has made it difficult for many people who would like to be organ donors to sign up. I have a very healthy stack of organ donor forms which I will pass around to all members, and I invite and encourage all members and staff of this place to sign up for organ donation.

An honourable member interjecting:

The Hon. J.D. HILL: Some members already have, and I appreciate that. This is very important for our community because, while it is tragic to lose someone, and often these deaths are caused by accidents (particularly motor accidents, and we want to reduce the number of those), it is even more tragic when the organs that could provide life or assistance to others who are suffering in our community are lost. I have spoken to many people who have received organ donations and I know they are incredibly grateful to the families that have agreed to organ donation occurring. It is something that potential donors ought to discuss with their families, but they also need to sign this form. I will have one distributed, and encourage all members of this place to show leadership to the community by signing up.

GAMING MACHINES

The Hon. I.F. EVANS (Leader of the Opposition): My question again is to the Minister for Gambling. Will the minister rule out further amendments to legislation aimed at reducing the number of poker machines over and above the 3 000 machine reduction already announced? During the last parliamentary sitting, the now minister moved amendments to keep poker machine numbers unchanged for 10 years.

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA (Minister for Gambling): My responsibility as Minister for Gambling is in the first instance to ensure that, as was determined by parliament, we reach the level of 3 000 machines. That is the first priority, and I eagerly await the next round of trading. I also eagerly await further reports from the IGA about how we ensure that as a collective—and when I say 'collective' I also seek the support of the opposition in this regard, because the community can only do it together—to make sure that we look at initiatives that will address problem gambling. Our target of 3 000 machines was a very courageous target to set. We are almost there and, as minister, I will ensure that we get to 3 000 machines.

GEOSCIENCE INDUSTRY WORK FORCE

Mr KENYON (Newland): My question is to the Minister for Employment, Training and Further Education. What is the government doing to train students to meet the work force development needs of the minerals and petroleum industry?

The Hon. P. CAICA (Minister for Employment, Training and Further Education): As was noted by the Premier in his earlier response to a question, South Australia's rapidly growing resources sector is something that we as a state can be very excited about. What it has done is create a strong demand for skilled workers to fill a range of specialist geoscience positions. Geoscience focuses on the exploration needs of the mineral and petroleum industries. For each university-trained geologist or geophysicist there are up to 20 other geoscientists required to collect and collate samples or data. Skilled workers in this area are currently in such short demand that students are being hired by their employers before they have a chance to finish their studies.

I am pleased to say that TAFE SA at the O'Halloran Hill campus of TAFE SA Adelaide South is actively contributing to the prosperity of South Australia by providing students with training in these vital positions. Indeed, TAFE SA is the only TAFE in Australia with a commitment to specific training for both mineral and petroleum exploration. Furthermore, its close working relationship with companies such as Santos, BHP Billiton, Woodside Petroleum, Minotaur, Baker Atlas and Schlumberger means that the companies often recruit employees directly from within the course.

TAFE SA works in close collaboration with industry to ensure that the training it offers in the area of geoscience is

up to date and meets industry needs. It is currently rewriting modules of its geoscience training program to match evolving exploratory methods such as hydrocarbon well logging, wire line logging and gravity surveying. Lecturing staff bring a range of expertise to the program, including field experience in both the mineral and petroleum industry. The close links that lecturers maintain with industry employers also help to ensure that the training remains relevant and that the employment prospects (and this is important) for students are excellent.

The Department of Primary Industries and Resources has also assisted in ensuring that the training is first class and relevant by recently granting the geoscience course $65 000 towards new training equipment. There are currently 30 students studying either the six-month certificate 3 course or the 18-month diploma. Both have strong practical emphasis involving field trips, geological digs, computer map generation, heavy vehicle maintenance and basic electrical training. While TAFE SA geoscience students are in high demand by resource companies in South Australia, graduates are also sought by companies both nationally and internationally in locations as diverse as Western Australia's Pilbara and the oil rigs off the course of Norway.

I am pleased to say that to further build on the success of the geoscience program, TAFE SA is now exploring a partnership arrangement with the university to jointly deliver a new degree. The training of geoscience students is yet another example of the South Australian government through TAFE SA working collaboratively with industry to meet their work force needs

NORTHERN EXPRESSWAY

Mr HAMILTON-SMITH (Waite): My question is to the Minister for Transport. Now that the government has determined a final costing for the Northern Expressway, why did the project blow out from $300 million to $550 million?

The Hon. P.F. CONLON (Minister for Transport): One of the things I should do is refer the member for Waite to the article in the *Adelaide Review* written by Michael Jacobs. It puts this in context, and I think it also puts in context the sort of approach of the member for Waite.

An honourable member interjecting:

The Hon. P.F. CONLON: I got the question, but to understand this—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: The costings for this project commenced in 1998. That is when it started; it commenced in 1998. It was developed by those people in transport in 1998. This project has a number of parents, including this government and the previous one. If you want to know why the price was finally made right under this government, well, the time was right. But the truth is that the costing on this project had many parents as far as governments go. But, at the end of the day, can I say this about it: this is what the project costs. It is not that someone has done anything wrong on the project. It is not that we have made a mistake that has made the project cost more. You do understand that, don't you? No-one has made a mistake that makes the project cost more. It is the process, started in 1998 under your government, which underestimated the costs. But the truth is, if you read that article, you will see that the cost of that project is similar or, in fact, less per kilometre than expressways being built around Australia. It is what it actually costs. So what I would say to you is: get over it, just get over it. This is what the project costs.

Members interjecting:

The Hon. P.F. CONLON: What you have to decide is this: do you want this project to go ahead? That is what it actually costs. Sure, it was underestimated; it was underestimated in 1998, underestimated in 2002, and underestimated until quite recently; but this is what it costs. Now, do you want the project to go ahead? Do you support the Northern Expressway? Deadly silence. I know the member for Wakefield, the Liberal member for Wakefield, supports it, and do you know what he said? He said, 'Get over it, get on with it, and support the project into the future.' So, on behalf of the member for Wakefield, can I say to the member for Waite: get over it, get on with it.

LOCAL GOVERNMENT AWARDS

The Hon. P.L. WHITE (Taylor): My question is to the Minister for State/Local Government Relations. Can the minister advise the house on South Australia's performance at the 2006 National Awards for Local Government?

The Hon. J.M. RANKINE (Minister for State/Local Government Relations): I thank the member for her question. I know it is of particular interest to her, as her electorate spans three council areas, and she and I actually share a very excellent council. South Australia has again illustrated that on the national stage we have the ability to punch well above our weight. With four winners and four commendations our state local government sector has done extremely well. Our congratulations should firstly be extended to the Local Government Association of South Australia which won the Efficiency Improvement award for its Independent Inquiry into Financial Sustainability of Local Government in South Australia. The Local Government Association has been working cooperatively with the Office of State/Local Government Relations and is at the forefront of the changes that are occurring in respect of financial management of councils.

It is imperative that we recognise the effort that many councils, with the help of the LGA and the Office of State/Local Government Relations, have made and continue to make in an effort to improve their accountability measures. I would also like to extend my congratulations to the City of Salisbury for its Project Connect, which won the Increasing Women's Participation category, and to the City of Playford for its Marni Waeindi Indigenous Transition Pathways, which was a winner in the Strengthening Indigenous Communities category. The District Council of Yorke Peninsula was also a winner with its broadbanding project in the Innovation in Regional Development category.

I also bring to the attention of the house that four South Australian councils received commendations in other categories. The City of Playford received a commendation in the innovation in regional development category. The City of Onkaparinga was recognised in the integrating biodiversity conservation into planning and management category. Campbelltown council received a commendation for its work in the health and wellbeing category for its 'You know your limits' project and alcohol awareness project for young people. Finally, the Municipal Council of Roxby Downs was recognised in the community business partnerships category.

It is also opportune to congratulate the councils of Tea Tree Gully, Salisbury and Playford, which have been awarded $38 million in federal funding for urban water management.

These are all great examples of innovation and excellence, benefiting our communities and being delivered by local councils. These councils really are setting an example for local government here in South Australia.

NORTHERN EXPRESSWAY

Mr HAMILTON-SMITH (Waite): My question is to the Minister for Transport. How did this government get the cost to the taxpayer of the Northern Expressway so wrong and what action has the minister taken to prevent a recurrence?

The Hon. P.F. CONLON (Minister for Transport): I repeat that the costings on this had a couple of parents as governments—this one and the previous one.

Members interjecting:

The Hon. P.F. CONLON: It was not commenced in 1998—he is going to rewrite history. He does not want to hear this, but it was commenced in 1998. Some of the things that went wrong in costing—the underestimations, the over optimism—commenced in 1998. You do not have to agree—that is simply the history of it. This project was first looked at and the costings built up by the Department of Transport in 1998. One of the things this government did was slowly rebuild the Department of Transport from where it was under you, and that is why it used to get qualified audits under the previous government. We did a lot of work to restore them because the previous government, which could never balance a budget, was also a great enemy of the public sector.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: It sits ill in their mouth to ask questions about budgeting because they never got one right. They never balanced a budget in 8½ years. We can come back to that. They said all they needed to do was sell ETSA. They did that and still could not balance the budget. If you want to put their track record and economic performance up against ours, we will do it any day. Much has been done to make sure we get better estimates in future; in fact, a great deal has been done. I wish I did not have a hole in the bottom of my shoe.

The new chief executive, Jim Hallion, has imposed a number of checkpoints upon costings into the future. So that people and members opposite understand, cost overruns on government projects are almost the norm in the history—

Members interjecting:

The Hon. P.F. CONLON: And he does not accept that! If you want to go back to your projects, we will show you 50 per cent and 100 per cent cost blow-outs.

Mr Hamilton-Smith interjecting:

The SPEAKER: Order! The member for Waite is warned.

The Hon. P.F. CONLON: The member for Waite is asserting the cost of projects did not overrun in his government. Tomorrow I will come back and give him a list of them. I will watch his face turn redder and redder as I give him a full list of cost overruns under his previous government. You can run around to the media and on the airwaves and say all sorts of nonsense, but in here you have to tell the truth. I will tell you this, you will never get me on not telling the truth as that is what I do. That is what you have to do in here and that is what embarrasses you. If you want to look at your track record on telling the truth, we can do that too: Graham Ingerson, your premier and Joan Hall. We have a list as long as your arm. We will get off that as I am being distracted.

Not only has Jim Hallion, the new chief executive, put in place a number of measures; not only have we had a major projects group originally chaired by Andrew Fletcher; we also have, under Rod Hook, a new Office for Major Projects and Infrastructure. One of the things which governments have to do and which the private sector does not have to do in the early stages of a project is put something in the out years. You have to put something in the out years even if it is five years out—which is the case with things such as the Northern Expressway. That is a very difficult thing to do. It is also difficult to put in as much as it might be because you are dealing with the private sector. They deal with the government and think the money never runs out; that is what they think. Therefore, you do not want to put in a big number because that is what you will get. There are a couple of things governments have to do. I look forward tomorrow to bringing back all the cost overruns on projects of the previous Liberal government—because it is a very long list!

Mr Koutsantonis interjecting:

The Hon. P.F. CONLON: An hour would be long enough. We have taken the steps I have mentioned. I have every faith in Jim Hallion and Rod Hook to improve that, but members should understand that governments are not in the same position as the private sector in relation to costing these projects. I look forward to bringing back that list tomorrow.

LOCHIEL PARK

Ms PORTOLESI (Hartley): Will the Minister for Infrastructure provide the house with an update on significant milestones reached in the Lochiel Park model green village development?

The Hon. P.F. CONLON (Minister for Infrastructure): I am very pleased to have this question from the member for Hartley, who is a great champion for this area. There are a number of things in stark contrast between us and the former Liberal government—

Mr Hamilton-Smith interjecting:

The Hon. P.F. CONLON: He just hates listening, doesn't he! This morning I was at Lochiel Park for the sod turning for the first civil works to create a wetlands. The stormwater from about 2 000 houses will not be running into the River Torrens but, rather, into a wetlands at Lochiel Park. It will save the River Torrens from these waters, recharge an aquifer and create a habitat for the natural environment. It is only a small part of the project, the key part of which is preserving all the open space at Lochiel Park within the metropolitan area and adjoining linear park. The stark contrast between this government and the previous Liberal government is that it would be subdivided for housing. We would not be creating a natural habitat and recharging the aquifer: we would be driving around the latest subdivision. In addition, 81 residents will be where the former government buildings were. They are there to ensure that there is security in terms of a human eye watching the place. Something like 4 000 trees will be planted. This is a great credit to the member for Hartley who fought for this.

An honourable member interjecting:

The Hon. P.F. CONLON: I am the greenest minister in this government—other than the Premier, of course. It continues the reputation of this government (which is thoroughly deserved) as the greenest government, the greenest premier, the best in sustainability, the best in renewables and the best in energy. It is a model green village better than anything else in the world. People will come from

around the world to see this project. The big difference is that we have established the best green credentials in Australia and, at the same time, balanced budgets—which members opposite could never do—and grow the economy—in a way they could never do. If members want a contrast they should look at Lochiel Park, our budget and the economy. Imagine where we would be if Mike Rann had not been elected in 2002!

NORTHERN EXPRESSWAY

Mr HAMILTON-SMITH (Waite): My question is to the Minister for Transport. Is the government now considering private investment in any form for the Northern Expressway in order to cover the $250 million blow-out he announced on 4 August? AusLink funding rules state that if a project is costed at more than $500 million private investment needs to be considered.

The Hon. P.F. CONLON (Minister for Transport): I have to say that the member for Waite almost answers his own questions. The truth is that under the AusLink arrangements, if a project is more than $500 million, private investment has to be considered. It does not have to be included, but it must be considered.

Ms Chapman interjecting:

The Hon. P.F. CONLON: If only she could think of something interesting to interject with! The truth is that I am very confident that we will show the commonwealth that it is not appropriate to impose tolls on the Northern Expressway—it would not be a good investment and it would not be the right way to implement the project. But we do not make the AusLink rules: the commonwealth does, and the commonwealth says that we have to consider private investment. We will do the work to show the commonwealth why that is not a good idea, and I am very confident of the outcome. I would be interested to know whether the member for Waite supports tolls, because we do not.

SCHOOLS, SOLAR POWER

Ms CICCARELLO (Norwood): My question is directed to the Minister for Education and Children's Services. What progress has been made with the South Australian Solar Schools program?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I thank the member for Norwood for her question. She has indeed taken me on many tours of her electorate to schools with initiatives in environmental sustainability and show projects about water retention basins, and I know she takes a keen interest in this program. Since we announced our $1.25 million initiative to put solar powering into 250 schools, we have initially installed solar panels in 74 schools and preschools. These generate electricity not only during school time but also during holidays, and that, of course, goes back into the grid.

I am pleased to announce that the 74th facility installation was at the Michelle DeGaris Memorial Kindergarten, and this event was celebrated with a party this week, when the panels were switched on officially. A further 23 schools and preschools have their panels on order awaiting installation, and we have just now chosen a further 97 schools and preschools. So, we are well on track for having 250 installed by 2014.

An honourable member: Where was that?

The Hon. J.D. LOMAX-SMITH: That is the Michelle DeGaris Memorial Kindergarten. When all 250 solar schools and preschools are running, with an annual total of 750 megawatt hours of electricity being generated, this will reduce carbon dioxide emissions by 720 tonnes per year. This can be compared to taking off the road 240 large six-cylinder cars, each travelling 13 000 kilometres a year.

We have already seen the program in operation, with installations in kindergartens such as Renmark Children's Centre, for instance, where there has been a saving of 3 200 kilograms in greenhouse gas emissions, with a generation of 6 000 kilowatts per hour of power from the solar panels since 2004. Solar schools incorporate the solar energy and sustainability message into their curriculum across all their year levels, and this is a good way of engendering enthusiasm in the community and is a good take-home message for families, who might well consider installing solar energy.

We are very proud of our solar schools program, because it not only provides a tangible showcase within our schools but also shows that the education system is capable of installing this facility, as we have done across the arts sector, Parliament House and the airport, making it the norm in our developments, and ensuring that young people understand the importance of renewable energy.

NORTHERN EXPRESSWAY

Mr HAMILTON-SMITH (Waite): My question is to the Minister for Transport. Does the $550 million cost of the Northern Expressway include all costs linked to the nine-kilometre southern section of the development along Port Wakefield Road from Salisbury Highway to Waterloo Corner, or does the figure apply only to the 22-kilometre northern section of the expressway from Waterloo Corner to the Gawler township?

The Hon. P.F. CONLON (Minister for Transport): I do wish the member for Waite would at least keep up with the media. It does include the 23 kilometres of the original route, which we have explained. The route is now estimated to be 23 kilometres, instead of 22 kilometres—these things happen—and it includes works on the Port Wakefield stretch of the road. I made that pretty clear some time ago but, if the member for Waite will not keep in touch with the media, I cannot really help that.

What they are trying to get at is that it has been scoped down. Now, scopes change; things change. As I have said, this thing has been in creation since 1998; there will be changes in scope, and there will be differences. What is happening here is that they came in here saying that it was going to cost $900 million, so they are a bit embarrassed about that.

As far as I am concerned, I have got it in $350 million under the Liberal budget. I should get a tick for that, should I not? But they came in here with $900 million and now they are trying to cover up the fact that they got it so wrong. They claimed they had a leak, but they got it so wrong. So, what they are trying to say is that we have scoped it down. I will tell you this: the scope might change, but there is no way that we are going to go out and save money by making it a one-way expressway at a time. There is only one government that ever decided to scope down a project to fit a budget.

Mr Hamilton-Smith interjecting:

The Hon. P.F. CONLON: What is it? Only one government did what, Martin?

Members interjecting:

The SPEAKER: Order! The minister must keep away from debate. If the minister and the member for Waite feed off each other—the member for Waite interjecting and the minister engaging in debate—

Members interjecting:

THE SPEAKER: It must stop. The minister was asked a straightforward question by the member for Waite. He does not have to reflect on the merits or otherwise of the question. I suggest he stick to the straightforward answer he was giving and not engage in ongoing argy-bargy with the member for Waite during the course of his answer. The Minister for Transport.

The Hon. P.F. CONLON: Sir, I have finished.

MR HAMILTON-SMITH: My question is again to the Minister for Transport, given his answer to my earlier question. Will the nine-kilometre southern section of the Northern Expressway development, known as the Port Wakefield Road widening, still then include a freeway standard road with high speed connections at each end, six lanes with divided carriageway, a 110 km/h speed limit and restricted access with limited interchanges and overpasses as previously advised by the government to local councils in 2005?

The Hon. P.F. CONLON: It will not contain anything if the commonwealth does not come to the party and fund the arrangements. But there will be some changes in scope of the works. We have changed the length of it on a selection of the route. There will be some changes. There will be some issues about timing of works on Port Wakefield Road considering other works on this road. Those things will be considered. At the end of the day, once we do secure funding from the commonwealth for this project, it will be going off to the Public Works Committee, and one of the safeguards we have is that we will know exactly what it will look like. But it is not going to look like anything until we get funding from the commonwealth. And again, I would like to know whether the opposition actually supports this project and our getting funding from the commonwealth for it.

HOMESTART

Mr O'BRIEN (Napier): My question is to the Minister for Housing. How is the government assisting those South Australians wishing to become home owners?

The Hon. J.W. WEATHERILL (Minister for Housing): The way in which we are assisting South Australians to become home owners is through one of our finest assets, and that is HomeStart Finance, the government's own home loan authority. Like many things in this state, this is another fantastic Labor initiative. In 1989 the body was set up to provide portable home finance for those South Australians seeking to buy their first home. In fact, today we are delighted to be celebrating the settlement of the 50 000th customer for HomeStart Finance. During that period HomeStart has made an enormous difference to the lives of those 50 000 South Australians.

HomeStart has developed a number of special products that have assisted people to meet that dream of home ownership, including an Equity Start project, which we recently launched, directed at Housing Trust tenants, to get them into their own Housing Trust home; special loans for seniors, graduates and first home buyers and a very successful product, Anangu loan, for indigenous South Australians.

The HomeStart offering has never been more important as we move into a period of escalating interest rates, and the HomeStart methodology has been widely lauded for the way in which it organises loans in such a way as to maintain and protect customer budgets from sudden changes in interest rates. It is an area that the market has not targeted because often HomeStart customers do not have a lucrative range of other home lending or personal finance needs, so home loan lending by itself is not the most attractive financial product in terms of its rate of return. Usually it gives a financial institution an in (if you like) with a customer to get access to their other service needs—for instance, their personal loans or credit cards, those sorts of things. So HomeStart does provide an offering to low income people that banks and other institutions are not interested in.

Just because someone is on a low income does not necessarily mean that they are a riskier lending proposition—in fact, many people on low incomes have spent their lives managing on very tight budgets and they are often better managers of their finances than people on high incomes, who are sometimes quite profligate with their money. It has been a stable business and the rate of return to government has been invested back into other affordable housing initiatives.

This has been a fantastic initiative. The state is doing its bit on housing affordability and we are just looking for a willing commonwealth partner.

An honourable member interjecting:

The Hon. J.W. WEATHERILL: That is right; it is not the Bob Day solution—

An honourable member interjecting:

The Hon. J.W. WEATHERILL: Yes; cutting a swathe through farmland—

The Hon. P.F. Conlon: What's his slogan? Another day, another dollar.

The Hon. J.W. WEATHERILL: That is right. Cutting a swathe through vineyards, with houses as far as the eye can see. That is not the future for South Australia. We like our city the way it is and we are not fond of being lectured to by visiting professors from America who want us to look more like an American city than a South Australian city.

NORTHERN EXPRESSWAY

Mr HAMILTON-SMITH (Waite): My question is to the Minister for Transport. Has the government decided upon the final alignment of the Northern Expressway and, if not, how has it assessed the cost of land acquisitions and engineering along the route when determining the new cost of the project at $550 million?

The Hon. K.O. Foley: Get him a briefing, will you?

The Hon. P.F. CONLON (Minister for Transport): I will get a briefing, because half the information that has been asked for has been available in the media. We have an alignment and we have put it to the commonwealth.

An honourable member interjecting:

The Hon. P.F. CONLON: She just never stops, does she? There is an alignment. A cursory glance at the media—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: There is an alignment, and we have gone to the commonwealth with it. We need to get the commonwealth to agree with the project, agree as we put it up, and agree to fund it. I do not normally respond to interjections, but the reason we have not told anyone about it is because that is probably something dopey that the

member for Waite would do. If we went out and said, 'This is the alignment,' it would have a dramatic effect on property values on either side of that alignment and then where would we be if the commonwealth did not fund it? We would have caused an awful lot of expectation and distress to people. I have no doubt that the opposition may well have done it that way, but it would be irresponsible to put an alignment out there, create expectations and, in some cases, fears, if in fact the commonwealth does not accept that alignment or does not fund it.

I think this question and the interjection demonstrate just why those opposite were not fit for government when they were the government and why they are not fit for government now.

INDIGENOUS LAND USE AGREEMENT

Ms SIMMONS (Morialta): Can the Attorney-General advise the house of details surrounding the indigenous land use agreement that was marked at a Federal Court sitting at Marla this week?

The Hon. M.J. ATKINSON (Attorney-General): I can. On Monday an historic agreement for the shared use of 18 750 square kilometres of the state's Far North was marked by a special sitting of the Federal Court in Marla, 1 100 kilometres north of Adelaide on the road between Coober Pedy and Alice Springs. It is the first such consent agreement in South Australia and covers the joint use of lands by indigenous people and pastoralists. I expect it to have far-reaching benefits for all parts of the local community and benefits in the settlement of 22 other native title claims in our state.

The settlement is historic because it is the first settlement of its type in South Australia, having been arrived at by consent rather than by protracted and expensive litigation. Indeed, the member for Heysen will know the results and the cost of the DeRose Hill case, because in that case the commonwealth lavishly funded the pastoralists resisting the claim of the Western Desert people. So, this will mean a big saving for the taxpayer and a more prompt resolution of claims. I expect that this agreement alone will save an estimated $6 million in litigation costs.

A consent determination is a win for all parties. Aboriginal people have their heritage protected, pastoralists have obtained certainty and clarity in land management and access issues, and the state now has a blueprint for future claims settlements. The Federal Court was presided over by Justice Mansfield and was convened under canvas at Marla oval. So, yes, justice can be done in a tent. After the court adjourned, indigenous landowners marked the ceremony with songs and dance. The consent determination was accompanied by indigenous land use agreements which set down agreed rules governing access, heritage issues and development on each of the pastoral properties within the boundaries of the Yankunytjatjara and Antakarinja claim.

The house should know that the indigenous claim group is made up of 19 families comprising 11 300 people and the claim is primarily over pastoral cattle country, encompassing parts or all of seven cattle stations. So we are talking about an area in the Far North of the state starting at Marla in the west and extending eastwards almost to Oodnadatta. This is a truly important settlement that is in the best interests of all South Australians, and I am glad that the member for MacKillop was able to fly to Marla with me and be part of the occasion.

ION SITE

Mr WILLIAMS (MacKillop): Can the Treasurer inform the parliament what the $4.5 million being set aside for future site remediation at ION's Castalloy site in North Plympton will be used for, and at what time in the future will the remediation begin?

The Hon. K.O. FOLEY (Treasurer): What is the $4.5 million that has been put aside for site remediation going to be used for? Site remediation. But when is it—

Members interjecting:

The Hon. K.O. FOLEY: One at a time!

Mr Pisoni: What is wrong with the site?

The Hon. K.O. FOLEY: What is wrong with the site? Where has he been? Probably worried about his company that is in trouble.

Ms Chapman: Careful!

The Hon. K.O. FOLEY: Careful of what?

The SPEAKER: Order! The Deputy Premier will not respond to interjections.

An honourable member interjecting:

The Hon. K.O. FOLEY: Sorry, a bit sensitive, are we? The $4.5 million is the amount that—

Ms Chapman: Was that on the front page?

The Hon. K.O. FOLEY: What was that, Vickie? What was on the front page, did you say?

The SPEAKER: Order! I have already warned the deputy leader for interjecting.

The Hon. K.O. FOLEY: It did not take long for Vickie Chapman to point to what was on the front page. Thank you, Vickie.

The $4.5 million is an amount that we believe will cover the remediation costs at a time when remediation would have to occur at the site if the site were to be used for other purposes. The site was independently valued at some $14.5 million. The government purchased the site for $8 million, which reflects a discount on its market value. The Harley Davidson company has a five-year lease with a right of renewal for a further four years. At which point in time remediation would be required would be dependent upon whether Harley Davidson were to vacate the site and clean-up would have to occur. How do you remediate a site when there is an operation going on? You cannot remediate a site when activity is occurring.

It is a prudent position that the government has taken but, to ensure that we have sufficient funds available when they are required at a future point, $1 million has also been put aside by Harley Davidson itself, should it be called upon. I cannot be much clearer than that.

SUICIDE

The Hon. J.D. HILL (Minister for Health): I table a statement made today by my colleague the Hon. Gail Gago in another place, on the subject of suicide.

SCHOOLS, VALEO SYSTEM

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): Yesterday I committed to come back to parliament to respond to a question asked by

the member for Morphett relating to the number of extra public servants employed to fix the faults in a payroll system. I am informed that 19 existing staff have been working as part of the project team to implement the new payroll system and to ensure that any problems are rectified. Two contract computer programmers have also been temporarily employed to assist with any problems that may arise.

SMALL BUSINESS SURVEY REPORT

The Hon. K.A. MAYWALD (Minister for Small Business): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.A. MAYWALD: This week I was pleased to release the South Australian Small Business Survey report. This statewide survey, conducted by the Office of Small Business, asked small business operators to identify areas where government red tape and regulation were barriers to business productivity. The report highlights the main areas of concern for small business, including state and federal taxation, occupational health and safety, local government planning procedures, government tender processes and accessibility of government information. Reducing red tape is the top priority for the Competitiveness Council, established by the Premier.

In line with the government's goal of reducing red tape by 25 per cent by 2008, I have asked all government departments to provide an action plan on how they will contribute to this target. Three initial actions that will contribute to red tape reduction are:

- creating a central point for business to find all changes and updates to legislation and regulations;
- providing more state government tendering workshops; and
- assigning case managers for major projects to support businesses in dealing with various government agencies.

The recent introduction of the business cost calculator is a further step forward in reducing red tape. South Australia is the first state to adopt the nationally agreed calculator and apply it to state cabinet decisions that directly impact upon the business sector. The calculator will help government agencies to quantify the compliance costs on business arising from government regulations. A recent report by Canadian firm MMK Consulting found that Adelaide has the lowest business costs in its population bracket and the third lowest costs in the world. Identifying ways in which this state government can slash red tape further is a primary opportunity to build on our international reputation for low business costs while making further progress on increasing our competitiveness, both of which will have benefits to the state's productivity.

Supporting the work of the Competitiveness Council is the peak government advisory body for small business, the Small Business Development Council. I am pleased to advise the house that I have recently appointed 12 new members to the Small Business Development Council. The new membership represents a wide range of industry sectors including retail, food, manufacturing, services, building, transport, primary industry and business services. I would like to take this opportunity to thank outgoing members of the SBDC for their excellent work over the past two years. Their willingness to share their experiences and insights was particularly appreciated.

One of the key recommendations that was made by the SBDC was to establish Small Business Week, which is held during October 2005. This event was so successful that this year it has been expanded to Small Business Month, to be held again in October. Through initiatives such as this the government and the small business sector are working together to develop a vibrant and entrepreneurial business sector. The new members of the SBDC appointed until June 2008 are Liz Davies from Storpac; Linda Eldredge, Glenryden; Debra Ferguson, Ferguson Australia; Robert Ferguson, I am told no relation, Fergusons Chartered Accountants; Chris Herrmann, InfoTec Communications; Malcolm Johnson, Johnson Home Improvements; Rosemary Kemp, Riverland Plaza Pharmacy; Susan Lee, Soniclean; Conor McKenna, Twoeyes; Philip Sims, Robern Menz; Beverley Turner, Emu Ridge; and Kym Webber, Waikerie Crash Repairs.

GRIEVANCE DEBATE

MINING

Mr WILLIAMS (MacKillop): Today I rise to correct the record somewhat with regard to the mining industry in South Australia. It was interesting that the Minister for Infrastructure said during question time—and I think I have got it right, but I may be paraphrasing—'because in here you have to tell the truth'. I think a lot of us are familiar with the phrase, 'the truth, the whole truth and nothing but the truth'. That phrase certainly would not be applied to a hell of a lot of what is said in this place because a lot of what is said in here is a long way away from the truth, the whole truth and nothing but the truth, and no more than the constant garbage that we are fed in the guise of the truth about the mining industry and what is happening in South Australia, and, more importantly, who indeed is responsible for what is happening in South Australia today, and I guess that is the most important thing.

Can I say that I am very proud of what is happening in the mining sector in South Australia right now. And why am I proud of it? It is because just about every piece of it is the result of what the Liberal Party did when in government in those eight years in the 1990s. Just about everything that is happening in the mining industry is a direct result of that work. The only other factor that has been responsible for the change in fortunes of the mining sector in South Australia has been world commodity prices, and that has had a dramatic impact.

To illustrate, I refer to the announcement this morning—and it is rather interesting that the Premier's ministerial statement today talked about all sorts of projects but was almost silent on the SXR Uranium One Honeymoon project. But can I say the press release put out by SXR Uranium One points out that the operational cost of that particular mine will be something over $US14 per pound for the mine life. Until about 18 months ago the world price of uranium oxide was about $US10 a pound, so the mine was never going to get off the ground while the operating cost was at $US14 a pound and the return was going to be $US10 a pound. But what has happened in the meantime, or in the last 18 months, is that the uranium price has gone through the roof.

Today the uranium world spot price is a little over $US40 a pound, and, compared with $US14 a pound operational cost, that is now a very viable and very worthwhile project to proceed, and that is the principal reason why that project is proceeding. But that project would not be proceeding today if it were not for another factor, and that is that the previous

minister in the previous government, the Hon. Wayne Matthew, was smart enough to ensure that the licences, both state and federal, that were necessary for that project to go ahead were signed off before the Labor Party came to power in South Australia. And why is that important? It is because we all know that if they had not been signed off that project would not get off the ground.

It is interesting that yesterday in answer to a question from me the Premier stated, 'We in South Australia will determine our own policies as a government. They will not be determined by anybody else.' How far from the truth is that? Where would Honeymoon be? It would be stalled because of the policies of federal Labor. I also asked the Premier what was his policy and this is what he said in answer to that:

> I have made my position clear repeatedly on television and on radio and in the newspaper interviews about the position that I will present at the next ALP national conference, and I stand by what I said.

He has said what he will present at the conference, but he has not said what is his position. I maintain that the problem the Premier has with uranium, uranium mining and the uranium industry per se is that he has not changed his position since he was an anti-uranium and anti-nuclear student activist way back in the 1970s. That is the problem! When we look at the other projects that have been announced recently, Oxiana would not have got have got off the ground if it were not for the work we did in the 1990s through the TEISA program.

Time expired.

UTILITIES MARKETPLACE

Mrs GERAGHTY (Torrens): Today I will speak about the growing concern I have regarding the competitive utilities marketplace, which is distressing many people. Increasingly, I am now seeing elderly constituents who complain to me about the difficulties they have in understanding the current competitive retail market for utilities, such as electricity, gas and the telephone. These elderly folk are particularly confused because the source of the utility provided appears not to have changed. In other words, they still believe that the wires or pipes for gas are still owned by monopolies. They still believe they are under the control of our government. These older citizens feel they are now constantly harassed by utility providers, certainly through numerous phone calls, the mail or door-to-door sales, trying to persuade them to change from one retailer to another. We are seeing more people knocking on doors now.

Recently one of my constituents came to the office to complain about his electricity bill. He had been constantly bombarded by telephone sales calls, particularly around his evening meal time. While he said that most of those people had an Indian accent, I have some sympathy for those folk as they have a thriving industry in their country and are making a decent living out of it. Often they refuse to take no for a answer. He finally relented when approached by a door-to-door salesperson and, mostly to escape the harassment, he gave in and signed a supply contract with the firm. While some would say that he merely exercised his right as a consumer to choose a retail supplier of electricity, he actually felt badgered into making this choice and that is a common complaint among many of my constituents. He contacted my office when he realised that his electricity bill had doubled.

When my staff examined the bill they found that the suppliers' salesperson had failed to tell him that he is actually required to reapply for his pensioner and seniors' health card holder concession as a consequence of changing the contract. I understand that when a consumer who is eligible for a concession moves from one retailer to another the concession does not automatically follow them and they have to reapply with their new retail supplier for the concession. Clearly the salesperson is not particularly concerned about that and certainly had not in this case informed my constituent.

Another elderly constituent had been constantly approached through the telephone and by door-to-door salespeople wanting her to change her electricity retailer. She eventually relented as well. We later found out that because she had broken the existing contract she was charged a penalty of $50. She was unaware that she could face such a penalty and the salesman did not indicate to her that this could happen. Also, she was not advised that she would have to reapply for the energy concession. In this case, I also quite seriously doubt that the constituent was fully capable of understanding the nature of the contract put to her.

I have spoken to minister Conlon and expressed my views about the vulnerability of many elderly people in this competitive market; and, I might say, the tactics used by some of the energy retailers and their salespeople. I am aware that there is an urgent need for education of the elderly to assist them with understanding their rights. Certainly, I will continue to talk to minister Conlon about that, but in some cases no amount of explaining will make them understand. In the case of one of my constituents, she is totally confused about this and many other issues. This highlights the fact that the federal government needs to implement the Do Not Call Register to protect consumers. Over the phone people can be talked, and in most cases conned, into agreeing to change contracts. In fact, even if they say no over the phone, they take that as having had a conversation with them and, therefore, their having agreed to change retailers. We have had to correct that on many occasions, as well.

Time expired.

ROADS, UNLEY

Mr PISONI (Unley): I rise to speak about an issue I have raised previously, that is, the long postponed improvements to Unley Road. I was most surprised at an email, which was sent to ABC Radio on 24 May in response to comments I had made on the subject, from Nicki Stewart, Manager of Media and Communications, Department for Transport, Energy and Infrastructure. This email, which was read on air, states:

> There is no Unley Road upgrade project. . . just a planning study that developed a scheme.

Obviously, Nicki Stewart is not aware of the mountain of correspondence which travelled between Unley council, the department of transport and urban planning, and the then minister for transport (Michael Wright) when it became apparent that the new Labor government had shelved this much needed and planned initiative. In the email, which contains considerably more spin than historic fact, Nicki Stewart states:

> . . . some aspects of that proposed planning study had been gradually implemented through. . . government funding, such as some safer crossing points. . .

Even the bemused host of the radio program, Matthew Abraham—himself a resident of Unley—said on air, 'What safer crossing points, where?' I can sympathise with Mr Abraham, as I have searched high and low and have been unable to identify these new safer crossing points on Unley Road. I have asked the minister and even he has not been able

to tell me. Minister Conlon was recently quoted in the *Eastern Courier* newspaper (which has also been keen to know what has happened with the Unley Road upgrade) as saying that the Unley Road upgrade was a Liberal government plan. He said, 'It has never been ours.'

It is indeed unfortunate that the minister sees the important issue of deteriorating traffic flow, and pedestrian and vehicular safety, on Unley Road as political issues, especially given the time and effort, not to mention taxpayers' money, that previously have gone into the planning solutions to these problems. The Unley Road upgrade, of course, is not a political matter. It may surprise the minister to know that Labor voters also use Unley Road; many of them shop along Unley Road and some even attempt to cross the road, often taking their life into their hands and sharing the same risks as Liberal voters. Whatever their voting preference may be, the lack of suitable crossing points is of considerable concern to pedestrians on such a busy road.

Unley Road is not only a significant arterial road, which carries large amounts of north-south traffic, but also the major retail, cultural and community hub of the seat of Unley and the City of Unley. The original plans for the Unley Road upgrade include pedestrian shelters as islands so that pedestrians could make it halfway through and wait for the traffic to clear on the other half of the road. This had not only significant traffic flow advantages but also great benefits for the elderly, parents with young children and those in wheelchairs or on frames. There are a significant number of people in these categories among my constituents and, given the low number of pedestrian crossings on such a long and busy road, this is a constant source of complaint—and rightly so.

My constituents and those who have visited Unley Road expect better and, indeed, they deserve better. On 24 May this year, it was announced that the Howard government would be allocating $40 000, under its AusLink black spot program, to the Unley Road/Young Street intersection, but what is the Rann government contributing to the long overdue needs of Unley Road?

I note with satisfaction the renewed enthusiasm for action since I have become the squeaky wheel on this issue. A recent *Eastern Courier* article suggests that Unley council staff have now been asked to dust off the upgrade plans. The fact that the improvements on this road and the state-funded black spots have fallen off the radar under Labor's watch is a disgrace. The money the state government is proposing to spend on the tram extension, with doubtful value and with little need, would perhaps be better spent on upgrading existing infrastructure, such as that of Unley Road.

GURINDJI FREEDOM DAY

Ms BEDFORD (Florey): I would like to acknowledge that we gather for parliament on the traditional lands of the Kaurna people, whose flag now flies at both Victoria Square and also on Parliament House. It was my honour to represent the Minister for Aboriginal Affairs and Reconciliation at the march from Victoria Square last week and then to deliver a message for him at Tandanya.

Our minister has walked the traditional lands of Wave Hill at the event that celebrated a special anniversary and to commemorate the significant events in indigenous and therefore Australian history, something that I am sure will appear in the new histories that are being promoted by the federal government.

The minister joined surviving stockmen and their descendants to commemorate one of the most important days in modern Australian history. Gurindji Freedom Day recognised the 40th anniversary of the walk-off from Wave Hill. Wave Hill Station is located approximately 600 kilometres south of Darwin in the Northern Territory. From the late 19th century, it was run by the British pastoral company Vesteys, which employed the local indigenous people, the Gurindji, to work on Wave Hill. But working conditions were intolerable, and wages were totally iniquitous and inadequate when compared with those of non-indigenous station employees.

In 1966, Vincent Lingiari, a member of the Gurindji, who had worked at Wave Hill and had recently returned there from a period of hospitalisation in Darwin, led a walk-off of indigenous employees at the station as a protest against work and pay conditions. While there had been complaints from indigenous employees about conditions at Wave Hill over many years, including an inquiry during the 1930s that was critical of Vesteys employment practices, the walk-off had a focus that was aimed at a wider target than just that issue. Before 1968, it was illegal to pay an indigenous worker more than a specified amount in goods and money. In many cases, the government benefits for which indigenous employees were eligible were paid into pastoral companies' accounts rather than to the individual.

The protesters established at the Wattie Creek Camp and, along with better workplace entitlements and conditions, demanded the return of some of their traditional lands. So began a seven-year fight by the Gurindji people to obtain title to their land, the first such claim ever made. The protest eventually led to the commonwealth Land Rights Act (Northern Territory) 1976. This act gave indigenous Australians freehold title to traditional lands in the Northern Territory and, significantly, the power of veto over mining and development on those lands.

As Gough Whitlam described it, the walk-off was recognised as the first step in a long march for Aboriginal land rights in Australia, and it was a step for workers' rights, too. The stockmen were demanding equal pay and conditions with the European workers. The union movement got behind the workers and, through the initial demands for rights at their workplace, the land rights movement was born. That long fight is still not over, as we all know. Gurindji Freedom Day is a very important commemoration. It is a time to remember Vincent Lingiari and all those who went before him and those who, sadly, still continue the struggle to this day. We respect their struggles and their determination to fight for what is right and just. Former governor-general Sir William Deane said the events of that day back in 1966 are still having an effect on Australia. He said:

> The ripples from the Wave Hill walk-off and strike were to keep travelling outwards into Australian society, gathering the force of a wave which eventually reshaped the agenda of relationships between indigenous Australians and the wider society.

It is so important for the next generation of Australians that we remember those struggles and sacrifices. One of the ways to do that is through events such as CrocFest, which will be held in Port Augusta next week, where I will again be representing the minister, and also school programs.

Today, I want to speak about the Tidna Minnondi event, which is to be held at the Modbury School next week. The purpose of the event is to build partnerships and inform the wider community about Aboriginal history, culture, land, language and reconciliation and to address barriers to progress. Following on from the success of Palti in 2003, the

School's Tirkandi Committee has organised another event to celebrate Aboriginal Cultural Awareness Week in September. The event has a focus on health and well-being as well as a celebration of Aboriginal and Torres Strait Islander culture.

Tidna Minnondi is organised for preschool, junior primary and primary students and, while the festival is considered an indigenous event, non-indigenous students also participate and enjoy the activities with their indigenous class mates. Participating students range in age from four to 13 years of age and other local schools will be invited to join the activities. The open day is organised by the Tirkandi Committee, which is based at Modbury School and consists of parents and carers of indigenous students enrolled there, joined by the Aboriginal education teacher, Aboriginal education worker and the principal.

It is a very active and committed group and I am very proud of their work. Recently they published a teacher resource called 'Working Together: Protocols for working with Aboriginal people in our school'. The Tirkandi Committee has been supported by DEST funding, commercial sponsors and local communities. The event will be widely enjoyed by all in the school community, and members who are able to should attend.

HAMMOND ELECTORATE, MINING PROJECTS

Mr PEDERICK (Hammond): I wish to speak on the two mines that have just been given the green light in my electorate in the last couple of weeks. Each of the mines will create, both directly and indirectly, 100 jobs, which I applaud. The two companies involved are Terramin, at the Strathalbyn lead mine, and Australian Zircon, at the Mindarie mineral sands mine. Both mines have been preparing for years to form up the viability of the projects. In accordance with the Strathalbyn mining project, the Strathalbyn Consultative Committee was formed, a committee having also been formed in connection with the Mindarie mine.

As part of the Strathalbyn consultative committee, 83 protocols have been put in place because of the close proximity of the mine to the town. Some of these include: protocols with traffic, whereby all extra heavy vehicle traffic, including trucks carting ore, will proceed down Callington Road, keeping out of Strathalbyn; new run-offs created so as not to affect normal traffic flow outside the mine; and an 80 km/h speed limit past the mine site. There are also implications with noise protocols that the mining company must undertake. There are day and night limits and different decibel limits. There will be monitoring of noise and there are non-compliance penalties if the company does not comply with these protocols. The tailings dam will be a major part of the mine as it will take up to 60 per cent of the waste with at least 40 per cent going back down the mine.

An honourable member interjecting:

Mr PEDERICK: Yes, Dean Brown has done a magnificent job chairing the Strathalbyn consultative committee. The tailings dam, 15 hectares in area, is a sizeable dam, and those concerned with the mine, through the consultative committee, have had to bring in protocols of double-lining the dam which will cost Terramin Australia and extra $5 million in mining at Strathalbyn.

Other important things that need to be monitored in the process are the surface and groundwater impacts. The 100-year flood level has been taken into account and groundwater impacts will be monitored by test bores. The visual impact of above-ground works is helped by high bunding walls located in the area. Revegetation is a major issue that will take place as time goes by, and there is a major program of revegetation as the mining progresses.

Regarding health issues in relation to the Strathalbyn mine, there will be monitoring of background lead levels, dust and odours and, for the mine workers, on-site washing and showering protocols so that miners do not go home with clothing covered with lead dust which can be dangerous to young children. Obviously, blasting protocols will also be in place, and rehabilitation will be a major part of the program.

I congratulate the other mine in my electorate, Australian Zircon. They turned the sod initially before the election but a week and a half ago the major works started up there with the first earthworks, which I saw for myself on Sunday. The processing plant at Mindarie is going in fairly shortly and the initial contractors have already provided employment for four locals. They will use a slurry system in the mining process and there will be a spur rail line to connect to the existing rail line to freight the sand. It will be a mobile mining operation as Australian Zircon mine different tracts of land, but one thing I will be keeping an eye on is the rehabilitation of the fragile mallee soils and also groundwater use in the time the mine is operating. There will be ongoing consultation with both community consultative committees and, as a member of both committees, I will be doing my best to see that the very best outcomes are achieved—not just economically but also environmentally and socially—for both mines in my electorate.

FLEURIEU FOOD

Mr BIGNELL (Mawson): I am very glad that the member for Finniss is in the chair as the Acting Speaker, because what I would like to talk about today encompasses his electorate and part of the electorate of the member for Hammond, as well—that is, the Fleurieu Food organisation and the wonderful Fiesta! festival they have each October.

Tomorrow night many of Adelaide's celebrities, who appear in *The Advertiser* and the *Sunday Mail's* gossip columns each week, will be off to the A-list David Jones' fashion parade. I have declined that invitation to go to where the AAA-listers will be, and that is down in the electorate of Mawson at Willunga with Cheong Liew, that most famous of South Australians and chef from the Hilton's Grange restaurant, who will be launching the program for this year's Fiesta! festival. The Fiesta! festival is a wonderful collaboration between state and local government and food, wine and other producers from local areas.

Under the Premier's Food Council some seven regional food organisations were set up throughout the state, and I think that in the Fleurieu area we probably do it better than most. Yesterday in the house I discussed the awards won recently by Fox Creek, which won *The Advertiser* wine award, Shingleback winery, which won the Jimmy Watson, and the visitors centre at McLaren Vale, which picked up the award for the best tourism operator in the southern region. I think people in the McLaren Vale/Willunga area are doing it better than anywhere in the state, and I believe we will now become the premier tourist destination in South Australia. Hats off to the hard work of a lot of people in the area.

The Fleurieu Peninsula Food board consists of Pip Forrester as chair, Paul Lloyd as treasurer, Denise Riches, Sharon Medlow Smith, Wayne Angove, Grant Gartrell, Mikaela Willford and Victoria Minenko. These people do a fantastic job in their own businesses but they are also willing

to give that extra time that we all appreciate so much in our electorates. They are people who give back to the community, who want to see their area, their industry and their brand (the Fleurieu Food brand) grow in recognition throughout Australia. The government is also behind this through Fleurieu Regional Development, the City of Onkaparinga (who is also a sponsor) and Fleurieu Peninsula Tourism. Tori Moreton is the manager of the Fleurieu Peninsula Food and Food Industry development office, and she does a great job to bring this together each October.

The key project each year for Fleurieu Food is the Fiesta!, a culinary festival featuring workshops, feasts, competitions and tastings designed to grow the culinary tourism market, educate consumers, develop quality of food product in the region and showcase the very best food and wine of the Fleurieu Peninsula, and some of that will be on display at the launch at Willunga tomorrow night. The Fleurieu Food organisation has also come up with the *A to Z of Food on the Fleurieu*, a complete guide to where to buy products and where to dine on regional food. The industry guide has been in circulation for 12 months and the online guide, which has been available for two years, is about to be published as a printed guide for consumers.

Mr Acting Speaker, I am sure that you and the member for Hammond would both agree that the Fleurieu Food Fiesta! is a wonderful showcase for our three electorates, and tomorrow night at Willunga, on the border of those three electorates, will be a fantastic celebration. It is also great to have Cheong Liew, an internationally renowned chef who has stuck to his guns and stayed in South Australia (despite very lucrative lures to take him overseas), as an ambassador this year.

I conclude by thanking those people who have helped with donations to sponsor this year's Fiesta!, including the McLaren Vale Grape Wine and Tourism Association, the South Australian Tourism Commission, Fleurieu Peninsula Tourism and the City of Onkaparinga (with its very generous donation). Other supporters contributing to this year's Fiesta! are the Langhorne Creek Winemakers Association, the Southern Fleurieu Vignerons Association, Alexandrina Council, the Hilton Adelaide, the Hilton Kuala Lumpur, Chapel Hill Winery, Malaysia Airlines, Willunga Farmers Market and Channel 7. In case members cannot get down there sometime in October, they can always taste the wonderful food and products of the Fleurieu Peninsula at the Willunga markets, next door to the Alma Hotel, every Saturday morning from 8.30 a.m. The Alma also is celebrating its 150th year this September, and I will put in a plug for one of the three pubs in Willunga—all three are good pubs—and I urge members to head next door and taste the food.

HUMAN GENETIC TESTING SERVICES (PUBLIC AVAILABILITY) BILL

Dr McFETRIDGE (Morphett) obtained leave and introduced a bill for an act to promote the provision of genetic testing services for the benefit of members of the public. Read a first time.

Dr McFETRIDGE: I move:

That this bill be now read a second time.

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

Leave granted.

The aim of this bill is to ensure that medical genetic testing remains available to all members of the South Australian public. It seeks to ensure that the current quality and standard of medical genetic testing services will continue to be provided and that South Australians are protected from being charged unaffordable fees for genetic tests in the future. In the United States, patients are charged thousands of dollars to test for cancer susceptibility genes such as BRCA1 and BRCA2 for breast cancer.

Medical genetic testing is a preventative health care measure which has the potential to provide great future economic savings to the health budget. It is a growing area of preventative health care which can save the state and federal government a great deal of money in their health budget over the long term.

In South Australia, through the public hospital system, we currently provide genetic tests for a large number of adult onset diseases as well as inherited and congenital genetic errors. The South Australian statewide clinical genetic testing program, which provides genetic testing, counselling and advice is funded at just over $1 million annually.

Medical genetic testing has the potential to impact across almost every known human disease. Genes have been found for many conditions such as: familial cancers (breast, ovarian, prostate and bowel cancers), skin cancer, stroke and heart disease, HIV, cystic fibrosis, asthma, Crohns disease, multiple sclerosis, Parkinson's disease, Alzheimer's, diseases of ageing and even alcoholism, mental illness and obesity.

Ninety-five per cent of the DNA of every creature on earth has already been patented, including many of the genes which affect human disease. The most publicised and controversial of these genes which have been patented by Myriad Genetics are the BRCA1 and BRCA2 genes which predispose families to breast, ovarian and prostate cancers. In the United States, Myriad Genetics charges patients $5 000 per test.

In New Zealand, the demand for millions of dollars in licence fees 'for breast cancer tests and non-coded patents' from Genetic Technologies (GTG) is jeopardising the entire genetic testing system. Patent enforcement has occurred in the United States and has commenced in Europe, Canada and New Zealand. It is only a matter of time before patent enforcement occurs in Australia. Whilst recognising that this is an issue for the federal government to address, the imposition of substantial licence fees would be borne by individual state governments.

The enforcement of patent rights upon genetic medical testing as has occurred in Canada and New Zealand will:

1. Reduce patient access to testing which is currently easily and freely accessible.
2. Increase the cost of testing for the patient and the government.
3. Create a division between those who can and cannot afford to have the test done.
4. Possibly reduce the quality and standard of genetic tests.
5. Restrict further research and development in this area.

It is important that state parliament recognises the significance of this issue as the state government will ultimately be liable and responsible for any costs associated with the national and international enforcement of patent rights upon medical genetic testing.

In South Australia, costs of licence fees would exceed current funding for clinical genetic services. This would result in a freeze of all clinical genetic testing services and impact upon all DNA and diagnostic work that is being done in public hospitals, universities and research laboratories in South Australia. We also need to ensure that we maintain job opportunities in South Australia for laboratory scientists, geneticists, pathologists and physicians.

As a minimum, for the benefit of future public health, it is vitally important that we ensure that we maintain the current standard of medical genetic testing, interpretation of results and patient counselling (which is provided through the public hospital system at a state level throughout Australia). This is a true social inclusion/social justice issue. The issue has far wider implications which are being examined by the Australian Law Reform Commission, that is, in the areas of life and health insurance, employment and equal opportunities and research and development.

Submission to ALRC: why were patents issued; not novel/invented; potential problems with restrictions; need for law reform to allow social justice issues to be solved; need to protect research institutions and hospitals from exorbitant licence fees; not health care for the rich; preventative medicine will save millions of dollars.

What is a gene? Inside every cell of your body, my body, every living creature there are strands of DNA. If you divide the DNA up into very short parts these are what are called genes. Each gene programs the cell to do the job—skin, hair, liver, heart cells. Some genes program for diseases/cancers. There are tests to identify each gene. What is a patent? When you discover a new process or design on a new machine you do not want people to copy it. Your exclusive right to make money from your idea/research is protected in law by a patent. Patents last 15 to 20 years. We need to change the patent laws. We need to protect researchers: they should have a return on their investment, but not at the expense of the public good!

South Australia has one of the best genetic testing laboratories at the Women's and Children's Hospital with a total budget of about $1 million. It will be wiped out if charges increase. Health care for the rich; legal challenges—patent insurance; a real social justice issue. I challenge the Rann government to pass this bill.

Gene patenting: 95 per cent of all DNA of all living creatures on earth is patented. Gene patents give the patent holders the right to charge for the use of tests associated with those genes. Many cancers and other diseases can be tested for by genetic testing. You can patent air; you can't patent Australia. DNA is not novel, not new, not invented. Patent holders charge millions of dollars as per the New Zealand example.

Mrs GERAGHTY secured the adjournment of the debate.

ROADWORK (REGULATION) BILL

Mr HAMILTON-SMITH (Waite) obtained leave and introduced a bill for an act to regulate the carrying out of roadwork that may have a severely adverse effect on the flow of traffic or the conduct of business; to create a right of action in damages against a road authority in certain circumstances; and for other purposes. Read a first time.

Mr HAMILTON-SMITH: I move:

That this bill be now read a second time.

I seek the support of the house for this important measure. It is a measure that I introduced in another form in the last parliament in response to concerns about the severe impact of roadworks along Portrush Road on businesses such as the Silver Earth Trading Company, the Robin Hood Hotel and other businesses. In that case companies went into administration as a result of the work and there was a feeling that consultation between the government and the businesses concerned was inadequate. Now we have a new array of circumstances before us, with major works proposed along South Road in the precinct of Anzac Highway, Port Road and Grange Road.

Of course, there will be further issues along the track with the Northern Expressway and in other places. Therefore, I bring the bill back. It is in a different form from its form in the last parliament, because it responds to concerns raised by the government on that occasion on some detail, to which I will refer later. The need for the bill flows from concern expressed by businesses and residents along South Road at the site of the proposed works. I organised, and nearly 130 residents and business people attended, a meeting on 20 July at the Folk Centre on the corner of George and South Street, Thebarton, so that people could have their say. They certainly had their say, and I have motions before the house tomorrow during which I will expound on some of that.

One of the key issues raised by small businesses was simply that this work could put them out of business. These are businesses that are not necessarily to be acquired. In fact, they are businesses that are not along the alignment of the route that will require acquisition but, rather, neighbouring or adjacent to that proposed alignment. The issue is very simple. If they face roadworks at their doorstep, digging up of the pavement, denial of access, obstruction to car parks and premises, noise, pollution, the comings and goings of roadwork construction companies; if they face all that for an extended period of possibly two to three years, will their businesses still be viable at the end of that period or will they be insolvent?

Essentially, that is the issue. Will the people they employ be out of a job? Will the bank have foreclosed? Will the value of the properties and the value of the goodwill they have built up over many years be worthless? In many cases linked right along this alignment the answer will be yes, businesses will go broke, businesses will go belly up, people will lose their livelihoods and their jobs and all they have worked so hard to achieve over many years. The question becomes: does the government have an obligation to consult with these small businesses to minimise the impact of such works?

I note the presence of the member for Napier, who contributed on behalf of the government on the last occasion, and I am pleased to see him. I am disappointed that the minister is not here. Frankly, I think the member for Napier would make a better minister, and I am lobbying for him. However, the point raised was that the government does consult. More often than not it does, and the opposition recognises that. When we were in government we had the same issues before us and there was an obligation and an onus morally on government to consult. The point is that there is no law that requires that consultation. The point is that, should it choose to do so, the government of the day can simply bulldoze its way not only through the road rubble but also through the lives and the businesses of the people along the proposed alignment of the route to be built.

There is no legal obligation on the government to consult with these businesses, to develop a plan to soften the impact of the roadworks on those businesses and, essentially, to do the right thing by those businesses. My bill proposes that there should be a legal obligation on the government to do just that. It should be obliged to consult. It should be obliged to develop a plan to soften and ameliorate the impact of those roadworks on the business, to help them survive through the construction work. Provided that the government does that, there will be no claim for compensation. Provided that the government takes reasonable steps to consult and to develop a plan to soften the impact, that will be the end of the matter.

Everyone recognises that when you have major roadworks, if you are going to build major infrastructure, there will be some interruption to business. The point is that the government ought to be required by law to minimise that impact. There will only be a claim for compensation if the government has failed to adhere to those requirements in this bill. Is that a reasonable step? I think it is. If the government negligently, belligerently and carelessly goes ahead and bulldozes its way through and does not talk to businesses or develop a plan in conjunction with them, there is an obligation for it to pay some form of compensation. That strikes at the issue that I am addressing here.

I just want to talk members through the bill so that when the government takes it away and considers it there is a clear picture as to what I am trying to achieve here. The bill provides definitions of what is a road authority, what is roadwork and what is a council for the purpose of the bill, because this bill will not only apply to state government but it will also apply to councils as a local government authority when they build works. The bill is very clear, and I am referring in particular to clause 4, on roadwork to which this act applies, and it goes into detail, although it is not a long bill, in indicating that the act will apply to roadwork 'that is

likely to have a severe and prolonged adverse effect on the movement of vehicular or pedestrian traffic, or is likely to harm, temporarily or permanently, a business conducted in the vicinity of the roadwork'. I think that is a reasonable definition.

The act will not apply to roadwork if the roadwork is urgently required to deal with an emergency or a problem requiring an urgent solution. So, there is not an argument that says, in the event of a catastrophe, where there is no time to consult and develop a plan, that this bill should not become an act. In such a circumstances, fair enough, the government may not be in a position to consult as thoroughly as it might otherwise be.

There are certain pre-conditions to be satisfied before roadwork to which this act applies is carried out, in particular the road authority must, before embarking on roadwork to which the act applies, obtain from a competent person or organisation, that is independent of control by the road authority, a roadwork impact statement setting out the likely effect of the proposed roadwork on vehicular and pedestrian traffic, and the likely effect, if any, of the roadwork on business conducted in its vicinity, and containing recommendations for minimising possible adverse effects. The point is simply that the government should get some advice of an independent nature so that it simply does not impose its own set of conditions upon businesses which, after all, may lose everything as a result of this work.

My bill provides that, where the likely adverse effects of the proposed roadwork are severe or the roadwork impact statement recommends the submission of the proposal to public scrutiny, under this section the roadwork authority must publish a notice in a paper circulating generally throughout the state giving reasonable details of the proposed roadwork and stating that the roadwork impact statement is available for inspection at a particular website or a particular address. These are not unreasonable things to require of a government by law. The aim is to invite written suggestions to be made within a reasonable time, stated in the notice, for minimising adverse effects on the proposed work.

In regard to the carrying out of roadwork to which the acts applies, the bill provides that, in carrying out the roadwork to which the acts applies, a road authority must give effect, as far as is reasonably practicable, and economically feasible, to recommendations for minimising the adverse effects. It is all about being reasonable, it is all about minimising the impact, and it is all about economically feasible actions by government. It is not about being unreasonable.

In regard to damages for unreasonable adverse effect on nearby businesses, my bill provides that, if a road authority fails to take reasonable steps to minimise adverse effects of roadwork, to which the act applies, on businesses in the immediate vicinity of the roadwork—and I will come back to that point—that failure is actionable as a tort by the owner for any such business that has suffered loss as a result of the failure. Now, I have inserted the words 'immediate vicinity' in this particular bill because my good friend the member for Napier pointed out, when I last introduced this measure in the last parliament, that the government had a concern that businesses two, three or four kilometres away from the intersection might present an argument that said, 'Look, our business has been affected by this roadwork, we are undergoing financial pressure, it has hurt us,' and make a claim for compensation.

I think the member for Napier raised a reasonable point. The aim of my bill has therefore been clarified to provide for relevance to those businesses in the immediate vicinity of the roadworks, they being the most adversely affected. I am hoping that this will make it easier for the government to reconsider the measure in this parliament, given the challenges it faces over the next few years, and perhaps consider supporting it on this occasion. I have listened to the arguments that the government raised when the measure was last introduced and I have adjusted the bill accordingly.

The bill also provides a defence for a road authority to establish that it has complied with its obligations under the act in relation to the relevant roadwork. I emphasise this point. Provided the government has been reasonable, provided the government has consulted and taken reasonable steps that are economically feasible, then it is a defence. No case for compensation will get up in those circumstances. It is not carte blanche for businesses to launch spurious or vexatious claims against the government, but it is simply requiring of the government by law that it act in a reasonable way. That is a sensible proposition to bring before this place in the form of a bill.

There is one new measure I have appended to my bill that was not in the bill in the last parliament and it is contained in clause 8, dealing with compensation for relocating nearby businesses. The clause provides that, if a business is being conducted from a property that is acquired by a road authority for the purpose of the roadwork to which the act applies, the owner of the business is entitled to compensation for reasonable costs of relocating the business and for the loss of business, if any, caused by such relocation. I raise this point because, whilst the Acquisitions Act deals with the concern of landowners whose property is compulsorily acquired, the forgotten people—the little people here—are the businesses that reside within those properties. If I own a property adjacent to one of these works and my property is compulsorily acquired, I am okay, as I get paid. We can argue about the reasonableness of that payment, and I will talk more about that tomorrow on another matter.

However, if my good friend the member for Kavel operates a barber shop from my premises and has built up his goodwill and business there over many years, or if my good friend the member for Unley operates a furniture shop, or if the member for Napier operates a Baker's Delight from these premises, suddenly they can be turfed out of those premises and there is no compensation for the goodwill—they have lost everything. Somewhere in law we need to pick up the provision for the small business that gets shunted out of the way when land is compulsorily acquired. The owner of the business is entitled to compensation for the reasonable costs of relocating the business. The government does not have to arrange the relocation, but there needs to be some reasonable consideration for the business to relocate. My bill provides that the court must take into account any damages awarded to the owner of the business under clause 7.

In conclusion, this is a reasonable bill. I call on the government to consider it carefully, keeping in mind that it has a number of challenges ahead with roadworks going forward. This will help make these matters better and more acceptable to the public and small business. I hope to hear from the Minister for Small Business and from local members along the route of the South Road roadworks as the bill is debated. I commend the bill to the house and seek leave to insert in *Hansard* the explanation of clauses without my reading it.

Leave granted.

Explanation of Clauses

Preamble

The Preamble to the Bill provides a summary of the provisions in the Bill, which are to regulate the carrying out of roadwork that may have a severely adverse affect on the flow of traffic or the conduct of a business; and to create a right of action in damages against an authority that carries out certain roadwork without taking appropriate action to minimise loss to business conducted in the vicinity of the work.

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The Bill will come into operation on a day to be fixed by proclamation.

Clause 3: Interpretation

Provides definitions of council, road authority and roadwork for the purposes of this Bill.

Clause 4: Roadwork to which this Act applies Subclause (1)

Provides that the Act will apply to roadwork that is likely to have a severe and prolonged adverse affect on the movement of vehicular or pedestrian traffic; or is likely to harm (temporarily or permanently) businesses conducted in the vicinity of the roadwork.

Subclause (2)

Provides that despite Subclause (1) the Act will not apply to roadwork if the roadwork is urgently required to deal with an emergency or a problem requiring an urgent solution.

Clause 5: Preconditions to be satisfied before roadwork to which this Act applies is carried out Subclause (1)

Provides that a road authority must, before embarking on roadwork to which the Act applies, obtain from a competent person or organisation that is independent of control by the road authority a roadwork impact statement setting out the likely effect of the proposed roadwork on vehicular and pedestrian traffic; and the likely effect (if any) of the roadwork on business conducted in its vicinity; and containing recommendations for minimising possible adverse effects of the roadwork.

Subclause (2)

Provides that where the likely adverse effects of the proposed roadwork are severe, or the roadwork impact statement recommends the submission of the proposals to public scrutiny under this section, the roadwork authority must publish a notice in a newspaper circulating generally throughout the State giving reasonable details of the proposed roadwork; and stating that the roadwork impact statement is available for inspection at a particular website or a particular address (or both); and inviting written suggestions (to be made within a reasonable time stated in the notice) for minimising adverse effects of the proposed roadwork.

Clause 6: Carrying out of roadwork to which this Act applies

Provides that in carrying out roadwork to which the Act applies, a road authority must give effect, as far as reasonably practicable and economically feasible to recommendations for minimising the adverse effects of the proposed roadwork contained in the roadwork impact statement; and if a notice inviting written suggestions for minimising adverse effects of the proposed roadworks has been published—to reasonable suggestions made in response to the notice.

Clause 7: Damages for unreasonable adverse affect on nearby businesses

Subclause (1)

Provides that if a road authority fails to take reasonable steps to minimise adverse effects of roadwork to which the Act applies on businesses in the immediate vicinity of the roadwork, that failure is actionable as a tort by the owner of any such business who has suffered loss as a result of that failure.

Subclause (2)

Provides a defence for a road authority to establish that it has complied with its obligations under the Act in relation to the relevant roadwork.

Clause 8: Compensation for relocating nearby businesses Subclause (1)

Provides that if a business is being conducted from a property which is acquired by a road authority for the purposes of roadwork to which the Act applies, the owner of the business is entitled to compensation for the reasonable costs of relocating the business and for the loss of business (if any) caused by the relocation.

Subclause (2)

Provides that the court must take into account any damages awarded to the owner of the business under Clause 7 or under the *Land Acquisition Act 1969* or some other Act or law in awarding compensation under this clause.

Mrs GERAGHTY secured the adjournment of the debate.

EQUAL OPPORTUNITY (GENETIC IMPAIRMENT) AMENDMENT BILL

Dr McFETRIDGE (Morphett) obtained leave and introduced a bill for an act to amend the Equal Opportunity Act 1984. Read a first time.

Dr McFETRIDGE: I move:

That this bill be now read a second time.

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

Leave granted.

This is the second time I have introduced this bill: last time was in May 2005. This bill seeks to prevent discrimination in employment, life insurance, mortgage insurance, workers' compensation, superannuation and other areas on the basis of genetic information received through undertaking a genetic test. It is already unlawful to discriminate on the basis of sex, sexuality, marital status, pregnancy, race, impairment or age and, just as we have addressed discrimination on these grounds, we must prevent social ostracism and discrimination based on genotype and genetic information.

At the heart of any discrimination lies difference. We all have different genes, and we are all predisposed to something, but what gives one individual a certain set of genes is the question. What gives a company or a government the right to make decisions on your life based on your genes? Recent advances in genetic technology have made it possible to learn which genes we carry in our genetic code.

Genetic tests have the ability to tell whether an individual has a mutation that causes disease or a mutation that predisposes an individual to disease or cancer (for example, Huntington's disease, heart disease, colon cancer or, particularly, breast cancer). Genetic information can be enormously valuable to patients and healthcare providers as it can lead to early detection, intervention and prevention of many common diseases. There are hundreds of genetic tests available and this is increasing. In time, we will have a whole range of new preventive interventions to help individuals decrease their disease risks.

For some genetic conditions, individuals who receive a positive genetic test could increase their medical monitoring or minimise their exposure to certain contributing factors, yet privacy and confidentiality concerns and the threat of discrimination in employment, life insurance, mortgage insurance, workers' compensation, superannuation and other areas often deter individuals from using genetic technology to improve their health or to participate in clinical trials and research.

Genetic discrimination and the fear of potential discrimination based on personal genetic information affects both society's ability to use new genetic technologies to improve human health and the ability to conduct the very research we need to understand, treat and prevent genetic-based diseases.

There is also growing community concern that employers and insurance companies may begin to routinely test individuals for genetic predisposition towards diseases. Employers should not be tempted to deny any individual a job because of a person's genetic profile or genotype. Insurance companies should not use this information to deny an application for coverage or charge excessive premiums.

To deny employment or insurance to a healthy person based on a predisposition to, say, cancer or heart disease violates our fundamental belief in equal treatment and individual merit. Discrimination should not occur against an individual or the family of the individual who undergoes medical genetic testing to improve his or her health but receives a positive test result.

Predictive genetic information in the absence of a diagnosis related to a condition or disease should not be a basis for discrimination. Genetic information is sensitive and is having an increasing impact on society. Genetics is associated with family history, race, ethnicity and sex, and should therefore be treated in the same manner in our legislation.

Current research results have not yet been published of the Australian empirical study into genetic discrimination by the University of Tasmania (by Otowski, Taylor and Barlow-Stewart).

It is a three-year study that will examine the nature and extent of genetic discrimination across perspectives of consumers, third parties and the legal system and will analyse the social and legal dimen-

sions. It will be interesting to look at that research and the potential uses that research could be put to.

Genetic discrimination in employment is a big issue. Employers may currently use genetic information to unfairly discriminate against employees or job applicants, and that is the current situation.

Genetic discrimination could lead to a genetic underclass of people who are branded as unfit for employment although they have no illness. Employers and governments may indeed use genetic information to positively discriminate by seeking out employees or those who are considered to possess desirable traits.

The sports industry may do likewise, seeking out those who have desirable, genetically determined athletic qualities rather than those who prove themselves on merit. As technological advances continue, links between genes and characteristics such as criminality, intelligence or race will continue to be important factors.

Do we want those in a position of power to use this information against us? Will those of us with a convict history be blamed or characterised because of our ancestors' criminal traits? Will those of a certain racial descent be unfairly labelled as unintelligent? Will we be denied or only accepted for government welfare payments if we can prove Aboriginal ancestry? Will immigration spouse visas only be granted on a DNA test? Should employers or potential employers have access to intimate health information of employees or, indeed, applicants?

Currently there are no constraints under existing law to protect those who may become vulnerable and there is potential for firms, businesses, industry and government to share information and threaten our privacy. Future employers may use large-scale testing where the motive is simply to secure as healthy a work force as possible, try to reduce sick leave and to maximise profitability and returns to shareholders.

Should employees be compelled to take tests, particularly if they do not want to know about future onset conditions? Should tests be made a precondition of employment, for acquiring a position, promotion or advantage in employment?

This is what the New South Wales Anti-discrimination Board stated in its submission to the Australian Law Reform Commission on the protection of human genetic information:

> There has been a considerable increase in job mobility in recent decades, therefore it is an increasingly unrealistic expectation that people will remain with the same employer for an extended period of time. Accordingly, it is unfair for employers to be able to discriminate on the basis of a person's capacity to do the job which may not arise for many years, and indeed which may not arise at all.

United States geneticist David King has stated:

> In the 1970s [in the US] many carriers for the gene sickle cell anaemia were excluded from the US Air Force and from the Du Pont chemical company. The pretext was that they were hypersusceptible to chemicals or likely to collapse at high altitude. In fact, people with only one copy of the sickle cell gene are perfectly healthy but the discrimination was allowed to continue for years. Undoubtedly this was because the majority of sickle cell carriers are African Americans.

I turn now to discrimination in insurance and the finance industry. Genetic test information does not give rise to discrimination in our healthcare system nor the health industry because of our universal public health system (Medicare) and the fact that we have a community rating system whereby private insurance cannot deny health cover to a person on the basis of his or her medical history (the National Health Act 1953).

However, there is evidence that discrimination is occurring in other areas of insurance such as life, disability and income protection insurance, hence the superannuation and finance industry.

Does this industry have the right to discriminate against an individual because of the results of a genetic test? Currently an individual has a legal obligation, a duty, to disclose to an insurer, before the contract of insurance is entered into, every matter known to the insured or that a reasonable' person in the circumstances could be expected to know.

Does this include the results of a genetic test? However, an insurance company cannot discriminate on the provision of a good or service. Therefore higher premium rates can be charged for those with a positive genetic test result or an insurance policy can be refused to an individual.

Insurance companies have been using familial medical history as part of the application process for a long time now. However, insurers have a legal obligation to inform the insurance company of the genetic test result which may affect their ability to be insured.

It is not just about getting a life insurance policy or income protection insurance. There are cases where individuals have applied for a home loan and have been rejected because they were denied life insurance. An individual may be healthy and working full time but, because of a predisposition to a disease which mayor may not occur in later life, they may be rejected for insurance and a home loan. Lawyer David Keayes has argued:

> It is illegal under the Racial Discrimination Act to discriminate against people of Aboriginal descent in insurance and the statistics are quite horrifying, but it's perhaps indicting on our society that people of indigenous origin in Australia suffer much greater health problems and they live for a much shorter period of time. But nonetheless, insurers can't discriminate against them.

Why should insurers or anyone in our society be able to discriminate against someone because of their background—racial or cultural, or genetic impairment or disability?

Fear discourages people from taking action about their health. People may be discouraged from participating in broad screening programs or having preventative health undertaken that relies upon a predictive genetic test; for example, breast cancer screening to individuals who have been identified as having the BRCA1 and BRCA2 gene.

Health professionals are worried that people are denying themselves important preventative health measures such as access to surveillance and screening because of the fear factor.

Genetic testing is an important preventative health measure. It is here to stay and the technology is growing, but it also allows people who are at higher risk of certain diseases to be isolated and excluded or discriminated against.

If individuals are denied insurance and cannot buy a home because, due to no fault of their own, because of their genetic predisposition, we are creating a genetic underclass, their employers have the ability to discriminate against them, their opportunities may be limited and, of course, genetic information and these problems are passed from one generation to another.

It is a form of racism. We do not tolerate racism so why should we tolerate geneticism? As in the movie, we are moving towards a Brave New World, where we are heading towards Gattica, where someone's opportunities are limited by their DNA.

This is something that I would hate to see happen and this is why I am moving this bill. I seek the house's support in moving this bill. It is a very important issue that is not going to go away and, as Parliamentary Counsel said, this is probably one of the most important pieces of legislation that has been before this house for a number of years. I urge the house to support the bill.

Mrs GERAGHTY secured the adjournment of the debate.

PUBLIC TRANSPORT

Mr HAMILTON-SMITH (Waite): I move:

That a select committee be established and inquire into public transport service levels and, in particular to:

(a) the reliability, reach and breadth of services, convenience and safety;

(b) the affordability of bus, rail and tram services across the greater Adelaide metropolitan area; and

(c) options open for improvement of affordable public transport services in the future.

In so moving I bring to the attention of the house the parlous state of public transport in this state. We can have a debate, as I hope we do as this proposition is discussed, about how good or bad the public transport system is at present. That is very much the point of the select committee I am proposing. There are different viewpoints. I have a raft of correspondence from the public about perceived problems and inadequacies with the bus, rail and tram systems.

I am holding in my other hand a raft of media prints which discuss this issue in the public arena. The problems are many. I am looking at an article in the *Sunday Mail* of 18 June. Headed 'Bursting point puts buses in the slow lane', it states:

> We challenge you, Mr Conlon, in case you have forgotten what a bus looks like.

There is a photograph of a bus and an arrow, and it goes on to describe a range of problems with the bus system, and a number of people are quoted. They explain it is 'ready to burst', with surging passenger numbers, traffic congestion and pressure growing for a long-term plan to deal with the problem. I remind the house that this government produced a draft transport plan early in the last parliament with which it never proceeded and which it has abandoned. I also remind the house that the government has an infrastructure plan, which simply lists all the things it would like to do in the perfect world but which does not give any indication of the priority or sequence in which this government thinks they should be done.

It is a wish list of all the things it would like to do with transport, buried in with a lot of other infrastructure requirements. There is no indication of what the government thinks should be done or in what order, and there is no mention of what money might be ascribed to achieve each objective. We do not have an infrastructure plan for transport that works or makes sense. We do not have a transport plan—that has been abandoned. We have all these concerns being raised in the city and in regional areas about the bus, train and tram system.

All major operators say that they have had to factor in extra time as traffic clogs arterial roads, and commuters travelling from places such as Mount Barker have been forced to stand for up to an hour because of the lack of buses. The member for Kavel has raised this point on behalf of his own electorate on numerous occasions. We have the farrago with the Marion bus/rail interchange, which was to be upgraded at a cost of $7 million. I think we were to get a marvellous bus/rail interchange which, clearly, the government now finds it can no longer afford; I think we will get a paint job.

I was at a forum in the south, and the member for Mawson, who also was there, would have heard his own constituents raise concerns about public transport in the south.

Mr Bignell interjecting:

The SPEAKER: Order!

Mr HAMILTON-SMITH: I am sure that he is concerned, now that his government has been in office for five years, about what it might do. I heard the member for Mawson at that meeting argue and defend the trams, saying that it may not be good for the people of the south but it will be good for the people of Glenelg. I should foreshadow that I have a question on that issue, but I have not been able to get it on the question list; sooner or later it will come up. People in the south are complaining that the bus system does not have enough reach; it is not adequately convenient for them; there are not enough buses; it is not frequent enough. They are complaining that the Seaford rail line needs extending. They are complaining about an array of services. I think the *Sunday Mail* wrote it up along the lines of 'the forgotten south'.

The members for Mawson and Bright were at that forum, and I hope they were listening, although I am sure they were. For those reasons, I hope that the members for Mawson and Bright will support this select committee. This committee will be a select committee of the House of Assembly. That means—and I am sure this point is not lost on the government—that, because the government has the numbers in the House of Assembly, the majority of members on the select committee would be government members. I would invite and suggest to the members for Mawson and Bright that they be on the select committee. I would welcome their involvement. It does give the government some measure of control over the select committee as it calls witnesses and hears what people have to say. It also gives the government some measure of control, of course, over the recommendations that the select committee might make to the minister and the government about ways in which to improve the public transport system.

This is a way for government backbenchers to influence, have a say and, if you like, prod their own ministers. I know what it is like being a government backbencher, because I was one. It is one of the most frustrating jobs in the parliament. In some respects it is more entertaining to be a backbencher in opposition because at least one can dish up questions and concerns and take the bat to ministers and the government. Of course, we all know that as a government backbencher one has to fight the fight in the caucus, and that after a time ministers regard you as nothing more than an obstruction, a bit of a pain in the neck and an obstacle that needs to be negotiated—

Mr Bignell interjecting:

The SPEAKER: Order!

Mr HAMILTON-SMITH: —because cabinet has already made up its mind what it wants to do and ministers want you out of the way. I commend to government backbenchers the example provided by the committee system in the House of Commons for government backbenchers to make a difference. If you vote this measure down, there is an alternative; that is, I can see my good friends in the other place and we will have a select committee in the upper house. I remind members of the government, if I go to see my good friends in the other place, that select committee will not be controlled by the government. I can assure members opposite that it will not be controlled by them because they do not have the numbers in the other house. It will be controlled by a combination of the opposition and the minor parties. That means that the recommendations contained in the report of the committee and the way in which the committee is managed will be out of the government's control.

I throw down this challenge to the government backbench: if they want to have a say and they want to make a difference as backbenchers, they should support this motion. If their concern is that, by agreeing to it, somehow it will cause problems for the minister, let me assure them that he has enough problems without worrying about the select committee. Let me assure members opposite that I will have no problem whatever—nor will any of us on this side of the house—getting issues and problems with the public transport system into the media and out there for a good public airing without the select committee. But what the select committee will do is enable all of us to be better informed, and it will enable all of us to hear evidence from experts, the government, the department and stakeholders in the public transport industry.

We might call the bus companies and those who operate our rail and tram system, witnesses from interstate, stakeholders and community groups, and we might actually produce a worthwhile report that might add some value to the public debate and the body of public knowledge on the challenges facing our public transport system. I acknowledge that these problems go back a long way, I venture to say probably from the first bus, tram and train, and they will go forward for many years to come. We might actually be able to come up with something that will be of use to the government.

However, if the government backbench—and I will be very interested to see the vote on this motion when the time comes—decide to oppose the motion, we will just have to make sure that all their constituents and all their residents, particularly in the marginal seats, know that they did not want to discuss the matter—that they did not want to look at it or be informed on it and that they did not care. So, I just say to them, 'If you want to keep handing over the public debate to the other place and deny this chamber and members of this house an opportunity to conduct select committees, just continue to say no,' and we will just continue to run committees in the other place.

For all those reasons, I think this is a select committee proposition that is worth supporting. I could read from some of the letters I have had from members of the public about the reasons I think residents living particularly in the northern and southern suburbs but also in the inner city area, many of whom are living and travelling in Labor-held seats, would want this select committee to be held and why many of the resident groups that represent them would want to come and have their say and be heard. This is a parliament; this is what we are here for. We are here as an interchange between the people who are governed and the government; to make the laws that tell the government how it is to govern. That is what we are here for—and the committee process, including select committees, is a very worthwhile way in which that can be done.

As I have said, if members of the government backbench need any guidance on this, they should contact, through the appropriate channels, the committee system in the House of Commons, because I can tell you that that is a way members of the backbench stake their claims and make their names and cut their teeth on parliamentary committees. It will not be the government's intention; it will be the cabinet's view. There are 15 of them who are there to shut the rest of you up. I know, because I have been there. I can assure you that it was equally difficult when we were in government. My good friend the member for Stuart and I have often sat in the bar late at night and discussed this perplexing problem in a small parliament, when you have a large cabinet, how it smothers the remainder of the caucus; how it smothers the remainder of the party room.

So, this is a test for backbenchers as to whether or not they want to assert their right to be informed and have a say over the executive. Are we an Adelaide City Council or are we a parliament? If we are a parliament, backbenchers should have nothing to fear from this proposition. It is simply a proposition that we have a select committee to inquire into the public transport system's service levels, with a view to making our public transport system better. It is as simple and plain as that.

I do not intend to go on for too long. I simply commend members who might be reading this *Hansard* to a range of articles where, as they consider the merits of this proposition, they might want to explore the issues: the *Sunday Mail* articles to which I referred earlier; other articles that have appeared in the *Sunday Mail* on an ongoing sequence, which I think can be easily identified by a photograph of the Minister for Transport with a little conductor's cap on; and various articles that have appeared—I think it is 'Fix it, Pat'—in the *Sunday Mail*. I have to say that the *Sunday Mail* has done an excellent job in highlighting this issue. It is not like me to go around congratulating the media. Usually, we politicians are frustrated about the media and are crossing them off our Christmas card list, but I commend the *Sunday Mail* for the excellent forum it ran in the south. It was an excellent initiative.

Mr Bignell interjecting:

Mr HAMILTON-SMITH: I am really saddened as I hear interjections from the member for Mawson. He appears not to have listened to the crowd present, his constituents, about their feelings, because, if he had, he would be ready to support this motion. Of course *The Advertiser* of 24 August had some excellent coverage of this issue. Members could also look at the DTEI annual report; it has some very interesting information on loadings. Essentially, there is a wealth of material. I have a stack of correspondence here—this is just the tip of the iceberg—I am happy to send members if they want to see what the public are saying.

I commend the motion to the house. Let us in the House of Assembly have our say. Let's form this select committee, and let's inquire into the public transport system and produce a report that gives an opportunity to the state to make it better.

Time expired.

The Hon. R.B. SUCH (Fisher): I believe this proposal has merit. We can argue about wording, but I think select committees can be very productive. I have been involved in several, such as nursing, cemeteries and juvenile justice, and I found that members worked particularly well and cooperated well on those committees.

Members would be aware that I have some motions before the house, and I do not want to cover the ground that has already been covered there. However, I am a passionate supporter of public transport, and what we have in South Australia, and in the metropolitan area in particular, in part, is a very good system. However, the big failing of the system is that it is disjointed. The O-Bahn is a fine system in its own right, but it is not that well linked into other parts of the public transport system. We have an ageing diesel rail system and the difficulties with that system will be highlighted in the next few days when people, travelling on any of the southern lines, will find that they might be delayed for up to an hour while the show trains try to service the people travelling to and from the showgrounds.

So, what we have in part is a very good system. The trains are generally well maintained and clean but they are dated. The increasingly dated diesels are spewing out fumes from early morning until late at night. They are never switched off. I have tried to get the authority to consider quick-start diesels without success. We need a plan and one would hope that, if the select committee is established, it would lead to the creation of a public transport plan for Adelaide. I hope that the government would create such a plan arising from the contribution of the select committee.

The criticism of the state government in relation to the tram extension down King William Street has been justified to some extent because the government has not spelt out clearly what the overall plan is involving a tram network. It makes sense to have a spine tram system down King William Street if it is part of a bigger system, but if all you are doing is replacing a bus then it does not make much sense for that distance. The government has announced—and I applaud it—that it will be extended to the west end of Adelaide. But that in itself, whilst it is commendable, still is not a comprehensive plan.

What we need to do is replace the ageing diesel network, which is on broad gauge, with standard gauge. We need an electric system that will link the suburbs and extend it out to

the eastern suburbs and other parts of Adelaide so that we have a modern integrated system. We are the only mainland capital that does not have a modern electric system. We also have the bizarre situation of our interstate trains coming in at Keswick and we have, within a distance of less than 100 metres (probably 50 metres), a suburban rail station which those people cannot access. That is bizarre. You cannot catch a train from Adelaide Railway Station to Keswick Railway Station to catch an interstate train, and it is only 50 or 60 metres between the two. That is not possible at the moment and there is no plan to link it in.

If we converted the suburban broad gauge network to standard gauge we could—if we wanted to be innovative—bring those interstate trains in along North Terrace. There are some difficulties because sometimes there are three trains a day and they are very lengthy, but it could be done. It cannot be done at the moment because we have two different gauges. If it is done at the time of converting to an overall system it is possible. The City of Adelaide is building a bus depot in Franklin Street. That is fine, but once again that does not integrate with anything. It does not link in to the interstate rail system. It does not integrate with anything other than a bus that may go down Franklin Street. We do not even have suburban buses going in to Keswick Railway Station at any time to coordinate with interstate trains.

Most of our railway stations look very tired. I have suggested that the authority paint them, certainly on the port line, in Port Power colours, and on other lines maybe in Crows colours—at least brighten them up. That has been done with the railway stations in Sydney. They have been painted in bright colours. You get less vandalism, they look more exciting, more interesting, and you will increase patronage. Very few railway stations have toilet facilities, which is not very encouraging for the older population, in particular, and people who have young children. At Belair Railway Station, which I think is in the member for Waite's electorate, the toilet is closed and a sign says, 'Please find a toilet in National Park'. Well, if you can find a toilet in the national park under half an hour from that station I will give you a gold medal. You will not find one.

I wrote to the minister after visiting the Belair Railway Station recently. It has had the wrong signage for six years. It directs people to the wrong platform. I wrote to the minister about this and he kindly got people in his department to change the sign. An elderly gentleman asked, 'Is this the platform where I catch the train to Adelaide?' I said, 'No, mate, that changed six years ago. This is where the freight train comes.' So, this poor old chap had to wander over to the correct platform because they have had the wrong signs for six years. Surely there is someone in TransAdelaide who gets out and has a look at these stations.

We need to have a comprehensive look at the issue and not play politics. We need to come up with something that is modern and serves the people. We have a Crouzet ticketing system which is, once again, very old-fashioned technology. If members go to the Adelaide Railway Station at peak hour they will see a couple of hundred people queuing up to put their ticket into a machine. That is old-hat technology. In Sydney they are about to introduce tap technology, which is already in use in Singapore. You just tap your ticket. You do not have to put it into anything and it will tell you how many trips you have left, what options you have with the ticket, and so on. We do not have any of that sort of thing here.

While in Melbourne recently, I went on a tram on a Sunday. Whether a tram or train, you can travel all day from first thing in the morning until midnight for $2.10, unlimited travel, any zone. Our ticketing system and fare structure create disincentives for people, particularly those living in the inner suburban area. It is not worth their while to catch a bus into town because it is often cheaper, if there are several people in the family, to bring the car into the city. Likewise, on a Friday night (or a Saturday or Sunday)—and I have written to the government and the city council—why not have dollar days where people can come in and out of the city to shop and help get the city alive because the inner city retailers are dying. There are some fantastic small businesses trying to survive. They are not getting the patronage because people find it too expensive to park and too difficult to bring their car into the city. Therefore, why not offer an incentive of a $1 return ticket on a Saturday or Sunday, or Friday night?

They are some of the things that could be looked at by this select committee, and I applaud what the member for Waite is proposing here. I hope the government supports this select committee, and I would be more than happy to be on it because of my passion for public transport. Let us see if we can bring a state of the art system into existence in the metropolitan area of South Australia, one which brings us into the front line of modern technology and helps provide a coordinated, comprehensive system for all South Australians who want to use public transport. Certainly, that number would increase if there was an integrated, comprehensive, modern system—preferably involving electrified light rail.

Mrs GERAGHTY secured the adjournment of the debate.

PUBLIC WORKS COMMITTEE: BAKEWELL BRIDGE REPLACEMENT PROJECT

Ms CICCARELLO (Norwood): I move:

That the 241st report of the committee entitled Bakewell Bridge Replacement Project be noted.

The Bakewell Bridge is an important part of the metropolitan arterial road network west of the city; however, it is 80 years old and has significant shortcomings. The bridge has short spans and narrow piers, and these represent an ongoing safety risk. It has poor access for pedestrians and cyclists, no disability access and unacceptable traffic flow. It is reaching the end of its economic life and requires high maintenance costs to keep the existing structure in service.

Replacing the bridge will address these functional and safety deficiencies. It also presents opportunities, including improving the amenity and vibrancy of the area (which may act as a catalyst for further inner western enhancements and regeneration), truly integrating this inner western area with the Parklands and the city, and significantly improving access for pedestrians and cyclists, which provides a key opportunity to promote walking and cycling and the use and enjoyment of this area of Parklands, particularly by the residents of the western suburbs.

Two options could be considered. A replacement bridge, which would have needed to be twice the height of the existing bridge in order to provide the required road and rail clearances, would have had a significant impact on the amenity of the area and would also have posed a number of difficult access, security, noise and other issues, particularly for adjacent residents and businesses. The option that was chosen was an underpass, which provides reduced physical impact on Henley Beach Road properties and better visual amenity. It also enhances this inner western area and promotes local area development.

The new road will be constructed slightly further north than the existing road in front of Temple Christian College and will have only a very minor level of realignment east of the rail corridor. The underpass will provide for two traffic lanes and wide on-road bike lanes in both directions as well as a shared off-road pedestrian and recreational cyclist facility on the southern side. The intersection of Henley Beach Road/Glover Avenue with James Congdon Drive will be improved through the provision of a sheltered right-turn lane, giving direct access to a slip lane south of the new structure for west-bound motorists. The existing slip lane north of the structure will be modified to serve east-bound traffic only.

The replacement of the bridge will remove bridge spans and piers from within railway land and thus provide rail owners with an opportunity to introduce operational and land use improvements. Incorporating openings between James Congdon Drive and the rail corridor will integrate the Parklands west of the rail corridor, including the SA Water land, which is likely to be returned to Parklands, and this, as already mentioned, will make them much more attractive and accessible to residents of the western suburbs, who are currently separated from the Parklands. Recreational cyclists will be provided with a path that is separate and removed from the traffic, which will make it much more desirable for both them and pedestrians.

The cost of the underpass is 10 to 20 per cent more than the bridge replacement option, and will temporarily affect a slightly greater area of Parklands; however, these costs are insignificant given the expected 100-year economic life of the new structure. Road safety will be significantly improved, full height vehicles will be able to use James Congdon Drive, the alignment of Glover Avenue will be improved, and turning movements at the James Congdon Drive/Henley Beach Road intersection will be safer. Economic growth and strategic infrastructure will be upgraded by a facility that allows full height freight vehicles to use the inner ring route and permits double-stacked freight containers along the rail corridor. The Adelaide City Council and the City of West Torrens support the underpass proposal.

Construction of the underpass is likely to involve considerable night work to minimise the construction period and the disruption to rail operations. These works will be undertaken in accordance with a construction policy developed in consultation with the EPA. The City of West Torrens, Adelaide City Council and the Parklands Preservation Association also welcome the opportunity for mature landscaping schemes to be put in place, which better integrates with the vision for landscaping in the area.

The project is expected to reduce the number of crashes and crash severity on the bridge and approaches as well as on the road and rail beneath, reduce maintenance costs, reduce road user costs and travel time associated with enabling all legal height vehicles to use the city west connector, reduce rail freight costs by enabling double-stacked rail containers, and increase safety and accessibility for cyclists and pedestrians.

The project is expected to be completed by the end of 2007 at a cost of $41 million. The federal government will allocate $2.5 million for rail improvement and works in association with the project. The 2003 budget estimate for this project was only $30 million as compared with the current cost of $41 million, so the committee closely examined witnesses to ascertain whether the variation was foreseeable and preventable. The committee established: the cost estimate was developed three years before the final project scope was approved and before the decision was taken to build an underpass instead of a replacement bridge; inflationary effects have led to a $6 million increase on the estimated cost of the original cost replacement concept; and the scope of the project has been changed to cater for issues identified during the community consultation process (and this process allowed for provision to be made for a bike and pedestrian pathway with a disability ramp on one side of the road at a cost of $3 million). There is also a $1.5 million cost to enable traffic to go from Henley Beach Road into James Congdon Drive during the construction period.

The committee commended the department for the effort it made to fully consult with the local community during the development of this project and the manner in which the project scope has been amended to reflect the results of that consultation. I also acknowledge the work and effort since 1995 of the member for West Torrens, who championed this cause. The member for West Torrens gave evidence to the committee and brought in a stack of thousands of support letters for the project. He read a couple of letters from parents of people who had been killed on the bridge, and it was great to see that he has now been rewarded and seen this project come to fruition. Pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public work.

Mr HAMILTON-SMITH (Waite): The opposition has submitted a minority report in respect of the Bakewell Bridge project and I will not repeat all of its contents except to say that the staggering point, the principal point, is the blowout in cost of this project from $30 million to $41 million on top of $2.5 million of federal funding linked to the development. That is $43.5 million, an $11 million oversight in state taxpayer funding alone, which represents a 37 per cent budget estimate blowout—money that could have been spent on schools, police, education and health but which has been wasted on poor management.

'The minister neither sought briefings on the project, nor was any given.' That is what we were told in evidence to the committee. It was totally negligible. The project has gone massively over budget as a result of poorly conceived and executed planning and a lack of leadership and effective management from successive ministers, in particular, from minister Conlon. The government had four years to get its own management systems in place, and failed. The committee is yet to discern what is Dr Horne's knowledge of the matter. He was sacked. He would have been a most interesting witness.

In essence, the opposition is of the view that the evidence should be forwarded to the Auditor-General, who should be asked to inquire into and report to the parliament on the management of the project, because it has been a fiasco. The Public Works Committee should inquire into and report to the parliament on the 'new processes tied to infrastructure, planning and delivery framework', including the 'project initiation process (PIS)'. The Public Works Committee should request and fund the appearance of Dr Horne to seek his guidance on the management processes used for the project with a view to avoiding a recurrence. It is sad that he was sacked before the committee heard evidence. Also, the minister should be censured by the parliament for his failure to properly manage the project, resulting in cost overruns. The minister wants us to believe that incompetence is normal.

It is not normal. It seems to be the province of this portfolio, and these cost blowouts are simply unacceptable.

Of course, it is not over yet. I attended a public meeting on 22 August at the Adelaide Romanian Baptist Church at Victoria Street, Mile End, organised by the Thebarton Residents Association, and I commend them for their work on this. Not present at the meeting were the members for West Torrens, Croydon and Ashford, but in particular the member for West Torrens within whose electorate this development falls. I commend Mr Sam Powrie, Chair of the Bicycle Institute, for the arguments put forward at the meeting, others from the residents association, and particularly groups representing the disabled, who indicate that there is still a need for a northern pathway and that they have had a meeting with the Chief Executive Officer of the department at which they requested a range of changes to the development.

There are corresponding suggestions from community groups that were sent to the Public Works Committee about this development but did not find their way to committee members. I will look into that, because it may be right and it may be wrong. They claim it to be so, and I will raise that within the committee. But, in particular, at the 18 August meeting the CEO of DTEI gave commitments that 11 changes, I think, would be looked at—and this was after the Public Works Committee made its deliberations and completed its report. So, we are still working on changes to the development. I understand the northern pathway could cost anything up to $3 million to $4 million and there could be a considerable sum involved in the other 11 changes. I call on the government to carefully listen to the Thebarton Residents Association and the Bicycle Institute of South Australia. I call on it to listen carefully to the Physical Disability Council, and others, who have lobbied them for further changes to the development.

These are all matters that have come up since the Public Works Committee completed its work. It is an indication yet again of how sloppy this entire project has been and how it should have come to the committee earlier and been dealt with more expeditiously and thoroughly. There are all sorts of things that still need doing at the site. They include: new access at the underpass areas; new access routes for the disabled,; new arrangements for bicyclists and, again, the disabled near the railway underpass, north of the road underpass, and east of the underpass. There is a huge list of things that have not been addressed. So, the opposition's view is that this has been a disaster from start to finish, the cost has blown out, and the project has been mismanaged. We still have not got it right. We still have community groups pleading with the government to make further changes, even after the Public Works Committee has made its report.

We are only agreeing to the report with the minority report attached, as it is. We made our statements clear in that minority report and we draw them to the attention of the house and ask that they be carefully read. We bring to the attention of the house and the public that there have been subsequent meetings between residents, community groups and the government seeking yet further changes. We call on the government to give those changes careful consideration. We would rather see it done right—it will be there for 100 years—rather than, to avoid any further embarrassment, have the government push these community groups aside and not listen to them for fear of having to admit that it got it wrong yet again.

If more money needs to be put into the project, I recommend to the government that it ought to do it and get it right, so that we do not finish up with a Bakewell Bridge development that people are complaining about for years to come. I hope that the member for West Torrens, if he were a good local member, would be bringing those community groups forward to the minister for a meeting, which he would be leading. I do not know: I hear from the groups that that is highly unlikely. So, we are agreeing to the report with the minority report attached and noting those community concerns on behalf of the residents' groups that I have mentioned.

Debate adjourned.

MAGISTRATES (PART-TIME MAGISTRATES) AMENDMENT BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to amend the Magistrates Act 1983. Read a first time.

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

That this bill be now read a second time.

The Magistrates Act 1983 does not allow for the appointment of magistrates part time, nor does it allow for a magistrate to be appointed specifically to serve as a resident magistrate in a country area. Permitting the appointment of magistrates part time will promote greater flexibility within the magistracy. It is also likely to attract to the magistracy persons who are highly qualified for appointment but who are not attracted to full-time employment. The ability to work part time should make the magistracy more attractive to those persons with young children or other family responsibilities. It could also allow magistrates to study part time.

The government believes that South Australians who live and work in regional areas should have the same access to justice as other residents of the state. In line with this, it is the government's view that magistrates should be appointed to sit permanently in regional cities. The bill deals with both these issues. It amends the Magistrates Act to provide for the appointment of magistrates part time and for resident magistrates in country areas. I seek leave to have the remainder of the second reading inserted in *Hansard* without my reading it.

Leave granted.

Clause 5 of the Bill amends section 5 of the Act. New provisions provide for a magistrate to be appointed part-time and for a full-time magistrate to convert to a part-time appointment by agreement with the Chief Magistrate, made with the approval of the Attorney-General.

Important consequential amendments are made to section 18A of the Act.

Clause 9 inserts new subsections into section 18A of the Act. These new provisions will prohibit a part-time magistrate from employment or business that may conflict with her duties of office. Specifically a part-time magistrate will be prohibited from practising law or, without the written approval of the Chief Justice given with the concurrence of the Chief Magistrate, from carrying on a trade or business, holding any paid office in connection with a business or engaging in any form of paid work.

The Chief Justice may, after consultation with the Chief Magistrate, withdraw approval for a part-time magistrate to engage in employment or business activities.

These restrictions will ensure the independence of part-time magistrates is not compromised, or, importantly, is not seen to be compromised, by their non-judicial activities.

Clauses 6, 7 and 8 amend, respectively, sections 13 (remuneration), 15 (recreation leave) and 16 (sick leave) to make provision for part-time magistrates.

As to resident magistrates, section 5 of the Act is amended to authorise the Governor to appoint a magistrate for a region or part of the State. Under the new provisions, the instrument of appointment of a magistrate may contain a condition requiring the duties of the magistrate to be performed wholly or predominately at one or more specific places in accordance with directions given by the Chief Magistrate. The Governor is authorised, on the recommendation of the Attorney-General, given with the concurrence of the Chief Magistrate, to vary a condition in an instrument of appointment about serving in the country.

These amendments have been the subject of consultation with the Chief Magistrate and His Honour the Chief Justice, both of whom have indicated their approval of the amendments.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Magistrates Act 1983*

4—Amendment of section 3—Interpretation

This clause inserts a definition of ***part-time magistrate*** in the principal Act.

5—Amendment of section 5—Appointment of magistrates

This clause provides for the appointment of magistrates on a part-time basis and for full-time magistrates to work on a part-time basis by agreement made with the Chief Magistrate with the approval of the Attorney-General.

6—Amendment of section 13—Remuneration of magistrates

This clause entitles a stipendiary magistrate working part-time to remuneration on a pro-rata basis in respect of his or her hours of duty at the rate determined by the Remuneration Tribunal in relation to stipendiary magistrates appointed on a full-time basis.

Note—

A stipendiary magistrate is a magistrate who is remunerated by salary in respect of his or her magisterial office.

7—Amendment of section 15—Recreation leave

This clause entitles a part-time stipendiary magistrate to pro-rata recreation leave in respect of his or her hours of duty.

8—Amendment of section 16—Sick leave

This clause entitles a part-time stipendiary magistrate to pro-rata sick leave in respect of his or her hours of duty.

9—Amendment of section 18A—Concurrent appointments and outside employment etc

This clause prohibits a part-time magistrate from practising law for fee or reward. It requires the written approval of the Chief Justice given with the concurrence of the Chief Magistrate for a part-time magistrate to practise any other profession for remuneration, carry on any trade or business, hold any paid office in connection with a business, or engage in any form of work for remuneration.

Schedule 1—Transitional provision

1—Transitional provision

This clause ensures that the provisions restricting a magistrate's right to practice law or engage in trade or business or outside employment or other professions apply to magistrates whether appointed before or after the commencement of this measure.

The Hon. R.G. KERIN secured the adjournment of the debate.

EVIDENCE (SUPPRESSION ORDERS) AMENDMENT BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to amend the Evidence Act 1929. Read a first time.

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

That this bill be now read a second time.

Before the last election, the Labor Party gave an election promise in these terms:

A re-elected Rann government will update laws governing the use of suppression orders in South Australia in order to better reflect public expectations.

We need to change the use of suppression orders in our courts in the interests of public confidence. Our justice system is built on the principle of openness and transparency, yet confidence can be shattered when a case is suddenly shrouded in the secrecy of a suppression order, seemingly with little explanation. Victims can also feel insulted by what they see as the unfair protection of the accused. To family members under stress, this looks like a cover-up.

We want to make sure that these orders are used genuinely in the interests of justice, to protect the privacy of victims and to prevent the accused escaping through mistrial. Suppression orders are more prominent in South Australia than anywhere else in the nation.

We will pursue an easing in the number of suppressions by changing section 69A of the Evidence Act.

This bill fulfils the promises that the government made before the election. We support the principle of openness and transparency throughout our courts system.

Open trials help in maintaining public confidence in the administration of justice because they demonstrate that due process and equality under the law are accorded to all. That is, justice must not only be done but must manifestly and undoubtedly be seen to be done. The courts carry out an important social function on behalf of the public and the public is entitled to scrutinise the way in which this function is being performed. This bill recognises these important principles but also continues to acknowledge that there are occasions where a suppression order is warranted. Suppression orders operate to prohibit publication of evidence and images and, to that extent, restrict what is in the public arena. They do not prohibit members of the public or media from knowing what goes on in court. Anyone who is interested in a particular case can attend a court and hear evidence that may subsequently be suppressed.

The government's election promise recognises that there is a place for suppression orders but that the order should only be used genuinely in the interests of justice to protect the privacy of victims and to prevent the accused escaping through mistrial.

There are examples of suppression orders operating where a defendant is assisting police with a continuing investigation. Assistance of this kind can put the defendant or witness at considerable risk from those under police investigation. Clearly, it could well be in the public interest for the defendant's name to be suppressed. If the informer were not protected in this way the police would be unlikely to apprehend those further up the criminal chain. Without the benefit of suppression orders there may be consequences for future assistance that the police may seek from defendants.

The undue hardship provisions recognise that there are situations where a person, other than the defendant, may suffer undue hardship if a suppression order is not made. Recent media criticism about suppression orders has failed to recognise the long-term harm that can occur if a child is identified in a notorious case. It can be against the interests of justice to reveal the identity of victims and cause them further hardship.

The bill will require a court to recognise that a primary objective in the administration of justice is to safeguard the public interest in open justice and the right of the news media to publish information about court proceedings. The court may only make a suppression order (other than an interim

order) if satisfied that special circumstances exist giving rise to a sufficiently serious threat of prejudice to the proper administration of justice, or undue hardship, so as to justify the making of an order. The government wants to send a strong signal to the courts that they must give more weight to the public interest in publication.

Suppression orders will no longer continue indefinitely. If a court makes a suppression order during the course of proceedings, it must then review the order as soon as practicable after the conclusion of those proceedings. At that point, the court will be in a position to decide whether the suppression order should be confirmed, varied or revoked. The bill draws a line between criminal proceedings in the Magistrates Court and those that progress to the higher courts. At the end of committal proceedings, it is appropriate that, if a suppression order is in place, it be reviewed. Again, at the conclusion of a trial, or the appeal, or when all appeal rights have been exhausted or expired, any remaining suppression order should be reviewed.

The amendments also require that once a court makes an interim order a copy must immediately be sent to the Registrar and entered in the register. The government has investigated different ways of providing greater access to the suppression register by the media. The government has decided that the most cost effective and efficient process is for the Registrar to fax or email a copy of the order to media outlets. The government understands that a similar system operates well in NSW and Victoria. The bill allows the Chief Justice a discretion to authorise a member of the news media. In this way, minor publications of doubtful integrity will not get the benefit of being supplied by the court with the suppression order. In those circumstances an irresponsible executive producer of a current affairs program might actually be encouraged to breach the suppression order by being given notice that it exists.

The particular newspaper, radio or television station will have to provide the Registrar with details, such as, the name of the organisation, its fax number or email address, and the name of the representative to whom the fax or email should be addressed. It will be up to the particular organisation to make sure that the Registrar is informed if any of those details change. The bill allows for fees for this service to the media to be fixed by regulation.

The obligation on the Registrar to record the suppression order now also extends to interim suppression orders. Failure by the media outlet to receive a copy of the suppression order, however, cannot be used as a defence to a charge of publishing suppressed material since entry of a suppression order in the register is notice to the media and public of the making and the terms of the order.

In conclusion, the opportunity is also being taken to increase the penalties for breaches of suppression orders and other offences against Part 8 of the Evidence Act 1929. Members of the opposition please note. It has come to our attention that breaches of a suppression order are invariably prosecuted as a contempt of court rather than the alternative summary offence because the maximum fine currently allowed is $2 000. This is problematic because proving contempt is likely to be more difficult than prosecuting the alternative summary offence. It is appropriate that the fine be increased to provide an appropriate deterrent but that the offence continue to be classified as a summary offence. The penalties will differ depending on whether the offender is a natural person or a body corporate. A natural person who is found guilty of disobeying a suppression order will be liable to a fine not exceeding $10 000 or imprisonment for two years. An offender who is a body corporate will be liable to a fine not exceeding $120 000. The penalties for offences against sections 71A, 71B and 71C of the Evidence Act 1929 will be increased from a fine of $2 000 to a fine of $10 000 for a natural person and a fine of $120 000 for a body corporate. I seek leave to insert an explanation of the bill's clauses in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Evidence Act 1929*

4—Amendment of section 69A—Suppression orders

Current section 69A(1) provides that a court may (subject to the section) make a suppression order (other than an interim suppression order)—

- to prevent prejudice to the proper administration of justice; or
- to prevent undue hardship to an alleged victim, a witness or a child.

Proposed new subsection (2) will require a court to recognise that a primary objective in the administration of justice is to safeguard the public interest in open justice and the right of the news media to publish information about court proceedings. The court may only make a suppression order (other than an interim order) if satisfied that special circumstances exist giving rise to a sufficiently serious threat of prejudice to the proper administration of justice, or undue hardship, so as to justify the making of an order.

It is proposed to repeal subsections (8) through to (14). Current subsections (8) and (9) provide for appeals relating to suppression orders. The substance of those subsections will be included in new section 69AC.

Currently, the Registrar is only required to keep a register of suppression orders other than interim suppression orders. It is proposed to amend the section so that all suppression orders (including interim suppression orders and any orders varying or revoking suppression orders) will be included on the register. Once the Registrar has entered an order in the register, he or she must immediately transmit by fax, email or other electronic means notice of the order to each authorised media representative. The amendments further provide that (without limiting the ways in which notice may be given) entry of an order in the register is notice to the news media and the public generally of the making and terms of the order.

5—Insertion of sections 69AB and 69AC

It is proposed to insert new sections after section 69A.

69AB—Review of suppression orders

New section 69AB provides that suppression orders become liable to review at the end of the particular proceedings (listed in the section). On a review, the court may vary, revoke or confirm the order.

69AC—Appeal against suppression order etc

This new section is substantially the same as the repealed subsections (8) and (9) of section 69A with the addition of allowing for an appeal from a decision by a court on a review of a suppression order.

6—Amendment of section 70—Disobedience to orders under this Division

It is proposed to increase the penalty for disobeying an order under Part 8 Division 2 (including an order for clearing a court or suppressing publication of evidence). The penalty will be different depending on whether the offender is a natural person or a body corporate. Currently, the penalty for an offence against this provision is a fine of $2 000 or imprisonment for 6 months with no distinction made between natural persons and bodies corporate. It is proposed to impose a penalty for disobeying an order of a fine of $10 000 or imprisonment for 2 years for a natural person and a fine of $120 000 (the maximum fine that can be imposed for a summary offence) for a body corporate.

7—Amendment of section 71A—Restriction on reporting proceedings relating to sexual offences

8—Amendment of section 71B—Publishers required to report result of certain proceedings

9—Amendment of section 71C—Restriction on reporting of proceedings following acquittals

Currently, the penalty for an offence against each of these provisions is a fine of $2 000 (with no distinction being made between offenders who are natural persons and those who are bodies corporate). It is proposed, in each case, to impose a penalty for such an offence of a fine of $10 000 for a natural person and a fine of $120 000 for a body corporate.

Mr GRIFFITHS secured the adjournment of the debate.

NATIONAL PARKS AND WILDLIFE PROCLAMATION

The Hon. J.D. HILL (Minister for Health): I move:

That this house requests Her Excellency the Governor to make a proclamation under section 28(2) of the National Parks and Wildlife Act 1972, and to make a proclamation under section 43 of that act—

(a) excluding allotment 500 of approval plan No. DP 59476, Out of Hundreds (Yardea), lodged in the Lands Titles Registration Office, from the Gawler Ranges National Park; and

(b) adding pieces 102 and 103 of approved plan No. DP 67746, Out of Hundreds (Yardea), lodged in the Lands Titles Registration Office, to the Lake Gairdner National Park subject to existing and future rights of entry, prospecting, exploration or mining under the Mining Act 1971 or the Petroleum Act 2000.

The motion before the house seeks to excise a portion of land from the Gawler Ranges National Park and add a separate portion of land to the Lake Gairdner National Park. Parliament's approval is required to excise land from the Gawler Ranges National Park. Such a proclamation may only be made in pursuance of a resolution of both houses of parliament. The addition of land to Lake Gairdner National Park does not require the approval of parliament, but it is appropriate to submit the entire package to parliament for consideration to demonstrate the net conservation benefits of the proposal.

The Gawler Ranges National Park will have 2 412 hectares—1.5 per cent of the park—excised from the area adjacent to the northern boundary of the park for inclusion into Yardea Station. This land has been identified as having a relatively low biodiversity value due to past grazing impacts. In exchange, approximately 5 300 hectares adjacent and to the west of Lake Gairdner National Park will be excised from the Yardea Station for inclusion into Lake Gairdner National Park. This land has vegetation types not found in the Gawler Ranges National Park, but are considered representative of the Gawler bioregion. The vegetation is in excellent condition, with the understorey and structural vegetation composition intact.

Having visited the Gawler Ranges National Park, I can appreciate that the proposed land swap will provide a significant net biodiversity gain to the region and promote good pastoral management. The addition will improve the conservation values of the Lake Gairdner National Park and ensure a large section of important habitat surrounding the lake bed is protected. This will significantly enhance the long-term protection of biodiversity associated with the park and surrounding areas. I understand this matter has been discussed with a whole range of interest groups, all of whom have indicated support. This proposal I stress will have no effect on mining access as the land in question will continue to provide for existing and future mining rights. I commend the motion to the house.

Mr GRIFFITHS (Goyder): I am aware the matter has been raised for some time. The advice I have been provided with is that the consultation has been widespread and the owner of Yardea Station has agreed to support the transfer. The Australian government, through the Department of Environment and Heritage, has also supported it, as has the Nature Foundation of South Australia Incorporated, the Wilderness Society (on behalf of the Conservation Council), and the Aboriginal Legal Rights Movement as representatives of the native title claimant group, the Gawler Ranges people and the Bangala people. While concerns were expressed over rights, they have been addressed through an indigenous land use agreement. Primary Industries and Resources SA has also supported it, as have the Gawler Ranges Consultative Committee and the South Australian National Parks and Wildlife Service. We had some initial issues with regard to whether mining would be appropriate, but we have been advised that dual use rights will exist, so that is okay. On that basis, the opposition is prepared to support the motion.

The Hon. G.M. GUNN (Stuart): I am very familiar with this process and it gives me the opportunity to raise one or two issues. The first issue in relation to this matter is the difficulties the proprietors of the Scrubby Peak Station have had with some rather unfortunate correspondence which had been directed to them in relation to an agreement they came to at the time of the creation of the Gawler Ranges National Park. I did not realise we would be debating this afternoon, so I do not have the correspondence with me. I have made a submission to the minister in relation to what I thought were intemperate comments by the ranger in question in the correspondence to Mr and Mrs Hutchins, who have cooperated during the whole process.

The second matter, which is even more important, is that at the time of the creation of the Gawler Ranges National Park a couple of areas were to be set aside so that freehold development could take place within the area of the Old Paney homestead, so that tourist operators could invest in that area with confidence. When the minister responds to the debate, I ask him to indicate what has happened to those two parcels of land, whether they will be made freehold so they can then become available for future investment by the tourism industry, because it is very important to Wudinna, Kimba and surrounding areas to encourage as much tourism development as possible. I am familiar with Scrubby Peak Station. In another stage in my life as a young person I classed the wool out there. You would look out the shearing shed across the salt pan. I am quite familiar with—

The Hon. J.D. Hill interjecting:

The Hon. G.M. GUNN: Just a very simple farmer.

Mr Venning: There was life before politics and there will be life after.

The Hon. G.M. GUNN: Yes, a great life after this place, I assure you.

The Hon. J.D. Hill: I didn't realise you were a wool classer; I was expressing interest.

The Hon. G.M. GUNN: I am not as qualified as my youngest son. I ask the minister to respond in relation to those two parcels of land which were to be set aside. At the time of the creation of that park the member for Flinders, the Hon. Caroline Schaefer and I had considerable involvement with that matter. I was also involved in relation to the land where the Honeymoon uranium mine will take place. It was fortunate that I got involved, otherwise the future development of that site may have been more difficult than it is to be.

I strongly support the uranium mining industry. I have a couple of questions, and I hope the minister in another place will ensure that the proprietors of Scrubby Peak will not have letters sent to them to indicate that they could have their lease cancelled. That would be a foolish thing. I have written to the minister, but this is a chance to put it on the record. In relation to the swapping of land, that matter was discussed at the time of the creation of the park. It was a sensible discussion, and it certainly helps the proprietors of Yardea Station. I think there ought to be more of that sort of cooperative arrangement because certain areas of land that have been set aside as parks are not suitable, whereas adjacent areas of land are more suitable. If there is a cooperative approach we get a sensible outcome. I support the proposition, and I hope it is dealt with in a speedy fashion.

In relation to the matter about the freehold land, which was part of the old Paney Station and which was going to be set aside, I wonder whether the minister could assure the house that is still on the agenda and will take place.

The Hon. J.D. HILL (Minister for Health): I thank members opposite for their indication of support. The mining issue, which the member for Goyder raised, has been addressed to his satisfaction. Mining arrangements will not change as a result of this inclusion in the park. The member for Stuart raised a couple of questions which are not related to this particular matter, so I am not briefed in relation to the matters that he did raise; nor is the officer in the chamber. All I can say is that I am happy to forward his concerns to the Minister for Environment and Conservation, and I am sure she will address the matter.

In general terms, the point the member was making that more of this kind of sensible swapping of land in order to get a good outcome for both industry and the environment is good. I agree that we should encourage this. As a government we are very keen to promote tourism, particularly that which involves national parks and outback South Australia. I agree with the member that in order to do that you need to have proper land. One of the issues I was looking at when I was minister—and I hope the current minister looks at it, too—is the ability to identify land across the natural landscape of South Australia which is adjacent to parks and which can be used for tourist development; and, if not incorporated within the national park—because that creates a lot of legal and other issues—at least be adjacent to it so that it can benefit from proximity to a national park. That makes eminent sense. I cannot answer the honourable member's particular questions, but I will refer them to the minister in the other place; and I am sure she will get back to the honourable member.

Motion carried.

WORKERS REHABILITATION AND COMPENSATION (TERRITORIAL APPLICATION OF ACT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 June. Page 695.)

Mr WILLIAMS (MacKillop): I am the lead speaker on behalf of the opposition, but for members' interest I do not expect I will be taking more than 20 minutes; indeed, I do not expect I will take anywhere near 20 minutes, so the house will be up before 6 o'clock. The opposition will be supporting this measure without seeking to amend it. As the minister said in his second reading explanation, this matter has been around for a long time. The minister probably is suffering a little embarrassment in relation to this measure; and I will come to that in a moment.

As the minister pointed out, there were changes to the legislation in April 1995. Because South Australia went it alone with that particular change, and put in a test relating to whether or not the worker would be subject to the jurisdiction of the South Australian WorkCover scheme, it created a couple of loopholes. I understand that there were a couple of court cases in 1998 which highlighted the loopholes. It is my understanding that both the previous Liberal government and this government have been working to fill those loopholes ever since that time. There was debate in late 2001 on an amending bill to the principal act. Most of the debate took place in October and November 2001. The minister (then the shadow minister) introduced an amendment to that particular bill to try to close the loophole. The minister is possibly suffering some embarrassment today because I will quote what he said in 2001, as follows:

> Members should not fall for the trick of a government saying that it is waiting for national legislation, because every day we wait there is the potential for another Smith or Selamis to fall through the net.

That is what the minister said on 30 October 2001 when he was the shadow minister. In his second reading explanation many years later the minister said:

> As flawed as section 6 of our act is, territorial coverage of workers compensation legislation is a complex issue that requires national cooperation and a national solution.

There is a slight change of heart there; and I am sure that if I sent off those words to Michael Armitage he would appreciate it and find an apology most acceptable. Notwithstanding that, the minister is more correct in his assessment of the situation today than in 2001. It is a very complex situation. As minister Armitage argued back in November 2001—and the minister argues today—a whole solution can be found only through a national approach, and that in itself has been a tortuous task.

I will not go through the bill clause by clause; I think the minister's second reading explanation and the report ably does that. I think I have my mind around the clauses of the bill. However, it is a very technical piece of legislation, as is most of the principal act. To be honest, not being legally trained and not being used to the sort of jargon and language lawyers use on a daily basis, I found it quite difficult to comprehend. It certainly took quite a few readings and some serious study for me to get my mind around it.

I am going to pose three questions to the minister which, hopefully, he will be able to answer. I did forewarn the minister that a couple of things had been highlighted to me and that a couple of matters exercised my mind as I was going through the bill, and I will come to them in a moment. However, there is one other thing I may bring up about which I failed to forewarn the minister. In relation to the issues I would like the minister to address, it does not matter whether he addresses them forthwith or whether he comes back to me with a more fulsome answer at a later date. A lot of these questions came out of things put to me at a forum I attended last week by a number of aggrieved WorkCover clients, or potential WorkCover clients. One of the things that surprised me was that someone suggested to me that, once you are being paid compensation by WorkCover in lieu of a weekly wage, you have to reside in South Australia. I have put this to the minister, and I would like to get an understanding of that issue.

One of the other things put to me in regard to this legislation relates to the territorial application of the act, that is, how it applies to what are known as guest workers. The principal one that comes to my mind relates to workers who are temporarily working in Australia under a 457 visa, that is, regarding what their future would be if they were injured in the workplace, say, a matter of a few days before their visa expired and they were obliged to leave the country. That is why the first question is relevant. If what has been put to me is correct, they would have no recourse at all to compensation from the scheme.

The other matter I canvassed with the minister again comes from something the minister said back in October 2001, as follows:

> Why WorkCover did not drive through this government an amendment of this nature highlights to me an inadequacy within WorkCover.

So, he was saying at the time that he thought that WorkCover should have been employing the minister to fix this up way back when. He went on to say:

> In the two situations I have highlighted, WorkCover took the levy rates from the employer and kept them and did not pay out to the claimant.

I think the then shadow minister made a fair point; that is, that we have situations where WorkCover does indeed take levy payments where it is fully aware there is no intention of ever meeting an obligation to pay compensation for wages lost in the case of injury. The matter that has been brought particularly to my attention several times in recent months—once by a constituent of mine and, once again, by someone at the forum I attended last weekend—is that compensation for wages does not apply to someone who is over the age of 65. We know it is now quite commonplace in the Australian workplace for people to work beyond the age of 65. Indeed, the federal government is encouraging people to stay on in the workplace well beyond the age of 65. That will be a thing of the future and will become more and more commonplace.

I guess my direct question is: what is the minister intending to do? I have been led to believe that, in some instances, in some jurisdictions the legislation has been amended to lift that age rate to 70. I have not had the opportunity to check the veracity of that claim; it may or may not be right. However, I am not too sure whether just raising the age is the best way to approach this issue, either. In some way, we have to establish what the worker's intent may be. Again, I think it is a fairly complex matter to address.

Having made those brief comments, I repeat that the opposition supports the bill as it is. Hopefully, the minister can address the issues I have raised. I know my colleague wants to say a few words on the matter. I also indicate that it is not my intention to speak in committee.

Mrs REDMOND (Heysen): I thank the member for MacKillop for being so prompt as to allow me a few minutes to make a contribution on this matter. First of all, I say to the minister how delighted I am that this legislation has finally come into the parliament, and I wish it a speedy passage. It is an issue I have been pursuing ever since I have been in this place. I seem to remember asking questions in estimates committees year after year, as well as taking up the issue through the parliamentary Occupational Safety, Rehabilitation and Compensation Committee, having served on that committee for the first two years I was in this place.

The Workers Rehabilitation and Compensation Act is one of this state's most amended pieces of legislation, and it is constantly being tweaked and adjusted to meet the various issues and contingencies that arise.

This particular issue is one which came up very early after I was elected because a business proprietor in my electorate had absolutely done the right thing. He had a business essentially engaged in the transport area. He operated that business from South Australia but he employed people who lived in South Australia and travelled into the Northern Territory as part of their job. Equally, he employed people who lived in the Northern Territory and travelled into South Australia as part of their job.

When one of those employees was injured not in the state in which they resided, the provisions of the legislation, as it then existed, both for this state and for the Northern Territory, basically cut that person out notwithstanding that the employer had done the right thing and paid the levy for his employees. But the wording of the legislation meant that they simply missed out. That seemed to me to be eminently unfair and certainly not how I would have believed the system was actually designed to work.

I therefore am really pleased to see that this has finally made it in. I had a quick look at the legislation earlier today and, without going into detail, it does seem to address that particular issue, and that is my main concern with the legislation. In relation to an issue raised by the member for MacKillop regarding the situation of guest workers from overseas, I would draw to the minister's attention the comparison with people who are in this state when they have, for instance, a road accident, and certainly I had a major case relating to this.

One may recall that there was an issue some years ago involving a woman who was driving along the South-Eastern Freeway; her husband was in the front seat and she had two American visitors in the back seat of her car. A semi-trailer lost the entirety of the trailer, not just its load but the whole trailer came apart from the prime mover, came across quite a broad stretch of area in between the two directions of travel and collected the car, resulting in extremely serious injuries. However, there was absolutely no question about the entitlement of those overseas visitors to obtain the benefit of the legislation for an injury that occurred to them in this state. Indeed, we arranged for Qantas to fly them home and for their ongoing medicals to be met at home, and all sorts of things.

So, certainly in the case of road accidents it is clear that people who are in this state when they have their injury are clearly going to be covered by the relevant insurance. I would anticipate the same would and should apply in this legislation for people genuinely working in South Australia who have an injury. It is the intention, I would think, of the scheme to cover those people. However, there can be a question about this regarding someone who comes here, as in the case of some people I came across over various years in the car accident business who had an accident. Sometimes it appeared to be a bit of a suspect accident and they would go back to their country of origin with a nice little payment in their pockets—thank you very much. So, there are some questions about dodgy claims, but that happens in any scheme.

I commend the minister for finally coming to grips and dealing with the issue because it is one that has been long outstanding. I am delighted to see that there will be, as I understand it—and perhaps the minister can confirm it in his response in closing the second reading debate—a level of retrospectivity if someone has already applied for compensation but has been denied compensation because of this

jurisdictional question. Provided everything else is in place—that the person has paid the levy and all those other things in the case that I was talking about—there will be a level of retrospectivity which will enable that person to bring that claim back, as though it is a fresh claim, and get it recognised and made good to cover the situation that occurred already some years ago.

Mr HANNA (Mitchell): I will speak briefly in support of this bill. It is a workers compensation bill dealing with territoriality and ensuring that people do not fall between the cracks. For example, if somebody works in Victoria and lives in South Australia and there are restrictions on the ability to claim, depending on residence or upon workplace in each of the respective states, then it is conceivable that some people might actually have entitlement to benefits in no states at all.

So, this bill does address that. It is not exactly the same but very much the same in objective as the bill introduced in October 2001 by the then minister, Dr Armitage. I think it is something that nobody could really object to, because if you accept there should be a workers compensation system at all then everyone should be covered somewhere. The only question that I have is: why has it taken five years for a Labor government to reintroduce this bill which protects workers' rights? That, to me, is the extraordinary feature in dealing with this bill at this time. However, I wish it a speedy passage through the parliament.

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I thank the shadow minister, the member for Heysen, and also the member for Mitchell for their very worthwhile contributions. I think it would be fair to say that all members, irrespective of their political persuasion, are supportive of this bill. It has been a bill in its making that has been around for quite some time, too long unfortunately. The shadow minister made reference to the former minister, the Hon. Michael Armitage. What I can say in regard to the current shadow minister's comments is that sometimes in government things take longer than you expect them to take in opposition and that can be a pity.

But what I can say about Michael Armitage is that he was very generous when I raised this issue in the parliament, and I say that quite sincerely. He saw the merits of it and he was generous in picking it up and running with it. We were caught out, as often happens with elections. That is a natural thing. We may have got caught out anyway, as the shadow minister mentioned, with regard to the complexities and the need for national consistency. I can say to the member for Mitchell that it has taken much longer than it should have and much longer than I would have liked. I am genuinely disappointed about that; in my opinion it should not have taken as long as it has.

I think I can answer most, if not all, of the shadow minister's questions but I appreciate his offer to come back with greater detail—and I may, in fact, do so. He has raised some very relevant issues, some of which I am generally aware—particularly in regard to whether an injured worker on the scheme has to reside in South Australia. Generally, a worker would be expected to reside in South Australia but, of course, if there were extenuating circumstances it would be possible to seek authority from WorkCover. I think the shadow minister spoke about a particular circumstance that he may have picked up on Saturday (and I will not go into the detail because it would not be fair); that type of situation would be looked at on a case by case basis and if there was a good argument then approval could be given by WorkCover.

The real essence of the legislation is to try to get people back to work as quickly as possible. Obviously, rehabilitation is a key focus of that so if there were extenuating circumstances and a good argument could be made then authority should be sought from the agent and it may well be that approval could be given. I guess the agent would need to have some assurances about rehabilitation, about the return to work plan, and about getting people back to work. At this stage I cannot give a more definitive answer but I will get some more information for the shadow minister in regard to that; however, that is my understanding of how it works.

The shadow minister also asked about 457 visas, or about what might happen with guest workers. Obviously they would be covered one way or another, because the test in place is a catch-all. Once again, in the situation that the shadow minister defined it would need to be judged on a case by case basis; however, I have been informed by people from WorkCover who are here with me that there is precedent for that, where people have been given approval to go back to their home country. So once again it would be similar to the first situation raised. The shadow minister also talked about if the visa ran out and the person had to return. As the shadow minister and the member for Heysen highlighted, I am sure WorkCover would take that into account, as well as our views, and apply a bit of commonsense.

I do not doubt what the shadow minister stated in regard to what I said back in 2001 about WorkCover taking the levy rate and not paying out (because I can see myself saying it), but I can say that WorkCover has certainly been supportive of what the government has come forward with. They have had to take on board that this will create some additional liability, but they see the social importance of an issue like this. I do not want to reflect on the previous board and I am not for a moment saying that it was not supportive—which would not be a fair reflection at all—but the current board (which has now been reappointed, so it has been there for over two years) has been supportive of this particular issue and of what we have been doing in regard to coming forward with this bill.

The member for Heysen talked about whether there was a level of retrospectivity and there is. The shadow minister also spoke about being 65 years of age, and I think I am on the public record already (although it probably did not get a huge run out there in the media world) as saying that I am sympathetic to what they do in Victoria and/or other states. For example, generally speaking if you are injured near or about 65 years of age on our scheme in South Australia you currently get six months' payment whereas in Victoria it is two years. I cannot speak on behalf of the government at this stage but I have said previously that I am sympathetic to that. Obviously, we would consult with industry and with the opposition, but I think that is a step in the right direction and the government is certainly looking to progress that issue.

We may not go into committee so I would like to take this opportunity to thank the members for Heysen and Mitchell for their contributions, and also the opposition for its support. This is an important bill we can all be proud of. It overcomes the gaps that have been in the system that each state has experienced and makes for a better system—one that we can be proud of if and when this is passed in the Legislative Council and becomes a part of our law.

Bill read a second time and taken through its remaining stages.

ORGAN DONATION

Ms CHAPMAN (Deputy Leader of the Opposition): I seek leave to make a personal explanation.

Leave granted.

Ms CHAPMAN: During the course of question time today, the Minister for Health, in response to a question from the member for Bright about organ donation, stated:

> . . . it gives me an opportunity to correct the record—a record which is a good one for South Australia and has been put in doubt by comments made by the Deputy Leader of the Opposition. It is surprising, of course, that she would say something that is inaccurate, misleading and wrong. In July she said the rate of donations in South Australia had plummeted. Before I get onto the facts about South Australia, let me say that Australia, unfortunately, has fewer organ donations than other comparable countries, and that is a problem that at a national level health ministers are addressing.

He further went on to say:

> So far, this year, there have been 23 organ donations in South Australia. That compares very well with the 20 that occurred last year. So, rather than a plummet, there has actually been an increase since last year.

The minister today issued a press release entitled 'Precious Gift for Life', calling on South Australians and members of parliament to donate, as he did in the house today. On 28 July 2006, I issued a press release entitled 'Organ Donations Plunge in South Australia', which stated:

> Organ donations have plummeted by 49 per cent in South Australia and by more than 20 per cent nationwide, shadow health minister Vickie Chapman said.

On the preceding day, an article was published in *The Advertiser* in which Mr Mark Cocks, chief executive of Transplant Australia, is quoted as saying:

> In the entire country last year, there were only 204 donations, down from 218 in 2004, and this year so far there's been a frankly scandalous level of 84 compared to 108 for the same period last year.

The report goes on to confirm a 20 per cent drop. Kidney Health Australia, in a release dated 10 January 2006, states:

> . . . the reduction in donor numbers occurred in three states: Queensland (10 per cent fall); New South Wales (14 per cent); and South Australia (49 per cent). The fall was particularly surprising in South Australia that until 2005 had regularly led the nation in the organ donation rate for the last decade.

That statement confirms the comparison between 2005 and 2004. I make those comments in reference to the allegation of misleading. I note, however, that the minister has called for organ donations in South Australia, and I certainly support that and in fact called for it a month previously.

ADJOURNMENT

At 5.41 p.m. the house adjourned until Thursday 31 August at 10.30 a.m.