

HOUSE OF ASSEMBLY**Tuesday 12 February 2008**

The DEPUTY SPEAKER (Ms Thompson) took the chair at 11:00 and read prayers.

CRIMINAL LAW CONSOLIDATION (RAPE AND SEXUAL OFFENCES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 October 2007. Page 1478)

Mrs REDMOND (Heysen) (11:01): I indicate to the house that I will be the lead speaker for the Opposition in relation to this bill. It is, of course, a bill that was originally introduced about 12 months ago in a slightly different form, which the government did not then progress. The bill subsequently lapsed when the parliament prorogued and was reintroduced in an amended form in, I think, about October last year after some consultation with the public about the various proposals contained in the bill. They effectively amount to three major changes: the reform of the offence of persistent sexual abuse; the severance of trials for sexual offence proceedings; and the reform of the offence of rape, as well as a couple of other ancillary or minor matters—although, obviously, not to those who are concerned with them.

One is that the bill addresses an existing anomaly by making it clear that persons who have had genital surgery—that is, female genital mutilation or transsexuals—can also be raped. Of course, at present the law does not include them, and it is right and proper that we amend the law to allow that. Consequently, it also amends the Child Sex Offenders Registration Act to ensure that, whether one is convicted of persistent sexual abuse of a child under the current law or the proposed law in the bill, it will still result in liability to registration under that act. I will not say anything further about those two amendments.

I will move, instead, to the amendment which I think is the most contentious and difficult, in a sense; that is, the reform of the offence of rape. The government actually commissioned a report by Liesl Chapman, who is a very good and experienced lawyer. She prepared a report specifically on the issue of rape law, which was presented to the government and the parliament in early 2006; so, almost two years ago. The basis for the need for that report and for looking at this area of the law generally was that it is clear that rape and sexual assault victims often do not pursue legal avenues and, in fact, often do not report the offences against them. Moreover, not only do we have low reporting rates but we then have low prosecution and conviction rates in this particular area of the law.

I agree with the government's position that it was necessary to look at this to see what we could do to ensure the law provides a just outcome for people who have been the subject of rape or sexual abuse. The other amendment concerning persistent sexual abuse of a child, of course, largely relies on the findings of the Layton report which was about protecting our children and which was commissioned by the government early in its first term.

In one sense, the law of rape is reasonably straightforward, but in a technical sense can be quite difficult to prosecute successfully. Obviously much of the evidence will be of the nature of 'He said', 'She said', 'He did', 'No, I didn't'. It will come down to the two protagonists in the courtroom as to who is believed in terms of the outcome of the proceedings and whether a prosecution is successful and a conviction actually obtained.

From talking with barristers about this particular legislation the indication is that, in fact, much of what was in the law and, indeed, will still be in the law, is really a reflection of the common law position. We would all understand rape to be the act of sexual intercourse without the consent of one party. As a concept that is not all that difficult, except we need to broaden that beyond simply sexual intercourse and, most difficult of all, we need to try to come to terms with just what constitutes consent. It is that issue upon which the government has concentrated its efforts in relation to this bill. Presently, the law of rape requires that there be true and genuine consent and that remains the case. What is happening in this particular statute is that, rather than that being a common law concept which is not defined, an attempt to codify the law has been made on the issue of consent and to clarify further than that the concept of 'reckless indifference'. Basically, the bill provides that a person will not be taken to have consented to sexual activity—and sexual activity is wider than simply sexual intercourse—unless she (commonly) or he voluntarily agreed to it.

The bill sets out a list of circumstances in which a person will be taken not to have freely or voluntarily agreed. All the circumstances put into the bill have been identified in actual rape cases as vitiating consent. For instance, if the victim of the alleged rape was unconscious, then clearly, although they might not have been able to say 'No', or to physically resist, their being unconscious presupposes that the person did not actually have the capacity to consent and did not, indeed, freely and voluntarily consent to the sexual activity; or if someone is so intoxicated, even if they are not completely unconscious, they may well lack the ability to give free and voluntary consent.

It is new and difficult ground for the law to approach this topic. Of course, it is even fairly delicate to tread the path of discussing it in a forum such as this because you reach the point where you have to ask 'Well, at what point can consent be withdrawn?' Is there a point during sexual intercourse at which consent can be withdrawn, or conversely, cannot be withdrawn? That, in itself, is a difficult and complex question for a legislature to try to grapple with. Is there a point at which it is unreasonable, for instance, for a female to say, 'No, sorry, I no longer consent', and for a male to have to withdraw?

My reading of the law is that, indeed, under this legislation, potentially there is no point at which it will be unreasonable for a female to say, 'I now withdraw consent.' I think that is going to be one of the real issues about this particular piece of legislation, because my view of the world is that, reasonably, there should be a point (using that example) at which it is unreasonable for a female to withdraw consent.

The Hon. M.J. Atkinson: Such as?

Mrs REDMOND: Such as at the very last moment. Importantly, I think that the change will address another major problem. This is a problem of which I became aware while I was shadow minister for disability, and it was something for which I tried to get some media interest. None was forthcoming because of the need of the media to have basically a talking head to talk about the issue.

The issue was this: we have around this state, and around this city, a number of facilities known as supported residential facilities. In those facilities we have people with intellectual disabilities and people with mental illness issues and sometimes people who have both. It is, to some extent, a transient population.

Over the years, we have had a change in the balance of the nature of the problems of the people in those facilities, so that now most of those facilities report about 60 per cent of their occupants as having a mental illness problem—with or without an intellectual disability, they have a mental illness problem—and the difficulty that I became aware of was that there are young women being placed into some of those facilities (often reluctantly by their families) who are sexually naive in the extreme.

Their families would come back a day or two later or a week later or whenever and find that, suddenly, these young women had become not just sexually active but were effectively being raped, in my view. They were being raped because they lacked the ability to give the consent that most of us take for granted.

Because these young women were over the age of 18, the police—and I am not trying to blame the police here—felt that they were powerless to act in these circumstances, because sometimes the woman would say, 'He's my boyfriend' or 'I consented'; sometimes the alleged boyfriend would say, 'She consented'; and sometimes they had multiple partners over a period of just 48 hours.

The family of this female family member—who, as I said, was absolutely sexually naive—suddenly found that they had a whole new set of issues to deal with because of having placed her into a supported residential facility, and, in spite of the fact that, on some occasions, clearly the sexual activity did appear to meet the requirements for saying it was rape, it was not prosecuted as rape because the police felt powerless to act.

They felt that either they could not get a consistent story out of the victim, or the perpetrator's story would be believed, or the person was just not going to be a reliable enough witness for the matter to go to trial. It basically led to a situation where families were very hesitant about putting their loved one into a supported residential facility because they could be confronted with this activity.

My view—indeed my party's view coming into the last election—is that we should give a lot more resourcing to supported residential facilities and lift them from local government licensing up

to a state government level of licensing—after all, it is state legislation—so that there would be some consistency of approach.

More importantly, as far as possible, we would bring them into a situation where we separate and segregate as much as possible people with an intellectual disability from people with a mental illness, because often people with a mental illness are quite aggressive and much more worldly than those with an intellectual disability. The families largely supported that view. Obviously, there are people who suffer from both intellectual disability and mental illness, so it is not an absolute that we can talk in. However, in my view, as far as practicable it would be appropriate to seek to differentiate those two types of separate supported residential facilities. That was one of the reasons behind it.

Another thing I would like to see is the option of single sex accommodation, because a lot of young women find it quite threatening suddenly to be in a situation where they are sharing a household with men. In my view, it is unreasonable to expect them to have to do that. It is all very well for those who wish to have that, but I believe that we should provide as much choice as possible.

Whilst I have some misgivings about this legislation, I believe that the change will go a long way to address that problem. What will happen under the new legislation is that the prosecution will have to prove that there was an act of sexual intercourse; that the complainant did not consent to the act; or that the accused either knew that the complainant was not consenting or was recklessly indifferent as to whether he or she was consenting, and failed to take reasonable steps to ascertain whether the other person was consenting. No-one wants to go down the path of creating a situation where every time one has intercourse we have to have a statutory declaration giving consent for the activity.

Mr Pengilly interjecting:

Mrs REDMOND: I could make a lot of comments in response to some of the heckling here, but I will not. The reality is that, for most people—married couples, for instance—sexual intercourse sometimes occurs with a non-verbal communication, I suppose, but at least with a presumption of consent. I do not want to go into some of the jocular comments that may be obvious to those who have considered the implications of this part of the bill.

The bill sets out a non-exhaustive list of circumstances in which a person might be taken not to have freely or voluntarily agreed, and the onus will be on the perpetrator to show that they had a reasonable belief. It does get quite complicated because, at the present time, it is a defence at common law if the perpetrator honestly believes the other person to have consented, even if that belief was mistaken or unreasonable. That is really the essence of the change. That is what the common law says: even if the belief was mistaken or unreasonable, as long as the perpetrator believed that there was real consent, that is a defence. Whereas now, they will be able to prosecute if the accused either knew the complainant was not consenting, was recklessly indifferent as to whether he or she was consenting or failed to take reasonable steps to ascertain whether the other person was consenting.

I received a letter about this particular issue from a chap by the name of Ian Leader-Elliott, who is a lecturer, I think—I am not sure whether that is his right title—at the Adelaide University Law School. He took the trouble to write me quite a learned paper, which I think he also sent to the Attorney. Basically, he sets out an argument for why we need to relook at the offence created in this part of the bill. First, he points out that there were two versions of it, as I mentioned at the beginning of my comments. The first version was introduced on 7 February last year, and that version lapsed when the parliament was prorogued and then recommenced on the celebration of our sesquicentenary of self-government.

I note the member for Light nodding agreement, because he and I were two of the very few people in the chamber who actually celebrated, at one time, the sesquicentenary of local government in the state as members of local government and, subsequently, celebrated the sesquicentenary of state government as members of state government. Indeed, we have still not got around to having the photo taken on the front steps of Parliament House that we intended for the elite group to which that applies.

The 7 February bill was different from the October version. Ian Leader-Elliott asserts that the difference is both fundamental and contested. His letter to me states:

The question is whether a person who engages in sexual intercourse with another, without their consent, can be convicted of rape if they believed, quite unreasonably, that the other person had in fact consented to sexual

intercourse. On a literal reading, the February Version would require conviction for the offence in such a case, while the October Version would require acquittal.

He asserts that we cannot rely on juries to rectify legislative oversights, but he points out that the February version provides:

It is rape if a person engages in sexual intercourse without consent and:

- i. The person knew that the other had not consented;
- ii. The person was recklessly indifferent as to whether the other had consented; or
- iii. The person failed to take reasonable steps in the circumstances to ascertain whether the other person consented to engage in intercourse.

In the October version:

It is rape if a person engages in sexual intercourse without consent and:

- i. The person knew that the other had not consented; or
- ii. The person was recklessly indifferent as to whether the other had consented.

So, what is deleted from that, of course, is the third option that the person failed to take reasonable steps in the circumstances to ascertain whether the other person consented to engage in intercourse.

It is interesting that the words 'in the circumstances' appear in the legislation, and one might ask, quite legitimately, 'What circumstances and what variables of circumstances would lead the answer to change from time to time?' I suggest that, at that point, it is worth considering whether there is a point in the process of a sexual encounter where it is unreasonable to stop and ask further whether consent is freely given. He points out that it is immediately apparent that potential application of the offence of rape has been narrowed by the omission of the third fault element in the February version, that is, the 'failure to take reasonable steps' to ascertain whether the person had consented, although they still do mention the term 'reasonable steps' in the October version.

Ian Leader-Elliott notes three concerns about that: first, the extension of liability for rape so as to include cases of failure to take reasonable steps proposed in the February version was a significant proposal for reform, but it appears to have been abandoned. Secondly, the extension of liability for rape so as to include cases of failure to take reasonable steps would have barred reliance by a defendant on a drunken and unreasonable mistake about consent. That is, a person who made an unreasonable mistake about consent, as a consequence of recreational intoxication, could not be said to have taken reasonable steps to ascertain whether the victim consented to the act of intercourse. He suggested that that may or may not be a good thing, but it was an issue that was raised explicitly in the review.

The third concern that he expresses is that the proposal for redefinition of the concept of reckless indifference would introduce a new impediment to conviction for rape that is not recognised by existing law. So, in his view, the second version of this proposed amendment—that is, the October version and the version which is now before the house—will have less chance of securing convictions for rape than the earlier version would have had. As I said, my understanding is that the original version was based on the Liesl Chapman report and her recommendations, but the subsequent version has been amended following consultation with a range of stakeholders. No doubt, it is the government's intention to strike a balance. I guess that in the case of just about all legislation coming under my watch as the shadow attorney-general that is the difficulty we constantly face as legislators, that is, finding the right balance between infringing the rights of citizens, as we might discuss tomorrow, or the rights of defendants to every available defence, and the rights of the community at large to ensure that rape victims are accorded the ability to secure convictions for these very serious offences.

The current law in South Australia, which, as I have said, is based on common law and not defined in the statutes, already requires proof that the accused had knowledge of a lack of consent or was at least recklessly indifferent as to that consent. Largely, this legislation will reflect what already happens in common law. However, at the moment, the meaning of 'reckless consent' is not defined, and this bill seeks to address that. It defines it to mean either that the accused realised the possibility that the other person might not be consenting—clearly, reckless indifference—or did not give any thought to the matter and proceeded to have sexual intercourse regardless. I can well imagine that there would be plenty of people in the community who would not give any thought to

the matter and would proceed to have sexual intercourse regardless. So, it is going to be codification of the law.

I now turn to the terms under which we will deal with these things, bearing in mind that sexual intercourse is really penetration and is defined as such under this legislation. Sexual activity is separately defined and includes sexual intercourse but may well fall short of actual sexual intercourse. I will just run through the circumstances that are listed in what will become section 46, under clause 5 of the legislation. Section 46, 'Consent to sexual activity', provides:

(2) For the purposes of this division, a person consents to sexual activity if the person freely and voluntarily agrees to the sexual activity...

It should be borne in mind that sexual activity includes sexual intercourse but is clearly not limited to sexual intercourse. It goes on to provide:

(3) Without limiting subsection (2), a person is taken not to freely and voluntarily agree to sexual activity if—

(a) the person agrees because of—

(i) the application of force or an express or implied threat of the application of force or a fear of the application of force to the person or to some other person;

For instance, a mother might be threatened by the fact that her child is being threatened with force if she does not agree to sexual activity. The other option is as follows:

(ii) an express or implied threat to degrade, humiliate, disgrace or harass the person or some other person;

So, that is the first circumstance in which consent will not be taken to have been given freely and voluntarily, and that is fairly self evident. The second circumstance, under paragraph (b), provides:

the person is unlawfully detained at the time of the activity—

in kidnapping circumstances and so on—

(c) the activity occurs while the person is asleep or unconscious...

I think last year we had a case, which received a fair bit of media attention in this state, with just such a circumstance. My recollection is that there was indeed a conviction secured on the basis of the common law as it stands. Continuing:

(d) the activity occurs while the person is intoxicated (whether by alcohol or any other substance or combination of substances)...

They have to be intoxicated 'to the point of being incapable of freely and voluntarily agreeing to the activity'. That raises some interesting questions in terms of the effect of intoxication and at what point one says that a person becomes incapable of freely and voluntarily consenting to activity. I am sure we all know that people respond to alcohol, and perhaps other drugs, in different ways. Some people very quickly become completely disinhibited, whereas others may become aggressive and have a different response to it, but that is what is set out in paragraph (d). Then:

(e) the activity occurs while the person is affected by a physical, mental or intellectual condition or impairment such that the person is incapable of freely and voluntarily agreeing.

As I have already pointed out, it is that section which I have great hopes will address a particularly nasty and difficult issue, which is being buried in our community at the moment, in our supported residential facilities—or some of them. I do not mean to disparage all those facilities but I certainly know that it has occurred in more than one. Continuing:

(f) the person is unable to understand the nature of the activity.

That goes a long way to dealing with people who have an intellectual disability, as does the previous clause, because often you will find people who may look like adults and who may even, on the surface, sound like adults, but who really are assessed as having the capacity of quite a young child in terms of their ability to understand the nature of what is going on. Then we see the next paragraph:

(g) the person agrees to engage in the activity with a person under a mistaken belief as to the identity of that person.

Again, I do not want to be comical about this but one can imagine that circumstances can arise where one might think one's own partner was getting into bed and somebody else entirely might be getting into the bed.

Mr Hanna: It has happened before.

Mrs REDMOND: As the member for Mitchell says, it has happened before—and there certainly have been cases of it. Indeed, all of these circumstances are things that have arisen in cases. The last one is:

(h) the person is mistaken about the nature of the activity.

I guess that may well be tied to a couple of the others—about their condition or level of impairment—that are already listed above.

Mr Hanna: It is about doctors as well.

Mrs REDMOND: That is right. So, as the member for Mitchell points out, it could include doctors, for instance, where a person might be consenting to an examination but in fact the doctor could be examining for a prurient purpose. There is an example given in the bill itself:

A person is taken not to freely and voluntarily agree to sexual activity if the person agrees to engage in the activity under the mistaken belief that the activity is necessary for the purpose of medical diagnosis, investigation or treatment, or for the purpose of hygiene.

So, it does specifically cover that circumstance. I guess my hesitation about this particular aspect of the bill is simply that I am always somewhat hesitant about trying to codify common law principles, because we all know, and particularly those of us who have practised anywhere in the law, that every set of circumstances is different. To try to codify leads, in my view, to the risk that a new set of circumstances that we have not actually thought of could arise and could legitimately belong within the realm of what we are trying to target but be left out simply because it has not come within the codifying.

As I have already read, subclause (3) commences 'without limiting subsection (2)', so theoretically this list is non-exhaustive. However, I have no doubt that, were circumstances to arise where a good defence barrister could legitimately say that it does not fall within any of the paragraphs (a) to (h) I have read out, they may well be able to argue successfully for an acquittal.

That said, on balance it seems to me, and to the Liberal Party, that it is at least better to take some action to seek to address this issue of rape and sexual offences which, as I said, has been a neglected area of the law and one where the conviction rates, and even our reporting rates, have been really a lot lower than we know the incidence of the activity to be in our community. Before I leave this topic in the bill, I want to go through the next clause, reckless indifference, which is defined as the person being:

...aware of the possibility that the other person might not be consenting to the act, or has withdrawn consent to the act, and fails to take reasonable steps to ascertain whether the other person does in fact consent, or has in fact withdrawn consent...

What is interesting about the wording of that paragraph is the 'and' in the middle. So, we have the fact that another person does not consent to the act, or has withdrawn consent to the act, if he or she—that is, the perpetrator—is aware of the possibility that the other person might not be consenting, or has withdrawn consent, and fails to take reasonable steps to ascertain whether the other person does in fact consent, or has in fact withdrawn consent.

I am a little puzzled by the word 'and'. I think that perhaps it should be 'or'; nevertheless, it requires both components. It seems to me that there is some risk there in terms of proof from the prosecution's point of view—that they have to show that they are both aware of the possibility that the other person might not be consenting and that they failed to take reasonable steps. The alternative is: 'or' that the person in question 'does not give any thought as to whether or not the other person is consenting to the act, or has withdrawn consent to the act'.

It is a complex concept simply because, at its easiest, it is the case that someone says no and there is a brutal, threatening attack resulting in a rape and it is clear that it has indeed been rape. This bill seeks to address the grey area of: where does consent arise; how does consent arise; and what is the obligation upon the alleged perpetrator to ensure that consent is freely given? I see that we could get to a situation where sexual intercourse simply cannot take place without extensive questioning and commitment about the willingness and free voluntary consent of the people about to engage in that activity. As I said, on balance I believe that the overall thrust of the legislation is such that it will probably be an improvement, although I wait to see what happens to it once it goes into court and a few cases are heard on it.

I turn quickly to the other areas of reform in the bill, the first being the reform of the offence of persistent sexual abuse, which is already an offence under section 74 of the Criminal Law

Consolidation Act. At the moment, it requires three separate incidents of sexual abuse to constitute the existing offence of persistent sexual abuse. One of the difficulties with that, of course, is that, where there are multiple offences against the same child—depending on the age of the child, when the offences took place, how long after the allegation is made and the matter is being prosecuted, and a whole range of things—it is obviously difficult and sometimes impossible for a child to be able to identify particular occasions when the particular contact occurred.

At present, the section requires that there be three separate incidents. So you can have an offence of sexual abuse of a child but, to fit within this current provision of persistent sexual abuse of a child, there have to be three separate incidents, and the difficulty explored by Liesl Chapman in her report is that it is very difficult to get the evidence, especially with child witnesses or adult witnesses recalling facts from long ago when they were children, as to precisely the occasions when the particular conduct occurred.

So this bill replaces persistent sexual abuse with persistent sexual exploitation, and it is designed primarily to overcome that problem. It is designed to overcome the problem where there are multiple offences against the same child. All that is going to be required is the engaging in more than one unlawful sexual act with a child over a period of more than 24 hours. Clearly, that is a much lower threshold to reach in terms of establishing the offence. So, in particular where you have a jury determining the outcome, the jury will not need to be satisfied precisely when and where an unlawful sexual act occurred, as long as it is still satisfied beyond reasonable doubt that there was more than one unlawful sexual act with that child over a period of more than 24 hours.

There are some provisions in relation to the age of the victim, and I will go through those quickly and refer to the bill as to what it says precisely. Basically, it is clear that, if a child is under the age of 16 years, no special considerations apply; but if a child is between 16 and 17 years, it will be a defence if it can be proved that the defendant believed on reasonable grounds that the child was of the prescribed age (which is 17 years). Under the age of 17 years is the normal cut-off limit for the offence to apply but it can still occur if the person is under the age of 18 years if the defendant adult is a guardian or a schoolteacher or someone engaged in education—I forget how broadly it is defined.

The bill provides that 'prescribed age' means that in the case of a person who is in a position of authority in relation to the child the prescribed age will be 18 years. In any other case, it will be 17 years. The person is in a position of authority if they are a teacher; foster parent, step-parent or guardian; or a religious official or spiritual leader, and that is a fairly broad description. It states 'however described and including lay members and whether paid or unpaid' who provide pastoral care or religious instruction to the child. Also included in the offence under the age of 18 years is a medical practitioner, psychologist or social worker providing professional services to the child; a person employed or providing services in a correctional institution or any other person engaged in the administration of the Correctional Services Act and the Young Offenders Act; or an employer of the child whether or not the work is undertaken by the child on a paid basis.

In relation to a child between the age of 17 and 18, there can still be persistent sexual exploitation of the child if the perpetrator is one of the people in the defined categories; otherwise this offence can occur only up to the age of 17. It will not matter if someone asserts consent in the case of a child who is under the age of 16. Again, I have some difficulty with that because of the nature of the child sex offenders registration legislation.

I have mentioned in this chamber before the fact that it is reasonably common for a boy over the age of 18 to have a girlfriend under the age of 16. They both would say that they were mutually consenting to sexual activity but, notwithstanding that, it remains an offence. I have no particular problem about that except that we would require that person to be registered as a child sex offender. I do not believe our community is ready to move to the idea of saying it is not still an offence. Most young men do understand that there is an age below which they should not be engaging in sexual activity with a girlfriend, but I have considerable misgivings about having them registered as child sex offenders.

I believe that child sex offences should be restricted to those who have a prurient and inappropriate interest in young children, not someone who happens to have fallen for a girl a couple of years younger who is a genuine girlfriend. It is the case that we needed to address the problem that was already evident in our legal system in terms of being able to appropriately prosecute the offence of sexual exploitation of a child. I note that the maximum penalty for this offence is life imprisonment. Certainly, at its most horrific, that is probably not a bad thing. That is the first of the changes contemplated by this bill.

The second one is the severance of trials for sexual offence proceedings. At present, in any sort of criminal proceeding there is a provision under section 278 of the Criminal Law Consolidation Act that allows a judge to order a separate trial on any counts if he is of the opinion that the accused might be prejudiced or embarrassed in his defence by reason of being charged with more than one offence in the same information or if it is desirable for any other reason. The problem that has arisen is that, if a perpetrator has been accused of a series of rapes against a number of different victims, the separation of those trials often can mean that one by one, each one having to be proved beyond reasonable doubt on the evidence and with a different jury—all those things which are meant to enhance our legal system—the outcome in sexual cases where there are charges against different children, and the effect of severing the trials into separate trials, might be that each jury might not hear evidence about an offence in its full context.

This bill makes an exception to the provisions in section 278 of the Criminal Law Consolidation Act for sexual offence cases by creating a presumption that counts charging sexual offences by the same person against different alleged victims that are joined in the same information are triable together. In other words, it will limit the circumstances in which a court or a judge can sever a trial. That will be a rebuttable presumption but, fundamentally, the idea is that, if it is a case of sexual offences against a child, the presumption will be against severing. The presumption will be in favour of keeping all the various victims in the same trial process and the defendant having to answer all those charges in the one trial so that the jury gets a full picture of what is being alleged to have occurred, rather than getting perhaps a small sliver of it and a different jury getting the next little sliver of it. That is to be a rebuttable presumption, but only where evidence relating to a count against one alleged victim is not admissible in relation to any other count or any other alleged victim, and it has to be evidence beyond merely the defendant's propensity to do such things. So, there will be circumstances in which cases can now be severed.

I do not feel competent to go into great detail about actual circumstances where a judge might still order the severance of a trial, but suffice to say that there will be circumstances where a judge could decide that, because evidence against a particular victim will not be admissible in another trial, that particular one has to be severed and heard separately. The bill also provides that a judge may not have regard as to whether or not there is a reasonable explanation consistent with the innocence of the defendant when deciding whether to allow or to exclude evidence. So, even if the judge thinks that there is a possibility that the evidence is concocted or is the result of collusion, he may not exclude the evidence from trial, but he has to leave the determination of the value of that evidence for the jury to decide.

I understand that we are not this week dealing with the other bill that goes hand in hand with this, that is, the amendments to the evidence law, which is, I think, the evidence miscellaneous amendment legislation. That bill goes hand in glove with this to make the relevant changes to what directions judges can give, particularly in rape and sexual offence cases—and, indeed, I think the Attorney in his second reading speech referred to what has to be left as being, 'the Attorney, subject to appropriate direction from the judge'. However, I note that, in his press release on 6 February last year (so, just over a year ago), the Attorney stated:

Judges will be prevented from giving what I consider to be inappropriate warnings about the value of evidence of an alleged rape victim just because of the time it has taken to bring a complaint or because the evidence is uncorroborated.

I will not go any further into that, because it properly belongs in the other legislation. However, suffice to say that the effect of this second amendment is really to ensure, so far as is possible, that alleged rapists are called to account and are unable to utilise the procedure that currently exists in section 278 of the Criminal Law Consolidation Act to their benefit and the disbenefit of the victims of their actions by having each trial heard separately by a different judge and a different jury and, therefore, none of the people assessing the evidence hearing all the evidence in its context against a particular offender.

I know that there are members of the defence bar who, understandably, are concerned about some of these provisions. As I said, my discussions have indicated largely that, with respect to the aspect of rape law at least, the law really does not vastly change the existing common law, but seeks to codify it. Whilst I have some misgivings about attempts to codify because of the risk that new circumstances might arise that have not been contemplated by the legislators and, thereby, we might risk someone not being convicted who properly should be convicted, I am unable to come up with any specific ideas as to what circumstances might exist that would not fit within the definition proposed and the non-exhaustive list in clause 5 as to where consent will be considered not to have been freely and voluntarily given.

Whilst I have some misgivings about that approach, I do agree (and the Liberal Party does agree) that we need to do something to address the shortcomings of the system in terms of securing convictions against alleged rapists. Given that Liesl Chapman—who is a very experienced practitioner (not an academic) in the law—thoroughly researched this issue and came up with a series of recommendations, I indicate that the Liberal Party will be supporting the passage of this bill through the house.

Mr HANNA (Mitchell) (11:58): I am speaking today in relation to the Criminal Law Consolidation (Rape and Sexual Offences) Amendment Bill. I support this amendment of the rape and sexual offences law. In a particular way, it is very satisfying to see this legislation being debated in the House of Assembly today. I think that it was about the end of 2002 that a woman came to see me regarding the state of rape laws and with a concern about the lack of convictions in rape cases. I responded by proposing that the Legislative Review Committee of the parliament investigate why there was such a low rate of convictions in rape cases and what might be done about it.

The Legislative Review Committee over a period of 18 months or more heard evidence and deliberated upon this problem. The committee came up with a series of recommendations, one of the most important of which related to the law of consent particularly as it applied to the beliefs of the alleged rapist. It was considered important that the accused person had not only an honest belief in consent but also that that consent be reasonable for the person to be acquitted on the basis of consent. The recommendations of the parliamentary committee were published prior to the 2006 election.

I am pleased to see that the Labor government then took up the committee recommendations and provided them to a barrister, Ms Liesl Chapman, for consideration. The report of Ms Chapman more or less endorsed the recommendations of the parliamentary committee. The government went further and brought legislation into the house. That legislation lapsed, but then a few months ago the government introduced the legislation which we deal with today. In summary, it has been a lengthy and tortuous process. However, at the end of the day, this is a sound package of reform in this area of the law. Both the Attorney-General and the shadow attorney-general have gone through in some detail the content of the legislation, and they have entered into some analysis of the changes. I do not propose to do that in detail.

I have already mentioned that one of the most important areas of changes in relation to belief about consent is whether a jury or a judge should consider whether the accused's belief in consent should result in acquittal. My own view is that it was not necessary to identify a range of possible circumstances that vitiate consent—that is done in the bill. I think it would have been sufficient to necessitate a finding of an honest and reasonable belief in consent for an acquittal to arise, but I am not opposing anything in this legislation. I am not bringing forward amendments. I can see how some things might be improved or I might have a different view about some of the approaches that are taken in the measure but, on the whole, I think it is a very fine piece of reforming legislation. I am not going to draw out the discussion any further.

I conclude by mentioning that the most important people when we consider this legislation are the men, women and children who have been subjected to rape or sexual offences of some other kind. In considering those people, we also have to bear in mind those fundamental principles of the common law which preserve people's rights. We have the presumption of innocence, for example. We have the requirement that offences be proved beyond reasonable doubt. In the days of a populist approach to criminal activity, those principles are under some risk of erosion. However, in this particular area of the law, I am glad to see that the Labor government has taken a tough approach. I endorse this reform package.

The Hon. R.B. SUCH (Fisher) (12:03): The member for Heysen is a woman of few words: I thought she was going until lunchtime! It was a quality speech rather than one of quantity, perhaps unlike many of mine. This is very important legislation, and I support it with one concern which I will address in a moment. I think this bill is dealing with rape and sexual offences but I think we need to look at sexuality in the context of our society overall and we need to recognise that a lot of double standards are being practised and that there is much hypocrisy.

If we look at media publications (not just magazines) which are targeted at young people in particular, we see that there is an emphasis on sexual activity and the suggestion that if you are not involved in sexual intercourse every hour of every day somehow you are inadequate or not contributing to society or your own wellbeing. Sadly, young people often are influenced by that sort of attitude and what we get is an unrealistic expectation, often based on ignorance and lack of

understanding, by young people. It is not just young men, but many of them feel as though they have to prove themselves, and you get all these stereotype images involving women and girls which suggest that they really want sex even if they say no. Young men—teenage males, in particular—do not source a lot of their information from the sort of magazines young women read; naturally, they have a different focus on life. Young women tend to be better informed about relationships because they talk about them and they interact; however, they also have access to magazines which, while they may exaggerate some aspects of human activity, nevertheless do convey information that can be useful in informing young women about sexuality and relationships. I am not aware of equivalent types of magazines for young males, and so young men do not get that same information. This is something of which we need to be mindful, and it is one of the reasons I am a strong advocate of proper sex education in schools and why I have been such a strong supporter of SHine and the programs it has run in schools.

Some of those programs have been refined—there was criticism by some people, and SHine refined them—but I think it is important that young people, in particular, not only learn the biological and physiological aspects of humans but also understand relationships and what it is that makes us tick as men and women. Studies done overseas show that countries that have well-informed and comprehensive sex education programs in schools have lower rates of unwanted pregnancies and abortion, and I do not know anyone who would not welcome that. However, in countries such as the United States where (like us) they tend to have what I think is a distorted view of human sexuality, there is often a lack of adequate sex education, with high levels of abortions and unwanted pregnancies and so on.

I think there is a lot that needs to be done in the context of the wider community. Obviously this bill cannot do that, and it was never intended to. However, from a male perspective one thing that concerns me greatly in our society is a lack of respect for women. I am not suggesting that men should treat women as some sort of artificial beings, but there is a great responsibility on parents (and not just fathers) as well as other members of the extended family to instil, particularly in their boys, a respect for women. When we talk about rape and sexual assault we are talking about someone's mother, sister or daughter; we are not talking about just a statistic, about something that is without feeling or emotion. I believe that mothers, fathers, and all other members of the wider family have a responsibility to ensure that, among young men in particular, there is a clear understanding of and respect for women.

That is often not helped by the behaviour of some women. I am not one to say that it in any way justifies a sexual assault, because it does not, but I see women getting around in T-shirts saying, 'Give me a few more drinks and I will do this or that', and displaying comments drawing attention to their breasts and so on. People may say that these are flippant comments but they do not help in trying to impress upon young men a respect for women. Some of the women themselves do not help; they actually demean women overall.

We need to put greater emphasis on getting young men to understand that women are more than just sexual objects. They have sexuality but it does not mean they are an object. As I said earlier, the media—in its whole diverse presentation—often presents women as simply pieces of flesh. That is a great insult; it demeans women and results in behaviour towards them which is unacceptable.

In some cultures women are required to be fully covered. In my mind, it is a form of perverse control, which is designed to keep women out of the limelight, out of education, and basically locked away. The argument used in defence is that they are protecting women, but I see it more as a form of control. But things have certainly changed. At my local high school the uniform for secondary school girls includes shorts; and they are very short. I do not believe that that in itself implies anything; it is probably more practical in terms of the clothing that they wear. The argument about whether someone is covered, partially covered or totally uncovered in no way justifies reference to women as sexual objects.

More specifically, in relation to rape, I know that this bill does not deal with the matter that has really concerned me for some time. I believe there is another bill to come that may deal with it. I took an interest in the *Stingel v Clark* case in Victoria, in which a woman took civil action against Geoff Clark. I read part of the transcript of that civil case. During the trial, Stingel was asked what was the size of her vagina. I find that completely outrageous and offensive. It has nothing to do with whether or not someone has been raped—it is completely irrelevant. She was also asked whether or not the offender was circumcised. Once again, it is completely irrelevant whether or not a person is raped by someone who is circumcised. They were actual questions posed to that woman in court. I find that highly offensive and outrageous.

It was one of the issues that I took up with the Attorney. I asked him if those questions could be asked here in court. He said that they can, but that they would be dealt with in legislation that he is drafting; I understand that it will be coming shortly, and so it should. That sort of nonsense is similar to whether someone has a past sexual history. It is completely irrelevant whether you have had 10 boyfriends or if you have been a prostitute—rape is rape, and sexual assault is sexual assault.

It highlights my concern in relation to the definition. I think the term 'sexual assault' tends to diminish the seriousness of the attack on a woman, because touching a breast is sexual assault. In the media, people think, 'Oh, sexual assault—it could've been someone touching them on the breast'—which is bad enough—but it can also cover rape. I am not saying that touching the breast is acceptable—it is not—but I think that people need to be careful when using the term sexual assault, that they do not diminish the seriousness of what has happened to a woman, usually—not always but often.

An issue of concern in this bill is the idea of withdrawing consent part way through intercourse. My knowledge of the law is not as great as that of the Attorney or the shadow minister. I am aware that in Western Australia men have been convicted of rape on the basis that they were part way through sexual intercourse and did not stop. I am interested in the Attorney's justification for that. I think that the everyday person—male or female—and I have spoken to men and women about this—finds it hard to understand how, if intercourse is underway, someone can say, 'Stop the world, I want you to get off', and how that is really a reasonable action that could result in someone being charged with rape. I am unsure how one would easily prove it in court. However, it has led to convictions in Western Australia where intercourse is underway and the female—I assume it is in a female—says 'No more.'

In summary, this bill is a step in the right direction. We hear people say, 'Look, there are not enough convictions for rape.' We do not want people convicted who are innocent, but we want the guilty convicted. One area not tackled by this bill is the serious situation in relation to juvenile offending when it comes to sexual assault on young women. This was highlighted to us on the Juvenile Justice Select Committee; that is, many young men are getting off and walking out of court because the system and the family conference model cannot adequately deal with sexual involvement when someone is pleading not guilty to having engaged in sexual intercourse without consent.

It is a step in the right direction, and I commend the Attorney. It is time to get it under way to see whether we can get some protection for men and women—mainly women, because men are the main offenders. They need to lift their game and show more respect for women and it needs to start at an early age. It is the responsibility of us all to convey that message to our young men.

Ms THOMPSON (Reynell) (12:16): I wish to commend the Attorney-General and the Minister for the Status of Women for this important initiative as part of a package of bills that this government has produced to improve the status of women under our laws.

All members in this house recognise that we do not always behave in a civilised manner in our community in relation to matters of sexual relations, whether between men and women or people of the same sex. We have been inclined not to talk about it sufficiently in our community, resulting in very inappropriate messages being received by young people—both offenders and those offended against—in relation to their own sexual dignity and their ability to determine whether or not they want to engage in certain conduct.

The issue of domestic violence also relates very closely to the issue of rape. We need to bear in mind the continuum of behaviours that exist from issues such as sexual harassment through to rape. Behaviours that we call sexual harassment result from the same lack of respect, power differences, etc., as rape.

The legislation now before the house sets down some new and important parameters, but from my perspective it is not the end of what we need to do. We need to do much more to enable people who have been violated in various ways in connection with their sexual roles and their sexual life to have control and choice about the way in which they go about dealing with the offences that have been committed against them. We need to give people who have been offended against far more say in how they are treated. In this regard, restorative justice practices are important and the restorative justice practices that already exist under the Equal Opportunity Act are also important.

These practices and the history we have of successful participation in conferences, etcetera under the Equal Opportunity Act will provide us with models for dealing with some of the

rape and violence-related crimes in future. This is a really important step in laying the foundation. It describes more broadly some of the crimes that occur mainly against women, but also against men, than has been the case in the past. I commend the ministers concerned for their initiative and thank the opposition for their support.

Mr PISONI (Unley) (12:19): I too support the legislation. I see this as a first step in protecting women—and let us make no bones about it: this is predominantly a bill that will protect women and younger women, in particular. As the father of a daughter who is about to turn 14, obviously this is very relevant to me and my wife and our family. I say this is the first step because community attitudes need to change. If community attitudes do not change in regard to the way that men consider women in a lot of instances, then there will need to be an awful amount of resources poured into implementing this legislation.

I would like to see a community that sees men and women as equal. Women should not be lectured about how they dress. If my daughter feels as though she wants to wear the latest fashion, and if the latest fashion happens to be quite revealing, well, then that is up to her. She should not be held responsible for somebody else's behaviour.

There seem to be some attitudes in the community where young women, for some reason, because of the way they behave, are responsible for young men's behaviour. That is a line of thought that I have a lot of difficulty understanding. I thought we live in a society where we hold everybody responsible for their own behaviour.

Even the member for Fisher touched on it. I was a bit surprised to hear him raise his concerns about the way that some young girls dress because it is completely irrelevant how a young girl dresses. It is completely irrelevant. She can run down Rundle Mall naked if she wants to and there should be no expectation that she wants sex.

I think until that attitude in society changes we are not going to see women protected. Attitudes do change and there are lots of levers that governments can tweak, if you like, to change attitudes over the years. Changes to attitudes are a bit like the maturing of society. I can remember, barely remember, when we had capital punishment in this state. We have moved on from that. That was a cultural thing. It was part of our society that we expected that that would be the way that people would be punished.

It was very barbaric, very definite, but as a society we have realised that we were doing that wrong, that we should not have capital punishment. Consequently we do not have capital punishment any more. It was removed by law and I think it is fair to say that it is an expectation in society that we treat each other in a more civil manner these days.

What I am saying to the parliament today is that it is great to have these protections, particularly the amendment of section 57, 'Consent no defence in certain cases', which provides protection for those under the age of 18 who are under the care or under the influence of certain people. That is a very relevant amendment, I would suggest, because these days families are made up of a broad range.

There are a lot of families who do not have fathers and a lot of fathers who are not engaged with their families. They may very well have daughters who are not getting the type of fatherly affection that they might like or expect from their father and consequently they might look for an alternative authority figure to turn to, whether that be a priest, an employer or somebody in their volunteer organisation.

They might feel that, because they are getting some social intimacy from this person that they are perhaps not getting from their parent, if that person puts the hard word on them for sexual activity they have some form of obligation. This legislation protects them in those situations, so I am pleased to see it. So, I stand here as a member of the opposition in support of this bill.

I would like to tell a story to illustrate how much more work we have to do in the community to protect those who are most vulnerable, particularly when it comes to sexual assault. A lady in my electorate was married at the very young age of 16, and her husband was 40 at the time. That in itself, one would argue, was an arranged marriage in a culture familiar with that type of relationship. She was too young to realise, of course, that perhaps there was something not quite right with that relationship. A 16 year old girl was really in no position to make decisions for herself. However, it was not until she was 30 years into the marriage that she learnt through her granddaughter that her husband had been interfering not only with her daughters but also with her grandchildren. When she asked her daughters to participate in getting some justice—and, of course, she needed closure because, as the mother, she felt so guilty that this had happened under her roof—because of the

stigma associated with this type of crime they did not want to be exposed to the abuse, if you like, they knew they would experience from defence lawyers in court.

Consequently, we have a woman who feels that her entire life has been wasted and that she has disappointed those in her family to whom she was so close and loved so dearly and, because of the actions of her ex-husband (who is now into his 80s), she cannot get closure and she no longer has a complete family. It is a very sad story, and it is more evidence that legislation is a good step, but it is not enough. We need to engage the community and we need to change attitudes. I hope that, as leaders in our community, we can move forward in changing those outdated, barbaric attitudes that still exist amongst many of our fellow citizens.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (12:28): I rise to speak on this bill, which was introduced in early 2007 as a result of considerable consultation and following the published report of Liesl Chapman in 2006. It was to be a bill that would not be presented for debate immediately so as to ensure again that significant time would be allowed for consultation.

In relation to the reform of rape law in South Australia, I, like many others, have seen a significant change in how we treat, define, prosecute and help to prevent rape offences from occurring. I am mindful of the period pre-1970s when we allowed for the provision of conjugal rights to remain in our legislation (until its removal) and the capacity for women to be raped within marriage, until legislation was introduced to include that specifically and for those women to be protected. We went through a period in the 1980s where we renamed rape and some other sexual offences at the lower level in an attempt to invite, induce or encourage offenders to come forward and admit their guilt.

I am not certain how successful that has been, to be frank; nevertheless, we have tried that. We have removed the requirement for victims of rape and serious sexual assault to give oral evidence at the committals on the basis that it is a difficult enough exercise for them to come forward and give their evidence during the trials. Indeed, to require them to do it twice is almost unconscionable. We have listened to the arguments against such a requirement, and legislation has amended it.

Regarding sexual assault on children, it is fair to say, I think, that in the era pre-1980 they got very little oxygen, attention, positive support or any provision in our legislation. However, we have moved significantly in this state to provide for children—especially children who are victims of child abuse and, in particular, sexual abuse—to be able to give evidence away from the view of the defendant, who we quite often hear is a person known to and/or related to the victim. Commonly, this is a female child with the father or relative sitting in the dock whom they have to face. Judges have been given a discretion to permit video evidence and/or children being in a separate room, or at least shielded from the defendant, when they give their evidence. There has been quite a significant advance over the last 20 years in relation to child sexual assault and in the last 30 years—perhaps 35 years I would go so far as to say—in relation to rape.

I do not consider rape to be a sexual offence: I consider it to be a gross act of violence. It always concerns me that we package law reform in such a way as to include rape with other sexual offences. I make that point but it is not a criticism of the government; it is something that has occurred over a long period of time. I always view with interest sentences imposed on offenders for acts against property, involving significant penalties—whether it is a pecuniary penalty or whether it is imprisonment—and, yet, someone who has been convicted of raping another person frequently receives a sentence of less than three or four years with a non-parole period of less. That does concern me. I must say that there is one little lighthouse on the horizon: there was a recent decision, I think, of the Hon. Justice Michael Boylan, who delivered a sentence of nine years for an offender who had been convicted of rape.

I think it is important to remember, when we are reviewing legislation on rape, that this is a serious and obscene act of violence and it should always be treated as such. I do not think there is anything sexual about it at all—except as to the organs of the victim which are usually grossly interfered with in the course of the act—but it is to be understood that this is a gross act of violence.

The purpose of this legislation today, in respect of rape, is really a codification, as has probably been identified by a number of the previous speakers. I am always a bit concerned about a 'bill of rights' type of approach to codifying these things when we have had significant advances for both the defendant and the victim in the fair prosecution of these matters. It means that we sometimes leave it open when we try to introduce an exhaustive and comprehensive piece of legislation to cover hundreds of years of legal precedent. However, I am mindful of the fact that the government and a number of other bodies have considered the matter at length, as has, indeed,

the member for Heysen, representing the opposition. I am confident that with that type of scrutiny that it is something that is worthwhile supporting, and something we can leave to the judiciary to implement—hopefully, without restriction—as a result of the terms that will be imposed on the implementation of this legislation.

There is one aspect I still do not understand. I note that the government has tabled an amendment to provide a new definition of 'reckless indifference' in relation to the definition of the state of mind of the offender. I have not had an opportunity to review the amendment in detail, but I am sure the member for Heysen will do so. The amendment appears to include an additional clause which provides that a person acts towards someone with reckless indifference if, in fact, that person does not consent to an act or has withdrawn consent or if he or she is aware of the possibility that the other person might not be consenting, etc., but decides to proceed regardless of that possibility.

This appears to be an extra definition which will be proposed for voting. I simply say this: we have always recognised in the criminal law the concept of acting recklessly. It is considered to be in some ways, I suppose, not premeditated, obviously, if the motive is to deliberately and wilfully proceed with an act. To act recklessly is such a high level of disrespect, I suppose, for the party wounded or property damaged that we consider it to be a standard which should be considered and attract culpability, if it applies.

So, it is not a new concept where a person acts deliberately or recklessly, or even where there has been an act of criminal neglect. However, under the new definition 'reckless' will become 'recklessly indifferent'. I have to say that this legislation reminds me of the legislation that was being introduced to protect homeowners from home invasion, about which I raised a concern about how it might be applied. Several years ago, the government attempted, by legislative reform, to protect people in their homes from being victims of assault or damage caused by someone unlawfully entering their premises.

I think I raised a concern then about how that might affect people who enter someone else's property to argue about their respective marijuana crops. Clearly, the intent of the legislation was to try to protect innocent victims of home invasion—and there has been a lot of publicity about victims of home invasion. People ought to have some feeling of security when they are in their own homes.

When we came to look at that legislation, when there is an obligation on someone and when there is an expectation on another and then we start reversing the onus through the process of successful prosecution, it can become a mess. It sometimes gets to the stage where it becomes too difficult to successfully prosecute a case where, clearly, the legislation was intended to protect the victim in those circumstances. So, I raise a word of caution about the effectiveness of this legislation and the possibility that it will be so complicated that it will make it even more difficult to prosecute those who are guilty, thereby letting off those who otherwise may have been caught.

I am concerned about it. I accept that the government's intention here is to take up the important areas of law reform which have been outlined by Ms Liesl Chapman and the work that she has done in coming to this determination. So, I simply indicate my support, albeit with that concern.

The other matter I briefly refer to is the provision which relates largely to the offence of persistent sexual abuse, actually changing it to the persistent sexual exploitation of a child. I have personally been involved in representing children (victims and accused) in a number of child abuse cases, of which there has been everything from rape to sexual touching and exploitation. Whether it involves photographing or videoing a child or physical assault, there is a very broad range of instances in which children, by their very age and lack of maturity, are victims to the predatory behaviour of others.

One of the most difficult aspects of taking a reliable statement from a child, and hoping in some way that it will be consistent in subsequent proceedings, has been the fact that it is very difficult for a child to recall dates, times and the specifics of offences. So, whilst it is reasonable in adult cases and mature aged children—there is a varying provision here for 16 and 17 year olds—for those concerned to be tested on the validity and reliability of their evidence based on being able consistently to repeat specific details surrounding an act or acts in relation to the offence, it is a level that is of such a high standard that it is unrealistic to expect those details to be provided by children.

I think that this is an important initiative, because essentially it means that in cases where children cannot say exactly on what day they were touched, how many times they were touched, where they were touched, or provide the sequence of repeated touchings, they are able to still proceed with the case and there can be a successful prosecution. Ordinarily, at the moment, those cases most often never even reach the courtroom because the advice of the prosecuting representatives at the time is that it would simply not be in the best interests of the child to proceed with a case that was clearly going to fail.

So, after all those factors are eliminated, bearing in mind the damage that can be caused to a child in having to go through litigation, we then come to the case which otherwise is not prosecuted because of the unreliability of the evidence being detailed by a child witness but which, to some degree, I think, is overcome by this initiative, which I think is an important one.

Other speakers have referred to the severance of trials. This is another area which I think has some merit, and we will see how it operates in its implementation. I think it is something that should be carefully reviewed. I would hope that the Attorney-General and/or his department will be keeping a strong watching brief on how successful these amendments are and how they are going to effect both a successful prosecution and, I think to some degree, the lessening of harm to victims by over-exposure to the judicial process. So, with those comments, I indicate my support for the bill.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs) (12:45): I thank each of the members who has contributed to the debate. The foreshadowed amendments will try to clarify the mental element in sexual assault, especially reckless indifference. Also, the foreshadowed amendments will deal with the interaction of the drunks defence with the law on sexual assault. I hope that it will have the effect of clarifying it.

The member for Heysen is right to point out that the bill contains no special offences for institutional carers who sexually abuse intellectually disabled people in their care; a commentator from Stop Rape Now suggested that it should, along the lines of the offence in Victoria. In South Australia, there are already laws about sexual offences with intellectually disabled people.

First, it is an offence of unlawful sexual intercourse with a maximum penalty of 10 years' imprisonment to have sexual intercourse with a person knowing that the person is, by reason of intellectual disability, unable to understand the nature or consequences of sexual intercourse, and I refer to section 49(6) of the Criminal Law Consolidation Act. Consent is not a defence, and the house should note that, if the intellectually disabled person is a child, the appropriate charge is unlawful sexual intercourse with a child, and that offence carries maximum penalties ranging from 10 years to life, depending on the age of the child.

Secondly, it will aggravate an offence of indecent assault if the offence constituted an abuse of the offender's position of authority, or position of trust over the victim, or if it can be shown that the defendant knew that the victim was, at the time of the offence, in a position of particular vulnerability because of physical or mental disability. That is the celebrated and recently debated section 5AA of the Criminal Law Consolidation Act.

The bill takes into account the intellectual or mental capacity of a victim by defining consent to sexual activity for any sexual offence, in which consent is an element, in terms of free and voluntary agreement in saying that a person is taken not to have consented to sexual activity when 'the activity occurs while the person is affected by physical, mental or intellectual condition or impairment such that the person is incapable of freely or voluntarily agreeing'.

The companion Statutes Amendment (Evidence and Procedure) Bill also makes special provision for the taking of evidence from people with intellectual or mental impairment. Although the model criminal code officers committee recommended separate sexual offences committed against mentally impaired persons by carers, I do not believe that there is a need for this. Our current law will catch this conduct without requiring proof of a relationship of care.

Victoria has enacted two sets of special offences for what might be described as institutional sexual crime: sexual offences against persons with a cognitive impairment by providers of medical or therapeutic services and sexual offences against persons with a cognitive impairment by providers of special programs. Again, this conduct—

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: Again, I would argue that this conduct is already covered in South Australia by the offence of unlawful sexual intercourse if the alleged victim is intellectually impaired, but we will discuss it further in committee.

Bill read a second time.

In committee.

Clauses 1 to 4 passed.

Clause 5.

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

Page 4, lines 30 to 41—

Clause 5, inserted section 47—delete inserted section 47 and substitute:

47—Reckless indifference

For the purposes of this Division, a person is recklessly indifferent to the fact that another person does not consent to an act, or has withdrawn consent to an act, if he or she—

- (a) is aware of the possibility that the other person might not be consenting to the act, or has withdrawn consent to the act, but decides to proceed regardless of that possibility; or
- (b) is aware of the possibility that the other person might not be consenting to the act, or has withdrawn consent to the act, but fails to take reasonable steps to ascertain whether the other person does in fact consent, or has in fact withdrawn consent, to the act before deciding to proceed; or
- (c) does not give any thought as to whether or not the other person is consenting to the act, or has withdrawn consent to the act before deciding to proceed.

In consultation on the bill it became apparent that the definition of reckless indifference could be interpreted in a way that gave it unintended effect. This amendment seeks to remove any ambiguity in the definition. The bill is intended to define reckless indifference for rape in a way that reflects the current common law. In *Banditt v R* 2005 the High Court held that the test for recklessness for rape is different from the one for other offences in that it includes a failure to give any thought to whether or not the other person is consenting and indifference as to whether or not there is consent. Conventional definitions of recklessness do not ordinarily include a failure to give any thought to the consequences of one's actions of itself because recklessness ordinarily requires foresight of risk and a conscious but unreasonable decision to take the risk. The High Court has taken the view that for rape a failure to give any thought to the question of consent is always reckless, whether or not had that thought been given the accused may not have acted the way he did.

That is the approach taken in the bill in the proposed section 47(b). I do not seek to change the substance of that subsection in this amendment. The High Court also held in *Banditt* that indifference to an appreciated risk that the other person may not be consenting to sexual intercourse is reckless indifference for the purposes of rape. The bill sought to replicate that approach in the proposed section 47(a). By section 47(a) the bill aimed for the purposes of rape and other sexual offences in this part of the act to catch any circumstances where a person, being aware of the possibility that the other person might not be consenting to an act or might have withdrawn consent to an act, decides to proceed regardless of that possibility. It does so by referring to an advertence to the possibility of lack of consent and a failure to take reasonable steps to ascertain consent.

It is possible, however, to read this as excluding circumstances where the person took no steps at all to ascertain consent. That is not what the government intended. It is important that the legislative definition of reckless indifference for rape is unambiguous in catching those circumstances also. The new section 47 that is inserted by this amendment we hope will achieve this. It will also include a reference to the decision to proceed that the person who is recklessly indifferent to the other person's consent makes, having adverted to the possibility that the other person might not be consenting or not having adverted to it at all. For the customary form of rape in section 48(1), that decision is to proceed to engage or continue to engage in sexual intercourse. For the new form of rape in section 48(2) where the offence is one of compelled engagement in sexual intercourse, sexual self-penetration or bestiality, that decision is to proceed to compel the other person to engage in one of those acts.

Mrs REDMOND: Only this morning whilst I was on my feet I was handed a copy of this amendment and, on a quick look at it, I think it probably does improve things. Interestingly, it deals

with one of the issues I raised when I was on my feet. It struck me under the bill that was then before me that reckless indifference had two possible definitions: first, if one was aware of the possibility that the other person might not be consenting to the act or, secondly, consent to the act had been withdrawn and one failed to take reasonable steps to ascertain whether the other person had in fact consented or had in fact withdrawn consent to the act.

During my second reading contribution I said that the use of the word 'and' seemed potentially to create an unnecessary burdensome obligation on prosecutors because using the word 'and' would presuppose that they had to prove both elements. I notice that in paragraph (b) of the amendment the word 'and' has been substituted by the word 'but'. Indeed, I believe that it does make it read much more sensibly. A person is recklessly indifferent if he or she is aware of the possibility that the other person might not be consenting to the act or has withdrawn consent but fails to take reasonable steps to ascertain whether the person does in fact consent or has withdrawn consent to the act before deciding to proceed. What were paragraphs (a) and (b), subject to that change and the use of the word 'but', now become (b) and (c), and the inclusion now is that of being aware of the possibility that the other person might not be consenting to the act or has withdrawn consent to the act but decides to proceed regardless of that possibility.

I guess in one sense we all know what 'reckless' means; it means 'I do not know and I do not care'. That is how most people would interpret the term 'reckless indifference', but in terms of legislation we need to word these things fairly carefully because any astute defence attorney will pick up precisely on that situation and say, 'This person did not fit into what appeared as (a) or (b) in the first consideration but in fact fell fairly and squarely in what now appears as (a); that is, they were aware of the possibility that the other person might not be consenting and decided to proceed regardless.' Clearly, that is an area that the opposition wishes to cover, so I indicate that the opposition will support the amendment.

Amendment carried.

Mrs REDMOND: Section 48 defines 'rape' as being that an offender is guilty of the offence of rape if he or she engages or continues to engage in sexual intercourse with another person who does not consent to engaging in sexual intercourse or has withdrawn consent to the sexual intercourse, and the offender knows or is recklessly indifferent to that fact. Does the law recognise a point at which the withdrawal of consent is simply not able to be recognised in the law?

Progress reported; committee to sit again.

[Sitting suspended from 13:00 to 14:00]

AUSTRALIAN ENERGY MARKET COMMISSION ESTABLISHMENT (CONSUMER ADVOCACY PANEL) AMENDMENT BILL

His Excellency the Governor, by message, assented to the bill.

CONTROLLED SUBSTANCES (POSSESSION OF PRESCRIBED EQUIPMENT) AMENDMENT BILL

His Excellency the Governor, by message, assented to the bill.

EDUCATION (COMPULSORY EDUCATION AGE) AMENDMENT BILL

His Excellency the Governor, by message, assented to the bill.

LIQUOR LICENSING (CERTIFICATES OF APPROVAL) AMENDMENT BILL

His Excellency the Governor, by message, assented to the bill.

NATIONAL ELECTRICITY (SOUTH AUSTRALIA) (NATIONAL ELECTRICITY LAW— MISCELLANEOUS AMENDMENTS) AMENDMENT BILL

His Excellency the Governor, by message, assented to the bill.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE (PENALTIES) AMENDMENT BILL

His Excellency the Governor, by message, assented to the bill.

PRIVATE PARKING AREAS (PENALTIES) AMENDMENT BILL

His Excellency the Governor, by message, assented to the bill.

SANTOS LIMITED (DEED OF UNDERTAKING) BILL

His Excellency the Governor, by message, assented to the bill.

STATUTES AMENDMENT (YOUNG OFFENDERS) BILL

His Excellency the Governor, by message, assented to the bill.

TOBACCO PRODUCTS REGULATION (MISCELLANEOUS) AMENDMENT BILL

His Excellency the Governor, by message, assented to the bill.

MOTOR VEHICLES (MISCELLANEOUS) AMENDMENT BILL

His Excellency the Governor, by message, assented to the bill.

MARINE PARKS BILL

His Excellency the Governor, by message, assented to the bill.

BROOMHILL, HON. G.R.

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:03): I move:

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

Late last year, we were saddened to learn of the death of the Hon. Glen Broomhill. Glen died on Boxing Day, aged 74, after a lengthy illness. Glen Broomhill was a talented and much respected parliamentarian and minister, who served this house and South Australia with distinction from 1965 to 1979. He was regarded by all who knew him, including both sides of politics, as a man of decency and integrity, whose commitment to public life was surpassed only by his devotion to his family. He was seen as a rising star of the Australian Labor Party when he first won the seat of West Torrens in 1965 at the age of 32. He held the distinction of being the first Australian minister to hold the portfolio of conservation—or environment as it has become known. But Glen Broomhill's most enduring achievement was as the architect of South Australia's visionary container deposit legislation. That initiative—one of the first of its kind anywhere in the world—continues to stand as a landmark to environment awareness. In honour of Glen Broomhill's legacy and pioneering contribution to the environment, the state government today announced that it would further increase the incentive for South Australians to recycle by doubling the current deposit on drink containers to 10¢.

I should just say that, at the time, this initiative was absolutely incredibly controversial and bitterly fought by various producers. Of course, Oregon had done it and now, since that time, whilst we are still the first and only Australian state to have container deposit legislation, a whole range of states in the United States, provinces in Canada and also countries in Europe have followed suit, and now there is talk of other states in Australia taking up the initiative. Whilst Glen Broomhill did many things, this is a lasting legacy of which I know he was particularly proud. Of course, he introduced the legislation in 1975, and it was later that the scheme came into force in 1977.

Glen Broomhill was born in Adelaide on 20 January 1933. A child of the depression era, he saw his father, Joseph, supplement his painter's income by selling mallee roots that he collected while on regular trips to the Riverland. Glen was educated at Richmond Primary School and Goodwood Boys' Technical High School, which he left at age 16 to serve an apprenticeship as a dental technician. Glen also played colts football for Glenelg, and his passion for the Tigers remained undiminished until his passing, and certainly his passion for both the Tigers and the Crows was made very clear at his funeral, which a number of members from both sides of parliament attended in January.

It was also during that period that he became actively involved in the trade union movement. In 1956 he was elected as an organiser of the South Australian branch of the federal Miscellaneous Workers Union, and, within two years, at just 25, he became the union's state secretary as well as its federal vice-president. Glen's commitment to the union's membership was highlighted by the fact that he was an advocate and employee representative on nine wages boards through until 1965—that was when he entered state parliament at the election that ended the Playford era and brought to office Frank Walsh's Labor government. At just 32 years of age, Glen's standing within the electorate of West Torrens enabled him to increase the majority of the retiring member, Fred Walsh, also a legend in the Labor Party and brother, I think, of Frank Walsh, and that was despite his standing against the high-profile Liberal Country League candidate PT 'Bo' Morton, the former Sturt and South Australian football champion.

Glen's political development was strongly nurtured and influenced by his uncle, the former senator and Labor Party stalwart Jim Toohey. He could not have wished for a better mentor because Jim Toohey was a colossus of common sense within the South Australian Labor Party and the Labor movement generally, and someone upon whom Don Dunstan relied enormously for support and wise counsel through the time that he was a backbencher, a shadow minister, then as premier, leader of the opposition and premier again, right to the end. Glen also received backing from another influential source, the long-serving federal member for Hindmarsh, Clyde Cameron. Indeed, it was Clyde, bedridden in Canberra with a bout of the mumps in late 1963, who furiously lobbied via long distance telephone calls to help Glen win preselection for West Torrens.

Glen entered the House of Assembly in 1965 as its youngest member and he wasted no time in speaking out on behalf of young Australians. In his maiden speech he voiced his concern that people under the age of 30 were ineligible to take up a seat in the Legislative Council. The year after his election Glen was appointed as government whip, a critically important position in any government but even more so in those holding a tiny majority. It was a position that Glen held in government and opposition until 1970, when Don Dunstan was returned again as Premier and elevated Glen into what is still regarded as one of the most talented ministries this state has seen.

Alongside Don Dunstan, it initially contained such great reformers as Des Corcoran, Len King, Hugh Hudson and Geoff Virgo. Later, it also included Jack Wright, Don Hopgood and John Bannon amongst others. That was a time when the Dunstan government's reforms were the talk of the nation. Don gave South Australia a national voice that far outweighed our size and, in areas of social policy, constitutional and legal reform, he lifted this state from rock bottom to Australian pre-eminence.

Glen was initially appointed minister of labour and industry, which is always an important role in a Labor government. Within six months he added the roles of conservation and minister assisting the premier to his portfolios. The fact that he was given the responsibility as the nation's first minister specifically charged with conservation spoke volumes for the regard in which Glen was held. In his political memoirs, *Felicia*, Don Dunstan painted a glowing picture of Glen Broomhill as follows:

He was a sensitive, conscientious man who brought balance, good sense and concern to all that he did.

He added:

Jim Toohey's nephew, he exhibited many of his uncle's traits...and his calm and pleasant manner concealed a sharp wit which those who attacked him discovered to their discomfort.

Don recounted an example of Glen's rapier-like wit in those memoirs. He recalled:

Glen grew some sideburns—fashionable amongst young men at the time—and one of the dimmer lights, intellectually, of the LCL questioned him in the chamber about it... Glen rose and said, 'I am unfortunate enough to have large, prominent ears which I feel do not enhance my beauty. I grew additional hair in order to hide an unprepossessing feature...an example I advise the honourable member to follow by growing a moustache and a beard.

I will not mention anybody in recent memory. It was that dry, understated sense of humour that kindles fondest memories among Glen's family, friends and former colleagues. He was also renowned as one of the keenest billiards players among the members of parliament. Members should go up to have a look at the honour board upstairs because it tells a political story. You can see the Playfords on that board, and DeGaris, who was a great champion, and many others from both sides of the house. What a shame it is that that competition is no longer going. It was last held in about 1987, and I think I came last, narrowly beaten by Anne Levy.

Over a five-year ministerial career, Glen held a range of portfolios, including fisheries, planning and development, community and welfare, and tourism. In 1973, he became this state's first minister for recreation and sport. During his tenure as a minister, Glen introduced a series of far-reaching initiatives. They included the establishment of the Coast Protection Board and a large increase in the area of national parks and river wetlands. He also oversaw the establishment of a quarry levy and measures to improve the appearance of the Adelaide Hills face zone, which was a major issue at the time in the 1970s.

Glen was also deeply concerned about population growth and overcrowding problems along the ribbon of land between Gawler and Aldinga. For that reason, he was a passionate supporter of the proposed development at Monarto, in addition to being the architect of that project. He was greatly disappointed when the Monarto scheme was later scrapped. That plan certainly attracted its critics but now, in retrospect, it looks increasingly wise as well as visionary. Glen's major legacy was the introduction, as I said before, of the container deposit legislation, completed

in 1974, that saw cans and bottles reduced drastically as a source of litter across the state. Many other places around the world have followed. It was poignant that just weeks after Glen's death at the Palliative Care Unit at the Queen Elizabeth Hospital, the chairman of Clean Up Australia, Ian Kiernan, was in Adelaide singing the praises of our container deposit scheme.

In closing, I think those of us who attended his funeral were deeply moved by the ceremony and also by the contribution of a number of people. Glen Broomhill was just 47 years old when he announced his retirement from politics at the 1979 election. Having stood down from the ministry in 1975 because of his wife Jill's failing health, Glen won the admiration and support of colleagues, constituents and the community when he forwent his political career to leave parliament, leave politics, to care for her full time. His devotion to his beloved Jill, as she battled illness, also led him to serve on the board of the Multiple Sclerosis Society of South Australia and Northern Territory for more than a decade.

Geoff Coles, the former executive managing director of John Martin's and former chairman of the South Australian Tourism Commission, was Glen Broomhill's brother-in-law (his sister was Jill), and he gave one of the most moving eulogies about someone's great love. Jill lived until just a few years ago, and Glen devoted a quarter of a century to her full-time care.

Glen's commitment to public life remained strong until very recently. He played an influential role on the board of ETSA, as well as serving as deputy chairman of the Power Line Environment Committee. Glen Broomhill is remembered with deep fondness as a quiet, unassuming man who harboured a great sense of humour and an even stronger sense of family and community.

On behalf of all members on this side of the house, I extend my condolences to the family and friends of Glen, especially to his daughters Jan and Julie, his son Greg, and the entire family.

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:18): It is with great pleasure that I second the motion and support the comments made by the Premier on the passing of Glen Broomhill, a former union official and MP for Henley Beach (formerly West Torrens), and minister in the Dunstan government, with a parliamentary career spanning 1965 to 1979. Both sides of politics remember Glen Broomhill well and fondly. He made his maiden speech in this place on 26 May 1965 at 37 years of age. Some of us at that time would have been at primary school, some of us may not have been born yet, but it does throw one back to the fact that so many have served this state so well, Mr Broomhill being one.

He was then the youngest member in the House of Assembly, and he went on to serve for 14 years as the member for Henley Beach, during which time, as the Premier pointed out, he held a range of ministerial positions covering labour and industry, environment and conservation, recreation and sport, planning and development, community welfare, and fisheries and tourism, as well as parliamentary appointments of opposition and government whip; and that is a basket of responsibilities.

Senior media identities around Adelaide remember Glen Broomhill as a hard-working and committed Labor man. He not only served his parliament well, he served his party well, and I am sure that members opposite are very proud of his achievements. Reading articles written about him during his time as a Dunstan minister, it is clear that he was known as a skilful yet mild-mannered politician. He was regarded as a straight talker by those on this side, as a man of great integrity and a politician who always had a ready smile.

Journalist Stewart Cockburn notes the following in an article he wrote about Mr Broomhill in 1971, when he was minister for the environment:

...a minister who has shown that he works with a nimble open mind, performs well under pressure and is a good listener.

We would all like that epitaph on our political tombstone one day, and good for him. In the same article, Cockburn is taken by Glen's ready remark that the Steele Hall Liberal government deserved credit for establishing the committee on the environment, the work of this committee providing the impetus for the development of the environment portfolio. He was a straight shooter and believed in giving credit where credit was due. These are attributes that all members of this place would emulate and they are to be admired. As respected as he was for these qualities, it was his commitment to his family that will be Glen Broomhill's longest-lasting legacy.

As the Premier pointed out, he cared for his wife. In the past couple of years in this place and in the federal arena, politicians from both sides have had cause to retire or resign for the very

same reason: the need to care for their families. Mr Broomhill was a trailblazer for highlighting and acting on the need for work/life balance, and is to be given great credit for that pioneering work. As the Premier noted, in 1975 he resigned from Don Dunstan's cabinet so that he could spend more time with his wife Jill and their three children. None of us would need reminding of the toll sometimes taken by working so long and hard in this place. Glen's wife, Jill, and his three children were the most important people in this life. He would have endured criticism for his decision, but he knew it was the right one and, as a man of conviction, his family came first.

As we have heard, Glen Broomhill retired from politics in 1979 to care for his wife. We should all be proud of his achievements, both personal and public. It is a pleasure to have this opportunity to speak of a gentleman in South Australian politics and a wonderful family man. On behalf of the opposition, we on this side of the parliament express our condolences to not only the Labor Party but particularly to Glen's family and friends. He will be well remembered.

Honourable members: Hear, hear!

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:22): It is with sadness that I join this debate to make a contribution about the life of Glen Broomhill. I would like to refer to a book published in 1971, a copy of which is in the Parliamentary Library. The book is called *Sir Henry, Bjelke, Don Baby and Friends* and was edited by Max Harris and Geoffrey Dutton. It refers in part to Glen Broomhill in this way:

When he joined the ministry after the Dunstan landslide of 1970, Broomhill was very much an unknown quantity. He had been quiet and relatively unnoticed in parliament although the workman-like performance as whip had been sufficient to stamp him as cabinet potential. In cabinet, he first held the labour and industry portfolio, relying heavily on his Miscellaneous Workers Union background and being pretty heavily pummelled by supporters of late-night shopping in the metropolitan area.

By way of interjection, I will just say that it is interesting that his brother-in-law, of course, was the head of a major retail store. It continues:

As it turned out, late-night shopping was banned but Broomhill escaped unscathed because the decision was based on a referendum. Broomhill's switch to conservation was a surprise. Don Dunstan, lobbying for his 10th cabinet minister, is said to have plumped for the young intellectual Don Hopgood, but unionist, Dave McKee, got the caucus accolade instead. Dunstan—

as it says here—

who likes a bit of brains and sophistication close to him, whipped Broomhill out of labour and industry into the new chair. A big future is predicted for the quiet one.

It was a great pleasure a year or so ago when I was environment and conservation minister in this government to have lunch with Glen Broomhill and my colleague the Minister for Families and Communities in the parliamentary dining room. We talked about that incident and he explained to us how he was being groomed—and he already had been minister for labour and industry—to be maintained in that portfolio. Don had arranged a caucus vote. There was to be a new member of cabinet and he was hoping to get Don Hopgood into that position but, sadly for him—that is, Don—he was beaten by Dave McKee, who had the numbers at the time. Of course, nobody would have expected Dave McKee to be the minister for environment and conservation. Glen was pushed into that role.

It was great to have the opportunity to talk to Glen and learn that little bit about Labor Party and political history. As a former minister for environment and conservation, I was very pleased to meet with him because he did leave a great legacy for South Australia by giving us much cleaner beaches, parks and roadways, and he is really responsible for keeping South Australia beautiful.

As the Premier said, he introduced container deposit legislation to combat the state's growing litter problem. That was completed in 1975, and not without great difficulty. The Legislative Council at the time sent it off to a select committee. Renfrey DeGaris, if you look through the newspaper clippings, was absolutely opposed to it; small business was opposed to it; the breweries were opposed to it; the retail industry was opposed to it; the canneries were opposed to it; everybody was opposed to it.

It was going to be the end of civilisation. As so often is the case when environmental initiatives are suggested, it is the end of civilisation. Of course after the event, it then proves not to have been the case, and this initiative remains a great success. I have to say that *The Advertiser* was absolutely on the money in its editorial of 11 June 1973 which states:

The State Government's decision to impose deposits on all drink containers is an excellent one. It should prove one of the most practical and effective measures introduced by the Minister of Environment and Conservation (Mr Broomhill).

That was a very sagacious analysis by the editor of *The Advertiser*. Just this month, as the Premier said, Clean Up Australia called for governments across the nation to follow South Australia's example. A number of governments across Australia have looked at this issue from time to time, but they have always found it too difficult and backed down.

By putting a 5¢ refund value on each drink bottle and can, this state recycles up to 90 per cent of drink containers while other states are well below 40 per cent. Up to 420 million containers are returned to South Australian recyclers each year, and this has been of enormous environmental benefit to our state. In addition, for more than 30 years, the scheme has helped community clubs and charities to raise money for projects.

In an oral history about the controversial legislation (kept in the State Library's collections) Mr Broomhill said he first checked the policy idea with then premier Don Dunstan, who told him 'it was sound policy and what a labour government ought to be doing'.

Mr Broomhill said that it took a lot of 'courage' to introduce the policy—he faced a backlash from the brewers, as I have said, soft drink manufacturers and the packaging industry. The policy's only outspoken group of supporters (Friends of the Earth at Adelaide University) caused a ruckus when they took empty cans into the gallery of the upper house. They covered the steps outside Parliament House with empty cans as well.

The measure did have broad public support—that continues to this day and I am very pleased it is now a bipartisan policy position. Glen said in his oral history, 'It was desirable, a social worry which ought to be righted.' The difficulties it was going to create were more than offset by its merits.

Mr Broomhill said he was stunned that the policy was never introduced interstate. The fact is that the first thing that anybody driving here from Melbourne will tell you is that as soon as you hit the border you notice the difference in the cleanliness of the state. Mr Broomhill made South Australia a leader in environmental reforms.

In addition, Mr Broomhill carried out planning for the linear park and for measures to improve the Adelaide Hills face zone. The government is determined to uphold his reform with a ban on plastic bags. Just as South Australians have embraced recycling, the community has embraced the use of reusable bags when shopping.

I would like to pass my respects on to Mr Broomhill's family and assure them that his achievements in this place will not be forgotten.

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Families and Communities, Minister for Aboriginal Affairs and Reconciliation, Minister for Housing, Minister for Ageing, Minister for Disability, Minister Assisting the Premier in Cabinet Business and Public Sector Management) (14:28): I rise to add my condolences to those who have already spoken, and pass them on to the Broomhill family. I first became aware of Mr Broomhill because I played tennis with his son at the Henley South Tennis Club. I was fascinated by this man who was a gentleman, a very old-fashioned gentleman, and he always presented in a very suave and smooth fashion.

What fascinated me at the time—it does not fascinate me now, but it fascinated me at the time—was that he seemed to have this glamorous job where he had to stay up all night working or into the morning, so he would sometimes come to the tennis club straight from the parliament, and I found that incredibly fascinating. I thought it must be such an important place that it had to sit all night. Now, of course, I know better. The other occasion on which I met Mr Broomhill was recently. As the Minister for Health (Hon. John Hill) has just mentioned, we arranged for Mr Broomhill to come to the parliament.

I had been thinking for some time that, in this place, we do not do enough to acknowledge our former members of parliament. There is a great repository of wisdom in former members of parliament and I do not think that we do enough to listen to them in an organised way; because there is much we can learn. To further that objective, and from chatting with John Hill, I knew that he was very keen to meet Mr Broomhill. I said that I had this small connection and I would organise for him to come. For an hour solid, he bagged us. I am now revisiting whether that was entirely a good idea. He was very frank in his advice about where the government was going wrong and he

also recounted some fascinating anecdotes of Labor history, which I think we both found fascinating.

The reason I make a contribution today is to acknowledge Mr Broomhill's role as a carer. We did not have a word for what he did in 1975: it was just seen as the natural love that a husband has for his wife. You promise to look after them in sickness and in health, and you do that. He made an incredibly wonderful contribution. He threw in a career—and, by all accounts, he was regarded as a bright, young talent who could have been a premier. He simply turned his back on that to care for his much-loved wife and, by all accounts, not a word of complaint during the whole of that period.

The people who play the role of a carer, as we know from our work in this parliament, make an enormous contribution to the wellbeing of the loved ones for whom they care. Of course, it is the best possible way for someone to be cared for, although it can impose enormous burdens on that person. I know in the case of Mr Broomhill that it can also lead to even greater degrees of intimacy between a partner and their spouse. It is a wonderful example of devotion and love, and I think it should be acknowledged.

Honourable members: Hear, hear!

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:32): I support the motion and extend my condolences to the family. I had the privilege of attending Mr Broomhill's funeral service and I join with the Premier in acknowledging the significant presentation by Mr Geoff Coles. He thanked Mr Broomhill and his family for the devotion they had to his sister, Jill, who, over a decade and a half, suffered considerably, and stated that Mr Broomhill had abandoned a political and professional career to provide that support. It was a very moving contribution and it was a great testament to the dedication and love that he had for his wife.

I also wish to mention that, before my father died, he went through a list of people who were members of the parliament in the 1970s and whom he liked and respected. I will not tell members how long the list was and how many from the other side have connections on that list, but I will say that Mr Broomhill was on it. That is probably remarkable for this reason: I cannot think of a single thing on which they actually ever agreed.

In some ways I cannot think of two more different people, but what struck me at the service was that there was a photograph of Mr Broomhill feeding magpies and blackbirds, which was something he enjoyed doing in the latter part of his life. It may surprise some members to hear that was also an activity which my father enjoyed in the last couple of years of his life. I think that is the only thing I can think of that they had in common. I think Ted had a much more pragmatic approach to birds. It was a little like chooks: if they were laying eggs, they did not need feeding; and if they did not lay eggs, they did not deserve feeding. They had a rather different approach to things, but I wish to convey to members of his family that this was something they had in common.

Whatever Ted and Jack Wright might be doing up there at the moment—probably trying to hoodwink people into playing a game of poker with them—I can just expect that Mr Broomhill will be there telling them off! My condolence to his family.

The Hon. P. CAICA (Colton—Minister for Employment, Training and Further Education, Minister for Science and Information Economy, Minister for Youth, Minister for Gambling) (14:35): I would like to rise to contribute to this condolence motion and in doing so extend by deepest sympathy to Mr Broomhill's family. Of course, as we have been told, Mr Broomhill was the member for Henley Beach, and before coming into this place I knew of Mr Broomhill as a local constituent, through the container deposit legislation and, of course, being the very outstanding local member of parliament that he was.

One only needs to review some of the documentation that appeared in the local papers at that stage reviewing the forthcoming elections, from 1970, from 1973, from 1975, where it was detailed that the 'LCL has a difficult problem in its attempt to win the seat of Henley Beach', because, of course, of the incumbency and outstanding contribution that Mr Broomhill made as local member, and it came through again in 1973 that, 'A difficult task would be had by anyone attempting to take the seat of Henley Beach.' And again in 1975: 'Mr Broomhill will be a difficult candidate to beat,' and the reason why he was such a difficult candidate to beat was because of the outstanding contribution he made not only as we have heard here as a minister of the Dunstan government but also as an outstanding local member of parliament.

Of course, we suffer today—I think 'suffer' is the right word—the four-yearly boundary redistributions, but if we look at Henley Beach as it was in 1970 and 1973 and 1975 it is essentially

what is my seat today, and I think, of course, that he set as a local member a very great tradition for other people to follow with respect to the way by which you service those local constituents within that area.

So, I knew of Mr Broomhill as a constituent and as the minister for conservation and environment. It was when I was elected that I got to know Mr Broomhill a lot better, and that was through a series of phone calls that I received soon after being elected, and, of course, those phone calls were in no way focused on providing gratuitous advice to me. No, it was not. It was never from a position of knowing more than anyone else, but purely from a position of providing me with his knowledge of the area, his knowledge of the workings of government and parliament, and also providing what I believe to be sound counsel and advice.

But in line with the contributions of other speakers I too learnt much more about Mr Broomhill when I attended his funeral, and in particular, as has been mentioned, from Mr Coles and from his nephew James Rundle, who detailed various aspects of Mr Broomhill's life that I was not aware of. They were fantastic and very emotional contributions made by those two people. So not only was Mr Broomhill a remarkable man from the perspective of being a reformist in the political arena but as we have been told he was also a man who I think remained very faithful to his overarching priority, and that priority was, and remained up until his death, his family. As was mentioned by my colleague the member for Cheltenham, that was evidenced in his early departure from parliament to care for his very, very sick wife Jill. Again, I offer by deepest sympathies to the family of Glen Broomhill, and thank him for his outstanding contribution to this place.

The Hon. R.B. SUCH (Fisher) (14:40): I would like to pay a tribute to Glen Broomhill. I knew him personally. Way back in the 1970s I was an academic involved in what I think was innovative lecturing relating to studies of society and the environment. I met with him on many occasions, and we should acknowledge his contribution as a pioneer. The government of the day, of which he was a member, not only led Australia but led the world in many aspects of environmental legislation. The Premier mentioned something that I did not know, that he went to Goodwood Tech. I went to Goodwood Tech, so he has risen even higher in my estimation.

Glen was a gentleman in the truest sense of that term. He was always dignified, had a quiet manner and was a very pleasant person to deal with. I would suggest to all members here that the best way in which to honour his legacy is to live up to his expectations in terms of his focus on the environment (it was not his only focus). I believe that the best way to remember him is to uphold his commitment and his innovation in terms of environmental protection.

The Hon. G.M. GUNN (Stuart) (14:40): As a member who came to this place in the class of '70, I think I am the only person left who served with the late Mr Broomhill. He became minister for the environment (and that is a subject to which I pay a little attention!), and I found him to be a most reasonable and approachable person in that particular capacity. It was early days in that department, and I was perhaps a little more enthusiastic in those days in my representations. I have mellowed in my views since. I would like to extend my condolences to Mr Broomhill's family. He was a good member of parliament and a very good person. It was a pleasure to know him, and I am pleased to add my voice to those who have placed on the record the details of his service to the people of this state.

Ms CICCARELLO (Norwood) (14:41): I also would like to support this motion. I was very saddened to learn of the death of Glen Broomhill on Boxing Day last year. I had known Glen for many years, and I always found him to be a really likeable and intelligent man, with a great sense of humour—although, I must say, I was often the butt of his humour when we served on a committee together.

An honourable member: Did you fall down a cliff then?

Ms CICCARELLO: I did not fall down a cliff then. It would not be an understatement to say that Glen was one of the true gentlemen of politics, and I think most of us could only dream about being universally liked by those on both sides of politics. After leaving school and becoming a dental mechanic, Glen threw himself into the world of trade unions and the Australian Labor Party. He was a member of the miscellaneous workers union at 20 and a full-time organiser at 22. Glen's enthusiasm and knowledge led to his being invited by the British government to study industrial conditions in the United Kingdom, and at the age of 26 he became the youngest union secretary in the state as well as being its federal vice president.

Glen inevitably was drawn to politics, in particular, with the encouragement of his much loved uncle, senator Jim Toohey, and also Clyde Cameron. He was preselected as the Labor

candidate for West Torrens. He went on to win the seat, and we have heard about his stellar career in parliament. He was elevated to cabinet as minister of labor and industry, and we have heard about the political time bomb that he was handed, having to deal with the referendum on Friday night shopping hours. He faced a lot of tensions at home, because his brother-in-law was Geoff Coles, the manager of John Martin's. Glen was then appointed as the state's and the country's first minister for conservation and environment, and he carried out his duties very well, as was the case with respect to the container deposit legislation. He also served a significant period as minister for recreation, sport, fisheries and tourism.

While Glen relished being minister for the environment, I would like to think that the sports portfolio brought him a particular delight. As well as being a member of almost every sports club in his electorate, Glen was a mad football fan. He was a keen supporter of Glenelg, and he played with the Bay Colts in his youth. He also was an active racegoer and was part owner of a horse called Carry the Flag. As the Minister for Families and Communities has said, I think that Glen's greatest contribution was looking after his beloved wife, Jill. At his service, it was great to hear Geoff Coles describe how he went home and found a young man with black hair, wearing dark glasses, sitting there with his sister, and not very long after that they were engaged and then married. I got to know Glen very well when he was a chairperson of the Power Line Environment Committee; and, at that time, Roger Goldsworthy was also a member of that committee. I was a member of that committee for about six years, which met in the old ETSA building in Norwood. We had a lot of very animated discussions, particularly about football, because Glen was very dismissive of my favourite team, Norwood—the mighty Redlegs. He liked to tell me how great Glenelg was, but I always reminded him that Norwood thumped Glenelg in the grand final. He was a wonderful individual and he will be sorely missed.

I was speaking earlier today to Murray De Laine who knew Glen very well. In later years Glen had started to become involved in the Retired Members of Parliament Bowling Club. He intended to take part in some tournaments, but he told Murray that in December he had been diagnosed with pancreatic cancer and that he did not think he would last until that time. He is a sad loss to our community. He made a wonderful contribution and I extend my condolences to his family.

Mr VENNING (Schubert) (14:46): I rise briefly to express my condolences on the passing of a great South Australian, the Hon. Glen Broomhill. I, too, have the honour of being a son of one of Mr Broomhill's friends on this side of the house, and I do this for my father. However, there were a lot of friends over there, and I did appreciate the Premier's speech when he listed half a dozen of them. There were some giants among that group, and I think that both sides can say that it is times such as this when we can reflect on the stalwarts of our party; and, Premier, you did list six of my father's very close friends. He often spoke of them long after he retired. When I was a young political apparatchik following my father around it was easy to get to hate the bad guys on that side of the house, because that is the sort of indoctrination you pick up. However, meeting and working with people such as Glen Broomhill makes you say, 'Well, there are some good guys over there', and you respect them a lot.

I want to touch briefly on the container deposit legislation because, as chairman of the ERD Committee for almost eight years (and I know that the member for Norwood is already carrying on), I spoke to the Hon. Glen Broomhill several times about this, and I wondered why other states had not picked it up. He gave me much advice, and I assured him that I would take up the fight for him, and the member for Norwood and others will back me up. I think that I have attended 14 conferences and every time I have raised this issue. I can say that, in his memory, I will keep doing it because I just do not know why it has not been picked up.

I believe that the Hon. Glen Broomhill's life can be an example to us all—a quiet achiever. He was driven and, as we heard today, he was a very dedicated family man. He was a gentleman and a friend to all in this parliament. I express my condolences to Glen's family and friends.

The SPEAKER: I thank members for their contributions. I did not know Mr Broomhill but I did spend a large part of my youth collecting drink cans for pocket money. I pay tribute to Mr Broomhill's contribution. I will forward to Mr Broomhill's family an extract from *Hansard* of today's proceedings. I ask all members in support of the motion to please rise in their places.

Motion carried by members standing in their places in silence.

CRIMES, MR E.H.

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:50): I move:

That the House of Assembly expresses its deep regret at the death of Mr E.H. Crimes, former member of the House of Assembly, and places on record its appreciation of his meritorious public services, and that as a mark of respect to his memory the sitting of the house be suspended until the ringing of the bells.

I was saddened to learn of the death of Ernest Crimes—Ernie Crimes, as he was more widely known—on 17 January 2008 at the remarkable age of 100. Ernie served as the member for Spence in Don Dunstan's government from 1970 to 1975. He was also a stalwart of the trade union movement here in South Australia and, for 35 years, he was the managing editor of *The Herald*, South Australia's Labor Party newspaper. That is how I first met him in my role as an occasional contributor to *The Herald*, as was the member for Spence, and probably a number of others on the front bench. I know that Steph Key and others have all contributed under his leadership.

I quickly learned that Ernie was a man of firmly held opinions, to put it mildly. He was never afraid to voice his views on issues and personalities regardless of political affiliations; so, the member Stuart is in good company. He was also a prolific correspondent, whether in his own publication or as a regular contributor on the letters to the editor pages of our daily newspapers. More about that later.

Ernest Henry Crimes was born in the railway town of Crewe in the northern English county of Cheshire on 27 May 1907. His father, Jimmy, was a fitter and turner with British Rail and an activist unionist within the Amalgamated Engineering Union. An only child, young Ernie suffered severely from bronchitis which was aggravated by the long, damp English winters. In 1913, his family acted on medical advice and emigrated to Adelaide. Ernie's father had found work in the Islington railway workshops.

Ernie attended Hindmarsh Primary School, where he made his political leanings known early on by wearing (at primary school) a blue anticonscription badge in the classroom at the height of the First World War. In fact, there are various stories about police visits to the household and so on. After gaining his qualifying certificate from Woodville High School, Ernie was employed as an office boy with a secretarial firm. When his father lost his job because he defended a young worker who had been victimised, Ernie became the sole breadwinner for his household.

His family survived on Ernie's wage of £1 per week plus the generosity of their friendly local butcher. It was that period that instilled in Ernie a strong commitment to help enact social change. Ernie rose through the ranks at the secretarial firm and he was promoted to office manager, then paymaster, and he even served as a proxy at board meetings. He was called up to service in the Second World War but, when he told the recruiting officer that he was the only male employee in an office that also served the Fire Brigades Board, he was quietly advised to rip up his enlistment form.

It was during this time that Ernie became president of the commercial section of the Federated Clerks Union. He also began his association with *The Worker's Weekly* newspaper—never a daily newspaper, much to our enduring sorrow—where he took over writing a weekly column on foreign affairs that can only be described as extremely controversial. He joined the paper full time in 1949 and he was soon appointed managing editor. Ernie was paid so little in his role as managing editor of *The Herald*, that the then ALP state secretary, Jim Toohey—uncle of Glen Broomhill—later to become an influential South Australian senator and a mentor for many an aspiring Labor politician, took to passing a hat around the Labor parliamentary members in order to supplement Ernie's wage.

Ernie also became involved in the Australian Workers Union (AWU), and in 1959 he stood as the ALP candidate in the state's toughest seat—no, not Ramsay—the electorate of Gumeracha, which was held by the premier, Sir Thomas Playford. Even though he was unsuccessful, Ernie's dogged refusal to back away from a fight saw him contest the same seat at the next state poll in 1965. This was a safe seat for the Liberals—there could not be anything safer—but Ernie was determined to win it. He was again a candidate in 1965, and that was the election which brought about the end of the Playford era, although not the end of Sir Thomas Playford as the member for Gumeracha.

For his efforts, Ernie Crimes was rewarded with preselection for the vastly different western suburbs seat of Spence in 1970. I just think of the members for Spence over the years: Ernie

Crimes, Roy Abbott, former president of the South Adelaide Football Club, and now our own Attorney-General. At his third attempt, Ernie Crimes made his way to the House of Assembly, albeit at the age of 63. At that election—this is a test for the Attorney-General—Ernie Crimes, in the seat of Spence, polled more than 75 per cent of the vote—the most that the ALP scored in any seat in 1970, which was a glorious year for our party.

Importantly, in his maiden speech in this place, Ernie paid tribute to his Liberal Country League opponent of 1970, Mr F.W.C. Rieck. Ernie noted that Mr Rieck's chances of winning Spence were:

...probably no better in that contest than were mine on two previous occasions...when I contested Gumeracha against that most legendary figure, Sir Thomas Playford.

Like the Hon. Glen Broomhill, to whom we have also paid tribute in this house today, Ernie Crimes harboured deep concerns about South Australia's environment. In that maiden speech, delivered on 15 July 1970, he expressed his fears for the future of our oceans and waterways. Ernie stated:

I turned to the problem of environmental pollution which does, I hope, exercise the minds of all thoughtful citizens. [These are] matters that are fundamentally and profoundly important, not only to this state but also to Australia...and even, in some cases, to several countries throughout the world. If ever there has been an indictment of society and of so many people, that is it.

[A commonwealth Senate committee] report states that South Australia's problem is simple but serious, and [that] Adelaide's water system is endangered.

Ernie served as acting deputy speaker from some time before he retired from parliament at the 1975 election, aged 68. Because he was only halfway through his second term when the poll was called—it was a snap election—Ernie was not entitled to a parliamentary pension, but he continued to serve a role in public life. In 1975 he was appointed for a short time to the board of the Savings Bank of South Australia.

Ernie also attracted attention for his parliamentary fashion sense even before Don Dunstan appeared in his now legendary pink shorts. Ernie and a former member for Salisbury, Reg Groth, claimed to have pioneered the wearing of coloured shirts in this chamber. Ernie recalled later that a lot of people objected to it. Throughout his tenure as the member for Spence, Ernie continued to work in his role as managing editor of *The Herald*. He worked closely with renowned journalist and author Bruce Muirden, a close friend and colleague of mine. The pair worked together to produce *The Herald* from 1960 through until Ernie's retirement in 1989, aged 82.

'Muirden wrote it, but I was behind the scenes,' Ernie recalled of *The Herald* during those years. I have to say that I used to share a room in this building with Bruce Muirden, and I used to hear his weekly conversations, sometimes more than once, with Ernie. Their relationship could only be described as colourful; it was a kind of deep and abiding friendship and respect but peppered with a great deal of enthusiastic exchange of views on a whole range of different issues.

Even though deteriorating eyesight forced him to give up driving his car at the age of 88, Ernie remained active and continued to harbour his passion for politics. He wrote countless letters to the newspapers, many of them appearing under his alias, L.F. Hutchinson of Henley Beach. So, if any members opposite have ever been attacked publicly in the *Tiser* or the old *Adelaide News* by L.F. Hutchinson, you now know who it was. An avowed socialist until his death, Ernie once revealed that during his adolescence his fondness for motion pictures had led him to briefly admire American capitalism. Ernie once recalled:

I saw the propaganda of their films, the glitter, the glamour and the beautiful women.

He said, 'I thought "what a wonderful society". Then I saw behind the facade.' It was very interesting that, at his funeral at Enfield cemetery a couple of weeks ago—Ernie at nearly 101—there was music. Al Jolson's music was his preferred choice, and I think there was also a bit of Fred Astaire.

While his political philosophy changed dramatically as he began his working life, his interest in movies and the film industry scarcely waned. He joined various societies connected with the movies. However, he did become disillusioned with the subject matter of modern movies. He went on to say:

Even when the Depression was at its worst, we could go to a dance very cheaply or see a bright, happy film for a shilling. These days, if you can afford to see a picture it's all horror—no wonder everybody's depressed.

Even after he celebrated his 100th birthday last May, Ernie, with the support of his family, was still able to look after himself and Lucy, his beloved wife of 70 years. Although he suffered increasingly from deafness, Ernie hated to miss a word of the federal parliamentary debates being broadcast on

the radio. He remained a devoted student and outstanding participant of the political process until his passing. I know that he gave his successors in the sub-branch considerable curry for many years.

On behalf of all members on this side of the house, I extend my condolences to Ernie's wife Lucy, to their children, Paul and Denise, and to all of Ernie's family and friends.

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (15:03): Every party has its colourful characters, and there is no doubt that Ernie Crimes is one of Labor's most colourful. As we have heard, he was born in 1907. He was a former union official, an MP for Spence from 1970 to 1975 and for 36 years was the editor of *The Herald*, Labor's newspaper. Whether it was as a union official, a columnist, an editor or a parliamentarian, the record shows that Ernie Crimes knew what he had to say and was always prepared to say it.

In an interview last year—and the Premier has just alluded to it—with Labor's newspaper *The Herald*, the paper on which Ernie served for 36 years, he proudly said that he even predated his nemesis Don Dunstan in the fashion stakes, wearing colourful shorts in parliament long before Dunstan had thought of it. The shorts found their way into South Australia's political history. It is fair to say—and as former members on this side would recall—that the Liberal Party and its members were often at the wrong end of his wrath, but it is also fair to say that he spread it around. In some respects, we had a bit in common with his disdain for Bob Hawke, Don Dunstan, Frank Walsh, Paul Keating, and a string of other ALP luminaries. These would have made good conversation starters with those on the opposite side of the political spectrum.

As our state's political history shows, Ernie was very much on the left of Labor, and he demonstrated his commitment to socialism when he resigned from the party after Bob Hawke privatised the Commonwealth Bank in 1985.

What is to be admired about Mr Crimes is that he always stood by his principles. Political expediency was not in his nature, and that no doubt prevented him from achieving higher office. His contribution was always dictated by a commitment to the union movement and the beliefs instilled in him by his father's background as a strong union man in Great Britain.

Politics aside, it is perhaps best to reflect on an even greater contribution made by Ernie Crimes in his more than 100-year lifetime and that was his commitment to his family. As Phil Robins' final interview last year attests, Ern cared for his wife Lucy at their Croydon home where they lived for some 70 years. What a great achievement.

His son Paul, daughter Denise, four grandchildren and two great-grandchildren have much to remember and much to reflect on through the clear memories that Ern had of the development of the Labor movement in South Australia from World War I right through to the present. It is indeed a proud connection with his party.

His granddaughter, Emily Webb, shares his passion for film and was interviewed by Peter Goers on ABC radio last year about memories she had catalogued. His story is very much the story of Adelaide's western suburbs, of Labor's struggles with socialism and how Australian politics arrived at the place it is today.

His story is also about a migrant family in an increasingly multicultural Australia and how such families have made a lasting contribution to the community. These are stories of family migration worth telling, and we on this side of the house wish his family all the best for the future and express our condolences and respect to his memory. I commend the motion.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs) (15:07): Last September, I concluded my two-part speech about the former member for Spence, Ernie Crimes, to mark the occasion of his centenary. Alas, today I rise to bid Ernie farewell.

Though I doubt that he was a believer—at least, if he were, he were quite angry with God—God bless you, Ernie, and may your soul rest in eternal peace. I offer my thoughts and condolences to Lucy, his wife of some 70 years, who survives Ernie in the family home at Robert St, Croydon, as well as his children, grandchildren and great-grandchildren.

He was once described as the most left-wing member of the Dunstan caucus. I am not sure so much on social issues, but certainly on the question of nationalising the means of production and exchange he was uncompromisingly left wing.

He was born in the town of Crewe, getting towards Deeside in Cheshire, England, on 27 May 1907. He was only five years of age when he came to Adelaide with his mum and dad. It is clear that in his life the politics of his father, a fitter and turner and an ardent socialist, had much influence.

Still in primary school, a young Ernie said that he was a campaigner against conscription. There were two referendums on conscription for overseas service in the Great War, and Ernie said he wore to school an ALP badge emblazoned with the word 'No' in the middle of a map of Australia: 'No' to conscription for overseas service.

In his domestic life, Ernie was independent almost to the very end. He would do all the dishwashing and dusting although he complained that he was prone to breaking things owing to his failing eyesight. He was happy with his life and lot in Croydon. He lived a full life of political adventure. Although once a fan of Bob Hawke, his great Labor hero was Ben Chifley. 'I loved Ben, I loved Ben,' he said to *The Labor Herald* last year.

Ernie Crimes made two attempts to unseat the man he once described as a dictator—and that was Liberal premier, Tom Playford—in 1959 and again in 1965. Ernie Crimes claimed about a third of the vote in Gumeracha. Ernie retold the tale that Clyde Cameron contacted him to try to stop him from running against the then premier. At the time Ernie was suspended from the ALP owing to pro-Soviet leanings. A fierce factional fighter, Ernie Crimes made no secret of his hostilities with Premier Dunstan, nor did his revulsion over the privatisation of the Commonwealth Bank ever wane.

Ernie Crimes said that one of his life's great disappointments was the collapse of the Soviet Union. He had visited there and he said:

Actually, the only impression we can get of the Soviet Union even though they had some trouble with Stalin—who wasn't a bad man; he was a relatively good man—even though they had some trouble there, the people were so well ordered, the kids were wonderful. We'd go to schools and camps. Remembrance of the dead in the war against fascism. Oh, it was wonderful.

Ernie Crimes loved movies and musicals. He admired America as the home of the movies, but then, owing to the influence of authors such as H.G. Wells, Upton Sinclair, George Bernard Shaw and, of course, Karl Marx, Ernie changed his direction. However, he maintained his love for the movies and, indeed, at his funeral, the song *Singin' in the Rain* was played.

Ernie served as the first member for Spence from 30 May 1970. Up until that election, the seat had been known as Hindmarsh and it had had two members over a long period: from 1918 to 1950, John McInnes, who died in office; and Cyril Hutchens from 1950 to 1970. Ernie compulsorily retired at the snap election in 1975 owing to an ALP policy at that time that no MP could stand for a new term if he would turn 70 by the end of it. As I have said before, I know from first-hand experience that—

The Hon. P.F. Conlon interjecting:

The Hon. M.J. ATKINSON: Yes—Ernie Crimes found it hard to get over that early election because it deprived him of an entitlement to parliamentary superannuation, which was a cruel blow. I wonder whether the ALP could have adjusted its rules to allow Ernie one more term, but he was crooked at Don Dunstan for calling that early election; as you would be. The Premier said that he had a Liberal opponent in 1970. That may have been the case. Certainly, Cyril Hutchens was unopposed on many occasions as the Labor candidate for Hindmarsh, but I am sure that Ernie did not have a legitimate opponent in the 1973 general election because the Labor Party gave Jim Sheridan leave (as it has done from time to time over the years) to stand against an endorsed Labor candidate. Jim Sheridan was a party member, and the reason he was standing against Ernie in Spence in 1973, as I think Nick Bolkus stood against someone in Elizabeth in the 1970s—

An honourable member: Peter Duncan.

The Hon. M.J. ATKINSON: It could have been, I am not sure. Peter Duncan was not preselected until the 1973 election—was to maximise the Labor upper house vote. We wanted the Labor voters to turn out to vote in the Legislative Council election for Central No. 1. I remember Jim Sheridan being given permission. He was one of the few Gaelic speaking members of the Australian Labor Party.

The Hon. P.F. Conlon: Critically important.

The Hon. M.J. ATKINSON: Critically important. During Ernie's time as the member for Spence, he was a member of the Labor Party's Parliamentary Labour and Industry Committee, the

Conservation Committee and the Parliamentary Land Settlement Committee. He was managing editor of *The Labor Herald*, the official newspaper of the United Trades & Labor Council of South Australia from 1950 until he retired in 1986. The previous editor, Smedley, had had a falling out with Clyde Cameron. That is how Ernie graduated from being a columnist writing under the nom de plume Saboteur to the editor of the paper.

After he retired from parliament, he was appointed to the board of the Savings Bank of South Australia. He also served as president of Labor's May Day Committee and he was also on the Labour Day Committee.

I can remember the imprecations and raised voices that came through the door of the Labour Day committee room at Trades Hall as I waited in the corridor to see him one day. He was the South Australian president of the Australia Soviet Friendship Society, and a member of the ALP state executive.

Ernie had been a secretary of the Gas Workers Industrial Union and he also served with the Australian Workers Union. Indeed, I think in the 1960s or early 70s the Federated Gas Workers Industrial Union had a ballot for secretary, and oddly enough you did not have to be a member of the union to run in the ballot. The ballot was advertised and my friend John Boag stood as secretary, and I think he went on a visit to Port Pirie to try to garner some votes and was ringing up members who worked in the Brompton depot of the gas company. Ernie as returning officer gave him a call and said, 'Mr Boag, it is against the union's rules to canvass the members in an election, and if you continue to canvass the members I shall regrettably have to remove your name from the ballot paper.'

Ernie Crimes is a character of the Labor Movement of old. Not too many are left who came from the era of empires battling against one another through hot and cold wars. Ernie Crimes at least leaves this world passionate about his beliefs and committed to his wife and family. Vale Ernie Crimes.

The Hon. G.M. GUNN (Stuart) (15:17): I came into parliament on the same day as the late Mr Crimes—even though our views were somewhat different. I will never forget: he sat where the member for Giles sits and he used to point his finger at me, and I would suggest to members that they ought to have a look at *Hansard* and see some of the colourful phrases that were used. In his role as being involved with the Labor Party *Herald* he used to write in raised black type when referring to two members, namely myself and the Hon. Dean Brown, as evil and weevil.

An honourable member: Which one's which?

The Hon. G.M. GUNN: I am not sure which was which. However, that was all part of good political banter. But I am pleased that the Attorney-General mentioned his role on the Labor Party environment committee, because I recall going to Coober Pedy with the late Mr Glen Broomhill as minister and with Mr Crimes and other people, and they were taking evidence in relation to whether they should backfill opal mines. It was a most controversial issue, and when we got there we were met by a group of people who were led by an Ulster Irishman, whose father had been a member of the B-Specials.

The Hon. M.J. Atkinson: We get the idea; I can almost feel the idea.

The Hon. G.M. GUNN: Well, I was unfortunate enough to be sitting between this gentleman and Mr Crimes, and can I say that it was a most interesting discussion. I was particularly concerned about Mr Crimes' welfare when we were leaving. However, after that meeting we never heard any more about backfilling of opal mines. We never heard any more. Ernie did make his view clear, and my friends up there had their views in relation to the matter. I think that was the last time Ernie went to Coober Pedy.

Notwithstanding that, I have to say that we had a lot of good fun and banter across the house. I think he did refer to me as being a member of the landed gentry. I don't know why—just a simple country farmer. However, we need colourful characters in this parliament. I remember him complaining in this house that when he got home on one occasion some people who obviously had something against Ernie had advertised his house for sale! He actually took umbrage at that. Those of us on this side of the house could see the funny side, but he did not. I would like to extend my condolences to his family. He was one of the most colourful members, and I will have to read those speeches again to see those interesting things that he said about me.

The SPEAKER: I thank members for their contributions, and I will forward to Mr Crimes' family an extract of today's proceedings.

Motion carried by members standing in their places in silence.

[Sitting suspended from 15:21 to 15:32]

SHARED SERVICES

Mr GRIFFITHS (Goyder): Presented a petition signed by 2,138 citizens of Regional South Australia, requesting the house to urge the government to reconsider its policy of Shared Services in so far as it will move jobs from regional communities to be centralised in Adelaide, negatively impacting upon those communities.

SOLID WASTE LEVY

Mr PENGILLY (Finniss): Presented a petition signed by 219 residents of South Australia, requesting the house to urge the government to ensure that all funding raised from the solid waste levy is directed to programs designed to help councils and the private sector to meet the SA Strategic Plan target for reduction of waste in landfill.

SOLID WASTE LEVY

Mr GRIFFITHS (Goyder): Presented a petition signed by 94 residents of South Australia, requesting the house to urge the government to ensure that all funding raised from the solid waste levy is directed to programs designed to help councils and the private sector to meet the SA Strategic Plan target for reduction of waste in landfill.

HOSPITAL BOARDS

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition): Presented a petition signed by 9 residents of South Australia, requesting the house to urge the government to retain individual hospital boards so they continue to be responsible for overall management of finances, determination of the provision of services, employment of senior staff and workforce planning.

PAPERS

The following papers were laid on the table:

By the Speaker—

Employee Ombudsman—Report 2006-07

Pursuant to Section 131 of the Local Government Act 1999 the following 2006-07 annual reports of Local Councils:

- Adelaide City Council
- Adelaide Hills Council
- Alexandrina Council
- Barossa Council
- Barunga West, District Council of
- Berri Barmera Council
- Burnside, City of
- Campbelltown City Council
- Ceduna, District Council of
- Charles Sturt, City of
- Clare and Gilbert Valleys Council
- Cleve, District Council of
- Cooper Pedy, District Council of
- Coorong District Council
- Copper Coast, District Council of
- Elliston, District Council of
- Flinders Ranges Council
- Gawler, Town of
- Goyder, District Council of
- Grant, District Council of
- Holdfast Bay, City of
- Kangaroo Island Council
- Karoonda East Murray, District Council of
- Kimba, District Council of
- Le Hunte, District Council of
- Light Regional Council
- Lower Eyre Peninsula, District Council of

Loxton Waikerie, District Council of
 Mallala, District Council of
 Marion, City of
 Mid Murray Council
 Mitcham, City of
 Mount Barker, District Council of
 Mount Remarkable, District Council of
 Murray Bridge, Rural City of
 Naracoorte Lucindale Council
 Northern Areas Council
 Norwood, Payneham and St Peters, City of
 Onkaparinga, City of
 Outback Areas Community Development Trust
 Peterborough, District Council of
 Playford, City of
 Port Adelaide Enfield, City of
 Port Augusta City Council
 Port Pirie Regional Council
 Prospect, City of
 Renmark Paringa Council
 Robe, District Council of
 Roxby Downs Council
 Salisbury, City of
 Southern Mallee District Council
 Streaky Bay, District Council of
 Tatiara, District Council of
 Tea Tree Gully, City of
 Tumby Bay, District Council of
 Unley, City of
 Victor Harbor, City of
 Wakefield Regional Council
 Walkerville, Town of
 Wattle Range Council
 West Torrens, City of
 Whyalla, City of
 Yankalilla, District Council of
 Yorke Peninsula, District Council of

By the Premier (Hon. M.D. Rann)—

AustralAsia Railway Corporation—Report 2006-07

By the Deputy Premier (Hon. K.O. Foley)—

Australian Crime Commission—Report 2006-07

By the Treasurer (Hon. K.O. Foley)—

Electricity Industry Superannuation Scheme—Report 2006-07
 Motor Accident Commission—Charter
 Regulations under the following Act—
 Stamp Duties—Special Acts

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

Development Act—Development Plan Amendment Reports—
 Ceduna, District Council of—General and Coastal Policy
 Marryatville Primary School—Proposal to Locate a New Dual Transportable Classroom
 and Removal of One Significant Tree
 Mount Gambier, City of—Residential Zone (Complying Policy)
 Residential Parks and Caravan and Tourist Parks
 Regulations under the following Acts—
 Development—
 Brush Fences

Bushfire Protection Areas
 Preliminary Advice
 Harbors and Navigation—
 Australian Builder's Plate Standard
 Port Adelaide
 Motor Vehicles—
 Number Plates Exemption
 Passenger Seatbelt Demerits
 Road Traffic—
 Level Crossing
 Maximum Penalty
 Passenger Seatbelts
 Passenger Seatbelt Fines
 Prescribed Oral Advice

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

Regulations under the following Act—
 National Electricity (South Australia)—Civil Penalties

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

Courts Administration Authority—Report 2006-07
 State Coroner—Report 2006-07 Erratum
 Summary Offences Act—
 Dangerous Areas Declarations—Section 83B
 Road Block Establishment Authorisations—Section 74B
 Regulations under the following Acts—
 Correctional Services—
 Controlled Drugs
 Prohibited Drugs
 Criminal Assets Confiscation—Foreign Offences
 Criminal Law (Clamping, Impounding and Forfeiture of Vehicles)—General
 Criminal Law Consolidation—Emergency Worker
 Security and Investigation Agents—Prohibited Substance
 Summary Offences—Revocation
 Rules of Court—
 District Court—Fees Recovery
 Supreme Court—Fees Recovery

By the Minister for Justice (Hon. M.J. Atkinson)—

Department of Justice—Report 2006-07 Erratum

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

Dog Fence Board—Report 2006-07
 Charitable Funds, Commissioners of—Report 2006-07
 Environment Protection (Noise) Policy 2007—Report to Environment, Resources and
 Development Committee of South Australian Parliament
 Maralinga Lands Unnamed Conservation Park Board—Report 2006-07
 Optometrists Board of South Australia—Report 2006-07
 Upper South East Dryland Salinity and Flood Management Act 2002—Quarterly Report 1
 October 2007-31 December 2007
 Regulations under the following Act—
 Controlled Substances—
 Controlled Drugs
 Poisons
 Environment Protection—Licence Fees
 Natural Resources Management—Exemption From Levy
 Prevention of Cruelty to Animals—Domestic Fowls
 Tobacco Products Regulations—Prohibited Advertising
 Upper South East Dryland Salinity and Flood Management—Project Scheme

By the Minister Assisting the Premier in the Arts (Hon. J.D. Hill)—

Country Arts SA—Report 2006-07

By the Minister for Industrial Relations (Hon. M.J. Wright)—

Regulations under the following Act—
Workers Rehabilitation and Compensation—
Arrears Payment
Penalty Payment
Scales of Medical and Other Charges

By the Minister for Education and Children's Services (Hon. J.D. Lomax-Smith)—

Children's Services—Report 2006-07
Non-Government Schools Registration Board—Report 2006-07
Regulations under the following Act—
Senior Secondary Assessment Board of South Australia—Subjects

By the Minister for Housing (Hon. J.W. Weatherill)—

South Australian Housing Trust—Water Rates Prescribed Limit

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

Genetically Modified Crops Management Act 2004 Review—Report of the Genetically Modified Crop Advisory Committee
Regulations under the following Act—
Fisheries Management—
Abalone Fishery
Aquatic Reserves
Blue Crab Fishery
Charter Boat Fishery
Cockle Rakes
Commercial and Recreational Fees
Exotic Fish
Fish Processors
General
Lakes and Coorong Fishery
Lakes and Coorong Pipi Fishery
Marine Scalefish Fisheries
Miscellaneous Fishery
Pipi Units
Prawn Fisheries
River Fishery
Rock Lobster Fisheries
Vessel Monitoring Scheme
Primary Industry Funding Schemes—
Barossa
Fund Contributions
Grape Growers

By the Minister for the River Murray (Hon. K.A. Maywald)—

Murray-Darling Basin Agreement 1992, Schedule G—Effect of the Snowy Scheme

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

Boundary Adjustment Facilitation Panel—Report 2006-07
Local Government Superannuation Board—Report 2006-07
Regulations under the following Act—
Private Parking Areas—Disabled Parking
Rules—
Local Government—Superannuation—
Retainer Insurance Benefit
Super Holdings
Local Council By-Laws—

Grant, District Council of—General
 Kingston District Council No. 6—Cape Jaffa Anchorage (Waterways)
 Tumby Bay, District Council of No. 5—Dogs

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

Office of Consumer and Business Affairs—Report 2006-07
 Regulations under the following Acts—
 Land Agents—Indemnity Fund
 Liquor Licensing—
 Bonython Park
 Chiton Rocks
 Elder Park
 Morgan
 Murray Bridge Long Term
 Peterborough
 Port Lincoln
 Port Vincent
 Robe
 Wallaroo
 Port Augusta
 Trade Measurement—Wine Packaging

By the Minister for Science and Information Economy (Hon. P. Caica)—

Bio Innovation SA—Report 2006-07

PUBLIC WORKS COMMITTEE

The SPEAKER: I lay on the table a report of the committee entitled Little Para Dam Safety Upgrade, which has been received and published pursuant to section 17(7) of the Parliamentary Committees Act 1991.

ANSWERS TO QUESTIONS

The SPEAKER: I direct that the following written answers to questions be distributed and printed in *Hansard*.

ECONOMIC STRATEGY AND POLICY DEVELOPMENT PROGRAM

71 Dr McFETRIDGE (Morphett) (31 July 2007).

1. How many more employees have been employed under the Economic Strategy and Policy Development Program as a result of the increase to employee benefits and costs of \$398,000 in 2007-08?

2. How many fulltime Public Sector employees and contractors, respectively, are employed under this Program and what is the cost of employing contractors?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations): The Department of Trade and Economic Development (DTED) has advised the following:

With respect to this program, the difference between the 2006-07 Estimated Result (\$2,289,000) and the 2007-08 Budget (\$2,852,000) for employee benefits and costs is \$563,000, not \$398,000.

As at 30 June 2007 this strategy included 22 approved establishment FTEs. The anticipated recruitment to two Workforce Development Unit vacancies within the 22 establishment number represents a \$153,000 portion of the \$563,000 increase for 2007-08.

22 approved Public Sector Management Act establishment FTEs are to be employed under this program. In 2006-07 there was a total of nine different contractors employed within this program at a total cost of \$404,817.

As a footnote, the overall \$563,000 increase is due mainly to the following:

- Increase of \$240,000 in the Office of the Economic Development Board for Competitiveness Council staff which is offset by a reduction in the Policy Development Unit

- Increase of \$153,000 due to anticipated recruitment of staff in the Workforce Development Unit
- Increase of \$113,000 in support costs to the Economic Development Board for 2007-08.

OVERTAKING LANES

154 Dr McFETRIDGE (Morphett) (31 July 2007).

1. What is the expected forward expenditure requirements for the State's overtaking lanes and what are the reasons for not including these forward expenditure requirements in the Budget?
2. How many overtaking lanes have been planned and where are they to be constructed?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy): I provide the following information:

On 16 October 2007 I provided the following information:

1. 2007-08 is the final year of the current approved Overtaking Lane Program. Any extension of the program will be subject to normal budgetary processes.

2. \$7.4 million has been allocated to the Overtaking Lane Program in 2007-08. Four lanes will be constructed in 2007-08. They are:

- Victor Harbor Road (Mt Compass to Mt Compass—Goolwa Road)
- Riddoch Highway northbound lane (north of Nangwarry)
- Riddoch Highway southbound lane (south of Nangwarry)
- Noarlunga Cape Jervis southbound lane (near Lady Bay)

I now wish to provide further information in relation to Dr McFetridge's question:

Following a design review it is now proposed to enhance the Victor Harbor Road project by constructing two overtaking lanes, one in each direction. This design change means that it will not be possible to undertake the works in 2007-08.

In its place I have approved the construction of an overtaking lane on the Princes Highway (near Compton), The Victor Harbor lane will now be constructed in 2008-09, subject to funding approval.

HOLDFAST SHORES

173 Dr McFETRIDGE (Morphett) (31 July 2007). How much Land Tax and Stamp Duty has been raised from properties associated with the Holdfast Shores development and what is the percentage return on investment for the Government funding of the development?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations): I am advised that you asked the exact same question in September 2003. The answers were provided to Parliament on 19 February 2004.

Since that time, Stage 2B (the final phase of the Development) has been completed. This stage provides a residential apartment complex and an entertainment precinct. The Platinum Apartment building houses 130 dwellings. The entertainment precinct consists of a 5-storey entertainment building, a retail building and a 2-storey building for the Glenelg Surf Lifesaving Club.

In relation to land tax, I am advised that nothing has changed from the information that was previously provided. That is, that to determine the exact amount of land tax raised since the commencement of the Development is an extremely difficult and resource intensive exercise which would involve identifying and examining the individual circumstances of every owner of each property (i.e. all apartments and marina berths) in the Development since the project began in 1997, whilst also taking into consideration factors such as exemptions, where the owner may be entitled to a principal place of exemption, and the aggregation principles, where the owner may own more than one property in South Australia.

As previously advised, in a report tabled on 15 September 2003, in relation to a inquiry undertaken by the Economic and Finance Committee into, inter alia, the Development's return to

Government, it is stated that the increased income in water/sewer rates and land tax associated with the commercial development will total approximately \$400,000 per annum.

In relation to stamp duty, based on the initial purchase price of each property sold in Stage 2B, RevenueSA is able to estimate that stamp duty of \$6.5 million would have been paid on properties sold within that stage.

This information does not include the stamp duty paid on properties on-sold (where there may have been significant capital gains), any assignments of interests in contracts prior to settlement, or duty payable on mortgages entered into to finance the purchase of property. Nor does the information include stamp duty paid on leases of retail, hotel and entertainment tenancies.

In order to facilitate the development of Holdfast Shores, the construction of Glenelg Harbour and Adelaide Shores Boat Haven were undertaken by the Government for a total cost of \$19.4 million.

In February 2001, the former Government approved a variation to the Holdfast Shores Development Agreement that included an estimated final distribution sum of \$7.75 million, of which \$3.66 million would be payable to the Government. The Holdfast Shores Consortium revised the amount payable to Government to \$1.9 million later in 2001, and this amount was included in the forward estimates for 2001-2002.

A better than expected return of \$3.82 million has been realised, delivering a 19.7 per cent return to the Government on its investment.

It is noted that the issue of the Development's return to Government has also been broadly discussed in the Economic and Finance Committee's report.

PUBLIC LAND

In reply to **Mr GOLDSWORTHY (Kavel)** (23 October 2006) (Estimates Committee A).

The Hon. J.M. RANKINE (Wright—Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Volunteers, Minister for Consumer Affairs, Minister Assisting in Early Childhood Development): The topic of the strategic assessment of public land is an agreed item in the schedule to the State/Local Government Relations Agreement, and is currently a project under the auspices of the Minister's State/Local Government Forum. The aim of the project is to identify an effective and cooperative process for dealing with surplus and underutilised public land.

Recommendations arising from the project were fed into the review of the Cabinet guidelines to State agencies for the identification, disposal or re-development of disposal of public land.

Information sessions will be held for Local Government elected members and staff to provide advice on the relevance of revised guidelines to councils. Relevant councils will also be invited to participate in targeted reviews of all government property holdings in selected geographic areas to identify opportunities for improved utilisation, redevelopment or disposal.

OFFICE FOR WOMEN

In reply to **Ms CHAPMAN (Bragg—Deputy Leader of the Opposition)** (23 October 2006) (Estimates Committee A).

The Hon. J.M. RANKINE (Wright—Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Volunteers, Minister for Consumer Affairs, Minister Assisting in Early Childhood Development): Further to my response to this question on 23 October 2006, I am able to clarify that the Office for Women does not operate a paper-based system and that the Premier's Women's Directory is an internet-based tool. Due to the need to constantly update the Directory, the current system provides distinct advantages. For some years now, the Office for Women has ensured that the Premier's Women's Directory is available on the internet. The electronic nature of the Directory enables the Office for Women to provide decision-makers across Government with access to the capable, board-ready women that are featured on the Directory. The Office also conducts searches of the database for interested parties if requested to do so.

OFFICE FOR WOMEN

In reply to **Ms CHAPMAN (Bragg—Deputy Leader of the Opposition)** (23 October 2006) (Estimates Committee A).

The Hon. J.M. RANKINE (Wright—Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Volunteers, Minister for Consumer Affairs, Minister Assisting in Early Childhood Development): The Office for Women has advised me that the number of women who have participated in the 'Women @ the Board Table' training in the 2005-06 financial year is 153. This includes 36 women from the community who participated in the course through sponsorship provided by the Premier.

In 2005 an accredited 18 week women's leadership course for women from culturally and linguistically diverse backgrounds was delivered in the Riverland.

Twenty-four women from Barmera, Berri, Renmark, Loxton and Paringa graduated from the course. The diversity of the cultural backgrounds of the participants reflects the diversity of cultures in the Riverland region. They included women from Italian, Indian, Greek, Turkish, Romanian and Russian backgrounds.

COST BENEFIT ANALYSIS

In reply to **Mr PENGILLY (Finniss)** (23 October 2006) (Estimates Committee B).

The Hon. J.M. RANKINE (Wright—Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Volunteers, Minister for Consumer Affairs, Minister Assisting in Early Childhood Development): The issue referred to by the Honourable Member does not form part of the State/Local Government Relations Agreement or its Schedule of Priorities.

OFFICE FOR WOMEN

In reply to **Mr GOLDSWORTHY (Kavel)** (23 October 2006) (Estimates Committee A).

The Hon. J.M. RANKINE (Wright—Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Volunteers, Minister for Consumer Affairs, Minister Assisting in Early Childhood Development): The Office for Women as of 30 June 2006 has no surplus employees

PREMIER'S COUNCIL FOR WOMEN

In reply to **Ms CHAPMAN (Bragg—Deputy Leader of the Opposition)** (23 October 2006) (Estimates Committee A).

The Hon. J.M. RANKINE (Wright—Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Volunteers, Minister for Consumer Affairs, Minister Assisting in Early Childhood Development): I have been advised by the Premier's Council for Women (PCW) that no concerns relating to the enforcement of Domestic Violence Restraining Orders (DVROs) have been referred to it. However, women's safety has been one of the highest priorities for the Government and for the Premier's Council for Women (PCW) over the past year. The PWC has played a key role in advocating for rape, sexual assault and domestic violence legislative reform which includes DVROs (aggravated violence orders is the term that is used in some other Australian jurisdictions. As part of the Women's Safety Strategy, the Government is undertaking a review of the Domestic Violence Act 1994 which provides the legislative framework for domestic violence restraining orders.

WOMEN'S AND CHILDREN'S HOSPITAL

In reply to **Ms CHAPMAN (Bragg—Deputy Leader of the Opposition)** (26 September 2007).

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts): I am advised:

The number of available beds at the Women's and Children's Hospital for 2006-07 financial year was 298, an increase of 3 beds from the previous year. At this point in time, there is no intention to reduce the number of available beds at the Women's and Children's Hospital.

SHARED SERVICES SA

In reply to **Mr GRIFFITHS (Goyder)** (24 October 2007).

The Hon. M.J. WRIGHT (Lee—Minister for Industrial Relations, Minister for Finance, Minister for Government Enterprises, Minister for Recreation, Sport and Racing): Currently in the Shared Services Reform Office, within the Department of Treasury and Finance, I am

advised there are eight (8) employees on executive contracts. It is intended that these will continue to be employed within Shared Services SA.

SHARED SERVICES

In reply to **Mr GRIFFITHS (Goyder)** (13 November 2007).

The Hon. M.J. WRIGHT (Lee—Minister for Industrial Relations, Minister for Finance, Minister for Government Enterprises, Minister for Recreation, Sport and Racing): I am advised that an employee's status as full time or part time will not be changed as a result of shared services. This means that a full time employee will not be forced to work part time to accommodate part of their position moving to Shared Services SA.

AUDIT PLANS

In reply to **Mr GRIFFITHS (Goyder)** (13 November 2007).

The Hon. M.J. WRIGHT (Lee—Minister for Industrial Relations, Minister for Finance, Minister for Government Enterprises, Minister for Recreation, Sport and Racing): As at the end of October 2007, the estimated full year expected expenditure for Shared Services SA for the 2007-08 financial year is \$23 million.

Given the reform is still in the planning stages, it is not possible to predict with absolute certainty the level and areas of possible expense in the future.

The original budget for the 2007-08 financial year was \$27 million, however, this has been reduced to \$23 million as per above, and approximately \$4 million will be carried over to the 2008-09 financial year.

DAIRY INDUSTRY

In reply to the **Hon. R.G. KERIN (Frome)** (25 October 2006).

The Hon. R.J. McEWEN (Mount Gambier—Minister for Agriculture, Food and Fisheries, Minister for Forests): The rehabilitation and restructuring program in the Lower Murray Reclaimed Irrigation Area has resulted in a reduction of irrigated area available for dairying from around 5,000 ha to 4,000 ha. The major community benefits for this program are to increase water use efficiency for irrigation and improve water quality by limiting farm run-off and significantly reducing pollutants such as nutrients and bacteria from entering the River Murray.

Restructure assistance measures applied through this program and other factors such as drought impacts, lower milk prices in 2002 and 2003, together with consolidation of some smaller dairy farms into larger and more viable businesses, has resulted in a greater exit of dairy farmers than initially anticipated. A number of farmers decided to take advantage of the high value of water and their new permanent water allocations by selling this asset and retiring from dairying.

In the five years to June 2006, dairy farmer numbers on the swamps have reduced from over 100 to 55. At the same time dairy farm numbers in SA have reduced from 538 to 383.

The combined impact of reduced land available for irrigation, restructuring of the farm sector and other issues described has resulted in a 20 percent reduction in milk production from this area, or around 24 million litres. This lost production which is approximately three percent of State milk production was factored into the revised Dairy Plan Update in 2005.

In the 2005 Update to the State Dairy Plan led by the Dairy Industry Development Board, the very challenging target to double milk production potential from 700 million litres to 1.5 billion litres by 2010 was revised to a more achievable 1.2 billion litres by 2013. This latter target is consistent with the State Export Plan for 2013.

The Government, through the Dairy Industry Development Board, and various projects in PIRSA and other agencies will continue to work with industry towards achieving the potential identified in the revised State Dairy Plan.

PRAWNS, DISEASE

In reply to the **Hon. R.G. KERIN (Frome)** (25 October 2006).

The Hon. R.J. McEWEN (Mount Gambier—Minister for Agriculture, Food and Fisheries, Minister for Forests): All Australian wild prawn populations are considered free of white spot disease. There has been a documented outbreak of the disease in the Northern

Territory in 2000 following use of imported prawn meat as feed in a prawn farm. The disease was successfully eradicated. White spot remains an international notifiable disease in Australia.

All prawn meat imported as bait must be cooked before importation to reduce the risk of introduction of diseases such as white spot. Regulations regarding the importation of raw aquaculture prawn meat into Australia by the Australian Quarantine Inspection Service (AQIS) stipulate that it is to be imported for human consumption only.

In response to the recent increase in volume of aquaculture prawn meat being imported into Australia, South Australia, through its membership of both the National Aquatic Animal Health Technical Working Group and the Aquatic Animal Health Committee, has sought that Biosecurity Australia complete the Import Risk Assessment (IRA) as a matter of urgency. Biosecurity Australia has responded to this request and a finalised IRA with associated controls on imports is expected to be released by the end of 2006. In the interim, monitoring of the importation of raw aquaculture prawn meat remains the responsibility of AQIS.

MARINE SCALEFISH FISHERY

In reply to **Mr PEDERICK (Hammond)** (25 October 2006).

The Hon. R.J. McEWEN (Mount Gambier—Minister for Agriculture, Food and Fisheries, Minister for Forests): The restructure of the marine scalefish net fishery resulted in the removal of 61 net endorsements and a reduction of 44.7 per cent in the annual average net fishing effort in the marine scalefish fishery. Five additional areas closed to net fishing were introduced as a result of the restructure, with the largest area being around Yorke Peninsula.

There are currently eight regional offices across South Australia from which Fisheries Compliance Officers operate. There has been no increase in Fisheries Compliance services as a result of the restructure and the increase in no-netting areas as coastal waters were already regularly patrolled to monitor a range of fishing activities. Fisheries Compliance service levels attributed to the commercial sector have decreased for the current financial year, but total costs have slightly increased due to a change in the daily charge out rate under the government's transparent cost recovery policy. Under the cost recovery policy only those management and compliance costs attributed to the commercial sector are charged to that sector under annual fishery licence fees.

GREEN MANUFACTURING

In reply to **Mr PISONI (Unley)** (3 July 2007).

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security, Minister for Regional Development, Minister for Small Business, Minister Assisting the Minister for Industry and Trade): The Minister for Industry and Trade has provided the following information:

Green Manufacturing is defined as a manufacturing methodology that minimises waste and pollution which is often achieved through product and process design.

The criteria for green manufacturing can be divided into three areas:

- Implementation of a systematic approach to environmental measuring and monitoring (eg some form of environmental management system);
- Applying good environmental practices into the design of products to minimise environmental impacts throughout the products' entire life cycle (eg minimising the environmental impacts of products in the manufacture, operational and disposal stages); and
- Implementing process efficiencies and minimising resources used in manufacturing to improve environmental performance and implement cost reductions (cost savings are achieved through the reduction in resource use such as energy).

In July 2005, the Department of Trade and Economic Development (DTED) established a Sustainable Business Program to build the capacity of the department in sustainable development from a business and economic perspective.

This has led to a growing number of initiatives, which includes the development of the inter-agency Business Sustainability Alliance (a key action in the Industry Section of the Tackling Climate Change: SA's Greenhouse Strategy).

DTED's engagement with small business on green manufacturing and sustainable business practices has increased from 34 in 2005-06 to 95 in 2006-07.

This increase has been achieved through DTED supporting and facilitating workshops, training courses and information sessions for business which focused on improving the competitiveness and environmental performance of industry.

MARITIME SKILLS CENTRE

In reply to **Mr PISONI (Unley)** (29 June 2007) (Estimates Committee A).

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations): Defence SA has advised that there is no delay in the establishment of the Maritime Skills Centre (MSC). It is forecast that the centre will be available for use by ASC Pty Ltd in early 2008, in accordance with contractual terms agreed between the State and Commonwealth governments.

The total construction budget of the MSC is now \$4.910 million, which represents a saving of \$3.2 million, against the 2006-07 budget. Given this reduced construction budget, only \$910,000 of the expenditure was required in 2006-07.

The \$4 million allocated in 2007-08 is to complete the centre in accordance with the project schedule. This is not a carryover from the previous year.

The ongoing cost to the Port Adelaide Maritime Corporation for the MSC is estimated at an average of \$155,000 + GST per annum.

ASSET DISPOSAL

In reply to **Mr HAMILTON-SMITH (Waite—Leader of the Opposition)** (20 November 2007).

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations): The gain on disposal of \$1.252 million relates solely to the sale of vehicles by Fleet S.A. in the six months from 1 January 2007 to 30 June 2007.

The gain on disposal is the accounting treatment that arises when the sale price of a vehicle exceeds the book value reflected in the accounting records of the Department of Treasury and Finance.

MINING SECTOR EMPLOYMENT

In reply to **Mr PISONI (Unley)** (2 July 2007) (Estimates Committee B).

The Hon. P. CAICA (Colton—Minister for Employment, Training and Further Education, Minister for Science and Information Economy, Minister for Youth, Minister for Gambling): Based on information available for the Estimates process in 2006, BHP-Billiton estimated 23,000 total direct and indirect jobs during both construction and operation stages.

Employment numbers are subject to the final project configuration selected by BHP Billiton. The Government is working with BHP Billiton to ensure that employment opportunities for South Australian's are maximised.

The figure of 4,000 is an estimate of the average increase in direct jobs across fifteen mining firms in the regions over the period 2005-14 according to a study Estimated demand for labour in the Mining sector: 2006-14 undertaken by the South Australian Centre for Economic Studies (February 2006).

The two figures cannot be related (as implied in the question) as the basis for each estimate is different.

PRICE AND SAFETY COMPLIANCE

In reply to **Mr PISONI (Unley)** (23 October 2006) (Estimates Committee A).

The Hon. J.M. RANKINE (Wright—Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Volunteers, Minister for Consumer Affairs, Minister Assisting in Early Childhood Development): I have received the following advice:

1. I can confirm that the figure is correct.

2. There has been an operational change in the Trade Measurement section where a greater focus has been placed on testing products at the wholesale rather than the retail stage. This has allowed a much greater number of products and measures to be tested overall.

3. OCBA does not keep specific statistics on repeat offenders. Last year there was an overall compliance rate of 93 per cent for product labelling and correct measures. Where a product or a measuring instrument does not comply a compliance notice is issued immediately. This requires the items wrongly labelled to be withdrawn from sale, or the measuring instrument to be withdrawn from use immediately and not returned to use until the problem is corrected. 616 compliance notices were issued in 2005-06. If the business fails to make the correction a warning letter is the next step. Nine such letters were written last year. If a warning letter is ignored, OCBA will then prosecute the business. Last year there was one prosecution for the sale of underweight firewood.

It was thought the estimated result of 2005-06 would be unlikely to be repeated in 2006-07 as activity levels return to slightly above normal after concentrated effort in 2005-06.

TOTAL EMPLOYMENT COST

In reply to **Mr GOLDSWORTHY (Kavel)** (23 October 2006) (Estimates Committee A).

The Hon. J.M. RANKINE (Wright—Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Volunteers, Minister for Consumer Affairs, Minister Assisting in Early Childhood Development): Positions with a TEC of \$100,000 or more (Between 30 June 2005 and 30 June 2006)

I refer the member to the Auditor-General's Supplementary Report for the year ended 30 June 2006, which contains the Department of Primary Industries and Resources Audit Report. Note 6 on page 121 provides information on the number of employees with a total employment cost exceeding \$100,000 or \$200,000 for the period between 30 June 2005 and 30 June 2006.

Positions Abolished

Department/Agency	Position Title	TEC Cost
Primary Industries and Resources SA		N/A
No positions abolished		N/A
No positions abolished		

Positions Created

Department/Agency	Position Title	TEC Cost
Primary Industries and Resources SA		N/A
No positions created		N/A
No positions created		

VOLUNTEERS

In reply to **Mr PISONI (Unley)** (23 October 2006) (Estimates Committee A).

The Hon. J.M. RANKINE (Wright—Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Volunteers, Minister for Consumer Affairs, Minister Assisting in Early Childhood Development): The results of a recent survey conducted for Government by Harrison Market Research Pty Ltd to standard statistical methods and Australian Bureau of Statistics definitions indicate that the volunteer participation rate for formal volunteers in South Australia has increased from 38 per cent in 2000 to 51 per cent in 2006.

The results show that the amount of time volunteers devote to volunteering has increased from 1.5 hours per week in 1995 and 2000 to 2.31 in 2006. This represents 610,000 South Australians providing an estimated 1.4 million volunteer hours per week.

While the entire focus of the OFV is the promotion of volunteering, in the 2005-06 budget a total of \$484,000 was used to support the volunteer sector through:

- the Volunteer Support Fund (\$150,000) a grants program for community groups with volunteers;
- hosting the Volunteers Day celebration and the State Volunteer Congress;
- providing essential operating funds to Volunteering SA and 2 metropolitan Volunteer Resource Centres;
- the provision of free training to volunteers and scholarships for volunteer management qualifications;
- initiating volunteer recognition awards such as the Joy Noble Medal for outstanding volunteer service in South Australian Government volunteer programs and the Premier's Business Awards for Outstanding Volunteer Support;
- connecting community groups to students who build websites to promote their services through the Community Webs program; and
- mounting an annual television advertising and print media promotions campaign in the lead up to and during National Volunteer Week in May.

A similar amount is being spent in the 2006-07 financial year to continue the progress made in promoting and marketing volunteering and to ensure that we continue to provide effective support to the volunteer sector in South Australia.

PRICE AND SAFETY COMPLIANCE

In reply to **Mr PISONI (Unley)** (23 October 2006) (Estimates Committee A).

The Hon. J.M. RANKINE (Wright—Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Volunteers, Minister for Consumer Affairs, Minister Assisting in Early Childhood Development): I have received the following advice:

1. I can confirm that the figure is correct.
2. There has been an operational change in the Trade Measurement section where a greater focus has been placed on testing products at the wholesale rather than the retail stage. This has allowed a much greater number of products and measures to be tested overall.
3. OCBA does not keep specific statistics on repeat offenders.

Last year there was an overall compliance rate of 93 per cent for product labelling and correct measures. Where a product or a measuring instrument does not comply a compliance notice is issued immediately.

This requires the items wrongly labelled to be withdrawn from sale, or the measuring instrument to be withdrawn from use immediately and not returned to use until the problem is corrected. 616 compliance notices were issued in 2005-06. If the business fails to make the correction a warning letter is the next step. Nine such letters were written last year. If a warning letter is ignored, OCBA will then prosecute the business. Last year there was one prosecution for the sale of underweight firewood.

It was thought the estimated result of 2005-06 would be unlikely to be repeated in 2006-07 as activity levels return to slightly above normal after concentrated effort in 2005-06.

MITSUBISHI MOTORS

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (15:38): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: Mr Speaker, in the early afternoon of Monday 4 February, my office received a request from Mitsubishi for an urgent meeting. The purpose of the meeting was not disclosed. Later that afternoon I met with officials of Mitsubishi, including the company's Australian CEO, Robert McEniry, and Mitsubishi President, Osamu Masuko, who joined the meeting by phone from Tokyo. The company officials told me that a meeting of the Mitsubishi board to be held the following day in Japan would consider a recommendation to close the company's Tonsley facility and cease manufacturing in Australia.

The company announced its decision to close on 5 February. At the meeting I asked whether, in addition to the generous support already provided to the company by successive state and commonwealth governments, anything else could be done to help Mitsubishi remain as a car manufacturer in Australia. I was told there was not and that any decision by the company would be a purely commercial one based on the viability of its Australian production facility at Tonsley.

The overriding priority of the government will be to support the Mitsubishi workers who have demonstrated such extraordinary loyalty to the company and to help them secure good jobs for the future. That is why we have immediately committed \$85 million to support economic and infrastructure development focused on southern Adelaide. This consists of:

- a \$40 million South Australian innovation investment fund jointly funded by the federal government (\$27.5 million), the state government (\$7.5 million) and Mitsubishi Motors, which will provide \$5 million subject to parent company approval. This fund will be administered jointly by officials of the state and commonwealth governments;
- a \$10 million labour adjustment package jointly funded by the commonwealth (\$7.5 million) and the state (\$2.5 million); and
- a \$35 million fund from the repayment of the state government's loan to Mitsubishi to support job creation and strategic infrastructure in the southern suburbs.

Mitsubishi repaid that \$35 million loan with interest yesterday. Furthermore, I ask the house to note that this amount of \$35 million will be used in its entirety to support the economic development in the southern suburbs. This is important because in that week the Leader of the Opposition was not only making unfunded promises for seaside suburbs—

Mr Hamilton-Smith interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —and sporting venues, he also got his sums wrong on the support package to Mitsubishi. If the leader wants to check what I said publicly on the first day, he will realise that it was not I who was misleading the public. The leader said that the government had 'pocketed the \$25 million change from Mitsubishi's refunded \$35 million loan'. He said the government 'won't commit any more than \$10 million'. The Leader of the Opposition is quite simply wrong again.

The Minister for the Southern Suburbs, John Hill, will chair the Southern Suburbs Coordination Group to help direct the \$35 million fund, labour adjustment initiatives, infrastructure development, social and community initiatives, and state and local government services to the future development of the Tonsley Park site. I tell you that it will not be a big bus stop. That is one thing we are determined that the Tonsley plant will not be. A Tonsley Park task force will examine and recommend on options to develop the site as an industrial precinct of the future.

Following discussions with her by telephone last week, I met with Marion mayor Felicity-Ann Lewis yesterday to discuss cooperation with the council in securing an industrial future for the Tonsley site and related matters. The overriding priority of this government is the security and welfare of the 930 Mitsubishi workers affected by this decision, together with 200 or so from the components sector who may also be affected.

That is why the Minister for Employment, Training and Further Education and I visited the Mitsubishi workers yesterday afternoon, together with John Camillo, State Secretary of the Australian Manufacturing Workers Union. I was very pleased with the fact that local management showed us around and, along with the shop stewards and John Camillo, they introduced us to workers who are losing their jobs. Some told me of their concerns about meeting their mortgage commitments. I remember speaking to one worker who had five children and a mortgage, and he was obviously very concerned about his future. I spoke with other workers who talked about their sadness at the closure of the plant, and they recalled the good times. They also spoke of their respect for a local manager such as Tom Phillips over the years. I spoke with one worker with 41 years' service at Tonsley and to many more with several decades' service. Some were attracted by the idea of other work in areas such as mining, and others wanted to stay manufacturing in the southern suburbs. Some, of course, wanted to retire—people in their early 60s or late 50s—and others said that they wanted to have a breather, to take a trip before deciding what they want to do. I was able to tell the workers that this government has supported them for the past six years and will continue to do so.

I was able to tell them that officials of the Department of Employment, Training and Further Education would be available on site to help match them and their skills to new job opportunities. The workers are already receiving financial advice from state government officials, I am told. I was able to tell them that the state government would help to match job opportunities to their individual needs as much as possible. I was able to tell them that, despite the possible individual hardship that some could face, companies wanting to speak to the workers about taking up new jobs had already approached the government directly.

One such company is BHP Billiton. BHP Billiton and my office have held a series of informal discussions about employment opportunities that exist at BHP Billiton's current underground mining operation at Olympic Dam. BHP Billiton has indicated that it will act swiftly in putting together an information and opportunities roadshow, and take it to the floor of Mitsubishi at Tonsley, with a particular emphasis on recruiting former Mitsubishi workers with engineering and trade backgrounds. Of course, the thing that is coming up time and again is the recognition by other companies of the extraordinary loyalty, as well as the skills, of the Mitsubishi workforce. And, haven't they shown loyalty over the ups and downs through the years but, also, of course, with the constant speculation about Mitsubishi's future.

Olympic Dam has subsequently contacted Mitsubishi to begin that process, and it is likely that many of the large-scale contractors that also supply services to Olympic Dam will be involved in some way. This is not about the future of BHP Billiton's giant expansion project but, rather, about meeting the demand that exists now at Olympic Dam, which, even before the expansion, is Australia's largest underground mine. The company and the state government have also discussed training options for workers who may need to update and refresh their skills to make them job ready for the transition from automotive manufacturing to mining. The company expects to begin canvassing employment opportunities with Mitsubishi workers soon.

Since the closure announcement, BHP Billiton has been in daily contact with the state government through both the Premier's office and that of the Minister for the Southern Suburbs, and the company advises that it will continue to liaise closely with the government over the coming weeks and months as this issue progresses further.

I reiterate that this government's key commitment is to help Mitsubishi workers find new jobs, and I am confident that the workers' skills, ability and loyalty will be attractive to many employers in South Australia.

WATER SECURITY

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (15:49): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: Mr Speaker, 12 months ago I establish the water security portfolio to set the path for long-term water security in South Australia. I appointed the Minister for the River Murray as South Australia's first Minister for Water Security. In the past 12 months, the government has embarked upon the most significant water infrastructure program ever launched in this state.

To build on the vital work of the past year, today I announce the establishment of the Office for Water Security. This office will be headed by a commissioner for water security, and will provide a single point focus for water security planning across government. In addition, the water security advisory group and task force will combine to form a new water security council. The council will build upon the highly successful work of the advisory group and task force, and will be charged with identifying and addressing important challenges of ongoing water security. The Minister for Water Security will chair the new council. Membership of the council will consist of chief executives of key state government agencies, including the Department of Water, Land and Biodiversity Conservation, SA Water, the Department of the Premier and Cabinet, the Department of Treasury and Finance, the Department for Environment and Heritage, Primary Industries and Resources SA, and the Department for Transport, Energy and Infrastructure. Independent experts will also be appointed to the council. The council will provide an ongoing formal vehicle for issues of strategic importance on water security, including supporting an integrated approach to natural resource management.

The Office of Water Security will coordinate water policy development across government. The office's brief will be to support the Minister for Water Security in the following areas: South Australia's negotiations on the National Plan for Water Security; driving South Australia's

commitments under the National Water Initiative; and developing a comprehensive statewide water security plan that builds on and incorporates Waterproofing Adelaide.

In the past 12 months, over \$2.5 billion has been committed by this government as part of our four-way strategy to ensure South Australia's long-term water security—a strategy that secures water through diverse initiatives: desalination, recycling, managing water use and improved catchment management. Work has already begun, of course, on a desalination plant for Adelaide. In December, I announced Port Stanvac as the preferred site for a \$1.1 billion plant to supply 50 gegalitres of water per annum for Adelaide.

A second major project to secure Adelaide's water supply will be the construction of a \$304 million interconnector pipeline to link our northern and southern water networks and provide greater flexibility in managing supply. We are also continuing to investigate the doubling of storage capacity in the Mount Lofty Ranges from approximately one year's supply to two years—a project that will cost in excess of \$850 million. Members will also be aware that Mount Bold reservoir is one possible site, and we are investigating others.

Members interjecting:

The Hon. M.D. RANN: I hear people questioning the desal plant. Let me just point out today that we will build a desal plant even if it rains every day—

Ms Chapman interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —for the next three or four years, because it is about the long-term water security of South Australia.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: And the fact that you are not committed to it speaks for itself.

Members interjecting:

The SPEAKER: Order! I have already called the house to order. The Premier.

The Hon. M.D. RANN: Well over \$30 million worth of projects to increase treated wastewater reuse have also commenced to lift reuse in South Australia from 20 per cent to 45 per cent, which is well above the national average of 9 per cent. Under the state government, SA Water's total expenditure has increased to nearly \$717 million over the past five-year period to 2006-07, which is a 49 per cent increase on the previous five years under the former Liberal government, of which the leader of the opposition was a member. With the major infrastructure projects announced, SA Water's capital expenditure is forecast to increase by a further 280 per cent. Compare the difference with the former government, which did nothing.

South Australia has also played a leading role at the national level. In late 2007, after months of negotiation, the federal parliament passed new legislation—the Water Act 2007—to implement the National Plan for Water Security, falling within the commonwealth's constitutional powers. In line with the agreement brokered by South Australia in February 2007, the act establishes a new expert-based Murray-Darling Basin Authority that will develop a basin plan and set enforceable, sustainable diversion limits. South Australia announced it remained committed to passing complementary legislation to achieve the best outcomes for the River Murray and South Australia's water security.

The federal government is committed to a national approach in dealing with the issues facing the Murray-Darling Basin. I am pleased to have had a number of discussions with Senator Penny Wong, federal Minister for Climate Change and Water, about the Murray-Darling Basin. Minister Wong is holding discussions with the Victorian Premier John Brumby about securing Victoria's agreement to a national plan. Minister Wong, a South Australian senator and senior cabinet minister with responsibility for water, met with Premier Brumby last Thursday and, in a joint public statement, announced that the meeting was both positive and constructive. According to both parties there was significant common ground that would enable further dialogue.

In my discussions with minister Wong, as recently as last Thursday, I have made South Australia's position very clear. Our bottom line is:

- the creation of an independent authority to manage the river system;

- critical human water requirements must be provided as the highest priority;
- a guaranteed minimum entitlement flow to South Australia of 1,850 gegalitres;
- environmental flows of 1500 gegalitres by 2018 for the health of the river system including an interim environmental flow of 200 gegalitres at the Murray Mouth until a basin plan is developed.

Local government is also—

An honourable member interjecting:

The Hon. M.D. RANN: Interesting. 'What a laugh!' they say. They do not support the 200 gegalitres at the Murray mouth. Well, I was down there on Friday; I will make sure they know that. Local government is also to be commended with significant water reuse projects being planned in partnership with the state and federal governments.

Projects such as Waterproofing the South and Waterproofing Northern Adelaide aim to substitute mains water with recycled or stormwater irrigation, substantially reducing pressure on the River Murray. We are also working closely with local government to develop new stormwater projects through the Stormwater Management Authority.

While none of us can predict rainfall for the coming year—I expected members opposite to say that they could—the actions taken so far put this state in the best possible position to meet the challenges of climate variability. The state government through the new Office for Water Security will continue to take action in the best interests of all South Australians to deliver long-term water security.

I am told that the Leader of the Opposition did not mention water the other day, did not mention it at all. We understand that the priority is about Stobie poles, \$34.3 billion worth of expenditure, but not water.

The Hon. P.F. Conlon: And about Hindmarsh Stadium.

The Hon. M.D. RANN: Of course, we all remember their spectacular efforts with Hindmarsh Stadium. Now, apparently, key sections of the soccer community do not believe Hindmarsh Stadium is sufficient for their use. There has been a big debate over the Hindmarsh Stadium over the years, it was the crowning glory of the previous government and now it is being abandoned.

Ms CHAPMAN: I rise on a point of order, Mr Speaker.

The SPEAKER: Order!

Ms CHAPMAN: I move that leave be withdrawn, as the Premier has clearly finished the ministerial statement.

The SPEAKER: You don't need to move it; you just need to say it. Leave is withdrawn.

MINERAL EXPLORATION

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (16:01): I lay on the table a copy of a ministerial statement made today in another place by my colleague the Minister for Mineral Resources Development.

CONTAINER DEPOSIT INCREASE

The Hon. J.D. HILL (Kaurua—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (16:02): I lay on the table a copy of a ministerial statement relating to the container deposit increase made earlier today in another place by my colleague the Minister for Environment and Conservation.

The Hon. M.J. WRIGHT (Lee—Minister for Industrial Relations, Minister for Finance, Minister for Government Enterprises, Minister for Recreation, Sport and Racing) (16:02): I lay on the table a copy of the ministerial statement relating to the Wangary coronial inquest working party made today in another place by my colleague the Minister for Emergency Services.

CHAMBER, CONVERSATIONS

The SPEAKER: Just on a question of etiquette, I remind members that when they wish to converse with another member in the chamber, or indeed to someone in the galleries, they should

take a seat next to that person, and not do so leaning over the benches, particularly with their back to the chair.

VISITORS

The SPEAKER: I also draw to honourable members' attention the presence in the chamber earlier today during the condolence motions of students from Concordia College, who were guests of the member for Unley, and my apologies for not drawing that to the attention of the chamber earlier.

QUESTION TIME

MITSUBISHI MOTORS

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (16:06): My question is to the Premier. Why did he tell the media and South Australians on Wednesday 6 February that he would demand the refund of \$35 million from Mitsubishi without revealing that Mitsubishi CEO, Robert McEniry, had already told him two days earlier that a cheque would be sent within the week?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (16:06): Can I just tell you: I had already been told by Mitsubishi, so had the people of this state, that they would continue production until the end of 2010. So if you want to be the premier of this state—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: If you want to be the premier of this state and you are prepared to tell people to listen and believe everything you are told then—

Mr Hamilton-Smith interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: No wonder you believe that a sensible expenditure of the public purse is to spend \$34.3 billion worth of money removing Stobie poles. We, by issuing that notice and sending that letter, meant that a certain series of events went into—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: He does not understand it.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: He does not understand it. He should consult with his lawyer—

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order! I should not have to continue to repeatedly call order in order to get order. When I call order I expect members on both sides of the chamber to be silent. The Premier.

The Hon. M.D. RANN: So the Leader of the Opposition is telling the people of South Australia that we should trust Mitsubishi's word. Not put in the paperwork. He is saying that we should have believed them all the way along. What an absolutely puerile misunderstanding of the role of being premier of this state. Stick to your Stobie poles.

TOUR DOWN UNDER

Mr BIGNELL (Mawson) (16:09): My question is to the Premier. What were the highlights of the 2008 Tour Down Under?

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate

Change) (16:09): I must say it would have been nice to have had prior notice of such a controversial question. I want to pay tribute to someone I know that you hold dearly, and that is Joan Hall. Joan Hall was approached by Mike Turtur—

An honourable member interjecting:

The Hon. M.D. RANN: No, Joan Hall was the person behind this, and she believed in Mike Turtur's vision for a race, a Tour Down Under, here in Adelaide. And it is really important in this place to recognise the achievements and contributions of people from the other side of parliament—which is why we supported Joan Hall in that exercise. I know that members opposite know that Joan Hall is a person upon whose loyalty they could rely. The point of the matter is that the Tour Down Under was terrific. However, we saw an opportunity to take it up to the next step, which was to get Pro Tour status, the first time anywhere outside Europe had done so. The people of South Australia came out in force. The riders loved it, the teams loved it and international press loved it. However, the opposition today, in stark contrast to the opposition of the past, came out and bagged the race.

An honourable member: Rubbish!

The Hon. M.D. RANN: The member thinks it is rubbish. I was there on the Sunday night, and so was the member for Mawson. Go and ask the Australian international riders what they think of the Liberal Party's attack on the Tour Down Under. How mealy-mouthed can you get? One minute they want to say, 'This was our race,' but when it was taken up to a much bigger level internationally they wanted us to talk it down. That is exactly the same approach we saw taken by the Liberal opposition against the Formula One Grand Prix. They cannot help themselves. We are big enough as a government to have people from other than the Labor Party in our cabinet; that is the difference. They cannot even agree amongst themselves. Let me answer this controversial question directly.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: The member for Mawson's strong personal support for cycling and this tremendous event is well known. His involvement, including event attendance and participation, was amply rewarded when the tour completed the Willunga leg, and congratulations also to the Minister for Agriculture, Food and Fisheries, who had a heart attack just a few months ago. There he was in lycra. I understand, according to a reliable informant (him), that he was in the first 25 per cent of the amateurs coming across the line. I am not sure where the member for Mawson was. Congratulations to those members on this side of the house who embraced Joan Hall's vision and built upon it. The Tour Down Under was an absolutely fantastic event, and this was the year that we broke the records.

The Tour Down Under continues to go from strength to strength as one of the state's major tourism drawcards and a powerful marketing vehicle for South Australia. This year's Tour Down Under has pushed the southaustralia.com site to achieve 107,207 visitors in January. As the first UCI Pro Tour event outside Europe, the 2008 Tour Down Under was bigger and better than ever before. With its elevated status, the Tour Down Under attracted an exceptional field of athletes. The top names included Olympic gold medallist, Australia's Graeme Brown, Giro d'Italia stage winners, such as Jan Robert Forster, Tour de France stage winners, including Robbie McEwen, and our own Stuart O'Grady, winner of the prestigious Paris-Roubaix race in 2007—and he is someone who does read Camus.

We had 133 riders from 22 countries representing 19 teams competing for the first UCI Pro Tour points of the season. This is an increase of five teams and 21 riders over the 2007 event. There were world-class riders, such as Erki Putsep, the Estonian national champion, and Benoit Joachim, the Luxemburg national champion. South Australia was also honoured to welcome Cadel Evans and five-time Tour de France winner and twice the winner of the Giro d'Italia, Miguel Indurain, who were here to support the Tour Down Under. Miguel Indurain, arguably, along with Lance Armstrong, are the two greatest cyclists of all time. I will quote directly, because I want to contrast one of the world's greatest riders with the attacks by the Liberal Party on a race that on Friday they claimed as their own. Miguel Indurain said:

I can't put my finger on it...the most amazing place. I have been impressed by everything; each place has been different to the next. Adelaide is a nice city, we loved Kangaroo Island for its nature and relaxed attitude, the Barossa for the wine. Everything that I have seen has been so different.

He went on to say:

The way that cycling in Australia is run is very impressive. There were a lot of kids, starting from a very young age which is good to see.

For the first time in any UCI Pro Tour event, the national team, Team UniSA, was allowed to compete in the event, and it sure did prove its worth, with Allan Davis—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: I've got plenty of time.

Mr Williams interjecting:

The SPEAKER: Order, the member for MacKillop! When I have called order, he needs to be quiet.

The Hon. M.D. RANN: Allan Davis came first at Victor Harbor for stage 3 and was in the top four during three other stages—I am not sure how he did down at 'Seaforth', but we will check on that. The Tour Down Under—

The Hon. M.J. Atkinson: The forgotten south.

The Hon. M.D. RANN: For the Liberals it is not the forgotten south; it is the unknown south. I think it is over in Western Australia; it is a couple of thousand miles to the west of Adelaide. The Tour Down Under was seen by a record-breaking 533,000 people, who came out to experience the race first-hand. In addition to this, tens of thousands of people attended the street parties and events associated with the Tour Down Under, which benefited South Australian regional economies. The Skoda Breakaway Series once again proved popular, as recreational cyclists took the opportunity to experience the challenge and fun of cycling and the excitement of the Tour Down Under. Again, records were broken, with an unprecedented 4,223 cyclists taking part—including, as I have already mentioned, two of our own members of parliament. The media coverage was incredible.

Members interjecting:

The Hon. M.D. RANN: Hang on. I want the shadow minister to listen to this. The media coverage was incredible, with 202 accredited media covering the event: a 44 per cent increase over 2007. To date the Tour Down Under has generated more than 550 online media articles in 25 nations. The eyes of the world were focused on South Australia as the Tour Down Under was broadcast through television partners in Australia, New Zealand, the United States and throughout Asia and Europe.

Of course, the Liberals say that we should have it in winter time—that is a good idea—so that, during the European summer, people in Europe can have glimpses of the South Australian winter. Does that make any sense in tourism terms? What we saw day after day in continuous television coverage was glorious blue skies, beautiful vineyards, fantastic white beaches, colourful regional townships, the Adelaide Hills and a stunning city providing a spectacular and enticing backdrop to the race action.

I would like to see the deputy leader respect Joan Hall today in giving support to the Tour Down Under. Here is a way for a reconciliation. Next year we can call it the Tour Down Under Truth and Reconciliation Event with the Liberals all coming together. We will put them in a line. We will put the deputy leader next to Joan Hall and all play happy families! Of course, there is increasing evidence that the state government's increased investment in the Tour Down Under is paying dividends for our tourism industry. I know that members opposite want me to keep going. The accolades keep coming from cyclists and Tour Down Under fans around the world. For example, these are the comments from the 2005 Tour Down Under winner, Luis Leon Sanchez of the Caisse d'Epargne team (pronounced Kas Deparn):

I came here one week before the race. I rode four, five or six hours every day. It is a much more efficient training than in Europe and the Tour Down Under is very profitable for building up my condition. It's worth coming so far. It's also a different atmosphere from what we're used to in Europe. I'd say the enthusiasm is higher in Australia. People cheer at us more than the European fans do.

Also, Steve of Scotland made this comment:

The Tour Down Under got worldwide coverage. I watched it here in Scotland. It was a long advert for South Australia—the vineyards, the miles of beaches, the city were there for all to see. How much is that publicity worth? I'm sorry I was not there in person to see it but I will be there soon to see the beauty that is South Australia.

Now, as we close in on the finish line, I am pleased to report that UCI officials here to witness the first Pro Tour event outside Europe were also impressed. Alain Rumpf, UCI Pro Tour Manager, said :

[that the Tour Down Under was] comparable in many respects to the Tour de France. The comments from the riders and managers who came have been very good. Some were doubtful before coming here but now they are convinced this is a great race.

The public came out and supported it. The television audience of several hundred million people saw fantastic vision of South Australia. The only people to attack the race were the South Australian Liberals.

MITSUBISHI MOTORS

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (16:20): I think—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order!

Mr HAMILTON-SMITH: I'm looking for bullet holes, sir. I think that was 'Operation Destruction', and I missed it. It just went bang!

The SPEAKER: Order!

Mr HAMILTON-SMITH: Right, sir.

The SPEAKER: The Leader of the Opposition will come to order!

Members interjecting:

The SPEAKER: Order! I am on my feet.

The Hon. M.D. Rann interjecting:

The SPEAKER: The Premier will come to order! The Leader of the Opposition will not preface his questions with remarks. The Leader of the Opposition.

Mr HAMILTON-SMITH: How will the Premier ensure that the mistakes made by the government during the implementation of the Structural Adjustment Fund, established to help Mitsubishi workers who lost their jobs at Lonsdale in May 2004, are not repeated with new funding provided to help Tonsley workers? Research provided—

Members interjecting:

The SPEAKER: Order! Leave is withdrawn.

Mr HAMILTON-SMITH: You're going to start that one, are you? You're going to start that one.

The SPEAKER: Order!

Mr HAMILTON-SMITH: You won't get your legislation through for weeks if you are going to start that.

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The Premier.

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (16:21): Can I just say that, considering the events of yesterday, I think the Leader of the Opposition's reference to bullet holes in his chest is a disgrace, and I think he should apologise. I think it is absolutely disgraceful. Shameful! I have never seen anything like it in this parliament in the 22 years I have been here.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The Premier.

The Hon. M.D. RANN: The Leader of the Opposition asked how the Structural Adjustment Scheme to promote industry and jobs in South Australia, which will be offered to replace, of course, what has happened at Tonsley with the imminent closure of the plant, will differ from the mistakes made last time. Let me tell members that the difference will be that we are dealing with a federal Labor government. That is the difference. I know that Ian Macfarlane was very proud of the work that was done, and lots of good programs came out of the Structural Adjustment Scheme after the closure of Lonsdale. What we did by working with Ian Macfarlane, even in an election year, is not to play politics with it. You do not play politics with people's lives and jobs, and that is the difference between you and us.

MOTORCYCLE GANGS

Ms FOX (Bright) (16:24): Will the Attorney-General inform the house what members of well-known outlaw motorcycle gangs were doing visiting Parliament House recently?

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs) (16:24): I thank the member for Bright for this timely and relevant question. The last vestige of the Democrats in South Australia conducted a seminar for outlaw motorcycle gangs in Parliament House last Friday. Among those who attended the seminar were members of the Hells Angels, Finks and the Gypsy Jokers. The Hon. Sandra Kanck advertised this seminar in a news release which said:

The seminar will also be attended by representatives of several motorcycle organisations.

Yet, Sandra Kanck told Matthew Abraham on this morning's 891 half hour, 'Well, I didn't knowingly invite bikies.' She did not knowingly invite them but she was advertising their presence. At the beginning of the so-called seminar, Sandra Kanck said, 'Are there any Gypsy Jokers here?' to which one besuited gentleman said, 'I'm a Gypsy Joker' and the gathering burst into applause. They were pleased that the Gypsy Jokers were there. There were even name tags for everyone who came along and the Hell's Angels were there in their T-shirts.

I should add that Sandra Kanck also told Matthew Abraham this morning 'But I did not turn around and say to people, "Who do you belong to?". No, she just asked whether any Gypsy Jokers were there. This is not the first time that the Democrats have linked themselves so publicly with these criminal bikie gangs. In 2003 and 2004, Steve Williams of the Gypsy Jokers did a series of news conferences and stunts with the Democrats. Many here will recall that, on the steps of Parliament House, he told the public that bikies had been vilified and misrepresented and that he had academic support from Monash University academic Dr Arthur Veno, whose book I have read. As the Democrats looked on, Steve Williams said that bikies were people who just liked riding motorcycles together.

On 14 June 2005 Steve Williams disappeared, presumed murdered. The Democrats do not talk about him any more. I wonder whether the Democrats—

The Hon. M.D. Rann: He was their poster boy.

The Hon. P.F. Conlon: Perhaps he took Sandra's advice and euthanased himself.

The Hon. M.J. ATKINSON: Well, whether or not he took Sandra Kanck's advice and whether or not he was the Democrats' poster boy, I wonder whether Sandra Kanck and the Democrats do anything for his family now. Are they still in touch? Does she pray for the repose of his soul? Certainly, she does not talk about him any more. I noticed at the seminar that no victim of bikie crime was invited. Where were those who were on the receiving end of bikie extortion, bikie bashings and bikie firearms?

The stated aim of the convention was to 'educate' the community about the proposed legislation. In truth, it did nothing more than condone and trivialise the behaviour of these criminal organisations, and blatantly misinterpret the impact of the legislation we intend to put in place to counter their threat.

Defence lawyer Craig Caldicott told the gathering that AFL players, as a group, were a bigger threat to law and order, or at least a comparable threat to law and order, than bikie gangs. It was not Wayne Carey who was shooting at Jesse Penhall at Paskeville yesterday. It is important that this unbalanced presentation is countered with an understanding of the facts. South Australia Police advise the government that eight bikie gangs are behind much of the serious organised crime in South Australia. They have about 250 fully patched up or associate members. These

criminal gangs are engaged in drug manufacture and trafficking, extortion, unlicensed firearms, assaults and murders, and laundering the proceeds of crime—

Mr Williams interjecting:

The Hon. M.J. ATKINSON: I can say this to the member for MacKillop: under his government, a bikie fortress with nine metre-high concrete tilt-up walls was going to be built on the corner of Chief Street and Second Street, Brompton, and it is not there now.

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: Let me remind the Liberal opposition of what happened with motorcycle gangs when they were in office. Two bomb blasts rocked the former Federated Gas Workers Industrial Union premises that had been bought by The Rebels. A fire raged through the Bandidos new headquarters at Osborne—

Mrs Redmond: What about the gun fights?

The Hon. M.J. ATKINSON: What about the gun fights? Good question. In July 1999, there were two gun fights between bikie gangs. On 8 October 1999, five members of The Rebels motorcycle club were ambushed as they left their club rooms at Wright Street, Adelaide, and three Rebels motorcycle club members were killed. That occurred under the Olsen government. You ask what we have done. We have doubled the size of the police operation dealing with motorcycle gangs. Let me give you the latest figures.

The police operation has brought in, from the gangs, 333 cannabis plants—that is 333 cannabis plants off the street. They have brought in 75 kilograms of cannabis—the equivalent of 25,000 street deals. They have brought in 150 grams of amphetamine—namely, 700 street deals. The Avatar task force and the crime gangs task force have brought in 2,959 street deals of ecstasy from the gangs. They have seized or \$122,000 in cash from the gangs, confiscated 15 rifles or shotguns, and they have confiscated 18 pistols. They have issued 51 barring orders, and they have arrested 22 outlaw motorcycle gang members and 53 others related to the gangs. That is the achievement of the Crime Gangs Task Force since it was set up only a few months ago.

Members interjecting:

The Hon. M.J. ATKINSON: No, no; that is only in a few months. I will give you the six-year figures: arrests, 379; reports, 238; firearms seized, 386 (this is over the life of the government); premises searched in a two-year period, 454 (that is, 454 doors knocked in); cannabis plants seized, 3,086; cannabis dried, 622 kilograms off the street; cannabis value, \$889,000; amphetamines seized, 4.228 kilograms; amphetamine tablets, 725 just in the last 12 months; amphetamine value over just one year, \$72,000; ecstasy seized (the drug that Sandra Kanck thinks would brighten up the victims of the Port Lincoln bushfire), 14,692 tablets; vehicles seized to the value of almost \$3 million. And you ask what we have been doing!

These criminal gangs are engaged, as I said, in drug manufacture and trafficking. Some, such as the Hells Angels, are local franchises of international racketeers. Over the past six years, police have seized millions of dollars worth of drugs, drug-manufacturing equipment, ill-gotten assets, and hundreds of guns and other weapons. These are not people who, as Sandra Kanck seems to think, just like riding their Harley Davidsons with their mates on a Sunday afternoon; they are serious criminals.

Only 28 hours ago Jesse Penhall was shot in Paskeville on the Yorke Peninsula. He was evacuated by air ambulance to Adelaide in a critical condition. The Gypsy Jokers are rightly suspected of shooting him. Last Friday they were being applauded at Sandra Kanck's soiree. This is the type of violence that these gangs are capable of; this is the type of behaviour minimised by the apologists for the gangs, such as Arthur Veno. I found it disturbing to see the parliament of this state being used as a backdrop for a gathering of these criminal gangs, hosted by one of our own members.

Interestingly, on this morning's radio the opposition spokesman on legal affairs said that she is concerned about the bill we have before parliament and she may need to amend it; she is concerned that it may go too far. What does the Leader of the Opposition say on the same day? 'It doesn't go far enough.' So, you two get together and sort it out.

Equally of concern was that at Sandra Kanck's seminar was shown a South Australian police briefing previously provided to members of parliament to inform them of the proposed

legislation and give comprehensive detail of the influence and nature of bikie activity in South Australia and other jurisdictions. Within hours, this briefing and the parliamentary bill were both placed on a bikie website on the internet, effectively delivering both documents direct to the criminal gangs that both briefing and bill were about. This action demonstrates a lack of judgment, a dangerous naiveté, and an appalling misunderstanding of the true motivation of our outlaw motorcycle gangs.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (16:38): Has the Premier backflipped on his personal opposition to an independent commission against corruption, and does he now agree with the Liberal opposition that an ICAC should be formed as soon as practicable? Today, on ABC Radio, when asked if we will get an ICAC, Attorney-General Michael Atkinson said, 'We are open to considered changes in that area as necessary.' When asked by ABC presenter, David Bevan, 'Is that a yes or a no?' the Attorney-General replied, 'It's a maybe.'

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs) (16:38): South Australia has several very good anti-corruption bodies, including the Ombudsman—

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: —the Anti-Corruption Branch of the police, the Auditor-General, and the Police Complaints Authority, and it does not stop there.

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: What is being proposed with an independent commission against corruption is an outfit that will cost between \$30 million and \$40 million. We are talking about an outfit that would be three times the size of the current Office of the Director of Public Prosecutions. We will be spending money wisely.

CLAYTON-WALSH REPORT

Dr McFETRIDGE (Morphett) (16:39): My question is to the Minister for Industrial Relations. When will the government release the Clayton report on the review of WorkCover, and will the report be released in full?

The Hon. M.J. WRIGHT (Lee—Minister for Industrial Relations, Minister for Finance, Minister for Government Enterprises, Minister for Recreation, Sport and Racing) (16:40): The government has received the report from Mr Clayton. From memory, I received it in late December. I imagine that we will release it in the near future; and, yes, it is the intention to release it in full.

WORKCOVER CORPORATION

Dr McFETRIDGE (Morphett) (16:40): My question to the Minister for Industrial Relations. What has been the impact of stock exchange losses and the subprime mortgage crisis on WorkCover's operating revenue? WorkCover's annual revenues have been propped up by investment incomes from its \$1.3 billion investment fund. Last financial year, it delivered a revenue of \$168 million. WorkCover's annual report reveals that the fund's \$1.37 billion includes \$308 million in securities on the Australian Stock Exchange, \$311 million in overseas stock exchange securities and \$316 million in unlisted property unit trusts.

The Hon. M.J. WRIGHT (Lee—Minister for Industrial Relations, Minister for Finance, Minister for Government Enterprises, Minister for Recreation, Sport and Racing) (16:40): Investments have been an important component of revenue for WorkCover. The preliminary advice that I have received is that it has not been adversely affected to any large extent.

WORKCOVER CORPORATION

Dr McFETRIDGE (Morphett) (16:40): As a supplementary question, what is the current unfunded liability of WorkCover as at 31 December 2007?

The Hon. M.J. WRIGHT (Lee—Minister for Industrial Relations, Minister for Finance, Minister for Government Enterprises, Minister for Recreation, Sport and Racing) (16:41): I

do not think that is a supplementary question. Nonetheless, the most recent actuarial advice that I have received, from memory, is that the unfunded liability is \$849 million.

STATE GOVERNMENT INVESTMENTS

Mr GRIFFITHS (Goyder) (16:41): Can the Premier advise what the impact has been on state government investments and state superannuation funds as a result of the recent sharemarket falls in Australia and overseas? In November 2007, the Treasurer confirmed that the government has total investments through Funds SA of \$13.4 billion.

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (16:41): I am happy to ask the Treasurer to get a report for the honourable member.

STATE STRATEGIC PLAN

Dr McFETRIDGE (Morphett) (16:41): My question is to the Premier. Has the government's failure to achieve the targets set out in the State Strategic Plan for merchandise exports made it more difficult for sacked Mitsubishi workers to find similar employment in the south? The South Australian Strategic Plan target set by the government was to treble the value of South Australian export income to \$25 billion by 2014. This target, by the Department of Trade and Economic Development's own admission (annual report, page 70), is not being met. The annual report states:

This target is not being met—the value of SA's overseas merchandise exports decreased by 2.5 per cent in the 12 months to June 2007. SA's merchandise exports were worth \$8.8 billion in this period, the first time since the 12 months to May 2006 they have been less than \$9 billion. To meet the \$25 billion target, exports would have to grow at an annualised rate of 13.6 per cent.

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (16:42): The honourable member would know that the South Australian Strategic Plan sets targets out to 2014, and we are measured by an independent group every two years in terms of our progress. To the best of my knowledge—apart from the area of education—the state government, through state government departments, does not manufacture merchandise for international export. One of the things that I pointed out—

Members interjecting:

The Hon. M.D. RANN: Oh, apparently we do. Okay. So, they want us to set up factories that are state run. Ernie Crimes would be delighted with what members opposite are clearly suggesting. What we have been doing, and one of the reasons why it was vitally important that we worked with the former Howard government in a bipartisan way to secure a commitment to produce the 380, was that it was about buying time for us. It was about buying time to make sure that we could work to diversify the local economy, which is why we introduced the PACE scheme—a recommendation from Robert Champion De Crespigny through the Economic Development Board—about putting money into getting mining exploration going in this state. And what has happened? A tenfold increase in mining exploration, even when our State Strategic Plan target was for a threefold increase—and people said that that was unachievable. We have gone from 36th in the world in terms of mining prospectivity to fourth in the world out of 65 jurisdictions. We have a series of mines in a queue. At the same time, in terms of manufacturing, we went hell for leather to win defence projects for South Australia.

I am sure that members opposite would applaud the work done by His Excellency the Governor, Kevin Scarce, when he was leading the approach to win the air warfare destroyers project. Of course, we know that we were head-to-head with John Brumby from Victoria in doing that, and we know that the pundits around the country were predicting that Victoria would win. That is why we are trying very hard to diversify the economy, and that is why there are now 85,000 more people in work in South Australia than when the leader of the opposition was last in cabinet.

ABORIGINAL EDUCATION

Ms BEDFORD (Floreay) (16:45): My question is directed to the Minister for Education and Children's Services. What progress has been made with the education of Aboriginal students in South Australia?

The Hon. J.D. LOMAX-SMITH (Adelaide—Minister for Education and Children's Services, Minister for Tourism, Minister for the City of Adelaide) (16:45): I thank the member for Florey for her ongoing interest and commitment to Aboriginal youth and students in South

Australia. I am very pleased to inform the house that in 2007 we saw record numbers of Aboriginal students complete SACE and also become involved in the Premier's Reading Challenge.

As members would know, South Australia has a range of programs to support Aboriginal children, starting in kindergarten where children of indigenous background are allowed to go to preschool from the age of three and therefore get an extra year of preschool. Last year, there were 1,097 Aboriginal children enrolled in preschool, a slight increase compared to the year before, when it was only 1,057. An early start in life certainly helps young people to get literacy and numeracy as well as gain confidence and self-esteem, and we encourage all children to go to preschool because of the important investment in their lives.

We were particularly pleased this year to have 2,264 Aboriginal children taking part in the Premier's Reading Challenge. In 2007, this amounted to a 27 per cent increase on the year before, a very significant increase, and was the result of the state government focusing on getting more Aboriginal children into this program, because we recognised the effect it had on literacy and numeracy, but also recognising that it paid off in a child's life by investing in their love of literacy and reading.

It is particularly noteworthy that this year we also had a record number of Aboriginal children complete SACE. In 2005, only 81 children completed their SACE. In 2006, we had gone up to 104 children, and last year, 2007, we reached 141 children completing their SACE. I would like to congratulate those students and also their families for the support they have been given. I encourage them to stick with their education through further education and traineeships and ongoing employment opportunities, because they have started a life of learning and made a truly good start.

I also congratulate teachers who have taken up the challenge of keeping young indigenous children in education. I point out that since 2005 the Department of Education and Children's Services has had a very focused strategy of increasing Aboriginal attainment. It is quite clear we have much more to do in closing the gap—there is much work to do—but I am pleased to say that the corner does seem to have been turned, and the results improve every year.

I congratulate all those members of staff and members of the department who have focused on the goals and targets. Just as the state's Strategic Plan has numerical targets, we have included targets for achievement in all our levels of education and we are heading in the right direction. I congratulate all those involved.

MANUFACTURING SECTOR

Dr McFETRIDGE (Morphett) (16:48): My question is again to the Premier. Has the government been distracted from support for the broader manufacturing sector, particularly in the south, by mining exploration and defence projects? Reports show that South Australia's share of natural exports has declined from 7.42 per cent in 2001-02 when the Liberal government was in office to 5.76 per cent as at December 2007. Today the National Australia Bank's monthly business survey reveals that:

Business conditions have also generally deteriorated in recent months, and probably most notably in South Australia.

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (16:49): That is extraordinary. I have a challenge for the opposition. Compare the unemployment rate in South Australia today, either in this state or in the southern suburbs—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: I challenge members opposite to compare the unemployment rate and the employment rate in the southern suburbs today with when the Leader of the Opposition was a member of cabinet. Spot the difference.

TAXATION

Ms SIMMONS (Morialta) (16:50): My question is to the Minister for Recreation, Sport and Racing. Will the minister advise the house of the impact on stake money following the government's reduction in taxation?

The Hon. M.J. WRIGHT (Lee—Minister for Industrial Relations, Minister for Finance, Minister for Government Enterprises, Minister for Recreation, Sport and Racing) (16:50): On 26 November 2007, the Rann government agreed to TAB tax reform measures to assist the South Australian racing industry.

The racing industry will receive millions of dollars as a result of the wagering tax reform measures. The initial phase of the tax reform process will see \$3.5 million being allocated to the racing industry from 1 July 2008. This represents 50 per cent of forecast TAB tax receipts in the first year. It is estimated that total tax receipts payable to the industry will be \$8.4 million annually from 2012-13.

As a consequence of the government's reforms, Thoroughbred Racing SA has announced significant increases in prize money for South Australian racing totalling just over \$2.1 million to the end of 2008-09. Standard prize money levels at metropolitan, provincial and country race meetings will receive increases which come into effect from 1 February this year, representing an injection of about \$600,000 into grass root races in the current season.

The increases in prize money are designed to encourage owners, trainers and breeders to invest in horses in South Australia. The increases will give a much-needed boost to the overall confidence levels of the South Australian racing industry, particularly in the lead-up to the Magic Millions yearling sales.

The state government acknowledges the important contribution that the South Australian racing industry makes to the state economy, and believes that these important reforms will ensure that the industry will remain vibrant and prosperous into the future.

SHARED SERVICES

Mr GRIFFITHS (Goyder) (16:52): My question is to the Minister for Finance. What are the financial implications of the state budget given the delays in the full implementation of the government's shared services reform?

The Hon. M.J. WRIGHT (Lee—Minister for Industrial Relations, Minister for Finance, Minister for Government Enterprises, Minister for Recreation, Sport and Racing) (16:52): There is a delay with the shared services initiative, but having said that we will still be achieving this in 2008 and therefore I do not expect there to be an implication for the budget.

PREMIER'S COUNCIL FOR WOMEN

Mr RAU (Enfield) (16:52): My question is to the Minister for the Status of Women. Will the minister advise the house of the recent appointment of Pat Mickan as Chair of the Premier's Council for Women?

The Hon. J.M. RANKINE (Wright—Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Volunteers, Minister for Consumer Affairs, Minister Assisting in Early Childhood Development) (16:52): As members would be aware, the Premier's Council for Women is one of the government's key advisory bodies providing both the Premier and myself with advice on a range of issues impacting on women.

Ms Chapman interjecting:

The Hon. J.M. RANKINE: I beg your pardon?

Ms Chapman interjecting:

The Hon. J.M. RANKINE: Appoint what?

Ms Chapman interjecting:

The Hon. J.M. RANKINE: What a lot of rot! You don't know what you are talking about.

An honourable member interjecting:

The Hon. J.M. RANKINE: What did you have? What did you have? Nothing.

The SPEAKER: Order! If the deputy leader has a question, I am happy to give her the call. There is still plenty of time in question time for her to ask a question. I ask the minister not to respond to interjections.

The Hon. J.M. RANKINE: I will match this government's commitment to women to that of the opposition any time, and I can refer to a few examples of that if they like. The Premier and I

work closely with the Premier's Council for Women and share a passionate interest in advancing issues relevant to women, ensuring that women participate equally in all facets of life—

Members interjecting:

The Hon. J.M. RANKINE: Well, that's appropriate. That just goes to show how members opposite see issues relating to women: they burst into raucous laughter. We are keen to ensure that women's views are represented in all levels of government decision making. I am pleased to announce that Pat Mickan has been appointed as the new Chair of the Council for Women.

Pat takes over from Suzanne Roux, and I would like to take this opportunity to publicly thank and acknowledge Suzy for her contribution to the council and for her personal support to both myself and the Premier. Under her direction, the Premier's Council for Women was a key driver on a number of important issues impacting on women. She is very much a woman of substance and a leader. She has been an energetic advocate for all women in South Australia and incredibly generous with her time. If ever anyone could get the ear of the Premier, I would say Suzy Roux could do that above anyone else.

I am very much looking forward to working with Pat Mickan, who is an accomplished sportswoman, coach, dual Olympic basketball player, former head coach of the National Netball League and former coach of the state netball side. If that is not enough, she was also the first female skills coach in the AFL when she joined the Adelaide Football Club. As well as being a competent journalist, media commentator, sportswoman and coach, Pat has been Deputy Chair of the Premier's Council for Women since 2005. Women's health and wellbeing and the inequities faced by South Australian Aboriginal women are two of the areas in which Pat has had a keen interest. We are very lucky to be in a position of appointing Pat as chair to the council. Indeed, she is a woman of quality.

I am also pleased to announce that Professor Anne Edwards has been appointed as Deputy Chair of the Premier's Council for Women. Anne will also be well-known to members of this house. She has recently retired from the position of Vice-Chancellor of Flinders University, a position she has held since 2001. She currently holds positions on a number of significant boards and committees and is a Fellow of the Australian Academy of Social Sciences and the Australian College of Educators.

It is also a great pleasure to advise the house of the appointment of Eunice Aston to the Premier's Council for Women. Eunice is a well respected Ngarrindjeri woman from the Murray-Mallee community. She has been working and assisting women in her community for the last two decades. Eunice is a member of the Country Health SA Aboriginal Health Forum and sits on the governance committee of the Aboriginal Health Council of South Australia. She is also one of South Australia's delegates to the National Aboriginal and Torres Strait Islander Women's Gathering and brings to the committee a wealth of knowledge and experience about the lives of indigenous women and the issues and concerns that are important to them. Eunice is replacing Eleanor Ramsay on the council and I also thank Eleanor for her many years of contribution and hard work.

I warmly welcome Pat to her new role as chair, as well as Anne and Eunice. I am confident that they will make a wonderful addition to the Premier's Council for Women to progress women's issues in this state.

PAXTON REPORT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (16:57): My question is to the Minister for Health. Will the minister advise the cost of the Paxton Partners' report into the efficiency of public hospitals in South Australia and when will he release it publicly?

The Hon. J.D. HILL (Kaurana—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (16:58): The health department is very keenly attempting to ensure that our health system works as efficiently as it possibly can. It is important that we do a range of things to ensure the health system in South Australia is up to the mark. One thing that we do is put in extra resources, and the Premier has outlined, on numerous occasions, the fact that we have an extra 2,200-plus nurses and an extra 600-plus doctors and other allied health workers. We are putting more resources into building up our health system, but that does not mean we cannot run the system that we have as efficiently as it possibly can be run. To that end, Paxton was engaged to produce some reports into the efficiencies of a number of our metropolitan hospitals and the department is working through those recommendations. It will

certainly raise them with the hospitals. In relation to the specifics of the member's question, I will have to bring back an answer.

ABILITIES FOR ALL PROGRAM

The Hon. P.L. WHITE (Taylor) (16:59): My question is to the Minister for Employment, Training and Further Education.

Members interjecting:

The Hon. P.L. WHITE: Yes, I could ask many questions, but the question I ask today is: what is the government doing to support skills development for people with a disability?

The Hon. P. CAICA (Colton—Minister for Employment, Training and Further Education, Minister for Science and Information Economy, Minister for Youth, Minister for Gambling) (16:59): I will not take that long.

Members interjecting:

The Hon. P. CAICA: You want me to? Last week, I had the honour of helping to present certificates to graduates at the 2007 Abilities for All Program. I might add that I was accompanied by many members from both sides of the chamber, as well as our federal colleagues. It is an outstanding program which involves a partnership between Bedford Industries and DFEEST. It had its beginnings in 2004, when a pilot was established to provide members of the Bedford Industries workforce with the chance to participate in nationally accredited training provided through TAFE SA. I must also acknowledge my appreciation for the support of the Minister for Disability (Hon. J. Weatherill) who has worked closely with me as this program has continued to grow.

I also wish to commend—as I know those who attended last week would also—Bedford Industries for its role in providing leadership to a consortium of members from the disability employment sector to ensure that the Abilities for All Program has grown from strength to strength. Students from across the state have participated in a variety of courses ranging from Certificate I to Certificate III level. These courses have included areas such as business, engineering and horticulture. In the first year, 54 people participated in this program.

In 2006, the number rose to 120, and last Thursday over 200 successful participants were recognised for their achievements. It was recorded by interstate visitors that not only is this the largest ever TAFE graduation for people with a disability in Australia, if not the world (and most likely the world), but it is also putting South Australia at the forefront in respect of the way in which persons with disabilities are undertaking accredited courses, and hence gaining employment. Among those who graduated last week, 165 achieved Certificate II qualification, 11 students gained Certificate III, and two students received Certificate I in engineering. All other students received a statement of attainment. Last week, it was also my great pleasure to announce that funding for this vital program will continue this year, with the state government entering an agreement to invest \$1 million in 2008 towards this extremely successful program.

Apart from the development of specific occupational skills, the Abilities for All program provides opportunities for participants to further develop their life skills as well as their literacy and numeracy skills, these being very important elements in the strategy to assist them to find rewarding and sustainable jobs. Abilities for All is an outstanding program that makes a tremendous contribution to the state government's goals of economic development and social inclusion, and I know also that it is a program that enjoys bipartisan support.

GLENSIDE HOSPITAL REDEVELOPMENT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (17:03): Will the Premier advise how many trees will be destroyed to accommodate the Glenside Hospital redevelopment? On 26 July 2007, I asked the Premier for an assurance that no trees of heritage significance will be destroyed or removed from the site. I have received no answer. The Glenside Campus Concept Master Plan, as published by the Department of Health, discloses 299 trees with a trunk circumference greater than 2 metres. They are then regulated under the current provisions of the significant tree legislation. It further discloses that 191 of these come within the definition of significant tree, of which 165 require retention. The concept plan also discloses that 42 per cent of the property will be sold to become precincts 3, 4 and 5, accommodating a supermarket, a retail precinct, car parking and new accommodation.

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (17:04): I will take the question on behalf of the responsible minister. I will

have to get some detail from the responsible minister but I will make a few points. Given that this is a government that is committed to planting 5.5 million trees, members can expect that this government will be far more sensitive to those matters than any government has been in the past. I will answer one of the points made in that long explanation about the sale for a retail centre. Of course, it was actually the previous Liberal government that first went to the person in question with an undertaking to make a sale individually. But I will say this: one thing I do know about it is that I am absolutely certain that what happens at Glenside regarding trees would not be anywhere near the carnage that has been supported by this member to improve the Britannia roundabout. She has called persistently for the destruction of great gum trees in our Parklands to help out motorists. So all I will say is that I am absolutely confident that this land will be treated with far greater sensitivity than it would be if these villains were in government.

GLENSIDE HOSPITAL REDEVELOPMENT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (17:06): Will the Premier assure the house that the southern boundary wall, which is one of the many state heritage-registered structures, will not be removed from the proposed Glenside Hospital redevelopment? The Glenside Campus Concept Master Plan discloses that 'state heritage buildings are to be retained'. Subsequent correspondence has been disclosed, including that from the group of companies that will have first preference to develop the site, indicating that the wall will be sacrificed.

The Hon. J.D. HILL (Kaurua—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (17:06): I am happy to get a report for the member from the responsible minister, but I cannot help but note that this is an opposition that wants to build stadia in our city and great buildings in our Parklands, yet is arguing about some precious bit of territory in the member for Bragg's electorate. Their interest is very much based on what they think are the politics. There is no consistency. They are for development when it is in the city but when it is in their own backyard they are antidevelopment.

WATER SECURITY

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security, Minister for Regional Development, Minister for Small Business, Minister Assisting the Minister for Industry and Trade) (17:08): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.A. MAYWALD: The Premier earlier stated that this past year has been one of unprecedented commitment to infrastructure investment to ensure the state's future water security. In fact, \$2.5 billion has been committed to desalination, increased water storage and an interconnector. We already use some 20 per cent of our treated waste water, the highest of any capital city across Australia, and projects to make greater use of this water are currently under way.

The current drought continues to ravage South Australia. All South Australians are feeling the devastating effects of this drought, none more so than our farmers and irrigators. The state government has a statewide drought response. Through this work we have a clear vision for our water future and programs in place to assist our River Murray-dependent communities to manage very difficult circumstances. Some of the achievements in the past year have been:

- The \$5 million Milang to Clayton pipeline was completed in December 2007 and is now supplying potable water.
- A new \$2 million pipeline began delivering filtered water to the Jervois community in November last year.
- Infrastructure works to lower the offtakes on SA Water's pumping stations along the River Murray are under way.
- Six unregulated and 27 regulated wetlands have been disconnected from the river to prevent evaporation, a saving of around 48 gigalitres of water so far.
- Metered standpipes have been installed at Meningie, Hindmarsh Island, Milang and Goolwa North to allow quicker filling of water tankers for stock and domestic supply.

- In less than a year we have delivered a major \$50 million project to ensure high quality filtered water for 17 communities along the River Murray. The project has involved the construction of nine water treatment plants and six pipelines to deliver filtered water to these communities.
- The potential of the impact of the drought on water quality in the River Murray and our reservoirs is a major concern, and we are undertaking numerous proactive steps to manage water quality issues, in particular, blue-green algae and acid sulphate soils.
- The Hon. Dean Brown and the Hon. Neil Andrew were appointed as community liaison managers, and I would like to congratulate both of them on their recent Australia Day awards. They were appointed to work with river communities and government agencies both below and above Lock 1, highlighting their issues and helping them to cope with the impacts of the drought.

However, responding to the drought requires more than infrastructure. There are many social consequences that responsible governments must manage. We have, therefore, also implemented an extensive River Murray drought communications and community engagement program, and thousands have attended numerous meetings and workshops to discuss concerns and possible drought response measures.

We have renegotiated the Murray-Darling Basin water sharing rules to ensure that South Australia's critical needs of 201 gegalitres to supply Adelaide and country towns and private stock and domestic needs are met, and a guaranteed delivery of our 696 gegalitres of dilution flows for the next water year (2008-09). We have waived transfer fees for purchase of top-up restricted River Murray water allocations. We have provided concessions on irrigator NRM levies, and we have introduced a carryover scheme for unused River Murray water allocations, which allows irrigators to carry over water for use in 2008-09.

Other significant infrastructure projects across the state are providing water security to South Australians for the future.

- The \$21.5 million project to replace the ageing Torrens aqueduct with a 3.5 kilometre pipeline is nearing completion.
- Country waste water treatment plants have also come under the spotlight, with a \$34 million new plant constructed at Victor Harbor and upgrades at Port Pirie and Whyalla waste water treatment plants.
- The \$48.5 million Eyre Peninsula pipeline from Lock to Kimba was completed last year, and is now delivering an additional resource to the peninsula to help ease pressure on groundwater resources and allow flexibility in managing water across the Eyre Peninsula.
- We have spent more than \$54 million on upgrades in recent years to ensure that our water storages meet the Australian National large dams regulations. Three of our key storages, Happy Valley (\$20 million), Millbrook (\$7 million) and Hope Valley (\$8.5 million) have already undergone upgrades, and a \$15 million upgrade will be undertaken on the Little Para reservoir. The reuse water storage, Hindmarsh Valley reservoir near Victor Harbor, also underwent a \$4 million upgrade, which was completed last year.

None of us can predict local rainfall, nor what improvement, if any, there will be in the Murray-Darling Basin water resource outlook. We are facing significant challenges in managing our water resources, and we are facing them head on. All South Australians are sharing in the responsibility of conserving our water resources, and I must congratulate the majority of South Australians who are doing the right thing. The state government will continue to be proactive in dealing with this drought, and also managing for longer term sustainability.

GRIEVANCE DEBATE

KANGAROO ISLAND FIRES

Mr PENGILLY (Finniss) (17:13): On the afternoon and evening—

The Hon. M.J. Atkinson interjecting:

Mr PENGILLY: —you might learn something from this, Attorney—of 6 December 2007, thousands of lightning strikes started a serious number of fires on Kangaroo Island, with tragic consequences—no more so than the death of Joel Riley of Kingscote, who was burnt in his vehicle on the South Coast Road. Joel, who was a quiet, unassuming Kangaroo Island lad, lost his life

extremely tragically, and I will come back to that. However, I would like to place on the record (and I am sure that the Riley family would never expect to have their name mentioned in this place) and extend heartfelt sympathy to Wayne and Rosemary and their other children, Lisa, Joel's fiancée, and other family members. It never should have happened.

Along with Joel, a number of farmers adjacent to Vivonne Bay on Harriett Road suffered substantial property damage, lost hundreds of head of stock and many kilometres of fencing and, quite frankly, they have been working since that day trying to get their properties back into some semblance of order. It was a disaster in the making, and it has had a serious impact on the tourism industry and the farming community of Kangaroo Island. That is something that I wish to pick up later in another motion on another day.

With respect to the management of the fire, I give thanks to the acting premier at the time, Mr Kevin Foley, for the frank and regular conversations and discussions that we had on the phone, in a very bipartisan way, about the management of the fire. Kevin was always there whenever I needed him, and I thank him very much for the interchange that we had at the time. I would also like to place on the record my congratulations and my great thanks to the Mayor of Kangaroo Island, Jayne Bates, for her efforts. She put her life on hold, along with a lot of other people, to assist with respect to the situation that occurred over those couple of weeks—and the first week, in particular. Jayne's efforts should be recognised, along with those of a lot of other people.

In addition, I wish to pay tribute to the hundreds of volunteers who fought those fires on the island and, in particular, the Kangaroo Island volunteers and the multitude of emergency service members and CFS volunteers who were out there for days on end. I also wish to pay tribute to those people in farm utes, who were largely unacknowledged, through no particular fault. For days and days, farmers in their utes and trucks just mopped up and went around and did an enormous amount of good, and those people should not be forgotten. They maintained the structural integrity of many of those fires by doing the necessary jobs.

A lot of things could not be done, in the scheme of things, because there were just too many big conflagrations around the place and it was a dreadful time for Kangaroo Island. However, the people of Kangaroo Island and those who came to assist them performed absolutely magnificently, and I pay tribute to them. I would also like to place on the record my thanks to the Chief Officer of the Country Fire Service, Mr Euan Ferguson, who has taken a lot of flak on various issues. He has my absolute 110 per cent support. Euan Ferguson is an extremely good man, and South Australia is very lucky to have him. I think he is unfairly criticised.

What has probably upset me about this more than anything else is the absolute mismanagement of our national parks and various areas on the island, and more so across South Australia. The size of these fires never should have been allowed to get to what it was. The fact that the parks have been mismanaged, in my view—

The SPEAKER: Order! I am sorry to interrupt him, but the member for Finniss in his speech needs to be careful not to pre-empt debate on the motion about which he gave notice earlier today.

Mr PENGILLY: Point taken, Mr Speaker; I appreciate your ruling. Getting back to the thrust of where I commenced today, I am deeply grateful to everyone who did everything they could in those fires. I am not so grateful for the bad news stories that were perpetrated in areas of the media which did no good to anyone and which sought to demoralise and seriously damage the tourism industry on Kangaroo Island to the extent that there was a plaintive plea for assistance to try to sort that out. That has happened.

Time expired.

ENTERTAINMENT FACILITY

Ms THOMPSON (Reynell) (17:18): Over the past two years I have been involved in a range of community activities representing many constituents who, for a range of reasons, are objecting to a new entertainment facility that is proposed for a certain site in my electorate. Over 1,000 people have given me written information about their objections—in fact, nearly 600 people have signed forms authorising me to speak on their behalf in whatever forum necessary in order to prevent this facility going ahead. It was somewhat surprising for me to hear at a council meeting recently that other motives were being imputed to my engagement in this activity.

On advice, therefore, I want to put the record straight in this house. I think the easiest way to do so is to read to the house a copy of the letter I sent to the relevant organisation. It is a letter

dated 1 February 2008 addressed to the President of the Hackham Community Sports and Social Club, and it states:

Dear President,

At a meeting of the City of Onkaparinga Council on 22 January 2008, members were addressed by Mr Leon McEvoy (Managing Partner, Clelands Lawyers) on behalf of the Hackham Community Sports and Social Club. Mr McEvoy spoke to council about the application before the Licensing Court to remove a liquor licence from the club's Doctors Road premises to 120 Main South Road. The council subsequently made a decision to withdraw its objection to the removal.

In his deputation to council, Mr McEvoy stated that the Emu Hotel has 'used its sources' to make objections 'through MPs'. He also stated that local MPs have been 'seduced' by the Emu. As the local MP who has been active in objecting to council and the Licensing Court about the development of a pokies facility at this address, I wish to reassure you, the board and the club manager that these statements are totally untrue about my long-term objections to such a venue being located at this site.

The reasons for my objections have been clearly stated in my newsletter over a period in excess of two years. They include its proximity to a mental health facility, the memorial gardens, schools, childcare centres and a dangerous intersection. I also object to more machines being brought into the area from outside its immediate proximity. My objections apply no matter who the applicant is and are well grounded in views put to me by a wide range of community members and organisations.

I regret that I am unable to support the Hackham Community Sports and Social Club in its current endeavour but will be happy to work with the club and other community representatives to secure its prosperous future. I ask that you ensure that members of your club and those who speak in its name are aware of this letter and do not make unsubstantiated statements that can be interpreted to impugn my motives for involvement in public life.

It is sad that I have had to take that step, but the matter is of great importance to my community. I have also responded to a number of members of the club who wrote to me asking for my support. The number was quite small—about 37—in comparison to the 1,000-plus who have asked me to strongly oppose the initiative. I will not put all that letter on the record, but one part which is important states:

I note that you want to move the gaming machines in order to provide a more spacious and family friendly venue at the Doctors Road site. Information from the Office of the Minister for gambling indicates the following options available to a club wanting to remove machines from a venue:

- Transfer gaming machine entitlements to Club One but renegotiate contract with the intention of selecting an alternative location to the current proposal for the former Sizzler site;
- Merge gaming machine entitlements with another club;
- Sell one or more of the gaming machine entitlements after legislation is enacted that will remove the current \$50,000 fixed price.

Advice from the Australian Hotels Association indicates that, by selling its entitlements after the price cap is lifted, the club could realise between \$1,875,000 and \$3 million. If invested at a conservative interest rate this would create an annual income of about \$117,000 to \$187,000 for the club.

Time expired.

BUSHFIRES

The Hon. G.M. GUNN (Stuart) (17:23): I want to continue along the line of the member for Finnis, who quite properly drew the attention of the house to the great difficulties that the people of Kangaroo Island faced during the recent horrendous bushfires. Those of us who saw on our television sets on a nightly basis what was happening could not help but be impressed with the effort that the volunteers, the locals and others associated with that community made to get a semblance of order into what was obviously a most stressful situation. Of course, when you get a bushfire of this nature, the disruption to the local community, the cost to the taxpayers and the cost to that community is horrendous, and the personal losses, sacrifices and the dangers that people face are immense.

If anyone has had any experience they would realise that there is an urgent need to take pre-emptive action to reduce the dangers and the hazard and to ensure that every step possible is taken so that there is not a repeat. Now, the time has come when all the bureaucrats and all the green activists—those who want to get in the way of pre-emptive action—are swept aside and commonsense prevails. It is the role of a local member to speak on behalf of his community, to raise issues of concern and to get them on the public record and, if that upsets senior bureaucrats, that is too bad. That is the democratic process. The difference between a senior public servant and a member of parliament is that the member is elected and the bureaucrat is appointed.

I heard the member for Finniss, who has had experience in these matters, speaking on the radio. I heard him speaking at the same time as Mr Euan Ferguson, and I endorse his comments that Mr Ferguson is an outstanding officer and a most reasonable person—a person who wants to cooperate—who is doing his level best to protect the public of South Australia. He should be given every support and those who get in the way should be swept aside.

I think it was unfortunate that the head of the department of environment, Mr Holmes, should make critical comments of the member for Finniss. Whether he agreed with them or not, that is his right; I do not have a problem with that. But I do have a problem when these comments are made publicly. The member for Finniss is living with the community—he is a part of it: he knows the individuals and he has had experience. His only concern was to protect his constituents and the public of Kangaroo Island and, if that means that he is going to be critical of policy, actions and decisions (or the lack thereof), so be it. If he gets it wrong, the people of Finniss can do something about it, but they can do nothing about a public servant. That is the difference.

I put on the record that I think the member for Finniss has acted properly, wisely and in the best interests of his constituents. The time has come for this parliament to take some definitive action. We have read the Coroner's report from the fires on Lower Eyre Peninsula. How many more reports and inquiries do we need? We need action. It is no good for people to put up smokescreens and excuses. We need controlled burns, firebreaks and access tracks. You cannot expect volunteers to go into places they cannot get out of. Anyone who has had any experience in large-scale burning-off operations knows that you have to know what you are doing and you have to be organised before you light a fire. If you are going to back burn, you have to have something to back burn on to. If you are going to go in there, the people have to be able to turn around and get out. That is common sense.

I am appalled that we have built up huge quantities of combustible material and still we are not allowed to go off at the right time of the year to fix these problems. I am going to test the parliament. I am bringing a bill to this parliament in the very near future to deal with some of these problems, and then it will be upon the head of this government, its ministers and those who advise it that, if they stop it or prevent it and do not allow it to be debated, the next time something happens, they will have to be fully accountable. The criticism they have received from the member for Finniss will be nothing like what they will get because the public is starting to get sick of the no action policy.

SURF LIFESAVING SOUTH AUSTRALIA

Ms FOX (Bright) (17:28): I rise to speak on the matter of surf lifesaving in this state and the outstanding job that this organisation has been doing over the summer months. While we have just returned to this place after a summer hiatus, the same cannot be said of our community's volunteer surf lifesavers who have spent the summer keeping South Australian beaches safe for everyone to enjoy.

The Rann Labor government puts a significant amount of money into Surf Lifesaving South Australia. In January, minister Zollo launched four new all-terrain vehicles funded by state, federal and council bodies, and our coastline is being changed with the building of new state-of-the-art surf clubs. Premier Rann announced the funding of \$18,000 to buy a new jet ski on top of the emergency services operational funding and the capital funding. In fact, since coming to office, the Rann government has provided more than \$7 million to Surf Lifesaving South Australia, including \$3.75 million to redevelop clubs at Christies Beach, Somerton, North Haven and Brighton.

It was the Year of the Lifesaver in 2007 and it was a very successful year. The Australian Lifesaving Academy South Australia is now operational. Membership increased for the fifth year in a row, complete gender balance has been achieved in the Nipper ranks, jet skis and all-terrain vehicles have been purchased and the Beyond the Flags program has also met with public acclaim.

I would like to mention the Brighton Jetty annual swim which was held for the third time this year on Sunday 3 February. This event was the brainchild of the Brighton Surf Lifesaving Club and it has become a much loved festival in the area. This year, more than 1,000 people entered the various swims which are of 400 metres and 1500 metres respectively. I, myself—

Mr Pengilly: How far did you go?

Ms FOX: Let me tell you, member for Finniss. I swam in the women's 30 to 39 age group 400 metre swim around the jetty wearing my mother's speedos and protected—

Mr Bignell: What was she wearing?

Ms FOX: She was not in it. She was watching. I was protected from my own 'un-fitness' by a range of people paddling on boards around me. I came 18th in a group of 19 competitors, which I am quite pleased about. I am pleased because it was not last, and it is all about participation, and Surf Lifesaving South Australia promotes that view.

Special mention should also be made of the fact that this year, instead of being a purely sports-focused event, the Brighton Surf Lifesaving Club also held an exhibition of sculptures in the clubhouse. They were not sand sculptures: they were actually sculptures, not that sand sculptures are not sculptures, but these were not made out of sand. This exhibition, 'Sculptures by the Sea', included the works of 34 local sculptors, and it was not only well attended but also well received. Many of the pieces were bought.

Thank you so much to all the members of the Brighton Surf Lifesaving Club who made the swim and the exhibition possible. Once again, I would like personally to thank the thousands of volunteers who are involved in surf lifesaving in this state. You are doing a wonderful job.

EDUCATION, NATIONAL CURRICULUM

Mr PISONI (Unley) (17:31): Before I start I cannot help but comment on the interjection made by the health minister when the deputy leader asked a question about the development of a shopping centre and the sell-off of 42 per cent of open space at Glenside in the Glenside mental health precinct when he said, 'Excellent development—just what the area needs.' That is what he interjected. But that is not what I have risen to speak about this afternoon.

This afternoon I would like to talk about the backflip in attitude on the issue of national curriculum. Minister Lomax-Smith is now reported as looking forward to working with the federal government on an issue, the concept of which she had previously dismissed as 'not benefiting students one iota'—that is a quote from her press release. It is predictable that she would now declare her total support for a Rudd Labor government plan to replace eight tertiary curriculums with a nationally based model, a concept remarkably similar to the one pushed by Julie Bishop under the previous Liberal government. When it was brought to the table by the previous Liberal government, Jane Lomax-Smith dismissed it as 'not benefiting students one iota'. Of course, now—

The Hon. M.J. ATKINSON: On a point of order, the member for Unley has referred to the Minister for Education by her Christian name and surname and not by her title.

The SPEAKER: I remind members to refer to other members by their parliamentary title.

Mr PISONI: It is a real pity that the Attorney-General is not out there locking up the bikies, instead of sitting in here playing the game that he enjoys—interjecting. It is leisure time that he is spending now, when he should be working on locking up bikies; but that is for another day. It is the same with the Victorian education minister. She rejected the national curriculum when it was suggested by the Liberal federal minister as being a 'silly idea'. Then, of course, the federal Labor opposition spokesperson at the time, Jenny Macklin, accused the government of wanting to take control of what goes on in our classrooms, such a policy indicating 'extraordinary arrogance'. But, of course, it is a different situation now that this policy has been adopted by Labor. Under the Liberals it is a bad policy; under Labor it is a great policy, and everyone is coming behind.

The bottom line is that, clearly, under a federal Liberal government, a national curriculum was a bad idea, according to the Minister for Health and other state Labor ministers, but now, of course, under a Rudd government the concept is a great idea. However, it does seem strange that, if the national curriculum board is now seen as the way to move forward, it will not be established until 2009. If the idea was picked up and treated on its merit when it was raised by the Liberal minister, it would be in place for this current year. But now we are being delayed by another year—that is if they get it right, of course—and I am sceptical of that. They still have their L plates on, so I am just a little nervous about how they will go at that level.

We have a minimum 12-month delay, but my guess is that it will be a 24-month delay. At a state level, Labor education ministers have clearly been playing political games with children's education. This is a serious issue. Around the nation annually, 80,000 children begin their school year in a different state. Progress towards a national curriculum would be ideal for doing away with unnecessary differences in school criteria, and make it possible to compare standards from one state and territory to another, particularly in relation to year 12.

I am running out of time due to the interjection, I must say, of the Attorney-General. However, the bottom line here is that Labor ministers, and this education minister in particular, is

more interested in who comes up with the idea rather than what that idea is. That is playing politics with our children, it is playing politics with the future of education in South Australia, and it is an absolute disgrace.

RAMOS-HORTA, DR J.

Ms CICCARELLO (Norwood) (17:37): I had intended to speak today about the imminent visit to Adelaide by the President of the Republic of East Timor, Dr Jose Ramos-Horta. Unfortunately, the assassination attempt and subsequent wounding of Dr Ramos-Horta yesterday has no doubt put these plans to one side. I am sure that the prayers of us all are with Dr Ramos-Horta and his family at this time in the fervent hope that he makes a speedy recovery so that he can continue his outstanding work for East Timor and its people.

However, despite this tragic turn of circumstances, I would very much still like to talk about Dr Ramos-Horta and his achievements and what he had hoped to gain from his visit to South Australia. Dr Ramos-Horta is the second president of East Timor since independence from Indonesia in 2002. Previously, he served as East Timor's first foreign minister and then as prime minister.

Dr Ramos-Horta won the Nobel Peace Prize in 1996 for his tireless efforts fighting for an independent East Timor since the occupation by Indonesia in 1975. The Nobel committee honoured him for his 'sustained efforts to hinder the oppression of a small people', hoping that 'this award will spur efforts to find a diplomatic solution to the conflict of East Timor based on the people's right to self-determination'—words that still ring with an alarming resonance for many world regions today.

Australia has a long historical relationship with East Timor. East Timorese civilians were integral to the defence of Australia during the Second World War. In 1941, an independent commando company from Australia was deployed to Timor ahead of the Japanese invasion in February 1942. This small force of 800 men fought a guerrilla warfare campaign against a Japanese force which, at its strongest, totalled 20,000. The campaign, waged in impossible circumstances, was successful only because of the aid and assistance given to the men by Timorese civilians. Each group of guerrillas was assigned a 'creado', which was a boy or young man who would act as a guide, navigating them around the island, performing reconnaissance on Japanese positions, finding food and water, and sneaking the commandos into villages where they could eat, rest and receive medical attention.

In 1942, before the force was evacuated to Papua New Guinea, 40 Australians died in Timor. In the ensuing years, 40,000 Timorese died at the hands of Japanese soldiers because they had helped Australians. Despite our at times tragic history, our countries remain committed to an ethos of aid and cooperation. In February last year, the United Nations Security Council passed a resolution extending the UN mission in Timor-Leste, and agreed that the military component of the mission be Australian-led.

Today, there are 780 Australian troops in East Timor engaged in security building, training the East Timorese Defence Force, advising ministries and working on infrastructure. My next-door neighbour, Guy, is there as a member of the armed forces at the moment. I know that his wife, Sharon, and his two children, William and Alexander, send him their love.

The Australian government, through AusAID, and Australian NGOs are also involved in many programs aimed at targeting poverty in East Timor. Given the ties between our countries, the state government is of the strong belief that it can and should play a role in assisting the development of East Timor, our closest neighbour.

A year ago, the Premier asked the former CEO of the Department of Primary Industries, Dennis Mutton, to travel to East Timor and begin the process of establishing stronger links between their country and South Australia. To further these exciting and mutually beneficial opportunities, President Ramos-Horta was scheduled to visit Adelaide. Items that were to be discussed were: university scholarships for Timorese students; TAFE scholarships in trade and tourism; a public service mentoring program aimed at building the capacity of government departments in East Timor, whereby their public servants can travel to Adelaide to work alongside our senior public servants; assistance for the National East Timor bike race; and internship positions for Australian students to work in East Timor.

I understand that Mr Mutton has also been involved in discussions with the federal government to seek financial assistance from AusAID to support these programs. This commitment to furthering the close ties between us is unchanged.

We wish President Jose Ramos-Horta a speedy recovery and look forward to welcoming him to Adelaide. We are sure that the thoughts of the people in his country are with him and that they also wish him a speedy recovery.

**SENIOR SECONDARY ASSESSMENT BOARD OF SOUTH AUSTRALIA (REVIEW)
AMENDMENT BILL**

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Clause 6, page 3, lines 24 to 29—Delete subclause (3) and substitute:

(3) Section 4(1), definition of *employing authority*—delete the definition

No. 2. Clause 6, page 4, lines 2 to 5—Delete subsection (2)

No. 3. Clause 10, page 5, after line 29—Insert:

(ab) 1 of the appointed members of the Board must be a person specifically nominated by the South Australian Commission for Catholic Schools Inc.; and

(ac) 1 of the appointed members of the Board must be a person specifically nominated by the Association of Independent Schools of South Australia; and

(ad) 1 of the appointed members of the Board must be a person specifically nominated by the Director-General of Education; and

No. 4. Clause 10, page 5, line 33—After 'to the Board' insert:

(other than for the purposes of subsection (3)(ab), (ac) or (ad))

No. 5. Clause 11, page 7, lines 1 to 5—

Delete subsections (3) and (4) and substitute:

(3) The Chief Executive Officer will be appointed by the Board on terms and conditions determined by the Board.

(4) However—

(a) the Board may not appoint a person under subsection (3) without the approval of the Minister; and

(b) the terms and conditions of the appointment of a person under subsection (3) must be approved by the Minister.

No. 6. Clause 14, page 9, line 33—Delete 'on any matter relating' and substitute:

that is directly related

No. 7. Clause 14, page 9, lines 38 to 40—Delete subparagraph (i) and substitute:

(i) to provide information to the Minister, or to any entity within a school education sector approved by the Minister for the purposes of this provision; and

No. 8. Clause 14, page 10, line 2—Delete', or by the Minister'

No. 9. Clause 14, page 10, after line 32—Insert:

(ca) must not, when providing information to another entity under subsection (1)(m)(i), provide information that identifies a particular school or student; and

No. 10. Clause 14, page 10, lines 36 to 38—Delete subsection (4)

No. 11. Clause 16, page 11, lines 10 to 28—Leave out the clause

No. 12. New clause, page 11, after line 28—Insert:16A—Substitution of section 18

Section 18—delete the section and substitute:

18—Staff

(1) The Board may, with the approval of the Minister and on such conditions as it thinks fit, engage such employees as are necessary to assist it in carrying out its functions under this Act.

(2) The Board may, under an arrangement established by the Minister administering an administrative unit, make use of the services or staff of that administrative unit.

No. 13. Schedule 1, clause 3, lines 20 to 24—Delete clause 3 and substitute:

3—Staff

- (1) Subject to this clause, a person who, immediately before the commencement of this clause, was employed by the employing authority under section 18 of the *Senior Secondary Assessment Board of South Australia Act 1983* (before the substitution of that section by this Act) will, on that commencement, be taken to be employed by the Board under that Act.
- (2) An employment arrangement effected by subclause (1)—
 - (a) will be taken to provide continuity of employment without termination of the relevant employee's service; and
 - (b) will not affect—
 - (i) existing conditions of employment or existing or accrued rights to leave; or
 - (ii) a process commenced for variation of those conditions or rights.

LAKE EYRE BASIN (INTERGOVERNMENTAL AGREEMENT) (RATIFICATION OF AMENDMENTS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

CRIMINAL LAW CONSOLIDATION (RAPE AND SEXUAL OFFENCES) AMENDMENT BILL

In committee (resumed on motion).

(Continued from page 1907.)

Clause 5.

The CHAIR: I recall, Attorney, that when we adjourned before lunch you had taken a question from the member for Heysen and were considering a response.

The Hon. R.J. McEwen interjecting:

The CHAIR: The nature of the question pertained to?

Mrs REDMOND: I am happy to restate the question.

The CHAIR: It was a long question.

Mrs REDMOND: The Attorney challenged me, in a way. Hearing the condolence motions after lunch, and having heard some wonderful condolence motions over the years, I think that one of the things that I want to do in my time in this house is something outrageous enough that, in 50 years' time, when they are doing a condolence motion for me, the people who are then in the chamber will not go to sleep through sheer boredom at the very boring life that I have led. To that end, I intend to accept the Attorney's challenge. The challenge was that he would take me out to dinner if I mentioned a certain phrase. I will accept the challenge to mention that phrase, but only on the basis that the Attorney agrees not to take me out to dinner.

An honourable member: Ever!

Mrs REDMOND: Ever! It was in the context of the question which I asked immediately before the lunch break, which had to do with essentially the concept of whether there is a point at which consent to a sexual act could no longer be withdrawn. The phrase—which was a phrase that in my naïveté and innocence I had never heard—was 'the vinegar stroke'. It appears from my investigations and research into this matter that it may be a South Australian country boy phrase, which I have discovered from the people who are actually familiar with it. The essence of it is that, once a participant in a sexual act reaches the point of no return, does the law actually recognise that there might be a point of no return, or is it the case that the law in this state says that, at no matter what time, a female, for instance, in a sexual act could say, 'Consent withdrawn'. That is the essence of the question, Madam Chair.

The Hon. M.J. ATKINSON: Yes, I did think about that over the lunch break. The member for Heysen and the member for Fisher wonder whether the law should provide that there are circumstances when it is unreasonable for a person to withdraw consent to sexual intercourse. I think they misunderstand the law of rape. If a person accused of rape is not aware that a person with whom they are having consensual sexual intercourse has withdrawn consent, or could not reasonably have been expected to be so aware, he will not be guilty of rape. The question of whether or not it is reasonable to withdraw consent does not arise. It is for this reason that no rape

law refers to the reasonableness of the withdrawal of consent or to the expression that the member for Heysen mentioned.

Mrs REDMOND: I do not want to labour the point but it is, I think, a valid question. There could be circumstances in which a female, particularly if she wanted to create an awful lot of trouble in someone's life, could be very positive in giving consent and at a particular moment not only withdraw consent but very clearly communicate the withdrawal of that consent. My question is: does the law recognise that that may present a virtually impossible situation for the male of the species?

The Hon. M.J. ATKINSON: If it is effectively communicated to the other participant, then the law requires him to stop, but I agree with the member for Heysen that there are circumstances in which that communication may not be effective.

Clause as amended passed.

Clauses 6 and 7 passed.

Clause 8.

Mr PISONI: I have a question about the definition of the employer. Can the Attorney give me a definition of who is considered the employer? Is it somebody who is an immediate authority such as a supervisor? For example, a 19 year old working at a fast food outlet puts the hard word on a 17-year-old. Is that the employer or is the employer actually the owner of the franchise? I would like that clarified.

The Hon. M.J. ATKINSON: It has not been defined in the law. It is for the court to determine. I am sure our courts will be sensible about it.

Mr PISONI: What about in the instance of somebody working for the Public Service, for example, a trainee under the age of 18? Who would be considered as their employer and consequently would fall into this clause in the amendment?

The Hon. M.J. ATKINSON: Let me give you the whole list. I think this provision is a lot clearer and a lot more sensible than the equivalent provision in the existing law. It says 'a teacher, a foster parent, step-parent or guardian, a member of the clergy, a medical practitioner, psychologist or social worker, a person employed or providing services in a correctional institution, or an employer of the child (whether the work undertaken by the child is paid or otherwise). So I think 'employer' will be interpreted in that context.

Remember what is happening here. If the sexual intercourse is by an adult with someone under the age of 17, consent does not matter. It does not matter now but we are redefining the authority figures. What matters in this context is that someone aged from 17 up until their 18th birthday cannot consent to sexual intercourse with these people. Consent will not matter in these circumstances. That is what we are trying to achieve. So, broadly, it is where the adult is in a position of authority. I think the judges will interpret that correctly.

Mrs REDMOND: With respect, whilst I agree with the argument that the Attorney is putting, I think the member for Unley actually has a valid point in the way that this clause has been worded, because in the case, for instance, of a religious official, there is some detail gone into about this person who is providing pastoral care or religious instruction.

The point that the member for Unley makes is that in a workplace situation there can be any range of people involved in a supervisory capacity and I suspect that, rather than simply saying 'the employer of the child', it might be better to word it something along the lines of 'the person in authority over the child in a workplace (whether the work is paid or unpaid)' or something like that.

I think that the member for Unley makes a good point; that is, in a large organisation such as the Public Service, the employer could technically be the minister who is completely innocent and unaware of anything that is happening. The wrong that we are trying to get at in the legislation is to protect the young person from the person who is in authority over them in the workplace. That is at whom we are trying to get, and I suspect there is some merit in the argument of the member for Unley.

The Hon. M.J. ATKINSON: It is an interesting argument and it will be determined in the court where the black letter law that we are passing today will be interpreted as all criminal law is in favour of the presumption of innocence in favour of the accused. That is how it will be interpreted. If the member for Unley asks whether an 18 year old boy who is the supervisor of a 17 year old girl at

Hungry Jack's have sex and he is charged with unlawful sexual intercourse will be regarded as a person in authority under the head 'Employer'—probably not.

Clause passed.

Clauses 9 to 14 passed.

New clause 14A.

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

Page 10, after line 28—

After clause 14 insert:

14A—Amendment of section 268—Mental element of offence to be presumed in certain cases

Section 268(3)—delete subsection (3) and substitute:

- (3) However, subsection (2) does not extend to—
- (a) a case in which it is necessary to establish that the defendant foresaw the consequences of his or her conduct; or
 - (b) except where the alleged offence is an offence against section 48 (rape)—a case in which it is necessary to establish that the defendant was aware of the circumstances surrounding his or her conduct.

Example—

A, whose consciousness is impaired by self-induced intoxication to the point of criminal irresponsibility at the time of the alleged offence, beats B up and B dies of the injuries. In this case, A could be convicted of manslaughter but not of murder (because A is taken to have intended to do the act that results in death but not the death).

The new offence of rape in this bill will not convict a person who does not have and should not be treated as having the relevant intent to commit the crime. In jurisdictions where all that is required for rape is an objective belief in consent, self-induced intoxication is irrelevant and cannot be used as a defence to rape.

In jurisdictions such as South Australia in which rape is not based on an objective belief in consent and where, as by this bill, there is a compromise between a fully objective and a fully subjective approach to rape, self-induced intoxication will be available as a defence only if rape is classified as an offence of specific intent. Until the decision of the South Australian Court of Criminal Appeal in *R v B, MA* in early November 2007, rape has been treated as an offence of basic intent, thus denying a defence of self-induced intoxication. However, the majority in that case suggested that rape is an offence of specific intent because consent to sexual intercourse is a circumstance surrounding the defendant's conduct.

If it is now the law that rape is an offence of specific intent, self-induced intoxication can be a defence to it. A person charged with rape could use the drunk's defence to deny that he knew whether the other person consented to sexual intercourse. That would be so under the current definition of rape or under the definition in the bill. This amendment seeks to prevent that result. It changes the law of self-induced intoxication as it applies to rape as a special exception for this particular crime only.

The statutory self-induced intoxication laws are themselves an exception to the common law. At common law a person is liable for his conduct if he acted voluntarily and had the relevant intent. This means, among other things, that a person is not criminally liable for his or her conduct if his consciousness of what he was doing was so impaired that he could not be said to have acted voluntarily or to have formed the relevant criminal intent.

Progress reported; committee to sit again.

At 18:00 the house adjourned until Wednesday 13 February 2008 at 11:00.