HOUSE OF ASSEMBLY

Tuesday 4 March 2008

The SPEAKER (Hon. J.J. Snelling) took the chair at 11:01 and read prayers.

MATTER OF PRIVILEGE

Mr HANNA (Mitchell) (11:01): Mr Speaker, I raise a matter of privilege. On Tuesday 26 February the Premier made a ministerial statement concerning his government's proposed WorkCover legislation. In his ministerial statement he stated:

> Included in the recommendations are proposals to make changes to levels of weekly payments to injured workers. These changes, as proposed by Mr Clayton, will come into effect only for claims arising from injuries incurred following commencement of the proposed new provisions.

I also draw your attention to clauses 4 and 5 of schedule 1 of the Workers Rehabilitation and Compensation (Scheme Review) Amendment Bill 2008, introduced in the House of Assembly on Thursday 28 February 2008. Clauses 4 and 5 deal with weekly payments and their discontinuance. Clause 4 clearly states:

> ...the new provisions extend to entitlements to weekly payments of compensation in relation to compensable disabilities occurring before the relevant day.

The relevant day being the day on which the provision is proclaimed. Clause 5 confirms that the provisions to cut off workers' payments 'extend to weekly payments commenced before the relevant day'. It therefore seems very clear that the Premier misled the house, not to mention thousands of injured workers.

I make available to you an extract of *Hansard,* dated 28 February, and an extract from the bill. Mr Speaker, I humbly ask you to consider this apparent duplicity and report back to the house.

The SPEAKER: I will have a look at the matters raised by the member for Mitchell and report back to the house as soon as possible.

LIQUOR LICENSING (POWER TO BAR) AMENDMENT BILL

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) (11:03): Obtained leave and introduced a bill for an act to amend the Liquor Licensing Act 1997. Read a first time.

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) (11:04): I move:

> That this bill be now read a second time.

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

Leave granted.

Under section 125 of the Liquor Licensing Act 1997, a licensee or a responsible person for licensed premises can bar a person from the premises for any of the following reasons:

- the person behaves in an offensive or disorderly manner;
- the person commits an offence;
- the licensee or responsible person believes that the welfare of the person or the person's family is seriously at risk as a result of the consumption of alcohol by the person;
- any other reasonable ground.

The power to bar is a protective order for the person concerned, another person with whom the person resides and other patrons and staff.

However, following recent incidents involving outlaw motorcycle gangs and licensed premises (such as the shootings at Tonic nightclub), it has become apparent that there is a need to amend the Liquor Licensing Act 1997 (the Act) to grant the Commissioner of Police the power to bar persons from licensed premises. Licensees have expressed concerns that, in certain circumstances, they are reluctant to issue barring orders, particularly if the patrons concerned are members of outlaw motorcycle gangs or the like; they are, understandably, too frightened and intimidated to do so.

In other situations, police are frustrated by undesirable patrons being present on licensed premises in circumstances where, while no offence has been detected, police nevertheless hold concerns as to the safety and welfare of persons resorting to those licensed premises.

Thus, it is proposed that section 125 of the Act be amended to enable the Commissioner of Police to make an order to bar persons from licensed premises in the public interest or on any other reasonable ground for an indefinite period or a specified period. Such orders are subject to review by the Liquor and Gambling Commissioner.

Criminal Intelligence

Section 28A of the Act provides that police may rely on criminal intelligence when lodging objections to applications or in disciplinary matters. In such cases, the objection or application need only state that it would be contrary to the public interest if the person were to be or to continue to be licensed or approved.

As a result of the amendment to provide the Commissioner of Police with the power to bar persons under section 125, it is necessary to amend section 28A to provide that the Commissioner of Police may rely on criminal intelligence to do so. Again, the barring order by the Commissioner of Police need only state that it would be contrary to the public interest if the person were not so barred.

Provision of identification information

It is proposed to further amend section 125 to enable police to provide information (including information that may identify a person) to licensees for the purposes of the licensee barring the person under subsection (1) of that section.

It is an offence under section 125 for a licensee, a responsible person for licensed premises or an employee of the licensee to allow a person barred from the premises to enter or remain in the premises. It is proposed to amend section 125 to allow police to provide licensees with information (including photos where available) which may identify persons who have been barred from premises so that licensees will not inadvertently contravene the section.

Extension of barring period

When barring a person for welfare reasons under section 125(1)(aa), an order may be for an indefinite period or for any period the licensee or responsible person sees fit. In all other cases the following applies:

- a person may be barred for no more than 3 months for a first offence;
- a person may be barred for no more than 6 months for a second offence; and
- a person who has committed third and subsequent offences may be barred indefinitely or for any period at the discretion of the licensee.

In the case of barring for an indefinite period or for longer than 6 months, the order will lapse if information regarding the barring is not provided to the Commissioner within 7 days of the order being made. The Commissioner may review an order if for more than 1 month, and may confirm, vary or revoke the order. For an order for a period of longer than 6 months or for an indefinite period, the Commissioner may vary the order until further order.

Licensees have expressed their concern that circumstances have arisen where serious incidents (including assaults, drug related offending or property damage) justify a period of barring in excess of that currently permitted under section 125(5) of the Act.

It is proposed to amend section 125 of the Act to empower a licensee to apply to the Liquor and Gambling Commissioner to bar a person for a period exceeding 3 and 6 months for first and second barrings respectively, in which case the Commissioner's decision will be reviewable by the Licensing Court.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of Liquor Licensing Act 1997

4—Amendment of section 28A—Criminal intelligence

Section 28A relates to information relating to actual or suspected criminal activity, the disclosure of which could reasonably be expected to prejudice criminal investigations, or to enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement (criminal intelligence). It is proposed to substitute subsection (1) so as to clarify that information that is classified by the Commissioner of Police as criminal intelligence for the purposes of the principal Act may not be disclosed to any person other than the Liquor and Gambling Commissioner, the Minister, a court or a person to whom the Commissioner of Police authorises its disclosure.

An additional subsection is proposed that relates to the amendments to section 125 proposed by this measure. The new subsection provides that if the Commissioner of Police, by order, bars a person from licensed

premises because of information that is classified by the Commissioner of Police as criminal intelligence, the order need only state that it would be contrary to the public interest if the person were not so barred.

5—Amendment of section 125—Power to bar

The first amendment proposed to this section allows the Commissioner of Police to provide a licensee with information about a person for the purposes of subsection (1) of that section.

Other amendments proposed provide that the Commissioner of Police may, by order, bar a person from entering or remaining on—

- specified licensed premises; or
- licensed premises of a specified class; or
- licensed premises of a specified class within a specified area; or
- all licensed premises within a specified area.

The Commissioner of Police may make such order on the ground that it is in the public interest to do so (based on criminal intelligence) or on any other reasonable ground. Such an order may bar the person for an indefinite period or a specified period and may be revoked by subsequent order of the Commissioner of Police.

It is also proposed to amend subsection (5) of this section to allow a person to be barred for such period as may be approved by the Liquor and Gambling Commissioner that exceeds the period specified in subparagraph (i) or (ii) of subsection (5)(b).

6—Amendment of section 128—Review of orders by Commissioner or Court

The proposed amendment to this section provides that if an order is made under section 125(5)(b)(i) or (ii) barring a person from premises for a period approved by the Liquor and Gambling Commissioner, any application for review of the order must be made to the Licensing Court.

Debate adjourned on motion of Ms Chapman.

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

Consideration in committee of the Legislative Council's amendments.

Amendments Nos 1 and 2:

The Hon. J.D. LOMAX-SMITH: I move:

That the Legislative Council's amendments Nos 1 and 2 be disagreed to.

I have no doubt that every member of the house would like all young people to achieve their potential as citizens of South Australia. It is that aspiration which is at the heart of our deliberations over the bill before us. This bill enables young people to do their best, and its aim is shared by many thousands of teachers, parents, members of industry, the community and, of course, young people themselves.

We heard that view expressed during exhaustive consultations that took place during the reviews of SACE and the SSABSA legislation, and in the development of this legislation itself. We heard it during and since the subsequent forums that took place while shaping SACE for the future. Indeed, consultation and taking on board the views of the broader community has been the hallmark of all the deliberations around the new SACE and the legislative structure that will support this new senior secondary certificate.

For example, the SACE review included more than 200 meetings involving more than 1,600 individuals, some 170 written submissions and more than 600 responses to an online survey and a major conference. Since then, hundreds of principals and other school leaders across our Catholic, independent and government school sectors, together with the university sector, the further education industry and community leaders, have contributed to the Future SACE.

Today's year 9 students will be among the first to graduate with the new SACE in 2011, and the outcome of our deliberations will reflect how well we establish the sound legislative foundation that supports them and future generations.

In formulating the original bill, a discussion paper and a legislative advisory group of 40 key stakeholders—which includes each of the school sectors—enables us to shape a bill that has the broad agreement of the overwhelming majority of interested parties.

Following amendments in another place, there has been further discussion with members of that advisory group. These steps reflect our commitment to work together to ensure that we deliver an effective senior secondary system that enables young people to achieve their potential.

Against this backdrop, the parliament has also passed historic legislation that will ensure that all young people are engaged in schoolwork or training until they pass the age of 17 or have achieved SACE or an equivalent qualification. These new measures will take effect from January of next year.

The new compulsory education age legislation works with the original SSABSA bill and the new SACE, and each of the components are interrelated and should work in unison. They herald a new education and training landscape. The new SACE will enable more young people to learn not only at school, but also through further education and university, throughout the community and in the workplace. We hope that, at the end of this process, more young people will be developing their skills for a longer period in order to enter the workplace.

Our reforms across the school and training spectrum are part of the changes that we aim to make in order to lift the level of qualifications that young people gain in our community. The logic is inescapable, because research tells us that if young people drop out early their employment prospects over a lifetime are diminished and, in turn, so is their quality of life and opportunity to achieve their potential.

The original bill provided a legislative driver for the Future SACE and, in turn, enabled more young South Australians to achieve their potential. Indeed, our aim is that more young people will learn across the whole education, training and workplace spectrum, with more permeable borders between these former, quite separate institutions than could have been dreamt of even a decade ago. Of course, this will require new approaches to teach, assess, monitor, track and assist young people as they progress from school to training and work. If we cannot measure effectively their achievements and monitor their progress, we cannot manage the process and support them; and that will impact on how well we evaluate the overall skills and qualifications of the South Australian community, because we will not know where they have gone, where they are working and what their intention for the future is.

We do know that, if a young person falls through the cracks and we do not effectively support them, they are at greatest risk of dropping out, not just of school but of civil society. We will not have effective accountability to the parliament through the minister responsible unless we can monitor, track and record the location of students up to the age of 17 at least.

The bill as it was before the amendments ensured that the minister responsible for the education of young South Australians is actually accountable to parliament and has the capacity to fulfil the responsibilities of the portfolio. In effect, there would be an open, transparent and effective way of ensuring that young people could achieve and be monitored as they progressed through this new education and training landscape in a way that is designed for the future, not the past.

In a competitive global economy and at a time when skills demand is so high, we cannot afford to allow structural service delivery barriers to place hurdles in the way of young people achieving their best. The amendments (in particular, those relating to the our capacity to gather and share relevant information) will indeed restrict our responsibility to effectively support the progress of young people across this new education and training landscape. If I can just briefly address those amendments and suggest which ones the government is happy to accept but which ones we remain opposed to, I will be able to explain that matter.

The first group of amendments relate to the employment arrangements of the CEO and the staff of the board. The government acknowledges that the CEO of the SACE authority should not report to DECS. The amendments as they stand, perhaps inadvertently, have put the staff in a position that is incompatible with the desires of the non-government sector, because that would have meant that the non-government sector could not see the independence of SACE.

The original bill addresses those stakeholder concerns by removing the CE of DECS as the employing authority for the CEO of SSABSA and its staff. In consultation on the bill, all stakeholders acknowledged this and the fact that the staffing arrangements proposed in the original bill were consistent with the appointment of CEs and staff across the Public Service. While addressing stakeholders' concern, the bill also ensured that no public sector employee fall within the scope of the commonwealth's WorkChoices legislation. However, the Legislative Council's amendments proposed alternative employment arrangements for the CEO and staff which would take the CE of SSABSA and staff within the scope of WorkChoices and, most damagingly, which would allow them to be accountable to the CE of DECS.

Whilst the new federal government plans to overturn WorkChoices that, of course, will not occur until later in the year and, at a time when we are introducing a new SACE, it does seem

important that staff in the organisation have certainty over their employment conditions. Therefore, the government's position will be to oppose amendments Nos. 1, 2, 5, 12 and 13, because not only are they opposed by the majority of stakeholders, but also the independent and Catholic sectors would not want the CE of DECS to be in charge of the SACE organisation, and I think it would be welcome if the opposition could support that.

In terms of the composition of the board, the intent of the original bill was always to engage each of the school sectors. However, as I have said before, members should be mindful that the future will see an increasingly strong connection between the school, training, university, industry and community sectors. Gone are the days when SACE just related to something that occurred within our schooling sector. As I said earlier, with increasing permeability and with young people spending only some of their time in school in the senior secondary years and increasingly being involved, quite appropriately, in school-based apprenticeships, in TAFE courses and in other RTO programs, and some of them, in fact, being involved in university education, the focus of our original proposal is on who will be best able to contribute to the oversight of the SACE, not from which sector they originated.

Of course, the government would prefer its own original amendment that would see members of the board with knowledge and expertise of each of the government sectors, as that reflects the recommendations of the SACE review. However, we are willing to negotiate on this and, with a view to moving ahead and ensuring that we have an effective board as soon as possible, the government's position is that we would accept the Legislative Council amendments Nos 3 and 4 relating to the composition of the board.

The area that is perhaps most difficult and contentious for people to recognise is the matter of data management. In discussing data management, it is worth again reiterating the fact that children of senior secondary age are now no longer expected only to occupy positions within schools. There has been a change in the management of that process since the passage of the compulsory education age legislation, that is, 16 year olds have to be in approved learning programs. Not only do they have to be in those programs, we need to monitor, track and support them. Some of the perhaps unexpected implications of the amendments from the Legislative Council preclude that proper monitoring process and would make it difficult for information to go between sectors. In fact, the key function assigned to SSABSA in the government's bill provides for SSABSA to have a role in facilitating that collection and monitoring of data but, most importantly, in keeping track of young people so that they can be assessed for SACE at the end of their SACE-related studies.

The problem with the amendments is twofold, and I think that, at the time they were passed, they were perhaps unexpected implications. They restrict the way in which information can be transferred from the board to the minister, in that the board is precluded from providing data related to individual students disengaged from education; only aggregated data related to 16 year olds can be collected or provided. The problem with that, of course, is that, if you want to stop young people falling through the cracks, you have to be able to identify them.

The board also, because of these amendments, would only be able to provide information to entities within the school education sectors. That prevents the transfer of information from the board to other sectors delivering approved programs, such as TAFE or private registered training organisations. The significance of that is that perhaps those in another place are not aware of the fact that these days in senior secondary we do not expect children caught between the ages of 16 and 17 to be confined to school. The landscape has changed: their activities have them between schools, TAFEs, RTOs and even universities. Not being able to track them undermines the very purpose of the compulsory school age legislation.

I can assure members that, if they are concerned, there are safeguards. The government has made new regulations under the Freedom of Information Act to prevent third-party access to information held by the minister and the education department about 16 year olds and other information that can be used to construct leave tables. This issue is very important not just to the government sector but it is seen to be critically important to the Catholic school sector and the independent sector. They would be very distressed if this protection were not in place and they are grateful that it exists.

In fact, it is worth recognising that the interagency advisory group, which comprises the heads of both the independent and Catholic school sectors, was pleased that the appropriate regulations were in place and it supports the intent of this bill on this matter. The government's position, then, is that we oppose amendment Nos 7 and 9 but accept the minor change proposed in

amendment No. 6 because 7 and 9 allow us to carry on sharing information in the way that it was intended under the compulsory age legislation.

The fourth and last of the areas under which the items have been grouped relates to amendment Nos 8, 10 and 11 in relation to a perceived ministerial power over the board. It is worth considering each amendment and the intent of the original clause. The Legislative Council's amendment No. 8 would remove the clause in the government's bill that would enable the minister, particularly if requested by the board or the schooling sectors, to assign an additional function to the board without the necessity of returning to parliament to amend the act.

This is not, as has been suggested, a bid for power by a minister; it is, in fact, a standard clause provided in a number of South Australian acts. It was inserted during the drafting of the bill to support the effective operation of the board. The government remains of the view that the original clause should remain but, in the interests of streamlining the passage of the bill, the Legislative Council's amendment No. 8 will be accepted by the government. However, amendment No. 10 removes the ability of the minister to seek information from the board that relates not to the board but to a minister's responsibility as minister for education. It has been argued by the opposition that the original clause in the government's bill is about ministerial power over the board. This is clearly not the case, as understood and agreed to by stakeholders, including AISSA.

Amendment No.11 removes the minister's limited power to direct the board in the interests of supporting the accountability and performance of the board, for which the minister is ultimately answerable to parliament. The proposed process was transparent as it required the minister to table any directions in parliament or to report these in the annual report. Use of the power could include, for instance, directing the board to investigate the matter which the minister has received representations about, or directing the board not to make public information that could be used to construct league tables.

The proposed power of direction is intended as a safeguard to board performance and accountability. It is a limited power in that the minister is not able quite rightly to direct the board in relation to the content or accreditation of subjects or interfere with student assessments or the recording of results. The government's proposal is supported by all stakeholders who were consulted, excepting AISSA. It is important to note that the limited power is consistent with the provisions of other comparable legislation, including the Training and Skills Development Act and the Teachers Registration and Standards Act. So, it is a very standard clause.

I draw members' attention to the fact that it was the former Liberal government that developed the Training and Skills Development Act and both these acts were passed with the support of the Liberal opposition. The government's position, therefore, will be to oppose amendments Nos 10 and 11 and accept No. 8. The education community members who have been closely involved in the shaping of this legislation all want to see the swift passage of the bill so we can get on with the task of establishing a new SACE board. In turn, we can provide the support that young South Australians need to achieve their potential through a new SACE and a new education and training environment. I have been gladdened by the level of bipartisan approach to this commitment because we all share the goal of wanting our young people to do their best and to attain their potential.

Mr PISONI: I thank the minister. The opposition's position on the SSABSA bill is that we are happy to concede on amendments Nos 1, 2, 5, 7, 9, 10, 11, 12 and 13, and we are pleased that minister has accepted amendments Nos 3, 4, 6 and 8 for various reasons. Before I go on to those, I will use this opportunity to thank the member for Davenport for his work on this bill when he was the shadow minister, and thank the Hon. Rob Lucas in another place, whose vast experience and knowledge as education minister and shadow education minister for a total of about 12 years greatly assisted in the analysis and debate relating to this legislation. I also take this opportunity to thank the minister and her staff for organising the various briefings and being available to discuss the amendments we are debating today.

Education is a fluid area. I am sure none of us in this parliament today would have dreamt when we were in high school that the university courses or, alternatively, the jobs in the workforce today would one day be available. I am sure there are a number of jobs out there that will be offered to my kids, aged 12 and 14, that have not even been invented yet. It is important we review the way the SSABSA Board is made up and the way it operates. It is also important that any review be accountable to the parliament.

The bill is obviously the prelude and basis for further education bills, as indicated by the minister, and it has been scrutinised and amended taking into account its vital importance to the

broader education community in South Australia and the views of the stakeholders to be involved in the new SACE. The opposition amendments that have been agreed by the government seek to maintain the current standing of the board as an independent authority and to limit unnecessary or increased ministerial and, therefore, government control, and potential interference and politicisation of the SACE process.

I think it is fair to say that, from time to time, we all hear in the education debate the threat of political interference. I would not like to see creationism, for example, taught as a science in our schools. So, whether they be independent schools or whether they be government schools, I feel that one way to achieve that is to ensure that we do have a well represented board and a board that is independent of political interference. South Australia does have a history of very stable governments and, of course, the difference between the right and the left in Australia is very minimal. About 10 per cent of the population swings in the middle and 90 per cent of our views are probably bipartisan in many areas, but there are always times in our history—not so much in Australia but certainly in other parts of the world—when we have seen a radical element take control of the political agenda.

I am not suggesting for one moment that that would happen in South Australia—and God forbid if it did—but I think that we need to foresee any possible threats, and that is our job as decision makers in this parliament. Amendments to the bill also reflect the Liberal opposition view on reasonable representation on the new board of the independent and Catholic sectors, which contribute greatly in terms of enrolment volume and the quality of education in this state. In my position as shadow education minister, I would very much like to see an end to the 'them and us' attitude that we see between the public sector and the private sector.

I very proudly send my kids to government schools both at a primary level and at a high school level, and I am very pleased to boast that for both semesters last year my daughter came home with straight As in Year 8. So, she is obviously achieving well with the tools that are given to her in the government school sector, but at the same time it is important that we recognise that parents have different values, parents require choice and we should ensure that a choice is available and not used for political purposes. It disappoints me that our opponents on the Labor Party side of politics—and one particular name comes to mind; Mark Latham—

An honourable member interjecting:

Mr PISONI: Of course, the Labor Party and the AEU have had a history of politicising choices that parents make regarding the education of their children. For example, there are 96 independent schools, 93 Catholic primary schools and 30 Catholic secondary schools—so, a big chunk. It is around 32 per cent, I believe, of the education sector, and it would be a very expensive burden if overnight all those students suddenly ended up in the public sector. I certainly would not like to be the education minister who had to deal with that situation at the beginning of term 1 next year, for example, or the year after; it just would not be possible.

In my electorate, 50 per cent of students are in independent schools, and in the minister's electorate I think it is closer to 60 per cent who are in independent schools; so, they are a significant part of the education system. Of course, the Minister for Education and Children's Services is responsible for more than public schools, so it is important that we have a mix now of a broad range of expertise on the board of SACE and that we do have representation from both the independent and the Catholic sectors.

So I think that is a win for common sense and a strengthening of the bond between the public and private sectors in education. In my electorate, for example, a lot of work is exchanged between the public and private sectors, and a couple of times a year I invite the principals of all the schools to attend dinner with me, at which we discuss ideas about education and the electorate. One thing is common to all the principals, and that is that they are dedicated to the work they do. It is not money that drives them but, rather, the results they get for their students. I think they must have a natural, caring personality, and I am sure they get plenty of satisfaction from helping develop these children into young adults. I congratulate them on that and thank them very much for the work they do. The Liberal Party, of course, is a solid supporter of our public schools, as I mentioned earlier. I put my money where my mouth is and am very pleased with the results I get. Parents, of course, are entitled to make their own choices.

The amendments introduced by the opposition and agreed to by the Legislative Council were made after considerable consultation with stakeholders by the member for Davenport (Hon. Iain Evans), the Hon. Rob Lucas and myself, and we are very pleased that the minister has agreed to support those amendments, Nos 3, 4, 6 and 8. It should be remembered that we are not

here fixing something that is broken: we are simply acknowledging the fact that education is a fluid process and it is important that we have an ability to change.

One of the biggest contrasts that I have experienced in moving from 22 years in small business into the government sector, if you like, as I suppose I could loosely use that term as a member of the opposition, is that ships are much smaller to turn in the private sector than in the public sector. Some could argue that this measure is possibly overdue, but I am very pleased to be here supporting these changes, and trust that they will be of benefit to our students. I believe that my daughter in year 9 will be one of the first students to participate in SACE under the new program.

It is important to point out that some changes made by the original bill are retained while at the same time necessary concessions have been made to take into account the concerns of education stakeholders, in particular the independent schools, expressed through the opposition's amendments to the bill. Again, I thank the minister, and that concludes my remarks.

Mr VENNING: I support the shadow minister and, indeed, thank the minister for her speech today. We are particularly happy that she has agreed to proceed on amendments 3, 4 and 6—and now 8, because that did not come to us earlier—which in effect gives the Association of Independent Schools its most sought-for outcomes of representation for its sector on the new board (amendments Nos 3 and 4), and the tighter controls on the availability and use of the information relates to the issue of league tables of schools (amendment No. 6). As the member for Unley has said, we will concede Nos 1, 2, 5, 7, 9, 10, 11, 12 and 13 for another day, but at least we are on the record and anyone wanting to peruse this legislation can see what we are trying to do.

I was pleased that the minister mentioned amendment No. 8, which has been raised with me and which seeks to remove the minister's ability to assign other functions to the board without change to the legislation or regulation. That is very much opposed by AISSA.

In my electorate I think the system works very well. I have both public and private schools in my electorate and I have the best of both. I brag quite openly about that. I have the best public school in the state. Nuriootpa High School was the best public high school in the state and it is getting there again. Hopefully, we are clearing a few hurdles and turning a few corners. The current principal, Mr Frank Spiel (who was posted there especially), is doing a good job. He was in the saddle very quickly and he is moving ahead, and I have had a couple of discussions with him.

Also, the electorate is blessed with one of the best private schools in the state—Faith Lutheran School. Some 65 per cent of students in the Schubert electorate go to private schools; and that is probably the highest proportion in the state. The Lutherans are particularly strong in secondary schools and, indeed. small primary schools all over the place. I have had a very good liaison with the current principal of Faith Lutheran School, Mr Gavan Cramer, who is in his second year there and doing an extremely good job. Also, I pay tribute to his predecessor, Mr Brian Eckermann, who has given me a lot of advice over many years on matters such as this bill.

When members of parliament have these sorts of people in their patch who give reliable, good advice they can look good. I am not an expert on everything in this job, but people such as Mr Spiel at the Nuriootpa High School and Mr Cramer at Faith Lutheran School can provide me with important information. This morning I consulted again with them both, in particular Mr Cramer. All along they have both said that they want an AISSA representative automatically appointed to the SSABSA board. If not, they may not get a person on the board and, therefore, fail to have representation. This has already been the outcome in relation to our amendments Nos. 3 and 4 and, again, I thank the minister for that.

They needed clarification of the minister's powers. It is all right to direct higher order aspects of management and setting SACE requirements to the minister, but not the operational aspects; for example, the assessments. There needs to be a balance between the power of the minister and the operation of the board as an independent body to protect that independence. Currently, the extent of the minister's power is not clear. This morning I contacted a representative from AISSA who said that the minister should not have the ability or power to assign new functions to the board. Well, the minister has addressed that with amendment No. 8. I think we have done very well and I am pleased about that. This is parliament working well, and I think we have reached a good outcome. I support the amendments and the bill.

Mr PENGILLY: I am happy to support my colleagues today. I am pleased the minister has chosen to adopt the amendments and put them in place. I think it is important that we work for the common good in this place from time to time, and this is a step in the right direction. Bearing in

mind the remarks of the members for Schubert and Unley, I, too, have 10 public schools and two private schools in my electorate. I have the privilege of having three campuses of one school across the water—which presents some difficulties.

School is such a different place from what it was when I went to school many years ago. Unfortunately, the happiest day of my life was the day I left school. I could not leave school quickly enough. I got belted black and blue for five years at boarding school and school was not a happy experience for me. It pleases me greatly now when I go to schools to see how happy the children are. That is not to say that there are not a few political issues to consider, with both internal politics and government politics involving with the staff (as the minister well knows), but in the scheme of things it is heading in the right direction. There are issues at schools which need addressing all the time.

One of the things about which I have a particular gripe is the languages that are taught in schools. Indonesian is taught in some schools in my area, but I think that students would be far better off learning French, German and Italian, because we have such a multitude of international visitors. Quite honestly, I believe that Italian, French and German are of much more use than Indonesian, because we do not have Indonesian visitors. It is just a fact of life. I think that is a mistake, and it is something that needs to be picked up on. I see the minister nodding, and I am glad that she is taking note of what I am saying.

I am pleased that this legislation has reached this point, and that the amendments have been picked up on. I was most impressed by the way in which the member for Unley put his point of view this morning. He will make an outstanding minister for education in a couple of years, I hope.

Mr PEDERICK: I wish to make a few brief comments about the new SACE. Some members of the tertiary education fraternity have been a little worried about the possibly of dumbing down with respect to some issues. However, as long as the protocols and reviews are in place to make sure that we achieve the results—

The CHAIR: I ask the member to confine his remarks to addressing matters relating to the board, rather than the new SACE in general.

Mr PEDERICK: There are concerns about the external school assessment, which at the minute varies from 30 to 50 per cent of these scores and which, in the future, with SACE stage 2, will be 30 per cent external assessed and 70 per cent school assessed. We will have to follow those procedures with interest and see that they work appropriately.

Motion carried.

Amendments Nos 3 and 4:

The Hon. J.D. LOMAX-SMITH: I move:

That the Legislative Council's amendments Nos 3 and 4 be agreed to.

Motion carried.

Amendment No. 5:

The Hon. J.D. LOMAX-SMITH: I move:

That the Legislative Council's amendment No. 5 be disagreed to.

Motion carried.

Amendment No. 6:

The Hon. J.D. LOMAX-SMITH: I move:

That the Legislative Council's amendment No. 6 be agreed to.

Motion carried.

Amendment No. 7:

The Hon. J.D. LOMAX-SMITH: I move:

That the Legislative Council's amendment No. 7 be disagreed to.

Motion carried.

Amendment No. 8:

The Hon. J.D. LOMAX-SMITH: I move:

That the Legislative Council's amendment No. 8 be agreed to.

Motion carried.

Amendments Nos 9 to 13:

The Hon. J.D. LOMAX-SMITH: I move:

That the Legislative Council's amendments Nos 9 to 13 be disagreed to.

Motion carried.

HEALTH CARE BILL

Consideration in committee of the Legislative Council's amendments.

The Hon. J.D. HILL: I move:

That the Legislative Council's amendments be agreed to.

I think four amendments were moved in the other place. One amendment which was moved by the government is a technical amendment which clarifies a power in relation to restricted ambulance licences. Another amendment, which was moved by the Hon. Dennis Hood of Family First, requiring the Health Performance Council to review the governance arrangements after a period of three years, was supported by the government. A couple of amendments were moved by the Hon. Sandra Kanck in relation to regional membership of the country health advisory councils. The purpose of these amendments is to ensure that the majority are from country areas, and the government supported those amendments as well. The amendments were consistent with the intent of the legislation, and we were happy to support them. Madam Chair, is this my last chance to speak unless there are questions?

The CHAIR: Yes.

The Hon. J.D. HILL: I particularly want to thank the members of the Legislative Council for their support of this legislation. It is worth noting that all Independent non-major party members of the upper house supported this legislation, and I personally want to thank them all. I spent a lot of time talking through the issues with them, answering their questions and addressing, I hope, their concerns in a reasonable way. I am very grateful for their support. I particularly want to thank the Hon. Dennis Hood of Family First with whom I spoke on a number of occasions. The Hon. Ann Bressington also supported the legislation. I had a couple of conversations with her, and I had one conversation each with the Hon. Mark Parnell and the Hon. John Darley.

I had a couple of conversations with the Hon. Sandra Kanck, and I was very grateful for her support as well. I think I have mentioned all of them individually. I thank them all for their support of this legislation. I think they saw the good sense in it. I particularly want to mention a comment made by a staff member from the office of the Hon. Ann Bressington who told me that, in preparation for the legislation, they had rung around and spoken to many people in country South Australia who were on boards, who worked in hospitals, who were in local government, who worked in the media, and so on. They told me that the overwhelming majority supported the general direction in which we are going. Only two out of 10, they said, were opposed. They had gone through a similar exercise some months ago and I think they said that, at that time, five or six out of 10 were opposed.

Over the course of the consultation period we were able to demonstrate—particularly to the people in the country—that the legislation was not the evil that was being suggested by some, and they were comfortable with the direction in which we were going. We were able to take into account many of the concerns of people in country South Australia, particularly in relation to ownership of assets. I think that was a major issue about which people in country South Australia were concerned, and we were able to address those concerns.

There were some issues in relation to aged bed licence, and I believe we were able to address those issues as well. I think that the process we have been through—which has been a long process—has been highly consultative. We were quite flexible in how we created the legislation to take into account the ideas and suggestions made by people, particularly, as I say, in country South Australia. I want to express to them all, and particularly to those people who work in country health, my thanks for their participation in this lengthy process. I think it demonstrates that if you spend time talking to people a sensible resolution of the issues can be arrived at.

There are two points I would like to make: this is the most significant legislative reform of the health system—I could say ever—but certainly since the 1970s, when the Health Commission legislation was brought in. The Health Commission legislation went part of the way in bringing us to where we are now with this legislation. What the Health Commission legislation attempted to do was to create a system out of disparate organisations. This now goes the next step and really does create one public health system in South Australia, with clear lines of accountability and responsibility, reaching through the CE to the minister. This is the first time in the history of this state (after this legislation is proclaimed) that a minister for health will actually be directly responsible for what goes on. So, the questions that are asked of him or her in the future can legitimately be laid at the foot of that minister.

I am sure the Deputy Leader of the Opposition will avail herself of that opportunity, once the bill goes through. I think that is the way it ought to be. Ministers of health should be responsible to the people through the parliament for what goes on in the health system. At the moment, that is not the case; legally, that is not the case. No matter how much members in here might want to bang on about it—'You are the health minister, you should know; you should do something'—the reality is that the health minister is not responsible for the day-to-day operations of our hospitals, nor is the CE of the health department.

That has been, I believe, a great error in the way we have managed our health system. You have to have proper accountability; you have to have proper lines of responsibility in order to ensure that you have the appropriate levels of safety and quality, appropriate employment strategies, appropriate contracting and appropriate budget control. If things go wrong then there is a process in place to ensure that they are corrected. At the moment, we have a very cumbersome system. This does not imply anything negative about the people who run the system; it is just that the system itself has been flawed.

Once again, I wish to thank the officers of my department, many of whom have worked on this over a number of years now. Over the last couple of years they have put a lot of effort into the development of this legislation through consultation and discussion with a whole range of interested parties. I commend the legislation with the amendments to the committee.

Ms CHAPMAN: I have never attended the coronation of a king or queen, but today must be what it would be like, because when this bill passes today (and we know it will, even with its tiny amendments), we are going to see the coronation of king Tony Sherbon—not the minister for health, but the head of the department and his subsequent successors. That is what is happening today. Any little tinkering around in another place, to try to tidy up what has been a central takeover of health, will be impotent to stop that.

What we will end up with is a situation where the minister, whoever may hold that position, will be trotted out to provide information on a bit of good news or such little select piece of information that the chief executive wants to be released or wants to have the word spread on. The chief executive will send the minister down here so that he or she (whoever holds a position) can provide that information to the house. However, members should be absolutely clear that it is the chief executive of the Department of Health who is the big winner today. He becomes the sole employing authority of some 25,000-odd employees across the state. He becomes the ultimate arbiter of what is presented to the minister to trot in for approval by cabinet as to how the money is going to be spent in the budget. As of today, he will be able to do so without anybody being permitted to raise complaint about what services are being slashed in their local community, who they are going to employ or how that is going to be applied in the local community.

It is fair to say, as the minister said, that a number of boards are about to be axed today—some 60-odd. A number of those have said to the minister and his advisers, 'Okay, we accept this reform.' Well, do they have any choice? These are the very boards that wrote to the Independents and minor parties, while this bill was between houses, asking that they oppose the bill—and I will come back to them in a moment. They were not there lining up in opposition to this bill, just the two of them, as the minister pretends today. They know what death sentence they have today, they know what sentence is being imposed on them today, when they are completely emasculated with the health advisory councils. They got no help from the Independents in the upper house; there were some very interesting speeches, some very passionate concerns expressed, but there was no help when it came to the vote.

Apart from that, we will end up having all the instructions and only the information that is actually provided by the health department—that is, what Dr Sherbon will give them—because we will not even have the accountability of annual reports coming in from these regions, from these boards, any more. Regional board reports will all cease on 30 June. We will have the CEO's annual

report from the Department of Health, which will be about 2 centimetres thick and which will tell us, in glossy terms, what is happening with health and how our $3 billion this year and our $3.1 billion or $3.2 billion next year, etc., is being spent. That is what we will end up with, the sanitised version. This minister, and his heirs and successors, will be expected to come into this parliament and answer questions; he thinks he is going to have control of the department and have an autonomous role. What a complete nonsense.

What I say about the government's repeated mantra that after 30 years of reform, having gone back to the Bright recommendations (incidentally, the then Labor government tried to push through an effective health department rather than a health commission, which the Bright report actually recommended), is that the upper house actually saved South Australia at that time. It called for an inquiry and demanded of the parliament that it retain the autonomy and independence of the then health commission from ministerial powers. But no; inch by inch this government transferred that until we have the legislation before us today, which is coming to a close, and which will completely squeeze out anyone other than the minister—who, frankly, will be manipulated by whatever the health department provides to him or her.

The Hon. J.D. HILL: I rise on a point of order, Madam Chair. The deputy leader has reflected on me by saying that I would be manipulated by the health department. I ask her to withdraw and apologise.

Ms CHAPMAN: Well, I hope the minister is strong enough to resist it. However, I actually said that the minister, whoever he or she is, will be manipulated—

The Hon. J.D. Hill interjecting:

Ms CHAPMAN: And I do again; and I confirm that one can only hope that the minister will listen very carefully to this, because I do not want him to be the victim or any of his heirs or successors to be the victim—but he has set up a recipe for that to happen. That is the reality of what is before us.

This is the ridiculous thing: the minister tells us in this house that, 'I need to be accountable, I need to be able to have control over the things happening out there, so that I can come into the parliament and invite the deputy leader to question me about it.' If that were true, why do we even have a cabinet that has to have ministerial responsibility? Why do we not just appoint a Premier and he can make all the decisions, or the chief of staff of the Premier's office with the Premier? It is a bit like having the king and the court jester, and I will let the minister take his pick as to which one he will end up being.

The truth is that if this government were serious about that it would just cancel the whole cabinet. Why do you need a board to manage South Australia's $12 billion budget? We do not need any of these guys or girls sitting along here; we just need a Premier. That is the logical extension of the ridiculous nature of the underpinning philosophy of this legislation, and I want it to be noted in this parliament that only the opposition, the Liberal Party of South Australia, stood up for governance being maintained across South Australia, for it not to be absorbed into the control of the power of one in the chief executive of the Department of Health. The biggest single financial department in this state is now entirely under the control of the bureaucracy.

That is what will happen in a few minutes, and I want it to be absolutely clear that we did not support this. In this state the government has introduced and followed what the New South Wales government did a few years ago. They got rid of all their boards. They thought that they were unnecessary. I was told by someone from the Department of Health in New South Wales that they rue the day they did that because they lost control. Now they have the situation where they are starting to understand the importance of having boards, of sharing responsibility and of the value that other board members can bring into the whole question of governance of a major portfolio. They value that situation.

In Victoria, they have kept their boards. Guess which state in this country is the best performing state in public health on all of the major indicators of performance—namely, elective surgery lists, waiting in emergency departments, re-admission rates? It is Victoria. So, do not ask the state of South Australia to get rid of its boards and follow the model which I suggest has been a disaster in New South Wales.

Just look at the North Shore select committee inquiry. This was an inquiry into the operations and case management of the North Shore Hospital in Sydney—a major public hospital, probably the equivalent of our Royal Adelaide Hospital. That select committee reported on and identified major problems with the governance of that hospital, which no longer has a board.

Nobody is there to ask questions or raise alarm bells or to ring up a minister and say, 'We have some serious problems down here.'

Ultimately, a baby had to be lost in a miscarriage to a young mother who attended the emergency department of that hospital. The young woman in question was sent home after having to wait an hour and 20 minutes under an emergency level 3, according to my recollection, when she was supposed to be seen in 15 minutes, and she subsequently miscarried. That was the straw that broke the camel's back, and patient after patient came forward in that inquiry to raise concerns about nobody being there to raise the alarm bells when things went pear-shaped in the operations of that hospital.

Here we are in a situation today where we are completely removing a level of protection for patients, their relatives and the public generally to be able to have some kind of insurance against disaster in what is already a high-pressure profession for those who are working in public health. To have removed this level of protection I think is not only a bad move for South Australia's patients, future patients and the relatives they rely on for their support, but also it will be the undoing of the public administration of those hospitals.

If the minister were really serious about identifying where the real problems are in public sector health, why has he not produced the Paxton consulting report? This is the million-dollar report prepared by the Paxton consultancy (an interstate agency) on the operation and management—in particular, the efficiency—of major public hospitals in South Australia, but the minister has not released it. I have asked him in this parliament to release it and tell us what that report says because, from all the accounts, not only is the operation and efficiency of these hospitals a problem, including their productivity, but also management and governance are serious matters.

What has been happening in these hospitals over the past 18 months? We have seen the situation involving Mr Grigg, the chair of central northern, whose activities involve $1 billion of the $3 billion spent on health each year within the major metropolitan hospitals in Adelaide, except the Royal Adelaide Hospital. If I have left out any smaller hospitals in this instance, I mean no disrespect. I am referring to the Queen Elizabeth, Lyell McEwin and Royal Adelaide hospitals—the major public tertiary hospitals in this state. As chair, I think he was overseas when he was told that there would be a change in structure, and he was not even told that his hospital, the Royal Adelaide, was going and that the new Marjorie Jackson-Nelson hospital was being proposed. The one person who is in charge—

Mr Pengilly: You can see how popular that is.

Ms CHAPMAN: We will see how popular that is, that is for sure. The chair of the Central Northern Health Board ended up throwing his hands in the air and going public to say how disappointed he was in the government's management, approach and advice on this matter. That is how they treat these people; they have now removed them completely. They have effectively been neutered for the last 12 months since it was announced that this bill would be presented to the parliament. It has probably been about 18 months, since about April 2007. It was at about the time, of course, when Dr Sherbon took control as the employment authority for all the workers around the state and the establishment of the new country health office in Port Augusta. At least I know where that is.

Mr Pengilly interjecting:

Ms CHAPMAN: It's where they catch tuna, isn't it? That's right. The important thing is that there has been a dismantling, there has been an undermining, and there has been a preparation out there in the general community for the dissolution of the governance structures which are actually to be obliterated today. They have been weakened, they have been belted about, but the minister says that there has been, effectively, only minority dissent. That is not what happened. These people were told over 18 months ago what was going to happen and eventually they lay down, but the interesting thing is that they wrote to the Independents to say, 'Save us', and of course, they gave those passionate speeches, and we now find ourselves in the situation where they have been removed.

New South Wales—bad example; we followed it anyway. Victoria—good example, and they still have boards. They still have a governance structure which actually invites and welcomes the local community in to have a say, and which has the benefit of contributions from businesses, other professionals and consumers. What do we have? We have a couple of stakeholders in South Australia who profess to be the voice of consumers in this state but who are funded entirely by the government. That is what the government sees as having a voice for the consumer, for the patient

who cannot get in to have their elective surgery done. All they have left, I remind members of parliament, is us. We will be the sole voice left for the people who have any concerns about the health services that we are going to have in the future. I send that message loud and clear: we need to do that.

In recent months, three chief executives of major public hospitals in metropolitan Adelaide have either resigned or announced that they are not renewing their contract. They are from the Royal Adelaide Hospital, the Flinders Medical Centre and, most recently, the Women's and Children's Hospital. I do not know how any of those CEOs would have been able to cope with the amount of reform in the proposed restructure under the health plan and the building of a new hospital on North Terrace. How they would have been able to continue to manage those hospitals—the Flinders Medical Centre, the Royal Adelaide Hospital and the Women's and Children's Hospital—as the government has started to dismantle and shrink the services in other facilities, is almost impossible to understand.

How can we be serious about taking services that are currently in metropolitan hospitals back out to the country to relieve some of these major metropolitan hospitals of their chronic workloads without having established support in the country? The government's answer is to slash their services, to rip out 250 people from the country. That does not sound like getting the rural community ready for a transfer of medical procedures from our cramped and overcrowded public hospitals in the city back out to the country. It does not sound like that to me.

About $100 million dollars a year is spent on bringing country people to major metropolitan hospitals in the city for medical procedures. Some of that is necessary. No-one expects to have brain surgery or a heart transplant at Streaky Bay Hospital. Of course you have to come to a major metropolitan and tertiary hospital for some procedures, and we understand that. However, most of these $100 million worth of procedures, even on the government's own account, ought and should be supported to go back out into the country into major regional hospitals.

It is $100 million a year, and we agree with that, because these people have to come to Adelaide. They get some paltry contribution under the patient assistance scheme, which is a commonwealth and state arrangement to assist in transport—once. But what about the multiple trips they have to make? What about when they have to stay overnight? What about when their relatives come to visit them, help them shower or provide a laundry service because you do not get that in a major hospital any more? You have to rely on relatives to provide that extra service. Where do they stay? Who will pay for all that? It is a major problem for our regional residents at the moment.

This governance restructure, this slashing of the voice of the people in the country, will only exacerbate the problem as we move forward. The government's answer to their having a voice is to establish a health performance council. I will not repeat the debate, but I will summarise the position. The minister will appoint a performance council, which will have a legislative obligation to report to this parliament annually and then provide a major report every four years (which will be after the next state election—how convenient!) It will issue a report based on information provided by the Department of Health.

Do you think that Dr Sherbon or any of his representatives in the Department of Health will rush into the health performance council and say, 'We're stuffing up'? No. Will they rush in there with a report and say, 'This is a major problem we have here in this hospital, in this service or in this direction we are going?' No, of course they will not. They will provide the stats just as they do to prepare the annual reports now. They will be the authors of the very information the health performance council is supposed to scrutinise and provide to us as a parliament so that we can be accountable. Talk about Caesar reviewing Caesar: what a nonsense!

We will end up with the same old sanitised report that comes less and less often. For example, I remember that, before we had the regionalised metropolitan system, we received an annual report from the South Australian Dental Service. It was a comprehensive report on how many children's teeth were looked at, how it accounted for its money and how it had been spent on its programs. That could be during the course of audit and estimate hearings in this parliament, and we could ask questions about them. What do we get now—and this will stop on 30 June? What we get now is a little paragraph telling us how fabulous the service is and one line in the budget on the Central Northern Health Service, stating, 'SA Dental Service, $40 million.' How it is spent, who knows? Do we have a clue?

What we will get next is an annual report from the health department stating, for example, 'Money spent: $3.1 billion.' That is the reality and extent of the sanitised information we will receive.

So, what I put to members is that the HPC proposal will not be a genuine voice of the people. In the upper house—

The CHAIR: Deputy leader, I draw your attention to the fact that, under standing order 364, your time limit is 15 minutes. At the moment, you have had 18 minutes, so I ask you very quickly to address the subject of the motion.

Ms CHAPMAN: Thank you, Madam Chair. I will then address each of the amendments, and there are four amendments.

The CHAIR: There is only one motion.

Ms CHAPMAN: On the four amendments in the motion, I briefly indicate—

The CHAIR: There is only one motion; therefore, that is the situation.

Ms CHAPMAN: —thank you—that the opposition supports the amendments. The amendment relating to the HPC moved by the Hon. Sandra Kanck provides that the minister must establish arrangements to meet with it on a regular basis. There is no definition about how often that should be. The minister indicates he consents to that. I would hope that would be at least monthly so that we have some genuine reporting, given that this new group will be limited in carrying out its role.

I now refer to amendment No. 2 (the second amendment of the Hon. Sandra Kanck) that a majority of the members of the health advisory council be selected or appointed on the basis that they are members of the local community. We applaud that, but the reality is that this is a council which will have all voice but no power. It has no influence: it is purely an advisory council. I do not see why the minister's amendment (amendment No. 3) to limit the scope of a licence to enable a restricted ambulance licence is necessary. We do not object to it, but given that they have no power to have separate licences, other than the couple that have been protected for emergency work under the ambulance licence, I am not entirely clear as to why that is necessary. However, we are prepared to support it.

In relation to the three-year review period, that is, the amendment of the Hon. Dennis Hood, I indicate that is something we obviously support, again subject to the limitations that the actual council will have. The other matter I briefly address is the Repatriation General Hospital. The bill has come back to us without amendment to this section. We had previously indicated that we supported the Repatriation General Hospital's having and retaining its own board, and so special provision has been made in this bill. The Premier has said to the house—and I quote his words—'This will not change unless the diggers want it.' He has made that commitment to this parliament. Therefore, it is of great concern to me that I hear of a consultative committee being formed (as they tried to do a few years ago) to look into the amalgamation of the Repatriation General Hospital and its governance with Southern Adelaide Health Service.

Here we have this war all over again. Let me tell members that it will be a war because the Premier has made this commitment to this parliament and it is something on which we will not lie down. The minister needs to be clear about this. It is beyond me why they would want to try to push all this legislation through and then announce through some other amendment that either they will completely neutralise this board or try to suck it into the services of a hospital such as the Flinders Medical Centre, which every year struggles even to balance its books.

Let me say this: it will be the Liberal Party again that will be standing up to support the return service men and women of this country and, in particular, South Australians, and that we maintain this entity for them to ensure that, as they return from East Timor—we have a 1,000 of them over there at the moment—Iraq and surrounds—we have 1,500 over there at the moment—they have a hospital with a dedicated service, whether it be for bomb-blast wounds or mental health assistance; and that they will not have to line up at the Royal Adelaide Hospital to get into C3 ward or try to get into Glenside Hospital—half of which will be sold, anyway. They deserve the dignity of having autonomous responsibility over their own hospital. This will be something that we will not let die. With those comments, I indicate that the opposition opposes the bill.

Mr PENGILLY: I support the amendments of the Legislative Council, but I would also like to comment on a sad day for health in South Australia, if this bill goes through.

The CHAIR: I was incredibly indulgent with the deputy leader and allowed her to repeat her second reading contribution. I have given that privilege to her as the lead speaker, but other members will need to confine their comments to the motion under consideration.

Mr PENGILLY: Absolutely, Madam Chair. Amendment No. 2 does cause me some concern because, although we are supporting it, I do not think it is strong enough. Quite frankly, I think it is going to be useless in the context of the overall changes to the health act. That is what worries me.

It is most unfortunate that we stand alone on this. I hope that the government will support the amendments that have come back. I worry that, in a couple of years' time, or 12 months, or even less, we may be back here revisiting this whole issue again. It is simply not good enough to put an amendment that is not going to be strong enough. In saying that, I am not speaking against the amendment. I am trying to say that I do not think that the amendments are good enough to carry the best interests of the South Australian people through this new health act. That is my major concern. It should have been stronger. Unfortunately, it is not going to be stronger. In saying that, we support the amendments.

Mr VENNING: The bill's proposal to abolish existing hospital boards in country areas and to replace them with health advisory councils (HACs) will spell the beginning of the end for many country hospitals. I have raised this with the minister at length. This proposed wind-down of country health would rate as one of the most important issues that I have dealt with in my time here, and that is now nearly 18 years. It is of serious concern for me, because these hospitals are the lifeblood of our communities, particularly the smaller, more isolated communities.

I was amazed this passed the other place last week and I feel as though I have let my people down, because I did not know it was going through and that I have been derelict in my duty. How they all rolled over I do not know. The opposition sat on its own, with the rest of the council voting to support it. I did not even know it was happening and I feel very guilty.

I have made many speeches in this place over the years in support of country hospitals, especially the local ones in my area of Schubert and, indeed, Crystal Brook. In the past five or six months I have ramped up my comments in support of the status quo. For the record, I have five hospitals in my electorate: Angaston, Tanunda, Mannum, Mount Pleasant and Gumeracha, with three boards operating in them.

The CHAIR: Member for Schubert, can you address the amendments, please?

Mr VENNING: I am addressing the issue, Madam Chair.

The CHAIR: The issue has been dealt with. What we are considering now is the amendments—

Mr VENNING: I am talking about the effect of the amendments. The effect of the bill is to remove hospital boards—are you saying to me I cannot address that matter?

The CHAIR: I have allowed the—

Mr VENNING: Well, you give me no choice.

The CHAIR: Order!

Mr VENNING: You are way out of whack, Madam Chair. I can speak on this issue, surely. I have been here for 18 years. You are telling me I cannot speak on this matter? I think you had better consult the Clerk.

The CHAIR: Member for Schubert, please take your seat. The issue before the committee is the schedule of amendments made by the Legislative Council. As I have indicated, I gave the deputy leader great liberty in allowing her to address the issue of the bill. The topic is the schedule of amendments. That does give you quite a bit of room to speak, but the topic is the schedule of amendments and I ask you to confine your remarks to that.

Mr VENNING: Madam Chair, on that ruling I ask you then whether I can make these comments before it goes through. These are general comments.

The CHAIR: The general comments are simply for the purpose of context. I am allowing you some liberty in putting the context, but the topic is the schedule of amendments.

Mr VENNING: The health advisory councils are what I am speaking about. That is what we are going to have in lieu of our hospitals boards. I am very concerned that this is where we are going.

The Hon. J.D. Hill: Just say you do not think the amendments go far enough and explain why you do not think they go far enough.

The CHAIR: The topic is the amendments, not the bill.

Mr VENNING: I have had a lot of dialogue with the minister in relation to this matter and I believe the government has been working for many years towards setting up these HACs. They desensitised the issue and they got rid of certain people. I always received good advice from a gentleman named Mr Trevor Manning (operating in the Adelaide Hills) who, in the end, out of frustration, resigned. They put people in certain places to kill off opposition and to exterminate all individual hospital boards. Volunteers and locals are out and bureaucrats are in. The minister did it with NRM and look at the result—similar outcomes really.

The minister is not satisfied with the stuff-ups; he is doing it again now. There is no more local ownership of hospitals. We will be chock-a-block full of bureaucrats with the HACs now being discussed in this amendment. How can an ordinary volunteer participate in that? Realistically, I do not believe that a volunteer will be able to keep up because, with a HAC, the professionals—that is, the bureaucrats—will totally dominate.

We will no longer have local ownership of hospitals, because a HAC will control a multitude of hospitals. Having served on a hospital board—and that was at Crystal Brook for nearly 10 years—I know about the decisions that are made. What upsets me more than anything is that, with a HAC, I do not believe there will be any local involvement, local fund-raising or local management at all. We will be handing all that over to the machine: the bureaucrats in high places. I am very concerned about what happens with a HAC and whether it will actually own the properties because, at the moment, the land and buildings are held by the community, but with a HAC we are not exactly sure.

I am very critical of Family First in the other place in relation to these amendments. Surely a family-based Christian party like Family First should not have supported amendments like this, nor this legislation. I am just amazed. I have been critical of the other place over the years, Madam Chair, as you know. It is basically there to protect us against legislation like this—a check and balance to stop and modify bad legislation. In this instance, all the parties there—except the Liberal Party—rolled over on this issue, and I am most concerned.

To the Hons Dennis Hood and Andrew Evans I say: shame on you. The Hon. Mark Parnell was a strong supporter of volunteers and against the big brother bureaucracy, as was the Hon. Sandra Kanck. I will not criticise the Hon. John Darley because I did not get to speak to him, as he has been here only a few weeks.

The minister knows that I support him, but I feel that, on this issue, he rolled over for the bureaucrats. The minister told Sir Humphrey (that is, King Tony Sherbon) that he now has total control through this amendment. It means that hospitals like Crystal Brook will be starved, and Pirie will get priority. The minister named the doctor—my doctor—who advised him. I am amazed that he did not have more opposition to this, and this is all on the record.

We are seeing a complete breakdown of our health facilities in regional South Australia, as we have seen with NRM. I will be going to the *Hansard* and I will say to the minister, 'Well, you did it. You didn't listen to us. You didn't consider what you did with NRM.' This is relevant because the control we are giving to the executive level of government—that is, the bureaucrats—is for massive cost blow-outs and very poor service on the ground, nothing like we used to have before we lost control. This is a victory for the highly paid, unelected, invisible power moguls in our executive government.

As members of parliament, we have all been elected. We are accountable every four years. What has the minister done here? He has effectively taken control away from us and put it out there into the great abyss that is the public machine. Yes, this is a victory for these highly paid people, and I regret it. I apologise to my electorate for not giving them stronger advocacy on this matter. I have failed them. It is a serious matter.

The Hon. J.D. Hill interjecting:

Mr VENNING: Well, I didn't stop it, did I? You can be assured of one thing: there will be less spent on health care in country regions and a lot more on executive-level wages, consultants, training courses, motor cars—you name it. You have seen it; it is going to happen. For Christmas, my wife gave me the complete series of *Yes, Minister,* and I sit there for hours watching the episodes, one after the other. Well, here is a prime example.

Members interjecting:

Mr VENNING: I don't know about you, but I do not laugh at them any more. I just think, 'Well, gosh, this is text book stuff.' In conclusion, all I can say is that we fought the fight and lost, and I am very sad indeed. I only hope I am wrong, but I am sorry to say that my experience from the time I have been in this place tells me that I am right—and the record will probably show that I am well and truly right. It is a sad day.

Mr PEDERICK: I rise in support of the amendments, but I also have some worries about whether we will have the right support in country areas and whether we will have the right people on these health advisory councils so that the right decisions are made in rural and regional areas. Too many times I have seen mistakes made, with health care workers going into areas with absolutely no idea of what they are getting into, and they do not even make it to their first day on the job. For example, an EODON came into the area, into the Mallee—

Mrs Redmond: Pardon—EODON?

Mr PEDERICK: EODON: Executive Officer, Director of Nursing, for the uninitiated.

Mrs Redmond: I already knew; I just wanted it in *Hansard.*

Mr PEDERICK: This officer's partner was a scuba diver. Well, unless he wanted to climb down a bore hole, he was not going to do too much scuba diving. So, she did not even make it to her first day on the job. I am concerned that we have the right local representation on these health advisory councils to make sure that the right decisions are made at the local level.

As far as ownership of assets is concerned, it did seem at the early stage of the consultation process that the minister was keen on a centralised pool of money for regional areas. At least the government appears to have listened to the communities and has said that ownership of regional assets can be held locally (or that is how it appears) and the communities can conduct fundraising locally to support these hospitals, which are a vital part of the community.

People who live 250, 300 or 500 kilometres from city hospitals need adequate health care, and it is certainly necessary that there is adequate local input to make sure that things are done right, because no-one can tell me that someone in a silo in Adelaide would have any idea, without consulting with the locals, on what is going on in regional areas. I support the amendments that have come down from the upper house, but we will certainly be monitoring the situation to make sure they go far enough, especially as far as regional health is concerned.

The Hon. J.D. HILL: I want to respond to a number of the comments made by those opposite. First, I understand that members on the other side have a deep, abiding and passionate interest in country health, but they are not orphans—

Mrs Redmond interjecting:

The Hon. J.D. HILL: That is an offensive thing to say. I have given a lot of attention to country health since I have been the minister. Country health in South Australia is not working as well as it ought to be. The systems in place are not delivering good health outcomes to country South Australians. Any of the stats you look at demonstrate that the standard of health care for people in the country is not as good as that enjoyed by people in the city. There is an urgent need for reform of country health, and I am passionate about trying to do something about it.

Members opposite have made some comments about this being all a set-up by the bureaucracy; that Dr Sherbon is behind this. Let me tell you: this is something I want to do. I developed this approach before Dr Sherbon came on the scene; it is something I have been planning since the election—in fact, before the election. In fact, if you are honest with—

Mrs Redmond interjecting:

The Hon. J.D. HILL: Perhaps if the member would listen as I listened to her colleague speak. If members opposite were being honest, they would know that former ministers for health from the other side wished to implement exactly these kinds of reforms. I must say that it is a great tragedy that my side of the parliament, when these matters came before the house some 12 or so years ago, rejected the reforms then for the same kind of base political motives that your side of the house is currently expressing its opposition. In fact, even if you go back to the days when Don Dunstan—

Mrs Redmond interjecting:

The Hon. J.D. HILL: Look, you had a chance to speak; you chose not to. I listened to your side. If you go back to the days when the Dunstan laws were put in place, as the deputy leader

said, they were amended in the parliament because the parliament for the same kind of crass political reasons decided against the reforms. These reforms are essential. It is not about increasing bureaucracy. In fact we have already started through Country Health SA reducing the amount of bureaucracy running country health. Every single hospital in the past used to have its own CE; we are now amalgamating those positions so we can put more resources into providing services to people. They do not need a bloated bureaucracy.

Let me just attend to the amendments themselves, and I am grateful for the opposition's support. The one in which the deputy leader expressed some interest was the non-emergency ambulance services. I will explain. Clause 58 enables the minister to approve applications for a restricted ambulance licence. The clause also enables the minister to attach conditions to a licence where it is necessary to do so. New subclause (13a) is a technical clarifying amendment to make certain that the minister has the power to place conditions on a licence that limit the scope of the restricted ambulance service licence to a specified class of services or activities. In other words, we do not want anyone other than the SA Ambulance Service providing emergency ambulances.

Generally, I think the restricted licences allow people to work in the private sector, to take people who need medical attention from one place to another. The amendment became necessary following a recent court judgment on a licensing matter to do with another minister's powers to restrict the licence. The court's decision meant that the minister may not in fact be able to impose a condition on the licence that restricts the licensee to provide only certain services. The amendment advised by the Crown Solicitor's Office addresses this potential limitation of the clause as drafted. This was done for technical reasons, and I cannot explain beyond that, but I am taking on good faith the advice that we have had from the Crown.

I will just raise a couple of other matters. The deputy leader made, in passing, what I thought was a very offensive commentary on the leadership of the health department. I might say that the leadership of the health department is very good. It will now have powers comparable to leadership of every other government department, that is, it can plan, manage, make decisions and budget for the elements within the portfolio.

The member highlighted Victoria as a place which still has boards. What she did not highlight to the house is that all those boards are appointed by the minister of the day. They are not individual hospital boards around small hospitals; they are large regional boards appointed by ministers. Victoria is about four or five times the size of South Australia, so I guess in that larger environment it does make sense to have multiple bits of bureaucracy running the health system, but they are government-appointed boards subject to control by the minister, as I understand it; they are not individual hospital boards trying to run small country hospitals.

The voices of country people will not be excluded, as has been argued by the Deputy Leader of the Opposition. The Health Performance Council will ensure an overview of health services in the state. It is offensive to describe it as a body which will be subject to direction by the department. It is an independent body which will be answerable to the minister of the day and in addition to that all these country hospitals will continue to have health advisory councils which will be excellent advocates for their bodies. They will not be intimidated; they will not stay silent if they do not like what is going on. What they will merely be restricted from doing is attempting to run the hospitals. They do not currently run hospitals, and that is part of the problem. The hospitals are run by managers who are not accountable to anybody except those boards which meet on a monthly basis. What we are doing is ensuring that there is a proper process of accountability for individual hospital management.

Finally, if I can just address the issue of the repatriation hospital. The Premier made some comments in here which the deputy leader quoted. I assume she quoted them accurately. They certainly accord with my memory of the Premier's statements, and I have repeated his comments to representatives of the returned services. It is not the government's intention, without the consent of both representatives of returned service people and the board of the Repatriation Hospital, to change the arrangements that are in place.

Ms Chapman: What about the diggers themselves?

The Hon. J.D. HILL: I am talking about them.

Ms Chapman: You are talking about the RSL—

The Hon. J.D. HILL: Are you suggesting we should have a vote? The returned service organisations can work out how they consult with their members. A variety of processes are in place. I have been talking with them, and they will make a determination and do what their

members want them to do. If the deputy leader is suggesting that the leadership of the RSL and other returned service organisations do not represent their members, I suggest it is something she take up with their leadership.

The government will not take any action in relation to the Repatriation Hospital without the support of the returned soldiers for whom that organisation was set up to serve, nor without the support of the Repatriation Hospital Board. We are in consultation and discussion with them, and I understand that the majority of representatives of returned soldiers are supportive of an integration, because they believe it will produce a better service for their members, and that is what it is all about. It is not about arbitrary lines on maps but about what is about the best interests of the people of this state, and this is what this legislation is doing.

Motion carried.

CRIMINAL LAW CONSOLIDATION (DOUBLE JEOPARDY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 13 November 2007. Page 2043.)

Mrs REDMOND (Heysen) (12:42): I will be the lead speaker for the opposition on this bill. This matter has been considered at some length previously in terms of our own policy. I highlight to the house that we announced a policy in relation to the law of double jeopardy in at least May last year and did further work on it and gave it more publicity in August last year.

The Hon. M.J. Atkinson interjecting:

Mrs REDMOND: As the Attorney says, the government has copied us. It is interesting that both sides are looking to amend the law in this regard, because for a long time the law against double jeopardy (or the principle of it) has been a reasonably fundamental principle of our criminal law: the idea that once you have been tried and even acquitted or convicted, then you would not face trial again for the same offence. The fundamental proposition that has been a tenet of the criminal law for some hundreds of years and embodied in the principle of double jeopardy has come into question, largely because of technological developments.

When one talks to ordinary members of the community, many are aware of particularly DNA evidence and the development of a great deal of quite precise technology which can provide forensic evidence in relation to the commission of crimes by alleged offenders, and it is largely for that reason that people have begun to question whether a strict adherence to this principle of not placing anyone in a situation facing double jeopardy, that is, retrial for an offence for which they have already been acquitted, is an appropriate way to manage our justice system. I think members of the community at large take the view—in our view, quite rightly—that it is appropriate for us as legislators to adjust the law so that what we get, at the end of the day, is a just result.

Probably the most famous case in relation to this problem of double jeopardy—particularly as it appears in Australia—was the case of R v Carroll. That case occurred in Queensland and involved basically the situation in which—and many people would remember—baby Deirdre Kennedy was found dead. Her body was found on the roof of a toilet block in Ipswich in April 1973 (many years ago now) and Carroll was originally charged with and found guilty of her murder. He was convicted of murder on 14 March 1985, but on 27 November 1985, the Court of Criminal Appeal quashed that conviction on the basis that a properly instructed jury, properly considering the matter, could not be satisfied beyond reasonable doubt on the prosecution evidence that the accused was guilty.

There is plenty of public information about Carroll's guilt and, indeed, what happened subsequently was that, in February 1999, Carroll was then charged with perjury on the basis that, in giving his sworn evidence at the original murder trial, he said that he did not kill Deidre Kennedy and therefore, if that was not a true statement, under oath he was making an untrue statement, and therefore was guilty of perjury. Bearing in mind that this is some 26 years after the original murder, the prosecution considered they had new evidence which had not been available at the time of the original trial.

We have the murder in 1973, the original trial in 1985, the conviction being quashed at the end of 1985 and then the new perjury trial in 1999. By then, they considered that they had sufficient evidence to show that he had, in fact, killed baby Deidre and he was convicted on that trial of perjury. Then that was appealed to the Court of Appeal in Queensland and the Court of Appeal concluded that the trial should have been stayed as an abuse of process. They then quashed that

conviction and entered an acquittal in favour of Carroll, so then the matter went to the High Court. The High Court considered in detail—and this is where it became the leading authority on this issue—the notion of double jeopardy and, although they gave separate judgments, they came to a unanimous conclusion that, whilst leave to appeal for the consideration of the High Court should be granted, the appeal should be dismissed; that is, they upheld the view of the Court of Criminal Appeal in Queensland that there was a principle of double jeopardy, which was basically being abused.

In the High Court, the Chief Justice said that proceedings on the indictment for perjury should have been stayed, as the Court of Appeal concluded. The prosecution inevitably sought to controvert the earlier acquittal on the charge of murder. They were saying that, although the new trial was ostensibly about Carroll's perjury in the original trial, the matters that they sought to adduce and retry were the matters relating to his guilt for the murder itself. That has gone in a different way to what has happened in other jurisdictions, but suffice to say that is the leading authority on this issue in Australia at the present time and we are one of several jurisdictions looking at the issue of overcoming that problem.

The community expects that justice should be done—that someone who is clearly guilty of murder should be able to be found guilty of murder and punished accordingly, notwithstanding that there has already been a trial. Putting aside the Carroll case for the moment, it is not hard to imagine, for instance, that someone could face a trial for murder, or another serious crime, and be acquitted on the basis that there was insufficient evidence and, simply because of new evidence in the light of DNA developments, there could be quite compelling evidence that the person did actually commit the crime for which they have been acquitted. As the law stands at the moment, particularly in light of the decision of the High Court in Carroll, there is really nowhere for the prosecution to go and the person is able to rely forever on their original acquittal.

Indeed, the Attorney mentioned in his second reading explanation the statement of Article 14, paragraph 7, of the International Covenant on Civil and Political Rights, which states:

> No-one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

So, the idea of there being a principle of double jeopardy is not restricted to Australian jurisdictions. It is something which is generally, in most western societies, a principle of our legal system. Indeed, we are by no means the only jurisdiction to seek to address the issue. New Zealand I think has already addressed it, and so, too, has the United Kingdom. The United Kingdom in fact had a situation where someone who had been acquitted of a murder subsequently confessed to that murder on the basis that he believed he was untouchable.

The Hon. M.J. Atkinson interjecting:

Mrs REDMOND: The Attorney suggests he may have been in prison, and I think that may be correct—that that person confessed his guilt of the murder to one of his fellow inmates in prison. But, clearly, the community has a right to feel disquiet about a judicial system which cannot appropriately deal with someone who has actually confessed to a murder because of this rule.

Hence, we got to this position where we had decided last year, and the government has decided this year, to seek to rectify that situation. Obviously it is not something that we on either side would want to do lightly. A fundamental principle of the law which has stood us in good stead for hundreds of years is not to be cast aside lightly. So, like us, the government decided to restrict the circumstances in which such a review of the law should apply; but it has, and I acknowledge the government in one respect, taken on an extra issue that we had not addressed in our previous position, and I will come to that in a moment. First, I want to deal with the area in which we are indeed at one with the government in terms of what we originally proposed early last year and what the government's bill now seeks to address, that is, the requirements for the allowing of a new trial where someone has already been acquitted.

The first requirement is that there must be fresh evidence. Fresh evidence will mean that it has to be evidence which could not have been adduced at trial using reasonable diligence. One of the reasons for this is that we do not want to set up a system whereby people can get away with being a bit sloppy in the preparation of their case. A sloppy prosecution which has failed to adduce evidence which should have been reasonably available will not lead to a situation where an application can be made to bring a fresh trial. It has to show, first, there is fresh evidence or new evidence that could not have been adduced at trial with reasonable diligence. The most obvious situation, again, will be DNA evidence where the technology may not have been available at the time of an earlier trial but is now available.

Also, the evidence must be compelling. It must be both new and compelling. Compelling is described in the second reading explanation as being reliable, substantial and highly probative. It has to be evidence which goes to the heart of the matter and which would be likely to be convincing. Indeed, before there can even be a further investigation of a person already acquitted, most of the time—unless there is an urgency for some reason—the DPP has to certify in writing that the existing acquittal would not prevent a retrial. In order to do that, the DPP has to be satisfied that there is likely to be sufficient fresh evidence to warrant investigation and that it is in the public interest to do so.

Once the DPP is satisfied about that and certifies in writing that an investigation can take place, there still cannot be another trial until there is an application to the Court of Criminal Appeal. That application has to be brought within 28 days, so within 28 days of the arrest or charge of the person is to be retried there must be an application to the Court of Criminal Appeal, and the Court of Criminal Appeal has to satisfy itself on 'interest of justice' grounds that it is appropriate to allow a further trial.

In coming to that conclusion, the Court of Criminal Appeal must consider whether any prosecuting authority in getting to that point—that is, in terms of the retrial—has failed to act with reasonable diligence. Probably the most important part about this fresh and compelling evidence is that it will only apply—that is, the ability to seek a retrial on the basis there is fresh and compelling evidence—for the most serious offences; that is, murder, manslaughter, trafficking in or manufacturing a large commercial quantity of drugs, armed robbery and the most aggravated forms of rape. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

MATTER OF PRIVILEGE

The SPEAKER: I respond to the matter of privilege raised by the member for Mitchell earlier today in which he claims that the Premier misled the house. The member for Mitchell alleges that the contents of the Premier's ministerial statement made to the house on 26 February in relation to the report of Mr Alan Clayton into the operations of WorkCover is not consistent with the actuality of the bill introduced by the Minister for Industrial Relations on 28 February, as it relates to the provision for weekly payments for compensable disabilities.

First, the member for Mitchell suggested that the ministerial statement made by the Premier was a statement of the government's legislative intent. It is clear from a reading of the ministerial statement in *Hansard* that the Premier was outlining the recommendations made by Mr Clayton, not providing the house with the government's policy position or proposed legislation.

In relation to the specific matter that the member for Mitchell has raised, he claims that the Premier's statement is inconsistent with clauses 4 and 5 of schedule 1 of the Workers Rehabilitation and Compensation (Scheme Review) Amendment Bill. However, the passage of the Premier's statement quoted by the member to the house relates to weekly payments under clause 4 subclause (1)—not, as the member suggests, subclause (2), which relates to a review of payments.

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order! Therefore, I can find no basis for giving precedents which would enable the member for Mitchell or any other member to pursue this matter immediately as a matter of privilege. It cannot 'genuinely be regarded as tending to impede or obstruct the house in the discharge of its duties'. However, my ruling does not prevent the member for Mitchell or any other member from pursuing the matter by way of substantive motion.

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order! The Speaker is on his feet.

[Sitting suspended from 13:01 to 14:00]

GLENSIDE HOSPITAL REDEVELOPMENT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition): Presented a petition signed by 50 residents of South Australia requesting the house to urge the government to retain the areas

known as precinct 3, 4 and 5 of Glenside Hospital to ensure they continue to be available as open space and recreational, together with mental health services.

BUS SERVICES

The Hon. R.B. SUCH (Fisher): Presented a petition signed by 247 residents of South Australia requesting the house to urge the government to implement a comprehensive bus service to serve the Aberfoyle Park, Happy Valley, O'Halloran Hill area and reinstate bus service No. 618 to the Marion Shopping Centre.

NOTICES OF MOTION

Mr PISONI (Unley) (14:01): I give notice that on Thursday 3 April I will move:

That this house condemns the member for Reynell for her support for cutting WorkCover entitlements and for not:

(a) taking any interest in the blow out in WorkCover's unfunded liability since taking office;

(b) taking any interest in WorkCover's poor return to work results;

Members interjecting:

The SPEAKER: Order!

Mr PISONI: My proposed motion continues:

(c) informing the public until after the federal election that WorkCover entitlements to injured workers would be cut; and

(d) examining alternatives to cutting workers' benefits as part of the WorkCover reform.

Mr HANNA (Mitchell) (14:02): I give notice that on Thursday 6 March I will move:

That this house expresses disappointment at the offensive and intimidating language used by the Deputy Premier when asked a routine procedural question just outside the parliamentary chamber while the grievance debate was under way on Thursday 28 February 2008.

Mr GRIFFITHS (Goyder) (14:02): I give notice that on Thursday 3 April I will move:

That this house condemns the member for Morialta for her support for cutting WorkCover entitlements and for not:

(a) taking any interest in the blow-out in WorkCover's unfunded liability since taking office;

Members interjecting:

The SPEAKER: Order!

Mr GRIFFITHS: The motion continues:

(b) taking any interest in WorkCover's poor return to work results;

(c) informing the public until after the federal election that WorkCover entitlements to injured workers would be cut; and

(d) examining alternatives to cutting workers' benefits as part of the WorkCover reform.

The Hon. P.F. CONLON: Sir, I have a point of order on a matter that I think you have probably already talked about; that is, whether either of those previous motions anticipates debate on a matter before the house.

The SPEAKER: Order! I will have a look at the motions. I do not think that they do, but I will have a look at the motions and, if they are not in order, I will report back to the house.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:03): Sir, I give notice, subject to your ruling, that on Thursday 3 April I will move:

That this house condemns the member for Norwood for her support for cutting WorkCover entitlements and for not:

(a) taking any interest in the blow-out in WorkCover's unfunded liability since taking office;

(b) taking any interest in WorkCover's poor return to work results;

(c) informing the public until after the federal election that WorkCover entitlements to injured workers would be cut; or

(d) examining alternatives to cutting workers' benefits as part of the WorkCover reform.

Mr VENNING (Schubert) (14:04): Sir, subject to your ruling, I give notice that on Thursday 3 April I will move:

That this house condemns the member for Light for his support for cutting WorkCover entitlements and for not:

(a) taking any interest in the blow-out of WorkCover's unfunded liability since taking office;

Members interjecting:

The SPEAKER: Order!

Mr VENNING: The motion continues:

(b) taking any interest in WorkCover's poor return to work results;

(c) informing the public until after the federal election that WorkCover entitlements to injured workers would be cut; and

(d) examining alternatives to cutting workers' benefits as part of WorkCover reform.

Mrs REDMOND (Heysen) (14:04): Mr Speaker, subject to your ruling, I give notice that on Thursday 3 April I will move:

That this house condemns the member for Mawson for his support for cutting WorkCover entitlements—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! I warn the member for Mawson. When I am on my feet, I expect the house to become silent. I should not have to damage my vocal chords in bringing the house to order. Let us just get on with this. I know what the members want to put on notice. We will do it in silence. The member for Heysen.

Mrs REDMOND: Thank you, Mr Speaker. The motion will be:

That this house condemns the member for Mawson for his support for cutting WorkCover entitlements and for not:

(a) taking any interest in the blow-out in WorkCover's unfunded liability since taking office;

(b) taking any interest in WorkCover's poor return to work results;

(c) informing the public until after the federal election that WorkCover entitlements to injured workers would be cut; and

(d) examining alternatives to cutting workers' benefits as part of WorkCover reform.

Mr PENGILLY (Finniss) (14:05): Mr Speaker, subject to your ruling, I give notice that on Thursday 3 April I will move:

That this house condemns the member for Bright for her support for cutting WorkCover entitlements and for not:

(a) taking any interest in the blow-out in WorkCover's unfunded liability since taking office;

(b) taking any interest in WorkCover's poor return to work results;

(c) informing the public until after the federal election that WorkCover entitlements to injured workers would be cut; and.

(d) examining alternatives to cutting workers' benefits as part of WorkCover reform.

Mr GOLDSWORTHY (Kavel) (14:06): I give notice that on Thursday 3 April I will move:

That this house condemns the member for Newland for his support for cutting WorkCover entitlements and for not:

(a) taking any interest in the blow-out in WorkCover's unfunded liability since taking office;

(b) taking any interest in WorkCover's poor return to work results;

(c) informing the public until after the federal election that WorkCover entitlements to injured workers would be cut; and

(d) examining alternatives to cutting workers' benefits as part of the WorkCover reform.

Mr PEDERICK (Hammond) (14:06): Subject to your ruling, Mr Speaker, I give notice that on Thursday 3 April I will move:

That this house condemns the member for Hartley for her support for cutting WorkCover entitlements and for not:

(a) taking any interest in the blow-out in WorkCover's unfunded liability since taking office;

(b) taking any interest in WorkCover's poor return to work results;

(c) informing the public until after the federal election that WorkCover entitlements to injured workers would be cut; and.

(d) examining alternatives to cutting workers' benefits as part of WorkCover reform.

Members interjecting:

The SPEAKER: Order!

ANSWERS TO QUESTIONS

The SPEAKER: I direct that the following written answer to a question be distributed and printed in *Hansard*.

ROAD SAFETY CAMERAS

In reply to **Mr PISONI (Unley)** (27 June 2007). (Estimates Committee B).

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy): The Minister for Road Safety advised that:

With regards to the 25 cameras in question, 23 have been commissioned and expiation notices are being issued accordingly.

One at Murray Bridge is currently undergoing testing.

The other remaining site is West Terrace/Hindley Street, which SAPOL is using as a trial site to test the capacity to connect and download data from a remote location as opposed to physically downloading the data at the site. SAPOL is in the final stages of testing and the site is expected to be commissioned by the end of the year.

PAPERS

The following papers were laid on the table:

By the Speaker—

District Council of Orroroo Carrieton—Report 2006-07—Pursuant to Section 131 of the Local Government Act 1999

By the Treasurer (Hon. K.O. Foley)—

South Australian Superannuation Scheme Actuarial Report 2006-07

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

Regulations under the following Acts—
Radiation Protection and Control—
Cosmetic Tanning Units
Non-ionising Radiation

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

Regulations under the following Acts—
Freedom of Information—Exempt Agency

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

Regulations under the following Acts—
Primary Industry Funding Schemes—
Adelaide Hills Wine Industry Fund
Langhorne Creek Wine Industry Fund
Riverland Wine Industry Fund

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

Local Government Grants Commission South Australia—Report 2006-07

MITSUBISHI EMPLOYEES, LENDING INSTITUTIONS

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) (14:08): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: Today, moments ago, the Reserve Bank raised official interest rates for the 12th consecutive time. This is a decision, of course, taken by the bank to alleviate the inflationary pressures left to Australia by the previous commonwealth government. It is the legacy of the Howard government to working families and Australian businesses. The Howard government had an undisciplined fiscal policy and squandered the early opportunities of the resources boom. The proof of that is everywhere to see with the infrastructure bottlenecks and serious skills shortages putting pressure on the Reserve Bank to apply the brakes to growth again. I am pleased to see that the Rudd government is applying itself to find longer-term solutions to deteriorating housing affordability for working families.

I now refer to the position of workers who have been made redundant by Mitsubishi's decision to close and who are also mortgage holders.

Mr Hamilton-Smith interjecting:

The SPEAKER: Order! I warn the Leader of the Opposition.

The Hon. M.D. RANN: Early last month I wrote to banks and lending institutions asking that they extend patience and consideration to their customers affected by the Mitsubishi closure. I asked that they consider sympathetically the position of any of their customers who might experience difficulty as a result of losing their position with the company. I also stated that I expected the need for such consideration to be temporary only in light of the strong $85 million assistance package in place, our strong economy with jobs at an all-time high, and the strong expressions of interest from major companies such as BHP Billiton in taking on former Mitsubishi workers.

I am pleased to report to the house that a number of financial institutions have responded positively to this request. I am advised that a number indicated that they had decided to offer a deferment of loan obligations, or other concessional treatment, on a case-by-case basis. One indicated that it had established dedicated contacts for its customers who worked at Mitsubishi and that it would look at options to ease mortgage pressures where necessary. I am advised that another had established a hotline through which concerned customers could speak directly with bank staff about their situation and that it was making available a free financial planning service.

I am pleased that these financial institutions have recognised their corporate responsibilities to South Australia and are prepared to offer a hand up to Mitsubishi workers. I am very pleased with the very strong, positive response from financial institutions to South Australia to try to help out Mitsubishi workers with their mortgage repayments during this difficult time.

QUESTION TIME

HOUSING AFFORDABILITY

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:13): My question is to the Treasurer. What plans does his government have to help reduce the increasing costs of buying a home in South Australia? Budget papers show that, in the six years since the government came to power, it has increased its tax take from homeowners to record levels. In 2002, the state government earned $358 million from fees, charges and stamp duties related to property transactions but, in the 2008 financial year, this figure is forecast to jump to $825 million—an increase of 130 per cent.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:14): As is the norm, I do not intend—

Mr Williams interjecting:

The SPEAKER: I warn the member for MacKillop.

The Hon. K.O. FOLEY: —to foreshadow what may or may not be in the budget, but I will say this: since coming to office, this government has successfully managed an economy that has seen record unemployment levels, record levels of business investment growth—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: I am happy to answer the question, sir, but if the opposition is disinterested, I won't bother.

PLASTIC BAGS

Mrs GERAGHTY (Torrens) (14:15): Can the Premier please inform the house of the government's policy on reducing the environmental impact of single use plastic bags 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) (14:05): I thank the honourable member for her question. I am very pleased to inform the house that, once again, South Australia is leading the nation by example when it comes to environmental policies. People will be aware of a series of initiatives, including maintaining the moratorium on GM crops, what we have announced in terms of the container deposit legislation, as well as the new round of climate change legislation.

Single use plastic shopping bags are one of the worst problems this country faces in terms of litter management. An estimated 4.24 billion plastic bags enter circulation every year, and of that number—and this is very important because there are all these sorts of urban myths being floated around about how they are all being recycled—less than 5 per cent is being recycled.

I am advised that Australians use more than 10 million plastic bags a day, and throw away 7,150 bags a minute—that is 7,000-plus bags a minute. These bags contribute to greenhouse gas emissions, clog up landfill, litter our streets and streams and, according to Planet Ark, kill at least 100,000 birds, whales, seals and turtles each year. Last Sunday, on Clean-Up Australia Day, I announced, with environment minister Gail Gago, that the state government will go it alone and ban free single use plastic shopping bags by the end of the year if the nation's environment ministers cannot reach a consensus on this issue.

Obviously, we want to work together, but this is an area where South Australia took the lead. I want to congratulate the Minister for Health in his former role as minister for the environment for putting this matter on the national agenda. It also, as I have said, follows a recent incentive for South Australians to keep recycling by doubling the current 5¢ deposit on drink containers. I am advised that legislation is now being drafted to be introduced in parliament next month.

Last year minister Gago wrote to all states restating South Australia's preference for a complete ban. While a nationally consistent solution to this problem remains the ultimate goal, if the other states cannot agree on what action to take, South Australia will go it on its own. However, in the interests of national consistency, our legislation will be drafted so that it can be easily adapted to suit a national strategy, just as we have done with the feed-in legislation. I am advised that banning—

Mr Hamilton-Smith interjecting:

The Hon. M.D. RANN: Oh, you're not opposed to this one too, are you?

Mr Hamilton-Smith: Is this a world first?

The Hon. M.D. RANN: He is now opposing this.

Mr Hamilton-Smith: Is now a first time in the history of mankind?

The Hon. M.D. RANN: Here we go. This is what people say about you: you will say anything to any group, but when are you going to say what you mean and mean what you say? I am told that the Leader of the Opposition read *The Advertiser* yesterday, and read about a 'mood for change'. He was absolutely exhilarated by what he read until he got down to the numbers: 57 per cent to 43 per cent. There was a mood for change; it has gone up since the last state election and since he became Leader of the Opposition.

I am advised that banning single use plastic bags in South Australia will divert more than 400 million bags from landfill—an astonishing 1,600 tonnes of plastic a year. In this state we will see 400 million bags that were going to landfill—1,600 tonnes of plastic—

Mr Hamilton-Smith interjecting:

The Hon. M.D. RANN: Now he is disputing *The Advertiser's* polling. How could anyone do that? How could anyone dispute the scientific methodology of an *Advertiser* poll? Just yesterday, Ian Kiernan, chairman and founder of Clean-Up Australia Day, was congratulating South Australia. He stated—and because I am modest I will not say this myself; I will read it out:

> I think the Rann government model has been very well thought out, and congratulations to South Australia on taking this leadership position, which will certainly have some influence on a federal decision.

Of course, South Australians have a history of embracing environmental initiatives that minimise landfill, increase recycling rates and reduce carbon footprint. I am sure that this ban will once again receive broad support from the community. Please do not ever doubt that *Advertiser* methodology the other day. I know that it is done incredibly scientifically.

Mr Hamilton-Smith interjecting:

The SPEAKER: Order, the Leader of the Opposition!

The Hon. M.D. RANN: No, but we read what it said about you.

The SPEAKER: Order!

STATE BUDGET

Mr GRIFFITHS (Goyder) (14:20): My question is to the Treasurer. Why have employee expenses in the government's budget forecast blown out by $541 million? The forward estimates papers show that, from the 2007-08 financial year to 2010-11, salaries and on-costs were revised up by a total of $541 million in the six months between the 2007-08 budget and the 2007-08 Mid-Year Budget Review.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:21): They take a long time to think up these questions. This government, since coming to office—as I said earlier, before rudely interrupted by members opposite—has successfully managed our economy and our finances.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: What we have been able to do is balance both the need for improved government services with the available resources that we have.

Mr Williams interjecting:

The SPEAKER: I have already warned the member for MacKillop once.

The Hon. K.O. FOLEY: As we have seen, and as I have commented in this place and publicly many times, the demand for increased government services is insatiable.

Members interjecting:

The Hon. K.O. FOLEY: Well, when you improve services, when you add somewhere between 6 and 9 per cent each year into the health system, you employ more nurses, doctors and, yes, administration staff. As you increase the police force by some 400, yes, you increase the payroll. When you increase expenditure in education and you lower class sizes, you increase employee costs. Approximately 75 per cent of government outlay goes in wages. We are a service-delivery government. That is what state governments do. When you increase services to the community you increase the number of people providing those services.

What I am proud of is that we have regained the AAA credit rating, something the previous Liberal government was incapable of doing. We have maintained the AAA credit rating. But I give this warning, not just to members opposite but to the general community, that the finances of this state remain very tight. In fact, the recent methodology review by the Commonwealth Grants Commission has significantly revised down the amount of revenue that will be distributed to this state.

In the forward estimates, from memory, our state will lose somewhere in the order of $100 million per annum that we otherwise had budgeted for, simply because the latest census data indicates that there are significant demographic changes to our community. So, therefore, under the distribution relativity of the Commonwealth Grants Commission, we will see our payments decrease initially, I think, from some $60 million to something in the order of $100 million.

On top of that, with increasing interest rates, it would be expected that we would see a moderation in housing demand. In line with that earlier question, on the advice that I have before me, the number of dwelling approvals in South Australia rose by 1.6 per cent during December and was the highest level of approval since March 1993. So the housing construction market is very strong. Obviously, with interest rates increasing as a result of the very poor fiscal policy of the former Liberal government in Canberra, we will see some moderating of demand as it relates to housing.

That also will impact on government finances. It is no secret that we have had a significant slump in world equity markets, which we alluded to in discussion last week, and that will obviously impact on the level of unfunded liability as it relates to the state superannuation schemes, the Fund SA schemes, which will necessitate, on advice at this stage, probably an extra $60 million per year that now will have to go in to meet the payback period on our equities markets.

Whilst Funds SA is extremely well administered, the board of Funds SA is as high a calibre board as one could hope. It is impossible for anyone to ride out the current turmoil in the world equity markets and, at this stage, our advice is that that will require a further $60 million from the budget. The point of that answer is very simple; that is, even since the Mid-Year Budget Review, we have had a number of factors that are significantly reducing the available income to the state, and therefore less income available in terms of future service delivery. The budget remains in a very tight position, but I am still confident that we will maintain healthy budget surpluses going forward.

Mr WILLIAMS: I rise on a point of order, Mr Speaker. The Treasurer keeps talking about revenues, but the question was specifically about the blow-out in expenses, and he has not gone anywhere near trying to explain that yet. The expenses in the employee on-costs—

The SPEAKER: Order! I do not uphold the point of order. The Treasurer.

The Hon. K.O. FOLEY: I have finished that one.

TRANSPORT MINISTERIAL COUNCIL MEETING

Ms BREUER (Giles) (14:26): My question is to the Minister for Transport. Will the minister advise of any outcomes from the recent transport ministers' council meeting and, in particular, of meetings held the evening before the council—

Members interjecting:

The SPEAKER: Order!

Ms BREUER: —and, importantly, will the minister advise if there have been any criticisms of him—

Members interjecting:

The SPEAKER: Order!

Ms BREUER: —for attending those meetings and how would he answer those criticisms?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (14:27): Thank you. It is my great pleasure to answer this question because, in fact, the ministerial council meeting for transport ministers that was held last Friday in Canberra was, without doubt, the best I have ever been to and it is a great credit to the new federal Labor minister, Anthony Albanese. In fact—

Mr Goldsworthy interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: I have no doubt they will interject a lot because they should be embarrassed by their behaviour in this place last Thursday and they will not want anyone to talk about it, but it is important that the idiocy that went on here last Thursday about a very important council meeting should be answered. One of the things that happens at every ministerial council meeting to which I have ever been is that there is always a dinner the night before and there are

often meetings with other ministers the night and day before. It is a very important part of the process. Anyone who has been a minister, you would think, would know that. I thought that, since the Leader of the Opposition had been a minister, he would know that. In fact, when I checked, though, there may be an explanation because he was a minister for 90 days between 4 December 2001 and 5 March 2002. It is well-known that some film festivals run longer than that, but, even more importantly, what—

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: Mr Speaker, I rise on a point of order. My point of order is relevance. The term that the Leader of the Opposition spent as a minister—

The SPEAKER: Order!

Mr WILLIAMS: —does not seem to have any relevance to the—

The SPEAKER: Order! I do uphold the point of order.

The Hon. P.F. CONLON: I will come back to the point, sir. I just found it very hard to understand that, in fact, two-thirds of their time they were either in caretaker mode, or clinging on after they lost the election. But what happened is that, on the Thursday evening, I met with Tim Palace, the very good Labor minister from Victoria and, at a meeting prior to the general gathering of ministers, we agreed on a summit to be held in Mount Gambier in the South-East sometime in April between us and our senior departmental people to discuss a common approach, in particular to the freight challenge in the Green Triangle area; something that, despite their not thinking it is a worthwhile thing to do, it is something which has been welcomed in effusive terms by the President of SELGA (South-East Local Government Association), Steve Perryman, in *The Border Watch* very recently. Obviously a good initiative. It follows on Anthony Albanese's visiting the South-East as federal minister—the first time we have ever been able to get a federal minister to visit the South-East.

A number of very important things came out of the meeting, including a devolution of responsibility to the states to drive the policy and reform agenda. I advise the Leader of the Opposition that he shouldn't go to these dinners. 'A boozy dinner of Labor mates,' he called it. It is largely our fault that there were only Labor ministers, but they have to take some of the credit too. Let's face it: they have to take some of the credit for the fact that there is not a Liberal minister to be found in the commonwealth any more, because they are the most losingest party in the history of the conservative party of this country. So we cannot take all the credit; you do a lot of it yourself.

What is true is that I can concede to the Leader of the Opposition that there were only Labor ministers there, because the only Liberal minister in Australia who goes to a ministerial council meeting is Rory McEwen, who is part of this government. So can I say that it is not all our fault that there are only Labor ministers; you did a great deal to achieve it yourself.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: Can I assure the Leader of the Opposition that those important decisions that were made—

Members interjecting:

The Hon. P.F. CONLON: They scoff. I have never seen people more arrogant about being the losingest branch of the losingest political party in Australia's history. Did you notice they took one on each today? They took one on each, and they attacked all of us until they ran out. We still had about 20 members left when they ran out of people who were attacking us in private members. The major decisions taken at that council—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: All the other ministers in the other states go. No other parliament, I am advised by them, criticised their minister for attending that dinner because they had the good sense—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: They have the good sense. They have the maturity to know. They do not have the underdeveloped juvenile personality that resents the fact that other people are ministers and they are not. The other parliaments have the good sense to know that it is very important for their state for people to be there.

Can I also say that I assure the Leader of the Opposition if he thinks it is a boozy dinner, he has not seen the new influence of Lindsay Tanner on the federal government, because it would be a brave man who drank too much of the wine that Lindsay puts on, I can tell you. They do not even put peppermints on at the meetings any more. He is a tough finance minister.

These things are discussed between ministers, and can I explain it again to a person who has never—he was a minister for 16 days and the parliament never sat in that period—that is why he does not understand—

The Hon. M.D. Rann: That is why he was so good in question time.

The SPEAKER: Order!

The Hon. P.F. CONLON: He never got caught in a question. What ministers do is talk about things among themselves out of the earshot quite often even of bureaucrats. That is what you do. Sometimes you do like to think you are actually in charge. That is why those things happen the night before. The complaint was made that I was not here to answer questions on a tram derailment report, but of course the tram derailment report they are referring to was tabled at the start of question time on the Wednesday. It is three pages long. A person of average intelligence would be able to read three pages in a few minutes. I am prepared to concede that it would take a member of the opposition longer. I am prepared to concede that, but they still—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: Even if he got someone to read it out to him, he could have got it in 10 minutes; that left 50 minutes. I am here today, but this is the second time that the opposition has agreed to a pair for me and then attacked me for going. This is the famous military tactic of advancing once the enemy is safely out of sight. It really does cut down on the people that you lose in the engagement if you advance once they are gone. I urge the Leader of the Opposition not to behave in such a juvenile fashion if he does not want me to go to a ministerial council dinner. Believe me, if you reckon they are fun, you really have not been a minister for long; I would certainly rather be home with my family than at a dinner with Labor ministers, even though they were all Labor ministers. But if you really don't want me to go, don't grant a pair. Don't engage in the most blatant hypocrisy of granting a pair because you know you should, and then attacking people once they've gone.

LAND PRICES

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:35): My question is to the Premier. Does he recognise that restrictive planning laws and poor land release management by his government is resulting in an increase in land prices, putting home affordability beyond the reach of many families? Data from the State Valuation Office shows the demand for land has seen the average cost of a block of land in Adelaide rise from approximately $90,000 in 2001 to almost $170,000 in 2008, a 90 per cent increase. The release of land for new housing developments is controlled by the government through the Land Management Corporation.

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) (14:35): I just want to say about this: just think about what you have just said. The fact is that this government introduced, in the last parliament, the most comprehensive changes to planning laws in the last 30 years in this state, on my advice, and what happened? The Liberals blocked them in the upper house. So what extraordinary hypocrisy once again from the Leader of the Opposition. He is criticising us for not passing legislation that he blocked in the upper house.

PUBLIC-PRIVATE PARTNERSHIPS

Ms SIMMONS (Morialta) (14:37): My question is to the Treasurer. Can the Treasurer provide an update to the house of the progress of the government's public-private partnership projects for the new schools and new prisons and secure facilities?

Mr Williams: What about the briefing you offered?

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:37): You can have it whenever you want it; I have already said that.

Mr Williams interjecting:

The Hon. K.O. FOLEY: I have told my public servants you can be briefed any time you like.

Mr Williams interjecting:

The Hon. K.O. FOLEY: You can have it this week.

The SPEAKER: Order!

Mr Williams: Is that a promise?

The Hon. K.O. FOLEY: Absolutely.

Members interjecting:

The Hon. K.O. FOLEY: I don't know what the problem is. I have offered it to him, and I approved it last week.

Mr Williams: My office was told today that it couldn't happen this week.

The Hon. K.O. FOLEY: Well, maybe the Under Treasurer has other things on this week; I don't know.

Mr Williams: You just promised they could.

The SPEAKER: Order! I am enjoying this conversation, but perhaps if the Treasurer can just turn to the question that has been asked by the member for Morialta; and if the member for MacKillop can become silent.

The Hon. K.O. FOLEY: I have encouraged my Treasury officers to brief the opposition on fundamental details of budget finance and PPPs, because at least if I am debating them I would like them to be knowledgeable and therefore, hopefully, engage in a better quality debate than what we have had to date.

Expressions of interest (EOIs) for our schools and prisons PPPs were released to the market in December 2007, with a closing date of 25 January and 30 January 2008, respectively. Members would be aware that the schools project included the design, construction and maintenance of six new super schools in the metropolitan area. The new prisons and secure facilities project is for the design, construction and maintenance of a new men's prison, a new women's prison, a new youth detention centre, a new secure mental health facility, and a pre-release centre.

The government has had an outstanding response from the market in the expressions of interest process, and I would like to outline to the house who has responded. Six bids were received for the schools project and three bids for the secure facilities project.

The consortia which have formed for the schools projects are, and I can advise the house and the public:

- Axiom Education SA, comprising ABN Amro, Abigroup, and United Group Services;
- Learn Space SA, comprising Macquarie Capital, Candetti Constructions, Schiavello and Resolve Facilities Management;
- Learning Works Partnership, comprising Bilfinger Berger, ANZ, a consortium of builders, and the Tungsten Group;
- Pinnacle Education SA, comprising Babcock and Brown, Hansen and Yuncken, and Spotless;
- Plenary Education, comprising the Plenary Group, which was the group that has built our courts and prisons most recently in South Australia, together with Built Environs and Badge Constructions, and Scolarest; and

- Transfield Service Community Partnerships, comprising Transfield Services and the Hindmarsh Group.

The consortia that have formed for the new prisons and secure facilities project are:

- Secure Australian Facilities Environment, comprising Westpac, Thiess, Resolve Facilities Management, Eurest, GSL and Sielox;
- Secure Partnerships SA, comprising Babcock & Brown, Multiplex, Hansen Yuncken, Transfield Services and IPP Consulting; and
- Torrens Corrections Partnership, comprising ABN Amro, Bilfinger Berger, Baulderstone Hornibrook, Sarah Group, United Group, Serco and Webb.

This is a very impressive list of companies that have responded to the government's second and third major PPP projects in the schools and our secure facilities following on from the successfully completed police stations and courts projects. What we have here are some of the largest and most successful financiers, construction groups and facilities management companies involved in PPPs not only here in Australia but also worldwide.

The EOI responses will be evaluated over the course of the next month. An EOI evaluation panel for each project will be responsible for reviewing the recommendations of the agency evaluation teams and will recommend a shortlist to the government. The government will announce these shortlisted consortia, and ask them to submit detailed proposals in a formal request for proposal process, which is the next stage of the procurement process. I intend to keep the house fully informed of each of the critical steps along the path to rebuilding the state's educational infrastructure, our secure facilities infrastructure and, as we have indicated, hospitals and desalination plants are to follow.

HOUSING TRUST

Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:40): My question is to the Premier. Has the government's privatisation of 8,000 Housing Trust homes contributed to the housing affordability crisis facing South Australian families? In his 2002 election launch, the Premier promised the following:

> Privatisations in South Australia will end from day one of a Labor government. There will be no sale of our Housing Trust.

Since then, the government—

The Hon. P.F. CONLON: Sir, I rise on a point of order. That is not an explanation of the question at all. It is some sort of rambling dissertation on something unrelated to it.

The SPEAKER: Order! Yes, I uphold the point of order.

Mr HAMILTON-SMITH: On a point of order, Mr Speaker, on what basis do you uphold the point of order? Can you explain? The explanation is directly relevant to the question.

The SPEAKER: Order! What matters is to what extent it explains the question. The question was: has the privatisation of homes, the selling of Housing Trust homes, contributed to the housing crisis? What you have said is merely debate. It does not offer any explanation of the question. The minister can understand what you are asking, and so can the house, as plainly as I can. Leave is withdrawn.

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) (14:43): The question proceeds on the basis of a false premise. It is not a privatisation of the Housing Trust to sell Housing Trust houses—and I might just explain that for those who are not students of history. By 1993, when the Housing Trust hit its high water mark, in terms of the number of Housing Trust houses, 120,000 houses were built by the South Australian Housing Trust but there were only about 60,000 houses in public ownership. Why the difference? Because it sold the balance. For those who do not understand their own political legacy from the Playford and the Butler governments, which established—

An honourable member interjecting:

The Hon. J.W. WEATHERILL: That is right. That good socialist, Sir Richard Butler—

An honourable member interjecting:

The Hon. J.W. WEATHERILL: —that is right, who looks down at us as we speak—would be horrified that they are walking away from his legacy at such great pace, because the reality is that the South Australian Housing Trust has always been about selling homes. Indeed, my family got its first start in 1961, when we purchased our own Housing Trust home through a rent to purchase scheme in Henley Beach South.

That is how many South Australians got their start, their foothold, in the housing market, and we want to re-create that. That is what our plan is about. The 8,000 homes over 10 years was about two objectives: first, grappling with the legacy of a reduction in funding from the previous commonwealth government where, frankly, we have been strangled by the reduction in funding through commonwealth-state housing agreements. We were punished because we had a very large public housing stock in this state.

Basically, every other state and territory had much lower Housing Trust levels. Our state had very high Housing Trust levels, so we consistently missed out on attracting to our state commonwealth rent allowance which was enjoyed by other states. We have been punished for having a very large public housing stock. We have been forced by commonwealth policy to have to run down that stock just to make ends meet.

However, the way in which we sought to respond to that dilemma was not just to sell houses willy-nilly but to try to put them into the hands of ordinary South Australians. We have targeted our sales program to Housing Trust tenants, and I must say that it has been a great success. We have been selling those Housing Trust homes to Housing Trust tenants and giving them the opportunity to buy their own homes. Indeed, as of today's date, 798 South Australians have bought their own Housing Trust homes with the assistance of our EquityStart scheme, which gave them that little bit of a leg-up to get into a Housing Trust home.

Members interjecting:

The Hon. J.W. WEATHERILL: And I know members opposite do not like people rising above their station, but we believe that people can move on. We believe that people are allowed to aspire to home ownership, and we will do whatever we can to bring that about. What we have done with our plan is not only allow Housing Trust tenants to get hold of their own homes but also, when we have not been able to sell the homes to those tenants, offered them on to the next tranche of low to moderate income earners with an innovative scheme that is now being copied around the nation. Our property locator is a website on which for 30 days we place a Housing Trust home that we are about to sell, in order to give first crack to low to moderate income earners. People who qualify for HomeStart homes get the opportunity to buy those houses to get a leg-up into the housing market. That is what we are doing.

We are confronting the viability issues with the Housing Trust. We are not burying our head in the sand. We are not doing what those opposite did where they flogged off Housing Trust houses in the Peachey Belt area for $80,000 which we are now having to buy back to regenerate the area.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: We did not go in for a fire sale like those members opposite. We are doing something intelligent which deals not only with the viability issue but which also gives an opportunity for working South Australians.

STATE ECONOMY

Mr GRIFFITHS (Goyder) (14:47): Does the Treasurer's key Mid-Year Budget Review assumption of 3.75 per cent real growth in gross state product still stand? The Australian share market has now fallen by 21 per cent since the Mid-Year Budget Review, with adverse flow-on effects for consumers. Yesterday, the ABS business indicators showed that quarterly growth in sales of goods and services in South Australia was the lowest in the nation, and South Australia was the only state to record a quarterly fall in wages and salaries. The ANZ Property Outlook (released in January) described South Australia as having a 'languishing economy', and the NAB monthly survey for January stated, 'Business conditions have deteriorated—most notably in South Australia.' Today, the February 2008 Performance on Manufacturing Index was released, which found that activity grew in all states except Tasmania and South Australia.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:48): Don't they love to talk the economy down! Of course, the opposition—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: —would not recite for us the positives out of the State Bank report into the state of the state—

Mr Hamilton-Smith interjecting:

The Hon. K.O. FOLEY: BankSA.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: The BankSA report made it very clear that this economy is in a very strong position.

Mr Venning: Which bank?

The SPEAKER: The member for Schubert will come to order!

The Hon. K.O. FOLEY: The economic growth forecasters we released in the mid-year review stand. Now, whether they will be the forecast that we will be signing off to in the budget is to be determined between now and the framing and the signing off of the budget. Obviously, if the rise in interest rates continues to dampen down the economy, that will be reflected on advice from my Treasury officials. This economy has never been in a stronger and more structurally sound position than it is today. With the employment growth that we have had—

Mr Griffiths: It was a federal initiative, though.

The Hon. K.O. FOLEY: Well, whatever—you can take credit for it, I don't care. All I know is that the economy is pretty good right now. We have some of the lowest unemployment we have seen. In terms of the equity markets, there was some scaremongering on Thursday of last week by the opposition. The member says that the Australian stock market is down 21 per cent since when?

Mr Griffiths: Since the Mid-Year Budget Review.

The Hon. K.O. FOLEY: Since the mid-year review. My latest advice before coming into the house is that the balanced fund within Funds SA is down, as at Friday 29 February, minus 6.3 per cent and our growth funds are down 7.8 per cent. With the stock market down some 20 per cent, the active management by Funds SA has been very impressive. When we look at the performance of Funds SA, the balanced product produced by Funds SA has returned over the previous five years some 12.9 per cent per annum—that is 0.65 of a percentage point above the industry benchmark—and the growth fund has returned 13.8 per cent each year over the same period—that is 0.61 per cent above the industry benchmark. Anyone who understands superannuation policy and investing in the stock market knows that we do it for the long term and that in any investment class, particularly in equities, there will be volatility on the upside and, in a cyclical fashion, often there will be volatility on the downside.

When I first came to office, from memory, I think we had two negative years on the equities market in our first two years and we had strong years since that point. I am not alarmed at the reduction in Funds SA because that is a fault well beyond this government and, over the long run, it will more than recover. Having said that, I would hope that, between now and 30 June, or at least between now and when we write the budget, there will be some improvement in that. Perhaps there will be further deterioration. Only time will tell.

WORKCOVER CORPORATION

Dr McFETRIDGE (Morphett) (14:52): My question is to the Minister for Industrial Relations. Has government policy on WorkCover levy rates changed and what guarantees can it give the business community that their costs will come down? In April 2003, minister Michael Wright told the house that the government 'will not interfere with the WorkCover Board when it comes to the setting of the average levy rate'; yet last week the Premier told the house that the government's aims included 'reducing the average levy rate'.

The Hon. M.J. WRIGHT (Lee—Minister for Industrial Relations, Minister for Finance, Minister for Government Enterprises, Minister for Recreation, Sport and Racing) (14:53): There is no inconsistency there whatsoever. What I have said before and what I say again is that the decision on the average levy rate is a decision for the board. We have been consistent about that, we were consistent about it way back when we were in opposition and since we have been in government. There is no conflict with what the Premier said. Of course, we would like the average levy rate to come down and we want to create the atmosphere that gives the potential for the board to undertake a decision of that kind.

WORKCOVER CORPORATION

Dr McFETRIDGE (Morphett) (14:54): Is the minister completely happy with EML as the claims manager for WorkCover and, if not, what action does he intend to take to improve claims management performance?

The Hon. M.J. WRIGHT (Lee—Minister for Industrial Relations, Minister for Finance, Minister for Government Enterprises, Minister for Recreation, Sport and Racing) (14:54): EML is the new claims agent. They were chosen by the WorkCover Board. I think I have said to the house previously that the management of claims is better than what it once used to be but it is still not perfect. I am sure that the board is monitoring and working very closely with EML to ensure that claims management is always on the improve. We can do better and we shall do better. That is what claims management is all about. But what we can be confident about is twofold: one is that the change in the regulations that were brought about enabled a contract to be struck where there are better incentives in place and penalties, and the other thing we can be confident of is that EML is doing better than the previous claims agents.

HEALTH MINISTERS' CONFERENCE

Ms PORTOLESI (Hartley) (14:55): My question is to the Minister for Health. What progress was made at Friday's Australian health ministers' conference?

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:55): I thank the member for this important question. Last Friday I met with my fellow health ministers to progress the negotiations for the next Australian Health Care Agreement. That is an agreement which is signed every five years; the current agreement finishes in the middle of this year. I am pleased to say that the meeting reached unanimous agreement on a number of things, particularly on the need to develop and publicly report on a comprehensive set of performance measures across the entire health system.

In stark contrast to its predecessor, the current commonwealth government has agreed to put itself under the same scrutiny as it demands from state and territory governments. Standards to be measured will include hospital performance reporting and measures of access to GPs across regions. This is particularly important, because one of the reasons we have pressures on emergency departments is because people cannot get to see GPs in their communities. Reporting on performance measures will provide greater transparency and will hold both the state and the commonwealth accountable for their actions. This will lead to better health outcomes for all Australians.

I was, therefore, amazed that I was criticised by the Deputy Leader of the Opposition for agreeing to these measures. The member for Bragg told ABC News the following:

> It's absolutely incredible that they've conceded to provide transparency and direct accountability to the commonwealth in exchange for funding, but there's no consideration paid, there's no money on the table.

Not only did I agree to the transparency and accountability measures, but I actively sought the outcomes. I actually believe that we should be transparent and put on the public record what we are doing. The Deputy Leader of the Opposition, of course, is saying that we should only do that if we get paid for it.

Ms Chapman interjecting:

The Hon. J.D. HILL: 'Absolutely!' she says; she is reaffirming that we should be transparent and open only if we get paid for it. That is the deputy leader's position.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: As a state government, we already report on many things. Amongst other things, we provide quarterly summaries on services provided in emergency departments and public outpatient clinics, and waiting times for both emergency department admissions and elective surgery. We also report on workforce numbers, bed numbers and health spending across our various institutions. For the benefit of the house, this data and much, much more can be found online at the Productivity Commission Report on Government Services and the Australian Institute of Health and Welfare websites. In contrast, it would appear that the South Australian Liberals oppose accountability and transparency.

The Prime Minister has said that the commonwealth will put more money into health as long as we continue the process of health reform and are publicly accountable for our health system. We certainly support that. Again, that is in contrast to the attitude of the former federal government. Under the current five-year Australian Health Care Agreement, which, as I said, expires in the middle of this year, and was negotiated by the Howard government, the commonwealth underfunded South Australian hospitals by $408 million in the current financial year and a massive $1.2 billion over the course of the past five years.

It will, obviously, take time to undo the damage done over the last 11 years of that government. But, I am very optimistic that a fair and equitable funding arrangement between the states and the commonwealth will be achieved in the current environment. There was at this and previous health ministers' meetings a healthy appetite to tackle the fundamental issues affecting health care across Australia in a collaborative and constructive fashion.

WORKCOVER CORPORATION

Dr McFETRIDGE (Morphett) (14:59): My question is for the Minister for Industrial Relations. How many ministerial directives has the minister issued to the WorkCover Board? When were they issued and for what were they issued? Section 4 of the WorkCover Corporation Act 1994 provides that WorkCover is subject to the general control and direction of the responsible minister. The minister has the power to issue ministerial directives to the WorkCover Corporation. The minister could have issued a directive to address return to work issues.

The Hon. M.J. WRIGHT (Lee—Minister for Industrial Relations, Minister for Finance, Minister for Government Enterprises, Minister for Recreation, Sport and Racing) (14:59): I would not be able to answer that question off the top of my head, but—

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. WRIGHT: —I can say this: there have been the odd occasions when I have issued a ministerial directive, but rather than me trying to guess, I will get a precise number. I am confident enough to say that they are few and far between. The premise of the question was also about return to work. Certainly, return to work is a key area of workers compensation, a key area of WorkCover. Return to work is something that is discussed almost on a regular basis when I meet with the chair and CEO of WorkCover.

WATER POLICY

Mr WILLIAMS (MacKillop) (15:00): My question is to the Premier. What contingency plans have been developed for South Australia's irrigation communities in the event of low or zero water allocations for the 2008-09 growing season? The Murray-Darling Basin Commission's drought update for March 2008 predicts that irrigation allocations for that year are likely to be very low or zero. Riverland communities are already suffering economic and social stress from low allocations in the current water year.

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) (15:01): I refer to the member's last comments: it is not Riverland irrigators alone, there are other communities outside the Riverland that are also suffering as a consequence of low flows. The river does not stop at Lock 1, it actually goes beyond Lock 1, as the member should know. There are particular concerns regarding water availability next year, as there were this year. Given that it is likely that storages will be less at the end of this water year than they were at the start of this water year, we still have a long way to go in this drought.

As everyone in this chamber would know, governments of all persuasions, whether they are the federal government, state governments, Victorian, New South Wales or South Australia governments, are unable to make it rain as much as they would like to. So, we are required to

actually manage within the limits of what mother nature provides to us. At this stage they are continuing to be very low inflows.

As a contingency to assist irrigators in South Australia to be able to deal with the low inflow scenarios that we are currently facing, we have provided for a carryover policy that not only enables them to carry over unused water this year but also to purchase water that may be available on the short-term market this year and carry that over for next year. This provides irrigators with the opportunity to manage their water supply, not just in one year but over a two-year period.

The applications for carryover water opened at the beginning of March and will close on 31 March. It is important for the irrigation community to understand that no late applications will be considered: 31 March is the shut-off date. The reason we need to call for applications for carryover water is that South Australia must adjust its flow across the border from the allocations that we have available to us out of the Murray-Darling Basin Commission to ensure that we have enough in storage to enable us to supply that water next year.

South Australia has been successful in the renegotiation of the Murray-Darling Basin water sharing arrangements to secure guaranteed carryover water in the dams for next year. This is a significant step forward for irrigators. Irrigators are taking up that option and applications are being received as we speak. However, the low flows are going to create serious problems for next year, as they have for this year, and low opening allocations are very likely.

We will continue to work with our community and the federal government to seek support for our irrigation communities. But really, the only answer to this is water. The only answer to get us that water is rainfall, and we are looking towards this winter. Fortunately, the Bureau of Meteorology is talking about a wetter than average winter. We are hopeful that that will occur. That will certainly alleviate some of the concerns. We do need to get rainfall and we do need to work closely with our communities so that they can better manage within a very restricted environment.

YOUTH PARTICIPATION

Ms CICCARELLO (Norwood) (15:04): My question is to the Minister for Youth. What support is the government providing to assist young people to engage more actively with their communities?

The Hon. P. CAICA (Colton—Minister for Employment, Training and Further Education, Minister for Science and Information Economy, Minister for Youth, Minister for Gambling) (15:04): I thank the member for Norwood for her question. I am very pleased to inform members about the 2008 Youth Engagement Grants. This is an initiative of the Office for Youth. The youth engagement grants are the largest grants available to organisations working with and for young people aged between 12 and 25 years. These grants provide opportunities for young people to improve their self-confidence, develop new skills and to become more actively involved in their communities. These grants are for $60,000, with $20,000 being provided for each over three years. The grant recipients represent a diverse range of organisations, which can include community youth agencies and organisations, local councils, schools and government agencies.

The Office for Youth has recently completed the funding round assessment and this year again proved to be a very competitive process, given the many outstanding applications that were lodged. The projects being undertaken by this year's grant recipients are particularly noteworthy for their focus on education and cultural diversity, and I inform members by mentioning a few of the projects to highlight this point. The Aboriginal Drug and Alcohol Council project, Young Nungas Yarning Together Again, will establish a peer education project for Aboriginal youth in The Parks region. The Australian Refugee Association project, Job-Ready Set Go, will help young people from refugee backgrounds prepare themselves for employment. This will be done through a series of job readiness workshops, as well as one on one support.

This type of support is often crucial in helping newly arrived migrants to better connect with their communities, as they set about taking up the tremendous opportunities South Australia offers them in building a new life. The Anglicare Sudanese Youth Advocates project will provide a structured weekly program focusing on living skills, kitchen skills and advocacy skills for young Sudanese people. The Youth Engagements Grants are a significant part of the state government's commitment to supporting the positive engagement of young South Australians through a wide range of activities that assist their personal growth and social development. Projects like this one and the ones that I have mentioned today are about providing access and opportunity and linking young people to their communities. Their outcomes will have a positive social, economic and

cultural impact as more South Australians are encouraged to participate in our workforce, to develop new social networks and to contribute to the rich fabric of cultures that exist in our state.

These grants are part of an important investment for both the present and the future. As minister, I have had the privilege of meeting many energetic, ambitious and caring young people from diverse backgrounds and it is true—and I know it is the case for most of us here—that we are never surprised at how much they have to contribute right here and now. I think all members can be assured that, with our collective support, young people will continue to lead efforts to make our state a better place for all South Australians.

Honourable members: Hear, hear!

INDUSTRIAL RELATIONS COMMISSION

Mr WILLIAMS (MacKillop) (15:07): My question is to the Minister for Industrial Relations. In light of the downturn of the workload in the Industrial Relations Commission, why have you advised the house last week that you are going to appoint an additional commissioner? Can you confirm that your nominee will be an official of the Australian Manufacturers Workers Union?

The Hon. M.J. WRIGHT (Lee—Minister for Industrial Relations, Minister for Finance, Minister for Government Enterprises, Minister for Recreation, Sport and Racing) (15:08): I thank the member for his question. He may not realise, but there has been a change of federal government and, as a result of that change of federal government, we now have Fair Work Australia. As a result of Fair Work Australia, we will see, once again, the commission play a vital role and, amongst the roles that it will play, will be award modernisation. Additional work will be created for our own commissioners as a result of the work created out of Fair Work Australia.

An honourable member interjecting:

The Hon. M.J. WRIGHT: I will not confirm any names. The process has been put in place, as the member would be aware, and that process will run its course.

HOUSING AFFORDABILITY

Ms FOX (Bright) (15:08): My question is to the Minister for Housing. Will the minister update the house on the work the state government is doing with the Rudd Labor government to address housing affordability issues?

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) (15:09): I thank the honourable member for her question. It is a timely one, obviously given today's interest rate announcement. Our work with the commonwealth government has never been more important, and I must say that it is a breath of fresh air to sit down with a federal minister who is prepared to actually work with us, rather than work against us. Yesterday, the Prime Minister announced another very important initiative, which was to extend the $50,000 national rental affordability scheme to 100,000 new rental homes. That will provide a pipeline of opportunities, which I think will give us a real prospect of creating a new asset class for investors, that is, the investment in affordable rental housing.

We have been working on the development of these initiatives for some period, including with the Labor Party in opposition federally, and this, together with its other initiatives—the Housing Affordability Fund, the Place to Call Home homelessness initiative, the National Housing Supply Research Council and the Land Audit initiative—is the subject of an enormous amount of work by state government officers, in conjunction with federal government officers. We look forward to continuing to play the leading role that we have played in shaping those policies.

I mentioned earlier in an answer to the Leader of the Opposition the success of our EquityStart loan with 798 new loans being written, but I also want to mention the success of the Breakthrough loan. That is the shared equity product which has now more than $32 million worth of loans: 151 Breakthrough loans have been settled with a further 125 applications either approved or in the pipeline.

It is about increasing the borrowing capacity for average South Australians to be able to get into home ownership: another very important product of HomeStart. I must say I welcome the support of the member for Finniss for that initiative, to be contrasted with the way in which it was opposed by the Deputy Leader of the Opposition. His judgment has been vindicated and that of the deputy leader has been sadly not confirmed.

An honourable member interjecting:

The Hon. J.W. WEATHERILL: That's right. I also want to talk about the latest round of initiatives which arise out of the Affordable Housing Innovations Program which come from the proceeds of the sale of the EquityStart homes. There will be 10 new projects which will involve another $15 million to be provided from partner organisations. That is the value of this initiative; it leverages contributions from our partner organisations.

The projects include: 29 two-bedroom units for elderly residents in three adjoining sites at Northfield through Laura and Alfred West Cottage Homes; 12 two-bedroom units and 10 one-bedroom dwellings on a redeveloped city site with Anglicare; redevelopment of the current James Brown Memorial Trust site at Mansfield Park to create 20 single bedroom dwellings; four specialist two-bedroom units and a three-bedroom home will be built for residents with spinal cord injuries through ParaQuad at Corriedale Park in Mount Gambier; a three-stage project to construct 12 new houses, upgrade 13 existing Housing SA houses and construct a further 13 homes on subdivided land with the Greek Orthodox community at Ridleyton.

In addition, 10 new two-bedroom units and 10 one-bedroom units through a collaboration of private investment with MACHA in Evans Place, Adelaide and five new houses for elderly women on existing Housing SA land at Noarlunga with the Women's Housing Association will be built. We are also funding the construction of two new houses for independent elderly living at the Kingston Retirement Village at Kingston in the South-East.

It is very clear now that all the stars are in alignment. We have state governments, all of the one persuasion, and the federal government of course now, and indeed local governments are also entering this consensus.

GRIEVANCE DEBATE

HOSPITAL CHIEF EXECUTIVES

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:13): Today we heard the news that Dr Rima Staugas, the General Manager of the Women's and Children's Hospital is resigning. This is the third of the major public hospitals in South Australia. She, of course, is not going to renew her contract. She was only appointed in September 2006, so within 18 months she has elected to leave the post. Why would she do that?

The Women's and Children's Hospital has over 100 years of history in the state. This hospital, which is a combination of the Queen Victoria Hospital and the Adelaide Children's Hospital, under extraordinary pressure provides, as best as its staff can, a good service. Let me tell you why. It is because this government has refused to listen to the report prepared by the Hon. Carolyn Pickles, the chair of the board, which of course is about to be removed in the next couple of months under legislation passed in this house. The board recommended in its report that major capital works be done to the hospital to avoid the high risk of staff injury, poor service delivery to children, contamination and infection—and the list goes on.

Yet the government has refused to listen to that, and so we continue to hear of the warlike descriptions made of this hospital. This week I have heard from local mother, Lear Hughes, who lives in the Modbury area. She has a child who has frequently used the services of the Modbury Hospital, but the government's new policy to close obstetrics and paediatric services that require admissions for more than 24 hours means she can no longer use that service. They have to go to the Lyell McEwin or the Women's and Children's Hospital. This is her story. She says:

> I have two daughters, aged eight and six years. My eight year old daughter suffers from asthma, and has excellent regular treatment at Modbury Hospital, especially for periods greater than 24 hours. She is treated with a nebuliser for her recovery. When her father took her to the Women's and Children's Hospital last year, nebuliser treatment was not provided, in a circumstance, they claim, where oxygen was not needed. The doctor claimed she simply did not need it.
>
> I requested she be transferred to Modbury, which was authorised, but I was left to transport her in my car, which was parked 10 minutes away, and in cold weather. When we reached Modbury she was placed on a nebuliser under the supervision of the excellent paediatrician at Modbury.

They knew her history, they knew what to do, and they placed her on treatment straightaway. When at the Women's and Children's Hospital she had been admitted to the fourth floor, where two year olds were trying to sleep in caged cots. She states:

> My daughter's coughing continued to wake the other children, and other parents suggested that I take her to the bathroom, create some stream with hot water, as they said, 'like other mothers do' to treat their children.

Well, there were not even locks on the rooms in the bathrooms to even do this crude type of administration type of treatment. She raised these concerns about the matter, and received a letter from the minister indicating that she could be transferred.

But this government's new policy means that the daughter could only be treated at Modbury for less than 24 hours and then she would have to be transferred when her time was up. Well, her situation is this. She is 20 minutes drive from the Women's and Children's Hospital. She has to find a further 10 minutes to park the car, usually another 10 minutes to walk to the hospital from wherever she is parked, followed by another two hour wait, on average, at the emergency department, even for an asthma patient.

She can travel to the Mannum Hospital—the Mannum Hospital—in 45 minutes, and can be attended to almost immediately, as the place she visits regularly, her parents live there, and she had made this inquiry. She has also been advised that she can go to Gumeracha Hospital. This is nearly an hour away from her, that she is prepared to travel. She says that she would rather drive into the country and obtain a treatment for her daughter than be forced to have to be re-admitted to the Women's and Children's Hospital. The youngest daughter, she tells me, was misdiagnosed for asthma by the director of the emergency department of the Women's and Children's Hospital.

The situation is quite clear. This hospital is under huge pressure. Even the head of the hospital, the head administrator, isn't sticking around. She's gone. Here is a hospital that has to deliver four and a half thousand babies a year, in a hospital that was built for 3,000. At Modbury there are 700 babies a year that are born, and this hospital, together with the Lyell McEwin, is expected to absorb this without any major restructure or capital works on their hospital. Thank goodness for the McGuinness McDermott Foundation. There is a foundation which is at least raising money, public appeals, to help this government—because no-one else in the government will.

UNITING CARE ADELAIDE EAST

Ms CICCARELLO (Norwood) (15:18): I am very fortunate to have many wonderful organisations in my electorate which are committed to helping those less fortunate in our community. It is sometimes difficult to pick one out to acknowledge in this place, but that is a curse I am sure every member of parliament is happy to bear.

Today I want to talk about UnitingCare Adelaide East and the tremendous work that they do for people who are homeless or facing hardship. UnitingCare Adelaide East is a local emergency relief, counselling and referral agency which has been responding to the crisis needs of people for over 100 years.

Its work first started in the late 1880s at the Kent Town Methodist Church on Fullarton Road. Shortly afterwards the mission's work was associated with the then newly established Spicer Church in Fourth Avenue, St Peters, and later was supported by the congregation of the church in Richmond Street, Hackney. The mission later relocated to the Richmond Street property, and from that church it took its name—the Hackney Mission.

In 2002 it moved from that site to its home at Clayton Wesley Uniting Church at Beulah Park, where it is currently located. One hundred years later, UnitingCare Adelaide East remains the only UnitingCare emergency relief agency supporting the needs of people in crisis in the City of Adelaide, the eastern and north-eastern suburbs and across the Adelaide foothills. It operates from five branch sites across this large geographic area and its services include counselling and referrals; emergency assistance in the provision of food; limited financial assistance and clothing; financial assistance in the small part-payment of accounts and prescriptions; and the running of an op shop, known as the Rags and Riches Boutique.

Its commitment to helping those in need is impressive, not to mention efficient and expedient. By way of example, just yesterday a gentleman came into my office seeking a small sum of money to assist him to return home to the northern part of the state. He had planned to go into hospital last week and had budgeted accordingly, but his circumstances had changed, in that his surgery was moved to next week and he found himself in financial difficulty and unable to afford the bus fare home. After a quick phone call to the Norwood branch of UnitingCare, an appointment was secured for him three hours later, and I am pleased to report that he came into my office after the appointment and was very glad that he had received a cheque for the bus fare home.

This is just one small example of the many ways in which UnitingCare can help people in trouble on a daily basis—and I say in many ways, because in the last financial year alone UnitingCare Adelaide East responded to over 3,000 calls for help, and this was in addition to the

assistance provided to individuals and families last Christmas. This is even more noteworthy due to the fact that UnitingCare Adelaide East remains primarily a volunteer-based operation. Whilst it receives emergency relief funding from the federal government and public support through fundraising and donations, much of its work is undertaken by dedicated and selfless volunteers. I am, therefore, delighted that the Rann government continues to acknowledge the outstanding work that UnitingCare volunteers are doing within our community.

I had the pleasure of presenting a cheque to UnitingCare Adelaide East last month from the Volunteer Support Fund and, as always, I was impressed by the commitment that everyone showed towards the ethos of assisting the most marginalised and disadvantaged in our community. To all of you who give up your time to make a contribution to the work of UnitingCare Adelaide East, I extend my heartfelt thanks. As members are all aware, South Australia has a fantastic record with respect to volunteering. I am sure that the Minister for Volunteers, who is in the house at the moment, would attest to that. We have the highest volunteer participation rate in the country. In 1995, these rates were at 28 per cent and, in 2006, they were at 51 per cent. In practical terms, this represents more than 610,000 South Australians putting in an average of 1.4 million volunteer hours per week and, to those more interested in the nuts and bolts, this also represents a contribution of $5 billion towards South Australia's economy.

However, despite these statistics, as wonderful as they are, we should not rest on our laurels and pass the buck to others in the belief that someone else will do it. UnitingCare Adelaide East still very much relies on and needs public help and volunteer hours to be able to complete its much-needed work in our community. While today is a day for acknowledging and applauding the work done by the executive officer, Kym Whittington, and all the staff and volunteers, I also take this opportunity to encourage anyone who has a few hours or a few dollars to spare to contact UnitingCare and become a link in the chain of support that it provides to those in our community who need it.

COUNTRY HEALTH SERVICES

Mrs PENFOLD (Flinders) (15:23): The Labor state government is finding ways of giving the remote regional areas of our state a Third World health service. I refer to the emasculation of health services in rural and regional South Australia, where Labor policies and agendas, such as the Health Care Bill that passed through the house today and its shared services initiative, are depriving people of basic health services and employment. Mothers are being forced to go hundreds of kilometres from their homes and, more particularly, away from their support networks to have their babies. There are doctors who have been delivering babies for years, including one from Tumby Bay, who said he now feels like half a doctor, since changes to health regulations insist that there must be an anaesthetist within 100 kilometres for a woman giving birth.

How can country hospitals attract and keep doctors and staff who have all the skills, when they cannot use them all? Is it a ploy to get them all to move to larger centres, thus deskilling large geographical areas of the state and greatly lifting the risk in times of emergency? The government is forever lifting the bar to suit its agenda to centralise but ignores the needs of the people. By making health services supposedly viable, more and more country centres are being deprived.

Using obstetrics as an example, I have been contacted many times regarding the inflexibility of the government's rules relating to birthing. Families are forced to wait for the birth closer to the hospital where their baby will be born. No flexibility is extended to families. Instead, the cold face of government bureaucracy insists that deliveries will occur in the closest regional government hospital—no taking into account that support networks are not available. Take, for example, a constituent of mine, pregnant with her third child. She was advised that she had to deliver in the Whyalla Hospital, disregarding the fact that grandma, who had been organised to care for two preschoolers, lives in Port Lincoln. The family could have stayed with grandma at no cost to the government but, instead, grandma, mum, dad and two preschoolers had to relocate to wait for the birth, paying for accommodation in Whyalla. So, not only are families being forced to go away to have babies but they must uproot extended families—to my mind, totally unnecessarily.

I have been told that the number of births by caesarean section is increasing. This is understandable when viewed against a family's life. By having a caesarean birth, a mother can set a time for the delivery and plan around it to cope with the many problems that going away from home and family creates. Cost is a big factor, as well as time, family disruption (such as getting children to and from school) and work responsibilities for a partner. What should be a simple matter becomes a logistical and financial nightmare at a time when drought, fire and cost pressures are

already putting regional families under major pressure and fewer young people are choosing to live in country areas.

Questions of safety arise as a result of the government's current policies. The likelihood of road accidents increases as families stress about when and where to give birth. A woman at Wudinna arranged to have her baby at Kadina. She and her husband left, they thought, in plenty of time before the expected date of arrival. The couple got as far as the Port Augusta Hospital where she had her baby. She was fortunate; some babies are born in cars.

Small country hospitals generally have great facilities that are well maintained—often due to the generosity and hard work of local communities and dedicated staff who choose to be there and who understand just how wonderful our regional communities are. A hospital with both acute and aged care beds and staffed by a doctor and a trained health professional is a focal point in any thriving regional community. Overloading larger hospitals when smaller hospitals reduce their services is an issue. Bed availability can be doubtful, particularly when a maternity patient arrives unannounced; and patients may be discharged too soon in order to make a bed available.

The government's callous rejection of the health needs of those of us who live outside the metropolitan area is again demonstrated in dental surgery. Streaky Bay has a locally-based dental surgeon who has been refused permission to use the theatres at the local hospital. The reasons given are risk and the possibility of litigation, yet the risk and possibility of litigation should be no greater than in any hospital anywhere in the state. Government action is driving people away from dental care, leading to even more difficult and complex health problems.

The Patient Assisted Transport Scheme (a Liberal initiative) needs an update to suit changed circumstances arising from these Labor government practices. Volunteer ambulance services must be re-assessed for the same reason. Volunteers are being asked to leave their businesses, employment and families to undertake volunteer ambulance services (often at great personal effort and cost) for the benefit of their communities.

Time expired.

ALDINGA AERO CLUB

Mr BIGNELL (Mawson) (15:28): I rise today to congratulate the Aldinga Aero Club on the fantastic work that it does in our local community and further afield across our state. For many years now the club has been running special days for the Leukaemia Foundation, taking kids on joy flights. It will be doing that again this month, and I will be pleased to be there on the last Sunday in March to see the joy on these children's faces when they are taken up in the air over beautiful Aldinga, McLaren Vale and Willunga. For many it is not only a wonderful opportunity but also a chance to get away from some of the suffering and the time they are spending in hospital.

Also, in the past year the Aldinga Aero Club has been involved in Angel Flights, which fly throughout South Australia (and, sometimes, even across into Victoria) to pick up children to take them to hospital either for their treatment, to save them spending a lot of time in the car, or to take the siblings or parents of children to hospitals. One such flight which occurred last month was to Jamestown when Terry Cahalan from the Aldinga Aero Club flew up to Jamestown to pick up 14 year old Ben Carpenter.

It was Ben's very first flight, and he and his brother went down to see his other brother, Peter, who is 16. He was in the Women's and Children's Hospital suffering from a brain tumour. Three weeks after his operation, he was having physiotherapy and, no doubt, he was lifted by the visit of his two brothers from Jamestown. That might not have been possible without the generosity of the pilots from the Aldinga Aero Club and those who own the aircraft to give up their aircraft and their time to go out into our rural areas. I know that they have been across to the member for Flinders' electorate to bring people over from Ceduna, and I think they do a wonderful job.

Electranet, the company that owns the state's major power poles and power transmission system, donated $10,000, which has enabled the Aldinga Aero Club to do about 14 flights in the past year. I urge any business out there to look at the Angel Flights website and read the testimonials not just from the children but also from the pilots and all those people involved in order to see what a wonderful service this is. It is sometimes the most difficult time of their lives for a family to have a young sick child, and these people are really making a difference, so I commend all the pilots involved.

I also commend the people—called the Earth Angels—who go to the airports to pick up the children or the parents who have made the flight. They might drive to Parafield or Aldinga

aerodromes or Adelaide Airport to pick up these children or their parents and then drive them to the airport, which is another money-saving thing but also something that takes the hassle out of it for these people coming from remote locations or country areas who might not be used to navigating their way around the city and for whom having someone who is volunteering their time to meet the plane on its arrival and taking them to the hospital is a great help.

A few years ago the Aldinga Aero Club also ran the shark patrols for South Australia. When I was working for the then minister for emergency services, we were very grateful for the great contribution that the Aldinga Aero Club made in that area of shark patrols. Things have moved on now and it is being done by a different organisation, but the Aldinga Aero Club showed foresight and a great community spirit in contacting us to say, 'We know that you would like to get some planes up there spotting sharks to make people on our beaches feel a lot safer. We would be more than happy to do that on a voluntary basis.'

Not only did they do that and involve their club members, but also they extended it to the SES, another group of fantastic volunteers in our community. So, we had SES volunteers going up in the planes as shark spotters and, again, they would report in to the police and Surf Lifesaving so that people on the beach could be warned if there were sharks about and, where necessary, taken out of the water and the area made safe. Again, I thank the Aldinga Aero Club for its work on the shark patrols, its work on Leukaemia Day and looking after those very ill people. Thank you also to Electranet and, again, to the club and all the pilots who do such a great job with the Angel flights.

PORT RIVER BRIDGES

Mr VENNING (Schubert) (15:33): South Australia was startled to hear last week of serious and complicated problems with the still to be opened lifting bridges over the Port River at Port Adelaide. The two lifting bridges, one road and one rail, are almost completed albeit one year late. According to the city media last week, there are complex problems with the road bridge. Surprise, surprise! I have been advocating against these bridges being built, or being able to lift, for over five years. Their being lifting, moving bridges was always going to cause problems. I ask members to check similar bridges around the world, as I did at the time. Most are not as big as these lifting bridges, and certainly they are not large, single span bridges like those at Port Adelaide. Others have problems as well.

The bridges should have been built as standard, fixed bridges—and I know that many members opposite would agree with me: they would have been hundreds of millions of dollars cheaper and they would have been quicker to build. We would have had them operating at least 18 months ago and they would have been 100 per cent more reliable. That is not to mention the problem of road and rail timetables we will face when the bridges will be up. Because of the delays here now with these bridges not being finished, work is not continuing on the terminal, either. Work has stopped on the terminal building at the ABB site because without the bridges they cannot be accessed, so why should they hurry?

The bridges are holding up the whole works. Nothing will be ready for this year's harvest, which is very sad indeed because it was supposed to have been. This has all the hallmarks of the cursed lifting light towers at Adelaide Oval. Remember those, Madam Deputy Speaker? We all said it; we all saw it; and now we know what happened: big things that move, break, especially when they do not have to. The folly of our ways at Adelaide Oval cost us millions of dollars, as we had to replace the lifting towers with the current fixed ones, and it almost cost a life.

Will the bridges go the same way? I visited the site some weeks ago and was concerned then about the amount of secrecy that surrounded the whole project—I was not allowed near it, I was not allowed to talk to anybody. Obviously, there were problems then, but in deference to the minister—for whom I have some time—I said nothing about it. I just said that I had been there and left it at that. I would be delighted to say that I was wrong, but revelations this week made us all groan, 'Not again!'

This is a vital link for freight to our state's main port and a road link from Port Adelaide to the rest of South Australia, and to read about the complex problems of the bridge—the failure of the metal, the failure of the bearings, the design being too narrow for ships to navigate safely, as well as the inherent legal and design wrangles—is all very depressing, and could and should have been avoided.

I wonder what Mr Rod Hook, the government's guru for large projects, thinks about this, because I do not blame him—not at all. The decision to make these bridges lift was a political one by the Rann Labor government not a practical, commonsense one. Now, most of us, including

members on the other side, could say, 'Well, we all told you so.' I presume all is not lost; we could at least weld them shut. Pity about all the wasted money, though. Another Rann damned failure. I will quote parts from an article on page 5 of *The Advertiser* of Wednesday 27 February:

> Legal action between the project construction company and its engineering experts revealed the project has allegedly been hampered by:
>
> FAILURE to include protective barriers...
>
> UNSUITABLE steel quality...[and also]
>
> INABILITY to line up accurate massive bearings...

It goes on to say:

> The alleged reasons have been revealed in court action brought by NSW-based construction group Abigroup Contractors against the project's New York engineering experts Hardesty and Hanover.

Further:

> Robert Fenwick-Elliot, for Hardesty and Hanover, told the court the Abigroup action was designed to delay resolution and payment of fees owed to the company until the project was completed.
>
> Acting for Abigroup, [Mr] Steven Walsh QC [for whom I have a lot of time] said referral of the fee payment dispute to the engineering expert was a 'sham' and involved legal issues which could be settled only by a court.

This whole thing is very lamentable. I only hope that the big problems can be overcome very quickly, and we get the bridges open whether they lift or are welded shut—one way. Get them open so that we get the port operating, so that we can get on and deliver a harvest—hopefully we will have one.

LYELL MCEWIN HOSPITAL

The Hon. L. STEVENS (Little Para) (15:38): Today I want to talk about the birthing services at the Lyell McEwin Health Service, and just highlight what an amazing place this is for women and their families to go to House of Assembly ve a baby. The news that there has been a surge in bookings over the next three months is very good, but it also comes on the back of the fact that almost 1,000 more babies were born at the Lyell McEwin last year compared with 2006. There are a number of very good reasons for this.

First of all, the upgrade that occurred at the maternity facilities at that hospital a couple of years ago is really outstanding. For members' information, this is really the most up to date of our public hospitals, and it would rival any private hospital in terms of the facilities that are available for women, their families and staff. Secondly, a call centre that is operating statewide has been able to redirect women to the Lyell McEwin Health Service more appropriately than continuing to go into town, usually to the Women's and Children's Hospital.

That has been a very important thing, because for a long time the Lyell McEwin Hospital laboured under the false assumption by many that it was a second-rate hospital. That is no longer the case and has not been the case for quite some time. The huge amount of money that has been spent on it, and is continuing to be spent on it, combined with the expertise of staff there, has meant that things have really changed. This call centre has done a lot to get that message out.

Finally, the Women's and Children's Division of the Lyell McEwin Hospital is an accredited baby-friendly hospital. That is an important attribute which the hospital has but which not every maternity hospital in South Australia has. The WHO and UNICEF launched that baby-friendly health accreditation in 1992 with an aim of strengthening maternity practices to support breast-feeding, involving 10 steps aimed at protecting, promoting and supporting breastfeeding.

It is challenging to get that accreditation and it is challenging to keep it. The Lyell McEwin's achievement required demonstrating that all staff members, including volunteers, ancillary staff, medical, nursing and midwifery staff, who have contact with women and children follow a rigorous set of standards which support the initiation and maintenance of breastfeeding. Maintaining the standard requires continued updating of knowledge and change of practice in line with the best available evidence and then translating that into real outcomes for the families in our community.

The accreditors observe practice within the medical division over a number of days and nights, as well as questioning mothers about their care and also questioning all levels of staff about their practice and knowledge. It is thorough and rigorous. Indeed, all the staff in the Women's and Children's Division are dedicated professionals who work tirelessly to maintain and improve on these standards.

It is no mean feat to achieve this accreditation for the third time in the midst of the extreme activity levels of the unit. So, everyone there, involving the whole team, requires and deserves our congratulations. As I said before, it is just another reason why choosing to have your baby at the Lyell McEwin Health Service is a very good decision for both mother and child.

CRIMINAL LAW CONSOLIDATION (DOUBLE JEOPARDY) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 2360.)

Mrs REDMOND (Heysen) (15:43): Prior to the lunch break I was in fact looking at the main area where this rule against double jeopardy is to be reduced, not completely obliterated but reduced, and noting that in fact it is fairly similar to what we had provided in our original proposal, which was that we thought it could be abolished with respect to serious offences such as rape, murder, kidnapping, armed robbery and serious drug crimes. The government's bill actually deals with murder, manslaughter, trafficking in or manufacture of large commercial quantities of drugs, armed robbery and most aggravated forms of rape.

Various jurisdictions, of course, are taking different approaches to it. In the case of Queensland, for instance, which has only just introduced its change to the double jeopardy provisions (I think in October last year), it has restricted it to the offence of murder only at this stage. I think, however, it is sensible to extend it to these other areas. One can imagine the outrage, for instance, if we extended it only to murder and we had a situation of an aggravated rape where DNA evidence became available subsequently which was compelling but we were not able to proceed because the rule still stood in the case of that offence.

As I said, the bill reflects what we had proposed in relation to that fresh and compelling evidence, but as I said before the break, the government has gone a little further and in the second reading the Attorney-General referred to two exceptions beyond the fresh and compelling evidence exception. The Attorney-General proposes two further exceptions but, in my view, they are so closely linked that they really should be classified as one further exception. I will talk about them in the reverse order to that which the Attorney dealt with them in his second reading explanation.

The first one is the administration of justice offences, which are bribery, interference with witnesses, interference with a judicial officer, perjury, conspiracy to pervert the course of justice, or attempted conspiracy to pervert the course of justice—those sorts of things. Generally, an acquitted person can already be charged with and prosecuted for those types of offences, but putting them into the bill in the way they have been in this case, apart from anything else, I think will overcome quite definitely the problem created by Carroll and Carroll's case about which I spoke at some length prior to the lunch break. There are some requirements for an administration of justice offence.

Firstly, it has to be connected to the original trial for which the person has been acquitted, and it must be fresh evidence. You cannot simply bring the person on an administration of justice offence, unless there is fresh evidence of the commission of such an offence by an acquitted person. The administration of justice offence—that is, the bribery, the perjury, or the attempt to pervert the course of justice (some attempt to stop the trial of the substantive offence from proceeding and coming to a just conclusion)—is necessary as a precursor to the other exception (which I say is really part of the same exception), and that is the issue of tainted acquittals. A tainted acquittal occurs if a person has been acquitted and, but for the fact that one of these offences—bribery of a witness, coercion, or whatever—has interfered with the judicial process and, but for that occurring, it is considered likely that there would not have been an acquittal of the substantive offence.

A tainted acquittal requires a connection of the accused person (or someone else) to an administration of justice offence. It is not necessary for the accused to have been guilty of the administration of justice offence because, otherwise, obviously someone who stood accused of murder, for instance, might arrange for a friend to be the person who attempts to bribe a witness, pervert the course of justice, or, in some way, to interfere with a witness and so on. But if you have a conviction of an accused person, or another person, on one of these administration of justice offences and the court considers that it is more likely than not that, but for that offence, the accused would have been convicted of the original substantive offence, then that establishes a tainted acquittal; and therefore the precursor to being able to bring an application to have another trial which previously would have been a breach of the rule against double jeopardy.

The condition precedent, being that it is more likely than not that but for the commission of the administration of justice offence there would have been a conviction on the substantive offence, therefore seems to be based on the balance of probabilities. It is not to be established on a criminal onus, but the court has to be reasonably satisfied on the balance of probabilities that, except for the interference with the witness or the judicial officer or whatever happened that tainted the proceedings, the person would in fact have been convicted.

The list of offences to which this particular provision applies is broader than the list for the fresh and compelling evidence. In this case, basically, major indictable offences which are punishable by 15 years or more are covered by this provision. It is possible, of course, that a particular set of circumstances could lead to a situation where an acquittal is tainted and there is the possibility of an application under that particular provision following an administration of justice offence conviction and at the same time where there is fresh and compelling evidence. The bill provides that the prosecutors have to actually choose which of those they are going to take on, which one they are going to opt for; they cannot actually do both in the alternative—and I will explore that a little further during the committee stage.

There is only one other aspect that I want to cover in my comments on the bill which as I have already indicated the opposition will be supporting, and that is the issue of the amendment to the Criminal Law (Consolidation) Act which becomes new section 340. It is spelled out in some detail in the second reading explanation, but I am still coming to grips with how it is interpreted and how it works.

As I understand the situation, if a prosecution authority (the DPP or the police) decides to appeal against a conviction on the basis that the sentence imposed was manifestly inadequate, the Court of Criminal Appeal (in hearing that matter) may, at the moment, decide that the sentence was manifestly inadequate but, because it perceives the imposing of the appropriate sentence as being itself a type of breach of the rule against double jeopardy, it does not impose the sentence that it thinks would be appropriate but rather discounts it. The second reading explanation states:

> In considering whether to allow the appeal and to exercise its re-sentencing discretion, the court is required to take account of the respondent's exposure to a form of double jeopardy. As Kirby, P explained in R v Hayes...the principle which applies in the context of Crown appeals against sentence is not a true example of double jeopardy, but is equivalent to it because 'the prisoner's liberty, pocket and reputation are put in jeopardy both before the sentencing judge and before the appellate court.'

So it does indicate that it is not a true form of double jeopardy, and that to me makes sense, because it would seem to me that if resentencing by an appellate court is a form of double jeopardy then the same reasoning should apply just as equally to an accused person who has been convicted and appeals against their sentence on the basis that it is manifestly excessive, and a court in reducing that sentence, if they agreed, would be imposing a double jeopardy type situation. So I am not sure that I absolutely accept the reasoning that has been put forward in that particular case, and I will explore that further in the committee stage.

There is only one other thing that I want to mention in closing and that is that this legislation is quite clearly, of its nature, retrospective in its operation, in as much as the people who are likely to be affected by fresh and compelling evidence may well already have been acquitted. Indeed, I did look up a little bit over the lunch break the case that I was referring to earlier in the UK, and that was the case of William Dunlop. What had happened was that William Dunlop had been tried for the murder of a lady by the name of Julie Hogg in Billingham in 1989. He faced two trials and on each occasion the jury failed to reach a verdict, and because of the way the system worked there he was then able to be formally acquitted in 1991, after two trials and two juries had failed to convict him. So he had a formal acquittal.

Some years later he actually confessed to the crime and at that time the only action that could be taken against him was, as with Carroll, an action for perjury. But they then reinvestigated the case early in 2001. They introduced this change to the law, and I think it was in 2003 that they passed their Criminal Justice Act, and at that point he was able to be re-tried for the offence, and he was the first person in the UK to be convicted of murder after having previously been acquitted for that murder.

So, clearly the thrust of the bill is that this will apply to everyone, and I suggest that it would be a nonsense if we said that it is only going to apply after the date of the commencement of the bill, because that would just leave a whole lot of people potentially still able to confess to a murder and not be tried for it, even under these new provisions, if they have already been acquitted of such a crime.

Interestingly, I think that Queensland suggested that theirs was not to be retrospective, and I will be interested to find out at some stage on what basis they introduced that provision. I am not expecting that the Attorney will necessarily know the answer to that, but I did read somewhere that the Queensland changes were not to be retrospective, and that simply does not seem to make sense to me.

I indicate that although I have not filed any amendments there are a number of things I will be wanting to explore in committee; so the Attorney need not concern himself too much with being able to answer any questions that I might raise during the second reading in his response. Although I do not want to hold up the house unnecessarily, there are a couple of points of clarification I will seek on the bill in due course. But I do thank the government for getting around to introducing legislation—that was mostly our policy anyway, and I indicate that the opposition will be supporting it and helping it through the house with reasonable speed.

Mr GOLDSWORTHY (Kavel) (15:59): I wish to make a contribution to the house in relation to what we regard as quite important legislation that has come before the house, being the Criminal Law Consolidation (Double Jeopardy) Amendment Bill 2008. As the member for Heysen, the shadow attorney-general, has quite rightly pointed out, although in general the government has been supportive of introducing this legislation and the principle of double jeopardy, this is really the adoption of the state Liberal policy, in terms of introducing this bill. The member for Heysen has quite outstandingly, I would say, given a precis of the legislation and some background information, as is her norm while debating legislation that is brought before the parliament.

Obviously, the term 'double jeopardy' has several meanings, which stem from the long-held legal principle that a person cannot be tried a second time for a crime for which he or she has already been convicted or acquitted. At common law, the pleas used were 'autrefois acquit' (meaning the defendant has already been acquitted) and 'autrefois convict' (meaning the defendant has already been convicted). However, there is also a third sense in which the term is used, that being protection from being punished multiple times for the same offence.

I could go on and give some examples of the different aspects of defendants being acquitted and also defendants being convicted but tried again. However, the member for Heysen has spoken to the house about the case of R v Carroll. Carroll was charged with and found guilty of the murder of baby Deidre Kennedy, whose body was found in Ipswich in 1973. Carroll was convicted on 14 March 1985, but on 27 November 1985 the Court of Criminal Appeal ordered that the conviction be quashed on the basis that 'a properly instructed jury, properly considering the matter, could not be satisfied beyond reasonable doubt on the prosecution evidence that the accused was guilty'.

Many years later (almost 14 years), Carroll was charged with perjury, on the basis of his sworn evidence at the murder trial that he did not kill Deidre Kennedy. The prosecution considered that it had new evidence that was not available at the time of the murder trial and that Carroll had, in fact, killed baby Deidre. Subsequently, Carroll was convicted. That conviction was then appealed to the Court of Appeal in Queensland, which concluded that the trial should have been stayed as an abuse of process and that the verdict returned by the jury was unsafe and unsatisfactory. The court ordered that Carroll's conviction be quashed and a verdict of acquittal entered.

The prosecution sought special leave to appeal that result to the High Court. As the case proceeded, the High Court judges considered the notion of double jeopardy in considerable detail and concluded unanimously (although three separate judgments were delivered) that, whilst leave to appeal should be granted, the appeal should be dismissed. The Chief Justice said:

> Proceedings on the indictment for perjury should have been stayed, as the Court of Appeal concluded. The prosecution inevitably sought to controvert the earlier acquittal on the charge of murder.

So, as members can understand, for people who do not have an intricate knowledge of the judicial process, it was relatively complex.

Members interjecting:

The SPEAKER: Order!

Mr GOLDSWORTHY: I understand that, in recent years a number of jurisdictions have begun to re-examine the notion of double jeopardy, particularly as increasingly technical developments can provide fresh evidence that simply was not available at trial. I would imagine that one of the most outstanding developments in fighting crime over the last decade or so would be the

use of DNA. We were pleased in the parliament to support that legislation when the government finally brought it to the house.

In all Australian state jurisdictions, prosecutors can appeal against a sentence handed down by the trial judge. In South Australia and Tasmania, the prosecution can appeal against an error of law made by the trial judge in certain circumstances. However, the acquittal will remain valid, and the purpose of the appeal is simply to clarify the legal position for future cases. Since the overturning of the Carroll conviction for perjury, in particular, there has been considerable debate about the rule with respect to double jeopardy and some calls for reform of the law.

There is some reasonable history to this matter, particularly as it relates to the parliament of the United Kingdom. The Criminal Justice Act was passed, which allowed retrials if there was new and compelling evidence in the case of serious crimes, such as murder, manslaughter, kidnapping, rape, armed robbery and serious drug crimes, to give some examples.

All cases must be approved by the DPP and the Court of Appeal must agree to quash the original acquittal. These provisions came into force in April 2005. On 11 September the following year (2006) William Dunlop became the first person to be convicted of a murder after previously being acquitted. He had been tried twice for the murder of Julie Hogg in Billingham in 1989, but two juries each failed to reach a verdict and he was formally acquitted in 1991. However, several years later he confessed to the crime and was convicted of perjury.

Early in 2001, the case was reinvestigated and, when the new law came into effect, the case was referred to the Court of Appeal (the change to the UK law followed a 2001 recommendation of the Law Commission). Members can see from that one example that the proposed legislation does have real benefit in bringing alleged criminals to trial and being convicted for their crimes. As I said, there have been advancements in technology in investigating criminal activity.

DNA has been one of the major breakthroughs. Using DNA, I understand, has been one of the major breakthroughs in recent times in investigating criminal activity and bringing people to justice. My neighbour happens to be a police officer. When the debate occurred in the community three or four years ago, from memory, my neighbour spoke to me in a reasonably serious manner, encouraging me and the state Liberal Party to support the legislation, and we were pleased to do that. This is an important piece of legislation, as it does bring to justice those people in the community who have committed crime.

Mr RAU (Enfield) (16:10): I just want to say a few words about this legislation and, in doing so, I would like to say that, were it not for the persuasive powers of the Attorney, I might be having other things to say.

Members interjecting:

Mr RAU: I say that in all seriousness. The Attorney has spoken to me about this matter, and I appreciate that. I would like to say that there is an old saying in the law. It is probably one that most people have heard, and it goes something like this: hard cases make bad law. There is always a case of the anomaly. There is always the case of something completely unexpected. There is always the Carroll case. In every field of law you care to look at (if you let the courts process litigation, whether it be civil or criminal), for centuries in the United Kingdom, Australia, Canada and wherever else they might be doing it in the common law system, something really weird will get thrown up, and that is just life. Life is like that. It throws up weird things, and sometimes the application of what appears to be a really sensible piece of common law or statute law produces a result, about which people, looking at that result, inevitably say, 'But this isn't right; it shouldn't happen.' I think that the Carroll case, which has been referred to, is one of those cases, and I understand why people are affronted by that.

The Attorney has persuaded me that things have changed to the extent that when many of these cases were first investigated some years ago DNA testing, for example, was not available. Even though the material may have been recovered by the police and still held somewhere in relation to that case and it is simply a matter of matching the material that is already held by the investigating authorities with DNA material from a suspect, many cases which have hitherto not been solved or solvable will be able to be solved or will be solvable, and I think that everyone who thinks about that would have to say, 'Well, that is a good thing.'

I would just like to spend a moment considering what the common law system—the British system of justice that we have here—has done to deal with the implications of the double jeopardy rule over many years. What the prosecuting authorities have done in all the common law

jurisdictions is that when the prosecutors have a case which is strong enough in the prosecutors' professional opinion to warrant the matter being brought to trial, and when they think they have enough evidence to secure a conviction, then and only then do they proceed to trial on that particular complaint.

If, in the process of proceeding with that matter through the courts, they determine that, in spite of what they might have thought when they first charged this individual, it looks like in the course of the hearing itself that that individual's case is not as strong as they thought it was and for some reason they do not think they can secure a conviction, they have the option of pulling the charge—or a nolle prosequi, I think it is appropriately called.

Members may recall that a gentleman was charged with having blown up the National Crime Authority offices in Adelaide some years ago. That matter proceeded to a certain degree and then stopped. It stopped because the prosecuting authorities formed the opinion (and I am not here to say that that was an incorrect opinion, I might add) that, given the evidence they currently had against that individual, it was unlikely they would secure a conviction. The consequence of that would be that that individual would then benefit from the double jeopardy rule and never be able to be charged if indeed later on they did find further evidence that might lead to a stronger case against that individual.

I guess the point I am trying to make is this: the system that has been operating for hundreds of years has developed mechanisms to deal with the consequences of double jeopardy, and the simplest of those mechanisms relies on the professionalism and judgment of the prosecuting authorities. I think members of parliament need to be a little concerned, as do I from my point of view as an individual member of this parliament, that that level of security, professionalism and properly exercised judgment by the prosecutorial authorities does not start to deteriorate because they form the opinion that they now have this 'slips' rule, if you like, sitting there in case something does not go the way they wanted it to go.

I suggest to the parliament that it is bad public policy as a general rule to have the prospect of multiple charges and trials for the same offence generally being possible. The Attorney has assured me—and he has shown me the provisions of this legislation which lead me to have some confidence—that this legislation will not open up a sort of revolving door of litigation where you keep litigating against an individual until you finally grind them down and crack them, because that is not good public policy.

I am reminded of a story that came to me a few years ago from a butcher. I was in this fellow's butcher shop and I noticed that he was cutting up meat while one of his co-workers, also cutting up meat, had a chain mail glove on his hand. I said to my friend, 'Why don't you wear one of those?' He said, 'Because one day I might forget to put it on.' The point is that we can become too comfortable with some of these devices which are designed to make things easier and, if we become too comfortable with those devices, that would not be good for the administration of justice because, as a general rule, I do not agree that it should be possible (or indeed desirable) for any citizen to be subjected to the ordeal of a criminal prosecution repeatedly for the same thing.

As I said when I started, having spoken to the Attorney I am satisfied that—and he is a very persuasive person, the Attorney, and I do not know whether you people—

Members interjecting:

The SPEAKER: Order!

Mr RAU: I think some of you do not appreciate the Attorney properly because he is not just an interjector. In his better moods he is capable of great persuasive argument and he has convinced me that safeguards contained within this provision mean that it is not something where prosecutors can just wander up and say, 'I couldn't be bothered doing it properly the first time because I am a lazy prosecutor but it doesn't matter because I can have another crack at it in a few weeks because I have this provision here.' The prosecutor cannot do that because the test which is contained in the legislation requires that they could not have possibly done it at the time.

Mr Goldsworthy interjecting:

Mr RAU: So, if the member for Kavel is listening, he would see that there is a very important point there: that this is not an open door to lazy prosecutors nor is it an open door for repetitive persecution of individuals by criminal statute because there are safeguards and filters built into this provision. At the end of the day, I suppose one has to consider whether you would think it was fair that a person who had committed some dreadful crime should get away with it, by

reason of the lack of evidence at the time, or indeed the incompetence of our prosecuting authority, when evidence subsequently turns up which is able to establish clearly that that person was guilty of that offence. That is the balancing act that we are going through here. Not without some considerable thought, and not without some concerns that it be properly understood by the prosecuting authorities that this is not an opportunity for them to go about their business in any less of a thorough way than they have been accustomed to in the past, I support the proposal.

Mr HANNA (Mitchell) (16:20): I am speaking in relation to the government's proposal to create exemptions to the common law rule against double jeopardy. The rule against double jeopardy has been in place for centuries and it is to protect citizens against being prosecuted more than once for the same offence. The two main concerns that arise are the power of the state to cripple a person financially by repeatedly prosecuting them; secondly, there is very powerful motivation for police and prosecution authorities to get it right first time if they know that there is but one trial they can impose upon an accused person.

I acknowledge that the Attorney-General in his second reading explanation was quite even-handed and he set out the reasons why the double jeopardy rule has been in place for so long. I have also considered the views of the Law Society which has expressed some reservations about the bill. They are in keeping with the concerns I have already expressed. The government, I am glad to say, does not proceed to throw out the rule against double jeopardy completely but creates, essentially, three exceptions. In my mind, two of them go together when one is dealing with some sort of administration of justice offence, such as bribery or interfering with a witness which leads to an acquittal. In those cases, it may be that either the original charge could be the subject of a further trial or the administration of justice offence itself could be the subject of a trial, notwithstanding that, in a sense, it goes over the same ground as the substantive trial in which the accused was acquitted.

The other aspect of the bill is the exception created for acquittals where fresh and compelling evidence comes to light. I am glad to see that the Attorney-General has introduced some safeguards into the bill: the requirement of the DPP to make application for a retrial and for there to be restraints on re-investigating crimes. I think that these are sensible restraints to avoid a person being investigated again and again and, indeed, prosecuted again and again.

There is still the concern that, despite these safeguards, an innocent person could be the subject of more than one major criminal trial. Just to bring home what we are talking about in terms of the imposition on the citizen, we might be talking about hundreds of thousands of dollars of legal costs to afford a proper defence in a trial that might run for weeks or months, or even more than a year in exceptional cases. They are experiences that you would not want to go through more than once, if at all.

Like a number of other members, I express my reservations about chipping away at the rule against double jeopardy. All I can do is express that concern and at least be grateful that the government has fairly tightly confined the circumstances in which a person can be tried again for a serious offence.

Mr PENGILLY (Finniss) (16:25): I think the case has been put very eloquently this afternoon by the member for Heysen, and supplemented by the member for Kavel. I suppose the interesting thing for me was the comments on this bill made by the member for Enfield, who was clearly rolled by his own outfit. Indeed, I listened with interest to what the member for Enfield had to say.

From my lay view I am really most keen to make sure that people get a fair go; that is the core of my contribution. I am not sure that people always do get a fair go. I might know a bit about growing crops and a few other things but I do not make any claim whatsoever to being an expert on the law, quite frankly. However, it seems that from time to time things go to the keeper in the legal system and people get unfairly treated and that there are disastrous outcomes in legal cases. That is where I am coming from. I just do not want to see in this state—or, more to the point, in Australia either, but given this legislation is for South Australia—something come out of it whereby some poor soul in the future is unfairly treated and rolled out the door by a court.

I totally understand where technology is going. Who knows whether in 10 or 20 years, even 25 years, those sitting in this place at that time will have to come back and revisit all these sorts of things to try to deal with the technology of the day? We might think that DNA is terrific today, but in another 15 years it might be something entirely different. Without prolonging the agony for members in this chamber, I hope that the Attorney-General and the government take on board my

'fair go' provisions, that people do not get unfairly treated and that, given that this side of the house is supporting the bill, when it comes into force everything works properly.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs) (16:28): I thank all members who have participated in the debate. I thank the member for Enfield for coming around to my point of view. Part of the member for Heysen's speech was an example of the fallacy post hoc ergo propter hoc, which means: since that event (namely the government bill) followed this one (the opposition policy), that event must have been caused by this one. In fact, the government—

Mrs Redmond: It sounds reasonable to me.

The Hon. M.J. ATKINSON: Well, the member for Heysen says, 'It sounds reasonable to me.' In fact, the bill is here because it was agreed at the Council of Australian Governments.

Bill read a second time.

In committee.

Clauses 1 to 4 passed.

Clause 5.

Mrs REDMOND: I have a couple of questions on clause 5, because I note that this clause is effectively the rest of the bill. Clauses 6, 7 and 8 are new but clause 5, in fact, is the substance of the bill and contains a number of things. I hope you will allow me a little bit of discretion, sir, but I promise not to hold the committee long.

My first question is pretty straightforward, more about the drafting of the bill. At the end of the interpretation section in subsection (1) there is a definition of 'relevant offence'. I am curious as to why paragraph (b) is worded:

> Any other offence for which the offender is liable to be imprisoned for life or for at least 15 years.

Why have you used the term 'be imprisoned for life', because surely life is going to encompass 'for at least 15 years'?

The Hon. M.J. ATKINSON: The wording was decided out of an abundance of caution, in that life is an indeterminate sentence and, therefore, might not have been embraced by the expression 'at least 15 years'. Of course, sometimes a life sentence does not run as long as 15 years.

Mrs REDMOND: I move on to new section 332. I want to explore what is intended by subsection (2), which provides:

> Evidence that would be admissible on a retrial under this part is not precluded from being fresh or compelling just because it would not have been admissible in the earlier trial...

I take it that there could be evidence which the prosecutor had available at the time and was aware of, but at the time the rules of evidence decreed that it was not admissible, and then subsequently there may be some sort of change to the rules of evidence, as I read this, that would enable an application to be made to allow a retrial on what we are calling fresh and compelling evidence when in fact it is neither. It may be compelling but it may have always been compelling, and it may not be fresh in any usual sense. I wonder whether the minister could explain a little further what is intended in that particular clause.

The Hon. M.J. ATKINSON: The answer is yes. I think the member for Heysen would like more. That was the argument in the second Carroll trial, that the first appeal by the accused succeeded because certain propensity evidence was not admissible, and then they had another crack at him on the grounds that such evidence was probably, at that time, admissible, by a decision of the High Court. So, that is an illustration of subsection (2).

Mrs REDMOND: On that point again: I see that in subsection (2) there is therefore more risk of the situation arising where someone simply has not done their homework well enough and prosecuted the case well enough, rather than it being fresh and compelling evidence. I am curious about whether you perceive any possibility that, because there is a provision that someone can bring in what is classified as new and compelling evidence, even though it is not new but because the rules have been changed, is there a risk to the accused which is wider because of that particular subsection?

The Hon. M.J. ATKINSON: The distinction is between evidence that was admissible and evidence that was or was not admitted. So, if you are a prosecutor who makes a blue and you have evidence that could have been admitted but, in fact, was not because it was not put up, then you are not going to be able to bring the charges again.

The ACTING CHAIR (Mr Rau): Since everyone is in this very calm, cooperative mood, which I think is very good, I am supposed to cut you off now at 3, but of course I am not going to do that because it is such a long provision and obviously both you and the Attorney want to talk about these things a little more, but could you try and focus on the main points first so that we ensure we have covered your main issues?

Mrs REDMOND: Thank you, Mr Acting Chair. I will move on to new section 335, which I want to talk about generally, because this is the clause that sets out the circumstances in which the police may investigate conduct relating to an offence, and it provides that the DPP has to authorise it, but it seemed to me that there must be a preliminary level of investigation before they can apply to the DPP, for the DPP to be able to satisfy himself in accordance with the rest of the provisions and issue the written authority.

I want a fuller explanation as to how it is intended that that will work in the sense that, for instance, they may have to perform a DNA test on some material in order to reach first base to be ready to make the application to the DPP. I am curious about where it says 'a police officer may not carry out an investigation', where that line is drawn that allows them to do the preliminary work prior to getting permission from the DPP.

The Hon. M.J. ATKINSON: In the Dunlop case, Dunlop confessed and that is what triggered the investigation leading to his being tried and found guilty after having been technically acquitted by two hung juries. That is one example. The second example would be a cold hit, that is to say, it becomes obvious when checking DNA about an unrelated matter that this DNA was at the crime scene when it was the contention of the accused which enabled him to be acquitted that he was not at the crime scene. Those things do not require an investigation; they happen. If the police want to DNA test a suspect who has been acquitted, the police would have to apply to the DPP to get permission to DNA test. That would be an investigation.

Mrs REDMOND: From my recollection of the way we structure things at the moment, if someone has been accused of rape and there has been a DNA test done at that time and they have been subsequently acquitted, that DNA sample is not kept, so we do not have the record.

The Hon. M.J. ATKINSON: It is kept under the DNA legislation that was passed last year.

Mrs REDMOND: I thank the Attorney for that information. The police are then holding, or some appropriate authority is then holding that DNA from the person who has been acquitted of a rape. There is then another rape; DNA is again taken and the person is charged with that rape and someone thinks, 'We reckon that this is the same guy.' Do they actually have to go to the DPP and get permission before they can even access the earlier DNA to compare the DNA taken where they have currently got someone and may even get them convicted? Do they have to go to the DPP to get permission before they can check that DNA against the DNA they are already holding if they still believe that that person is likely to be the offender?

The Hon. M.J. ATKINSON: No, that would not be deemed by our proposal to intrude on the accused. In essence, the police can fiddle with the database.

Mr HANNA: My question is about the assessment of evidence under new section 332 as to whether it is fresh and compelling. It seems to me that the important thing is that any new evidence that comes up should have at least a fair chance of making a difference at the subsequent trial. I am not sure that the definition of 'compelling' really captures that significant aspect. Do you agree?

The Hon. M.J. ATKINSON: No, I do not agree. I refer the member for Mitchell to proposed section 332 subsection (1) paragraph (b) 'compelling if,' subparagraph (iii), 'it is highly probative in the context of the issues in dispute at the trial of the offence.'

Mr HANNA: I note that the provisions are not retrospective and I consider, in this context, the effect of abolishing the rule that prevented old charges of sexual assault being raised. When that was removed by the Labor government there was a small flood of late complaints about childhood sexual assault and that sort of thing. How is the Attorney-General going to monitor fresh complaints coming out of the woodwork in cases where people have been acquitted in the past, perhaps 10 or 20 years ago?

The Hon. M.J. ATKINSON: I do not think it is my job to monitor it. The DPP will monitor it because that is his job. The United Kingdom has had this exemption from the rule against double jeopardy since 2003 and there have only been a couple of cases. New South Wales has had it, I think, for two years and there have been no cases. I do not think it is a change that is going to lead to much change in effect.

Mr HANNA: In that case, why make it retrospective? If it is anticipated that there will be hardly any cases that will arise from crimes allegedly committed some time in the past, then why not adhere to the principle that there should not be retrospective legislation which can seriously impinge on people's rights and make this applicable for crimes committed from this time on?

The Hon. M.J. ATKINSON: The fallacy in the member for Mitchell's argument is that we are not making criminal that which was not criminal before.

Mrs REDMOND: I would like to move to new section 336, and I think it might be connected a bit to the answer the Attorney just gave to the penultimate question asked by the member for Mitchell. Section 336 deals with the retrial in the case of an acquittal which is tainted and the reason I think it might be relevant to the previous answer is that, of course, it provides amongst other things that the Full Court has to be satisfied of the things set out in that section before they will order the retrial. Connected to the member for Mitchell's question therefore, subsection (1) refers to the court needing to be satisfied, first, that the acquittal was tainted and then paragraph (b) states:

> In the circumstances, it is likely that the new trial would be fair having regard to—
>
> (i) the length of time since the relevant offence is alleged to have occurred.

Given the provisions in other bits of legislation and other discussions that we have had over legislation concerning if an accused is put at a forensic disadvantage by reason of delay, is it the case that that provision is likely to preclude proceedings for cases which would otherwise fall within the ambit of this provision simply because of the length of time which has now elapsed since the accused was acquitted originally?

The Hon. M.J. ATKINSON: It might, but I do not think that what we are saying in the bill is different from the established common law position.

Mrs REDMOND: I have one more question relating to new section 340, which, although it is inserted in the Criminal Law Consolidation Act, appears to have been substituted for sections that have been deleted, so it is a new clause. It is to overcome the problem that I spoke about which, according to the Attorney's adviser, comes about because of a perception that resentencing by the Court of Criminal Appeal can amount to a breach of the rule against double jeopardy.

Whilst I accept, pending any information to the contrary, what has been said, I am curious about the manner in which the provision has been worded, in particular, where it refers to if the court decides that the original sentence 'should be quashed and a more severe sentence substituted, the court may substitute a more severe sentence even if, in so doing, the court may be exposing the convicted person to a form of double jeopardy.' It seemed to me that, as legislators, it would have been better for us to say that that does not constitute a form of double jeopardy and (by statute) make it fact rather than give tacit approval to the concept that it is some form of double jeopardy.

I have not had time to speak to parliamentary counsel about it or to have an amendment drawn up, but it seemed to me that it might be worth considering putting it more in the positive rather than expressing a negative but tacit approval of the concept that in some way substituting the appropriate sentence could be a breach of double jeopardy. I wonder whether the Attorney has any comment on that.

The Hon. M.J. ATKINSON: Whether or not we like it—and I do not like it—the courts have decided that it is a form of double jeopardy, and therefore we drafted the provision that way.

Mrs REDMOND: I am curious as to why it would not be more sensible to say what we declare through the legislation. I mean, we change lots of things that overcome interpretations that the courts have placed on things. Why would it not be appropriate to simply insert it into the legislation and say, 'We in this legislation specifically say that this is not a breach of the rule against double jeopardy'?

The Hon. M.J. ATKINSON: If the member for Heysen and the opposition would like to do that, then I am sure there will be an opportunity between the houses for such an amendment to be moved in another place.

Clause passed.

Remaining clauses (6 to 8) and title passed.

Bill reported without amendment.

Bill read a third time and passed.

PREVENTION OF CRUELTY TO ANIMALS (ANIMAL WELFARE) AMENDMENT BILL

Received from the Legislative Council and read a first time.

LEGAL PROFESSION BILL

The Legislative Council insisted on its amendments to which the House of Assembly had disagreed.

ADJOURNMENT DEBATE

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

That the house do now adjourn.

Members interjecting:

The ACTING SPEAKER (Mr RAU): Order!

WATER TRANSFERS

Mr VENNING (Schubert) (16:57): Might I say, sir, how impressed we are with you in the chair. You bring a certain aura to the position, and I hope that I am in this place when you are able to accede to that position because you certainly have the training. Today I raise an issue about which I have spoken previously in this house; that is, water transfers and the length of time it is taking for them to be assessed and processed. I first spoke about water transfers in this house on 14 November last year and was told that the Department of Water, Land and Biodiversity Conservation (DWLBC) is simply under resourced and cannot keep up with the demand, hence why irrigators and farmers were experiencing long delays.

That answer just does not cut with me. We are talking about farmers and irrigators who have to sit and watch their livelihood shrivel up and die as they cannot get water, and when they have a chance to purchase a little extra or transfer their licences between one of their orchards or vineyards to another, which might enable their crops, trees or vines to live a little longer, there are untold delays with getting transfers processed. It is just another one of this government's bureaucratic messes.

Unfortunately, the speech I gave last year has achieved nothing. Constituents in my electorate have contacted me since and informed me that they have and are experiencing lengthy delays with the processing of their water transfers. One particular case which has been brought to my attention is that of a company which has had several water transfers lodged with the department and which has experienced ridiculous delays and stress, one transfer taking over 10 months to be processed and approved—and it was. Surely, a reasonable minimum time frame is set for water transfers to be processed. I think that four to six weeks should be sufficient time for the department to process water transfers, especially as we are experiencing a drought and farmers and irrigators are reliant upon whatever water they can get.

One constituent explained to me that they had been in regular contact with DWLBC regarding the length of time taken to process transfer applications and was told that water transfers take 40 business days and required a hydrogeological assessment. What a lot of rubbish! There must be some urgency about water transfers. People need water more than ever at times such as this if their crops, vines and orchards are to have any chance at all of surviving, let alone produce a crop. I am aware of an application that was submitted to the department for water to be transferred between two companies owned by the same person. After waiting over 12 months and making repeated inquiries with the department, the party concerned simply cancelled the application out of pure frustration and submitted a different one. I do not understand how something that seems so straightforward and simple could become so difficult. This person was merely shifting water from one of their company's properties to another of their company's properties on the same watertable.

These cases are not isolated. I have heard from many constituents within my electorate who have experienced similar difficulties in their dealings with the department with respect to water transfers. One constituent told me that he had simply been trying to get a water transfer between two of his properties. One vineyard was already stressed and would not produce a good crop. However, another of his vineyards was doing better but needed more water, and that was the reason for applying for the transfer. It is better to get some crop than none at all.

On the surface, this transfer appeared as though it would be fairly easy to process. However, it took the department nine weeks to complete. Something needs to be done to speed up this process as we continue this very dry spell. We are moving into a desperate situation right across this state. Vintage is taking place at the present time, and some growers need the water now. There is no sense in talking four to six weeks' time, because it will be too late. The grapes would have withered and died or been picked without being in premium condition.

As I said, this state and this country are experiencing the worst drought on record. We simply must move the water out as quickly as possible. Farmers and irrigators who are in dire straits are at the mercy of the government, the department and the burgeoning bureaucracy. They should at least grant interim rights. Why do we muck around with this bureaucracy? Can they not say to the growers, 'We will give you the right to pump some water while we assess this and we will get back to you. If there is a problem, we will let you know,' and in the meantime let them water their vines or trees?

I also want to raise another matter involving the safety of children that has been brought to my attention over the past few years by a number of my constituents. It is my duty, as a representative of the people, to raise concerns on their behalf. The problem is with the roads in the Tanunda Primary School precinct, particularly Murray Street in Tanunda, which is not very far from my office. In the area are two schools—the Tanunda Primary School and the Faith Lutheran Secondary School, which I mentioned in the house this morning—a local childcare centre and the Tanunda YMCA recreation fitness centre, and they are all in close proximity to each other.

The route is heavily utilised by trucks and local through traffic, along with the traffic that frequents the schools, the childcare centre and the YMCA fitness centre. The large volumes of traffic in the area pose a great risk to pedestrians and cyclists who attempt to cross Murray Street, which is the main arterial road in the area. I cross that same street in front of my office, and it is pretty horrific to think that children cross there: it really worries me. Some have witnessed what could have been a serious accident; others claim that the area is just an accident waiting to happen.

I have raised this matter before and had articles in the local media imploring the council to act, and I received a fair bit of criticism for that. Murray Street is the responsibility of Transport SA, and an assessment undertaken last year by the Department for Transport, Energy and Infrastructure shows that the number of pedestrians crossing in the area is well below the minimum number required to justify the installation of a pedestrian crossing. However, given the large volume of traffic in the area, particularly in the mornings and afternoons when students are going to and from school, the local community and I find it difficult to understand how the department's assessment could draw this conclusion. Anyway, who would cross there when it is so dangerous? Those who do certainly run a risk: it is Russian roulette.

The justification for a pedestrian crossing is defined in the Code of Technical Requirements for the Legal Use of Traffic Control Devices. The code states that, in two separate periods of a typical weekday, there are no fewer than 60 pedestrians crossing the roadway within close proximity of the site and at least 600 vehicles passing the site. The warrant is also subject to the product of the number of pedestrians per hour and the vehicles in the same hour exceeding 90,000. The Department for Transport, Energy and Infrastructure said that, in the case of the Murray Street precinct, its assessment showed that the maximum hourly pedestrian movement is about 20 and the number of vehicles passing the site is 900, making the product of the pedestrian and traffic volume about 18,000.

To anyone familiar with the area, the figures regarding the number of pedestrians crossing this road seem largely inaccurate. One has to ask at what times of the day the department undertook its assessments, because during the peak school times there is far more foot traffic in the area than a mere 20 adults and children. At least the assessment reflected my concerns and those of the community with respect to the volume of traffic in the area, which far exceeds the minimum number per hour, as outlined in the warrant relating to pedestrian crossings.

Better road infrastructure and safety measures would likely increase the number of children who ride or walk to school. In an era where there is a strong push towards physical activity in children to overcome the current obesity epidemic, the school community is largely prohibited from walking to school because of the dreadfully unsafe approaches. The safety of children is paramount. For parents to allow their children to walk or ride to school, even under parental supervision, they have to be assured of their safety, and currently they are not.

I want to put these matters on the record because I have done my bit and nothing seems to have been done. I do not want to come back later and say: 'I told you so.' The local community does not want to be confronted with a situation where there is a potential for tragedy, or at least a bad accident.

Last year, I contacted the Minister for Road Safety, who informed me that the Department for Transport, Energy and Infrastructure recommended that the installation of a pedestrian refuge would be the most appropriate treatment. The Tanunda Community Road Safety Committee was also given this response. However, after joint consultations between the Barossa Council and the local school community, the decision was made to turn down the offer of a pedestrian refuge. The thought behind it was that, if the offer of a pedestrian refuge was accepted, the state government would consider the matter closed and no further action would take place, and many consider a pedestrian refuge inadequate for the situation.

Finally, I want to put on the record my hope that there will be some action. This area is very busy, and it is getting busier by the minute, because more and more activity is taking place there—and I have been tipped off that a new primary school could be built there in the next couple of years. It is a terrible situation. Every time I look out my office window, I see the traffic going past. It is horrific when one considers that children are crossing a few hundred yards further down. It is wrong. I urge the government to please hear the call and get together with the Barossa Council and fix this problem and make it safe for our kids.

Motion carried.

At 17:06 the house adjourned until Wednesday 5 March 2008 at 11:00.