# HOUSE OF ASSEMBLY

## Thursday 3 April 2008

**The SPEAKER (Hon. J.J. Snelling)** took the chair at 10:30 and read prayers.

### LEGAL PROFESSION 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) (10:31):** I move:

That the sitting of the house be continued during the conference with the Legislative Council on the bill.

Motion carried.

### GRAFFITI CONTROL (CARRYING GRAFFITI IMPLEMENTS) AMENDMENT BILL

**The Hon. R.B. SUCH (Fisher) (10:32):** Obtained leave and introduced a bill for an act to amend the Graffiti Control Act 2001. Read a first time.

**The Hon. R.B. SUCH (Fisher) (10:32):** I move:

That this bill be now read a second time.

Members will recall that the house was not willing to support the earlier bills relating to graffiti. One bill involved the clean-off provisions, which could require offenders to clean off graffiti (not necessarily their own) under supervision; and the other one was to restrict the sale of graffiti implements even further than the current law provides.

We consulted with police in various parts of Australia, and the recommendation that they put forward—which I think is a very innovative and sensible one, and is reflected in this bill—is that, if a person is carrying graffiti implements between the hours of 10pm and 6am in areas that are prescribed by the bill, then they are guilty of an offence.

The areas that are prescribed mean the grounds of a primary or secondary school and the area within 20 metres of the boundary of the school, or an area prescribed by regulation (that would be up to the minister), and it also includes the area within 20 metres of an electricity substation, railway tracks, tramway tracks or the O-Bahn, a bridge, viaduct, overpass or underpass, or tanks or other infrastructure maintained by SA Water and situated above the ground.

Then, involving a shorter distance—because we do not want to turn the state into one where there is unnecessary policing—it includes an area within 10 metres of a postbox maintained by Australia Post or any structure indicating the name of a suburb, namely, the entrances often indicating subdivisions and perhaps made out of brick or rendered. The other category involves a person being within a stormwater culvert. We do not want to have this measure applying unnecessarily to people who are just walking down the street and who pass a culvert: it relates to a person who is actually in the culvert—and that obviously means a big culvert.

The purpose of this measure is to target those who are involved in graffiti activities. Therefore, with the time set (10pm to 6am), if someone, for example, legitimately bought a spray can or a felt pen and were going home, they would have enough time to be home from shopping at, say, the close of shopping at 9pm. This bill gets around the complicated aspect of trying to deal with the key issue, rather than unnecessarily restricting people who might have a legitimate need to purchase a spray can or a wide felt-tip pen.

Another very important aspect of this bill is, as I have stated to the house previously in relation to other bills, that many of the people convicted of graffiti offences end up with no penalty—no penalty whatsoever. This bill provides, for the first time, an expiation fee of $160 and still allows the court options. It means that a police officer—and only a police officer—can issue that expiation penalty. This gives the police some real teeth in terms of dealing with people who are carrying graffiti implements between 10pm and 6am and who are found in areas where they are likely to commit graffiti-type offences.

So, there are two key aspects of this bill: it provides the expiation option, which I think will help get around the issue of courts not taking this matter as seriously as they should; and it pins down the scope of activity to specific areas of public infrastructure. This provision does not apply to people on private property, so it does not relate to people who have spray cans in their shed or felt-

tip pens in their office at home. It deals only with areas which are in the public domain and which are essentially the target of graffiti vandals.

Some people say, 'What about fences on properties?' This bill will not deal with that aspect, unless it comes within the ambit of within 20 metres of a railway track, a bridge and so on. I think that you must take a reasonable approach, and the main focus of vandals is public property. I think that this is a very innovative approach and that it will bring about a real change. I think that it overcomes the concerns expressed before by the government and others that restricting sale is cumbersome and difficult and that supervising clean-off is costly. The bill addresses those issues, gets to the nub of the problem and will, in my view, help reduce the current $15 million to $20 million cost to ratepayers and taxpayers in this state.

I urge members to give this matter their earnest consideration, as they normally do. I believe that the bill has been carefully drafted, as is the usual standard of parliamentary counsel. As I say, it is based on advice from police around Australia, who believe that this is the best way of tackling this costly scourge on our community. I commend the bill to the house, and I trust that members will give it due consideration.

Debate adjourned on motion of Mrs Geraghty.

## LANDLORD AND TENANT (DISTRESS FOR RENT—HEALTH RECORDS EXEMPTION) AMENDMENT BILL

**Ms PORTOLESI (Hartley) (10:39):** Obtained leave and introduced a bill for an act to amend the Landlord and Tenant Act. Read a first time.

**Ms PORTOLESI (Hartley) (10:40):** I move:

That this bill be now read a second time.

This is a very simple and short bill, designed to rectify a significant problem in my electorate, which was brought to my attention in 2006 and which has caused much distress to hundreds, and possibly thousands, of residents in the eastern and north-eastern suburbs. Members may recall the much publicised case of the Glynburn Road medical practice in Tranmere, where patients have been denied access to their medical records due to a tenancy dispute between the landlord and the medical practice.

As I have stated previously in this place, it has never been my intention to become involved in the merits or otherwise of a dispute between the two parties which resulted in the closure of the practice and the lock-down of the building. My only concern in all of this has been the consequences of the dispute for my constituents.

By way of background, for the interest of members, following the closure of the practice my constituent, who first brought this to my attention, sought access to her files, which were physically locked away in the building that was the medical practice. She was advised that she could have access to her files if she was prepared to pay an administrative fee of $55 per hour.

She had 50 years worth of medical records, so one can imagine how prohibitive such a fee was for her, and obviously she declined the offer. In response to this, my constituent contacted her then member of parliament, Joe Scalzi (this is back in 2005), who was—

*An honourable member interjecting:*

**Ms PORTOLESI:** Yes, who is going to make a comeback, and I fear that comeback. He was unable to help and then, following the change of government, brought the matter to my attention.

*An honourable member interjecting:*

**Ms PORTOLESI:** The Lion of Hartley, Joe Scalzi.

*Mr Venning interjecting:*

**Ms PORTOLESI:** No, you are the big bad wolf, Ivan! I am in no way suggesting that the landlord has acted illegally; in fact, as the case unfolded it became clear that the situation was entirely legal, given that the Landlord and Tenant Act allows medical records to be distrained for rent. This bill does not challenge in any way the ownership of the medical records. I accept that they are very much the ownership of the medical practitioner who generates them; however, what is not so clear is what happens when the doctor is no longer interested in the files or is prevented

from accessing the files and passing them on to patients. In this case it is worth noting that we are dealing without about 10,000 medical records.

The point is that the medical records should not be treated like other assets, property or furniture and, while the conduct of the landlord may be legal, questions do remain about whether it is appropriate and ethical. We are dealing with sensitive and confidential medical history, which is now not in the hands of either patients or doctors.

When I brought this matter to the government's attention the Minister for Health (Hon. John Hill) swiftly convened a group of experts in this field to advise him on possible courses of action. After much deliberation it was determined that this problem could be easily solved by a simple amendment to the Landlord and Tenant Act, which would add health records to the list of items which are exempt from distress.

As the minister's group discovered, and as did I, the case in Tranmere only touched the tip of the iceberg of what is a very complex and cross-jurisdictional policy debate around medical records' privacy, storage and access. South Australia cannot act alone in addressing this matter, and nor should it—it is very much a commonwealth matter.

Specifically, the bill proposes that a landlord must not distrain health records for rent and that if a landlord is currently doing so, as is the case in Tranmere, then that landlord must take reasonable steps to return the records to the health practitioner. This will then enable the patients concerned, through their existing doctors, to request a copy of their records from their former doctor. This is consistent with AMA policy and guidelines on the subject.

The bill, pessimistically, also provides for the worst case scenario, where perhaps the health practitioner, in this case Dr Utten, is no longer interested in these files. This is entirely plausible, as I imagine and I understand that most of his patients have had no choice but to move on to new doctors. In this case the Minister for Health may direct the delivery of records to a person nominated by himself, and it might be patients.

This bill restores the rights of my constituents to access their medical records, as other citizens are able. I would like to thank my constituents for refusing to accept such a rotten deal—an unfair and unacceptable set of circumstances. I would also like to place on the record my appreciation of parliamentary counsel, Mark Emery in particular, who has assisted me with my first bill—I do appreciate it. I commend this bill to all members. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of Landlord and Tenant Act 1936

3—Amendment of section 13—Interpretation

This clause inserts definitions of health practitioner and record.

4—Insertion of section 43

43A—Exemption of records of health practitioner

Proposed section 43A provides that a record of a health practitioner prepared or held in the course of, or for the purpose of, that practitioner's work as a practitioner is exempted from distress for rent.

If, prior to the commencement of this section, a landlord distrained for rent a record of the kind referred to in subsection (1), the landlord must—

- Unless a direction is given under paragraph (b), take reasonable steps to return the record to the health practitioner to whose practice of the record relates; or
- If directed to do so by the Minister for Health, deliver the record to a person nominated by the Minister for Health.

Debate adjourned on motion of Hon. I.F. Evans.

## GAMING MACHINES (HOURS OF OPERATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 November 2007. Page 1830.)

**Mrs GERAGHTY (Torrens) (10:48):** I move:

That the debate be adjourned.

The house divided on the motion:

AYES (27)

| | | |
|---|---|---|
| Atkinson, M.J. | Bedford, F.E. | Bignell, L.W. |
| Breuer, L.R. | Caica, P. | Ciccarello, V. |
| Conlon, P.F. | Fox, C.C. | Geraghty, R.K. (teller) |
| Hill, J.D. | Kenyon, T.R. | Koutsantonis, T. |
| Lomax-Smith, J.D. | Maywald, K.A. | McEwen, R.J. |
| O'Brien, M.F. | Piccolo, T. | Portolesi, G. |
| Rankine, J.M. | Rann, M.D. | Rau, J.R. |
| Simmons, L.A. | Stevens, L. | Thompson, M.G. |
| Weatherill, J.W. | White, P.L. | Wright, M.J. |

NOES (15)

| | | |
|---|---|---|
| Evans, I.F. (teller) | Goldsworthy, M.R. | Griffiths, S.P. |
| Gunn, G.M. | Hanna, K. | Kerin, R.G. |
| McFetridge, D. | Pederick, A.S. | Penfold, E.M. |
| Pengilly, M. | Pisoni, D.G. | Redmond, I.M. |
| Such, R.B. | Venning, I.H. | Williams, M.R. |

PAIRS (4)

| | |
|---|---|
| Foley, K.O. | Hamilton-Smith, M.L.J. |
| Key, S.W. | Chapman, V.A. |

Majority of 12 for the ayes.

Motion thus carried.

## WATERWORKS (WATER MANAGEMENT MEASURES—USE OF RAINWATER) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 October 2007. Page 1141.)

**Mr GRIFFITHS (Goyder) (10:59):** I wish to make a brief contribution on this, and reflect upon the fact that it was introduced by the opposition in the other place. There was some substantial debate on it there, and now it has now come down to us. This is a very commendable effort by the opposition to try to enforce upon the government a respect for the issue of rainwater tanks and the fact that they provide a potable water supply to so many South Australians.

Having lived in regional areas all of my life, part of the investment I have made when I have built homes has always been to put in a rainwater tank. I have had 12,000 gallon tanks, 10,000 gallon tanks, and I currently have 15,000 gallons of rainwater storage at my home. I think it is a responsible attitude for every South Australian—especially given the dry state we are now in and the need to ensure that we have water supplies available to our homes—to support, as much as humanly possible, the installation of rainwater tanks.

It is a surprise to me that more councils are not actually picking up on the fact that, within their development plans, there is an opportunity, as one of the conditions of approval for new developments, to stipulate the installation of tanks. I take some pride in the fact that, within the communities that I serve, there is a requirement within development plans and the approval process for tanks to be installed.

The tank sizes do actually vary depending on whether there is a reticulated water supply available or whether the homes themselves are entirely reliant upon what they can store and collect. I think that it varies a little among the councils in my areas, but if a reticulated supply is available it is something like a minimum storage of 10,000 litres; and, if reticulated is not available,

it is more like 45,000 litres or the old-fashioned 10,000 gallon rainwater tank which I have at my home.

I think it is important that we in this place respect the fact that, while rain has now started to fall—and we hope that it continues for many more months and that our farmers and everybody else who is concerned have a good season with the weather that is coming through—we cannot afford to rely on it. It has been obvious to me that the difficulties that have been created in ensuring that the supply from the River Murray will always be there have opened people's eyes to the situation, and there is no doubt that the businesses that are supplying rainwater tanks have become quite creative in how they are advertising them in the marketplace.

Instead of the traditional round tanks, we suddenly have the slimline versions that will fit into the confined building allotments that exist across much of the metropolitan area. People are starting to look at any opportunity to put tanks underneath their homes, if those homes are elevated. They are even looking at opportunities to put tanks along the driveway—I have seen advertisements for those sorts of products, too—so industry out there is looking at the various opportunities.

They are trying to design a water tank storage system that will ensure that the small allotments on which so many people now live still have an opportunity to collect, store and use a reasonable water supply, and let us hope that it continues. I know there is some debate about the health aspects of drinking rainwater. I have always been a believer in it. I think that it is—

**The Hon. R.B. Such:** It hasn't hurt you!

**Mr GRIFFITHS:** It hasn't, no. The member for Fisher comments that it has not hurt me, being as big and strong as we all are on this side of the house! I hope that most of us have grown up drinking rainwater from rainwater tanks. It is important that we look at every opportunity in this regard. I take a lot of pride in the fact that people in my immediate vicinity have also invested in very large rainwater tanks; even people who have 15,000 to 20,000 gallons of storage are still deciding to invest in them.

Farmers certainly know the benefit of it when it comes to rainwater storage for their properties and for their weed-spraying needs. When they put up the big new sheds, it is quite common for a farmer to put in a tank of about 150,000 litres—the enormous aqua-plate tanks.

**Mr Pederick:** Even bigger—225.

**Mr GRIFFITHS:** These 225,000 litre tanks hang off their implement sheds and their hay storage sheds and the other big sheds that farmers are now tending to have on their properties. All South Australians, no matter whether you live in the metropolitan or a rural area, have to respect the fact that while we always hope that water continues to fall from the sky and we always hope that it will be at the end of a tap, it might not be. We have to start being responsible for our own water storage needs. Metropolitan people are finding that installing a rainwater tank is good for their domestic situation, maybe not drinking it, but at least connecting it to their toilets and using it on the gardens.

It might be an expensive form of water for their gardens, but in these days of water restrictions, if people want to be able to water when they choose to, and not just within the restricted times that are available because of the crisis with our water supply, they are saying, 'Yes, I'm prepared to invest $2,000, $3,000 or $4000 to put a pressure pump on that, then hook it up to a dripper system and then make sure that my plants have a water supply.'

In this time of water restriction, we are also finding that cracked foundations are an enormous problem with homes. I read an article in *The Advertiser* only a few days ago that referred to about $7 million being spent recently on repairing cracked homes in the metropolitan area. I think that is just the tip of the iceberg. I have no doubt that, once the winter rains start, foundations will consolidate, and people then acknowledge that it is time to get something done about the cracks that have opened up in their homes. The pressures that are put on builders and the cost will be enormous. I think that it will actually be in the range of hundreds of millions of dollars. It will put a lot of pressure on skilled tradespeople to be available to repair homes, but it is an example of the problems created by the lack of rain.

Rainwater tanks might give you only limited storage: it might be only a few thousand litres, but every drop of water that people put around their properties will actually help ensure the future of their homes, which are often the largest investment they will ever make. If someone goes out and

spends $400,000 on a home and then within a relatively short time it seems that it is cracking because of problems in the dryness of the ground around the foundation, they will be very upset.

Rainwater tanks are a part of that solution. I think it is very commendable of the opposition to propose this bill to the parliament. I am pleased that it has had the support of the Legislative Council and come to us. I think it is behoven upon all members of this place to make sure that they support this measure. It is a good one, and it will help South Australians.

**The Hon. R.B. SUCH (Fisher) (11:05):** I will make a brief contribution. I have been a great supporter of rainwater tanks for years. In fact, I have two: a large one and a smaller one. Whilst the watering restrictions are on, I am still able to run a hose off either tank to water mid-week to ensure that our pot plants and so on are kept alive. That is done, as I said, with a hose connected up to the two tanks.

The bottom line at the moment is that water is too cheap, and people do not value things that are too cheap. The water delivered to our homes is at an incredible bargain price. I am not saying that it should be completely user pays for the total water usage in a domestic situation. I think there should be a basic allocation for people to undertake essential human needs such as washing and so on, but that level should be set and any water used over and above that should be at a price which is realistic and commensurate with the fact that we do not have an unlimited amount of water to use.

Governments have always been reluctant to address that issue, but while water is unrealistically priced at a low level, people will not be encouraged to put in large tanks because there is no real cost incentive. In fact, if you do the economics on rainwater tanks, you are actually better off using mains water at the moment. That is because water, as I said, is coming from SA Water; bulk water is priced way too low.

That needs to be addressed, and I hope the government will do it, and not be scared off by people who say that this will mean that if you have seven kids five of them will go to school smelling. That is a nonsense. You can set a base allocation; in fact, the current system does have a base allocation but, over and above that base allocation, if you want to use a lot of water in the shower or water your hydrangeas, you should pay a proper price for it. The current system is crazy. You can shower all day inside—and some people seem to do that—and, yet, you are a criminal if you water a pot plant outside in a way that you are not meant to.

Long ago, New South Wales introduced a system whereby rain that falls on a property—certainly commercial premises—has to be dealt with on that site. The sooner we move to that system, which is really an extension of the rainwater tank idea, the better. Places like the Marion Shopping Centre would collect enormous amounts of water if it had the right infrastructure, and that could be used not only for watering its trees and gardens but also for toilets and air conditioning systems that use water.

In Adelaide at the moment our reservoirs are currently holding 50 per cent of capacity. Hopefully, we will get sufficient rain to top them up. The worst thing that could happen at the moment is if people get complacent because it has rained a little bit and they think their worries are now over. They are certainly not over. That is why people, wherever possible, should be looking to install rainwater tanks.

It has become a problem now because of the size of blocks and urban consolidation. It is very difficult for people to put in a decent sized tank. The member for Goyder mentioned that people are putting them underneath new houses. There are a whole lot of innovative designs available to enable people to install tanks in a format different from the traditional round, galvanised iron tank.

As to the health issue: it has been shown quite clearly that rainwater tanks, properly used, are not a health risk. I grew up on tank water and I turned out all right. My mother put in—not kerosene; what is the other stuff you put in—liquid paraffin. That was probably to get rid of me! However, there is no real evidence that properly operated rainwater tanks are a health hazard. Nature, through the organisms in the tank—and that excludes possums—does clean the system itself. I commend any move to encourage and require people to put in decent sized rainwater tanks. If you are going to put one in, put in the maximum size that is permissible and possible for your house or block, and let's get fair dinkum about saving water.

Debate adjourned on motion of Mrs Geraghty.

## LOCAL GOVERNMENT (ADVERTISING MATERIAL) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 November 2007. Page 1831.)

**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) (11:11):** I rise to respond, on behalf of the government, to the member for Mitchell's private member's bill seeking to amend the Local Government Act 1999 to prohibit the distribution of advertising material except in specified circumstances.

At the outset, I point out that the Local Government Association was not consulted during the preparation of the member for Mitchell's bill and, having had its attention drawn to the bill, the Local Government Association, I understand, is firmly opposed to it. I will let their correspondence to the member for Mitchell speak for itself. I think they have very clearly articulated their position.

From the government's perspective, I consider that there are six main policy objections to his bill. First, the member for Mitchell has prepared no data about the extent of the mischief towards which the bill is directed. The member has not produced any research on how many householders actually use 'No junk mail' signs, or indicated the extent to which these signs may be effective. The member has advised that the bill has arisen directly from representations he has received from constituents.

It may be that these constituents have 'No junk mail' notices on their letterboxes which may not be totally effective in excluding all leaflets, but I would point out that one person's junk mail is another person's important information. Nor has the member for Mitchell advised the parliament of any contact he has had with the sector of the direct advertising industry.

The bill does not define advertising material, other than to give examples of what is included within the term. There is arguably no consistent community opinion about what constitutes 'junk mail'. It is far from agreed that advertising material and junk mail should be considered as interchangeable items. No trader with a special offer on goods or services thinks his or her advertising is 'junk'. A child who has lost a pet might distribute copies of a lost notice in the neighbourhood. This might be considered by some residents to be advertising material and, hence, reportable.

Neighbourhood Watch newsletters, or a community notice paper, might be funded partially by advertisements within the notice. If so, that would be sufficient to fit within the ambit of advertising material, unless the publication was prescribed in regulations. On the other hand, the bill proposes to exempt all advertising material of a political, religious or charitable nature from the definition. Many of those who object to junk mail might object to such exemptions as well. They might even object to getting a newsletter from the member for Mitchell.

Thirdly, although unwanted advertising leaflets can be annoying or irritating to some recipients, the government is not convinced that creating a new criminal offence would be an appropriate or proportionate response to such an annoyance. There is already an offence of depositing rubbish, which covers leaflets on a public road, including a footpath or any public place. However, private letterboxes are a different matter altogether. Letterboxes exist to receive correspondence. Many traders using direct mail advertising are paying Australian Post to deliver their leaflets. The member for Mitchell might not wish to have Australian Post workers prosecuted for delivering junk mail, but there is no reason in principle to distinguish between advertising material distributed by a postman and advertising material delivered into the same letterbox by other means.

Many people welcome advertising material and use it to search for bargains; others may discard or recycle most of the advertising material they receive, regarding it only as a minor inconvenience. However, these same people might still take an interest in an occasional item and so, not wishing to avoid the entire range of advertising material, they do not display 'no junk mail' notices. The bill would have no relevance to either of these groups of people. The bill would be relevant only to those people who would choose, if they could, to receive no advertising material at all. The bill would criminalise the delivery of advertising material to these people alone.

Most criminal offences have been made so that the behaviour they prohibit (assault, stealing, etc.) is deemed unacceptable or unsafe—something worse than a mere nuisance. Behaviour that amounts to annoyance or inconvenience to a section of the population is either

generally tolerated or else is influenced or controlled by other less drastic measures, such as education, cooperation, incentives and information campaigns.

Fourthly, there is no clear reason to burden local government—in fact, ratepayers—with responsibility for private letterboxes. The bill proposes to amend the Local Government Act by inserting two new sections. The bill would not prevent police from acting to enforce its provisions, but it is clear that the member for Mitchell regards restricting the distribution of advertising material as a matter that prima facie should be within local government's sphere of responsibilities.

The member for Mitchell appears to be unaware of the provisions of the State Local Government Relations Agreement, under which the two spheres of government have agreed to foster more consistent approaches to the framing of policies and legislation that affect the other party. As I have said, clearly there was no consultation with local government about this issue. Policing the content of private letterboxes has not historically been regarded as one of the responsibilities of local government.

Enforcement of these provisions would be likely to be time consuming and problematic for local government for reasons that I will come to, but it is plainly foreseeable that most local government would give a very low priority to enforcing these proposed offences, having more pressing concerns for the use of its ratepayers' dollars. The bill grants special status to newspapers that are prescribed by regulations. If a newspaper were to be so prescribed it could then be delivered without reproach even to houses with 'no junk mail' signs on a letterbox. However, a newspaper that was not prescribed by regulations would be required to be inserted into a receptacle, and only a receptacle that was not marked 'no junk mail'.

If *The Advertiser*, *Sunday Mail*, Messenger newspaper or any local newspaper were not able to obtain the status of 'prescribed newspaper', then those delivering it would not be able to throw it onto the driveway or front yard but would have to search for a letterbox and examine the letterbox carefully to determine whether they were committing an offence by just inserting the newspaper into the letterbox.

This draconian provision therefore would significantly hinder any community group or entrepreneur from establishing a new outlet for opinions and news without first obtaining the consent of the government to be a prescribed newspaper, tying up public service resources to assess all prospective publications to determine whether to recommend to a minister whether or not the publication should be prescribed for the purpose of the regulations. A future government could use this provision effectively to target or harass a newspaper that had offended the government.

The bill, in effect, would create the requirement for a new Public Service office for the assessment of newspapers and other publications. The bill proposes an innovative but ultimately impractical means of enforcement. It proposes that a report by a member of the public to a council may constitute grounds for the council to issue an expiation notice. The member for Mitchell appears to be unaware of the nature of an expiation notice. An expiation notice is an allegation that an offence has been committed and invites the alleged offender to expiate the offence without admitting guilt, rather than contest the charge.

Nevertheless, under the Expiation of Offences Act 1996, any person who receives an expiation notice may elect to contest the charge in a court. If an alleged offender elected to contest the charge, the council, as the issuing authority for the expiation notice, would need to decide whether to pursue a prosecution. Of course, a prosecution would require at least one witness for the prosecution. Under the scheme of proposed new section 235B, no council officer would need to be such a witness.

The council officers could prosecute the alleged offender only if the member of the public who made the original report was prepared to swear or affirm an affidavit and appear in a court (if necessary) to be examined and cross-examined as a witness for the prosecution. It is unlikely that any members of the public would wish to do so, and therefore the issue of an expiation notice would, in most circumstances, be unenforceable if it were contested. For all the reasons I have given, the government opposes the bill.

Debate adjourned on motion of Mr Pengilly.

## ASPERGER'S SYNDROME

**The Hon. R.B. SUCH (Fisher) (11:30):** I move:

That this house calls on the state and federal governments to ensure that people afflicted with autism, especially Asperger's syndrome or high-functioning autism, are adequately supported and assisted to lead productive and satisfying lives.

Many years ago, I think it is fair to say, most of us probably had not heard about autism but now, more and more, we hear of people who have autism in one form or another. I do not profess to be an expert in this field because I am not, and I am not sure whether the increased number of people who have autism is because of better diagnosis or whether there is an actual increase in the number of people who have it. I do not know, and I do not know that anyone else knows, either.

We do not know what causes autism but it includes a range of developmental conditions that are neurological and biological, and they have a significant impact on child development. Clearly, with the time I have, I cannot go into all the aspects of autism and the technical details, but often (and usually) the people who have it have difficulty in aspects of communication, social interaction and skill development. There is a range of abilities, although they are not always adequately described in terms of intelligence because some of the children with autism and particularly Asperger's syndrome may have a high, above average IQ. So it is not appropriate to suggest that if someone has autism they necessarily have a low IQ.

The more important aspect for me is whether those who have it, and their parents, are being assisted to deal with this very serious issue. I will not use the names of people who have provided me with material, but I asked some parents of children with autism to tell me and to put down in writing what it is like to have a child with autism. I will be able to quote only briefly from each of these very detailed responses. The first is from Justine, and her child has Asperger's syndrome, which is one of the disorders within the range of autism. These are her words:

A mother's perspective:

- Constant doubting and questioning yourself and your parenting skills and reflecting on situations eg did I respond the right way, did I try hard enough, what could I have done differently, am I overreacting etc.
- Becoming sad when your child is depressed and anxious and not coping with life, in particular school. Feeling frustrated and powerless when you don't know what the problem is and therefore you can't help them.
- Worrying about what the future holds for your child and whether they will have a successful life.
- Constantly under pressure to make quick decisions about how to react to difficult situations—when to overlook bad behaviour, when not to, how to best manage a situation and maintain control.
- Always trying to anticipate 'triggers' that could start your child on an emotional 'meltdown'. Not being able to plan ahead due to not knowing how your child will react to everyday life events. Constantly having to be careful what you say to the child for fear of causing them to have an aggressive outburst—like 'walking on eggshells'.
- Not being able to leave the child alone in a room for fear that they will hurt their sibling or themselves or break things. Feeling upset when the Asperger's child is violent towards their sibling.
- Worrying about impact of the Asperger's child's behaviour on sibling behaviour and emotional wellbeing. Feeling powerless when their sibling needs attention but you can't provide it as all your time and energy is taken up looking after the Asperger's child. Worrying about the impact of the child's behaviour on the emotional wellbeing of other caregivers, for example, grandparents.
- Being hurt by criticism from family (and others) and being blamed for the Asperger's child's poor behaviour. In particular, family gatherings/visits are stressful as the Asperger's child usually behaves badly and you feel that your parenting skills are being judged.
- Feeling socially isolated and having difficulties maintaining friendships with other parents. Avoiding birthday parties, visits to friends or inviting other children to play at your house. Feeling 'stuck at home' due to less family outings, for example, going to the movies or out to dinner.
- Difficulty having a much needed break from the Asperger's child due to the stress that it causes them and feeling guilty and worried when you are away from them.

That was the letter from Justine. Stephanie provided me with a very detailed response. Her letter states:

The first problem for parents with children suffering Autism is the constant need for us to be present in their school life. Most children with Asperger/High Functioning Autism or Classic Autism have limited or no organisational skills, they are not street smart and find learning and retaining any rules very difficult. Their Sensory Issues, their lack of Social skills and their lack of being able to self regulate causes them to be picked on at school. This causes them anxiety, depression, gastro issues and Melt Downs that occur regularly. Our kids don't cope in standard schools and they exhibit tantrum like responses to things they can't cope with.

I have seen children with Autism being subjected to after school care and Self-Harming (beating their heads or throwing themselves to the ground). Most of these children are not capable of making it through their

school years without at least one parent or relative acting as a personal assistant and counsellor. This equates to one full time and one part time at best income in most of these families.

Centrelink are not sympathetic to these families and insist that the child is now six or seven and both parents should be working. The parent being forced back to work knowing their children aren't going to cope equates to anxiety, depression and a whole range of extra problems. The need to take a lot of time off means that no employer wants to keep us on or rely on us.

Stephanie goes on in her very detailed response, reinforcing the earlier points from Justine. The next letter is from Tracey, and it states:

As a preschool support worker and a mother of a six year old boy with autism I am writing to address my current concerns in both the preschool and school settings. What follows are possible strategies to address the current lack of skills, support and information within our local community.

1. Response team at district level covering preschool to year 12. Either DECS or Autism SA to cover extra caseload...and allow quicker response to resolve issues in educational and home settings.

2 Education to all [school] staff from top down on autism, strategies and behaviours.

3. Quiet/withdrawal areas in all settings to cater for those needing fewer peers during breaks and social skill development opportunity in smaller group settings.

4. Respite or care facilities for special needs children in small groups at a range of times including after school for parents and to assist those families involved in home schooling.

5. Strategies to reduce assessment waiting times. Currently 12 months.

6. Support time offered for those in need of occupational therapy support/sensory integration which impacts on their ability to participate in their home and educational settings.

7. Provision of a public occupational therapy service from early years/childcare upwards.

8. Information kits to be issued when children with autism [are involved in school]. To include brochures for parents, resources for staff etc.

9. Early detection training for care providers to assist in referral process or support.

10. Review of support levels to include children with needs awaiting a diagnosis.

11. Quicker access to social skills and behaviour management training for staff and parents.

There is good news in relation to Justine's letter. Her boy is about seven, I believe, and he used to be suspended from school frequently, if not daily. His medication has now been changed, and Justine told me recently that, in many ways, he is a different boy altogether.

The issue remains as how best to help these children and their parents. I must commend the current federal government for keeping the commitment made by the Howard government to provide $170 million Australia-wide to assist children with autism, and their parents. It sounds like a lot of money but it is, no doubt, spread over a few years and amongst 21 million people (in particular, those who have autism, and their parents) and probably does not add up to a lot of money per household.

We have other services. The member for Morialta was involved with Autism SA and, no doubt, she knows more about this topic than I do. There are organisations which can be supportive and I know the school systems are trying to deal with what is a very serious issue.

The package that I referred to was announced on 3 October 2007 by the then prime minister John Howard. It was a $190 million (I think I previously said $170 million) Helping Children With Autism package. The Rudd government says it will honour that commitment and that is to be applauded.

However, the reason for raising this issue here today is not because the parents or the children themselves seek or need sympathy. What they need are support measures which will help them lead productive and satisfying lives. I have a nephew who has a lad with autism and, if the parents persevere and if they get appropriate help, then many of these children can be assisted in ways to cope with the affliction they have.

I mentioned earlier that, years ago, probably the diagnosis was not as accurate as it is today. I point out that, in relation to Asperger's syndrome (which is, not surprisingly, named after Dr Hans Asperger) it was identified 50 years ago. However, many people who had autism in the past would have been put in places like Minda. Some members may have come across lads with autism (and, to a lesser extent, girls, where it is not so common) who have incredible mathematical capabilities. If you tell them what year you were born and a little bit of other information, they can

tell you what day of the week it was that you were born on, because some of them have an amazing ability to do mathematical-type calculations.

I think one of our recent university whiz-kids in relation to maths, who came from the southern suburbs (it is certainly not confidential information but I will not use his name), I understand, had autism as a child and, yet, has an incredible mathematical ability.

The reason, as I say, for raising this issue here is not to get sympathy, not to have people feeling other than what they should—a degree of compassion for the parents and for the children—but to try to ensure that, as a community, we recognise the serious burden that is experienced by these children and their parents. Whilst governments are doing much, I think it is important for all members to be aware of this affliction and to ensure that, as far as possible, we can provide the support services and bring some comfort to the lives of these people.

I have seen, through someone that I have dealings with on a day-to-day basis (and I will not identify the person), the experience this person has to go through and the daily, I suppose, torture in having to deal with this very serious problem. I commend the motion to the house and ask members to give it their support.

**Ms SIMMONS (Morialta) (11:45):** I am pleased to support this motion on behalf of the government. As the member for Fisher mentioned, and as others may be aware, I spent a number of years as the chief executive officer of the Autism Association in this state. I also acknowledge the member for Fisher's long-time interest in this area and particularly his brother, John Such, who, as a specialist teacher and principal of a special school (now retired), demonstrated great skill and empathy with the children in his care.

To introduce some background to the issue, autism is a pervasive developmental disorder first described in 1940. Autism is one of the autism spectrum disorders, which also includes Asperger's syndrome. These disorders are characterised by difficulties in communication, social behaviour and repetitive or restricted interest in activities, as described by several of the parents who have contacted the member for Fisher.

Although 75 per cent of people with autism also have an intellectual disability, it also occurs in people with average and above average IQs. There is no known cause, although research shows that genetic, biochemical, neurological and viral problems during pregnancy and birth may be implicated in its development. Prevalence is about six in every 1,000 live births. It cannot be cured, but early diagnosis followed by a structured program that addresses each individual's needs will assist those with the disorder to lead a meaningful and productive life.

Communication impairment in autism is very complex. Most people with autism have a language disorder and do not communicate easily; some do not speak at all. Social behaviour, development and social understanding are impaired. Individuals also have sensory difficulties that prevent them from understanding their environment. They often overreact to sensory input, causing them to become overwhelmed, which results in anxiety and panic and what are often termed 'challenging behaviours'.

As we have heard from the member for Fisher, having a child with autism or Asperger's syndrome can have a significant effect on the whole family. Bringing up these children places enormous pressure and strain on parents, brothers and sisters. Social activities for the whole family, even ordinary social outings such as shopping or walking down the street, can become extremely difficult.

This state government and the current Minister for Disability (Jay Weatherill) have been very diligent in raising their awareness of this difficult subject and have responded accordingly, and I congratulate them (wearing my previous hat) on the number of times they have asked me for advice and clarification on issues relating to this complicated syndrome.

In September 2007, we announced a major expansion of early intervention services for children with ASD, with an investment of $4 million over four years. This extra money was aimed at halving the waiting list for an existing and very successful early intervention program at Flinders University, as well as expanding services for families in the country, who have consistently found it extremely difficult to access early intervention services immediately after diagnosis.

This money has been distributed in close consultation with the major agencies delivering services, with Autism SA (as it is now called) receiving $450,000 extra each year; Flinders University's early intervention program, $100,000 each year; and Disability SA, a further $450,000. The total state government funding to Autism SA in 2007-08 is $1.9 million.

Children with ASD also receive additional support services through the education portfolio. In December 2006, DECS introduced revised categories for eligibility to the disability support program, which is something the Autism Association had been asking for for some time, with autistic disorder/Asperger's disorder becoming its own disability category.

In South Australia, most students with disabilities attend mainstream schools. However, in the last three years, the government has spent more than $17.6 million on improving facilities at our special schools, units and classes. There are seven new inclusive preschool facilities for students with special needs which have been introduced; a new state-of-the-art school will be built for the Regency Special School; and a new campus will be built for the Gepps Cross Special School. This year there is also an additional five new special classes located at Smithfield Plains, Braeview, Hallett Cove, Mount Gambier North and Gawler High School.

Since being elected in 2003, the Rann government has invested more than $73 million to boost funding support to help students with extra needs. After consultation with the sector, this money has been used as follows: an additional investment of $25 million into an early years literacy development program as part of a four-year commitment of $35 million, of which much of the funding is being directed to students with learning difficulties, many with ASD.

There is also an extra $3.5 million over four years for the Access Assistant Program, to support students with severe multiple disabilities so that they are able to attend their local school. A further $2.4 million for additional speech pathology services as part of a four-year commitment of $3.2 million was asked for by parents of children with ASD in particular. There has also been the commitment of additional funding of $3 million for early years learning difficulties support.

As well as delivering services via DECS staff, the education portfolio will provide an additional $4,157,000 to non-government agencies in 2008. In SA about 200 children with ASD receive early intervention services, and approximately 710 receive school support services. Children with a dual diagnosis of autism and a physical disability also receive services through the Novita Children's Services.

As for the new federal Labor government, it is currently working with parents, experts and carers to determine the most effective operational arrangements to meet the services announced during the recent election campaign. Members may remember that federal Labor pledged to establish specialised child care and early intervention services. The final service models will take into account existing childcare subsidies, including the childcare benefit and the childcare tax rebate.

In conclusion, the government is pleased to support the member for Fisher's motion to ensure that those people affected with autism, especially Asperger's syndrome or high functioning autism, are adequately supported and assisted to lead productive and satisfying lives.

**Mr HANNA (Mitchell) (11:53):** I rise to speak briefly in support of this motion brought to the parliament by Dr Bob Such, the member for Fisher. He is asking the House of Assembly to call on the state and federal governments to ensure that those people afflicted with autism, especially Asperger's syndrome or high functioning autism, are adequately supported and assisted. Well, I wholeheartedly agree, and I have learned about autism only through being in this job and coming across constituents, or their families, where this condition occurs.

There are several issues that have been brought to my attention by local families. The importance of early diagnosis has already been referred to; that is extremely important to allow both the parents and schools to cope with some of the behaviour that often arises when a person has autism or, in particular, Asperger's syndrome.

Secondly, there are real issues within our state schools. There is always the dilemma of how far one should go to incorporate a person with behavioural difficulties arising from something like autism into a mainstream classroom and how far they should be segregated because those behaviours can be disruptive. It causes a real dilemma for teachers. It is a balancing of the rights between a person with autism to get a comprehensive education and the rights of those other students who also have to learn in the same classroom.

One other aspect I refer to briefly is the issue of respite care for the parents of children with Asperger's. Sometimes these children can be a real handful—sometimes they require watching virtually 24 hours a day—and it is so important for parents to have the option of having their child cared for while they can take a bit of a break, because it can be very, very wearing. I have had discussions with people in the education department, and I think I have even raised the issue I have raised today with the minister for education at some point along the way.

The seriousness of the condition and the problems I have mentioned cannot be underestimated. I know that with one of my local families it ended up resulting in the death of the young person; for whatever reason, this young fellow with this condition could not go on. The difficulty with which families grapple on a daily basis, if they have this condition to deal with in one of their children, is not to be underestimated.

I hope that this message will go through to the people in authority and that we can have even better programs and more understanding about autism, and Asperger's in particular.

**The Hon. R.B. SUCH (Fisher) (11:57):** I do not need to canvass the points already made. I thank the member for Morialta, the government and the member for Mitchell for supporting this motion, and I am sure members of the opposition will also support it.

The member for Morialta mentioned my brother, John, who was principal of Ashford Special School for many, many years and, prior to that, Woodville Special School, and also he worked at Minda. Our family are normally very modest and do not talk about what they do, but it is people like him who have made a great contribution, and the dedication of people working with children with autism who have helped relieve the burden somewhat that is imposed on the parents of those children and who help to give the children themselves an opportunity to have a satisfying life.

I do not normally make commercials for my family, but I do acknowledge what he and many others who are professionals have done, including the member for Morialta in her former role with Autism SA. I commend this motion to the house.

Motion carried.

## OVARIAN CANCER

**The Hon. R.B. SUCH (Fisher) (11:58):** I move:

That this house calls on the state and federal governments to increase awareness of ovarian cancer and its symptoms and to provide increased research into this insidious disease.

I have been passionate for a long time about men's health, but I am passionate about women's health, too. I believe we have a role as MPs to try to improve the quality of life of all of our citizens. This particular cancer (ovarian cancer) is an insidious disease, as I indicated in the motion, and can affect any of our female friends and relatives.

We know only too well through the sad case of Jeannie Ferris that it can have very sad consequences. Many of us would have known Jeannie through her work here and elsewhere. I do not want to see this cancer take the life of any woman at any age, because it is a terrible affliction to have.

I will put before the house some key factors about ovarian cancer. Ovarian cancer is the eighth most common cancer diagnosed in women in Australia. The present life expectancy of Australian women is 83 years, and one in 67 women will be diagnosed with ovarian cancer before the age of 85. In Australia, in 2002, a total of 1,273 women were diagnosed with ovarian cancer, and it is projected that there will now be 1,465 new cases and, by 2011, that will increase to 1,645.

When we talk about statistics, it sounds rather cold. We are talking here about women; we are talking about living, breathing human beings, so statistics do not always convey the human aspect. The age standardised incidence rate of ovarian cancer remained stable at about 12 to 13 new cases per 100,000 females from 1983 to 2002. One good aspect—not that there is any good news about having ovarian cancer—is that its incidence has not significantly changed in the past 15 years or so.

The risk of ovarian cancer increases with age, a bit like prostate cancer in men, and about 80 per cent of all new cases of ovarian cancer diagnosed in 2002 were in women 50 years of age or older. The median age of first diagnosis is 64. I just make the point that people used to say that prostate cancer is an old man's disease. I had it nearly three years ago, and I do not consider myself to be all that old. When I saw my specialist this week for a check-up, he said that he operated on a relatively young person of 37 last week to remove his prostate because it was riddled with cancer.

In the case of ovarian cancer, women need to be wary of those who say that it can happen only when you get older—that is a word that women do not like to hear, anyway. I think women need to be careful of people who say, 'Don't worry about it because you're young.' Well, you do not

want to worry about it; you want to do something about it; and likewise for men with prostate cancer.

Ovarian cancer is the sixth most common cause of cancer death in Australian women. I think that point has been made. One good thing is that the survival rate for women with ovarian cancer has improved from 34.3 per cent in 1982-86 to 42.1 per cent in 1998-2002, so that is a very positive step forward, but still far too many women are getting ovarian cancer.

One of the reasons for raising this issue here—as I have done with men's health—is to promote awareness. Information supplied to me by the National Breast and Ovarian Cancer Centre a few weeks ago regarding a survey conducted of 2,000 women revealed that 60 per cent of those women believed—and this would reflect the wider community, if the study was done properly, and I am sure it was—that a Pap smear gives an indication of ovarian cancer. That is not the case; a Pap smear is designed to detect cervical cancer. But here we have a study showing that 60 per cent of women think that if they have a Pap smear it will pick up any warning signs of ovarian cancer. Dr Helen Zorbas, the Director of the National Breast and Ovarian Cancer Centre, said:

> Without a screening test for ovarian cancer, it is vital that women are aware of its symptoms.

At this stage, we do not have a very satisfactory screening test for ovarian cancer. There is no reliable screening method. What can be done is a blood test which detects proteins, called CA125, found in the blood of women with advanced ovarian cancer. The problem with that test is that the levels of that protein can be elevated for reasons which do not reflect cancer.

Likewise, an ultrasound can be used but it may pick up things which are not necessarily cancerous. So, as a detection for ovarian cancer, that is also limited. The big issue with ovarian cancer is that it is often picked up at a late stage. As someone who has had cancer and who has gotten rid of it early, I think the message is to detect it early and deal with it early if you can.

Researchers are working on tests to provide a more prompt and definitive early diagnosis of ovarian cancer but, because ovarian cancer is silent until it is quite advanced, it is important that women are aware of the potential symptoms. I guess the caution here is the same as it is for medical students (who, when they start reading their books believe they have every illness under the sun), and that is that having one or other of these symptoms does not necessarily mean someone has ovarian cancer. However, awareness levels of symptoms are very low. I quote from information provided by the National Breast and Ovarian Cancer Centre:

- only about one third of women surveyed correctly identified feeling full or bloated as a symptom;
- less than one quarter of women correctly identified putting on weight around the middle as a symptom;
- less than one in 10 women knew indigestion can be a symptom of ovarian cancer; and
- one in five women could not name any symptoms of ovarian cancer.

So, there is a big job ahead in terms of awareness.

These are the symptoms of ovarian cancer that women need to be aware of and need to look out for:

- abdominal bloating;
- abdominal or back pain;
- appetite loss or feeling full;
- changes in toilet habits;
- unexplained weight gain or loss;
- indigestion or heartburn; and
- fatigue.

As Dr Zorbas from the centre points out, every woman will have experienced one or more of these symptoms at some stage but, if any of them are unusual or if they persist, it is important to see a doctor. She also makes the point that 'no one knows your body like you do'.

Sometimes when you go to your doctor (and it is the same for men) you have to be very persistent because, essentially, doctors are a bit like detectives and they are not perfect. If there is any doubt on the part of (in this case) the woman, she should not hesitate to insist on being referred to a specialist in the area, a gynaecological oncologist. In relation to breast cancer, for

example, I know one woman who went to a doctor who told her that she had a muscle problem; sadly, that woman's cancer has now spread. Sometimes one has to be persistent and insist upon a specialist opinion if you have the range of symptoms. However, as I said, it is also important that people not immediately assume that just because they have indigestion they have ovarian cancer—but it is one of the indicators that people—women, in particular—need to be aware of.

I think the purpose of this motion is self-evident. I want to ensure that women have quality of life and that they are not subjected to this silent killer (as it is often called), that they are aware of it, and that they use their newsletters—and I do not believe that members should make any apology for using their newsletters in this way—to alert constituents to health issues.

Some people are a bit coy about this. Down the street yesterday someone said to me, 'How's your problem?' I did not know what he was talking about, and jokingly said to my wife Lyn, 'How does he know about you?' No; that was just a joke. He meant prostate cancer, but people are very coy about these things and he should have said, 'How are you going with your prostate cancer? ' I could then have said, 'Fine, I have just had my fourth clearance.'

Many men are reluctant to have a medical check-up for prostate cancer. If you have a relative who has had prostate cancer and if you are over 40 you should have a check-up. If you are 50, even if you have not had a relative who has had it, you should get a check-up. Likewise women, with regard to a pap smear: I know some women—I will not name them but they live in my street—who have said, 'We'll worry about these things when we get them.' Well, it is often too late. Some of these women have said to me, 'We're not going to have a pap smear; we'll worry about that if it happens.; As I said earlier, that relates to cervical cancer, and it does not tell you much, if anything, about ovarian cancer.

People are often their own worst enemies. As I stated in this house months ago in relation to breast cancer, only 63 per cent of women in the target age group are actually having a mammogram. I do not know what you have to do to people to try to help them protect themselves, but having any sort of cancer is not something that anyone would want, and certainly I do not want to see people suffer, whether it involve men or women.

I commend this motion to the house. I think it is very important that there has been a lot of emphasis on breast cancer. I have had a close relative who has been diagnosed and treated and is fine now, and that is great but let us not overlook these other insidious cancers, including ovarian cancer, cervical cancer and, in men, prostate cancer. There is the wider issue of general health, including a lot of other things such as diabetes, blood pressure and so on that we need to be mindful of.

I commend this motion to the house and, if it helps save the life of one woman, then it is worthwhile. I would like to see ovarian cancer eliminated altogether—that would be the ideal—but at least if it can reduce the tragic loss of life, the bill will be worth while. The life of Jeannie Ferris, who would otherwise have had a lot of years left that she could enjoy, sadly was cut down far too early. I commend this motion to the house.

Debate adjourned on motion of Ms Simmons.

## WORKCOVER CORPORATION: MEMBER FOR REYNELL

**Mr PISONI (Unley) (12:12):** I move:

That this house condemns the member for Reynell for supporting the state government in cutting WorkCover entitlements, and for—

(a) not taking any interest in the blow-out in WorkCover's unfunded liability since taking office;

(b) not taking any interest in WorkCover's poor return to work results;

(c) not informing the public until after the federal election that WorkCover entitlements to injured workers would be cut; and

(d) not examining alternatives to cutting workers' benefits as part of WorkCover reform.

There is a series of these motions coming to the house this morning specifically aimed at Labor members, and they tend to be aimed at those Labor members who talk the talk as champions of workers but who do not walk the walk. They have got to where they are in the Labor movement claiming to be the champions of the workers, and yet at the very first opportunity for political advantage, they shaft those people. It is not just those who have been successful in the parliamentary arena. There are other members who have climbed the union/Amway ladder to the

top and are benefiting from the membership fees that the hardworking union members fork out every week to be in that organisation.

Despite her previous desire to continue collecting payment as a member of the WorkCover Board until the very last minute before recently resigning, SA Unions secretary Janet Giles has been forced to condemn the state government on behalf of its members who for such a long time have been both the foot soldiers and the paymasters of the ALP. Janet Giles knew about these plans 18 months ago but continued to sit on the board of WorkCover collecting a salary of, I believe, about $30,000 a year on top of what she gets from the pay packets of South Australian workers for their union membership.

At the very last minute she decides, on a matter of principle, that she will resign. Well, she could have resigned about $45,000 ago if she really wanted to make a point. I know that the extra cash always comes in handy; however, it really is a matter of principle. Janet Giles has some principles; I understand that. She encouraged people on radio to contact their MPs and the Premier to let them know that they do not want injured workers to have their pay cut if they are injured and have to be kicked in the guts at a time when they are trying to recover.

Strangely, she did not apply the same sentiment which she chose to kick the Cancer Council's good name over its use of AWAs with a school-age picket line; but that is a different story again. We all remember when she picketed the Cancer Council. They really are strange people that they breed in the Labor Movement at times.

If you go to the member for Reynell's website, it tells you a bit about her principles. From the personal background information, which is proudly outlined on her ALP website, the member for Reynell would be the last person who you would expect to line up to give injured workers a kick in the guts. It states:

> Gay's commitment to politics was shaped by her childhood experiences as the eldest of seven children in a family where there was unemployment, ill health and never enough money to meet household needs.
>
> To help out, she started part time work at fourteen and worked full time by sixteen.
>
> Gay studied part time to finish her schooling and go to university. She has worked as a union official and in many roles advocating for fair treatment of disadvantaged people.

Very high morals. She has been solid in her commitment as an ex union official advocating for the fair treatment of disadvantaged people since her election in 1997 by doing nothing about the obvious and spiralling problems of WorkCover, except to take an easy option and support a reduction in injured workers' benefits now that the situation is at crisis point.

That is the whole point of this motion. Labor members have been sitting here, advocates of the trade union movement, advocates of their members sitting here in this chamber for years watching a deteriorating system that is creating a millstone around the necks of the public of South Australia. The only solution they put up to solve it is to kick their own members in the guts when they are down, when they are injured in the workplace—

**Mr O'BRIEN:** On a point of order, Madam Deputy Speaker: standing order 184 states:

> Business not to be anticipated
>
> A motion may not attempt to anticipate debate on any matter which appears on the Notice Paper.

The member is straying into the area of anticipating debate on the WorkCover legislation currently before the house. I point out to him and all subsequent speakers that you are actually constrained very narrowly in the range of debate into which you can enter into. I ask the Deputy Speaker if she could—

**Mr PISONI:** On a point of order: the member has to address the chair, not members.

**The DEPUTY SPEAKER:** The member for Napier raises a very accurate but delicate point of order. While the motion is in order, it does offer a challenge in terms of what matters can be canvassed in speaking to it. The speaker may not canvass matters that are the subject of debate on a question currently before the house.

**Mr VENNING:** On a further point of order, Madam Deputy Speaker, under standing order 184: these motions are listed on the *Notice Paper* this morning and are quite clear in what they outline, and they were listed before the bill was reintroduced into the parliament. I know it is very difficult for you to govern as regards what rule 184 does mean. However, on reading these

motions, how can you address them and not discuss WorkCover? It is on the motion; it is on the *Notice Paper*. So, madam, I do not know how you are going to be able to rule.

**The DEPUTY SPEAKER:** I agree it is a difficult exercise; however, I will endeavour to do my best.

**Mr PISONI:** One thing that the member for Napier is wrong about is there has been no debate about this in the Labor Party. They have just done what their masters have told them: Mr Rann, Mr Foley, Mr Farrell. They have just done what their masters have told them, that is all. There has been no debate whatsoever. So I am not debating the WorkCover legislation. What I am talking about here is: what do Labor members really stand for? They tell their constituents one thing, but when given the choice they do the opposite, they take the easy option.

The member for Reynell also provided the National Forum website with an interesting insight into her reasons for standing at the 2006 election, given the current debate. 'I am concerned about a fair go for workers.' That is what she said, that she was 'concerned about a fair go for workers'. So, again, one thing for the audience that wants to hear it, but when it comes time to actually deliver on that, go to water.

I have not heard a thing from the member for Reynell defending workers' rights during this whole WorkCover public discussion. Not even outside of the parliament have I heard her mention her concern about cuts for workers. She was certainly not standing shoulder to shoulder with workers outside parliament on Tuesday—although I believe two Labor MLCs were out there.

This member was not shy about complaining about cuts to workers' rights in 2006 as a witness for the Labor Parliamentary Taskforce on Industrial Relations, which was looking into 'the adverse effects of the government's extreme industrial relations changes'. Remember, this was a public perception campaign. This was a perception of what the federal government was doing at the time. Workers' cuts are a reality, not a perception. So, 100 per cent/80 per cent; that is the reality, there is no perception there whatsoever.

There is no political debate. You cannot argue left or right on that one, or Labor or Liberal on that one. A cut is a cut is a cut, regardless of what your politics are. Yes, that was a political stunt and a Liberal government being targeted. So, standing up for workers in the federal electorate of Kingston alongside union reps from the AEU, the AMWU and, surprise, surprise, the SDA was all okay, but that was against a Liberal government. That did not affect her career prospects. As a matter of fact, that was quite handy for career prospects, I would imagine, attacking your political opponent. I wonder if the member is returning their calls this week when they ring expressing their concerns about WorkCover?

*Mrs Geraghty interjecting:*

**Mr PISONI:** The member for Reynell can respond. She has the same right as anybody else in the chamber to respond and refute what I am claiming in my speech here. The crowds of ALP politicians attending rallies about workers' rights have certainly thinned since the federal election. There is no doubt about that. I think they were outnumbered a thousand to one out there on Tuesday. The member for Reynell, along with other members of the Rann government, has sat idly by while, under their watch, WorkCover's unfunded liability has increased from a very manageable $56 million, under the Liberals, up to $850 million on the last reports. On top of that we have the government's own WorkCover scheme—another $300 million to $400 million. Did the member for Reynell not notice or did she not care? Maybe there is a difference. Maybe she just did not care about the unfunded liability. Maybe that is why we have not heard from her. Maybe she did not think it was a problem. The member for Reynell and minister Wright—

**Mr O'BRIEN:** I rise on a point of order, Madam Deputy Speaker. I refer to standing order 127, 'Digression; personal reflections on members', which states that a member may not make personal reflections on other members. The honourable member is continually straying into the area of making reflections on the member for Reynell.

**The DEPUTY SPEAKER:** As I have indicated to the honourable member earlier, the member for Unley needs to be very careful about the ground he treads. I accept that this is a motion of condemnation, so therefore some comments about the person who is the subject of the motion are appropriate. However, there is also an obligation on the honourable member not to impute improper motives to any honourable member of the house. The member for Unley may resume his comments, carefully.

**Mr PISONI:** This is a very sensitive issue for the Labor Party. The champion of the workers, the member for Springfield over there, jumps up every couple of minutes. Gee, I tell you what—

*Mr O'Brien interjecting:*

**Mr PISONI:** Say it outside.

*Mr O'Brien interjecting:*

**Mr PISONI:** Say it outside on the steps. You say it outside on the steps.

*Mr O'Brien interjecting:*

**Mr PISONI:** Go on, say it outside on the steps. Now, where was I before I was rudely interrupted? Here we go. In fact, the Workplace Relations Ministers Council's Comparative Performance Monitoring Report found that South Australia was the only state that did not record a return to work improvement in 2005-06. Let us not forget that levy rate payments by employers also remain the highest in Australia. Of course, this acts as a disincentive to employ and is another reason, along with high rates of state-based taxes and low payroll tax thresholds, for business to set up elsewhere. The member for Reynell—

**Mr O'BRIEN:** I rise on a point of order, Madam Deputy Speaker. I refer again to standing order 184, 'Business not to be anticipated'.

**The DEPUTY SPEAKER:** I was not myself confident of where the member for Unley was going. However, he has a very difficult task, and I ask him to uphold the integrity of the parliament.

**Mr PISONI:** I ask for some more time on the clock with all the interruptions I have had with my speech. You have done it for Labor members.

**The DEPUTY SPEAKER:** No frivolous points of order have been raised. The member for Unley may continue.

**Mr PISONI:** Labor's handling of the WorkCover issue since coming to power in this state has been a conspiracy of ineptitude, disinterest and cynicism. Perhaps if the member for Reynell and other members opposite had applied more pressure and sooner to minister Wright, Treasurer Foley and Mike Rann to address the WorkCover issue the reductions in benefits now to be suffered by injured workers may well have been minimised.

The closest I could find to a parliamentary contribution by the member for Reynell on workplace safety was a Dorothy Dixer to minister Wright in 2003 on the government's enforcing the rights of South Australian employees to work in a safe and healthy workplace. The minister was able to reassure her that enforcement was a top priority, with 30 new occupational health and safety inspectors about to come on line—undoubtedly all ex-union officials.

Time expired.

Debate adjourned on motion of Mrs Geraghty.

## WORKCOVER CORPORATION: MEMBER FOR MORIALTA

**Mr GRIFFITHS (Goyder) (12:30):** I move:

That this house condemns the member for Morialta for supporting the state government in cutting WorkCover entitlements, and for—

(a) not taking any interest in the blow-out in WorkCover's unfunded liability since taking office;

(b) not taking any interest in WorkCover's poor return to work results;

(c) not informing the public until after the federal election that WorkCover entitlements to injured workers would be cut; and

(d) not examining alternatives to cutting workers' benefits as part the WorkCover reform.

It will be interesting to see what occurs across the chamber during my contribution: we might have some different tactics on this. I say from the start that some might see this as a bit of a stunt, but it is not. We on this side who are speaking to their motion either today, or whenever they have the opportunity, believe that it is a serious matter—it truly is. We believe that all members of the government need to be held accountable, because each of them is part of a government which has delayed making a decision to do anything about WorkCover for six years. So, I—

*Mr Kenyon interjecting:*

**Mr GRIFFITHS:** Member for Newland, I quite confidently stand up here to talk about this fact because it is not good enough. WorkCover is a serious issue for every South Australian. Individual members of the government need to be held to account. We in opposition have continually asked the minister and the government questions about the unfunded liability. We know that it was $56 million when the government took office in 2002; last June it was $843 million; and now potentially could be around $1 billion. Individual members of the government have to be held responsible. I will say that often during my contribution because you are all part of the decision to do nothing about this until now.

You have had ample opportunity to do so in the past. In the discussions that you have within your own caucus, you have had ample opportunity to stand up and to fight for the workers in your area, but we on this side of the house do not think that you have being doing that job properly. When we have asked questions of the minister, we have heard nothing of the member for Morialta—nothing at all. I try to reflect upon eye movements and facial expressions and all that sort of stuff from everyone on that side of the house. When we ask questions it is interesting to read the body language, but my observation—

*Mr Pisoni interjecting:*

**Mr GRIFFITHS:** The comments made demonstrate that they are disinterested. However, when I have looked across the chamber when responsible questions have been asked of the minister and the Premier on behalf of all South Australians about this matter, the reaction from government members has been that they do not seem to care. We on this side of the house do care because people who live in our electorates are affected by WorkCover. I know that all of us have been contacted by people in the community who are subject to WorkCover support and who are frustrated that they have not been given the support and the rehabilitation that they need to get back into the workforce.

The reason we are moving these individual motions is that we want each member of the house to be held accountable. I understand that the member for Morialta is a reasonable person, and I say that in all sincerity. She has offered a very flattering comment to my wife about me, so I think it is important that I do acknowledge that—

*An honourable member interjecting:*

**Mr GRIFFITHS:** She stood up—

*Mr Pederick interjecting:*

**Mr GRIFFITHS:** We all need that sometimes.

**Mr Pederick:** She didn't want to tell you to your face, though.

**Mr GRIFFITHS:** Probably easier to do it through the other option. I have heard the member for Morialta quite often talk with passion and commitment about things that have been important to her, and I respect that fact. However, on this matter about WorkCover, I have not seen that occur. That is why we have chosen to make people accountable and to move a motion about each member. The member for Morialta is committed to many things. She should be equally committed to WorkCover and the need to have reforms that would have ensured that workers' rights were upheld.

We conducted a search and I could not find any comment by the member for Morialta on WorkCover. She should be out there fighting for her constituents: it is important. All of us are elected to this place—all 47 members of the House of Assembly and 22 members of the Legislative Council—and are here to fight for our constituents. Every member has people living in their electorate who are dealing with WorkCover issues. I know that many people in my electorate have contacted me about WorkCover. I have written to the minister and to WorkCover and, each time I have written, my intention has been to ensure that the needs of those people and those families are met, because WorkCover claims affect more than one person, they affect the family unit.

We have tried to fight for the needs of those people to ensure that they are helped as quickly as possible. The constituents of the member for Morialta do not know what she thinks about this because she has not commented publicly. Members on that side, other than the member for Enfield, I believe, who yesterday chose to make a small contribution about the matter about which we cannot talk, have not spoken yet. We look forward to contributions from members on the government side, not only in relation to the motions that we are moving today but also in relation to the other matter about which I cannot talk and which is before the house.

It is obvious to me that the people in Morialta—the 30,000 or so fine people who live there and the 22,000 people who will vote at the next state election—want to know where their member stands on WorkCover—and they don't know that. That will be the basis of many of the contributions made by members on this side. The majority of members on this side of the house have spoken. We have told people what we think about the changes that the government is bringing in. Members on the government side have not yet said a word—and the honourable member's constituents want to know about it.

Return to work is the second point identified in the motion—and for me that is a key area. Again, I have not heard the member for Morialta speak about it. She is a compassionate person. I am sure she would want to ensure that the return-to-work options for her constituents injured in the workplace happen as best they can. But let us hear it: let us hear her stand up and say something about it. Why have we not heard anything at all over the last six years? The opportunity is here now. She can respond to my motion—and I hope the member for Morialta does respond—and let us hear what she thinks about return-to-work statistics as they relate to South Australians, especially the people of Morialta.

Return to work is the key area. That is where South Australia is poorly performing. We know that statistically South Australian return-to-work figures are the worst in the nation. It can only change through government initiatives. Why has it taken six months to create some changes?

The member for Morialta, in relation to paragraph (c) in the motion, must have known that the announcement by the minister early last year to delay reforms to WorkCover by instigating another review—which subsequently has become known as the Clayton Walsh report—was a delaying tactic designed to ensure that Labor's federal candidates had the greatest chance possible of being successful on 24 November. I have mentioned previously that I think it is blatant political point scoring. We knew on this side of the house that the announcement by the minister was designed purely to help federal Labor and the Kevin 07 campaign. It has proven to be successful, but I think they have duped people.

**Mr Pisoni:** It's not principled.

**Mr GRIFFITHS:** It's not principled, as the member for Unley says. There was always an intention by the government to bring in changes. It knew that South Australians would be upset by these changes, so they deliberately delayed them. That is not what politics should be about. Politicians should say what they believe at the time, not delay it for political opportunism. Let us get people in here who want to talk about and do things as quickly as they can for the benefit of all South Australians.

The poor controls that exist over WorkCover are the responsibility of all Labor government MPs. I have absolutely no doubt about that. We are moving these motions because we want individual members of the government to be held accountable to their constituents about this. Let them stand up and talk about WorkCover. Let them express to their constituents what they think about WorkCover on a personal level, the deliberations they have had within caucus and the party room, and what changes they have tried to instigate—but they cannot do that.

We on this side of the house are quite lucky, because we represent a party which believes that members can express individual opinions—and that is the difference between the two parties. We can stand up and fight for issues that we believe are important. We can always reserve our right to make a comment different from the majority of our party members. Members on the government side cannot do that. They are blindly told, 'This is what will happen.' They are told by senior power brokers within their party that they have to vote a certain way. We on this side do not get that: we are able to express an opinion and debate matters for as long as we like, and we are able to stand up in this place with some pride and say what we think truly needs to happen.

Again, I say that the poor controls over WorkCover are the responsibility of all Labor MPs—and they have been for six years. It is this six-year period that frustrates people. The minister when asked a question about WorkCover constantly refers to the new board and the new CEO, and the fact that the unfunded liability is under control—or will be soon. With the benefit of time it has been proven that it is not under control. The new board has been there for five years and the new CEO has been there for five years. We have seen a blow-out of amazing proportions in the unfunded liability that must concern every South Australian. It has gone from a $56 million to a $843 million—and a potential $1 billion—unfunded liability for long-term claimants, for those people who cannot be helped. Let us do something about it.

It is not under control. WorkCover is not under control, and the responsibility rests on all members of the government to stand up and say that. That is why we have spent the majority of the past two days talking about that other matter that I cannot mention, trying to actually make people understand. The minister, the Premier, the Treasurer, the member for Morialta and each individual government member have a responsibility for this lack of action—this lack of concern for the support provided to injured workers.

That is the key point here: workers are the key to the economic future of this state. We know that there are 775,800 people in work. We know that WorkCover has a direct legislative responsibility for the 500,000 workers under its control. Self-insurers take care of the other 275,000, but they operate under the same legislation. Let us ensure that the member for Morialta stands up and expresses an opinion on WorkCover at every opportunity.

I hope that the member for Morialta rises in response to the comments I have made as part of this Notice of Motion. Also, I hope that the member for Morialta rises, as should all government members, and expresses her personal thoughts about the other matter that I cannot talk about that will be resolved within a few weeks, probably, because her constituents need to hear from her. It is not a joking matter. We are all held to account on ballot box day. For us, the next D day is 20 March 2010. Everything I have said and done, or not said and done, over the past two years, and in the four year term that I serve the constituents of Goyder, will be held to account.

If people do not think I have done the right thing I will be out, and I will respect that and go because obviously they think someone else is better to do the job. But the government needs to realise that as well. There is no God-given right to represent a community. You have to work hard every day when you are representing a community, because they are the ones who elect you. You cannot take it for granted and just give them a condescending look or a brief chat for 30 seconds and think that you have fixed the world as it exists for them. You need to make sure that you are in there fighting for them.

I do not think Labor respects that fact, because they think that they are always going to hold the seats that they hold now. There are some seats in the middle that will swing depending on individual issues and concerns on the day of the election or during the period approaching it but, if you want to have the confidence of people to represent them in this place for any length of time, you want to ensure you are out there all day, every day fighting for their needs. That is what the member for Morialta needs to do on WorkCover, because her people are equally affected by it. Every South Australian is affected by these changes to WorkCover, and she needs to stand up with a strong voice and actually do something about it.

I commend the motion to the house. I hope that there is an opportunity for the member for Morialta to come and answer some of the comments I have made, because it is important for the debate opportunities that exist within parliament that we all have that chance to speak.

Debate adjourned on motion of Mrs Geraghty.

## WORKCOVER CORPORATION: MEMBER FOR NORWOOD

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (12:43):** I move:

That this house condemns the member for Norwood for supporting the state government in cutting WorkCover entitlements, and for—

(a) not taking any interest in the blow-out in WorkCover's unfunded liability since taking office;

(b) not taking any interest in WorkCover's poor return to work results;

(c) not informing the public until after the federal election that WorkCover entitlements to injured workers would be cut; and

(d) not examining alternatives to cutting workers' benefits as part of WorkCover reform.

This year we celebrate the 20th anniversary of WorkCover in this state, introduced with great expectation that it would provide for a new no-fault scheme for the protection of workers who may be injured in the workforce, and to revolutionise the approach by not being a punitive or compensatory scheme but a rehabilitation scheme.

The member for Norwood, indeed, came into parliament in 1997. She has been here for 11 years and, of that time, I have been here for six years. Since I have been here I have not heard her speak on WorkCover, workers' entitlements, the unfunded liability blow-out or reform in that area. There has been absolute stunning silence. It reminds me of the Simon and Garfunkel song, *The Sounds of Silence*: 'Hello darkness, my old friend; I've come to talk with you again.' The

sounds of silence! When she came into the house, the member for Norwood spoke eloquently about immigration in South Australia and its importance—

**Mrs GERAGHTY:** Madam Deputy Speaker, I wish to raise a point that you may like to take into consideration—and I thank the member for Bragg for bringing this to my attention. It is the wording of the motion: condemning for 'not taking any interest' and 'not informing the public'. How do any of the movers of these motions know that, and can they substantiate it?

*An honourable member interjecting:*

**Mrs GERAGHTY:** They are making an assumption, and I would like to know whether that is appropriate, when that may not be the truth and they may be misleading the house.

**Ms CHAPMAN:** Madam Deputy Speaker, that is a complete nonsense. Either dismiss the point of order forthwith—

**The DEPUTY SPEAKER:** Order, the deputy leader! There is no point of order.

**Ms CHAPMAN:** Thank you very much, Madam Deputy Speaker—a wise decision. So, in those six years—

*Mrs Geraghty interjecting:*

**Ms CHAPMAN:** Was I hearing a challenge to your decision, Madam Deputy Speaker?

**The Hon. S.W. Key:** No, it's 'the sounds of silence'.

**Ms CHAPMAN:** Excellent. Sometimes it is mercifully silent. In the last six years, in the time that I have been here, the member for Norwood has been absolutely silent in this house about this incredible figure of $54 million or $56 million as at 30 June 2002, with respect to the unfunded liability of the WorkCover Corporation. It is some mysterious amount now—we do not know what the real amount is—but it was $844 million as at 30 June 2007. Of course, we are another nine months down the track, but I will leave that for another debate. In that time, there has been absolute silence.

The member for Norwood (as do we all) represents in her electorate about 22,000 or 23,000 people in this state. Those people make up a number of the 500,000 employees who are covered and protected by WorkCover. Clearly, they are some of the 65,000 registered employers who pay the levy as part of WorkCover. These people live in her electorate. I do not doubt for one moment that there are self-insured employers and employees and many state government employees who are all affected by WorkCover legislation but, in particular, the WorkCover benefits and legacies that we have been left with over the last six years. These people live in her electorate; her electorate is not immune from these people. These people with their protections, obligations and responsibilities under WorkCover are in her electorate, just like they are in all members' electorates. However, we have had absolute silence from her in relation to Norwood.

The Britannia roundabout was a government project, which probably would have involved the need for some protection. In that case, if it was not tendered out, it would be in-house and would be covered by the Department of Transport. However, if it had been tendered out, even those people would have been covered by WorkCover. We had absolute silence from the member for Norwood, whose constituents are affected every day when travelling through that roundabout because of the transport problems. It was absolutely 'the sounds of silence' from the member for Norwood then.

Former minister White approved a program to deal with this problem that would have involved people who needed to be covered by WorkCover. She launched a magnificent project, on which I complimented her, for a twin light system to remedy the problem. But where was the member for Norwood? She was silent about that, even though her constituents were affected. Then the new Minister for Transport (minister Conlon) was appointed and he cancelled it. What did we hear from the member for Norwood? The sounds of silence again.

She certainly has form in not actually coming into this house and demonstrating her commitment to the people of Norwood. As I said, before I was interrupted—unfairly, of course, as you, Madam Deputy Speaker, have dealt with the interjector and dismissed her summary and irrelevant objection—she, of course, came into this parliament awash with commitment to local government. She, of course, had served as the mayor of Norwood and had a commitment to that level of government. The WorkCover legislation has its own scheme through the Local Government

Association, so perhaps the member for Norwood was a little immune to all the difficulties existing out there in the real world at that point, because the LGA looked after it for her—I do not know.

What I do know is that she clearly has these issues in her electorate. She told the house in her maiden speech in 1998 of the importance of the issues in her electorate. She referred to many of the migrants who had come to live in Norwood, the seat of the famous Don Dunstan—or infamous, depending on whichever way you want to look at it.

She had taken over the seat but, of course, there had been a few people in between, for instance, Frank Webster, Greg Crafter and John Cummins. Nevertheless, this was the home of Don Dunstan and it was his government who initiated the original inquiries into rehabilitation programs for injured workers. It ultimately went into a committee in the 1980s under the Bannon administration and, of course, was then introduced and debated in the late 1980s.

The father, in the sense of the history of her seat, the Hon. Don Dunstan, would have turned in his grave, I am sure, if he had seen her performance, particularly over the last six years. We can say, 'Well, perhaps she didn't need to be worried about it from about 1988 to 2002 because during a large portion of that time we had the privilege in South Australia of being under a Liberal government. It managed this very well and ensured that the unfunded liability did not blow out.'

I can forgive her for that; what is impossible to believe is that, in the last six years, we have not heard a squeak from across the road—from the member for Norwood—about this issue. These people are in her electorate whether as employers or employees, whether they are self-funded, whether they are in the government or the WorkCover scheme. At the end of the day, all of us have to pay. Whatever method of clean-up or mode of operation is needed to remedy this mess, we are all going to pay for it. There is no question about that, and the people in Norwood will not escape.

I will make one other observation in relation to the inactivity of the member for Norwood, and that is the failure to address this issue even publicly—that is, outside the parliament—either prior to the March 2006 election, when already hundreds of millions of dollars of unfunded liability had been exposed, or in late 2007, prior to the federal election.

Let us assume that she had been occupied with other important issues pre-March 2006: that it had not been on her radar that at that stage there was over $300 million in unfunded liability and that questions had been asked in the parliament. Perhaps she was busy with other duties—public works or other local issues. Let us give her the benefit of the doubt, but how is she able to sit there ignorant of the Workers Compensation Board—

**Mr O'BRIEN:** I take a point of order under standing order 127. I think the member is straying into the area of personal reflection at this point.

**The DEPUTY SPEAKER:** As I have indicated earlier, members on my left have a very difficult job in speaking to these motions. I will listen carefully for the next few minutes and ask the Deputy Leader to think carefully about her words.

**Ms CHAPMAN:** So how can the member for Norwood sit in ignorance since 2006 (after the state election), when in that time we received written advice from the WorkCover Board itself by way of a report and recommendations? We have received from Business SA a full report, and all its recommendations, on an inquiry that was conducted apparently by some independent person. How can she have sat in ignorance of the report given by various ministers responsible in this government, together with their explanation of the inquiries they were undertaking, and finally say nothing about this prior to late 2007?

What is so unacceptable is that they will not say anything. Obviously, the logical question is: why wouldn't they? Why wouldn't they, with such a damning financial burden which we are about to inherit, to the cost of taxpayers, and which will have direct cost implications on both employers and employees in the workforce? Why would she do that? The only possible logical explanation is in order to render some protection by silence to the incompetent management by the government of this WorkCover Corporation.

The corporation is accountable to the parliament and, essentially, is underwritten by the taxpayers of South Australia. How could the member for Norwood have sat there in silence, other than in order to protect a level of incompetence—and not just that of the minister? Every time he was questioned in this parliament, he must have taken those issues back to the cabinet and asked, 'What do you want me to do about this? Obviously, I am getting questions in the parliament. I am

getting belted by the opposition with these questions.' They were all sitting there and heard these questions when they were asked and heard the concerns that were raised—yet she sat in silence.

Throughout these debates and question times, the member for Norwood must have known, when it went back to the cabinet and when the Premier and others sat mute in dealing with this issue, other than saying, 'We will have another inquiry, it will come out with its deliberations and we will deal with it after the federal election.' That is exactly what they did: they said that they would have another inquiry. They have piles of reports, and the member for Norwood has seen them and knows what is in them. We all know what is in them. She allowed this government to do nothing other than announce that it would have another inquiry, produce another report and do nothing about it.

I hope that, when she goes back to her electorate and explains, when she is asked, 'How are we going to pay for all this, Ms Ciccarello? How are we going to pay for this, local member?' she has the honesty to tell her constituents the truth—that is, 'I sat in silence while Rome was burning.'

**Mrs GERAGHTY:** On a point of order, did I hear correctly that the member for Bragg accused the member for Norwood of being dishonest? I think that is a reflection.

**The DEPUTY SPEAKER:** There is no point of order. The deputy leader.

**Ms CHAPMAN:** I have finished. Rome is burning.

**The DEPUTY SPEAKER:** The deputy leader has completed her contribution.

Debate adjourned on motion of Mrs Geraghty.

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

## ANSWERS TO QUESTIONS

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

### ON-THE-SPOT FINES

**30 The Hon. G.M. GUNN (Stuart)** (24 June 2007).

1. What provisions are made to ensure that the names and numbers of police officers who issue 'on-the-spot fines' are clearly legible on the notices?

2. Why are objections to 'on-the-spot fines' not sent to independent legal experts for adjudication?

**The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations):** The Minister for Police has provided the following information:

Please refer to the response to Question on Notice 15, tabled on 14 February 2008 in the House of Assembly (page 2107, House of Assembly *Hansard*).

### SPEED CAMERAS

**174 Dr McFETRIDGE (Morphett)** (31 July 2007). In each year since 1999-2000—

(a) what were the top five speed camera revenue locations;

(b) how many times were they operational;

(c) how many expiation notices were issued; and

(d) how many casualty accidents occurred at or near the site;

in each of the following post code areas: 5040, 5044, 5045, 5046 and 5048?

**The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations):** The Minister for Police has provided the following information:

(a), (b) and (c):

| POSTCODE 5040 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 1999-2000 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| James Melrose Road, Novar Gardens Location code 1028 | $80,839 | 22 | 673 |
| Morphett Road Novar Gardens Location code 1577 | $6,769 | 4 | 67 |
| Anzac Highway Novar Gardens Location code 71 | $3,038 | 1 | 24 |

All other locations had 0 return.

| POSTCODE 5044 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 1999-2000 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| Diagonal Road Somerton Park Location code 477 | $127,900 | 35 | 1140 |
| Brighton Road Somerton Park Location code 238 | $25,666 | 19 | 246 |
| Oaklands Road Glengowrie Location code 1732 | $26,817 | 12 | 239 |
| Morphett Road Glengowrie Location code 1578 | $21,104 | 9 | 181 |
| Oaklands Road Somerton Park Location code 1729 | $10,787 | 5 | 96 |

| POSTCODE 5045 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 1999-2000 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| Tapleys Hill Road Glenelg North Location code 2259 | $284,602 | 84 | 2697 |
| Anzac Highway Glenelg North Location code 61 | $72,206 | 30 | 688 |
| Anzac Highway Glenelg East Location code 70 | $18,941 | 16 | 173 |
| Maxwell Terrace Glenelg East Location code 1483 | $8,117 | 9 | 66 |
| Adelphi Terrace Glenelg North Location code 25 | $7,838 | 6 | 62 |

| POSTCODE 5046 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 1999-2000 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| Diagonal Road Warradale Location code 480 | $42,627 | 16 | 390 |
| Sturt Road Warradale Location code 2227 | $15,414 | 6 | 146 |
| Morphett Road Warradale Location code 1579 | $10,444 | 4 | 92 |
| Oaklands Road Warradale Location code 1731 | $9,926 | 6 | 87 |
| Dunrobin Road Warradale Location code 499 | $616 | 1 | 4 |

| POSTCODE 5048 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 1999-2000 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| Brighton Road South Brighton Location code 245 | $46,302 | 19 | 435 |
| Seacombe Road Dover Gardens Location code 2057 | $22,868 | 9 | 207 |
| Sturt Road Brighton Location code 2228 | $8,953 | 3 | 83 |
| Brighton Road North Brighton Location code 239 | $7,630 | 3 | 70 |
| Sturt Road Dover Gardens Location code 2232 | $6,839 | 3 | 58 |

2000-2001

| POSTCODE 5040 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 2000-2001 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| James Melrose Road, Novar Gardens Location code 1028 | $43,456 | 14 | 350 |
| Morphett Road Novar Gardens Location code 1577 | $4,214 | 4 | 39 |
| Anzac Highway Novar Gardens Location code 71 | $3,238 | 1 | 25 |

All other locations had 0 return.

| POSTCODE 5044 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 2000-2001 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| Diagonal Road Somerton Park Location code 477 | $91,724 | 34 | 818 |
| Brighton Road Somerton Park Location code 238 | $30,672 | 19 | 293 |
| Oaklands Road Glengowrie Location code 1732 | $13,646 | 6 | 125 |
| Diagonal Road Glengowrie Location code 476 | $10,236 | 5 | 89 |
| Oaklands Road Somerton Park Location code 1729 | $8,542 | 4 | 68 |

| POSTCODE 5045 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 2000-2001 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| Tapleys Hill Road Glenelg North Location code 2259 | $255,900 | 81 | 2224 |
| Anzac Highway Glenelg North Location code 61 | $120,708 | 41 | 1030 |
| Anzac Highway Glenelg East Location code 70 | $17,948 | 15 | 166 |
| Anzac Highway Glenelg Location code 62 | $13,272 | 1 | 103 |
| Diagonal Road Glengowrie Location code 476 | $10,236 | 5 | 89 |

| POSTCODE 5046 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 2000-2001 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| Diagonal Road Warradale Location code 480 | $19,190 | 11 | 163 |
| Morphett Road Warradale Location code 1579 | $9,576 | 5 | 83 |
| Oaklands Road Warradale Location code 1731 | $4,092 | 2 | 33 |
| Oaklands Road Oaklands Park Location code 1731 | $3,776 | 3 | 31 |
| Diagonal Road Oaklands Park Location code 472 | $2,894 | 4 | 19 |

| POSTCODE 5048 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 2000-2001 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| Brighton Road South Brighton Location code 245 | $39,618 | 15 | 341 |
| Sturt Road Brighton Location code 2228 | $21,824 | 6 | 204 |
| Seacombe Road Dover Gardens Location code 2057 | $16,324 | 8 | 140 |
| Sturt Road Dover Gardens Location code 2232 | $7,086 | 3 | 84 |
| Seacombe Road South Brighton Location code 2058 | $5,212 | 3 | 46 |

2001-2002

| POSTCODE 5040 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 2001-2002 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| James Melrose Road, Novar Gardens Location code 1028 | $11,450 | 8 | 83 |
| Anzac Highway Novar Gardens Location code 71 | $4,542 | 2 | 36 |
| Morphett Road Novar Gardens Location code 1577 | $3,772 | 4 | 30 |

All other locations had 0 return.

| POSTCODE 5044 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 2001-2002 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| Diagonal Road Somerton Park Location code 477 | $85,038 | 29 | 697 |
| Brighton Road Somerton Park Location code 238 | $36,846 | 19 | 342 |
| Oaklands Road Glengowrie Location code 1732 | $29,502 | 10 | 250 |
| Morphett Road Glengowrie Location code 1578 | $9,464 | 6 | 80 |
| Diagonal Road Glengowrie Location code 476 | $7,626 | 6 | 67 |

| POSTCODE 5045 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 2001-2002 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| Tapleys Hill Road Glenelg North Location code 2259 | $202,818 | 61 | 1760 |
| Anzac Highway Glenelg North Location code 61 | $88,752 | 30 | 790 |
| James Melrose Road Glenelg North Location code 6840 | $16,992 | 6 | 125 |
| Diagonal Road Glenelg East Location code 475 | $10,614 | 3 | 87 |
| Anzac Highway Glenelg East Location code 70 | $10,456 | 6 | 87 |

| POSTCODE 5046 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 2001-2002 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| Diagonal Road Warradale Location code 480 | $17,200 | 9 | 137 |
| Diagonal Road Oaklands Park Location code 472 | $15,978 | 7 | 128 |
| Morphett Road Warradale Location code 1579 | $11,064 | 2 | 90 |
| Sturt Road Warradale Location code 2227 | $7,062 | 4 | 54 |
| Dunrobin Road Warradale Location code 499 | $1,178 | 1 | 9 |

| POSTCODE 5048 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 2001-2002 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| Brighton Road South Brighton Location code 245 | $19,528 | 10 | 166 |
| Sturt Road Brighton Location code 2228 | $9,308 | 4 | 76 |
| Brighton Road North Brighton Location code 2057 | $3,690 | 2 | 27 |
| Seacombe Road South Brighton Location code 2058 | $1,008 | 1 | 9 |
| Brighton Road Brighton Location code 243 | $326 | 1 | 3 |

2002-2003

| POSTCODE 5040 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 2002-2003 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| James Melrose Road, Novar Gardens Location code 1028 | $12,190 | 6 | 101 |
| Pine Avenue Novar Gardens Location code 1832 | $2,535 | 3 | 26 |
| Bonython Avenue Novar Gardens Location code 198 | $2,065 | 2 | 18 |
| Morphett Road Novar Gardens Location code 1577 | $1,487 | 2 | 10 |

All other locations had 0 return.

| POSTCODE 5044 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 2002-2003 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| Diagonal Road Somerton Park Location code 477 | $41,035 | 20 | 346 |
| Brighton Road Somerton Park Location code 238 | $34,435 | 24 | 301 |
| Oaklands Road Glengowrie Location code 1732 | $18,250 | 8 | 150 |
| Morphett Road Glengowrie Location code 1578 | $14,201 | 6 | 113 |
| Diagonal Road Glengowrie Location code 476 | $2,512 | 3 | 24 |

| POSTCODE 5045 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 2002-2003 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| Tapleys Hill Road Glenelg North Location code 2259 | $190,362 | 68 | 1583 |
| Anzac Highway Glenelg North Location code 61 | $83,502 | 41 | 675 |
| James Melrose Road Glenelg North Location code 6840 | $23,501 | 6 | 180 |
| Anzac Highway Glenelg East Location code 70 | $18,435 | 17 | 156 |
| Brighton Road Glenelg Location code 234 | $8,252 | 7 | 59 |

| POSTCODE 5046 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 2002-2003 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| Diagonal Road Warradale Location code 480 | $37,725 | 18 | 303 |
| Morphett Road Warradale Location code 1579 | $28,945 | 17 | 255 |
| Diagonal Road Oaklands Park Location code 472 | $5,309 | 4 | 43 |
| Oaklands Road Warradale Location code 1731 | $1,988 | 1 | 16 |
| Morphett Road Oaklands Park Location code 1576 | $1,441 | 1 | 14 |

| POSTCODE 5048 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 2002-2003 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| Brighton Road South Brighton Location code 245 | $19,163 | 8 | 155 |
| Seacombe Road South Brighton Location code 2058 | $6,249 | 5 | 54 |
| Sturt Road Brighton Location code 2057 | $1,125 | 2 | 11 |
| Brighton Road North Brighton Location code 239 | $940 | 1 | 8 |
| Brighton Road Brighton Location code 243 | $655 | 1 | 6 |

2003-2004

| POSTCODE 5040 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 2003-2004 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| Pine Avenue Novar Gardens Location code 1832 | $74,979 | 18 | 530 |
| Morphett Road Novar Gardens Location code 1577 | $1,251 | 5 | 17 |
| Anzac Highway Novar Gardens Location code 71 | $330 | 1 | 2 |

All other locations had 0 return.

| POSTCODE 5044 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 2003-2004 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| Diagonal Road Somerton Park Location code 477 | $31,664 | 22 | 252 |
| Brighton Road Somerton Park Location code 238 | $25,943 | 23 | 213 |

All other locations had 0 return.

| POSTCODE 5045 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 2003-2004 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| Adelphi Terrace Glenelg North Location code 25 | $217,294 | 39 | 1524 |
| Tapleys Hill Road Glenelg North Location code 2259 | $65,117 | 40 | 584 |
| Anzac Highway Glenelg North Location code 61 | $47,269 | 43 | 385 |
| Pine Avenue Glenelg North Location code 1831 | $16,248 | 4 | 116 |
| Anzac Highway Glenelg East Location code 70 | $14,877 | 18 | 122 |

| POSTCODE 5046 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 2003-2004 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| Bowker Road Warradale Location code 3050 | $12,775 | 8 | 96 |
| Diagonal Road Warradale Location code 480 | $10,997 | 14 | 89 |
| Morphett Road Oaklands Park Location code 1576 | $5,050 | 10 | 51 |
| Morphett Road Warradale Location code 1579 | $4,563 | 5 | 37 |
| Addison Road Warradale Location code 13 | $4,447 | 4 | 31 |

| POSTCODE 5048 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 2003-2004 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| Brighton & Sturt Roads Brighton Location code 23 | $99,006 | 63 | 849 |
| Brighton Road Brighton Location code 243 | $11,559 | 15 | 100 |
| Brighton Road South Brighton Location code 245 | $4,390 | 2 | 37 |

All other locations had 0 return.

2004-2005

| POSTCODE 5040 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 2004-2005 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| Pine Avenue Novar Gardens Location code 1832 | $16,476 | 5 | 114 |
| James Melrose Road Novar Gardens Location code 1028 | $4,740 | 4 | 34 |
| Anzac Highway Novar Gardens Location code 71 | $2,244 | 2 | 16 |

| POSTCODE 5044 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 2004-2005 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| Brighton Road Somerton Park Location code 238 | $21,379 | 27 | 170 |
| Diagonal Road Somerton Park Location code 477 | $21,340 | 23 | 160 |
| Morphett Road Glengowrie Location code 1578 | $3,187 | 2 | 24 |
| Oaklands Road Glengowrie Location code 1732 | $432 | 1 | 4 |
| Oaklands Road Somerton Park Location code 1729 | $288 | 1 | 4 |

| POSTCODE 5045 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 2004-2005 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| Adelphi Terrace<br>Glenelg North<br>Location code 25 | $88,459 | 24 | 633 |
| Tapleys Hill Road<br>Glenelg North<br>Location code 2259 | $76,149 | 42 | 677 |
| Anzac Highway<br>Glenelg North<br>Location code 61 | $29,640 | 29 | 232 |
| Anzac Highway<br>Glenelg East<br>Location code 70 | $14,808 | 19 | 116 |
| Pier Street<br>Glenelg<br>Location code 1826 | $9,276 | 4 | 68 |

| POSTCODE 5046 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 2004-2005 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| Diagonal Road<br>Warradale<br>Location code 480 | $20,647 | 26 | 163 |
| Morphett Road<br>Warradale<br>Location code 1579 | $12,996 | 12 | 111 |
| Dunrobin Road<br>Warradale<br>Location code 499 | $4,740 | 2 | 31 |
| Addison Road<br>Warradale<br>Location code 13 | $4,212 | 5 | 25 |
| Morphett Road<br>Oaklands Park<br>Location code 1576 | $2,724 | 6 | 22 |

| POSTCODE 5048 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 2004-2005 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| Brighton & Sturt Roads<br>Brighton<br>Location code 23 | $223,249 | 204 | 1873 |
| Brighton Road<br>Brighton<br>Location code 243 | $10,159 | 15 | 76 |
| Sturt Road<br>Brighton<br>Location code 2228 | $7,987 | 10 | 66 |
| Brighton Road<br>South Brighton<br>Location code 245 | $2,616 | 2 | 26 |
| Brighton Road<br>North Brighton<br>Location code 239 | $888 | 1 | 6 |

2005-2006

| POSTCODE 5040 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 2005-2006 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| Pine Avenue Novar Gardens Location code 1832 | $18,162 | 5 | 117 |
| James Melrose Road Novar Gardens Location code 1028 | $13,281 | 11 | 94 |
| Anzac Highway Novar Gardens Location code 71 | $4,814 | 4 | 38 |

All other locations had 0 return.

| POSTCODE 5044 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 2005-2006 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| Maxwell Terrace Glengowrie Location code 1485 | $25,782 | 8 | 157 |
| Diagonal Road Somerton Park Location code 477 | $11,296 | 10 | 83 |
| Brighton Road Somerton Park Location code 238 | $10,639 | 15 | 83 |
| Oaklands Road Somerton Park Location code 1729 | $652 | 2 | 6 |

All other locations had 0 return.

| POSTCODE 5045 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 2005-2006 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| Adelphi Terrace Glenelg North Location code 25 | $57,962 | 18 | 370 |
| Tapleys Hill Road Glenelg North Location code 2259 | $49,697 | 30 | 366 |
| Anzac Highway Glenelg North Location code 61 | $14,509 | 7 | 93 |
| Anzac Highway Glenelg East Location code 70 | $10,385 | 10 | 86 |
| Anzac Highway Glenelg Location code 62 | $12,280 | 16 | 83 |

| POSTCODE 5046 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 2005-2006 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| Diagonal Road Warradale Location code 480 | $16,331 | 14 | 122 |
| Diagonal Road Oaklands park Location code 472 | $7,815 | 8 | 54 |
| Morphett Road Warradale Location code 1579 | $7,772 | 7 | 52 |
| Morphett Road Oaklands Park Location code 1576 | $5,591 | 5 | 40 |
| Addison Road Warradale Location code 13 | $3,505 | 4 | 19 |

| POSTCODE 5048 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 2005-2006 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| Brighton & Sturt Roads Brighton Location code 23 | $126,806 | 151 | 1002 |
| Sturt Road Brighton Location code 2228 | $21,375 | 11 | 139 |
| Jetty Road Brighton Location code 1045 | $11,354 | 6 | 80 |
| Brighton Road South Brighton Location code 245 | $4,200 | 1 | 27 |
| Brighton Road Brighton Location code 243 | $2,311 | 6 | 18 |

2006-2007

| POSTCODE 5040 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 2005-2006 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| James Melrose Road Novar Gardens Location code 1028 | $10,407 | 7 | 58 |
| Morphett Road Novar Gardens Location code 1577 | $338 | 1 | 2 |

All other locations had 0 return.

| POSTCODE 5044 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 2006-2007 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| Diagonal & Oaklands Roads Glengowrie Location code 89 | $27,550 | 83 | 189 |
| Brighton Road Somerton Park Location code 238 | $11,585 | 17 | 81 |
| Oaklands Road Somerton Park Location code 1729 | $9,757 | 13 | 65 |
| Oaklands Road Glengowrie Location code 1732 | $2,059 | 2 | 15 |
| Maxwell Terrace Glengowrie Location code 1485 | $507 | 1 | 4 |

| POSTCODE 5045 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 2006-2007 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| Adelphi Terrace Glenelg North Location code 25 | $81,022 | 20 | 516 |
| Tapleys Hill Road Glenelg North Location code 2259 | $47,840 | 31 | 327 |
| Anzac Highway Glenelg East Location code 70 | $25,853 | 35 | 189 |
| Moseley Street Glenelg Location code 3137 | $10,502 | 7 | 69 |
| Moseley Street Glenelg South Location code 3139 | $8,517 | 2 | 48 |

| POSTCODE 5046 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 2006-2007 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| Diagonal Road Warradale Location code 480 | $37,176 | 26 | 238 |
| Morphett Road Oaklands Park Location code 1576 | $9,419 | 4 | 64 |
| Diagonal Road Oaklands park Location code 472 | $5,582 | 5 | 37 |
| Oaklands Road Warradale Location code 1731 | $5,170 | 7 | 34 |
| Morphett Road Warradale Location code 1579 | $4,825 | 4 | 35 |

| POSTCODE 5048 | TOP FIVE SPEED CAMERA REVENUE LOCATIONS FINANCIAL YEAR 2006-2007 | | |
|---|---|---|---|
| LOCATION | TOTAL REVENUE OF NOTICES ISSUED | DAYS OPERATIONAL | OFFENCES DETECTED |
| Brighton & Sturt Roads<br>Brighton<br>Location code 23 | $192,428 | 323 | 1417 |
| Sturt Road<br>Brighton<br>Location code 2228 | $9,519 | 6 | 55 |
| Brighton Road<br>Brighton<br>Location code 243 | $169 | 1 | 2 |

All other locations had 0 return.

(d) The Minister for Road Safety has provided the following information:

The Department for Transport, Energy and Infrastructure report that the number of casualty crashes reported to police for postcode areas 5040, 5044, 5045, 5046 and 5048 per financial year 1999-2000 to 2006-07 are as follows:

| | Postcode area | | | | |
|---|---|---|---|---|---|
| | 5040 | 5044 | 5045 | 5046 | 5048 |
| 1999-00 | 10 | 28 | 75 | 52 | 39 |
| 2000-01 | 5 | 30 | 82 | 50 | 55 |
| 2001-02 | 4 | 30 | 74 | 61 | 45 |
| 2002-03 | 4 | 30 | 76 | 41 | 61 |
| 2003-04 | 4 | 26 | 76 | 55 | 58 |
| 2004-05 | 8 | 25 | 68 | 40 | 53 |
| 2005-06 | 6 | 23 | 76 | 44 | 52 |
| 2006-07 | 5 | 23 | 87 | 49 | 55 |
| Total | 46 | 215 | 614 | 392 | 418 |

A casualty crash is where at least one fatality, serious injury or minor injury occurs.

Note the following definitions:

Crash—A crash where at least one fatality or serious injury occurs.

Fatality—A person who dies within 30 days of a crash as a result of injuries sustained in that crash.

Serious Injury—A person who sustains injuries and is admitted to hospital as a result of a road crash and who does not die as a result of those injuries within 30 days of the crash.

## COUNTRY AMBULANCE SERVICE UPGRADE

**352 Mrs PENFOLD (Flinders)** (12 February 2008). What is the expected additional cost of upgrading the country volunteer ambulance service to enable them to cope with the increased load caused by reduced acute care hospitals and the lack of doctors on Eyre Peninsula, given there are only 'hub' hospitals at Port Lincoln and Whyalla?

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

No additional costs are expected.

## VISITORS

**The SPEAKER:** I advise members of the presence in the gallery today of students from Mount Gambier High School (guests of the member for Mount Gambier) and students from Christian Brothers' College (guests of the member for Adelaide).

## MURRAY-DARLING BASIN AGREEMENT

**The SPEAKER:** I have received the following written notice of a proposed matter of urgency from the Leader of the Opposition pursuant to standing order 52 which I have determined is in order:

That the House of Assembly condemns the Rann Labor government for failing to protect South Australia's interests in negotiating the memorandum of understanding dated 26 March 2008 on the Murray-Darling Basin reform and its failure to take swift and effective action to provide water security for South Australian families and businesses putting forward instead indecision, prevarication and media stunts; and calls on the Premier to stop talking and start acting, meaningfully on the River Murray and Adelaide's water security.

I ask those members who support the matter to rise in their places.

*Honourable members having risen:*

**Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:02):** Last week in the car park of the Magill Estate fine dining restaurant, the Premier must have had an epiphany, either that or he was struck by lightning and had a sudden loss of memory. The Premier of this state claims he has delivered an historic water agreement, but there is no agreement. There is no extra water for South Australia, no independent authority, no referral of state powers to the commonwealth. The so-called COAG Murray-Darling Reform Agreement is yet another of his mirages. It is one of the biggest political con jobs in our history.

The Premier today will be reminded of his own words—his own promises and demands. He will also be reminded of how he worked hand in hand with Victoria to scuttle the best prospect in a century of resolving the issue of how to control the River Murray. The Premier has not only appeased the national Labor cause at the expense of South Australia's future, he has managed to lay down and be walked over by Victoria's Premier, John Brumby, who has one billion reasons to laugh behind our Premier's back. This is what you get when your Premier wants to be the ALP president and next in line for an ex-Labor premier's overseas posting.

Let us go back in history to 2003: Mr Rann told the National Press Club that the most urgent environmental issue facing this country is restoring the health of the River Murray. That was 2003. He told the gathering, 'This is a state of emergency'. To his credit, he said what we all knew: 'It is clear that too much water is taken from the Murray'. What then has Mr Rann achieved in the five years since that speech? So, you can see how seriously they take the water crisis. They think it is a joke. The drought has made the state of emergency even worse than he imagined, yet his actions have been political rather than prudent.

On 25 January 2007, 15 months ago, in the face of economic and social disaster, our prime minister at the time, John Howard, stepped in to fix what state Labor could not. His $10 billion National Water Plan was aimed at water over-allocation in the Murray-Darling Basin: it promised nationwide investment in irrigation infrastructure; it promised greater water security; and it provided for a sustainable cap on surface and ground water. The comprehensive plan would undo the damage of a century of dispute between the states. There was a $3 billion commitment to buy water allocations from willing sellers, and that meant more water for the river immediately.

The key to this plan was the states transferring all their powers to a Murray-Darling Basin Commission. What did our Premier do? He began a political game, one which would keep that water out of the river, which would keep powers with the states and which would keep Kevin Rudd's political chances alive. He sold our state down the Labor Party river.

Let us recall what he told listeners of ABC Radio's *World Today* program on 31 January last year. He said that water management should be a politics-free zone. He said he wanted an independent commission that does not report to a bunch of politicians. He said, 'It would be a politics and a politician-free zone'—my, my. He said, 'It would have the power to actually make decisions without referring them to a group of politicians.'

As we all know, the next 10 months would see the National Water Plan held back by Victoria's refusal to sign up. How convenient! Did Mike Rann tackle premiers Bracks and Brumby with the same gusto that he tackled John Howard? No, he did not. He is a Labor man—not a South Australian man; he is a Labor man.

But what goes around comes around. When Kevin Rudd became prime minister, courtesy of a mere 10,000 votes across 11 seats, Mike Rann had a problem. The irrigators of South Australia and those affected by his water stupidity will note the way he is receiving this motion. He needed water on the COAG agenda and he needed a deal to fix the Murray, but the Murray was not on the agenda.

Even last week when they assembled in Adelaide and enjoyed the fine wines and food at Magill Estate, it was not on the agenda. Under political pressure, particularly from this side of the house, they needed a deal and they needed it quickly. But would the deal deliver what Mike Rann had insisted on under previous federal governments? No, it would not. There was no deal. This was a public show. There was a piece of paper, a press release and a proclamation. There was no real deal.

For the record, and for the benefit of all South Australians, let me expose what this Premier wanted and what he got. First, he claimed to have signed an historic agreement—bunkum! But it is not a signed agreement: it is, in its own words, a memorandum of understanding; it is a statement of intention, and intentions can change.

Now to the detail. On October 2007, Mike Rann said that supply of water to Adelaide was a fundamental requirement to any national deal. The memorandum states that any water for Adelaide's critical human needs is 'subject to agreement by the basin jurisdictions'. Even our drinking water can be held back by Victoria, New South Wales or Queensland. What sort of deal is that? Mike Rann has demanded an independent authority, but this memorandum provides for a ministerial council to decide on natural resources management programs, Living Murray initiatives, state water shares and river operations. The last time I looked, ministerial councils were made up of politicians. Who oversees all this, and who does the new authority report to? It reports to the commonwealth minister. Correct me if I am wrong, but is that not a politician?

So, after demanding a politician-free set of controls, this Premier has dumped South Australia for his Labor mates. Premier Rann also demanded a guaranteed minimum entitlement flow of 1,850 gigalitres and environmental flows of 1,500 gigalitres by 2018. This memorandum does not provide for minimum entitlement flows or environmental flows. This Premier demanded 200 gigalitres in immediate interim environmental flows for the Murray Mouth until a basin plan was developed; but, according to this memorandum, there will be no plan until 2011, and no interim flows. So far, we do not have one single bucket of water, but let us continue. There must be something in this deal, this historic deal, a world first—or was it maybe a histrionic deal.

In October last year, Premier Rann labelled the Howard plan a disaster. The Premier said:

The $10 billion will be used further up river to improve infrastructure and make water efficiencies to benefit New South Wales and Victoria, but will not create greater inflows at the South Australian end of the river.

Well, guess what? He has changed his mind. The memorandum hands over $1 billion to Victoria to improve their irrigation efficiencies.

As my colleague the member for Morphett will show shortly, reducing leakage from irrigation channels—leakage that used to seep back into the river—and putting that in a pipeline to Melbourne is a worse outcome for South Australia. So, Victorian irrigators get $1 billion while South Australian irrigators, who spent their own money years ago to become more efficient, get nothing from this Premier. Well done, Premier Rann.

Last year, our Premier said that he wanted a River Murray authority with veto powers, but the states keep their rights; no powers are referred to the commonwealth, and there is no enforcement provision to prevent states walking away from the deal. When things get tough up in Victoria or New South Wales, as tough as they are now in South Australia, they can just walk away from this scrap of paper. Where are the penalties? How will it be enforced?

Let us step aside from politics for a moment and recall the excellent work of the late Peter Cullen, co-founder of the Wentworth Group of Concerned Scientists and former thinker in residence. In his issues paper on the Murray, he outlined seven key steps to address national water shortages:

1. Buying water for the environment to return over allocated rivers to sustainable levels of extraction.
2. Regulating the extraction of water.
3. Accurately measuring our water resources.
4. Pricing water so that we only pay the real cost of supplying water.
5. Giving farmers a secure and tradeable water and entitlement.
6. Comprehensive regional planning.
7. Encourage best practice demand management.

How many of those seven key steps are on the table in this memorandum? None! As Professor Cullen said in the very next sentence, 'Unfortunately governments seem to have difficulties implementing these actions.'

What then was the Rudd/Rann/Wong deal delivering for South Australia? Nothing! There is no historic agreement. There is no basin plan. There is no independent authority. There is no money for South Australia to help its food producers. There is no guarantee of water for critical human needs. For a year, this Premier, Mike Rann, played politics. Now he is play-acting, pretending that he has done a deal. There is no deal. There is not one single bucket of water for South Australia. Mike Rann says he gets results. Well, these are the results he is getting. The boy from New Zealand came to town—

**The Hon. K.O. FOLEY:** I rise on a point of order.

**The SPEAKER:** The Deputy Premier.

**The Hon. K.O. FOLEY:** I would really ask that the Leader of the Opposition show the courtesy, particularly given the gallery has members of the public and schools, that he refer to the Premier by his correct title. I think conduct in this place is very important.

*Members interjecting:*

**The SPEAKER:** Order! I remind all members to refer to other members either by their official title or by their electorate. The Leader of the Opposition.

**Mr HAMILTON-SMITH:** The boy from New Zealand came to town and has lived off the public nipple for 31 years. When challenged to stand up for South Australia, he—

**The Hon. K.O. FOLEY:** Point of order!

**The SPEAKER:** The Deputy Premier.

**The Hon. K.O. FOLEY:** The Leader of the Opposition has reflected on not just the Premier but on the hundreds of thousands of—

*Members interjecting:*

**The SPEAKER:** Order!

**An honourable member:** What's your point of order?

**The SPEAKER:** Order!

**The Hon. K.O. FOLEY:** —on hundreds and thousands of—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. K.O. FOLEY:** Mr Speaker—

**An honourable member:** Don't get angry.

**The SPEAKER:** Order! I know what the Deputy Premier's—

**The Hon. K.O. FOLEY:** I mean, you cannot be critical of—

**The SPEAKER:** Order! The Deputy Premier will take his seat. I do not find that what the Leader of the Opposition has said is unparliamentary and other members on my right will have an opportunity to respond to the Leader of the Opposition's comments.

**Mr HAMILTON-SMITH:** When challenged to stand up for South Australia, he sold us down the river for 30 pieces of political silver. The ALP national president, with an eye to the future, sold out every South Australian. There is no deal, there is no water and there is no honour.

**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) (14:18):** There is something extraordinarily phoney and fake about the Leader of the Opposition's argument today. If you want to talk—

**The Hon. K.O. Foley:** There's something in the water.

**The SPEAKER:** Order! The Premier has the call.

**The Hon. M.D. RANN:** Normally under the provisions and traditions of this parliament, an urgency motion is called at the first available opportunity that parliament sits after the major event about which there is an urgency. This occurred last Wednesday. Tuesday passed: nothing. Wednesday passed: nothing. In fact, yesterday they ran out of questions and so, having failed to make the headlines—because that is what it is all about—what we have seen is, 'What are we going to do today? We are going nowhere.' We've seen the divisions, there is branch stacking—the usual divisions within the Liberal Party. 'So, what are we going to do?' 'I know,' says someone, 'Let's have an urgency motion, about an issue. Let's condemn the Premier for signing up'—to use your words—'to a deal,' and that is the deal that you called upon me to sign up to. Just think about this: this is how phoney and fake they are and you are.

The fact of the matter is that last year when Victoria failed to sign up to John Howard's deal, you were calling on Victoria to do the right thing and you were calling upon me to bang on the table to do it. John Howard said, 'Leave Victoria to me.' That is what he said. And John Howard failed to get agreement. So what happened is that we have seen you say the deal should be signed.

You called upon me to sign the John Howard deal even though there was no independent commission, even though there was no guarantee of Adelaide water and even though there was no mention of the Ramsar sites. The only Ramsar sites that are mentioned are those in South Australia. That is how phoney the Liberals are—talk and no action. What we saw, during the time you were in government federally, was 11½ years of talk. More has been achieved in the last 11½ weeks under Kevin Rudd than under the previous 11½ years under John Howard. Let me read your words to you in case you need—

*An honourable member interjecting:*

**The Hon. M.D. RANN:** We know he's angry. You can see he is angry, and we know just how fake and phoney it is. Here we have a Leader of the Opposition who is constantly calling on us to bring off this deal, even though I agreed to it about two weeks into February 2007. 'Sign the deal', he has been calling. What happens? The deal is done, and now he is condemning us for signing the deal.

There is a problem for the Leader of the Opposition, because the deal was agreed to, and the signing ceremony is in July at the next COAG meeting. So, are you saying that we should not sign the deal that you have been calling upon us to sign? Is that what you are saying? Week after week you have been saying that you would thump on the table and that you would get Brumby into a headlock. Then, of course, you said that it was not on the agenda. It went quiet for a couple of days. He disappeared because he was a bit embarrassed—

*Members interjecting:*

**The Hon. M.D. RANN:** No; basically, what happened is that he got caught out. He said, 'Sign the deal: put him in a headlock, thump on the table, kick out the advisers, but sign the deal this week.' Then, the next day, he said it was not on the agenda, and that was wrong—totally untrue. And, of course, the next day, when the deal was done, he had nowhere to go. The reason he was calling on it to be signed is that he did not believe that Victoria would back down. Now, of course, we hear that he is saying that the billion dollars should not go to Victoria.

He now says that the Liberals are saying that the billion dollars of the $10 billion should not go to Victoria. Well, that is not what he said on radio. He said, 'The action is needed upstream'. It is gravity, stupid; that is what this is about. You need the work done upstream in New South Wales and Victoria in order to get the water over the border into South Australia. And, of course, obviously, when the $10 billion is carved up some of it is for buying out licences, some of it is for buying water to release into South Australia, and a lot of it is about doing the infrastructure works that should have been done years ago upstream in New South Wales and Victoria.

If you look at the problems of the River Murray, do you not think that Victoria in July would have got considerably more than $1 billion? What Victoria got is a commitment to infrastructure that has got them on board. John Howard could not do it; Kevin Rudd did. I pay tribute to the Minister for the River Murray. The opposition has played politics with the River Murray. That is all it has done, right from the start. We have a phoney urgency motion in which it is condemning me for doing a deal that it urged me to do. It cannot have it both ways. It says it is going to put someone in a headlock. Being a premier is about being a grown-up; that is the first qualification.

Threats of physical violence and threats of abuse do not get people over the line when they have the constitution on their side, even though they did not have the science on their side. I will

explain. We have heard what he thinks the deal is. It has taken him eight days to get to an urgency motion. The deal was put out on the net (nationally and internationally) and released publicly, but still apparently the Leader of the Opposition does not understand it. He wanted me to sign it; now he condemns it. The signing ceremony is in July, the agreement has been made, I want to know—and I think the people along the River Murray and the people of the City of Adelaide want to know: are you now telling me not to sign the deal?

*Members interjecting:*

**The CHAIR:** Order!

**The Hon. M.D. RANN:** Look, he is always enraged. It is fake; it is phoney. He wants me to sign the deal. Now he has found out—because we told him—that the signing ceremony is in July. Do the Liberals want us to sign the Murray-Darling deal that provides for $10 billion of work or not? Come on tell us, because you cannot have it both ways. You cannot have it both ways.

*Mr Hamilton-Smith interjecting:*

**The Hon. M.D. RANN:** No, he will not say. That is how phoney it is. It is really urgent. Last week it was not on the agenda. Last week it was a disgrace that it was not on the agenda. Last week there was going to be no deal. I was to be blamed if the deal was not signed, but when the deal is done I am condemned for it. So, I want to know by the close of business today whether the Liberal Party in South Australia wants us to sign the deal or not because last year when it was John Howard's deal—

*Members interjecting:*

**The CHAIR:** Order!

**The Hon. M.D. RANN:** They are wriggling on a stick. Last year, when it was John Howard's deal, it was paradise, yet John Howard's deal did not have guarantees of water security for the City of Adelaide; John Howard's deal did not have the Ramsar sites in the Coorong and the Lower Lakes; John Howard's deal did not have an independent commission with the power to make the decisions—that is the difference.

On top of John Howard's deal we put in a whole series of provisions for South Australia, which were not in John Howard's deal, and now you are saying, because we have got South Australia into it, that we should not sign because you are about party and about headlines and you do not have the interests of South Australia at heart. That is the difference because, when it comes to that basic test for any leader or any premier or alternative premier the question is: are you prepared to put your state before your party? All you do is put yourself before the rest, and Iain Evans knows about that, and so does Rob Kerin.

*Members interjecting:*

**The CHAIR:** Order!

**The Hon. M.D. RANN:** I will explain once again. You go on radio saying that the work should be done upstream but now apparently not. I will explain to you exactly what the deal means. It states:

> The Memorandum of Understanding agreed at COAG on 26 March 2008 between the commonwealth and the Murray-Darling Basin jurisdictions represents a historic advance in the management of the River Murray.
>
> An independent authority—

which you say is not in there—you have to actually read the words:

> An independent authority will be responsible for developing, implementing and monitoring of—
>
> Basin Plan including:
>
> a cap on surface and ground water diversions;
>
> the provision of critical human water needs; and
>
> sustainable industry and enhanced environmental outcomes.
>
> The commonwealth minister—

as it was under the Howard plan—

> —will be the final decision maker on the plan.
>
> Ultimately if the minister refuses to adopt the Basin Plan the minister must report to parliament advising reasons for refusal and making directions to the Authority for modification of the Plan.

The Murray-Darling Basin Ministerial Council will have only an advisory role with respect to the Basin Plan.

The council's other functions will be confined to managing the resource under the Basin Plan and consistent with the plan.

The commonwealth's commitment to the Foodbowl project in Victoria demonstrates the will to achieve efficiencies in water use to enhance the sustainability and health of the River Murray. South Australia welcomes the commonwealth commitment to consider water infrastructure efficiency projects in South Australia [and in other states]. South Australia will, as a priority, develop specific projects...

Obviously, we are looking at a range of projects relating to the Lower Lakes. The Liberal plan made no mention of the Lower Lakes, no mention of the Coorong and no mention of the South Australian Ramsar sites. The document continues:

The Basin Plan will provide for enhanced environmental outcomes. The Basin Plan will be directed at improving the Ramsar sites, including the Lower Lakes, Coorong and Murray Mouth here in South Australia. The Basin Plan must ensure the provision for critical human needs [another provision I insisted on]. The approach to dealing with this issue should provide for certainty while preserving sufficient flexibility to cope with the differing circumstances as these arise.

I guess it comes down to the basic point that you have a Leader of the Opposition, boiling with anger, who is enraged because we brought off the deal, and that is the problem. The reason he was saying that it was not on the agenda (when he was wrong), the reason that he was calling upon me to bring off the deal, is because he did not believe that it would happen. Just as he is angry every time there are good economic statistics, just as he is angry every time there is a drop in unemployment, he is even angrier that we have agreed to a deal which, basically, is what he has been calling on me to do, and that is how phoney the Leader of the Opposition is.

**Mr WILLIAMS (MacKillop) (14:31):** Our leader has laid out the difference, the very stark difference, between what our Premier has been saying publicly and what he has achieved as a negotiator. I suspect that our universities will no doubt soon be using the example of our Premier's negotiating debacle in management classes to demonstrate how not to negotiate. When one is negotiating a deal one should always maintain a position of strength. Never allow your adversary to take the high ground and never give away the knowledge of your imperatives—all rules which our Premier failed to heed. He argued himself into a position where it was imperative that he got a deal. As he just said, it was imperative that he got a deal—any deal.

The signature at the bottom of the page became much more important than the text of the document. John Brumby was well aware of our Premier's political imperative, his weakness, his negotiating blunder. The rest is history. We got the signature but nothing else because the signature became the prize. I doubt that the Premier had any idea of what he actually wanted to achieve in the deal. I doubt that he has enough understanding of the river system and the position of other players even to have fought the important battles. He needed only the signature. Let us examine the Victorian position and the outcomes that Victoria achieved.

Victoria wants to pipe water from the basin over the Great Divide into Melbourne. To do that it needs to convince others that it can make water savings, and claims that this can be achieved through infrastructure upgrades. Most of the supposed savings (and we are talking hundreds of gigalitres) will come from replacing earthen channels with lined and covered channels or pipes to prevent leakage and evaporation. The problem is that those who understand the system and simple hydrology know that the water that leaks from unlined channels flows via the groundwater system back into the river. This is acknowledged by the Premier's own statement that the cap under the new basin plan will apply to both surface and groundwater.

Unfortunately, the Premier can mouth the words but he does not understand what they mean. The net consequence of Victoria's plan will most likely be a net increase in extractions from the system rather than putting back environmental flows. Most commentators know this and have stated so, but South Australia could not wait to get the signature. Additionally, Victoria will be altering the status of the water to be pumped to Melbourne. It will take irrigation water—water that is currently subject to restrictions at times of drought—and convert it to water regarded as critical for human needs.

Did our Premier object to this? Alternatively, did he argue that our licence for Adelaide's water should be subjected to such flexibility; that our irrigators might use some of that water in times of need after our desalination plant has been built? Were any of these issues even contemplated?

**An honourable member:** No!

**Mr WILLIAMS:** No; just the signature. Were irrigators in South Australia, who borrowed tens of millions of dollars to purchase water to keep their trees and vines alive, considered in this deal? Those irrigators used their own money to upgrade their delivery infrastructure and on-farm irrigation systems to world's best practice. They now see their competitors upstream receive taxpayer funds to provide for the same infrastructure.

What has happened to the plan that our Premier put to Prime Minister Howard (prior to last November's federal election) to provide for low interest loans to those same irrigators in South Australia? Were our irrigators considered? No; they have been abandoned in the quest for the signature.

Were the floodwaters flowing into the Darling ever discussed by our Premier? Under current arrangements the Murray-Darling Basin Commission only gains control over water in the Medindie Lakes once 640 gigalitres is in storage. Stories abound of farmers being encouraged to divert water away from the flows to the Medindie Lakes to avoid this trigger being met, which would give the Murray-Darling Basin Commission access to significant volumes of water, some of which could well help the dying Lower Lakes and the Coorong in South Australia. Was this issue discussed? Remember: 'It's about the water, stupid, not the signature.'

When you paint yourself into a corner, when the imperative is the signature, it is very difficult even to raise other matters, let alone negotiate an advantage. South Australia has, once again, been the victim of an incompetent Labor government. The Premier has ignored the political reality that, by moving powers from the South Australian minister to the federal minister, he has simply left South Australia's interests to the whim of the Eastern States. What guarantees has he achieved for our interests?

It is fine to argue that the federal minister is a South Australian. What will happen when there is a water crisis in New South Wales with a New South Wales state election looming and a federal election around the corner? Who will be protecting South Australia's interests then? Will we still have a South Australian as the water minister in Canberra? I think not.

I will now illustrate the difference between rhetoric and action—the very reason South Australia continues to fail. Let me visit a speech that the Premier made in February. He spoke of a visit to the Lower Lakes in January and said:

> At Lake Alexandrina water levels were at 20-year lows with salinity nearly double World Health Organisation standards. It was a terrifying glimpse of the future.

He went on to say:

> This is a state of emergency. I have called for a special meeting of COAG to specifically address the problems of the River Murray and the health and future of all our natural waterways and water resources.

He also said, 'There can be no more alibis and excuses or, even worse, more delays.' The Premier spoke of a plan to waterproof Adelaide 'to cull our reliance on the Murray'. He talked of the amount of stormwater and effluent discharge from Adelaide into the sea. He stated:

> So it makes absolute sense to be using more of our stormwater rather than drawing it from the Murray.

South Australia should be proud of our Premier, except for the fact that this rhetoric was uttered in a speech which was delivered on 20 February 2003, over five years ago. And he had the temerity to say that the was a man of action, not a man of rhetoric.

In the same address the Premier announced that he and the then Victorian premier had forged a new partnership to help restore the health of the river. He went on to state:

> We have pledged to work together to improve the salinity and water quality of the river.

Five years later the truth is stark: the Premier's rhetoric is as empty and depleted as our river and our dams. His words are as barren as our orchards and gardens; his endeavour for South Australia is as hollow as an empty tank. Just as he uttered those statements five long years ago, his utterances of recent times have now proved to be empty rhetoric. Demands of independent authorities, an absolute absence of politicians, his very utterances jar with every South Australian, be they Lower Lakes dairy farmers, Riverland orchardists or Adelaide home gardeners.

If the Premier had demonstrated over the past five years his and his government's commitment to his lofty words of 2003, as South Australians, we may have some sympathy for his position. The fact that his utterances have never been matched by his actions or deeds leaves him and his government condemned. Why then has he kowtowed to the other premiers? Why when

South Australia is at the end of the river system, are we arguing to give away powers in return for no benefit?

South Australians have endured a long and tough five years since the Premier mouthed those platitudes to the National Press Club. The points he raised were relevant then, but they are much more relevant now. The amazing thing is that over the five years so little has been done: no stormwater harvesting, no increase in recycling, a desalination project moving at a snail's pace, and a proposal to build a new dam at Mount Bold to increase our reliance on the River Murray.

Even more importantly, five years on, our Premier wants to sign an agreement which provides for New South Wales to continue under its current water plans until 2014 and Victoria to continue without change until 2019, except that in Victoria they will be taking even more water from the system and converting it from irrigation status to critical human needs status.

I am at a loss to understand what is in this deal for South Australia other than having John Brumby's signature. South Australia needs more water—not in 2020: it needs it now. John Howard proposed $3 billion to be used to address overallocation by purchasing legal water entitlements. Kevin Rudd and Penny Wong proposed to spend just $50 million on water purchases. Remember the Premier's line about no more alibis or excuses or, even worse, no more delays. The grand plan of John Howard to meet the challenges of over allocation is now in shreds and South Australia's position is even more dire.

Rainfall will help but everyone, even our Premier, knows that the system is broken. We cannot make it rain but we can repair the system. Unfortunately, that will take a leader of action—not the task for a spin doctor.

**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) (14:42):** Firstly, in contributing to this debate, I express my deep concern regarding the opposition's attitude towards what is one of the most significant milestones in a century towards better management of the River Murray system. I also express my deep concern regarding this ill-conceived urgency motion and the rhetoric that has been placed on the record in this place in regard to what has been achieved during the past week and, indeed, over the past 12 months. The Liberal opposition's phoney attention to water is absolutely astounding. The phoney rhetoric and attitude towards the seriousness of the drought—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. K.A. MAYWALD:** Let me go back in history and, instead of allowing the Liberal opposition to continue to rewrite history, let me look at their track record. At the 2006 election, their commitment on water was to have a plan by 2009. There it is in black and white in the Liberal Party's platform on water at the 2006 election.

*Members interjecting:*

**The Hon. P.F. CONLON:** A point of order, Mr Speaker: I am interested in hearing what the minister has to say and I cannot hear it.

**The SPEAKER:** I uphold the point of order. Members of my left must contain themselves. The Minister for the River Murray.

**The Hon. K.A. MAYWALD:** In their 2006 election platform, it was all about developing a plan by 2009. This government has been getting on with the job of implementing—

*Mr Williams interjecting:*

**The SPEAKER:** Order! The member for MacKillop will come to order.

**The Hon. K.A. MAYWALD:** —actions, actually investing in our water security, investing in projects that will deliver real water.

*Mr Pengilly interjecting:*

**The SPEAKER:** Order! The member for Finniss will come to order.

**The Hon. K.A. MAYWALD:** Twelve months ago, for the first time since I have been a member of parliament, we saw the federal government take water as a serious issue. It had been in government for almost 11 years, and in 11 years we could not get the strong leadership we

needed at the federal level to deliver the national reform required to better manage the Murray-Darling Basin.

*Members interjecting:*

**The SPEAKER:** Order! Members on my left will have an opportunity to contribute to the debate, and any points that they wish to make by way of interjection they can make in the course of the debate. It is not necessary for them to call out and try to shout down the Minister for the River Murray.

**The Hon. K.A. MAYWALD:** Just over 12 months ago, in January last year, I would be the first to say that I was absolutely delighted that the Howard/Turnbull team finally announced that they were going to look at a national approach to the management of the Murray-Darling Basin. That is something that South Australia had been calling for—not just for one decade, not for two decades, but for many decades—that there be strong leadership from the federal government in regard to the management of the Murray-Darling Basin system.

In South Australia we have enjoyed a very strong bipartisan approach to issues relating to the River Murray prior to this particular Leader of the Opposition. We have actually seen an Adelaide Declaration declared in this place—an Adelaide Declaration that resulted in the Living Murray, which was to deliver, and is to deliver, 500 gigalitres as the first step towards reducing the over-extraction of the River Murray.

That was a substantial effort and it was done with this government and with the former minister for the River Murray and minister for environment, the member for Kaurna. The member for Kaurna had an extraordinary impact at the national level in regard to getting the Living Murray off the ground. He achieved that with the extraordinary support of all members of parliament, not just state members of parliament but also federal members of parliament, right in this place—the Adelaide Declaration.

We enjoyed a bipartisan approach to South Australian water before that, with a motion that was moved by the member for Kaurna to establish a select committee on the River Murray in this place. That select committee took 18 months to investigate issues and put on the table a whole range of recommendations that are and have been implemented. Many of those were about an independence to the management of the Murray-Darling Basin, an independence that was also called for by Professor Cullen.

When the Howard/Turnbull plan was launched in January last year, it did not include that independence. What they sought was a complete federal takeover—hand it from one group of politicians to another group of politicians and hope for the best. That was never going to achieve the national reform necessary to get the changes that we need in the interests of the basin, which will ultimately be in the interests of South Australia.

What South Australia was successful in negotiating and delivering—and our Premier took it to the other premiers—was a commitment from the Howard/Turnbull government to amend their plan to include an independent authority. That independent authority would ultimately report to the federal minister, and if the federal minister chose not to accept the recommendations of that independent authority then that minister would need to put on the table of both houses of parliament his reasons for not doing so. Over the last 12 months—

*Mr Pengilly interjecting:*

**The SPEAKER:** Member for Finniss.

**The Hon. K.A. MAYWALD:** —negotiations have occurred to try to deal with the myriad issues of bringing the national plan to fruition. There were a lot of issues, and there is no doubt Victoria was a sticking point. Victoria held out there and said that they did not want to sign up to the plan, they believed that everything was fine, they were doing okay and the rest of the basin was of no interest to them.

The issue of getting the deadlock broken is about getting proper negotiation, dealing with the issues of each of the jurisdictions concerned and progressing those issues. Since the change in government, we have seen great work from Malcolm Turnbull up until the time that he decided he was not going to negotiate any more and he would just legislate with what he had. The new government picked up the mantle and commenced negotiations to get this plan delivered.

The plan has now been delivered, and I give great credit to Senator Penny Wong, who has undertaken an enormous job as the Minister for Water Security. She is a South Australian senator who has been able to deliver on this plan.

*Mr Pengilly interjecting:*

**The SPEAKER:** Order! I have already warned the member for Finniss.

**The Hon. K.A. MAYWALD:** I would just like to talk about some of the incorrect information that the opposition has put forward in relation to the national plan. In particular, I would like to talk about the project in Victoria. The opposition continues to suggest that this is about sending water to Adelaide.

*Members interjecting:*

**The Hon. K.A. MAYWALD:** To Melbourne. My apologies: to Melbourne. If it looked at the memorandum of understanding, and if the opposition had any understanding at all regarding national water issues, it would understand that the commitment in the memorandum of understanding is subject to due diligence, first and foremost. Secondly, it is Stage 2 of the Food Bowl Improvement program, which does not include a pipeline to Melbourne. How about that? It is not even the same project. What it is talking about is a different project which is being funded by the state government of Victoria and its irrigation community and which is not part of the federal government commitment.

Another thing that is critically important for the underpinning of the future supplies into South Australia—not just for critical urban needs but underpinning the security of supply to our irrigation communities—is ensuring that the basin-wide plan includes critical urban needs. We were unable to get a commitment to critical urban needs from the previous government. We have achieved it under this government. The basin plan will now include provisions for critical human needs. People actually matter. People need water, and the 1.1 million people in Adelaide—and the myriad country communities that are dependent upon the River Murray in South Australia, including Whyalla, Port Augusta, Port Pirie, all the Riverland townships, including my own electorate, down to Murray Bridge—are critical human needs.

For the first time, the basin-wide plan will consider that critical human needs must be considered in developing that plan. It has to be there, and that was a significant gap in the previous proposal.

The other component of the contribution from the opposition is in relation to taxpayer funds for irrigation. It has quoted twice this week from a press release issued on 22 October by the Premier. This is the phoney nature of the representation of the opposition in relation to this matter, because it has quoted extremely selectively from this press release and taken it totally out of context.

The Premier's press release actually refers to comments that were made by the former prime minister John Howard, who said in Adelaide that Adelaide should set about becoming independent of the River Murray for its water supply. The Premier went on to say that the prime minister's water vision for our state totally undermined his $10 billion rescue plan for the River Murray and the undertakings he gave to South Australia. It means that, amongst other things, the $10 billion will be used further up river to improve infrastructure and make water efficiencies to benefit New South Wales and Victoria, but will not create greater flows into the South Australian end of the river. That was referring to the comments that the prime minister made. If the prime minister's comments were put into practice, that would be what would happen.

Members should read the full press release and not take it out of context. The phoney representation of the opposition, in its phoney urgency motion today, is incorrect. It is dishonest in its implication.

The opposition also referred to a speech made by the Premier at the Press Club in 2003, setting out a whole range of measures that the government was putting into place back in 2003 to plan for the future, remembering that the opposition had as its election platform in 2006 to develop a plan by 2009. Well, it was back in 2003—let us get the order of this correct—that this Premier was putting on the table the development of the Waterproofing Adelaide strategy. The Waterproofing Adelaide strategy is a substantial document and the Waterproofing Adelaide strategy is now being built on by the further infrastructure investment that this government has not only committed to but has started to deliver. We are building a 50 gigalitre desalination plant. We are doing the work to establish and double the size of our reservoirs in the Adelaide Hills.

That is another point that the opposition is deceitful on. The South Australian licences for our metropolitan Adelaide from the River Murray are a rolling licence of 650 gigalitres. What we intend to do with increasing our capacity in the Adelaide Hills is not to increase our reliance on the River Murray, but to reduce our reliance on the River Murray—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. K.A. MAYWALD:** —when it is in its most stressful times. We have a rolling licence, and at the moment given the way the system is operated—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. K.A. MAYWALD:** —and has been operated in the past, Adelaide depends most on the River Murray when the River Murray is under its most stress. By expanding the reservoir capacity in the Adelaide Hills we can actually rebalance that licence—rebalance it, not take more—to ensure that we can have less impact on the River Murray particularly in extremely dry periods. We will also have the increased capacity in those reservoirs which will augment and support the desalination plant. It is a sound plan. We are also investing in the interconnection between the north and the south systems within the Adelaide distribution grid to ensure that we can distribute water properly and efficiently across those two systems.

We are in the grip of the most extreme drought on record but the opposition appears to have forgotten that. We are in the grip of the most extreme drought and the South Australian community is currently on enhanced—

**Mr VENNING:** I rise on a point of order. Mr Speaker, the honourable member's time has expired.

**The SPEAKER:** It has expired. The Minister for the River Murray needs to complete her remarks. The member for Hammond.

**Mr PEDERICK (Hammond) (14:57):** We just hear the same speech time and time again from the so-called Minister for Water Security, and it goes on and on. We want less waffle. We want more water. In support of this motion, I want to bring to the house's attention the human dimension of inaction on the River Murray.

Once the state's dairy showpiece with a vibrant industry regarded around the country as among the very best, operated by second, third and fourth generation farmers, using water that nobody else wanted; dairies in the region are now almost non-existent. Those who have stayed are using truly desperate and dangerous methods to try to reach water they are entitled to: their so-called 32 per cent allocation.

While many 60, 70 and 80 year olds in the city are busy getting on with their lives, with no restriction on water use inside the house, their counterparts around the Lower Lakes are crawling around the mudflats on their stomachs, dragging pipes behind them in a frantic effort to reach the ever-receding waterline, and this is for water for critical human needs. Not irrigation: that has stopped.

These are our fellow South Australians, mothers and fathers, cousins, grandparents. They have been growing our food, producing our milk, contributing to the state's economy and reputation. We do not seem too keen to help them now that they are suffering the effects of the disaster that is none of their making. This government has failed them and failed to safeguard South Australia's interests.

Here we are in April 2008 debating the inevitable: no water in the bottom end of the River Murray—Australia's greatest river, soon to become Australia's greatest shame. In the 17 months since the Premier's uncosted announcement of a weir, which has since blown out tenfold, nothing substantive has been done to address the inevitable consequences of low flows, let alone no flows.

Recent media coverage of the situation around the Lower Lakes has finally woken up people to just how much communities are hurting. The graphic images of desperate people struggling has finally hit home. Suddenly, others further up the river have a taste of what it could be like for them if the management of the river is not fixed quickly. Yes, I know that there is a new memorandum of understanding, one that was held back for another 12 months to allow the Labor

Party machine to maximise political gain, but even that does not offer any real assistance to our struggling fellow South Australians with the problems they have right now.

Consider this: in the days following last week's announcement, there was little empathy from the government on the impending doom the people of the Lower Lakes were facing. Whatever general plans the government had to ensure the continued supply of water for critical human needs for other South Australians, it carefully but clearly avoided the issue of what would be done for the people around the Lower Lakes. It was clear that they were going to be left to fend for themselves. To their credit, these people have battled on with little or no help until now—now that there has been a very public hue and cry about it, and now that the government has finally realised that it cannot go on ignoring the issue. We hope it has.

The government was quite prepared to sacrifice the environment below Wellington—and I notice the transport minister's glee at that—and all the people whose lives depended on it. But, suddenly, out of the blue, there is a plan to save Lake Albert from acid sulphate soils. How ironic! The government has gone from a position of abandoning the whole of the Lower Lakes and Coorong, and everyone around them, to suddenly showing compassion for the environment. There is still no real assistance for the critical human needs of the people who live around the area, but the government will spend $6 million to save a piece of that environment from possible total destruction.

Do not misunderstand me; I am not saying that this plan should not go ahead. I am merely making the point that the government's priorities—

*Members interjecting:*

**Mr PEDERICK:** I am talking about the wall between Lake Albert and Lake Alexandrina. I am merely making the point that the government's priorities in this whole situation are inconsistent. All we have been hearing from this government for the past 12 to 18 months is the mantra, 'It's not our fault; it's the drought, and we can't make it rain.' Well, the government has forgotten that we have been in drought since 2002.

I put it to the houses that, if we accept that every bit of water in the entire river system is rainfall—that is, it would not be in the river if it had not fallen from the skies somewhere, some time, even in the northern basin—then I suggest that the government can make it rain. It may not fall from the sky directly above us, but anything that comes down that river is rain. What the government has to do to make it rain is get some more of it from upstream, now and forever. That is the key to this disaster.

It seems grossly unfair that, in the $10 billion deal, $1 billion is gifted to Victoria to fix its archaic infrastructure, and the efficient people at the end of the system have to beg on their bellies to get a few bob to help them. As was said by Sally Grundy, whose family operates the last farm on the whole of the Murray, 'We are the first to feel the effects of no flows and the last to get help.'

Time expired.

At 15:04, the time for debate having expired, the matter stands withdrawn.

## DESALINATION PLANTS

**The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (15:04):** I seek leave to make a ministerial statement. It is a good news statement, sir.

Leave granted.

**The Hon. K.O. FOLEY:** Last December, the government announced that it would build a desalination plant for Adelaide. That announcement was the culmination of months of planning and consideration on how to secure our water supply in the face of extreme drought conditions and record low inflows into the River Murray.

The desalination working group, which was formed in March last year, examined the impact of the drought on water supply, the feasibility of desalination, the preferred size and location, integration into the existing supply network, and cost implications.

The working group recommended Port Stanvac as the most suitable site for a reverse osmosis plant because of relatively deep seawater, marine dispersion characteristics, better

access to water supply network, suitable land availability and lower construction costs. However final site confirmation remains dependent on environmental considerations. In the meantime, discussions have begun with Mobil (the owners of the Port Stanvac site) and we will continue to assess the options with them for the desalination plant.

Today we take another important step forward in the development of the project. Historic perhaps this could be called. I can tell the house that the government has decided to use the procurement method commonly known as design-build-operate and maintain, which is referred to by the industry as DBOM.

This follows an extensive review by consultants KPMG on behalf of the Department of Treasury and Finance and SA Water. The DBOM option came out in front after considering all the critical aspects of a project that is vital to secure the long-term future of Adelaide's water supply. The KPMG report considered key objectives such as how quickly the plant could be up and running, the total cost of the project, the ability to expand the plant if necessary in the future, the complexity of the procurement process, and what the optimal risk transfer was for each procurement option. The report concluded that, on balance, the DBOM method of procurement was preferable compared to other forms of procurement such as an alliance model or a public-private partnership.

The Rann government is committed to giving the people of Adelaide a desalination plant on time and on budget. A key consideration in selecting the DBOM approach rather than a PPP was KPMG's advice that the plant could be delivered in a shorter time frame. Under DBOM we can expect to see the Adelaide desalination plant delivering water to the people of Adelaide by the summer of 2011-12. A further factor was that a DBOM approach would provide greater operational flexibility than could be provided under a PPP contract.

Today's announcement on the procurement process comes on top of a series of other recent announcements that show that this project is well and truly underway. Just this week contracts have been agreed for the provision of independent technical advice and expertise in the desalination planning process.

I can announce that Mr Kevin Osborn, who is a member of the Economic Development Board (and also, from memory, deputy chairperson of the Adelaide Bank and former CEO of Bank One) will independently chair a cross-agency steering committee, which will manage the project. The contract for constructing a pilot plant at Port Stanvac has been awarded this week to Adelaide-based Water Technology Australia, which will start work immediately. By July, the pilot plant will begin assessing the filtration and pre-treatment technology required for the full-scale 50 gigalitre plant.

The Minister for Water Security has also announced that independent external consultants have been appointed to provide expert technical advice on elements of the project, including: design and technical aspects, community consultation, probity, appropriate governance and risk, commercial and financial aspects, engineering and environmental.

A $3 million baseline environmental assessment is continuing for the Gulf St Vincent and will be complete by the end of 2008. An independent environmental technical review panel involving experts from around Australia is reviewing all environmental work for the plant such as marine ecology, desalination outfall dynamics and eco-toxicology.

The government is committed to making the plant carbon neutral and work is continuing on how this will be achieved, including what mix of energy sources could be used. Community consultation will include stakeholder fora, information days, site visits and briefings for interest groups. The desalination plant will be up and running and delivering water to the people of Adelaide by the end of 2011. Today we can really start to see this project take shape.

## WATERING TIMES

**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) (15:10):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. K.A. MAYWALD:** With daylight savings ending this weekend, I advise that changed watering times will be introduced to ensure that South Australians can continue to water efficiently and in the daylight. As of 6 April 2006, the new hours will be that dripper systems and hand-held hoses fitted with a trigger nozzle can be used on one day a week for up to three hours

from either 7am to 10am or 4pm to 7pm. Even-numbered properties are allowed to water on Saturday and odd-numbered properties on Sundays. Changes to watering times will not affect current permits for the elderly and the disabled. Consistent and above average rainfall throughout the Murray-Darling Basin is required before restrictions can be eased, and water availability is being monitored on a monthly basis.

All South Australians are doing a fantastic job in saving water. From 1 January to 31 March this year Adelaide has used 44,883 megalitres of water. This is 29 per cent less water than was used in the last drought year of 2002 over the same period. This is an outstanding achievement, and I thank all South Australians for their commitment to conserving water across the state.

## GRIEVANCE DEBATE

### MURRAY-DARLING BASIN

**Mr PEDERICK (Hammond) (15:11):** At this moment, when so many government personnel (federal and state) are congratulating themselves on the recent cross-border agreement on management of the Murray-Darling Basin, I would like members to pause a moment and reflect on the year 1981, which was the year that the Murray Mouth closed over for the first time. Over-allocation was rampant, and no-one appeared to have any control let alone commonsense. Arguments about the management had raged since the turn of the century, with everyone judging the situation from their own parochial point of view. The river was being torn apart by greed and ignorance.

Another thing that happened in 1981 was reported in *The News* on 28 January by a young journalist, Randall Ashbourne, who was later to become much better known in South Australian political circles. Mr Ashbourne had toured the river from Wentworth down to Murray Bridge; and in his travels he met two men who were passionate and very outspoken about the state of things.

One was Jack Edey, who had lived on the river at Karadoc in Victoria's Sunraysia district for the past 58 years. Jack told Ashbourne about the massive underground sea stretching from Morgan and Blanchetown all the way back to Shepparton. This 43,000 square kilometre body of salt water lay below the river. Its salinity, Jack said, was 20,000 parts per million in 1967, but by 1981 it had climbed to 48,000 parts per million.

Furthermore, he claimed that the level was rising, forcing some five million tonnes of salt a year into the river. This is not news, and neither is the damnation of the authorities in stating 'the states keep fighting amongst themselves and the commission is toothless'.

The other man was Dudley Marrows, who operated a fruit block near the river between Wentworth and Mildura. Dudley had been a thorn in the side of the New South Wales government for years. He lodged literally hundreds of objections to the granting of more irrigation licences along the Murray-Darling, drawing much criticism and abuse. Dudley was not alone in his battle. Many others saw the wisdom of his actions, especially when he put his money where his mouth was and converted his entire irrigation system from overhead sprinklers to under-tree drippers.

This was done to prevent the high salinity from burning the foliage, but it had the secondary benefit of greatly improving water efficiency. Mr Marrow said then that authorities should have known 10 years before that salinity was becoming a serious problem and should have encouraged irrigators to use better methods. He had an even bigger gripe with the then Wran government in New South Wales—funny how that name keeps turning up, like a bad penny! Dudley was, to quote from Ashbourne's article, even angrier about the Wran government's efforts to divert water from the Upper Darling onto massive cotton plantations.

Interestingly, Ashbourne claimed that one of the officials asked not to be named in any report because he had been told, 'Shut up, or else', after condemning Mr Wran's attitude to new Upper Darling irrigation licences. Some things never change.

Why do I raise this now? Because in the euphoria of last week's big announcement, there is the risk that everyone goes off the boil—like being three goals up with five minutes to play and easing back, only to lose the game by a point. The situation for thousands of people around the Lower Lakes is critical now. Talk of three years for real effect from this new management body might not seem like a long time in the context of how long the problem has been looming, but let me remind all members and all South Australians that the situation has never been this bad. The

only reason the Murray mouth has not remained closed in the last few years is because millions of dollars have been spent on dredging it.

While we all look forward to better days and better management of the whole river system, some things cannot wait. It is truly disturbing to hear how the tone of voice drops when Premier Rann, minister Maywald and federal minister Wong are asked about the Lower Lakes. There seems to be resignation that one of Australia's most internationally-significant natural features is already beyond salvation. We cannot let that happen. Who amongst us, be it politician, parent or member of the general public, wants to be the one to have to say to our grandchildren, 'Yes, that happened on my watch. You should have seen it 20 years ago.'?

While we wait for this new body to take shape and grow teeth, we must ensure that one of the main objectives is not lost in the meantime. So, it is timely to remember how long this problem has been around and how hard others have fought for the sort of justice and equity that we hope the new agreement may bring in the future. We owe it to our forebears to succeed, as well as to our descendants.

## ADELAIDE HIGH SCHOOL

**The Hon. J.D. LOMAX-SMITH (Adelaide—Minister for Education and Children's Services, Minister for Tourism, Minister for the City of Adelaide) (15:16):** I rise to congratulate the Adelaide High School community which, this year, celebrates 100 years of service to young people and to the development of Adelaide and South Australia. I will be among a group of parents, friends, scholars, staff and community leaders who will celebrate with a centenary dinner at the Adelaide Convention Centre this weekend. It is a celebration of which we can all be proud, because Adelaide High School is truly the flagship of public education in South Australia.

The school has had an exemplary record of service and achievement ever since South Australia's first Labor premier, Mr Tom Price, officially opened the school on 24 September 1908. The school was, in fact, established as part of wide-ranging reforms to support the education of young South Australians by the then Price Labor government.

Indeed, the school has consistently played a leadership role in public education since its foundation. Reports in the newspaper of the day described the school opening in 1908 as a 'red letter day in the history of the education department'. Indeed, it was a red letter day as it was the first free high school in the Commonwealth of Australia.

This year's centenary celebrations acknowledge its leadership. Interestingly, there is a common thread between those days of reform in 1908 when the school was established and today, because Adelaide High was initially established by an innovative amalgamation of a number of post-primary school activities on one location. It was a creative approach to look at how new and emerging needs to educate and develop the skills of young people can be supported by harnessing both educational resources and political will.

In doing so, the door was opened to hundreds of young people who might otherwise not have been able to achieve their potential. Until then, the door to secondary and tertiary education was effectively shut to all but the wealthy and privileged, because most young people could not dream of going beyond elementary school.

A Wakefield Press book entitled *The Long Division: State Schooling in South Australian Society* by Pavla Miller says of the decades before the Price government established our first free high school:

> Where previously money made a neat distinction between those who were and those who were not to receive secondary education, now, in the 1880s, there was a real possibility that the gradual expansion of state schooling might undermine the exclusiveness of educational provisions for the rich.

The years surrounding the opening of Adelaide High were a time of whirlwind change and debate about the purposes of education and its role in the development of the state. For example, in 1910, just two years after Adelaide High opened, Miller's book says that the education minister of the time argued that:

> No great business could successfully be carried on if the staff was stupid and ignorant. No state could be great if its people were dull and unready to see and to use the best means... it was the duty of the state to develop the brains of the child, irrespective of class.

Today is also a time of significant reform to enable more young people to achieve their potential. We are making these reforms so that every young person can have their future potential recognised. This Labor government realises that if it tries to see further or achieve more, it does so

because, to paraphrase that scientist Isaac Newton 'we stand on the shoulders of giants'. Then premier Tom Price was one such giant. He was a predecessor of mine, as minister for education, and he said of himself: 'I am cut of the rough.' Indeed, he had trained as a stonemason who not only helped to shape the lives of young South Australians but who also cut the stone that built Parliament House.

Then director of education, Alfred Williams, was another such giant who led the way with high school reform and reforms to support compulsory education, with Tom Price's government's support. Adelaide High School's first headmaster, William Adey, also became a director of education in our state and who was a great reformer in his own right. It was William Adey who said on his retirement:

> In handing on the torch, I feel confident that the lamp of learning will burn even more brightly in the future years, and that every child, no matter what the position of his parents may be, will be given his birthright—an education which will develop to the utmost all of his God-given powers.

Adelaide High School has enabled many thousands of young people to develop those powers, not only for school (to quote the school's motto) but for life. A procession of South Australian leaders are old scholars of Adelaide High, including former premier the Hon. Lynn Arnold, former education minister the Hon. Don Hopgood, Chris Sumner and many others, including Tom Koutsantonis, a member of this house.

Over 100 years, this is a school that has created leaders who have helped shape Adelaide, our state and the nation across many walks of life.

Time expired.

## LAND TAX

**Mr PENGILLY (Finniss) (15:22):** I would like to put on the record today two issues which greatly concern my constituents and I suggest many other South Australians, particularly country residents. The first is that of land values and the taxes imposed on them by way of rates from councils. The simple fact is that land values obviously have gone up substantially over the past few years—that is fine—but I have many constituents on fixed incomes who, even with the subsidies on council rates for pensioner concession, etc., are still struggling to find the money to pay the rates on their properties which, in many cases, have appreciated greatly. They do not want to be put in the position where they have to sell their properties. They are most concerned and alarmed that they are put under continued financial strain to find the money to pay for these rates along with everything else around them that is going up.

It is fine for us in this place and for others who receive regular and reliable income to deal with this. We can plan for it and we can accommodate it fairly satisfactorily. I acknowledge that council rates are not a great deal of expenditure for most people. Of course, they are a burden, but they are not all that significant in the scheme of things. If you are running a farming property or a business or whatever, they are not too bad. The problem arises, as I mentioned earlier, for many elderly people and those on low incomes. They own a property, or maybe they are buying a property, and they have to find a quarterly payment for their council rates.

I also acknowledge that councils work overtime in order to try to accommodate many of these people and, indeed, come to arrangements with people on means to pay their rates. However, that has a logical conclusion, because they might struggle through one year and yet they find that the next year they are back in the same situation where they have their annual rates bill. They are still on a low fixed income.

The price of fuel has gone up, which I will come to in a minute, as has the price of food and, of course, in the current situation, the price of basic foodstuffs is rising alarmingly, and they are trying to get through on little or no income. They get to the stage where they cannot afford to go out. They cannot do anything. They put everything on the backburner just to survive. I raise that issue and I have no doubt that other members in this house will be getting the same sort of calls from their constituents that I am. It is an issue we have to address. It is an equity issue for older people and people in poor circumstances who simply cannot find the money to run with our way of life and the high cost of everything today.

The other issue I would like to pay some attention to, which is an enormous issue for people, both in metropolitan and regional areas, but even more so for regional people, is the price of petrol. It is an enormous issue out there. If you are paying $1.35 in Adelaide I can guarantee that

you would be paying $1.50, $1.55 or $1.60 in many parts of the country, and many parts of the country do not have the discounts available to people that are available in the metropolitan area.

Yesterday I noticed that one service station down on the highway had fuel at $1.33 per litre and this morning it was $1.48. I know that my constituents down on the South Coast are, generally speaking, paying around 15 to 20¢ per litre more than you would pay in the metropolitan area. Indeed, when you are paying $1.33 here, on Kangaroo Island they are paying upwards of $1.57, $1.58.

It is not the local fuel retailers that are setting that price, it is the fuel companies. The poor old local retailers in country areas get belted around the ears quite unfairly because it is outside of their control. In this world of ours you just have to have fuel. Of course, the double-whammy for many people in the country, and particularly in my electorate at this particular juncture, is that there is no public transport; it just does not exist.

Time expired.

## McSEVENEY, ELAINE

**Ms BREUER (Giles) (15:27):** I rise today, in the first instance, to pay tribute to a very dear friend of mine, and the former secretary of the Whyalla Sub-Branch of the Labor Party, Elaine McSeveney. I have had the unfortunate news this morning that she has passed away. Elaine has been a friend of mine for many years and for many years she was the secretary to the mayor in Whyalla, worked for the Whyalla council, and was a very valuable member of their staff.

I remember when I first went on council how much assistance Elaine gave to me, and to other new members on council, including Eddie Hughes, who is now the deputy mayor and is also part of my staff. She was a great asset to the Whyalla council. After her retirement she joined the ALP in Whyalla and for many years was a very valuable secretary to our sub-branch.

In a small community such as Whyalla we find that there is much work done by a few people, as in any small community, and Elaine was a particularly hard worker in the Whyalla community and a valuable member of our community. She was part of that group of migrants who came out to Australia in the sixties and seventies who became part of Whyalla.

We were very lucky, we had people from the UK, Europe and Australia, and always about a third proportion of those. Elaine was one of those who came out from the UK, settled in our community, raised her family there and worked very hard for the community over the years. I know she was associated with many local groups in Whyalla and helped in fundraising and supporting those groups, etc., particularly the Presbyterian Church in Whyalla, and I know she was a very much valued person there—she was a wonderful cook.

I will really miss Elaine. She was a wonderful worker for our community. I wanted to pay tribute to her because often these people do go unrecognised and it is not appreciated just how much work people like her do for their communities, unrecognised, sometimes unknown, although Elaine was very well known.

So, I wanted to particularly pay tribute to her and I certainly send my deepest sympathy to her husband Tom and her family and just say how much we appreciated Elaine and how much we will miss her. She was a wonderful woman.

I also want to talk today about my community and put the record straight. Yesterday I met with Eddie Hughes, the deputy mayor, with representatives from the DPC and also the Department of Defence about the future development of the Whyalla area, and particularly the Lowly Peninsula and the land around the Lowly Peninsula and Whyalla.

I want to repeat on record what I have said consistently all the way through in these discussions with DPC and the Department of Defence: we in Whyalla do not oppose development in our area. We have been through some very hard times. We are on the rise again now and we are very happy about that. But we are asking—and we did ask yesterday—that they listen to what our community is saying, particularly the Whyalla council, myself, and the Economic Development Board. The Army is taking over a huge amount of land around Whyalla. The amount is really unbelievable and it will be training people there.

This is very much tied in with the other issue about the Lowly Peninsula. The Army is not taking over the Lowly Peninsula, but we believe that developments are being proposed for that area which we know nothing about. We are losing this vast tract around Whyalla, which will take away virtually all the recreational land around Whyalla. We do not want to lose our peninsula as

well. We do not want it industrialised. It is a very beautiful spot in South Australia. You can sit out at the Lowly Peninsula and look across at the Flinders Ranges, across the top of Spencer Gulf, and it is unbelievably beautiful. We do not want to lose that particular asset. We believe that, if we can get a compromise with the Army, if it can release some of the land it is proposing to take over, development can go on there. Industrialisation can happen there, it does not have to happen on the Lowly Peninsula, and that is what we are asking for.

So, we do not oppose development in our area; we fully support it. We know that that is our future, but we want it to be done carefully. We have just got over a huge environmental disaster in Whyalla. When people talk about Whyalla, they talk about red dust. We are now resolving that issue thanks to the efforts of OneSteel. That is being resolved, and people are already starting to notice the difference. We do not want a similar disaster to happen on our Lowly Peninsula. We have cuttlefish on one side, which we are world famous for, and, on the other side we have fish farms. We want to leave that amenity as it is.

I want to put on the record that we do not oppose development. I am fully behind the Whyalla council and I am fully behind the Whyalla Economic Development Board, and we will stand together on this.

## KIRTON POINT EMERGENCY SERVICES CENTRE

**Mrs PENFOLD (Flinders) (15:32):** I rise to put on the record a letter I have today hand-delivered to the parliamentary office of the Minister for Emergency Services asking her to urgently reverse the decision to collocate emergency services with education services at Kirton Point in Port Lincoln. I believe it will endanger the lives of children and will be regretted into the future should it be implemented. My letter states:

As the local member, I earnestly appeal for common sense to prevail and request that your department urgently reconsider the proposal to build the new emergency services centre at Kirton Point. I am gravely concerned that the proposed site will compound problems in an area that is already a congested traffic hazard and that will be made much worse if there is an emergency services facility located there as well. I believe there is a window of opportunity that needs to be seized because the lease on an alternative site located at the current SES site is due for renewal in a matter of weeks and the land that incorporates it has also become available.

As you are aware, it is proposed that the new combined services centre will be located alongside the education hub at Kirton Point and along the route that is the main access to the Marina residential and fishing area. For your information I enclose a map of the city of Port Lincoln to highlight where this is in relation to the rest of the town and the hinterland where I understand approximately 70 per cent of the callouts occur.

While the location of the proposed new site is considered roughly 'central' within the town, this creates problems in emergency situations. MFS, SES and CFS personnel will have to pass at least one school, possibly two, cross a railway line or pass over a bridge to even get to this location. Once assembled they will then have to go to the emergency which, if it isn't close by will mean having to traverse the same set of hurdles in reverse to leave the area. The potential difficulties and delays that will be encountered if an emergency occurs around 8:30 a.m. or 3:30 p.m. on a school day as children, parents and buses are leaving the school, kindergarten or child-care centre could be crucial. Already there have been accidents on the Stevenson Street school crossing.

Another congestion problem that needs to be considered by your department in relation to the proposed site will be compounding traffic problems caused by the Education Department locating Port Lincoln's new child-minding centre and out of school hours care at the Kirton Point education precinct on Stevenson Street. In addition there is a proposal for a new Lutheran School to be located on one exit road and possibly a new Interdenominational School on a major road into town.

The freight railway line and Stevenson Street, the major road to the wharf precinct, dissect Kirton Point from the rest of the city. Stevenson Street passes between the school and kindergarten and the proposed emergency services site. This route is used by the fishing industry to access the wharf from factories on Proper Bay. The area is also extensively used by various fishing industries [going] to and from the Marina.

Nearby roads and the railway, bring approximately 40% of the state's grain into the silos at the wharf ready for export during harvest time. Fertilizer is trucked from the wharf to the Pivot depot nearby with trucks later collecting fertilizer for delivery to farms. The mining industry is investigating a huge expansion in this same area, increasing potential congestion with trains and [more] trucks.

The corner where the proposed emergency services centre is to be located is on the major route, Stevenson Street, for the swelling numbers of families living in the marina area—all accessing the city precinct and using its facilities. Tourism alone is increasing quickly with cruise ships now coming into the marina and soon to the wharf. The new Port Lincoln Hotel is bringing in more and more visitors and Virgin Airlines are looking at bringing in flights from Sydney and Melbourne.

If there was an emergency at the airport or anywhere on the northern side of Port Lincoln, the service vehicles would have to negotiate their way right across the centre of the city which would be a nightmare. We are already experiencing traffic jams on the Lincoln Highway at peak times in the mornings and evenings.

I also bring to your attention potential noise issues that don't appear to have been considered in the selection of the site. Not only will there be sirens going at all hours of the day and night through residential areas unsettling school children, there is the need to clean and maintain equipment. For example, chain saws have to be cleaned and serviced after every use in readiness for the next call out which are quite frequent during winter storms.

Finally there is the communication issue. The emergency services rely on good communication and Kirton Point is recognised as a poor site for an HF radio.

Time expired.

## FOOTPATHS

**Ms PORTOLESI (Hartley) (15:37):** I rise to speak on a very important issue, footpaths in my electorate of Hartley—

**The Hon. M.J. Atkinson:** Pavements.

**Ms PORTOLESI:** —we call them footpaths in Campbelltown—which was recently highlighted by an important story in the local media. *The East Torrens Messenger* told the story of an elderly constituent of mine who had a fall due to uneven pavers while walking along St Bernards Road near her home in Magill. She suffered extensive injuries from the fall, with a haemorrhaging knee, an injured back and widespread bruising. She has informed my office that this was one of many falls and that one of her neighbours recently fell on a similar stretch of pavement. I wish her well in her recovery.

The story highlighted by the Messenger—and I congratulate it for drawing attention to this important matter—is a timely reminder for governments at all levels that we need to get the basics right. Ensuring that essential services are provided to our community is a priority for me as a local member. While it may be footpaths and waste collection for council, it is health, education, water security and community safety for this state government.

This is not news in my local area. It is a persistent source of debate in the community and one that played a significant role, I believe, in the results of the last local government election in Campbelltown. Members may recall that the council was divided prior to the election over a proposal to build a multimillion-dollar centre—a proposal which has now largely been abandoned.

*The Hon. M.J. Atkinson interjecting:*

**Ms PORTOLESI:** No, I haven't succeeded in bringing back the love, Attorney. I would like to start with you, in fact. The state of the footpaths is an issue that was first raised with me years ago when I held my first street corner meeting as a candidate, and this is not just a problem in the Campbelltown area. It continues to be a really important issue. I was doorknocking in Kensington Gardens on Monday, and the issue of the lack of adequate footpaths was raised consistently.

I was asked why there are footpaths on one side of the street only (as we often have) and, I must say, I do not know the answer to that. It is an issue raised not just by our most senior citizens; it is also raised by parents pushing prams and walking young children. I am aware that Campbelltown City Council recognises this is a problem and, in doing so, acknowledge that there are some things they cannot control. Pavers and footpaths are affected by the ongoing drought and the recent heatwave, which have caused the soil to shift. I am also aware that council has a significant program to address the backlog of maintenance and improvements to pavements.

I urge the council to act without delay on this matter, and do appreciate that it has a massive job ahead of it. We want to ensure that our senior citizens remain active in our community. I must commend the Minister for Ageing, for example, for initiatives such as the Circle of Friends program, which supports the elderly with everyday tasks, keeping them connected with other members of the community—

*Ms Chapman interjecting:*

**Ms PORTOLESI:** Which is the council's responsibility. We do not want elderly residents to isolate themselves in their own homes because they do not feel safe walking to the shops for fear of a fall. I am pleased to report that, although footpaths are in need of improvement, the community spirit in Campbelltown is not. Following my constituent's fall, she was assisted by no fewer than four passers-by, who went out of their way to assist her. They all deserve our heartfelt thanks.

I do believe that some of the credit for this strong display of community spirit in Campbelltown must go to the council. Community events organised by the council, such as the recent Campbelltown Proud Day, where 2,500 people gathered in Thorndon Park, is a great celebration of the diversity and strength of our local community.

Whilst on this subject, I would like to congratulate Mr Sam Di Bacco, who undertook and completed at the Campbelltown Proud Day, a variety charity bike ride from Brisbane to Adelaide. His effort to raise money for kids with disabilities was a thoroughly selfless act, even more so given the ride took place during the peak of our recent heatwave. I look forward to working with my local councils and communities for the benefit of our constituents.

## CONTROLLED SUBSTANCES (CONTROLLED DRUGS, PRECURSORS AND CANNABIS) AMENDMENT BILL

**The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs) (15:41):** Obtained leave and introduced a bill for an act to amend the Controlled Substances Act 1984. Read a first time.

**The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs) (15:42):** I move:

That this bill be now read a second time.

This is a comprehensive reform dealing with issues about controlled illegal drugs. This government is determined to deter illegal drug use and offenders against the law of this state. Ours is a work in progress.

The bill proposes big changes to the law with this general purpose in mind. It carries out some government election pledges. In particular, it increases the penalties against the cultivation of hydroponic cannabis, and requires the courts to treat amphetamines alongside the most serious category of illegal drugs; that is, amphetamines.

It rearranges the way in which precursor substances are controlled in this state, and introduces major new offences aimed directly at those who are operating drug laboratories in this state. It is part of the government's pledge to crack down on organised crime, particularly motorcycle gang crime. The Commissioner of Police has urged these measures.

The bill also proposes amendments to the act to smooth further movement to a national standard for the regulation of controlled drugs and substances generally, with the aim of toughening the law, and proposes some sundry amendments that have been urged on the government from different sources. I seek leave to insert the remainder of my second reading remarks in *Hansard* without my reading them.

Leave granted.

Election Promises

At the last election, the Labor Party made an election promise about drugs. It said in part:

If re elected, Labor will:

- create a specific offence of cultivating cannabis hydroponically;
- legislate to ensure courts treat the manufacture, sale and distribution of amphetamines, ecstasy and similar drugs at the upper level of the penalty range, rather than the middle;
- make the possession of firearms in conjunction with drug offences an aggravating feature of the drug offence, attracting higher penalties.

The amendments proposed in this Bill directly and specifically enact the election promises detailed.

The Regulation of Precursors

The Commissioner of Police has argued that the Controlled Substances Act 1984 and the amending Controlled Substances (Serious Drug Offences) Amendment Act 2005 'do not adequately provide intervention opportunities necessary to effectively prevent the manufacture of illicit drugs'. He wants an offence of possession of precursor chemicals without lawful excuse. The basis for this argument is a resolution of the Australian Police Ministers' Council (APMC).

Precursor chemicals and the manufacture of synthetic illegal drugs are currently controlled directly in two ways.

First, there are current minor offences dealing with precursor chemicals. They are in Part 6 of the Controlled Substances (Poisons) Regulations 1996. This is a sophisticated scheme of regulation, although the penalties ($3,000-$5,000) are small because they are limited to the maximum permitted for regulations. The scheme is:

- It is an offence to manufacture, sell, supply or be in possession of listed chemicals without a permit from the Minister. There is no other lawful excuse for this.

- It is an offence to sell some listed precursors unless a particular regime applies, which includes purchaser identification and an end user statement, including keeping comprehensive records of purchase for at least five years. This list includes pseudoephedrine.
- It is an offence to sell some listed chemicals with another less stringent identification and end user regime, but with an obligation to report suspicious purchases to the police.

The list of chemicals in each case is different based on their legitimate uses.

The Controlled Substances (Serious Drug Offences) Amendment Act 2005 contained new serious offences of dealing with precursor chemicals. The Commissioner of Police thinks they are not satisfactory for catching drug laboratories because they rely on proof of an intention.

An extensive national list of 'controlled precursors' has been developed by the Intergovernmental Committee on Drugs (IGCD) for the purpose of the new offences.

The models of regulation of precursor chemicals in drug legislation throughout Australia vary markedly. I have decided on a new approach that mirrors recent events elsewhere and also takes into account established practice in this State.

There will be an offence of possession of more than a prescribed amount of precursor chemicals listed in regulations without lawful excuse. It is contemplated that the list of precursor chemicals will be that list of controlled precursors to be used for the purposes of the serious drug offences legislation. It is contemplated that the specified amounts will be the trafficable amounts determined by the national model schedules working party. The applicable maximum penalty will be three years imprisonment or $10,000 unless the offence is aggravated. The offence is aggravated if the offender is found either (a) in possession of two or more chemicals above the prescribed amount; or (b) in possession of one chemical above the prescribed amount and one or more prescribed items of drug equipment. The applicable maximum penalty for the aggravated offence is to be five years' imprisonment or $15,000. What will or will not be a listed drug apparatus will be prescribed by subsequent regulation.

There will be an offence of possession of any amount of any listed precursor chemical or an item of prescribed drug equipment with intent to manufacture a controlled drug. The applicable maximum penalty is to be five years imprisonment or $15,000.

The Act will be amended to allow the Minister to issue a permit for the possession, sale or supply of precursor chemicals listed for this particular purpose. It is contemplated that this list of chemicals will resemble those currently listed under what is now regulation 32.

The Act will be amended to contain the schemes now contained in regulations 33 and 34. If the possessor of the chemicals complies with these statutory requirements, that compliance should be deemed to be a lawful excuse for possession. It is contemplated that the lists of chemicals to which these schemes apply will be retained. The applicable maximum penalties in each case will vary according to the severity of the offence from imprisonment for 12 months or $1,000 to imprisonment for three years or $10,000.

Section 33 of the Controlled Substances Act 1984, inserted by the Controlled Substances (Serious Drug Offences) Amendment Act 2005 contains tiered offences of manufacturing a large commercial quantity, a commercial quantity and a lesser quantity of controlled drugs with the intention of selling any of it or in the belief that another person intends to sell any of it. Section 33(4) contains a presumption. If the defendant manufactured a trafficable quantity of the controlled drug, the necessary intention of on sale is presumed in the absence of proof to the contrary. The common law says that the tiered offences will also be committed if the defendant attempts to manufacture or conspires to manufacture the quantities. I propose that the presumption be amended so as to provide that if the defendant attempts or conspires to manufacture a trafficable quantity of a controlled drug, the necessary intention of on sale is presumed in the absence of proof to the contrary for the purposes of an attempt offence or a conspiracy offence.

Amendments For New Regulations

The nationally prescribed Regulations (and related matters) require the Act to be amended so as to:

- permit the specification of prescribed amounts of controlled precursors in their pure form as well as their mixed form;
- permit the specification of certain kinds of chemicals as discrete dosage units so as to preclude arguments that the medium on or in which a pure amount is contained constitutes an adulterant;
- permit the specification of amounts of controlled plants both by weight and by number; and
- amend the defence of lawful manufacture, supply, administration or possession of controlled substances or equipment so that the defence is not confined to drugs of dependence but may extend, by regulation, to any controlled substances or equipment other than that specified by regulation.

Miscellaneous Amendments

In consultation, the Minister for Mental Health and Substance Abuse requested two amendments unrelated to election promises but which have awaited a miscellaneous reforming bill. They both need to be done.

The first concerns delegation. It consists of two amendments to section 18A. Section 18A deals with prescription of drugs of dependence and Ministerial authority to do so. Section 18A(6) allows a member or officer of the Department to authorise prescription temporarily in an emergency. When Pharmaceutical Services staff moved from the Department of Health and became employees of the Southern Adelaide Health Service, they were no

longer officers or members of the Department. It is therefore proposed to amend the sub section to simply refer to the Minister. The second amendment is to section 18A(8). This also refers to authorities to prescribe. The current section deals only with revocation. The Minister was advised that there was legal uncertainty about the status of conditions placed upon the authority to prescribe. It is proposed to amend section 18A(8) to replace uncertainty with clarity.

The second technical amendment concerns regulations. It occasionally happens that codes, standards and other documents are picked up by the regulations or otherwise incorporated by reference. Section 63(5) says that the regulations may refer to or, by reference, incorporate (with or without modifications) any code, standard, pharmacopoeia or other document published inside or outside of this State and a code, standard, pharmacopoeia or other document so referred to or incorporated has effect, as amended from time to time by the authority responsible for its publication, as if it were a regulation made under this Act. The question is as to the status of the incorporated document. At the moment it seems that the incorporated document itself becomes a regulation. That is not sensible. There is no reason to apply the Subordinate Legislation Act to, say, the TAG Therapeutic Goods Order and every reason not to. The proposed amendment makes it clear that this is not so.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of Controlled Substances Act 1984

4—Amendment of section 4—Interpretation

This clause amends the definitions section of the Act. A definition of artificially enhanced cultivation is inserted for the purposes of the Act (being the same as the definition that currently appears in section 45A of the Act in relation to simple cannabis offences, but not limited to that section). There is also a new definition of authorised officer which will apply generally to the Act (and not just to Part 7) and the definitions of commercial quantity and large commercial quantity are substituted with new definitions that will allow the regulations to prescribe amounts for mixtures containing a controlled precursor (where currently the provisions about mixtures apply only to controlled drugs) and these new definitions, as well as the proposed new definition of trafficable quantity, will also allow the regulations to prescribe amounts for mixtures in terms of discrete dosage units of the mixture. Consequentially to propose new section 33OA(2), the new definitions also specify that the regulations may prescribe amounts in relation to controlled plants by reference to a number of plants or the weight of the plants.

5—Amendment of section 6—The Controlled Substances Advisory Council

This clause makes a minor amendment to section 6 to specify that the presiding member of the Advisory Council may be a member of the Department or of another administrative unit of the Public Service, or body incorporated under the South Australian Health Commission Act 1976, involved in the administration of the Act.

6—Insertion of sections 17A, 17B and 17C

This clause inserts a number of new offences into the Act relating to precursors. The new offences are based on provisions currently contained in the Controlled Substances (Poisons) Regulations 1996 but have increased penalties.

7—Amendment of section 18A—Restriction of supply of drug of dependence in certain circumstances

This clause amends section 18A—

- to remove the reference to "a member or officer of the Department, authorised generally or specifically by the Minister" in the provision dealing with the grant of a temporary authorisation. Removing these words will allow the Minister to delegate this function as the Minister thinks fit;
- to specifically provide for the imposition of conditions on authorisations and to provide for variations to such conditions.

8—Amendment of section 31—Application of Part

This clause amends section 31, which specifies exceptions to the offences in Part 5 of the Act. Paragraph (a) of subsection (1) is substituted to allow for exceptions relevant to the proposed new offences in clauses 10 and 12 and the remaining paragraphs of that subsection are amended to allow for exceptions relating to controlled drugs other than just drugs of dependence.

9—Amendment of section 33—Manufacture of controlled drugs for sale

This clause clarifies the application of the presumption in subsection (4) where the proceedings are for an offence of attempting or conspiring to commit an offence against section 33(1), (2) or (3).

10—Amendment of section 33J—Manufacture of controlled drugs

This clause creates a new offence of having possession of a controlled precursor or prescribed equipment intending to use the precursor or equipment (as the case may be) to manufacture a controlled drug. The offence is punishable by a fine of $15,000 or imprisonment for 5 years or both.

11—Amendment of section 33K—Cultivation of controlled plants

This clause amends section 33K to—

- provide that cultivation of any number of cannabis plants by artificially enhanced cultivation is an offence against subsection (1) (which currently has a penalty of $2,000 or 2 years imprisonment);
- increase the penalty for an offence against subsection (2) to $1000 or imprisonment for 6 months (currently the penalty is a fine of $500);
- ensure that, despite the penalty increase in subsection (2), those offences against that subsection that would be expiable under section 45A will not be punishable by imprisonment.

12—Insertion of section 33LB

This clause inserts a new section creating 2 new offences. The first makes it an offence to possess a prescribed quantity of a controlled precursor. This offence is punishable by a fine of $10,000 or imprisonment for 3 years or both. The second makes it an offence to possess a prescribed quantity of a controlled precursor and either a prescribed quantity of another controlled precursor or any prescribed equipment. This offence is punishable by a fine of $15,000 or 5 years imprisonment or both. Both of these offences are subject to the defence of reasonable excuse set out in subsection (3) of the proposed provision.

13—Insertion of section 33OA

Proposed new section 33OA sets out provisions relating to charging of offences.

14—Amendment of section 44—Matters to be considered when court fixes penalty

This clause makes 2 amendments to section 44. Firstly, proposed new subsection (2) provides that a court sentencing a person for an offence against Part 5 involving a controlled drug (other than a cannabis offence)—

- must not take into account the degree of physical or other harm generally associated with consumption of that particular type of controlled drug, as compared with other types of controlled drugs; and
- must determine the penalty on the basis that controlled drugs are all categorised equally as very harmful.

The second amendment is proposed new subsection (3) which requires a court that convicts a person of both—

- an indictable offence against the Controlled Substances Act 1984; and
- an offence against section 32 of the Criminal Law Consolidation Act 1935 constituted of having a firearm for the purpose of carrying or using it in the commission of the offence against the Controlled Substances Act 1984,

to make any sentences of imprisonment for those offences cumulative unless the court is satisfied that special reasons exist.

15—Amendment of section 45A—Expiation of simple cannabis offences

This amendment is consequential to clause 4 and clause 11 and deletes the current definition of artificially enhanced cultivation.

16—Amendment of section 50—Authorised officers

This amendment is consequential to clause 6.

17—Amendment of section 51—Analysts

This amendment ensures that sufficient analysts can be appointed for the purposes of the Act (rather than just for the purposes of Part 7).

18—Amendment of section 56—Permits for research etc

This amendment allows a research permit to be issued relating to a controlled precursor.

19—Amendment of section 61—Evidentiary provisions

This clause amends section 61(1) so that the evidentiary certificate provided for in that subsection will be issued by the Minister rather than by a member or officer of the Department. This function would be able to be delegated by the Minister.

20—Amendment of section 63—Regulations

This clause amends the regulation making power to allow the regulation to refer to a code, standard, pharmacopoeia or other document either as in force at the time the regulations are made or as in force from time to time.

Debate adjourned on motion of Mr Venning.

## CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (CLASSIFICATION PROCESS) AMENDMENT BILL

**The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs) (15:45):** Obtained leave and introduced a bill for an act to amend the Classification (Publications, Films and Computer Games) Act 1995. Read a first time.

**The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs) (15:45):** I move:

That this bill be now read a second time.

The National Classification Scheme is an arrangement between the commonwealth, states and territories established under the 1996 intergovernmental agreement for a cooperative censorship scheme. The commonwealth Classification (Publications, Films and Computer Games) Act 1995, the commonwealth act, establishes the framework for the classification of publications, films and computer games and a review of classification decisions. The states and territories each have complementary classification or censorship legislation, whichever you prefer to call it. I prefer to call it 'censorship legislation' and myself a censorship minister and, indeed, one of the best debates at the Ministerial Council on Censorship was whether we should be censorship ministers or classification ministers, and I am pleased to say that, for a change, my fellow Labor attorneys-general supported me on a censorship matter and supported the view that we should be known as censorship ministers, so that we could call the evil by what it is—not that I regard it as an evil.

Early in 2007, the commonwealth act was amended to integrate the Office of Film and Literature Classification into the commonwealth Attorney-General's Department and to streamline the film classification process by introducing an additional content assessment scheme for fast-tracking the classification process for additional content released with already classified or exempt films and removing the requirement for compilations of already classified films to be reclassified.

Amendments integrating the Office of Film and Literature Classification into the commonwealth Attorney-General's Department came into effect from 1 July 2007, and the complete commonwealth Classification (Publications, Films and Computer Games) Amendment Act 2007 started on the ides of March 2008, a date very familiar to me because it is my wedding anniversary. Members will recall—

**The Hon. J.D. Hill:** Romantic, isn't he? He probably remembers his anniversary because of that act.

**The Hon. M.J. ATKINSON:** That's right. 'Oh, dear, it is the anniversary of the act, dear.' Members will recall that, when the Howard government removed the statutory body status of the Office of Film and Literature Classification and moved it into the Attorney-General's Department, as a parting gift to the people of Australia they made Donald McDonald the head of it. Changes to the commonwealth act require some cognate amendments to the South Australian Classification (Publications, Films and Computer Games) Enforcement Act 1995 and the classification enforcement laws in other jurisdictions. The consequential amendments to the South Australian act are in this bill.

I was delighted to receive Mr Donald McDonald at the Standing Committee of Attorneys-General meeting in the Barossa Valley at Tanunda just last week, and the member for Schubert accepted my invitation to be there, and I thank him for that. I thanked Donald McDonald for making his way from Sydney to the meeting, and I was delighted to observe that Donald McDonald is a *Spectator* reader. I suspect we are the only *Spectator* readers in SCAG.

With those remarks, I seek leave to incorporate the remainder of my second reading explanation in *Hansard* without my reading it.

Leave granted.

The new Commonwealth administrative arrangements are based on the recommendations of the report made by John Uhrig AC, who conducted a review of the corporate governance of Commonwealth statutory authorities and office holders. The amendments are intended to reinforce the independent functions of the Classification Board and the Classification Review Board. They confine the existing powers of the Director to matters associated with the Board and give separate statutory powers to the Convenor for matters associated with the Review Board, and transfer from the Director of the Classification Board to the Attorney General, as Minister administering the Act, responsibility for delegated legislation. This includes the power to determine markings to be displayed about classified material to be exercised in consultation with State and Territory censorship Ministers.

The Bill amends the South Australian Act to take account of the administrative changes. In particular, the Bill inserts a definition of 'convenor' and 'classifiable elements' into the Act and amends the definition of 'approved

form' to take account of the Commonwealth Act now providing for the Commonwealth Minister, and not the Director of the Classification Board, to approve a form for notice about classifications.

The Commonwealth amendments, which are aimed at streamlining the classification process and reducing the regulatory burden on industry, introduce an additional content assessment scheme, alter the definition of 'film' and allow for certain modifications, such subtitles, captions, dubbing and audio descriptions or the addition of navigation aids, to be made to already classified films, without affecting their classification.

The effect of the definition of 'film' in section 14 of the Commonwealth Act is that when a previously classified film is released with additional material, such as on a DVD, the new release is a new 'film' which is unclassified. The definition of 'film' has been expanded to provide special rules for the classification of films that comprise classified films, exempt films and additional content. New section 14A of the Commonwealth Act makes it clear that when several previously classified films are brought together for distribution as a single package, the product does not require classification simply because it is a compilation. The amendment is a response to changing technology.

The amendments to section 21 of the Commonwealth Act allow for the addition of descriptions or translations and navigation functions to classified films without requiring reclassification under section 21. Navigation functions improve the usability of video discs without changing, or adding to, the content of the film. They include menus from which the user makes choices using screen icons or a list of options, and simple functions such as 'fast forward' or the ability to choose particular scenes of the movie or additional content, such as interviews with the actors of the film. Descriptions or translations include subtitles, captions, dubbing and audio descriptions providing interpretation that allow people with visual or hearing impairments or language barriers to access already classified films.

The Bill accommodates the new definition of 'film' and the amendments to section 21(2) of the Commonwealth Act by amending section 23(2) and inserting new section 23AA into the South Australian Act. New section 23AA provides for the compilations of classified films to be dealt with as if each of the classified films were on a separate device. As it would be an offence under section 54 of the South Australian Act to sell or publicly exhibit a classified film unless the film is sold or exhibited with the same title as that under which it is classified, the Bill also amends sections 28 and 37 of the Act so that films that are modified in accordance with section 21(2) of the Commonwealth Act, or are compilations, can be lawfully sold and exhibited in South Australia.

The additional content assessment scheme introduced by the Commonwealth was worked up after public consultation on a discussion paper released early in 2007. The scheme is based on the successfully operating authorised computer games assessor scheme. Under the new scheme, a person appropriately trained and authorised by the Director may recommend to the Classification Board the classification and consumer advice for additional content released with an already classified film. The Classification Board retains responsibility for classifying the film, but will be helped by the assessment of an authorised assessor. Additional content in a film includes additional scenes for a classified or exempt film, such as alternative endings, a film of the making of the film and interviews with and commentaries by actors and other persons who took part in the making of the film, but does not include a work or any other material prescribed by the regulations. Additional content may also be prescribed by the regulations. Consistent with the Commonwealth amendments, the Board must revoke classifications in specified circumstances that demonstrate that the assessment on which the classification was based was unreliable and the Board would otherwise have made a different classification.

The Bill takes into account the additional content scheme by inserting new section 21A into the South Australian Act. This will allow the South Australian Classification Council or the Minister, for the purposes of the assessment of additional content associated with a film, or the formulation or publication of consumer advice about additional content associated with a film, to take into account an assessment of the additional content prepared by an additional content assessor and furnished in the prescribed manner. The Bill also inserts into the South Australian Act the amended Commonwealth Act definitions for 'additional content' and 'additional content assessor'.

Finally, the South Australian Act, although primarily concerned with offence and enforcement matters, also provides some scope for organisations approved by the Minister to make an application for the exemption from classification of a specific film at a specific event. The Commonwealth, Victorian Act, New South Wales and Queensland Acts all now apply the exemption to computer games. This Bill amends section 77 of the South Australian Act to extend its application to computer games, in line with other States and the Commonwealth classification legislation. The same tests that apply to the decision to approve an organisation for the grant of an exemption from classification of a film will apply in the case of a computer game. That is, the Minister must have regard to the purpose for which the organisation was formed, the extent to which the organisation carries on activities of a medical, scientific, educational, cultural or artistic nature, the reputation of the organisation in relation to computer games and the conditions it intends to impose about the admission of people to exhibitions of computer games.

The proposed amendments are consistent with the changes enacted by the Commonwealth and will help to maintain the uniformity of the classification scheme.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of Classification (Publications, Films and Computer Games) Act 1995

4—Amendment of section 4—Interpretation

This clause incorporates additional definitions in connection with the new provisions that are to be enacted by this measure. A definition relating to additional content is to be inserted. Another definition will allow an approved form to be a form approved under section 8A of the Commonwealth Act. (New section 8A of the Commonwealth Act provides that the Minister may approve a form for a notice about classification. As the note in the new section 8A in the Commonwealth Act explains, State and Territory legislation requires sellers and exhibitors of classified material to display a notice about classifications where the material is sold or exhibited.)

Clause 4 also inserts a definition of Convenor to mean the Convenor of the Review Board appointed under section 74 of the Commonwealth Act. Various amendments are required to give effect to the new amendments to the Commonwealth Act to give new powers to the Convenor for matters associated with the Review Board. These include obtaining copies of material to be reviewed, considering applications for waiver of fees, and issuing classification certificates.

5—Insertion of section 21A

This clause will allow the Council or the Minister to take into account an assessment of additional content prepared by an additional content assessor authorised under the Commonwealth Act.

6—Amendment of section 23—Declassification of classified films or computer games

This amendment reflects amendments made to the Commonwealth Act to provide that certain additions or removals will not lead to the declassification of a film.

7—Insertion of section 23AA

This clause inserts a new section 23AA in the Act. New section 23AA provides that a film that is contained on 1 device and consists of only 2 or more classified films, is to be treated for the purposes of this Act as if each of the classified films were on a separate device. The amendment is consistent with new section 14A of the Commonwealth Act.

(New section 14A of the Commonwealth Act makes it clear that, when several previously classified films are brought together for distribution as a single package, the product does not require classification simply because of the fact of compilation. The Commonwealth Act now recognises that, with changing technology, there is increasingly the capacity to put a number of already classified films on the 1 storage device. The Commonwealth Act clarifies that a new application and classification of a compilation of already classified films on a single storage device is not required as it does not constitute a new film.)

8—Insertion of section 23B

This clause will allow a classification based on an assessment prepared by an additional content assessor to be revoked in an appropriate case.

9—Amendment of section 26—Approval of advertisements

This amendment provides consistency with the Commonwealth Act.

10—Amendment of section 28—Exhibition of film in public place

This clause inserts a new subsection (2) at the end of section 28.

Section 28 provides that a person must not exhibit a film in a public place unless the film is classified, is exhibited with the same title as that under which it is classified and is exhibited in the form, without alteration or addition, in which it is classified.

Section 28(2) provides that section 28 is not contravened by reason only of the exhibition of a classified film under a title different from that under which the film is classified if it is contained on 1 device that consists only of 2 or more classified films.

Section 28(2) is required to prevent films that fall within section 14A of the Commonwealth Act (and new section 23AA to be inserted in the principal Act) from being captured by the offence in section 28. For example, in circumstances where a classified film or films contained on 1 device was or were screened in a public place, and the film(s) were screened under the title given to the compilation of the films on the 1 device, rather than screened under the title under which the film(s) were classified.

Section 28(2) also provides that it is not an offence to exhibit a classified film with a modification referred to in section 23(2) of this Act or section 21(2) of the Commonwealth Act. This is required to make sure the offences are consistent with the classification requirements under the legislative scheme. For example, section 21(2) of the Commonwealth Act provides that the following modifications to a film do not require it to be reclassified under section 21 of the Commonwealth Act:

(a) including or removing an advertisement, other than an advertisement to which section 22 of the Commonwealth Act applies;

(b) for an imported film or computer game that was in a form that cannot be modified and has subsequently been converted to a form that can be modified—removing from the film or game certain specified advertising material;

(c) for a classified film—the addition or removal of navigation functions;

(d) for a classified film—the addition or removal of material which provides a description or translation of the audio or visual content of the film and would not be likely to cause the film to be given a higher classification.

11—Amendment of section 37—Sale of films

This clause inserts new section 37(2) at the end of section 37 of the principal Act. Section 37 provides that a person must not sell a classified film unless the film is sold under the same title as that under which it is classified and in the form, without alteration or addition, in which it is classified. Section 37(2) provides that section 37 is not contravened by reason only of the sale of a classified film under a title different from that under which the film is classified if it is contained on 1 device that consists only of 2 or more classified films.

Section 37(2) is required to clarify that films which are captured by new section 14A of the Commonwealth Act (and new section 23AA to be inserted in the principal Act) are not captured by the offence in section 37. For example, in circumstances where classified films contained on 1 device are sold under a title different from the title under which each film was classified.

Section 37(2) also provides that it is not an offence to sell a classified film with a modification referred to in section 23(2) of this Act or section 21(2) of the Commonwealth Act. Such a modification does not require the film to be reclassified. This amendment is required to make sure the offences are consistent with the classification requirements under this Act and the Commonwealth Act.

12—Amendment of section 72—Advertisement to contain determined markings and consumer advice

This clause is consequential on amendments made to the Commonwealth Act.

New section 8(1) of the Commonwealth Act empowers the Minister (rather than the Director of the Classification Board) to determine markings for each type of classification giving information about the classification and to determine the manner in which markings are to be displayed. Omitting the phrase 'by the Director' from section 72 is required to make the section consistent with the Commonwealth Act.

13—Amendment of section 77—Exemptions—organisations

14—Amendment of section 79—Organisation may be approved (section 77(1))

15—Insertion of section 79A

These clauses facilitate exemptions for organisations that carry on activities of an educational, cultural or artistic nature. The scheme is consistent with provisions that have been enacted interstate.

16—Amendment of section 83—Evidence

17—Amendment of Schedule 1

These amendments are consequential.

Schedule 1—Transitional provisions

1—Transitional provisions

The schedule contains transitional provisions consistent with the arrangements for amendments to the Commonwealth Act.

Debate adjourned on motion of Ms Chapman.

## ADELAIDE FESTIVAL CENTRE TRUST (FINANCIAL RESTRUCTURE) AMENDMENT BILL

**The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:50)** Obtained leave and introduced a bill for an act to amend the Adelaide Festival Centre Trust Act. Read a first time.

**The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:50):** I move:

That this bill be now read a second time.

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

Leave granted.

This government is committed to the long term sustainability of the Adelaide Festival Centre, in recognition of the key role that it plays as a presenter of the best of our home grown, national and international performing arts product, for the enjoyment and benefit of South Australians and our visitors.

Evidence of this commitment includes this government's investment of $8 million in the current refurbishment of the Dunstan Playhouse, as the next stage in a long term process of revitalising the Festival Centre precinct.

CEO and artistic director of the Festival Centre, Mr Douglas Gautier, developed the Trust's new artistic vision, entitled New Directions. This was publicly announced in October 2006, and the government and community have enthusiastically embraced it. New Directions places a far greater emphasis on the development, marketing and presentation of suitable product for the Festival Centre and on customer relationship management, and focuses on the doubling of audience numbers over a five year period.

We note that the Adelaide Festival Centre Trust's operating position over recent years has been adversely affected by the debts of the past – including the original $20 million building debt, which has remained on the Trust's balance sheet since the 1970s.

The Adelaide Festival Centre Trust has been running at a loss (inclusive of depreciation) for several years given its current financial structure and asset base.

As part of our strategy for future success, this government announced, in June 2007, the clearing of some $28 million in debt from the Trust's balance sheet.

The government is also looking at options to enable the Trust to focus on its core mission, as outlined in its Act, of 'encouraging and facilitating artistic, cultural and performing arts activities throughout the State'. Under consideration by the government is the option of transferring assets within government ownership, which would facilitate relieving the Trust of the financial management burden for its buildings.

Such a step would allow the organisation to realise Douglas Gautier's New Directions artistic vision, which is already beginning to show success. And it would enable the Trust to focus on the future with confidence, and for the benefit of all South Australians.

The Adelaide Festival Centre Trust Act 1971 makes provisions for the Festival Theatre and certain land to be vested in and belong to the Trust. It also foreshadows the later construction of drama facilities, being the Dunstan Playhouse, Space Theatre and amphitheatre. And the Act provides for the care, control, management, maintenance and improvement of the Centre and of all things necessary for, incidental and ancillary to such care, control, management, maintenance and improvement to be the responsibility of the Trust rather than other agencies of government.

The government therefore proposes to amend the Adelaide Festival Centre Trust Act 1971 to enable a future transfer of the Trust's assets and liabilities within government ownership.

DPC Arts SA and the Department of Treasury and Finance have been working with the Trust on a comprehensive financial restructure proposal that will assist in repositioning the Trust as a major performance venue manager rather than as an owner of land and building assets.

The Adelaide Festival Centre Trust (Financial Restructure) Amendment Bill 2008 removes references in the Act to property being vested in the Trust and imports a facultative provision enabling future transfer of assets and liabilities via a proclamation issued by the Governor.

I commend the Bill to Honourable Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of Adelaide Festival Centre Trust Act 1971

4—Amendment of section 4—Interpretation

This clause removes the definition of "the vesting day" and definitions of references to section numbers of land. The terms are removed as a consequence of the deletion of various provisions of the Act that use those terms.

5—Repeal of section 18

This clause deletes section 18 (section 18 currently vests certain real and personal property in the Trust).

6—Amendment of section 20—Objects, powers etc of Trust

The addition by this clause of the words "(subject to such arrangements as may be established from time to time for the occupation of the Centre by the Trust)" serves to emphasise that the future responsibilities of the Trust are those of occupier, not owner.

7—Repeal of section 23

This clause deletes section 23, an outdated section that enabled the Trust to assume the care, control and management of the Festival Theatre while the Festival Theatre was vested in the Council, pending its vesting in the Trust. The section had no more work to do once the Festival Theatre was vested in the Trust.

8—Amendment of section 24—Construction of Drama Facilities

The amendments effected by this clause ensure that, at such future time as the Trust becomes occupier rather than owner of the land, the ability of the Trust to construct drama facilities and associated works and conveniences on land will be preserved.

9—Substitution of Parts 3A and 4

This clause removes Parts 3A and 4 which effected the vesting of certain land (including the Festival Theatre) in the Trust. Once such land was so vested, these provisions no longer had any work to do. The clause replaces these Parts with new Part 4 (consisting of section 29).

Part 4—Ability to transfer property

29—Ability to transfer property

Proposed section 29 enables the transfer of the Trust's assets or liabilities (or both) to the Minister by proclamation.

10—Repeal of Schedules 1, 2 and 3

This clause deletes Schedules 1, 2 and 3 as a consequence of the deletion of Part 4. The Schedules currently provide map descriptions of sections of land referred to in Part 4.

Schedule 1—Transitional provision

1—Transitional provision

This clause clarifies that the vesting of property that occurred before the commencement of this Bill is not affected by the repeal of any provisions of the principal Act by this Bill, however, such property may, after the commencement of this Bill, be subject to transfer effected by proclamation under proposed section 29 of this Bill.

Debated adjourned on motion of Mr Venning.

## WORKERS REHABILITATION AND COMPENSATION (SCHEME REVIEW) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 April 2008. Page ##.)

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:51):** On 28 February 2008 the government, and in particular the Minister for Industrial Relations, introduced two bills. One was this bill, which is currently before us for consideration, and the other was the WorkCover Corporation (Governance Review) Amendment Bill. It is fair to say that both bills had been jointly presented to the parliament as the government's answer to the reform which it claimed was necessary to remedy a rather frightful financial situation that workers compensation—particularly through the WorkCover Corporation—had come to in this state. We had six years of warning of an ever-deteriorating situation, and this was presented as the government's remedy.

Many speakers from the opposition have spoken on the modes of reform, the effectiveness they are likely to provide and the methods to be employed for them to be executed. I do not propose in this contribution to speak long in relation to those aspects generally. What I do want are some answers. However, because this debate, as I understand it, is shortly to be adjourned to next week after second reading contributions, I consider that the minister will have an opportunity to clarify these matters. When he closes the debate the minister may be able to enlighten me. We have received notice of a substantial number of amendments from both the government and the member for Mitchell, and some of my questions are pertinent to the issues raised in those amendments.

I should indicate that the three areas in relation to this bill on which I seek some clarification and information are, first, the current unfunded liability; secondly, the return-to-work rate; and, thirdly, the use of redemptions. I indicate that, after the introduction of this bill, the WorkCover Corporation (in particular, the Chairman Mr Bruce Carter, his Chief Executive Ms Julia Davison and other staff representatives) kindly provided a briefing for the opposition. A number of issues were raised during that consultation and they were helpful in clarifying a number of matters. However, some issues were left unanswered and in response to other submissions we received further information was sought.

With respect to the current unfunded liability, the chairman confirmed the figure of $844 million which was referred to in the Clayton report and indicated that the board was yet to receive information to enable it to determine what the unfunded liability would be as at 31 December 2007.

Upon making further inquiries I was informed that the board is meeting today and that one of the matters to be considered is the unfunded liability information that will be presented to them

which will then be released to the minister. As I understand it, that will indicate what the position was as at 31 December 2007. I ask the minister to ensure that, as soon as practicable after he receives that information—and, of course, not later than Tuesday of next week—it is given to the opposition.

After all, it is the explosion of the unfunded liability that is a substantial factor as to why we are here debating this legislation at all. So I look forward to receiving that. I think it is also fair to say that, if the minister has available through the WorkCover Board any other material which confirms the unfunded liability—for example, as at 31 March, which is the third quarter of this financial year—that information should be before the house as we exercise our minds in dealing with this legislation. I seek that that information be provided.

The second matter to which I refer is the return-to-work rate which, it has been claimed, has been deteriorating over a period of time. According to the information which has been presented (including the Clayton report) this is a matter of serious concern. Information which has been presented from one of the very many parties that have put in a submission includes a claim that freedom of information documents from WorkCover on this issue have disclosed that in 1997 the number of injured workers on benefits for 12 months or less was 2,141 and that in 2006 the number was exactly the same.

The second thing that is asserted from this freedom of information material is that the number of injured workers on benefits for 24 months or less (in the same corresponding period) in 1997 was 2,640 and in 2006 it was 2,788. That is an increase of 148 workers on benefits in this 10 year period. The third thing that they claim is that the number of people accepted as permanently incapacitated—that is, with only a 6 per cent chance of ever returning to work—and in receipt of benefits in 1997 was 1,970 and in 2006 it was 3,728—a 100 per cent increase. If one were to accept that these figures are both accurate and illustrative of the issue of concern, it begs the question whether the claim of a significant deterioration in return to work rate is the case. I ask the minister to clarify whether that is the position, that is, whether or not that information is accurate because, that, along with the unfunded liability, is a significant factor of why we are even here debating this legislation.

A third matter is the use of redemptions. On 14 March, after the opposition's meeting with WorkCover, I wrote to Mr Bruce Carter (the chairman), and I place on the record that letter that I sent to him. Apart from acknowledging his attendance and expressing my appreciation to him for having had time to brief the opposition, I wrote:

> I understand that a successful redemption campaign has been run by Employers Mutual Limited (on behalf of the WorkCover Corporation) over the past 12 months or so. Please confirm this to be the case.
>
> Please also provide me with the following statistical information:
>
> 1. How many injured workers:
>
> 1.1 Commenced receiving income maintenance?
>
> 1.2 Entered the long term income maintenance (36 months+) category?
>
> 1.3 Exited from that category (i.e. by any means)?
>
> 1.4 Of the workers in 1.3, how many received redemption payouts?
>
> In the following periods:
>
> (a) 1 July 2005—30 June 2006
>
> (b) 1 July 2006—30 June 2007
>
> (c) 1 July 2007 to date, on a month by month basis.

I am disappointed that this information has not been forthcoming. When I inquired at WorkCover, I understand that Ms Davison, the CEO, had been away during the week that I had sought this information. I think she was coming back on 26 March.

Again, minister, I seek that information as soon as possible so that we can fully consider the matters before us. Amendments are already foreshadowed relating to that aspect. I note the government's proposal at this stage that redemptions be very much narrowed to be accessible only in very limited circumstances with a monetary limit of the amount being redeemed not to exceed $30 a week in value. I would like that information.

The second matter I raise relates specifically to the WorkCover Corporation Governance Review Amendment Bill, which is to follow this bill immediately, as I understand it. This is

essentially the assertion by the government that it is necessary to do two things: (1) to replicate the power of ministerial direction used in the Public Corporations Act providing the government claims greater certainty over the exercise of ministerial direction; and (2) to require the preparation of a charter and performance agreement between a minister and WorkCover as would apply if it were under the Public Corporations Act.

On the former of these grounds, again, during the meeting that we had with WorkCover, I inquired as to whether there had been any ministerial directions in the period of time that Mr Carter had been in charge of WorkCover. He responded by indicating that he thought there were a couple. He could not remember exactly what they were. He thought that one of them was a direction to restrict employees in some way in respect of overseas travel. I am not sure about the amount of times or value or anything of that nature but that was the only one he could think of during the course of the meeting.

My question to the minister is: how many ministerial directions has he given (which he already has the power to do, and at least we understand he issued one or two), what were they for and when did they occur during the lifetime of this government? That may pre-date him a little because I am not sure whether he has had industrial relations for the entire period since 2002. I may be wrong but, if he has not, could he also include details from the time of his predecessor? How many of those have been issued, what they were and at what date? We will be following on to consider that.

As I have indicated, I will not be going into all the issues that I consider important in the substance of the bill but the committee stage will be very extensive because there are a lot of amendments. We have been encouraged by a great number of people and organisations who made submissions to the opposition and, during the course of consideration of this matter, under the guidance of the shadow minister for industrial relations, we have undertaken extensive consultation with stakeholders. He and his office—and, in particular, I recognise Ms Heidi Harris—have spent a good deal of time in bringing all the people to the opposition so that we may receive submissions. But the overwhelming message from the stakeholders, irrespective of the view they took on this, was that we deal hastily with this matter. So, it is on that basis that I am not going to be speaking long on the substance of the matters but I will cover the issues of importance to me during committee.

In conclusion, I acknowledge the member for Morphett for his substantial amount of work in assisting opposition members in the consultation period and, of course, for his exemplary contribution to the house in this debate.

**Mrs PENFOLD (Flinders) (16:07):** Labor governments are notoriously bad managers and this new WorkCover legislation is just another example of their bad management. This can be proved by comparing the performance of WorkCover under the Liberal government in 2002 with the existing legislation, where the unfunded liability had been reduced down to $56 million in contrast to the performance of the current Labor government where the unfunded liability, as at 30 June 2007, under the existing legislation, was $844 million and rising.

Sceptics who need more convincing can compare the differing success of the two schemes that currently fall under the same existing WorkCover legislation: first, the 65,000 registered small business employers, who represent 60 per cent of the employee workforce, who are already suffering increasing levies that are fortunately capped at 7.5 per cent, and who will be hit the hardest by the new legislation, with that cap being increased significantly; and, secondly, operating under the same existing legislation, the 74 self-insured large employers and the South Australian government who represent 40 per cent of the employee workforce and who manage their own claims. Many of these large businesses have reducing levies and even receive bonuses. But with this new legislation their employees will receive reduced benefits and their cap being increased will not matter, because it is even less likely to be reached.

If that is not enough for the sceptics, they can compare the levy rates for the 65,000 small businesses that are registered with WorkCover because they are too small to be self-insured. These levies are expected to rise for many of these small employers under the new legislation when the cap is removed, when the levies are higher than other states already, therefore making our businesses less competitive by comparison. Levies average 3 per cent here in South Australia, way above New South Wales at 1.77 per cent, Victoria at 1.46 per cent and Queensland at 1.15 per cent.

The message is: don't be a small business operator in South Australia under a Labor government, because your costs will be higher than other states and are going up, and this applies not just to WorkCover but also to payroll tax, stamp duty, etc.

I believe one of the reasons for the very poor WorkCover result by this Labor government is its decision in 2004 to cut stand-alone mediation services by fully qualified private providers. Presumably, this was done on the assumption that mediators would be provided by rehabilitation consultants and internal government human relations employees who were not necessarily properly qualified but who probably belonged to the right union. I dare say the additional government people required make up some of the 12,000-plus more public servants that Labor has employed at a huge cost to taxpayers since 2002.

Public servants undertaking this kind of work have, to my knowledge, not been a great success. For a start, many have little understanding of, or sympathy with, the risks and responsibilities taken by private enterprises, particularly small ones. Therefore, there is immediate distrust. There is a red tape requirement that is deadening for all public servants where they have to justify their existence with statistics which are not conducive to finding good outcomes, particularly for harder cases. In addition, there is the fact that Employers Mutual is the sole claims agent, providing no competition or choice for the employee or employer.

The results of WorkCover claims that I have seen in my office usually involve people who are at the end of their tether, suffering from depression caused by their lack of work, financial and family pressures and WorkCover requirements. The discussions are usually about the difficulties pertaining to WorkCover, not about their employers and the original issue with them. They just want to get off WorkCover. The same applies to employers who contact my office.

So, why cut the stand alone mediation services? In many of these cases early intervention between the employer and employee may well have solved the problems before WorkCover had to become more than superficially involved. Once WorkCover is involved, both employee and employer lose any sense of control and they are on a merry-go-round which moves very slowly but which is almost impossible to get off and costs time and money for all concerned.

I am advised that of one company which undertook mediation between 2002 and 2004, before this government severed ties, was able to provide a service that achieved a return to work on an average of about five weeks at an average cost of less than two weeks' notional weekly earnings; indeed, with over 70 per cent agreeing to return to work following mediation.

In 2004, the company was advised by the board that it would no longer be funded by the WorkCover Corporation. Keep in mind that the company had conducted about 300 mediations dealing with allegations of harassment and bullying in the workplace that resulted in claims for anxiety, depression and stress. As a result of the board's decision there is no requirement for accreditation or specialised mediation qualifications, and a rehabilitation consultant is not trained in mediation skills and may well have a conflict of interest between an injured worker and an employer.

The value of mediation cannot be underestimated. Mediation empowers the parties to find their own resolution, whereas in other forms the decision is imposed upon them. As the mediator cannot impose a decision upon the parties, it is likely to be quicker and more cost effective than the more formal processes of arbitration or litigation.

The current WorkCover situation shows that we have the nation's slowest return to work, and that is contributing to the increasing unfunded liability. Reverting back to accessing independent mediation services is perhaps just one small step in restoring our WorkCover system to a better state. It was interesting to note from the Clayton Walsh report that while South Australia, New South Wales and Victoria outsource claims management, South Australia is the only state that has one monopoly claims agent.

As my time in this place is coming to a close, and I would like to cease being amazed by the ineptitude of the Labor government, I can once again see that it will take the return of a Liberal government to bring our state back to financial security and to be able to afford to deliver quality services to all who need them. So much of what this government does is media-driven and delivered by smoke and mirrors.

It is important that South Australians remember that this legislation imposes a double whammy on businesses by their having to pay the WorkCover levy twice within a single financial year once the legislation comes into place. The effect of this will, of course, make this woeful

government look better with a significant funding boost, and I have no doubt that will be a part of misleading propaganda leading up to the next election.

At the end of the day, this legislation further penalises small businesses and, most particularly, shows little regard or compassion for injured workers, nor does it assist them to return to work.

**The Hon. M.J. WRIGHT (Lee—Minister for Industrial Relations, Minister for Finance, Minister for Government Enterprises, Minister for Recreation, Sport and Racing) (16:15):** I thank members for their contribution to the second reading debate on the bill. This is important legislation and it is important to get it right. South Australia's WorkCover scheme needs to be fixed. Members on the other side of the house seem to be under the misapprehension that the problem with WorkCover is a new problem, that it is something that sprang up almost immediately after the election of the Labor government.

To this end, they pick and choose quotes from the Clayton report and various WorkCover publications. The fact is, though, that this has been a problem for quite some time. Claims about the performance of the scheme made by members opposite demonstrates a misunderstanding of the complexities of the scheme and issues that existed under the former Liberal government as far back as 2000. The fact is that these problems even go back to the late 1990s. I remember raising WorkCover's poor performance in getting injured workers back to work when I was shadow minister. Even back then, our return to work performance lagged well behind the performance of other states.

As far back as 1999, according to the Campbell Return to Work Monitor, a survey conducted under the auspices of the heads of workers compensation authorities, South Australia's durable return to work rate was as much as 10 per cent behind the Australian average. The fact is that, in South Australia, fewer injured workers successfully return to work than in any other scheme in Australia.

Citing Mr Clayton's report, the member for Morphett and others opposite like to talk about the scheme appearing—and I stress 'appearing'—to be in a healthy state in the early 2000s. What he and others on his side of the house failed to mention, when quoting Mr Clayton, was the preceding paragraph of his report where he states:

> In spite of this relatively favourable appearance, the first warning signs for South Australia were beginning to emerge through the inability of the scheme to successfully control the number of claimants continuing to longer durations on income benefits. Increasing use of redemptions was controlling this trend somewhat, but at the same time was leading to a pernicious spiral effect whereby fewer short-term income maintenance claimants were returning to work, but rather were staying on benefit until receiving a redemption payout. Claims agents seemed unable to reverse this trend through effective injury management and claims management.

This remains the key challenge faced by the scheme today. Mr Clayton goes on to say that successive actuarial valuations in 2001 and 2002 increased the outstanding claims liability. This worsened in 2003 when, under the direction of the new board and new management, a more thorough examination of the problem resulted in a better understanding of the scheme's liabilities, which were much higher than was previously estimated. These problems are not new.

The board the government appointed in 2003 knew this and they appointed a new CEO and management team to address the problems at WorkCover. Since then, a range of initiatives have been undertaken by WorkCover to help improve the performance of the scheme. These include, amongst others: the appointment of a single claims manager, Employers Mutual, a proven performer in the New South Wales scheme; put in place new regulations that ensure the claims agent contract provides better incentives for claims managers to get people back to work; the appointment of a single legal provider, Minter Ellison, who I am advised has significantly reduced the scheme's legal costs and contributed to decreased dispute duration; improved arrangements in relation to rehabilitation providers; and improved fee arrangements for medical providers in the scheme.

These reforms, while important and valuable, have not proven to be as effective as hoped. The WorkCover board has advised me that, while they will continue to work to improve performance, little more material change can be made to the scheme without reforming the legislation.

I know and I appreciate that there is some distress in the community about the changes proposed by the government. I acknowledge that there will be some reduction in benefits as a result of these reforms, but what has disappointed me during the public debate on this issue, both in and out of the house, are the campaigns that have been run by some organisations.

An example of this is an advertisement published by the Australian Lawyers Alliance in yesterday's *Advertiser.* It cited examples of four injured workers who would be affected by this legislation: Michael, Andrew, Sascha and John (not their real names), with various claims that these workers would suffer under these reforms.

I do not know the details of each of those individual cases, but I have been advised that the ALA may not have taken a balanced view in the way it has presented them. The ALA claimed Michael's payments would cease immediately upon passage of this bill. Despite being injured more than 2.5 years ago, he could remain on 80 per cent of his pre-injury earnings providing he was working to his maximum capacity. If he was not working to his maximum capacity, his entitlement to ongoing payments would cease after a work capacity test had been undertaken.

It is important to note that the nature and extent of rehabilitation provided would be considered when determining whether there is a capacity for work. It is also important to note that the legislation allows for at least 13 weeks' notice to be provided to the worker and, during that time, the worker can seek a review of the decision.

The South Australian Workers Rehabilitation Scheme was never intended to be an ongoing pension scheme. Its objective is to provide short-term support and rehabilitation to injured workers while they recover and return to work, providing only longer term support to those who are seriously injured and unable to return to work.

In regard to Andrew—who, according to the ALA, would immediately lose his weekly payments and receive reduced lump sums—under the new legislation, he would be entitled to payments immediately under provisional liability, enabling rehabilitation to commence immediately. He would then be entitled to 100 per cent of his pre-injury earnings for the first 13 weeks, reduced to 90 per cent at 13 weeks (based on the amendments I have proposed) and 80 per cent at 26 weeks. If Andrew was seriously and permanently impaired, he would have access to the increased lump sum benefits, which have almost doubled from $230,000 to $400,000 in the proposed legislation.

In regard to Sascha—who, according to the ALA, struggled to have her claim accepted, and will now have her payments stopped—under the new legislation, she would be entitled to payments immediately under provisional liability, enabling rehabilitation to commence immediately. If Sascha had no capacity for work after three years, she would be entitled to ongoing weekly payments at 80 per cent of her pre-injury earnings. Similarly, if Sascha had capacity to work and was working to that capacity, she would be entitled to ongoing top-up weekly payments at 80 per cent of pre-injury earnings. However, if she had capacity and was not working to that capacity, she would no longer be entitled to ongoing payments. This is consistent with the objective of the scheme, to provide short-term support and rehabilitation to injured workers while they recover and return to work, providing longer-term support only to those who are seriously injured and unable to return to work.

In regard to John, who the ALA said suffered many serious and permanent disabilities, on that basis he would be entitled to increased lump-sum benefits which have doubled from $230,000 to $400,000, as I have already said. As I said, I do not know the details of these individual cases, but I understand that each of these workers would be likely to be worse off if they were injured in other states where there are harsher step-downs and less generous payments for non-economic loss. I am concerned that a number of interest groups in connection with this bill have caused undue distress to people currently on WorkCover.

When I announced the Clayton Walsh review early last year, as well as the financial objectives, I said that the primary objectives of the review were to deliver a scheme that both provides fair compensation to injured workers while they prepare to return to work and is affordable for South Australian business.

I believe that Mr Clayton's review delivered on those requirements. I believe that the government's bill delivers on those requirements. There is a new work capacity review at 2½ years, based on a model that works in Victoria. There is a similar review in the current legislation; however, as Clayton has pointed out, it has 'become opaque and tortuous' and 'interpreted in a very restricted and technical manner in a number of decisions of the tribunal'.

As far back as the Byrne report, which a number of members mentioned in the course of debate, a system was envisaged that would determine whether injured workers should stay on the scheme long term because of serious or permanent injury and those who should be rehabilitated quickly and returned to work. These are the important parts of the package in making sure our

scheme encourages return to work where that is the best outcome and provides good long-term compensation for seriously injured workers.

For injured workers who can return to work—and that is the vast majority of people injured in this state—we have to make sure the scheme design has the right structures in place to get them back to work. Many of the changes proposed in the bill are aimed at exactly that. Notwithstanding the business community's opposition, workplace-based rehabilitation and return to work coordinators will ensure there is someone at work who can help the injured worker back to work and to help liaise with the employer, case manager and fellow workers. A new system of provisional liability will ensure that weekly payments and medical expenses are paid quickly and rehabilitation gets underway quickly. This avoids the complexities and delays that can occur at the start of a claim and helps get the focus immediately onto getting the injured worker back to work.

In introducing these reforms, we wanted to give workers confidence that their rights in the scheme will be protected and that they will have the ability to exercise them. We will be introducing a WorkCover ombudsman to ensure that injured workers are treated fairly in the administration of the WorkCover system. With the amendments I have proposed to the bill, the role of the ombudsman will be enhanced further to ensure injured workers are protected from poor decision making and that return to work obligations are being met. We have introduced a code of claimant's rights, which will set out how injured workers should be treated in the management of their claim.

That code will be developed following the passage of this bill with injured workers and their stakeholders to ensure that their needs are met. We have also introduced more generous payments for non-economic loss for seriously injured workers and for the families of workers killed at work. This is a balanced package that is aimed at fixing up the problems that exist in the WorkCover scheme in a fair and balanced manner.

The reforms proposed by the government provide fair compensation to injured workers while they return to work at an affordable cost to the employers of the state. Many honourable members have commented that they believe this legislation has been rushed into the parliament. May I remind members that I first received a proposal for legislative change from the WorkCover Board in November 2006. I said, when releasing the board's proposals, that they were significant reforms that had the potential to affect the social fabric of the state.

It is for this reason that in March 2007 I appointed two independent experts in workers compensation, Mr Alan Clayton and Mr John Walsh, to review the WorkCover Board's proposals and provide me with recommendations about how to fix South Australia's WorkCover scheme. That review was conducted over some nine months. Mr Clayton met with a large number of interested parties in the conduct of the review and received some 72 written submissions. It is on the basis of that consultation that Mr Clayton and Mr Walsh based their report and that has led to the legislation that is before the house.

What about members opposite? On the one hand members opposite say that the government has been dithering over what to do about WorkCover and on the other they say we have rushed this legislation into this place. Since the bill has been introduced, I have also met with unions, employers and lawyers about the bill and it is as a result of those meetings that I propose some amendments that we will discuss in committee stage.

In his second reading speech, the member for Morphett said:

> We will be reviewing the whole structure of the workers rehabilitation and compensation schemes in South Australia to make sure that when we go to the election in 2010 we will have a position.

You need a position now and I presume the position now is to support the bill. The crux of the matter is, what is the position? In fact, not only do they not have a position, but what about the Leader of the Opposition, who can stand up in this place and get the basics of the bill wrong? He stated:

> I was at Prominent Hill last week where a dump-truck driver earns around $2,000 a week but if he or she is injured they drop down to 95 per cent of $1,190 and after 13 weeks to 75 per cent of $1,190.

What the poor old leader, of course, is quoting from is not the bill, not a government proposal, but what was proposed by the WorkCover Board—never the government's proposal.

The member for Morphett, during his prolix second reading speech, felt compelled to read into *Hansard* a number of submissions so that they are taken on board by the government. Let me assure the honourable member this government has consulted and now we have acted. I acknowledge that the decision to pursue these reforms is not a very palatable one for the government, but government is about making the right decisions even when they are the hard

decisions. It is clear, however, that a shift in culture away from injury management and return to work towards a culture of compensation has occurred in the WorkCover scheme. Reversing this culture is the key to restoring the financial health of the scheme and ensuring that injured workers have the best possible chance of resuming productive working lives. That is what the WorkCover scheme is all about. I commend the bill to the house.

The house divided on the second reading:

AYES (39)

| | | |
|---|---|---|
| Atkinson, M.J. | Bedford, F.E. | Bignell, L.W. |
| Breuer, L.R. | Caica, P. | Chapman, V.A. |
| Ciccarello, V. | Conlon, P.F. | Evans, I.F. |
| Foley, K.O. | Fox, C.C. | Geraghty, R.K. |
| Goldsworthy, M.R. | Griffiths, S.P. | Hamilton-Smith, M.L.J. |
| Hill, J.D. | Kenyon, T.R. | Kerin, R.G. |
| Key, S.W. | Koutsantonis, T. | Lomax-Smith, J.D. |
| McEwen, R.J. | McFetridge, D. | O'Brien, M.F. |
| Pederick, A.S. | Penfold, E.M. | Piccolo, T. |
| Pisoni, D.G. | Portolesi, G. | Rankine, J.M. |
| Rann, M.D. | Rau, J.R. | Redmond, I.M. |
| Simmons, L.A. | Stevens, L. | Venning, I.H. |
| White, P.L. | Williams, M.R. | Wright, M.J. (teller) |

NOES (2)

| | |
|---|---|
| Gunn, G.M. | Hanna, K. (teller) |

Majority of 37 for the ayes.

Second reading thus carried.

In committee.

Clause 1.

Progress reported; committee to sit again.

**CRIMINAL LAW (SENTENCING) (VICTIMS OF CRIME) AMENDMENT BILL**

Consideration in committee of the Legislative Council's amendments.

*Amendment No. 1:*

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

That the Legislative Council's amendment No. 1 be disagreed to.

The government bill extends all general rights to make a victim impact statement that exists now only for indictable offences to what the bill calls 'prescribed summary offences'. In the government bill, these will be confined to any summary offence that results in the death of a victim or that causes total incapacity. 'Total incapacity' is defined as permanently, physically or mentally incapable of independent function. This is then a limited exception to the indictable rule. It is limited because the superior courts may have the luxury of time to allow these extended rights but summary courts do not.

The exigencies of the business of the Magistrates Court and the need to deal with a list in an expedient manner means that business cannot be interrupted or delayed except at great disruption to the summary dispensation of justice. That is what summary courts are for: to be summary.

The practical reason for the election policy that the bill proposes to fulfil is that sometimes a defendant will plead down to a summary offence where there has been an outstanding charge of cause death by dangerous driving or something similar. There are not many of these and the exception can be justified on balance of the harm caused and the practical delivery of speedy justice.

This amendment—this is the Darley amendment—extends the exception to all cases where the victim has suffered serious injury or what used to be called, in the old language, grievous bodily harm. The result of this will be that all the panoply of the victim impact statement process will be applicable in any case where the offence has resulted in:

(a) harm that endangers or is likely to endanger a person's life; or

(b) harm that consists of, or is likely to result in loss of, or serious and protracted impairment of, a part of the body or a physical or mental function; or

(c) harm that consists of, or is likely to result in, serious disfigurement.

This amendment should be opposed. It does not respect the balance between, on the one hand, extreme damage to a victim who happens to have turned up in the Magistrates Court and, on the other hand, the necessity for the delivery of summary justice in a summary court. There will be many of these cases. The Office of Crimes Statistics has provided this table. There will be between 100 and 200 such cases per year. I seek leave to insert the document in *Hansard*. It is purely statistical.

Leave granted.

Defendant Convictions

| | Assault—GBH | Major Assault—Other | |
|---|---|---|---|
| 2003 | 58 | 43 | 101 |
| 2004 | 40 | 39 | 79 |
| 2005 | 58 | 40 | 98 |
| 2006 | 67 | 68 | 135 |
| 2007 | 38 | 167 | 205 |
| | 261 | 357 | 618 |

**The Hon. M.J. ATKINSON:** I should explain that on 14 May 2006 section 23 of the Criminal Law Consolidation Act, 'inflict grievous bodily harm on a person', was replaced by the new Criminal Law Consolidation Act, section 24(1), 'intentionally cause harm to another'. The old law is reported under the offence, 'assault GBH', the new law under 'major assault other'. The new law would also include some offences that would have been charged under the old less serious law of 'commit assault occasioning actual bodily harm', which ceased to exist on 14 May 2006. In addition, there will be plenty of scope for the aggrieved victim of any bar fight to argue that his case falls within the scope of this when the prosecutor thinks not.

Indeed, one can well see that it would not be uncommon for both sides of a bar brawl or a domestic fight to argue that this applied to them both. This kind of complicating scenario may be multiplied. The amendment is not workable, particularly when the court system is under stress and under pressure to deal with delays and case loads. I know that the member for Heysen is often sweetly reasonable during these kind of deliberations—

*Mrs Redmond interjecting:*

**The Hon. M.J. ATKINSON:** Thank you, 'these kinds of deliberations'. The member for Heysen is correct and I am in error.

*An honourable member interjecting:*

**The Hon. M.J. ATKINSON:** Yes; I got it all out of my system yesterday. I know that, with her long experience in courts of summary jurisdiction and, indeed, all courts, the member for Heysen can bring to bear on this deliberation the experience of her vocation as a suburban lawyer. Therefore, I would have thought the first thing the shadow attorney-general would have done when faced with the Darley amendment, upping the ante Xenophon-style (they get a concession; they take an inch, they want a yard), would have been to talk to the Chief Magistrate and ask what the Chief Magistrate and the magistrates think of it. I can arrange a meeting.

**Mrs REDMOND:** I do thank the Attorney for his kind words about my sweet disposition of which he is all too well aware. As the Attorney has indicated, this first amendment, the Darley amendment, seeks to extend the scope of the serious harm, and therefore the people who are able to get the benefit of this enlarged provision for victims of crime extends to all cases where victims suffer serious injury or grievous bodily harm. Indeed, the Attorney read out the actual provision as proposed by the amendment; but as I understand it the government's opposition is based on the proposition that some of the cases captured by this amendment would inevitably fall within the jurisdiction of courts of summary jurisdiction, which are designed, of course, to dispense justice summarily.

I make no argument with the proposition put by the Attorney in that regard. Clearly summary courts are adept at dealing—on some occasions in a morning—with 120 different cases, as I have seen happen in the Murray Bridge Magistrates Court on numerous occasions—after New

Year's Eve celebrations, for instance. However, I think it would be stretching a point to suggest that summary courts are always so adept. More importantly, I think it would be difficult for the average punter, the average victim of a crime, to understand that sometimes an injury of a certain seriousness will be captured within the government's bill and therefore the person will get the benefit of the enlarged arrangements for the determination of the impact of the injury on their lives, and on other occasions the same or a very similar level of injury will not result in their getting the benefit of this bill.

I am therefore at something of a loss to understand the government's position. Furthermore, the Darley amendment is in fact something very similar to what was proposed by the previous member in the upper house, who was the Nick Xenophon person. However, we now have two other people who are not Nick Xenophon but who are Nick Xenophon people in the upper house.

*The Hon. M.J. Atkinson interjecting:*

**Mrs REDMOND:** He is?

**The Hon. M.J. Atkinson:** He is even in Nick's cubby hole with Nick's staff.

**Mrs REDMOND:** As I said, previously we supported this and we continue to support it. I hear what the Attorney says about the need for summary justice. I simply make the point that it seems to me that victims of crime are unlikely to understand that distinction and are really likely to seek only that they be treated equally as victims of crime depending on their level of injury rather than depending on whether their matter happens to fall within the jurisdiction of a court of summary jurisdiction or a higher court. I indicate therefore that the opposition will be, as it did in the other place, supporting the Darley amendment.

Motion carried.

*Amendment No. 2:*

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

That the Legislative Council's amendment No. 2 be disagreed to.

The effect of this amendment is that if any court is intending to impose a sentence that involves community service in any form and the court is informed that the victim wants the community service to be performed for the benefit of the victim, or of a kind requested by the victim, the court should do it or give reasons why not. Further, if such an order is made, community corrections has to consult with the victim before issuing 'any directions requiring the person to perform projects or tasks'. Interpreted literally—and there seems no other way of doing it—it seems that the community corrections officer would have to consult with the victim before directing the offender whether to pick up that kind of litter or paint that colour or whatever detail might arise on the spot.

The amendment should be opposed, but not only for that reason. First, in essence, it seeks to make the victim the community corrections officer or at least give the power of veto. Victim-dictated sanctions are a bad idea. Although restorative justice does have its place (particularly in the Young Offenders Act) the imposition of it in this one-off stand-alone amendment is inadvisable. If we are to have adult restorative justice, let us do it properly. For example, proper restorative justice gives the offender a say as well. How much of a say? Well, that should be worked out properly.

Secondly, the system is unworkable. The imposition of community service as a punishment depends, in the first place, on the consent of the offender. If the offender is not prepared to do it, then it will not work. I repeat the comment made above about the need to engage the offender in restorative justice.

Thirdly, the system is unworkable in another sense, too. This is most likely to arise in a magistrates court. The court will be running through its cases. It will form an intention to impose community service only as it hears submissions. What if the victim is not there? Does the court adjourn the matter while the victim is found and consulted? What are the obligations of police prosecutors: to divine the possibilities in advance; to take the opinion of all victims just in case?

Fourthly, all of this may well mean that the use of community service as a punishment will decline in favour of other penalties. This is most undesirable. We should be encouraging the use of community service as a punishment, not making it harder to do or putting obstacles in its way.

Fifthly, I doubt whether Correctional Services has ever been consulted about the implications from its point of view. I suspect that Corrections will have industrial concerns about victims giving directions to their officers; insurance problems about various places of community service—namely, the victim's home or, perhaps, the victim's roof; practical problems about not putting offenders into designated programs; and resources issues because supervisors will be scattered over many individual work sites, rather than—

*Mr Hanna interjecting:*

**The Hon. M.J. ATKINSON:** —yes—rather than concentrated on joint projects. It's not going to be my day with the member for Mitchell.

*Mrs Redmond interjecting:*

**The Hon. M.J. ATKINSON:** There was a time—before he got into parliament. There are thousands of hours of community service ordered each year. If the department was required to consult with victims in the circumstances suggested in the proposal, it would be time-consuming and create delays in work being completed. It may well be unworkable. The resource implications for the department, should this proposal proceed, may well be great.

*[Sitting extended beyond 5:00 on motion of Hon. M.J. Atkinson]*

**Mr HANNA:** I rise briefly to point out that the Attorney-General is taking a fairly uncharitable interpretation of the intent of the amendment which has come down from the upper house. It is quite clear that the mover of this amendment was seeking to involve victims in the process, but not in a way that absolutely determines the type of community service the offender must undergo; it is simply to give the victim a say.

I would have thought that that is consistent with the philosophy upheld by this government over a period of years. So, it does seem a little unfair that such a hard line is being taken. If there needs to be finetuning of the wording because of technical difficulties, workplace issues or whatever, then that is something which the Attorney-General could do in a conference between the houses.

**Mrs REDMOND:** Like the member for Mitchell I think the government is taking a somewhat unkind view of the proposed amendment. My understanding is that in the upper house we explored this at some length. I had some concerns about the nature of the issues raised by the Attorney; that no doubt people would come to court expecting that perhaps work could be done on their own house. I do not believe that is ever going to be the way community service orders will operate; it will always be on some sort of public property—it will not be actually fixing those things.

Looking at the wording of the proposed amendment, that if a court intends to impose a sentence of community service on a person in respect of an offence or to include a condition requiring the performance of community service in a bond imposed on a person in respect of an offence, and the court is advised by a victim (or by the prosecution on behalf of the victim) that the victim would like the defendant to be required to perform community service in accordance with the section, the court may order that the community service (or specified number of hours of community service) consist of projects or tasks either for the benefit of the victim or of a kind requested by them.

I think the wording of that section is sufficiently broad to ensure that the discretion remains with the court, that the court will not be delayed—as opposed to what the Attorney suggested which was that it might be delayed while it waits for the victim to make their submission—and that the court will be aware of those things before they occur. Therefore, there is no realistic prospect of delay resulting from the inclusion of the assessment. But I do not think it is unreasonable for a court to be enabled and I see this section as simply an enabling section providing for a court to be enabled to listen to what the victim thinks would be an appropriate way for the offender to perform their community service that would maximise the redress given to the community or to the victim in particular. So, the opposition, in fact, favours this amendment and will lend its support to it.

Motion carried.

## ADELAIDE PARK LANDS (FACILITATION OF DEVELOPMENT OF VICTORIA PARK) AMENDMENT BILL

Received from the Legislative Council and read a first time.

**STATUTES AMENDMENT (EVIDENCE AND PROCEDURE) BILL**

The Legislative Council agreed to the bill without any amendment.

At 17:03 the house adjourned until Tuesday 8 April 2008 at 11:00.