

**HOUSE OF ASSEMBLY****Thursday 26 March 2009**

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

**CHILD SEX OFFENDERS REGISTRATION (REGISTRATION OF INTERNET ACTIVITIES)  
AMENDMENT BILL**

Consideration in committee of the Legislative Council's amendments.

**The Hon. I.F. EVANS:** I move:

That the Legislative Council's amendments be agreed to.

This bill refers to child sex offenders having to register internet addresses and the like. Amendments were moved in the upper house to clarify that this includes the registration of passwords and the registration of access codes. The amendments were moved by the government and they were supported by the opposition. I recommend that the house supports these amendments. I thank the government for its support of this measure.

**The Hon. M.J. ATKINSON:** I commend the member for Davenport for his enterprise in plugging this loophole in the criminal law. I think he has gone to some trouble to look for useful changes to our statute law. The government does not take the view that all legislative wisdom resides in the government and its Public Service advisers. Previously, we have supported private members' bills that we think make improvements to our law; and one that sticks in my memory is the member for Fisher's bill on hoon driving, which originated as a private member's bill and which was given government time so that it might progress. The member for Newland currently has a bill before the house which will be given government time.

**Mr Pengilly:** And support.

**The Hon. M.J. ATKINSON:** And support; yes, that's right. The member for Finnis is correct in thinking that. In both houses of parliament in South Australia we have skilled legislators who, though they may be crossbenchers or members of the opposition, have made very useful contributions to our statute law during the life of the Rann government; and they include people such as Nick Xenophon and the members for Davenport and Fisher. The government appreciates the work they do. Sometimes an idea is good and it just needs some work by the policy and legislation section of the Attorney-General's Department in order for it to be improved; and so it is with this measure.

Motion carried.

**POLICE (PROHIBITION ON PERFORMANCE TARGETS) AMENDMENT BILL**

**The Hon. G.M. GUNN (Stuart) (10:37):** Obtained leave and introduced a bill for an act to amend the Police Act 1998. Read a first time.

**The Hon. G.M. GUNN (Stuart) (10:37):** I move:

That this bill be now read a second time.

This bill deals with a practice that has been brought to my attention through the media, that is, that certain elements within the police force were setting targets about the number of vehicles that should be stopped. We all recall sometime ago in *The Advertiser* where all police officers were going to be requested to stop a minimum of, I think, 70 vehicles—

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

**The Hon. G.M. GUNN:** Yes. I suggest that the minister looks back. I therefore believe that, in a democracy, common sense should prevail. If people are flagrantly breaking the law, of course police have a responsibility to act, but you should not have a situation where police are encouraged to stop vehicles or do an interview on the most minor or trifling offences. We currently have a law dealing with trifling offences which, in my view, is not used enough. However, I have brought this matter to the attention of the house because I believe that excessive use of stopping vehicles for minor offences is taking up valuable police resources and is doing nothing to cement a good relationship between the police and the community, which is terribly important, and therefore it is absolutely necessary that some limitations are placed upon this activity.

The hallmark of a democracy is how we treat people. It is not the role of a government, its agencies or its instrumentalities to make life as difficult for people as they possibly can. The other very important issue that this house and this parliament should never forget is that, when they are confronted by the government or its agencies, an individual is at grave disadvantage. They do not have the knowledge, often they do not have the resources, and they certainly often do not have the confidence. All members in here probably have the confidence to stand up for their rights, but we see a number of people on a weekly basis in our offices who are confronted with this sort of activity, and clearly they do not have the resources or the knowledge to deal with it, and therefore targets should not be set.

The role of the police is to protect the public, and we all accept that. They have in many cases a difficult role to play, but we must ensure that people do not get over-enthusiastic. Their role is not to unduly interfere with the ordinary citizens going about their daily lives, because most of these laws we have in place are to deal with a minority, not with the majority. The majority of people are good, hard-working, decent, law-abiding citizens, and we have brought in and put on the statute books a range of fairly draconian measures because of the actions of a few irresponsible people.

Now, from time to time, people in exercising their discretion become over-enthusiastic, and that is why I have brought this proposal to the parliament—to generate discussion in this place. This is the place that passes the laws. We must accept what we do, and the public can judge us accordingly. I look forward to the debate on this measure. The bill takes up only one page, but the effects of it are quite significant. I sincerely hope that all members pay due attention to the provisions of this proposal. I commend the bill to the house.

Debate adjourned on motion of Mrs Geraghty.

#### **CONSTITUTION (BASIC DEMOCRATIC PRINCIPLES) AMENDMENT BILL**

**The Hon. G.M. GUNN (Stuart) (10:42):** Obtained leave and introduced a bill for an act to amend the Constitution Act 1934. Read a first time.

**The Hon. G.M. GUNN (Stuart) (10:42):** I move:

That this bill be now read a second time.

I bring this bill to amend the Constitution Act to the attention of the house after reading very carefully the Constitution Act of the former Republic of West Germany (now Germany), which has enshrined in its constitution that members of parliament are to be elected on a democratic basis and that they are subject only to their conscience and are not bound by orders or instructions. Therefore, if a person is elected they should always be in a position, if they desire, to vote on their conscience, or if they believe that the course of action they are taking is in the long-term best interest of their constituents.

That particular course of action may be in conflict with the party or the organisation which has sent them to this place from time to time; but, notwithstanding that, there is in my view an absolute overriding responsibility for all of us to be able clearly to exercise our conscience. There are few places in the world where members of parliament are bound by a certain political party. Australia is one of the few places where a major political party binds its members to vote a particular way.

If they do not exercise that instruction, action is taken and they could have a rather short time in public office. Even in the United Kingdom, which is the home of the Labour Party (and they came out and established the party in Australia), they do not have the provision to bind people to vote in a certain way. So, it is a very simple but fundamental right and it should not be treated lightly. It should not be subject to the manipulation of back room bovver boys and others who want to exercise control over people. The right should be there.

If the people in an electorate determine to send someone to this place or another place they should have enough confidence in them to give them a free hand to vote on issues as they think fit and proper. If they do not do so and the electorate at large does not agree with it, they can get rid of them, but they do not have the ability to get rid of the back room bovver boys. It is a little like people can get rid of members of parliament but they cannot get rid of bureaucracy.

In our system, where once every four years the community has the right to elect people to this place, 47 of us are given the privilege to sit in this chamber. It is a privilege to be a member of parliament and an honour to achieve higher office. With that privilege and honour goes the

responsibility to act in the best interests of one's constituents and that right should not be impinged, interfered with or placed under threat. The only threat should be that, if a member of parliament does not do their job properly, they will certainly feel the chilly winds of the ballot box. The nervous nellys will feel that.

As someone who has been sent to this place on 12 successive occasions, I understand, and I think I have some limited knowledge of being able to test what the community in my electorate is saying. Therefore, I have been very fortunate and I have always exercised an independent point of view when I believed it necessary. I know that from time to time my leaders have found me somewhat difficult to manage but —

**The Hon. I.F. Evans:** Oh, I can't believe that!

**The Hon. G.M. GUNN:** No—and I don't know why. I'm just a simple country lad. However, whatever I have done has been done with a clear conscience because I have believed that it was in the best interests of the people who elected me, and this measure is in the best interests of the people of South Australia. It will bring about better government, because people could with confidence bring matters to the attention of the parliament.

From time to time, if a member wanted to raise a matter in here and they happened to belong to the government party and it was going to embarrass the government, great pressure can be put upon them not to do it, even though it is in the public interest to do so. If you cannot discuss issues in this forum, where else can you discuss them? Therefore, if they do it, they are liable to be on the outer and lose their endorsement at the next election. Under my legislation, that would be outlawed.

Mr Speaker, as you know, as the protector of the rights of members, the rights and privileges that we have in this place belong to the people; they do not belong to us individually. Parliamentary privilege belongs to the people of South Australia, and those of us who are fortunate enough to come here from time to time exercise that right on their behalf.

My bill is small and simple but it is fundamental to the rights and privileges of the people of South Australia. It is a most important right. It is like the right to be able to vote, or a secret ballot. Any person, with very few restrictions, has the ability to stand for parliament. These are all fundamental rights, and so should be the right to vote according to one's conscience in relation to any matter that is put before this house or any matter that one thinks is appropriate to be raised in here.

I therefore commend the bill to the house. I sincerely hope that the government does not do what it did last time and just use its numbers to shut down the debate. There was no adequate response on the last occasion when I brought this measure to the parliament.

If one looks at the history of why the current German constitution contains these principles, one will see that Germany has had at least two very nasty experiences with anti-democratic forces and has found it absolutely necessary. These provisions do not apply to political parties in the United Kingdom or the United States. I am not aware of the situation in Canada or New Zealand, which are very similar to us in the way in which they are governed. There is an absolute need for this. I commend the bill to the house and I look forward to members participating in the debate and supporting the bill.

Debate adjourned on motion of Mrs Geraghty.

#### **EXPIATION OF OFFENCES (INDEPENDENT REVIEW) AMENDMENT BILL**

**The Hon. G.M. GUNN (Stuart) (10:51):** Obtained leave and introduced a bill for an act to amend the Expiation of Offences Act 1996. Read a first time.

**The Hon. G.M. GUNN (Stuart) (10:51):** I move:

That this bill be now read a second time.

This is an important bill, because the Expiation of Offences Act 1996 has become a revenue measure, not a road safety measure. It is clear that expiation notices are being handed out at an excessively high rate. We all believe that motorists and others should accept the responsibility to be cautious and aware of their actions and the effect they will have on other people. It is absolutely clear that there is a failure to understand the effects of what this parliament has done in relation to the provision of this legislation. When a person receives an expiation notice, then the average person has limited options of defending themselves. I want to give members an absolute example.

**The Hon. R.B. Such:** I can give you an example.

**The Hon. G.M. GUNN:** You will enjoy this one. A constituent of mine who is some 75 years of age was given an expiation notice for using a mobile phone while driving a motor car. My constituent was driving across the railway bridge on the outskirts of Port Augusta. My constituent had never owned a mobile phone; he had no knowledge of how to use a mobile phone.

**The Hon. R.B. Such:** He's a lucky man.

**The Hon. G.M. GUNN:** He was a lucky man and a law-abiding, good citizen. He had in his motor car his son-in-law and his granddaughter. He was stopped when he pulled into the car wash and handed this notice. The policeman would not see reason when he tried to explain that he did not have a mobile phone. In due course, he received a notice through the post, and the deputy mayor brought him along to see me. We had a discussion and I was not at all impressed by what I was told. I took up the matter, but, of course, I did not get anywhere. I then wrote to the Minister for Police and, of course, I received the usual Sir Humphrey letter saying that it was an operational matter. I said, 'Right, we will test this.'

We managed to convince this aged gentleman that he should go to court. However, in my view, quite disgraceful delaying tactics were used. He went to court; we went with him; and it was deferred. Then the policeman went on holidays.

*An honourable member interjecting:*

**The Hon. G.M. GUNN:** Just listen to this. I think he attended on three or four occasions before he actually got into court. He engaged a solicitor. He had to put \$2,000 in the solicitor's trust account before the solicitor could defend him. How many pensioners in South Australia have \$2,000 to put up in the court? I am pleased to say that, when he got into court, the lawyer did a very good job. The officer in question did not perform too well, and the magistrate took rather a dim view of it and dismissed the case, and ordered over \$2,000 expenses to my constituent. That was a good outcome. However, I tell members the stress and strain that put on that aged person was tremendous. It would not worry most of us in here; we can defend ourselves.

That is why there is an urgent need to have an independent review. The lawyer told the prosecution they could not win, but they arrogantly went ahead. In court the officer just kept saying, 'I know what I saw.' When the officer was asked how long did he view it—there had been two cars travelling at 60 km/h—he could not answer the question, which did not do his cause much good. That is why, if a person thinks they have been unfairly or unwisely dealt with, they should be able to say, 'Look, I want to have someone independently review the evidence without having to go through this business in the courts.' If you do that, you lose your right to go to court, but at least is a fairer and more reasonable way to treat these issues.

Parliament has forgotten that, in giving police officers this discretion to write out on-the-spot fines, we have reversed the onus of proof. It is not right. I point out to this house that, in many cases, ordinary people do not understand what their rights are and they become confused and worried and plead guilty. I have another case which is currently pending in the courts where there is clearly a problem. Some people plead guilty because they want to go interstate, they have other things to do, or because the whole system has caught them in a nasty vice grip and they have just paid up. That should not be necessary and that should not be the system.

I put it to this house that this bill creates fairness and puts people on equal footing. If you get caught for speeding, as I understand a number of people in this place may have done—I don't know who they are; it wasn't me—

**Mr Pengilly:** It wasn't me.

**Mr Venning:** It was me.

**The Hon. G.M. GUNN:** You are not the only one; I understand there are many more—or for other breaches of the law and you are guilty, then so be it, but where there is a reasonable case that there is considerable doubt, there ought to be a system in place for some sensible adjudication. If you complain about these things, they are adjudicated by the police. I would say it is Sir Humphrey dealing with Sir Humphrey—Caesar to Caesar. In a democracy we pride ourselves on respecting people's rights. I have brought this bill to this parliament because, from time to time, I have dealt with many of these cases—and people probably get sick of my raising them, but if you do not raise them here, where else should you raise them?

My job is to stick up for people in my electorate, and I will do it right up until the last day, and if that means I come into conflict with certain elements of the bureaucracy, so be it. I will not lose one ounce of sleep over it. I have had other cases where people have been treated in the most horrendous way. We do not all have the ability to have lawyers on hand, and many people do not have the ability to put up \$2,000 or \$3,000, although most of us here can. We have put in place this system of expiation notices, but what we have not done is put in place adequate funds to give people the ability to obtain legal aid to defend themselves.

That is what is wrong with this whole system, because when you get competent lawyers in court, they can expose the futility of some of these things where they are dealing with magistrates who are fair-minded people. I sat in on this case, and I say that it would be educational and to the benefit of this place if more members of parliament sat in the Magistrates Court and saw at first hand for themselves. You see some people who have done some horrendous things. You also see people who do not have the ability to defend themselves. We have a system where I do not think they can take a friend along to speak for them. On a couple of occasions I would have liked to get up and speak for them because the prosecution was so weak you could run rings around it.

So, my bill is the next best thing to having a fully funded public advocacy system so that people can defend themselves. I commend the bill to the house.

Debate adjourned on motion of Mrs Geraghty.

### **CRIMINAL LAW CONSOLIDATION (CHILD PORNOGRAPHY) AMENDMENT BILL**

**The Hon. I.F. EVANS (Davenport) (11:01):** Obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935. Read a first time.

**The Hon. I.F. EVANS (Davenport) (11:01):** I move:

That this bill be now read a second time.

This bill seeks to close some discrepancies that exist in the Criminal Law Consolidation Act in relation to child pornography, in particular, procuring a child to commit an indecent act. The bill seeks to redefine 'child' from 'under or apparently under the age of 18 years' to under or apparently under the age of 18 in certain circumstances, and I will explain.

Section 62 in the existing act which relates to child pornography describes child pornography as material:

- (a) that—
  - (i) describes or depicts a child engaging in sexual activity; or
  - (ii) consists of, or contains, the image of a child or bodily parts of a child (or what appears to be the image of a child or bodily parts of a child) or in the production of which a child has been or appears to have been involved; and
- (b) that is intended or apparently intended—
  - (i) to excite or gratify sexual interest; or
  - (ii) to excite or gratify a sadistic or other perverted interest in violence or cruelty.

My amendments primarily deal with section 63B of the Criminal Law Consolidation Act, which is to do with procuring a child to commit an indecent act. Currently, a child is defined as a person under 16 years.

Section 63B(1)(a) of the act refers to a person who incites or procures the commission by a child of an indecent act. My bill seeks to amend the definition of 'child' in this clause from under the age of 16 years old to 17 years, because 17 is the age of consent.

Section 63B(1)(b) refers to a person who causes a person to expose any part of his or her body, and my bill again seeks to amend the definition of 'child' in this clause from under the age of 16 to under the age of 17, being that 17 is the age of consent.

Section 63B(1)(b)(ii) refers to a person making photographic, electronic or other record from which the image of a child engaged in a private act may be reproduced. My bill seeks to amend the definition of 'child' in this clause from under the age of 16 to under the age of 18, because 18 is the age at which you can legally contract to sell or trade in commerce that particular type of material. Currently, you could, for instance, have a photograph of someone aged 16 and it can possibly be traded according to the current law. I wish to bring that up to 18.

Section 63B(3)(a) and (b) refers to a person who procures a child or makes a communication with a child with the intention of procuring a child to engage in, or submit to, sexual activity. In the current act the child is defined as being of 16 years, so you could be on the internet seeking a 16 year old for sexual purposes and the age of consent, of course, is 17 years.

So my bill seeks to amend the definition of 'child' in this clause up to the age of 17 to bring some consistency. It seems a nonsense that the age of consent is 17 but you can be on the internet trying to attract someone of a lesser age, that is, between 16 and 17, and not commit an offence. So I wish to close that loophole. Naturally, the defence that exists currently in the law, which is the teenager defence where there are two 17 year olds, is maintained as a defence.

These loopholes were brought to my attention by a member of the police Paedophile Task Force at a Neighbourhood Watch meeting when we were talking about a whole range of issues and this particular issue came up. I have had a look at the law and it seems logical to me that these loopholes be changed and we lift the barrier by a year or two. The principle I am engaging in the act is that if the age of consent is 17 then obviously anyone younger than that should not be able to be procured on the internet or by any other means for sexual activity, so therefore we should lift the age.

In relation to photographs, etc., currently the act says if you are 16 you can take photos of people in certain activity and possibly distribute them. What I am saying is that normally the age of 18 is the age at which you can contract, and therefore we should not allow people under the age of 18 who may be convinced to be involved in photos or productions if they are over 17—so they are legally consenting at 17, but I say they should not be able to contract to sell or trade in those sorts of products until they are 18. It is no different to any other product.

This bill seeks to close those loopholes, and I look forward to the debate and, hopefully, the support of the house.

Debate adjourned on motion of Mrs Geraghty.

#### **MOTOR VEHICLES (PRACTICAL DRIVING TESTS) AMENDMENT BILL**

**Mr HANNA (Mitchell) (11:08):** Obtained leave and introduced a bill for an act to amend the Motor Vehicles Act 1959. Read a first time.

**Mr HANNA (Mitchell) (11:09):** I move:

That this bill be now read a second time.

I will briefly outline the legislation. I bring to the House of Assembly a proposal for our elderly drivers to be required to undergo an on-road driving test to maintain their licence past the age of 85 years. The second aspect of this is to require a further on-road driving test every two years in order to maintain the licence.

The current situation in South Australia is that, from 70 years, people are required to undergo medical tests with a view to their fitness for driving. However—and this is quite obvious—that does not necessarily correlate with driving ability. The other important aspect of these medical tests is that they are generally done through an interview with their general medical practitioner.

The GP has an ongoing and familiar relationship with the people going to be assessed, and I suggest that there is some reluctance to come up with a recommendation based on those assessments that actually precludes people from driving further. I recognise that taking away someone's licence because of inability to drive is a very serious matter, and there are already issues of isolation and incapacity for elderly people. These are very serious issues, but at the same time the issue of road safety is probably more important.

There is a lot of focus on the safety and the danger of younger drivers, and insurance companies recognise the high risk of younger drivers through increased premiums for under 25 year old drivers and so on. However, a number of people in the community have observed to me that there are risks with older drivers as well, and in some cases the risks appear to be even more pronounced than in the case of younger drivers.

Of course, one cannot make generalisations about drivers. There are some excellent 90 year old drivers, I am sure, and there are some terrible middle-aged drivers, and there are some average younger and older drivers, but this parliament is about making rules that apply to fit the general population, as best we can.

The proposal I bring to this place is not entirely new. The requirement for 85 year olds to have an on-road driving test in order to continue with their driver's licence is currently the law in New South Wales, Western Australia and Tasmania. In New Zealand the requirement is to undergo an on-road driving test at the age of 80, with subsequent testing every two years in order to maintain one's licence.

There are also a couple of US states which have this requirement. I refer to Illinois and Delaware. There are a couple of other US states which have requirements for on-road driver testing, but it is triggered by some cause such as frequency of accidents and so on.

There is, I admit, debate about the correlation between age and the likelihood of crash. There is some evidence to suggest that older drivers are at risk and create more risk beyond a certain age, and we would expect that. However, I am prepared to admit that that is not conclusive.

What I can say on the basis of the research that I have done is that, for people over 70, it would seem that car driver fatalities arising from road crashes are over-represented, and, in terms of the nature of crashes in which older drivers are involved, there is a higher representation of those crashes at intersections.

When we look at younger drivers, the 18 to 25 year old age group, there is a higher representation of crashes resulting from speeding and overtaking. So you are looking at different driver behaviour; nonetheless, accidents at intersections can be just as fatal and just as dangerous as any other kind.

So, I bring this to the parliament knowing that I am taking some political risk, because my opponents might write to all the 85 year olds in my electorate and say that Kris Hanna wants to do this terrible thing, but I am willing to cop that in the interests of road safety.

I just add a couple of points about the demographics. According to the Australian Bureau of Statistics, the number of people aged 85 years or more will rise from 216,100 in 1997 to between 440,500 and 442,500 in 2021, and reaching between 1.1 million and 1.2 million in 2051. I ask people to imagine what it is going to be like with double or five times the number of people aged over 85 on the roads. I think that older people—particularly those over 85—ought to be able to continue to drive when they are fit to do so. I think it is a matter of public safety to ask people to undergo a test at the age of 85, and a subsequent test every two years. I realise that that is an imposition on people aged 85 and over, but I ask them to consider that small sacrifice for the sake of the road safety of all motorists and pedestrians. I commend the bill to the house.

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

### STATUTES AMENDMENT (SURROGACY) BILL

Adjourned debate on second reading.

(Continued from 5 February 2009. Page 1410.)

**Mr VENNING (Schubert) (11:21):** I will conclude my remarks, and I congratulate the member in the other place, the Hon. John Dawkins, for bringing this bill to the house. It is an emotive issue, and I think that, to most of us, this is a conscience matter; so there isn't a party position on this.

At this point I just want to say this morning how disgusted I am that we are here going through this *Notice Paper*—and we have a new member here—and adjourn, adjourn, adjourn. I say, as Whip from this side of the house and to the Whip on the other side of the house, and to you, sir, as Speaker, and to those on the Standing Orders Committee, that we should not allow a waste of taxpayers' money like this, because these motions have no intention of going any further. I believe they should be dealt with and taken off the *Notice Paper*.

*Mr Bignell interjecting:*

**Mr VENNING:** I said 'both sides': I didn't exclude you.

**The SPEAKER:** The member for Schubert will address the bill. If he has other remarks to make, he can do so at another time.

**Mr VENNING:** Thank you, sir. I just do not know when I can, because I did include us—

**The SPEAKER:** Well, you are speaking now, so I suggest you speak to the bill.

**Mr VENNING:** The house—I was talking about the house, not so much the government. We need to address it. I believe these matters have been on the *Notice Paper* and they are never finished with. They just sit here, and we adjourn them.

I commend this motion to the house in relation to surrogacy. It is an emotive issue and a conscience issue. I believe that having children is one of the greatest honours and privileges we can have. Just this morning, when looking at my grandson, I thought how wonderful it is for couples to have children. It makes relationships; it makes marriages. It gives a purpose in life.

If a couple cannot have children—and today many people cannot have children—this is a way that they can achieve their dream. I cannot see at all why we have taken so long to agree to this when, as I understand it, this is law in other states. I cannot understand why it has taken so long here in South Australia for us to pick it up.

I believe that surrogacy is an option, particularly when everybody is aware of the situation and legally tied up by legislation. We have so much cost involved today in relation to IVF programs and so on. I believe this is common sense. Again, I commend the member in the other place because he has been a long-term campaigner on this issue. I have not heard any member in this house speak against it. One or two in the other house have had some concern with it, but generally it has support. I commend this bill to the house and I urge members to pass it forthwith. We could do something for the morning.

**Mr HANNA (Mitchell) (11:25):** I speak briefly to this measure, which sets out situations in which surrogacy may be permitted at law. It is not something where a common law contract would be permitted, so parliaments around Australia are grappling with modern technologies regarding reproduction and options for having children such as surrogacy.

I want to make one point, and I think it is a point that was lost in the IVF debate we had in the parliament recently, and I fear it is being lost in this debate on this legislation: I think that the prospects, if not the rights, of the child to be brought into being should have primacy in the debate. The prospects of the child should be the foremost consideration. That is something which the government chose to water down in our IVF legislation, and I was sorry to see that.

I think we need to be very careful in advancing through these waters, and we need to be very careful that we are considering just what sort of a family home we are bringing children into.

Debate adjourned on motion of Mrs Geraghty.

### SPENT CONVICTIONS BILL

Adjourned debate on second reading.

(Continued from 30 October 2008. Page 732.)

**Dr McFETRIDGE (Morphett) (11:28):** I rise to speak on this very important bill, because a number of South Australians are suffering the consequences of having a misspent past, a misspent youth. In some cases, they are suffering the dire consequences of their silly actions which were not malicious or criminal as judged by today's standards but which years ago were certainly criminal actions. Today we should be able to put in place a system where those convictions of the past could be wiped off the books so that they are not an impediment to any future involvement in activities by these people, particularly where the person involved has had a completely clean record since the conviction and gone on to be a fine, upstanding citizen and pillar of society.

I know of a case, which I will refer to—and I will continue my remarks next time—that happened nearly 50 years ago. This was between a 17 year old boy who had consenting sex with a 13 year old girl. It was known as carnal knowledge at the time, not sexual assault, but that bit of hanky-panky, as it has been described to me, has had ramifications. I think anything with a 13 year old girl needs to be brought into question, but this was 50 years ago.

This fellow is paying dire consequences. As far as I am aware, he has had no further involvement with the law since that time. However, he is paying the penalty for a stupid act—and he admits it was a stupid act. He is quite friendly with this now senior lady. At the time he was doing what a lot of young people do—and, unfortunately, it is happening now—namely, engaging in inappropriate sexual behaviour.

Debate adjourned.

**REPUBLIC REFERENDUM**

**The Hon. R.B. SUCH (Fisher) (11:31):** I move:

That this house calls upon the federal government to act decisively and initiate a referendum relating to Australia becoming a republic and, in particular, one which allows the public to indicate whether they desire a republic and, if so, whether the president should have a symbolic or executive role, or both, and whether the president should be selected by either a joint sitting of the federal parliament, a direct vote or by some other mechanism.

The question of Australia becoming a republic or not has slipped a little bit from the radar. Some people are suggesting that it is not appropriate at this time to consider it because of the global financial crisis. I do not accept that argument. We do not stop doing other things simply because we might be in difficult financial times. A classic argument used by people who do not want any change is to say, 'Not now.' The same argument was used by those who wanted to continue slavery, and keep women in the house and out of the workforce, and so on. It is the classic argument: not now, we cannot afford it and other issues are more pressing. The point is that if something needs to be changed because it is correct then the financial situation at the time should not stop that from happening.

In 1990—and I stand to be corrected on the date—I made a suggestion in this house. I remember that I was sitting next to the Hon. Jennifer Cashmore and we were discussing the question of Australia becoming a republic. I said, 'Why don't we consider what they did in Scandinavia,' where they took members from the existing royal family in one of those countries and, in effect, transplanted them into another Scandinavian country. She said, 'That's an interesting idea. Why don't you stand up and put it?' So I did.

Some members said, 'The member for Fisher is trying to create an Australian royal family.' I guess, in essence, it would be, but I am not now advocating that. The suggestion did not gain support from a wide range of people in the community. Some people did think it was a great idea, but it did not get legs and it did not go anywhere. I did not put forward that suggestion because I am a monarchist—because I am not—but, rather, I put it forward for consideration on the grounds of pragmatism. It has been done in Scandinavian countries and it has worked well there; so it was a pragmatic thing.

Fundamentally, I am a democrat in terms of my commitment to people having a say, and the notion of a monarchy is inconsistent with that.

**The Hon. M.J. Atkinson:** Didn't you want a royal family in Australia?

**The Hon. R.B. SUCH:** The Attorney-General was obviously elsewhere when I just explained that issue. I raised it as a discussion point; the Attorney-General is correct. We raise many ideas. It is called kite flying or flying the flag—whatever you want to call it. That suggestion of 1990 could have happened—it was quite easy to do—but the public did not want it so it did not happen. It is not likely to happen; I cannot see it happening.

I believe that in a democracy the notion of a monarchy is incompatible. What is equally inconsistent is that the head of state is not resident in the country. I think that is an absurdity. None of this is a reflection on Her Majesty The Queen. I think the Queen has been fantastic in her role as head of state, not only in a dignified way but also in a most capable way. I have had the privilege of meeting the Queen; and I guess some other members here have. Early in my time in parliament we had a chance to meet Her Majesty when she was visiting South Australia. I can remember having a conversation with her at the Town Hall. I am sure she has probably forgotten the conversation, but I have not. I will not reveal it here because that is not part of the etiquette associated with talking to the Queen.

In a democracy people should have a head of state who is elected. Importantly, the head of state should be resident in the country. People say that the existing system has served us well, but the world has changed, not simply because we have people from cultures and backgrounds different from the Anglo-Celtic one from which some of us have come. Australia is now recognised as a medium-sized power, a country which has a lot to be proud of. It has achieved a lot and it can achieve even more. The time has come when Australia should become a republic. The question is how? What process should be involved?

I suspect that former prime minister John Howard, who was in charge of the 1999 referendum, deliberately wanted that referendum to fail.

**The Hon. M.J. Atkinson:** Really?

**The Hon. R.B. SUCH:** It was designed to fail because of the questions that were put to the people. The first one asked whether Australia should become a republic with a president appointed by a parliament—that is, a bipartisan appointment model.

The other question related to altering the constitution to insert a preamble. I will not read all the results but, in effect, as we know, the referendum was not carried because, on my reading, the public felt that it had no real say in it. The public does not want politicians to be selecting the head of state through the federal parliament, and I agree. Some people say, 'Well, if you allow the public to have a say, you could end up with someone who is inappropriate.' I think that is pretty offensive against the judgment of the wider community. We accept their judgment in things such as jury cases and we accept their judgment in other things.

Some people said, 'You might end up with a sports person.' Well, that might be the best choice. Just look at our previous governor, Marjorie Jackson-Nelson—an excellent governor and a sporting person. I think there has been some less than helpful discussion about the possibility that the public might select an inappropriate person or that the person might have a sporting or some other background. It does not matter what their background is, as long as it has been constructive and positive; and if that is what the public wants as its head of state then so be it.

I do not accept the argument that it is too complicated or too complex to allow the public to have a say. We know there are various models, and I have just mentioned some. Federal parliament could select the person; I do not favour that. Federal and state parliaments could select the person, the same as in India; or you could have a popular vote which I favour and which is done in the Republic of Ireland. There are, I guess, variations on those themes. You could also have selection, but I do not favour selection by the Prime Minister or by the government and the opposition combined; or you could have selection by a constitutional council, which is sometimes called the McGarvie model.

I think it is time, and I believe that the Labor Party traditionally has been and still is committed to Australia becoming a republic. Mr Rudd, I think, has gone a little coy on the idea, using once again the claim that we have a financial crisis. I do not think that, as a nation, that should stop us taking the step and allowing the people to have a say. That is, of course, asking them, first, whether they want a republic and what sort of role the president should have: should it be essentially symbolic or have some executive function (a little like the US model) or a combination of both? Personally, I prefer a symbolic role with very limited powers of intervention which would be in only extreme situations and which would need to be spelt out.

The people should be asked how that president should be selected, and that is why, as I said earlier, the public rejected the referendum, not because they did not want a republic (because the survey showed by a significant majority that people do), but because they were not allowed to express what they really wanted, that is, to have a real, meaningful say in the selection of a president. Unfortunately, some people in discussing the question of a republic confuse the arrangement with our historical connections. In advocating that we become a republic, I am not in any way denigrating or decrying the British heritage which many of us enjoy.

I have said in here before that my father came from England. He was about as English as you could get. He came from Cheltenham in Gloucestershire, which is even more English than England itself, if that is possible. In our home he always had a portrait of the Queen. He loved England and everything to do with England. To the day he died he was English, and that was his right. If members look at their contribution collectively over time, the British people have done a lot of fantastic things and they have done some bad things, too; but, overall, they have made a fantastic contribution in terms of activities and actions throughout the world.

I am not in any way advocating that we become a republic as some sort of anti-English, anti-British, anti-UK model.

**Ms Breuer:** Why not?

**The Hon. R.B. SUCH:** Someone said, 'Why not?' Because there is no need to go down that path or even to raise it as an issue. The question is: is Australia in 2009 a nation in its own right, independent and able to be seen by the world as having its own residential head of state? I think it is. It does not mean that we must separate ourselves out from the commonwealth. It does not mean that at all. That can continue, and one would hope that it would continue. In essence, as I say, I support Australia becoming a republic.

I know there are people who want to keep going back to 1990 and saying that, because I raised a concept back then (I was not advocating it strongly, or anything), somehow I was an ardent monarchist. I am not an ardent monarchist. I believe in a democracy, and anything which offends people having a say in a democracy I am generally opposed to. The other aspect is, as I say, to allow people to have a say, first, on whether or not they want a republic, what form it should take and how the head of state should be selected. In moving this motion, I believe it is time to get this issue back on the agenda.

The economy, I think, whilst we are going through a rough time, will pick up. I think that we are starting to see early signs of that through the share market. There are some early indications that we are starting to turn the corner but, irrespective of the state of the economy, I think it is time to act on this issue and bring about a choice for the people of this nation. I commend the motion to the house.

**Mr VENNING (Schubert) (11:44):** I will speak briefly on this matter. My party allows me latitude to vote how we wish on this matter.

**The Hon. M.J. Atkinson:** Pathetic!

**Mr VENNING:** The Attorney interjected, 'Pathetic.'

*Mrs Geraghty interjecting:*

**Mr VENNING:** Yes, that is a fact. I do not know whether the honourable member's party will allow her to do that, but mine does. Anyway, irrespective, the bottom line is that, if my party has a position, I am still able to say, 'Well, I dissent from that.' I can dissent and still survive. As Mr Gunn said during debate on his motion this morning, I think it is everyone's right, irrespective of which party they are a member of, to be able to stand up here, and I am doing that. I have a position on this: I oppose the motion.

**The Hon. M.J. Atkinson:** Yes, and tell us what it is. Let's forget the preamble—

**Mr VENNING:** The Attorney-General sits here and derides members. He ought to be an example to everyone, particularly new members of the house. He sits there like a petulant—

**The Hon. M.J. Atkinson:** You and Terry Norman Stephens are great examples, aren't you.

**Mr VENNING:** Here we go.

**The DEPUTY SPEAKER:** Order! The Attorney will—

**Mr VENNING:** He knows it's not true. He throws his interjections across the chamber—

**The Hon. M.J. Atkinson:** Terry Norman Stephens.

**Mr VENNING:** He knows they are not true.

**The DEPUTY SPEAKER:** Order!

**An honourable member:** Chuck him out.

**The DEPUTY SPEAKER:** Order!

**Mr VENNING:** He is just being mischievous and deliberately—

**The DEPUTY SPEAKER:** Order! The Attorney will fail from interjecting and the member—

**An honourable member:** Not 'fail'—cease.

**The DEPUTY SPEAKER:** The Attorney will fail to interject, or cease, and I ask the member for Schubert not to respond, no matter how much provoked.

**Mr VENNING:** Thank you, madam. I am glad you used the word 'provoked'. That is what he is trying to do. I have no problem in this matter that he raises by interjection. I am happy to go outside the front of the house there and say it all.

**The Hon. M.J. Atkinson:** 'Happy to'.

**Mr VENNING:** I'm happy to—so—

**The Hon. M.J. Atkinson:** You said it on radio.

**Mr VENNING:** Well, I will just investigate that to see what can be done, because it is just blatantly not true. Anyway, I do oppose this motion. I heard what the honourable member for Fisher had to say. I remind the member that we had a referendum. There was a rebounding result against it, but the more important thing was that it showed the country could not organise itself into what it wanted. We had all that hoo-ha before. We had the constitutional referendum group and the special meeting in Canberra with the delegates taken from across Australia, at huge cost, and they still could not decide. Malcolm Turnbull, my current leader, was a front-runner in all this. He was making a running for a republic. But look what happened.

I am happy for the member for Fisher, or anyone else, to go away and bring back a proposal to the house, but say exactly how it is going to be and then we will decide it. If you leave it loose like this I am not going to go there, because all that will happen is that we will go through the same exercise again—whether the president (if that is what he is to be called) will be elected or selected and for what period of time. We will go through all that again, and I say to you that the result will be exactly the same.

What we have now works and the system is respected. To change it will cost a lot of money. It is a pretty efficient system, because it does not cost the taxpayer a lot of money. I am not so much a monarchist as a traditionalist, and I believe there are a few things in the country that we should not change just for the sake of changing them. It is just a figurehead position. The Prime Minister is the most powerful person in this country, and we have the Queen as monarch. How often does she interfere with the Prime Minister? Not at all. So, why would you want to mess with it? The Prime Minister is an elected person.

**Mrs Geraghty:** Nice lady, but she doesn't come and visit often.

**Mr VENNING:** I am sure she would come to visit more often if we invited her.

*Mrs Geraghty interjecting:*

**Mr VENNING:** The member has not met her. I have met the gracious lady, and she has been a fantastic queen. What she has done, considering her age, I think is inspirational to us all. I think she has shown great poise. Anyway, irrespective of that—

**The Hon. M.J. Atkinson:** You did but see her passing by—

**Mr VENNING:** I did.

**The Hon. M.J. Atkinson:** —and yet you'll love her til you die.

**Mr VENNING:** Absolutely. I agree absolutely with the Attorney-General. She came to the Barossa and visited the rose garden. She walked with my good friend, the late Herman Thumm, who died just a couple of weeks ago. I am in awe of a person like that and also, indeed, the royal family. Irrespective of that, it has to work for Australia.

*Members interjecting:*

**Mr VENNING:** I am just saying that, with respect to a republic, we will no doubt go there, but if a loose motion like this is put before us and we go through all this again I will never support it, unless the specific details are provided as to whether a president will be elected or selected. That goes round and round and round. I do not want a situation like they have in America, where the presidential election lasts for probably two years. When you visit the country it drives you nuts. How would you like to live there with that? And who could ever be the President of the United States? Only the extremely wealthy and the elite. How could the ordinary day-to-day person hope to achieve that? Could Kevin Rudd ever be the President of Australia? I would hope not. At the moment our Prime Minister, the Hon. Kevin Rudd—

*Ms Breuer interjecting:*

**Mr VENNING:** If the member for Giles would shut up for a second we might be able to conclude the debate and move on. Our Prime Minister, the Hon. Kevin Rudd, is a republican. There is no shame in that. He recommends the appointment of the Governor-General, which he is doing, and it works—as did the Hon. Bill Hayden before him. He even ended up as the Governor-General, and he was a republican. We have all these theories, but we have had this referendum. How long before we should have another one? I would say 20 or 25 years.

*The Hon. R.B. Such interjecting:*

**Mr VENNING:** The member for Fisher says that we did not ask the question. He is dead right. You work out the question to be asked via your motion. Do not bring a mealy mouthed, wide open motion like this in here, because we will go straight back there again. Put down your definite ideas and exactly what you want and how you think it will work and then it might receive some support. We do not want to go there again. We have been there, at a huge cost, and it was a waste of time. It frustrates and confuses the population and they will do what they did last time and vote it out, and I will too.

Debate adjourned on motion of Mrs Geraghty.

### REPUBLIC PLEBISCITE

**The Hon. R.B. SUCH (Fisher) (11:52):** I move:

That this house calls upon the state government to consult the people of South Australia, via a plebiscite at the time of the next state election, as to whether or not they support Australia becoming a republic, and if Australia becomes a republic what connection, if any, South Australia should maintain with the Crown.

**The Hon. M.J. Atkinson:** You have nothing to do, and all day in which to do it.

**The Hon. R.B. SUCH:** The Attorney, who—

**The Hon. M.J. Atkinson:** Did you respond to that interjection? I hope you did. I will repeat it if you like.

**The Hon. R.B. SUCH:** The Attorney, who is meant to be the chief law maker in this state, is scared that his workload might increase because, as we know, he opens his own mail, I read, and if he delegated that task he would have time to consider the motion that I am putting to the house.

The member for Schubert was talking about the federal referendum costing a lot of money. It does not cost a lot. I am talking about a plebiscite at the time of the next state election, which would cost very little. It is an opportunity to ask the people of South Australia, if Australia becomes a republic, what connection, if any, South Australia should maintain with the Crown. The Attorney-General is much more learned in the law than I am or am ever likely to be, but it is not an automatic thing if Australia became a republic that South Australia should automatically cease connection with the Crown.

The Attorney might, after he has opened his mail, be able to reflect on this issue and give us a considered view about the ramifications of Australia's becoming a republic and how that would necessarily impact on South Australia, for example, the role of Governor and so on. That is what I am asking here. The reading I have done on this subject—and the Attorney says I have all day to think about issues—

**The Hon. M.J. Atkinson:** Nothing to do and all day in which to do it.

**The Hon. R.B. SUCH:** That is not true. I have a lot to do. The electors whom I represent make the judgment about whether or not I represent them, and I remind the Attorney that at the last election I got more votes than Labor and Liberal combined so, presumably, I am doing something that they agree with.

As I say, this issue dovetails with the earlier motion and relates specifically to the arrangement that would follow if Australia became a republic. We have been well served by governors over time, I think. We are well served at the moment by His Excellency, and that goes back over the governors that I have had the privilege of having dealings with. But it does not avoid or negate the fact that there would be a legal issue in relation to Australia's becoming a republic and whether that would automatically mean that South Australia, which is a state with certain powers and entitlements, would continue to have a relationship with the Crown. That is the substance of the plebiscite.

The Attorney might think that as members of parliament all we need to do is come in here and vote like sheep. That is not how—

**The Hon. M.J. Atkinson:** No; I have never said or thought anything like that.

**The Hon. R.B. SUCH:** I said you may think that.

**The Hon. M.J. Atkinson:** Well, I don't.

**The Hon. R.B. SUCH:** That is reassuring to hear, because I would be interested to know what the Attorney thinks our role is in here if it is not to put forward ideas. I remember the former member of parliament Robin Millhouse saying we are not only in parliament to represent but also to lead and provide ideas—

**The Hon. M.J. Atkinson:** I have prayed for you already this morning.

**The Hon. R.B. SUCH:** —and to extend the boundaries.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

**The Hon. R.B. SUCH:** I am not in the least intimidated by the Attorney suggesting that perhaps if we all remain silent that might be a good thing.

**The Hon. M.J. Atkinson:** I didn't say that, either.

**The Hon. R.B. SUCH:** I did not say you did. I said you may feel it would be best if we remained silent, but, while I am in here, I will continue to challenge the boundaries and to raise issues, and I can tell the house that I do not have any of my electors contacting me to say, 'Don't keep raising issues.' Some things I get right and some things I may get wrong, but it is my job representing people in an electorate—which is above average in educational standard and occupational status—to raise issues that they themselves want canvassed. That is my job, and I make no apology for that.

For that reason, I make a lot of submissions to federal inquiries and others on all sorts of issues—men's and women's health, and a whole range of things—and I will continue to do it. I will continue to do it via this parliament, because this parliament, even though it is dominated by the executive, is actually meant to be a forum to represent the people of South Australia, and that is what I will use it for.

Getting back to this motion, I commend it to the house and ask members to consider the implications of Australia's becoming a republic, how that would or should impact on South Australia and what should be the reaction and the response of the people of South Australia to that.

**The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (11:58):** I want to respond to the member for Fisher's remarks. In 1999 I voted yes in the referendum for a republic, and I organised the handing out of the how-to-vote card at all the polling booths in my state district. However, unlike the member for Fisher, I accept the result of the referendum and I am not going to introduce republicanism by stealth.

Republicanism will happen in Australia when the Australian people vote for it, and I am not, as Attorney-General, going to accept the member for Fisher's invitation—and the invitation of others, including the judiciary—to republicanise our constitution, statute book and customs and practices until such time as the Australian people and the South Australian people have voted for it.

The member for Fisher says he is a democrat, but he obviously does not accept the 1999 referendum result. I do.

*The Hon. R.B. Such interjecting:*

**The Hon. M.J. ATKINSON:** Oh, it's a stitch. The Australian people, according to the member for Fisher, were suffering from collective false consciousness when they did not vote yes at the referendum. I was one of the people who voted yes. I lost the referendum. I accept it. I will do what the member for Fisher wants when the Australian people vote for it.

**Mr VENNING (Schubert) (12:00):** I agree with the Attorney-General in everything that he said—I think that is the first time that I have ever said that. The Attorney said it exactly right, the decision was made. Until such time as there is a movement towards it, you leave it be. My own personal point of view is that it is quite wrong to thrust this issue into a state election.

I would like to see other issues at a referendum at the next election. We should never waste the opportunity to ask questions of the electors when they are going to the polls, and it might encourage more people to think about what they are doing there, but I would certainly not support this. Again, I think the Attorney-General said it all.

Debate adjourned on motion of Mrs Geraghty.

**SPEED LIMITS**

**Mr VENNING (Schubert) (12:01):** I move:

That this house—

- (a) notes that the wide variation of speed limits is creating confusion for South Australian motorists;
- (b) supports a comprehensive review of all speed limits across the state with the aim of creating some uniformity; and
- (c) supports the installation of extra speed limit signage and other markers to aid motorists in gauging what speed zone they are driving in.

This is an issue that is dear to my heart, for all sorts of reasons, before the Attorney states the obvious. The confusing range of speed limits in South Australia has been the subject of many debates in this house, the honourable member for Fisher is but one, and we heard the motion put forward in the house earlier by the honourable member for Stuart.

This issue has some momentum; it is really quite serious, and particularly since the introduction of the 50 km/h default speed limit in built up areas. Extra speed limit signage or markers must be implemented to eliminate the confusion that the wide range of speed limit zones causes to motorists. In December last year the RAA called for the Rann state Labor government to conduct a review of all speed limits and for more speed limit signage to be constructed across the state.

The traffic and safety manager for the RAA, Rita Excell, stated that a recent survey of its members showed that up to one in five fatal road crashes this year could have been avoided if more money had been spent on upgrading roads. Ms Excell stated that drivers were also confused because often speed signs could not be seen.

I believe that the proliferation of the 50 km/h speed limit is far in excess of the original idea or concept. All arterial roads were supposed to remain at 60 km/h and all roads within urban and built up areas were to be 50. That is definitely not the case now. Motorists are being told that the default speed limit in built up areas is 50 km/h, but there does not seem to be an accurate definition of what constitutes an arterial road.

There are roads that I can think of that I would say are arterial roads; for instance, North Terrace, yet they are speed-limited at 50 km/h. No wonder motorists are confused. As you drive around the four terraces of Adelaide the speed limit changes five times on the same terrace. It is quite a nonsense—absolute nonsense. Coming from West Terrace onto North Terrace there is a change.

The number of expiation notices issued for speeding in the 50 km/h zones around Adelaide has more than doubled in less than a year, increasing from 18,165 to, this year, 43,835. Work that out. At approximately \$275 per ticket, that is a lot of money—millions. Has the road toll decreased in the same period? No, it has increased. The road toll is higher this year at this point in time than it was last year—fact. It is in this morning's press.

I am not against safety, but does the Rann state Labor government really and truly believe that there are 25,000 more people driving recklessly than there were a year ago? Is this program working? Also, in the same period the road toll has increased. So, how can the government justify what it is doing? It is ripping people off. It is a revenue raiser. These figures—

*Mrs Geraghty interjecting:*

**Mr VENNING:** The member for Torrens says that I am only complaining because I got caught. I am happy to put that on the record. I know that is now on the record. I wonder how many members of this house can say to me—I think the member for Stuart might be one—that they have never been picked up by a speed camera? If we go back 30 years ago to when we had speed zones across this state of, I think, 60 mph on the outside roads and 30 mph on the inside roads, how many of us got picked up in those days? The police are out there—

*Mr Kenyon interjecting:*

**Mr VENNING:** But look what has happened now.

*Mr Kenyon interjecting:*

**Mr VENNING:** Yes, as the member has highlighted, there were no cameras. What it has done is it has made us all petty criminals. You would think that the incidence of speeding would

decrease, but it has not. These figures highlight that there is a huge problem, particularly with the 50 km/h and 60 km/h regime in this state. Perhaps the government's true motive is to use innocent motorists as cash cows.

I have raised this at the highest level, even with the police commissioner. I have spoken to him privately about this matter and he just said that it is a police matter and we cannot discuss that. I would not be surprised if he himself has been picked up for speeding. I do not know, he did not say so. I know that many senior police officers have said to me off the record, 'Ivan, our families are all affected by this confusion.'

*Mrs Geraghty interjecting:*

**Mr VENNING:** They do not know what the speed limit is.

*Mrs Geraghty interjecting:*

**Mr VENNING:** Can the member for Torrens tell me why West Terrace is 60 km/h and North Terrace is 50 km/h?

*Mrs Geraghty interjecting:*

**Mr VENNING:** Why is it that, when you are driving across the southern Parklands, some of the roads are zoned 60 and some 50? If you do not see the sign, if you forget or if you are concentrating on the road in front of you: boom—especially now that tolerance is reduced. When it is clear that motorists are obviously confused about whether a particular road is zoned 50 or 60 km/h, surely the logical answer would be to install more signs, but the state Rann Labor government seems to be reluctant to do so, because its revenue from fines was up nearly \$8 million in the past year—up from \$3.196 million in the previous 12 months. That is a big increase.

The fact that the number of drivers fined for speeding between 60 and 69 km/h—as reported in *The Advertiser* in June last year—rose from 76,536 in 2006 to 100,866 in 2007 is a further illustration that motorists are confused, particularly with the wide range of zones that we have—50, 60 and 70. More speed limit signs are necessary, particularly after hearing what the member for Stuart said this morning on his bill—and we will hear more on that—that police officers are given quotas to collect. It is a proven revenue raiser, and most police officers will agree with you off the record.

A few constituents contacted me following my calls last year for more speed limit signs to be erected. One had recently been driving in Hawaii for two weeks and noted up to three reminders of the speed limit per mile. They also had a minimum speed limit on fast roads—a great idea. I reckon there is more of a problem with slow drivers than with fast drivers. They are a damn nuisance. People try to get around them, they toot their horns and it can cause road rage.

My constituent's comment was that, overall, the signage in Hawaii leaves us for dead here in South Australia—pardon the pun. He further advised that, in the UK, there are constant reminders of the prevailing speed limit, and only four speed limits: 30, 40, 50 and 70 miles per hour. Remember when we had only two: 35 and 60?

Another constituent, living in Nuriootpa, sought my help to have an extra speed limit sign put up near his home. He lives on a busy section of road where the speed limit is 50km/h but, because it is a main road leading into the town, many drivers assume it is 80km/h, and he has trucks and cars speeding past his home on a regular basis. I note that that is always where the speed detectors wait. I can almost guarantee that they will be there because, for some reason, people do not see the sign. They are still doing it, particularly now since the tolerance has dropped.

**Mr Hanna:** It's not about raising money.

**Mr VENNING:** No, I'm sure. The Attorney has not interjected. He is sitting silent, but he does not drive, so I suppose it does not affect him. Transport SA would not support the installation of any reminder or extra speed limit signs along this stretch of road. Furthermore, my constituent was advised by one regional Transport SA representative that there was already a reminder speed limit sign in Nuriootpa in another location that would have to be removed, because it was not Transport SA policy to have reminder signs. He arrogantly advised my constituent that drivers should know what the speed limits were and that no reminders were needed. That includes the member for Torrens. What about visitors who come to the town who do not know the roads and the speed limits? They only have to not see that sign and you are done.

Even some Transport SA road workers do not know the speed limit in some areas. In the case of this particular constituent, SA road workers passed by his house installing dust-settling bitumen. They put out witches' hats on one side of the road, plus speed reduction signs. Upon asking the foreman why he had put out those particular speed reduction signs, the worker replied that he wanted the traffic to slow down for safety reasons, as he had workers close to the traffic. He had put 50 km/h signs out. When my constituent told him that the speed limit on that section of road was already 50 km/h, the worker was surprised, and said that he thought it was 80. Well, if the state road working teams do not know the speed limit in some areas, what hope is there for the everyday motorist, particularly a visiting motorist?

The contacts I have had from these two constituents regarding speed limits are not isolated. I have received many phone calls from constituents—good, honest, law-abiding citizens—who had been penalised because they were innocently travelling at what they thought was the speed limit and because speed zone signs are infrequent. They did not realise they were driving too fast until they received a fine.

I am aware of a few locations where reminder speed limit signs have been put up, so the transport department obviously can install these if it wants to. It is not a criminal offence. Why the reluctance to install more signs? I have heard and read that it is to keep the clutter of signs to a minimum, but that does not wash with me.

As members in this house would be aware, I have been vocal over the past few years about having extra signage: either coloured markings on the road or on the side of the road to indicate or delineate the limits, more frequent signage or marking the speed limit on the road are all measures that can be taken to reduce confusion. They ought to at least be trialled on some sections of road.

It was revealed recently on TV that the speed camera near the Adelaide Oval, on Sir Edmund Smith Drive, saw approximately 15,000 drivers get pinged, delivering to the government \$2.5 million in revenue. This is from one camera. In relation to this, Rita Excell from the RAA said:

We've got cameras that are reaping a lot of money. Let's have a look at those locations and see whether we can reinforce what the speed limit is...cameras are a road safety device but if people are not travelling at the right speed then there is no road safety benefit to pedestrians or other road users. So we need to try and get the travelling speeds commensurate with the speed limit.

Hello? She is talking to the community, and she is dead right—exactly right. I wholeheartedly agree that better signage is definitely needed to alert motorists. However, in this case, the government is probably reluctant to install extra speed signs because it is gaining so much revenue. GST payments are down, so this increase is filling the void.

When you are driving, you are supposed to concentrate on the road, on what is in front of you, not on what is happening on the side of the road. So, if there is a contradiction in regards to road safety—if you are too busy looking around for speed limit signs because you are not sure—that is when you could have a rear end collision or, worse, run over a pedestrian.

Reminder speed limit signs at regular intervals would be simple and enable drivers to feel more confident about the speed they should not be exceeding. It could also prevent some road rage where cautious people have kept at the default 50 km/h speed limit because they do not realise they are in a 60 km/h or 80 km/h speed zone due to a lack of regular signage while other drivers sit on their tail urging them to go faster. Road rage in this state is on the increase and driver behaviour has deteriorated.

This issue could be easily fixed, firstly by reviewing all the speed limit zones to try to put in place some uniformity and, secondly, by installing more speed limit signs or markers. I urge the government and members to support this motion, and I note that my shadow minister will be following me. I think it is high time now that we invest in this problem. This is going to be an issue at the next state election. If somebody did a Xenophon on this and stood on this issue, it would belt the heck out of both of our parties, because people are feeling it. They are cross, and that goes across political boundaries.

**The Hon. M.J. Atkinson:** No-one in the opposition is a patch on Xenophon.

**Mr VENNING:** I heard the interjection; the record speaks for itself, doesn't it? I urge the house to support this motion. It is time, because it is not fair. I have spoken to Sir Eric Neal at length about this matter, because he heads up the committee, and he just says it is a directive of

the government whether or not they put up these signs. He is just looking into the road safety side of it.

It is not working and, whatever way you look at it, the road toll continues to increase at an alarming rate, and this is only causing frustration. I think a lot of these fatalities are caused by bad driver attitude, and all this is going to do is make it worse. I urge the house to support the motion.

**The Hon. A. KOUTSANTONIS (West Torrens—Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister for Youth, Minister for Volunteers, Minister Assisting the Minister for Multicultural Affairs) (12:17):** The attitude of the opposition never ceases to amaze me. It never ceases to amaze me that reasonable people like the member for Schubert, who I have a great deal of admiration and respect for—

**The Hon. M.J. Atkinson:** You know he's only winding up when he says that.

**The Hon. A. KOUTSANTONIS:** No; I mean it sincerely. I have a great deal of affection for the member for Schubert. I think he is one of the most decent people in the house. However, he comes into this house and says that speed cameras are merely revenue raising. I was listening to the member for Mitchell's remarks earlier about compulsory testing of drivers over the age of 85 and how it is a road safety issue, yet he thinks that speed cameras are revenue raising. I am not sure how he holds those two opposing thoughts in his head at the same time, but I am sure he will explain it to us one day.

The member for Schubert made some very interesting points. He said that it is just revenue raising and the money goes straight into consolidated revenue. The truth is that it goes into the road safety account. We spend that money on road safety and enforcement. If the member for Schubert cannot understand that the default speed limit in South Australia is 50 km/h unless otherwise signed, I am not sure that anyone can help him.

Given the member for Schubert is an advocate for driver issues and often speaks in the house about driver safety and related issues, it surprises me that a man of his intellect could come in here today and say that enforcing speed limits does not help reduce the road toll. The two go hand in hand. The truth is that the more you enforce the speed limit, the more people will obey the speed limit.

Does the member for Schubert really expect us to believe that, if police were not out enforcing the speed limit, we would have a reduction in the road toll? I will admit that you cannot legislate to stop stupidity, but you can legislate to give police a stronger arm in enforcement. The member for Schubert—

**The Hon. R.B. Such:** It has to be fair and reasonable.

**The Hon. A. KOUTSANTONIS:** And I think it is fair and reasonable, member for Fisher. I understand that a number of members in this house have been personally touched by speed cameras and enforcement. I know we are held to a higher standard than the rest of the community and I know that is unfair, but these are the rules we impose on South Australians, not because we want to raise money and not because we want to be cruel, but because we want to save their lives.

In February, a close friend of mine died in a road accident and, until then, it had never really occurred to me how senseless and futile a death is in a road accident. We should be jumping at anything we can do to reduce the death toll. The opposition asserts the idea that we are simply trying to raise money and then makes a correlation between that and a drop in GST revenue. Does the opposition really believe that we are trying to make up the shortfall in GST revenue by using speed cameras?

We do not get that money to spend on hospitals and schools; we spend it on road safety and policing. It does not go anywhere else.

**Mr Hanna:** It depends whether less money comes out of Treasury for those things.

**The Hon. A. KOUTSANTONIS:** Thank you, member for Mitchell. That is right. We have more money to spend on hospitals and schools because we are spending more money on road safety through people who speed. There is a very easy way to avoid a speeding fine, and that is not to speed. I am guilty of speeding just as much as everyone else; I have been caught speeding. It amazes me, and I meet people all the time who say they have never had a speeding fine.

*Mrs Geraghty interjecting:*

**The Hon. A. KOUTSANTONIS:** The member for Torrens has never been caught speeding.

**Mrs Geraghty:** Once.

**The Hon. A. KOUTSANTONIS:** The member for Kavel said he had been caught once—and he lives in the Hills—

**Mr Goldsworthy:** When I was 17.

**The Hon. A. KOUTSANTONIS:** —when he was 17. There is no reason to be speeding, but I cannot understand why the member for Schubert does not see a correlation between high speeds and road deaths. What is it about the member for Schubert that he does not understand this? I know that he is well-intentioned and that he is trying to do the right thing; he thinks that there is confusion on this, but there is confusion because the default speed limit now is 50 km/h, not 60 km/h—50 km/h unless otherwise signed.

If the member for Schubert says that there is a sign on West Terrace denoting a 60 km/h limit, but there is no sign on North Terrace that denotes a 50 km/h zone, that is because the default speed limit is 50 km/h unless otherwise signed. So, it is signed on West Terrace that it is a speed limit of 60 km/h but it is not signed on North Terrace; therefore, it is 50 km/h. It is a pretty easy concept, member for Schubert.

**Mr Venning:** When it says 60—

**The Hon. A. KOUTSANTONIS:** It is 60 km/h; but if it does not say anything, it is 50 km/h.

**Mr Venning:** If you go round the corner and there is nothing, what is it?

**The Hon. A. KOUTSANTONIS:** It is 50 km/h. The default speed limit is 50 km/h. Member for Schubert, if there is no sign, it is a 50 km/h speed limit. I would like the member for Schubert to visit some of the families of victims who have been killed in high-speed crashes and explain to them why he thinks speeding fines and enforcement are just revenue matters and that they do not really do anything to discourage speeding.

*Mr Venning interjecting:*

**The Hon. A. KOUTSANTONIS:** The motion is about signs, but the entire speech was about revenue raising.

*Mr Venning interjecting:*

**The Hon. A. KOUTSANTONIS:** It is interesting that the motion talks about signage, but the entire speech is about revenue raising.

**Mr Venning:** Some of the speech.

**The Hon. A. KOUTSANTONIS:** About nine minutes of it. I know the shadow minister will not agree with him, because he wants to see the road toll reduced. I know he is a man of integrity. I know he can rise above the petty politics of members in marginal seats in the country, who are sick and tired of having constituents blame them for their speeding fines. I know he will rise above it.

The member for Schubert should show political leadership and courage. When people come to his office and say that they got caught doing 60 km/h in the main street, instead of saying, 'Yes, Mr Constituent, this is a terrible thing, I will draft a letter immediately about there being more signage,' perhaps he should say, 'Our road toll is too high and there is irrefutable evidence that suggests that speeding causes an increase in the number of crashes and, therefore, an increase in the number of road deaths, so don't speed.'

*Mr Venning interjecting:*

**The Hon. A. KOUTSANTONIS:** I am glad he admits that point.

**Mr Venning:** So make it 40 km/h.

**The Hon. A. KOUTSANTONIS:** Now he is saying, 'Make it 40 km/h.' The Liberal opposition is now saying that it wants to drop the default speed limit from 60 km/h to 40 km/h. I congratulate the honourable member on his courage.

**Mr GOLDSWORTHY:** I have a point of order, Madam Deputy Speaker. The minister is going into areas of debate that are irrelevant and not reflecting the true position of this side of the

house. I ask you to rule on the comments of the minister, who is taking the whole scenario far too far.

**The DEPUTY SPEAKER:** Order! That is sufficient. A point of order is not a time for debate. There is no point of order. I remind members that there was a bit of straying on the other side, too.

**The Hon. A. KOUTSANTONIS:** Thank you, Madam Deputy Speaker. I take the member for Kavel's point. The renegade in the ranks—the member for Schubert—wants to see the speed limit decreased to 40 km/h.

**Mr Venning:** I didn't say that at all.

**The Hon. A. KOUTSANTONIS:** He said that he wanted it—

**Mr VENNING:** I have a point of order, Madam Deputy Speaker. That is a deliberate misrepresentation. I never said we should do that. I said it if we did it that is what would happen.

**The DEPUTY SPEAKER:** Order, member for Schubert! It is not a point of order. After the Minister for Road Safety has finished his remarks, you will have the opportunity to make a personal explanation.

**The Hon. A. KOUTSANTONIS:** Thank you, Madam Deputy Speaker. I will be writing to everyone in his electorate letting them know that he wants the speed limit changed to 40 km/h. It is a courageous move by a country member. I congratulate the honourable member on his courage. He is an example to us all in this house to speak our mind without fear. The honourable member is doing a great job, and I am sure the shadow road safety minister will applaud his backbencher for vomiting out that policy in the middle of a motion.

I just say this: speeding fines do not go into general revenue or into our pockets but, rather, into a road safety fund. The member for Schubert should know that. He should know that we are trying to save lives, not raise revenue. It is appalling to suggest that the commissioner may have had speeding fines; that may be a bit below the belt.

**Dr McFETRIDGE (Morphett) (12:27):** I congratulate the new Minister for Road Safety on his appointment, and also his efforts in reinforcing road safety with school students in recent days. There is nothing more vivid or graphic than seeing a road crash simulation to reinforce the fact that serious accidents have long-term consequences. Many—but not all—accidents are caused by speeding. In fact, an insurance company survey showed that a minority of accidents were caused by speeding and drink drinking—which I think is an amazing result—but the vast majority were caused by inattentive driving—and that is one of the biggest issues we face—whether it be using the phone, drinking tea or coffee, conducting a conversation, or telling the kids off in the back seat.

It is the issue on which we need to focus. We need to make people aware of the consequences of inattentive driving, as well as all the other issues with speeding, drink driving, drug driving and driving cars that are defective in some way. It is an extremely important issue, and not one member in this house would not be 100 per cent behind reinforcing road safety as an important issue. Certainly, reducing speed limits has contributed to that. The question is: how far do we go? If there is confusion about the speed limit, it is easy to say, 'If there is no signage, do 50 km/h.'

Another question is whether the speed limits are appropriate for a location. I will give two examples of what I consider to be some unusual circumstances in setting speed limits, one of which is in the minister's own electorate on Military Road, West Beach. It is a long, straight road. There is an entrance off the sailing club and the boat harbour, and there are entrances off the caravan park and the golf course. It is a wide road, and you can see the entrances from a long way back, and the speed limit is 50 km/h. I am not saying that it is too slow or too fast, but I compare it with Sturt Road near Marion Shopping Centre where it is 60 km/h.

Someone said that it is the biggest shopping centre in the Southern Hemisphere; and it may be. It is a big shopping centre, which is extremely busy, and there are lots of driveways for ingress and egress of traffic. There are traffic lights, pedestrian crossings, bus interchanges and commercial premises on both sides of the road. It is a busy section of the road and it is 60 km/h. I do not comprehend how those two different speed limits are set under the same protocols.

Last year I went to Singapore to look at what its Land Transport Authority is doing. They use the 85 percentile rule in setting initial speed limits. They went back and looked at how fast people were travelling on the roads. They judged the speed at which 85 per cent of the people

were travelling as a safe speed. That is an old method which is being used all over the world. I do not think it is used in South Australia any more, according to information I was given during last year's estimates committees. The Singapore government raised the speed limit on some roads because it realised that motorists were able to understand the issues involved in travelling on those roads. They are very good roads, I should say, and that is another important point to make.

I read somewhere that up to 40 per cent of road crashes are caused because of poor road design and poor road maintenance. I am pleased that the minister says that all this revenue that is being raised by speeding fines is going into road safety measures, and, hopefully, some is going into road maintenance. We would like to see a lot more black spot road funding. There is more in the budget and there is more in the federal budget, I understand; but, like *Oliver Twist*, we want more. There is a real need for that to happen.

The issue of speed limits, though, is genuine. An article appearing in *The Advertiser* in January under the headline 'Speed zone insanity', stated:

The RAA is calling upon the state government to conduct a comprehensive review of speed limits to cut confusion and promote consistency.

Two days later (5 January), an *Advertiser* article stated:

More than 90 per cent of respondents to an Adelaidenow poll have backed a call from the RAA for the state government to clarify changes in speed limits.

It is confusing at times. I do not think that you should have to force people to reduce their speeds to the absolute minimum if the end result is that an area has been designated a high speed for genuine reasons. You could be clogging up the roads, causing a back-up (the concertina effect, I think they call it), if people are confused. Every night when I go home down Anzac Highway (when I am not catching the tram) people are not travelling at 60 km/h. I am not saying that that is unsafe but that is because they are unsure. We need to be very certain that people are clear about the speed zone for that area, not just the default speed zone.

The other issue that comes into this is that, when those speed zones are set, because you do have this mindset, 'Well, that is not a suitable speed for the area', people do tend to go faster—perhaps you should be looking at the 85<sup>th</sup> percentile rule there. There is also the big issue for those people who are trying their very best to do the right thing and stay at that speed or below that speed—and it is a speed limit, we should remember that. It is the upper speed limit. You do not have to drive at that speed. You can go slower if the circumstances prevail, and that should be the *prima facie* consideration.

*The Hon. R.B. Such interjecting:*

**Dr McFETRIDGE:** As the member for Fisher says, you can be booked for going too slow, and this is the point I make. If you are not sure of the speed limit and you are going too slow you could be causing further problems. America has a law that certainly penalises that. There is also a law that if you are going slow and more than five vehicles are behind you, you have to pull over when it is deemed safe to allow those vehicles to go past because driving at a slow speed is recognised as a significant, dangerous issue.

The big issue I have, which I have raised a number of times, is the accuracy of speed-measuring equipment. I know that another motion is before the house to look into this. I suggest that the Minister for Road Safety also talk to the metrologists (the people who determine the accuracy of measurement) about the accuracy of speed-detection equipment—whether that is a speedo in a car or the speed-detection equipment used by the police. It is very difficult, despite the very best efforts of the police and motoring engineers, to design and maintain equipment that is 100 per cent accurate.

It is a scientifically provable fact that, at the indicated speeds of 50, 60, 70, 80, 100 and 110, your variation can be from 8 km/h at about 50 km/h, right up to 13 km/h when you are doing 110 km/h. You could be doing 97 km/h or 123 km/h, but you might think that you are actually doing 110 km/h. It is scientifically provable that the uncertainties in there compound and can cause real issues. We need to set fair speed tolerances when pinging people for speeding. I guarantee that the people of South Australia are good people. They do not knowingly and recklessly disobey speed limits and they do not drive dangerously so that they are causing problems on the road, yet each year we see the number of speed detection figures going up.

Just yesterday I got back the speed detection figures for the postcodes in and around my electorate, and the number of speeding tickets that have been issued, particularly when you look at

those issued between 50 km/h and 60 km/h, is quite amazing. There is a genuine issue out there. It would not take a lot to review the public's perceptions and to make sure that, if those perceptions are a reality, something is done about it. If there is a perception then an education program has to be put in place to break down that perception. There is nothing more important than making sure that everyone, whether they are a new learner driver or an 85 year old senior citizen, is driving to the best of their ability, paying attention all the time and driving within the speed limit. We must ensure that people are driving as safely as possible.

As the minister has said, the outcomes of inattentive driving—speeding, drink driving, drug driving and driving unroadworthy cars—can be life changing and life shattering and we should never treat them in a trivial fashion. Driving slower and slower may not be the answer. We need to make sure that in 2009 we are driving as safely as possible—whether that is because we are aware of the speed limits, we have safe cars or we are paying attention.

This is a very important issue and I ask the government to consider it and to look at what the RAA has said and the response to the Adelaide Newspoll. I also ask the government to have a look at the identification issue. It is not an adequate answer to say that it is the default system. We need to make sure that people are aware of the speed at which they are travelling and the speed they should be doing.

**The Hon. R.B. SUCH (Fisher) (12:36):** I support this motion. I make it clear that I have a traffic matter before the court and I will not be talking about anything relating to that. This motion does not relate specifically to my issue, anyway. I support this motion for a range of reasons. I also have on the *Notice Paper* a motion scheduled for 30 April calling for a review of speed limits, but I am more than happy to support the member for Schubert in this motion.

The motion has three component parts. The first is about creating confusion for South Australian motorists. I think there is a significant degree of truth in that. I accept what the Minister for Road Safety said: the default system is very clear. I think some of the streets that have been designated as 50 km/h are designated inappropriately. I argued strongly for the 50 km/h default system, if members recall, but in its application I think it was not the fault of the department of transport; I think it was partly the fault of some of the councils. They left their recommendations until the last minute, and some roads have become default roads that should not have come into that category. I think that is one of the elements that the government needs to look at.

I do not think there are many of them, because the original concept of the default was that it would apply to residential streets where people are driving their cars in and out of their house. There could be a child on a tricycle, and all that sort of thing, and it makes sense to have a 50 km/h limit in a residential street.

I will give only a couple of examples. In town, Sir Lewis Cohen Avenue in the Parklands has a default speed limit. No-one lives in Sir Lewis Cohen Avenue (there might be a couple of magpies or plovers or other creatures like that) but that is 50 km/h by default. If one goes east, one will find that the first part of Unley Road through the Parklands is 60 km/h. No-one lives there. Peacock Road is 50 km/h. So, parallel roads in similar situations have different speed limits. I do not see that as being logical and sensible. I think that is part of the issue to which the member for Schubert is alluding.

As I said, I do not believe there are many of these instances, and if the government asked members of parliament to identify those anomalies I believe they could do it literally off the top of their head. I could certainly do it for my electorate. There are some streets in my electorate that I would classify as collector roads that are 50 km/h that should never have become 50 km/h because, by definition, they are not purely residential streets; they are collector roads. We have some roads which are collector roads and which are 60 and then, not far away, a stone's throw away, you have some which are 50, and that does create problems for motorists.

The other issue is that some of them change so frequently, and I think it particularly applies in the Adelaide Hills. Generally I support what the government has done there in lowering many of the speed limits, but some of them change so frequently that that can be an issue. I think that relates to the third point the member for Schubert makes. I have just written to the minister on this issue and received a response. I suggested that, certainly not in the default areas but in areas on arterial roads, the speed limit be painted on the road. The answer was that that could be dangerous. I do not accept that because we do it at railway crossings and schools. If it is dangerous, why does the government do it there?

**The Hon. A. Koutsantonis:** Schools are 25 km/h, that's why. It is a big difference.

**The Hon. R.B. SUCH:** On a highway, if it is so dangerous, why have a painted centre line? I do not think the logic is there. You can use special paints which do not create false traction or slippage, particularly for motorcyclists—and I am very aware of the issues they face. I think the government should have a closer look at that question. As I say, not everywhere, but certainly in some areas. For example, going through Nairne, or approaching Nairne, the speed limit changes literally within every few hundred metres.

**Mr Goldsworthy:** How do you know about Nairne, Suchy?

**The Hon. R.B. SUCH:** I take an interest in speed limits there and the local member, who is still on probation in parliament, but he is doing well. As the member—

**Mr Goldsworthy:** Get out of it, I've been here for nearly seven years.

**The Hon. R.B. SUCH:** Well, you have to be in here about 15 years before you get off probation. For some of those hills' towns the speed limit does change frequently, and I am sure the member for Schubert would back me up on that—and the member for Kavel. You want people to be focussing on their driving (which they should be), but they are trying to watch the road ahead, they have to keep a distance from the vehicle in front, and they are looking for speed limit signs. In some places they have one sign—that is the standard—in others they have two.

I think you are probably putting a requirement on a driver which is beyond a reasonable requirement. You are putting so many responsibilities on them that I think you are testing the limit of reasonable human capability. In some areas where the speed limit changes suddenly or changes dramatically, for example, as you approach Old Noarlunga, it has to be made quite clear that you are going from an 80 km/h zone to a 60 km/h zone. You have trees and all sorts of things there and you are concentrating because you have a road going off to Victor Harbor. You need something more than the standard sign on the side saying that the speed limit is now not just different but significantly different and incurs a very hefty penalty if you breach it.

In terms of the member for Schubert's second point, I think there can be a review of speed limits across the state so that they follow proper standards. The member for Morphett mentioned the 85 per cent percentile. I was talking to a traffic engineer who used to work for the Department for Transport. His allegation is that many speed limits are now determined on the basis of political considerations, not on the basis of proper standards which used to be followed by the Department for Transport. I do not think he is simply someone who has retired and has sour grapes, but he is saying that, in his judgment, the speed limits are being set on the basis of political considerations rather than on the basis of proper technology, science and so on. I think that is an issue to look at and maybe the minister may want to raise that one day in the house in terms of outlining the procedures used in determining speed limits now; that is, whether or not they follow the proper standards and whether or not they follow things such as the 85 percentile method.

I am not one to argue that the changes in speed limits are simply to raise money. They do raise money, and that is fair enough, and it goes into issues such as reducing speed and promoting road safety. However, I do not think there is enough regard being given to the fact that modern cars can go up and down in speed very quickly and, in terms of people breaching speed limits, there has to be a reasonable tolerance for people to change their speed as they come into a new zone.

People are telling me that is not the case, that people are being caught just entering a new speed zone when, as I say, with today's technology, a car is so responsive both up and down in speed that there needs to be an allowance for that situation. You can go quickly from, say, 70 km/h down to 50 km/h in a matter of seconds or, likewise, you can go up.

Finally, regarding the point about marking the roads, someone put a suggestion to me the other day that the centre line could have a coloured dot, or something, in it to indicate a change of speed also. I have written to the new minister—I have already congratulated him on becoming a minister—and I have passed on that suggestion. I do not know whether it has merit—I am not the expert—but someone has suggested to me that maybe the centre line could have a coloured indicator to indicate that you are going from a 100 km/h zone to an 80 km/h zone, or whatever. Anyway, I pass that on to the minister for what it is worth.

Time expired.

**Mr GOLDSWORTHY (Kavel) (12:46):** I also am pleased to make a contribution to the motion moved by the member for Schubert. I think he raises some very important and relevant issues, particularly in paragraph (b) which talks about aiming to create some uniformity. During the last state election campaign in 2006, I campaigned on that specific issue—that we need some

uniformity in speed limits in and around the Hills district, particularly in my electorate, and the member for Fisher has touched on a couple of points in some specific areas in my electorate where there is some confusion caused for motorists in relation to the setting of speed limits.

Before I go on to the detail of the motion, I want to raise an issue in the contribution made by the Minister for Road Safety. I, too, congratulate the minister on his promotion, but it has been my observation over the seven years that I have been here that members' conduct in the house should and does change when they receive promotion from the backbench. When a backbencher is promoted to the ministry, their behaviour in the house should change, but I have not seen that occur in the recent promotion of the minister. He is still acting—

**The Hon. A. KOUTSANTONIS:** I have a point of order, sir. The member is making a personal reflection on me, and I take great offence at it.

**The SPEAKER:** I do not think he is making a personal reflection, but I understand the motion refers to speed limits not the behaviour of the minister for corrections. The member for Kavel might want to refer to the motion.

**Mr GOLDSWORTHY:** Thank you for that direction, Mr Speaker, but it does relate to the motion because it is commenting on issues raised in the debate on the motion. However, I certainly take your point, Mr Speaker. The minister is no longer a backbencher, recklessly casting around, as is the case with some backbenchers' contributions to the house. He has some quite serious responsibilities in his portfolio in this state and no doubt he does take that very seriously, but I raise the issue that he has really misrepresented what I think the member for Schubert was speaking about in his contribution.

The member for Schubert gave some examples of the community's concerns and the opinions of sections of the community on the placement of speed cameras and red-light cameras. I think I have said enough about that issue.

Speaking specifically about where I believe there is some inconsistency in the application of speed limits in my electorate—and I have raised these issues in correspondence with the relevant ministers, and received a pretty bland bureaucratic response. Obviously, officers of DTEI have drafted the response.

I sincerely hope that we see an improvement in the performance within government of the newly appointed Minister for Road Safety because the performance of the previous minister for road safety left a lot to be desired. I could raise some issues in relation to that, and I have raised those issues previously.

I have not hidden the fact that I have been frustrated and concerned with the performance of the previous minister for road safety. That person has left that office and I trust that the newly appointed Minister for Road Safety will do a better job.

*The Hon. A. Koutsantonis interjecting:*

**Mr GOLDSWORTHY:** All of that, Tom. I have raised these issues relating to specific areas of inconsistency of speed limits in my electorate with the previous minister and received a pretty bland response, obviously drafted by DTEI officers, without much strength in the argument to support why those speed limits are in place.

I raise again in the house that there are some real anomalies in the application of speed limits. There is one example in particular, and I have highlighted this before but it continues to go unaddressed—to put it in plain terms, it still needs fixing. It is the road from Woodside to Nairne. It is a DTEI managed road corridor.

The 80 km/h speed zone on the way out from Woodside heading to Nairne commences further out of the town than the 50 km/h zone commences when you are coming from Nairne into Woodside. On the same section of road, one side of the road (travelling south) has a speed limit of 50 km/h and the other side of the road (travelling north) is 80 km/h. It is absurd and bizarre.

I have written to the minister and, as I said, received a response supporting the application of those speed limits. How can you have a section of road where one side is a different—

*Mr Piccolo interjecting:*

**Mr GOLDSWORTHY:** I will get the answer if you like. The next time this matter comes before the house I will read it out. It was a difficult reasoning to understand, but it was something

like: that should be the speed limit as you approach the town but the other speed limit is applicable as you are going out of the town.

What happens when you do a U-turn on that section of the road? You are going 50 km/h, you do a U-turn and then you can go 80 km/h. It is really quite bizarre. I am happy to take it up with the newly appointed minister and hopefully we will get a bit more sense out of the issue.

The other matter is on Beasley Road, Oakbank. This is a relatively newly upgraded road. It is a local council administered road. For a fair length, I would say 500 metres, it is 50 km/h and then it goes to 80 km/h. It is a nice big road, resealed, wide, with new culverts put over the creeks, and so on. For the life of me, I cannot understand why it is 50 km/h. There are rural living areas, so homes are built on land of some hectareage—two or three hectares of land. It is rural living. The Oakbank Golf Course is on the other side of the road, so it is open country.

You tootle along there at 50 km/h for no real reason, apart from the fact that the council, I think, cannot get a lot of sense out of DTEI about having the speed limit changed to at least 60. There is no reason why we have to tootle along there at 50 km/h when it should be at least 60, or even 70. I am not aware of any accidents occurring on that section of road. Most of the road is straight, apart from when you turn off Onkaparinga Valley Road. There are a couple of minor turns which can be taken quite safely at 60 km/h.

So, they are a couple of specific issues in my electorate that I think need to be addressed. I am happy to take them up with the new minister. I even put a DTEI officer in my car and drove him around the district where these anomalies were.

Time expired.

Debate adjourned on motion of Mrs Geraghty.

## MURRAY RIVER

**Mr HANNA (Mitchell) (12:57):** I move:

That this house commends Senator Nick Xenophon for successfully negotiating with the federal government to obtain a \$1 billion package which will hasten the purchase of water from upstream and to otherwise benefit those reliant on the River Murray.

I will begin my remarks but I doubt that I will conclude them in the three minutes that we have remaining in this session of parliament today. I will begin by outlining what Senator Xenophon has achieved. Perhaps the following is the best summary that could possibly be given. I quote from a letter from the national Treasurer, the Hon. Mr Wayne Swan, as follows:

Water buybacks for Murray-Darling Basin

The government now proposes to bring forward expenditure totalling \$500 million over four financial years from 2008-09. This will assist in expediting the return of water to the environment and deliver long-term benefits to the Murray-Darling Basin. Funding for this will be transferred from years outside the forward estimates. In the government's view, this is the maximum pace of water recovery that can be pursued without causing unnecessary disruption to the water market, and without compromising the amount of water that can be returned to the rivers over time.

The government also agrees to request the Productivity Commission to conduct a study into alternate market-based mechanisms that the Australian government could use to diversify its water purchase program. The government will consult with you in relation to the terms of this request.

Local plans for a future with less water

The government is prepared to commit \$200 million from Water for the Future in grants for local municipalities in the Murray-Darling Basin to assist them in planning for a future with less water, and associated local water-saving initiatives.

National stormwater funding

The existing National Urban Water and Desalination Plan will be amended to provide greater incentives for the development of stormwater harvesting projects (such as Managed Aquifer Recharge and Recovery) that use urban stormwater to reduce demand on potable water supplies. The new component of the plan would allocate a guaranteed minimum of \$200 million for stormwater harvesting projects providing up to \$20 million in commonwealth funding per project, up to 50 per cent of project cost. The existing requirement that projects be a minimum size of \$30 million would be reduced to \$4 million in recognition of the localised nature of these projects and the opportunities that are available in smaller towns and cities. This could commence this financial year, with a call for projects, and with successful projects being offered contracts to enable construction to commence later in 2009.

Small Block Irrigator Exit Grants Package

The maximum size of farms that are eligible to apply for the Small Block Irrigators Exit Grants Package will be increased to 40 hectares. Furthermore, grants for the removal of irrigation plantings and infrastructure will be increased from \$10,000 to up to \$20,000.

Finally, I acknowledge your request to be consulted on Australian government policy and investment decisions that may impact on the Riverland irrigation region of South Australia.

Debate adjourned.

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

### BUDDHA STATUE

**The Hon. R.B. SUCH (Fisher):** Presented a petition signed by 73 residents of South Australia requesting the house to urge the government to deny the erection of a Buddha statue structure on the Adelaide hills face.

### OMBUDSMAN'S REPORT

**The SPEAKER:** I lay on the table the report of the Ombudsman for 2007-08.

Report ordered to be published.

### PAPERS

The following papers were laid on the table:

By the Minister for the Arts (Hon. M.D. Rann)—

Adelaide Film Festival—Report 2007-08

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

Measuring Our Success—Progress Report—March 2009

By the Minister for the River Murray (Hon. K.A. Maywald), on behalf of the Minister for Environment and Conservation (Hon. J.W. Weatherill)—

Natural Resources Management Council—Report 2007-08

### ANSWERS TO QUESTIONS

#### GRANT EXPENDITURE

In reply to **Mr PENGILLY (Finniss)** (2 July 2008) (Estimates Committee A).

**The Hon. G.E. GAGO (Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises, Minister Assisting the Minister for Transport, Infrastructure and Energy):**

2006-07

Minister for State/Local Government Relations

The following is provided regarding grants in 2006-07 by Primary Industries and Resources SA in relation to my portfolio of Minister for State/Local Government Relations. Other Ministers will respond separately to grants by PIRSA that relate to their portfolio.

Please note, that the question asks whether expenditures made were subject to a grant agreement, as required by Treasurer's Instruction No.15 (TI 15). Grants that have been made to other State Government agencies, universities or are less than \$10,000 are not required to have a grant agreement and are reflected as 'Not Applicable' in the appropriate column.

Primary Industries and Resources SA—Office for State/Local Government Relations

Name of Grant Recipient	Amount of Grant	Purpose of Grant	Subject to Grant Agreement (Y/N)

Name of Grant Recipient	Amount of Grant	Purpose of Grant	Subject to Grant Agreement (Y/N)
Local Government Association of South Australia (LGA) on behalf of various participating councils	70,000	Grant to Local Government for the European Wasp Eradication Program. Funding matched by participating councils.	Y
District Council of Lower Eyre Peninsula	43,853	Provision of State Government support for funds expended in undertaking recovery effort following the Lower Eyre Peninsula bushfire.	Y
Flinders Ranges Council	100,000	Pre-allocation payment to Council, pending decision of the Local Government Disaster Fund for recovery efforts following the mid-north floods.  Money reimbursed to the Office for State/Local Government Relations in June 2007 following decision of Local Government Disaster Fund.	Not Applicable
District Council of Orroroo-Carrieton	50,000	Pre-allocation payment to Council of Orroroo-Carrieton, pending decision of the Local Government Disaster Fund for recovery efforts following the mid-north floods.  Money reimbursed to the Office for State/Local Government Relations in June 2007 following decision of Local Government Disaster Fund.	Not Applicable
Local Government Association of South Australia (LGA)	33,500	Assistance to small rural councils to enable their ongoing participation in projects to improve financial governance and to develop asset management policies and plans.	Y
District Council of Kangaroo Island	10,000	To undertake a comprehensive study of the Council's current and future roles and responsibilities and opportunities for collaboration/partnership with State and Federal governments, the private sector, statutory boards and other community organizations.	Y
TOTAL 2006-07	307,353		

\* Not Applicable—not subject to Treasurer's Instruction No. 15

Primary Industries and Resources SA—Administered (Local Government Taxation Equivalent Fund)

Name of Grant Recipient	Amount of Grant	Purpose of Grant	Subject to Grant Agreement (Y/N)
Local Government Research and Development Scheme—Administered by the SA Local Government Association.	1,000,000	Tax Equivalent payments made by the Local Government Finance Authority, consistent with National Competition Policy.	Payments subject to South Australian Legislation (Local Government Finance Authority Act 1983)
Total 2006-07	1,000,000		

Primary Industries and Resources SA—Administered (South Australian Local Government Grants Commission)

Name of Grant Recipient	Amount of Grant	Purpose of Grant	Subject to Grant Agreement (Y/N)
68 South Australian Councils, 5 Aboriginal Community Councils and the Outback Areas Community Development Trust	133,943,000	Distribution of Commonwealth Assistance Grants (General Purpose, Identified Local Roads and Road to Recovery) to Local Governments' Aboriginal Communities and the Outback Areas Community Development Trust.	Subject to both State and Commonwealth Legislation (South Australian Local Government Grants Commission Act 1992, Local Government (Financial Assistance) Act 1986.)
Total 2006-07	133,943,000		

Primary Industries and Resources SA—Administered (Outback Areas Community Development Trust)

Name of Grant Recipient	Amount of Grant	Purpose of Grant	Subject to Grant Agreement (Y/N)
Local Government Risk Services (LGRS)	97,357	Provision of insurance for outback communities	Payments subject to South Australian Legislation (Outback Areas Community Development Trust Act 1978)
Northern Regional Development Board	91,529	Resource/marketing funding	"
Flinders Ranges & Outback SA Tourism	24,000	Marketing funds	"
Lifeline Central (SA/NT) Inc	1,500	Contribution toward training	"
Department of Further Education, Employment, Science & Technology (DFEEST).	5,000	Outback Connect Project—investigating the implementation of Broadband for outback residents.	"
Tourism Eyre Peninsula	8,000	Marketing funds	"
Eyre Region Tourism (Eyre Region Development Board)	5,000	Resource agreement funds	"

Name of Grant Recipient	Amount of Grant	Purpose of Grant	Subject to Grant Agreement (Y/N)
Department for Transport, Energy & Infrastructure (DTEI).	3,000	Contribution toward sealing of outback road	"
Outback Communities (various)	297,885	Community assistance funds	"
Bungala Aboriginal Corporation	65,000	Waste management provision for outback community	"
TOTAL 2006-07	598,271		

Minister for the Status of Women

Minister for Consumer Affairs

The expenditure on grants administered by the following business units of the Attorney-General's Department under my ministerial responsibility in 2006-07 are detailed below:

Office of Consumer and Business Affairs;

Office of the Liquor and Gambling Commission; and

Office for Women;

Name of Grant Recipient	Amount	Purpose of Grant	Subject to Grant Agreement (Y/N)	Comment
Office of Consumer and Business Affairs				
Consumer Association of SA Inc	\$7,000	Interim Funding 2006/2007	No	This was a once-off payment for relocation and other operating costs following the expiry of the agreement.
Department of Tourism & Fair Trading	\$16,775	SA Contribution to the Auzshare System	No	SCOCA contribution. Payment to another Government agency
Department of Treasury	\$14,266	SA share of funding for Access Economics to undertake baseline study of consumer product-related accidents	No	SCOCA contribution. Payment to another Government agency
The Treasury (Federal)	\$4,115	SA share of funding for a policy officer to develop a Regulation Impact Statement on product safety	N/A	Agreement not required as grant was less than Treasurer's Instruction threshold
The Treasury (Federal)	\$3,769	SA share of funding for the Queensland consumer credit legislation officer	N/A	Agreement not required as grant was less than Treasurer's Instruction threshold
Office for Women				
Adelaide Survivors Abreast Inc	\$500	Assistance for the dragon boat project	Yes	
Aboriginal Women's APY Lands	\$5,500	Funds for the Kuka Kanyini Walalkara women's project	Yes	

Name of Grant Recipient	Amount	Purpose of Grant	Subject to Grant Agreement (Y/N)	Comment
Good Beginnings Australia	\$5,450	Refurbish community rooms at the Elizabeth Grove children's centre	Yes	
Clare Rural Women's Gathering	\$1,000	Sponsorship towards rural women's gathering	N/A	Agreement not required as grant was less than Treasurer's Instruction threshold
Zonta Club of Gawler/Barossa	\$600	Funds towards the Migrant Women's History project	Yes	

\* Please note that this return only includes grants payments for the Office for Women in 2006-07 from when the Division joined the Attorney-General's Department.

2007-08

Minister for State/Local Government Relations

The following is provided regarding grants in 2007-08 by Primary Industries and Resources SA in relation to my portfolio of Minister for State/Local Government Relations. Other Ministers will respond separately to grants by PIRSA that relate to their portfolio.

Please note, that the question asks whether expenditures made were subject to a grant agreement, as required by Treasurer's Instruction No.15 (TI 15). Grants that have been made to other State Government agencies, universities or are less than \$10,000 are not required to have a grant agreement and are reflected as 'Not Applicable' in the appropriate column.

2007-08 Primary Industries and Resources SA—Office for State/Local Government Relations

Name of Grant Recipient	Amount of Grant	Purpose of Grant	Subject to Grant Agreement (Y/N)
Local Government Association of South Australia (LGA) on behalf of various participating councils	70,000	Grant to Local Government for the European Wasp Eradication Program. Funding matched by participating councils.	Y
Local Government Association of South Australia (LGA)	85,000	Assistance to small rural councils to enable their ongoing participation in projects to improve financial governance and to develop asset management policies and plans.	Y
South Australian Local Government Financial Management Group	5,000	Contribution to project exploring national harmonisation of the core components of financial statements prepared by councils under Australian Accounting Standards.	Not Applicable
Northern Regional Development Board	60,000	Contribution to outback water program.	Y
Total 2007-08	220,000		

\* Not Applicable—not subject to Treasurer's Instruction No. 15

Primary Industries and Resources SA—Administered (Local Government Taxation Equivalent Fund)

Name of Grant Recipient	Amount of Grant	Purpose of Grant	Subject to Grant Agreement (Y/N)
Local Government Research and Development Scheme-Administered by the SA Local Government Association (LGA).	1,654,043	Tax Equivalent payments made by the Local Government Finance Authority (LGFA), consistent with National Competition Policy.	Payments subject to South Australian Legislation (Local Government Finance Authority Act 1983)
Total 2007-08	1,654,043		

Primary Industries and Resources SA—Administered (South Australian Local Government Grants Commission)

Name of Grant Recipient	Amount of Grant	Purpose of Grant	Subject to Grant Agreement (Y/N)
68 South Australian Councils, 5 Aboriginal Community Councils and the Outback Areas Community Development Trust.	142,932,134	Distribution of Commonwealth Assistance Grants (General Purpose, Identified Local Roads and Road to Recovery) to Local Governments', Aboriginal Communities and the Outback Areas Community Development Trust.	Subject to both State and Commonwealth Legislation (South Australian Local Government Grants Commission Act 1992, Local Government (Financial Assistance) Act 1986.)
Total 2007-08	142,932,134		

Primary Industries and Resources SA—Administered (Outback Areas Community Development Trust)

Name of Grant Recipient	Amount of Grant	Purpose of Grant	Subject to Grant Agreement (Y/N)
Bungala Aboriginal Corporation	128,000	Waste management provision for outback community at Dunjiba.	Payments subject to South Australian Legislation (Outback Areas Community Development Trust Act 1978)
Local Government Risk Services (LGRS)	98,288	Provision of insurance for outback communities.	"
Outback Communities (various)	341,286	Community assistance funds.	"
Department for Transport Energy and Infrastructure (DTEI)	200,000	Transfer paid to DTEI for upgrade work at Marla Aerodrome.	"
Outback Communities (various)	4,313	Contributions to youth development and Youth Week activities.	"
Northern Regional Development Board	17,927	Resource agreement funds.	"

Name of Grant Recipient	Amount of Grant	Purpose of Grant	Subject to Grant Agreement (Y/N)
Northern Regional Development Board	1,500	Sponsorship of Flinders Art Project.	"
Northern Regional Development Board	10,000	Contribution to the Centre for Sustainable Excellence.	"
Flinders Ranges & Outback SA	27,815	Sponsorship and Strategic Plan funding.	"
Isolated Children's Parents' Association (SA)	3,000	Donation to 2008 ICPA Conference.	"
Tourism Eyre Peninsula	11,000	Marketing funds.	"
Eyre Regional Development Board	5,000	Resource agreement funds.	"
Treloar, Mr & Mrs K	3,000	Contribution to maintenance for Wiawera Station Airstrip.	"
Department of Water, Land and Biodiversity Conservation (DWLBC)	3,273	Contribution to "Across the Outback" publication.	"
Rural Solutions SA Desert Knowledge CRC	5,000	Contribution to Desert Knowledge CRC.	"
TOTAL 2007-08	859,402		

Minister for the Status of Women

Minister for Consumer Affairs

The expenditure on grants administered by the following business units of the Attorney-General's Department under my ministerial responsibility in 2007-08 are detailed below:

Office of Consumer and Business Affairs;

Office of the Liquor and Gambling Commission; and

Office for Women;

Name of Grant Recipient	Amount	Purpose of Grant	Subject to Grant Agreement (Y/N)	Comment
Office of Consumer and Business Affairs				
Commonwealth Department of Treasury	\$20,372	SA contribution towards the Commonwealth Ministerial Council on Consumer Affairs (MCCA)	Yes	
Office for Women				
Primary Industries and Resources SA	\$2,500	LGMA Excellence Award—half share of contribution	N/A	Agreement not required as grant was less than Treasurer's Instruction threshold
International Women's Day Committee SA Inc	\$3,500	International Women's Day Activities	N/A	Agreement not required as grant was less than Treasurer's Instruction threshold
Migrant Women's Lobby Group of SA	\$1,500	Women as Carers Information Day	Yes	

Name of Grant Recipient	Amount	Purpose of Grant	Subject to Grant Agreement (Y/N)	Comment
Fiona Mort	\$106	Purchase of 'Wiggles' Merchandise for underprivileged children	N/A	Agreement not required as grant was less than Treasurer's Instruction threshold
Older Women's Advisory Committee	\$500	Speak Out Conference 2008	Yes	
Women in Agriculture and Business	\$27,273	Facilitation of ongoing rural women's network	Yes	
Sarah Annesley	\$150	IWD Young Women Writer's Award	N/A	Agreement not required as grant was less than Treasurer's Instruction threshold
Brittany Barnett	\$100	IWD Young Women Writer's Award	N/A	Agreement not required as grant was less than Treasurer's Instruction threshold
Amy Bodossian	\$250	IWD Young Women Writer's Award	N/A	Agreement not required as grant was less than Treasurer's Instruction threshold
Department of Families and Communities	\$1,300	SA Contribution MINCO—All states contribute yearly	N/A	Agreement not required as grant was less than Treasurer's Instruction threshold
Primary Health Care Services	\$5,000	Talking Realities—Friday fun group—part of Outreach program	Yes	
Lisa Telfer	\$150	IWD Young Women Writer's Award	N/A	Agreement not required as grant was less than Treasurer's Instruction threshold
Belinda Troughton	\$100	IWD Young Women Writer's Award	N/A	Agreement not required as grant was less than Treasurer's Instruction threshold

Name of Grant Recipient	Amount	Purpose of Grant	Subject to Grant Agreement (Y/N)	Comment
Kristi Urry	\$250	IWD Young Women Writer's Award	N/A	Agreement not required as grant was less than Treasurer's Instruction threshold
State Library of SA	\$500	South Australia Memory Project	Yes	
Barnardos	\$10,000	Mother of the Year awards	Yes	
Catherine House Inc	\$2,000	Fundraising activities	Yes	
Childhood Cancer Association Inc	\$1,000	Fundraising activities	Yes	
Coalition of Women's Domestic Violence Service	\$5,000	World Conference on Women's shelters held in Canada	Yes	
National Council of Women SA	\$350	Support project 'Alcohol—Who's Drinking'	Yes	
Network of Women Students Australia	\$500	Support towards 2008 NOWSA Conference	Yes	
Nunukuwarrin Yunti	\$2,000	Women's Healing Project	Yes	
Shelter SA	\$200	Homeless, Health & Housing Conference	Yes	
Soroptomist International of Torrens Inc	\$3,000	Violence against Women Conference	Yes	
Spark Resource Centre Inc	\$1,000	Support towards Single Parent Children's xmas party	Yes	
Women in Agriculture and Business	\$1,000	90th State Conference for Women	Yes	
Nicole Dikkenberg	\$166	Janine Haines Memorial Award	N/A	Agreement not required as grant was less than Treasurer's Instruction threshold
Ashleigh Emery	\$166	Janine Haines Memorial Award	N/A	Agreement not required as grant was less than Treasurer's Instruction threshold
Erifili Kalominidis	\$166	Janine Haines Memorial Award	N/A	Agreement not required as grant was less than Treasurer's Instruction threshold

Name of Grant Recipient	Amount	Purpose of Grant	Subject to Grant Agreement (Y/N)	Comment
Ovarian Cancer Challenge	\$500	Support for cancer challenge	Yes	
Rural Womens Gathering	\$1,000	Support towards the Gathering - held yearly in different locations	Yes	
Weena Mooga Gu Gubda Inc	\$5,000	Sewing and Lifeskills for Aboriginal Women	Yes	
Zonta Club of Gawler/Barossa	\$500	Women's Art Exhibition	Yes	
Office of the Liquor and Gambling Commissioner				
Port Augusta City Council	\$10,000	Contribution towards costs of evaluating the effect of city wide dry area	N/A	Agreement not required as grant was less than Treasurer's Instruction threshold

#### AUSTRALIAN LOAN COUNCIL

**The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:02):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. K.O. FOLEY:** I rise today to advise the house of the outcome of the 149<sup>th</sup> meeting of the Australian Loan Council. The next one will be a big event because it will be the 150<sup>th</sup>. Yesterday, state treasurers met with the federal Treasurer, the Hon. Wayne Swan, for our regular Ministerial Council for Commonwealth-State Financial Relations or, as it is more commonly known, the Treasurers' Conference. At these conferences, the state treasurers and the federal treasurer also meet at least annually as the Australian Loan Council.

The council was established to coordinate borrowings by commonwealth and state governments. I am advised that its history lies in the 1920s when the commonwealth and states found themselves in competition for funds on credit markets. Funny that. Today the council oversees the borrowing programs of all jurisdictions. Each jurisdiction has a loan council allocation for a financial year which represents their total borrowing program for their general government sector and the non-financial public sector.

Each jurisdiction nominates their allocation for the following financial year and the council considers the total program across all jurisdictions. While the council is not empowered to authorise or prohibit borrowing programs, it is an important mechanism for coordination and transparency.

In the difficult financial climate of recent months, there has been speculation that states may struggle to raise sufficient capital to meet their funding requirements. The speculation has centred on states with large borrowing programs, particularly Queensland, which have very large infrastructure programs in the coming years. However, it is also a concern here for South Australia.

As credit markets have contracted, the cost of borrowing money has increased. The price premium charged in the markets above the commonwealth bond rate has increased significantly by over 80 basis points since May 2008. More importantly, some states have expressed concern with their ability to raise funding to meet their infrastructure programs.

To resolve these difficulties, yesterday the commonwealth announced that it would guarantee state-issued borrowings. States are now able to seek guarantees for their existing stock of debt and on their new debt to be raised in the future. The commonwealth will seek a fee from participating jurisdictions for providing that guarantee. For AAA rated states the fee bill will be

15 basis points above the commonwealth bond rate for existing debt and 30 basis points for new debt.

For AA+ rated jurisdictions, the fee will be 20 basis points for existing debt and 35 basis points for new debt, and that charge does represent the 10 year average for the premium paid by semi-sovereign states on their debt and bond issuing above the commonwealth rate. States have 28 days to notify the commonwealth of whether they will use this facility for existing debt and to what extent. I will be working with Treasury officials over this period to determine if and to what extent South Australia uses this guarantee facility.

However, I can say that, regarding South Australia's future borrowings, given the attractiveness of guaranteed state-issued debt to the credit markets, it is likely that we will be participating. I understand that the guarantee has had an immediate effect, with reports today of the cost of state borrowing falling within minutes of the announcement. It should be noted that this will be a temporary arrangement to be reviewed by the Loan Council and to be revoked once the credit markets return to a more normal environment.

This is an important initiative of the commonwealth. It was one fully supported by all jurisdictions, of both political persuasions, with the Western Australian Treasurer, Troy Buswell, joining federal Treasurer, Wayne Swan, and Queensland Treasurer, Andrew Fraser, in a press conference to announce this guarantee.

While South Australia was not in the same position as some of the larger states in terms of issuing debt, this delivers significant benefits to our borrowing program. Members might be aware of a report in the *Australian Financial Review* yesterday of the success of the South Australian Government Financing Authority, which raised \$500 million of debt on Tuesday. This shows that South Australia remained an attractive borrower to the credit markets, but it should be noted that this is relatively short-term debt with a maturity of August 2010. The longer-term outlook for state borrowings without the commonwealth guarantee was far more uncertain.

The guarantee provides confidence and certainty in the credit market and will make it easier for states to finance their large infrastructure program. I thank the commonwealth Treasurer, Wayne Swan, and federal Treasury officers for providing this arrangement. It is a further indication of the Rudd Labor government's capacity, intellect and ability to deal with what is the global financial crisis.

#### NATURAL RESOURCES COMMITTEE

**Mr RAU (Enfield) (14:08):** I bring up the 26<sup>th</sup> report of the committee, entitled Water Resource Management in the Murray-Darling Basin (Volume 1)—The Fellowship of the River.

Report received and ordered to be published.

#### VISITORS

**The SPEAKER:** I draw to the attention of members the presence in the gallery today of students from Pembroke School, who are guests of the member for Hartley; members of the South Talk group, who are guests of the member for Finnis; students from Charles Campbell Secondary School, who are guests of the member Morialta; and Mr Martin Dixon MP, the member for Nepean in the Victorian parliament.

#### QUESTION TIME

##### CITI CENTRE BUILDING

**Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:09):** My question is to the Treasurer. Has the Treasurer budgeted to sell a building that the government does not own? On 19 December last year, the Treasurer announced, 'The government has decided to sell some of its office buildings.' In his statement the Treasurer listed the Citi Centre Building, located at Hindmarsh Square. That building is owned by the Commissioners of Charitable Funds, who hold the property as a bequest from the Martin family in perpetuity for the benefit of the Adelaide Hospital Endowment Fund. The government is head tenant of the building, which is sublet to a government department. The Labor government bought the head tenancy as part of many taxpayer funded rescue packages of State Bank funded investments but does not own the building.

**The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:10):** Sometimes the Leader of the Opposition should ask me privately before he raises something publicly. I give this parliament a

rock solid guarantee: we will not sell anything that we do not own. I can confidently say that will not occur because, unless I am mistaken, I do not think you can sell something you do not own.

However, what I can say, in response to this earth-shattering question, is that the advice I am provided with is that the Commissioners of Charitable Funds owns the real estate—the land—and the government owns the building, and you can long-term lease—

*Ms Chapman interjecting:*

**The SPEAKER:** Order!

**The Hon. K.O. FOLEY:** Sorry, inter what?

*Ms Chapman interjecting:*

**The Hon. K.O. FOLEY:** Indefeasible—

**Mr Hamilton-Smith:** The government owns the building?

**The Hon. K.O. FOLEY:** Yes, we own the building that sits on top of the land, so we can sell it or we can long-term lease it. There you go.

*Members interjecting:*

**The SPEAKER:** Order!

#### PREMIER'S ANZAC SPIRIT SCHOOL PRIZE

**Ms THOMPSON (Reynell) (14:12):** My question is to the Premier. Can the Premier tell members about the 2009 Premier's ANZAC Spirit School Prize, the visit to Adelaide by Trooper Mark Donaldson VC and the exhibition With Courage and Humanity.

**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) (14:12):** I was delighted to meet the winners of the 2009 Premier's ANZAC Spirit School Prize as well as Trooper Mark Donaldson VC at a reception hosted by His Excellency the Governor on 11 March.

The Premier's ANZAC Spirit School Prize, funded by the state government, has been conducted in South Australia since 2007 and is a student competition involving year 9 and 10 students in South Australian schools. This initiative was developed by the state government in an effort to encourage young South Australians to understand, connect with and maintain the ANZAC spirit made famous by our diggers during the Great War of 1914-18. I am pleased to advise members that, in 2009, 53 entries were received, compared to 31 entries in 2008.

Six South Australian school students were selected for a trip of a lifetime. They are Justin Clarke from Booleroo Centre District School; Melissa Crawley from Aberfoyle Park High School; Alice Dawkins from Loreto College; Joel Grieger from Swan Reach Area School; Matthew Leigh from Loxton High School; and Jessie Lewcock from St Peter's Collegiate Girls School. These impressive young people showed outstanding knowledge of and passion for the ANZAC history, its tradition and its meaning. Their thoughtfulness and personal qualities make them excellent ambassadors for our state to further champion the ANZAC spirit.

Accompanied by the President of the RSL in South Australia, Mr Jock Statton, and teachers Tess McKeough from St Mark's College in Port Pirie and Gabriele Trobbiani from Aberfoyle Park High School, they will visit the Australian War Memorial at Hyde Park, the Imperial War Museum, Churchill's bunker and war cabinet rooms, and other London landmarks. They will travel from Dover to Calais by ferry, just like our own soldiers would have done so many years ago, leaving England by boat from France.

In Ypres in Belgium (which my grandfather who served there referred to as 'Wipers') they will be joined by His Excellency Rear Admiral Kevin Scarce and Mrs Scarce. In this ancient town of Flanders, they will participate in the Menin Gate Commemorative Service. This service is held every night of the year, without exception.

After visiting Paris and landmarks of interest, the party will stay in Amiens in regional France to continue the research on the soldier on whom the students based their application. They will learn of their soldier's last battle and last day, and eventually reach their soldier's gravesite where they will deliver a prepared presentation to the tour group. Later, they will meet up with the Western Australian ANZAC study group to compare experiences and mateship.

I should say that the idea of this ANZAC study group originally came from former Western Australian premier Geoff Gallop. I think it is a brilliant idea, and I think both I and the Minister for Education were deeply moved to have met last year's recipients who had gone there, with experiences that changed their lives. I know that the member for Stuart visited the battlefields last November, representing all of us at the 90<sup>th</sup> commemoration of the end of World War I, and I am sure he would agree with me that this is a valuable experience for these kids.

In Dernancourt they will commemorate the fallen South Australian, Australian and French soldiers at the Adelaide Cemetery. And finally, at Villers-Bretonneux on ANZAC Day, they will attend and participate in the sacred ceremony, the ANZAC Day Dawn Service, at the Australian War Memorial. I know that the Mayor of Dernancourt is coming here shortly, and I know that he is known to both the member for Stuart and the Minister for Education.

As I mentioned previously, also present at the reception hosted by the Governor for the students was Trooper Mark Gregor Donaldson VC from the Australian Army. Trooper Donaldson had been awarded the highest military decoration for valour in the face of the enemy. He is the first Australian to have won a Victoria Cross in the past 40-odd years, since Keith Payne won a Victoria Cross in Vietnam.

I am advised that on 2 September 2008, during Operation SLIPPER in Oruzgan Province, Afghanistan, Trooper Donaldson's combined Afghan, US and Australian vehicle convoy was ambushed by the enemy. As a result of facing sustained machine-gun fire and rocket propelled grenades, the patrol suffered many casualties. Trooper Donaldson deliberately exposed himself to enemy fire in order to draw attention to himself so that wounded soldiers could be moved to safety.

Realising that an Afghan interpreter had been wounded, Trooper Donaldson moved alone, on foot, across 80 metres of exposed ground to recover the interpreter and return him to the vehicles where he administered first aid. Following that, Trooper Donaldson continued to engage the enemy whilst administering first aid to the wounded. Only three soldiers involved in the battle escaped serious injury. Trooper Donaldson was one of them. Trooper Donaldson remains posted to the Special Air Service Regiment in Perth Western Australia.

We all too well understand the risk and the danger our brave defence personnel face every day in Afghanistan. The loss of 10 of our fellow Australians and the serious injury to others immensely saddens our community. Our past and present servicemen and women, especially those who have served in conflicts abroad, deserve our deepest respect. Incidentally, the soldier researched by student Matthew Leigh on this next trip was Corporal Lawrence Carthage Weathers, also a recipient of the Victoria Cross.

I would like to say that we were very pleased recently—and I know that the Deputy Premier was involved in this—to see the Burke and Wills breastplate and Major Peter Badcoe's Victoria Cross. The South Australian government purchased the Badcoe Victoria Cross jointly with philanthropist and businessman Kerry Stokes at a total cost of \$488,000. A whole group of South Australian towns will see the exhibition, including Berri, Bordertown, Ceduna, Clare, Kingscote, as well as Broken Hill in New South Wales, Kingston, Mount Gambier, Peterborough, Port Augusta, Port Lincoln, Port Pirie, Tailm Bend, Two Wells, Victor Harbor and Wudinna. The exhibition will open in Port Pirie on ANZAC Day and will conclude in May.

Early this month I announced that the new \$118 million South Road underpass will be named the Gallipoli Underpass in recognition of the ANZAC tradition. This naming will further reinforce and promote Anzac Highway's historic links with our state's brave service men and women. We hope our young people will continue to go on these scholarships, and I am sure it will enrich and change their lives and they will be great young ambassadors for the ANZAC tradition.

#### STATE FINANCES

**Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:20):** My question is again to the Treasurer. How much has the Treasurer now borrowed since the 2008-09 state budget, and how much more does he plan to borrow before next year's March election?

**The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:20):** How much I have borrowed since the 2008-09 budget?

**The Hon. P.F. Conlon:** I think he means the government.

**The Hon. K.O. FOLEY:** The government. I will get these numbers clarified because I am working off the top of my head. The government had eliminated state budget debt as at 30 June 2008. The level of borrowings—are you talking about the general government sector or the non-financial sector, or both, or what?

**An honourable member:** Both.

**The Hon. K.O. FOLEY:** Do you know the difference?

**Mr Hamilton-Smith:** How much have you borrowed?

**The Hon. K.O. FOLEY:** The general government debt, the budget debt, was eliminated at 30 June. I will get these numbers for the leader but, as I have said, we are running in a deficit, and that deficit will be announced in the June budget. So, clearly, for operational reasons, we will have been borrowing some moneys. As I said, we issued \$500 million just the other day, 24 or 48 hours ago, but I will get those numbers for the leader.

The projected state debt I think at the end of the forward estimates is somewhere in the order of \$2.2 billion to \$2.6 billion, from memory. It is quite modest when compared to other states. However, of course, beyond the forward estimates we are seeing that number ramp up as we see the rollout of the electrification and the various other programs—the hospital, etc. Can I say this: the state has been, and still is, in a very strong financial position. To be in a position—

*Ms Chapman interjecting:*

**The Hon. K.O. FOLEY:** Sorry? Vickie the expert. Do you think she set the leader up with the first question? I think you embarrassed the leader quite deliberately with the first question.

*Ms Chapman interjecting:*

**The Hon. K.O. FOLEY:** Sorry?

**Mrs Redmond:** He's trying to think of something else to say that might be useful.

**The Hon. K.O. FOLEY:** I just said it.

**Ms Chapman:** You can't remember, can you?

**The Hon. K.O. FOLEY:** She said I didn't remember \$500 million. So, now it is \$500 million?

*Ms Chapman interjecting:*

**The Hon. K.O. FOLEY:** I just said it. I just said it about a minute ago.

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

**The Hon. K.O. FOLEY:** The deputy leader is saying I hadn't remembered that we had borrowed \$500 million. I just said it two minutes ago.

**Ms Chapman:** I think you should remember it better.

**The SPEAKER:** Order! The deputy leader.

**The Hon. K.O. FOLEY:** Sorry? You are a really odd person!

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. K.O. FOLEY:** Mr Speaker, we have an active borrowing program. The government is often in the marketplace issuing bonds. We have borrowed largely in recent years from domestic bond issuance. We have been able to raise the minimal amounts of money that we need from domestic sources. One of the things I did when we came to office—and that was the second point. I do not know SA Water's borrowing numbers but I will get the numbers for you. We have an agreed framework with SA Water and they borrow and provide advice and seek approval and get approval from Treasury—

*Ms Chapman interjecting:*

**The Hon. K.O. FOLEY:** They are not interested.

**The SPEAKER:** The member for Norwood.

*Members interjecting:*

**The SPEAKER:** Order! The member for Norwood has the call.

### ROYAL ADELAIDE HOSPITAL

**Ms CICCARELLO (Norwood) (14:24):** My question is to the Minister for Health. How will the opposition's proposed new building at the Royal Adelaide Hospital site impact on patient care?

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.D. HILL (Kaurua—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:25):** I thank the member for Norwood for her very interesting question. As members would be aware, the government plans to build a new hospital to replace the ageing set of buildings at the Royal Adelaide Hospital and to provide the best patient care for South Australians into the future. This week, as we all know, the opposition has come out with its response: three options for rebuilding on the existing site.

These options include a proposal for a new building at the RAH on the site of the North Terrace car park in front of the Emergency Department. According to the artist's impressions of the building, issued by the opposition leader and the deputy leader, it would be 12 storeys high, but the artist's impressions are just that—very artistic. They show the 12 storey building as only marginally taller than the existing four storey building next to it. As *The Advertiser* revealed yesterday—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.D. HILL:** Listen: this will be good, I promise you. Yesterday, as *The Advertiser* revealed, a 12 storey building built to normal dimensions would tower over the existing RAH buildings, creating an eyesore on the cultural boulevard. The deputy leader denied that this was an error in *The Advertiser* yesterday. She claimed, 'It's not a distortion. The contemporary building has a much lower floor height.'

In the light of the deputy leader's statement, architects have taken another look at the Liberals' artist's impressions. My advice is that, if the artist's impressions are to scale (as the deputy leader claims), on each floor the ceiling would be approximately 1.6 metres tall, or five feet three inches. I like to think of myself as about five feet 10 inches tall and, if I include my hair, I probably am. I am about five feet nine inches or five feet 10 inches tall.

If I were to inspect the deputy leader's hospital, I would have had to crouch. My colleague, the minister for further education, who is about six feet two inches tall, would not be able to stand in the building at all.

**The Hon. M.D. Rann:** It is a hobbit hospital!

**The Hon. J.D. HILL:** Indeed. However, there is some good news: another colleague of mine, the member for Norwood, who asked the question, would be able to walk through the building. She is four feet 11½, as is the Minister for the River Murray, so there would be at least two members of this house who would be able to walk along the floors of the new building designed by the Deputy Leader of the Opposition. Interestingly, the member for Norwood would, in fact, have a nine centimetres of clear air between the top of her head and the ceiling. So, for her, it would be very roomy.

**An honourable member:** Don't wear your hair up!

**The Hon. J.D. HILL:** That's right. That does beg the question of where the artistic inspiration came from. My office thought about this, and we thought that it might have been the 7½ floor in the film *Being John Malkovich*. I do not know whether members are familiar with that film. For members who may not have seen it, this office floor was built at half height, forcing workers to crouch during their entire working day. I guess that the Deputy Leader of the Opposition might plan to recruit, as a cost saving measure, doctors and nurses of a particular height who could work in this building. As the Premier said, it would become a hospital for hobbits.

With the opposition leader and the deputy leader as the Basil and Sybil Fawty of this parliament, this building is fast becoming known as Fawty Tower. When it was first announced, it was obvious that the building would seriously block access to the Emergency Department, and we have already mentioned that its construction would seriously disrupt the running of the ED.

We then discovered that the building would also impede the path of helicopters transporting ill and injured patients to the Royal Adelaide Hospital, and now we discover that the floor to ceiling height would mean that no-one taller than the member for Norwood would be able to use the building. This is further and very clear evidence that the opposition's plans are half-baked—half-baked floors, half-baked plans.

The choice for South Australians is yet again very clear: a brand new state-of-the-art hospital, with patient care at its heart or the Liberals' ill-conceived patch-up plan, with its buildings especially designed for the vertically challenged. Maybe all these problems are explained by the deputy leader, who so clearly told Channel 9 news last night, and I cannot help but agree with her:

There needs to be cooperation in the operation of the rebuild with those who are traversing passengers through that transit route.

I will leave it there.

### SOUTH AUSTRALIAN JOCKEY CLUB

**Mr HAMILTON-SMITH (Waite—Leader of the Opposition) (14:30):** My question is to the Treasurer.

*Members interjecting:*

**The SPEAKER:** Order!

*The Hon. A. Koutsantonis interjecting:*

**The SPEAKER:** Order, the Minister for Correctional Services!

**Mr HAMILTON-SMITH:** What discussions has the Treasurer had with SAJC lobbyist Nick Bolkus regarding the payment of \$5 million to the SAJC announced in May 2008, and the government's involvement in the sale of Cheltenham and the proposed permanent grandstand at Victoria Park?

**The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:31):** The government, obviously, has had ongoing discussions with the SAJC and Mr Ploubidis. I cannot recall what conversations I may or may not have had with Nick Bolkus, or his business partner, Alexander Downer. Ian Smith, his other partner, is bringing some clients to see me next week. Is that okay? Are you right with that? Ian Smith and Alex can come to see me?

*Mr Hamilton-Smith interjecting:*

**The Hon. K.O. FOLEY:** You ask the questions, right.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. K.O. FOLEY:** I am happy to meet with Senator Nick Bolkus, if he makes an appointment. I am happy to meet with his business partner—

*Ms Chapman interjecting:*

**The Hon. K.O. FOLEY:** I am getting to it, Vickie. Why don't you just put a sock in it. I am happy to meet with Alexander Downer and their other partner, Ian Smith, which I am doing next week. If the Leader of the Opposition has any problem with that, so be it.

The SAJC, the government and the Motor Sport Board, it is no secret, had collaborated on a fixed permanent grandstand for Victoria Park. As history shows, I was wrong. Sometimes you have to be wrong to know that you were right.

**The Hon. M.D. Rann:** Sometimes to do what is right you have to admit you're wrong.

**The Hon. K.O. FOLEY:** Sometimes to do what is right you have to admit that you have done wrong.

**The Hon. M.D. Rann:** Sometimes it is wrong to be right too soon.

**The Hon. K.O. FOLEY:** Sometimes it is wrong to be right too soon. I have a lot of right coming into the future. The government then, of course, decided to proceed with the very good concept of a permanent structure—sorry, oops, slipped—a temporary structure, and the SAJC made a decision to vacate Victoria Park.

A request was made by the SAJC, from memory—I am not sure how it was put—if the government would be prepared, or be in a position, to assist it to build another grass track. I am not a great racing man, so I am not the best one to give technical advice. The SAJC asked if we were prepared to provide financial assistance for another track if it were to vacate Victoria Park, because the SAJC could not sustain itself at Victoria Park without a commitment by government to go ahead with a permanent stand, which, as members would recall, would have had what I thought was a terrific concept of night meetings and a lot of other races, which would have been brought in, I think, from the country to Victoria Park. Those plans could not proceed with a temporary stand.

The SAJC wished to consolidate on its site at Morphettville. A request was put to government, I thought it was a good idea, it was put to cabinet, cabinet agreed and the government provided the \$5 million funding assistance. As to who I had those discussions with—I certainly had those discussions with Steve Ploubidis, but whether or not I had discussions with Nick Bolkus, frankly, I cannot recall.

## PRISONS

**Mr BIGNELL (Mawson) (14:34):** My question is to the Minister for Correctional Services. Can the minister highlight the achievements of the Rann government since 2002 in the area of spending on prisons?

**The Hon. A. KOUTSANTONIS (West Torrens—Minister for Correctional Services, Minister for Road Safety, Minister for Gambling, Minister for Youth, Minister for Volunteers, Minister Assisting the Minister for Multicultural Affairs) (14:35):** I have only 35 minutes, so I will try to keep it short. I thank the member for Mawson for his question and also acknowledge his interest in prisons. I would like to take a moment to outline spending on prison infrastructure over the last 20 years, just to give the house a bit of an update.

The opposition has consistently alleged over the past 12 months that our prisons are overcrowded. Our prison system is not overcrowded. It is well run and well-managed. We do double up, and we will continue to do so. I will remind the opposition that the policy of doubling up has been around since 1993. Let us look at infrastructure spending on prisons over the last 20 years. Between 1982 and 1993, the Adelaide Pre-Release Centre—a Labor government; Mobilong Prison—a Labor government; Port Augusta and Yatala prisons were redeveloped and expanded—a Labor government.

The last Liberal government commissioned the Mount Gambier Prison in 1995—I will admit that. But work was undertaken when?—1992. The Rann government, having taken office in 2002, had to clean up the mess that was left behind by the Liberal government. The only money that the opposition spent when it was in office was on doubling up into the system, which it conveniently now seems to oppose or ridicule. This is why I find the opposition spokesperson for correctional services to be so hypocritical. Under his party's watch, prisons were neglected. Gone are the good old days when the Liberals purported to be tough on crime and criticised Labor for not spending enough on sending people to gaol. These days, we are more likely to find an opposition that advocates the rights of individual prisoners.

Mr Wade, the opposition spokesperson, has effectively become an advocate for prisoners' rights. Late last year, the shadow minister issued a media release that can only be described as a call to arms. In his statement, the opposition alleged that 15 prisoners had been forced to sleep on mattresses in holding cells. He went on to say:

The government remains in denial over its 'rack, stack and pack' approach to prison management which can only escalate risks of increased riots, escapes and assaults.

SA's prison population is soaring at a rate more than twice the national average. Overcrowding is at an all-time high, making prisons the Rann government biggest growth industry.

The shadow minister's call to arms was heard far and wide and, in no time, four prisoners at Mount Gambier heard their leader's call and staged a sit-in. Thankfully, the sit-in was resolved peacefully. The opposition may think that marshalling prisoners is a politically astute idea, although I doubt that the public would agree. In reality, Mr Wade's comments and actions were reckless and irresponsible. Is it a growth industry? Are we having more prisoners? Yes, we are. Why? Because we take community safety seriously. Prisoner numbers are up, because we are locking up bad guys. The only group that complains about locking up criminals is the opposition.

The opposition has said time and time again that our prison system is overcrowded. What does it mean by 'overcrowded'? Is it opposed to doubling up? Is there a new policy coming in? If

the opposition is opposed to doubling up, it needs to tell us here and now. If the Liberals are opposed to doubling up, they have two options: either they increase the scope of the new project at Mobilong, increasing the cost of the project by hundreds of millions of dollars, or they release prisoners into the community. It is the only choice they have. They can choose a revolving door policy or a blow-out at Mobilong. It is up to the Leader of the Opposition.

We have record numbers of police on the beat, tougher laws and longer sentences, and that equals more prisoners. We match that investment in our prisons. Members will be aware that our new super prison is to be commissioned at Mobilong in 2013-14. In the meantime, the government has allocated \$65 million to be spent on installing more prison beds. We have a plan and we are putting it into action.

Where does the opposition actually stand on the construction of the new prison? We have not heard anything. They have criticised the location; they have criticised the timing of the opening of the new prison, consultation with the local council, but they have never actually said whether or not they support the project.

The opposition sheds tears for prisoners doubling up but cares nothing for patients at the Royal Adelaide Hospital who are four to a room—in fact, some people are six to a room—but the opposition wants every prisoner in South Australia to have their own room.

**Ms CHAPMAN:** A point of order, Mr Speaker: I will show some leniency to the minister because he is only new, and we accept that, but he has gone on and on. This is clearly debate.

**The SPEAKER:** No; I do not think it is debate. I think the minister is providing important information to the chamber.

**The Hon. A. KOUTSANTONIS:** Thank you, Mr Speaker. As I said, the opposition is happy to see patients at the Royal Adelaide Hospital stay four to a room—

**Ms CHAPMAN:** A point of order, Mr Speaker: what has the Royal Adelaide Hospital got to do with the history of prisons in this state?

**The SPEAKER:** No doubt the minister will enlighten all of us.

**The Hon. A. KOUTSANTONIS:** Mr Speaker, I will—four to a room in the Royal Adelaide Hospital that you want to keep, but they want our prisoners to be on their own in a single room, with their own toilet and shower, but not for our patients. We treat our prisoners humanely in South Australia but we should not give prisoners better treatment than patients.

We will not apologise for our tough law and order policies. We will not apologise for our doubling up policy nor will we apologise for our investment in prisons. We will not apologise for keeping serious criminals behind bars. I suspect over the coming weeks there will be a reshuffle in the Liberal Party and I wonder how the bleeding heart Liberals will go.

#### CHELTENHAM PARK

**Mr WILLIAMS (MacKillop) (14:42):** I was so enthralled by the last answer.

*The Hon. P.F. Conlon interjecting:*

**Mr WILLIAMS:** Thank you, Patrick. My question happens to be for the Minister for Infrastructure. Has the Cheltenham Park Racecourse sale been completed and, if so, who now owns it? Have the planning conditions imposed by the government on proposed change of land use been complied with?

**The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (14:42):** Can I just point out to the member for MacKillop that we do not own, and have never owned, Cheltenham racecourse.

*Ms Chapman interjecting:*

**The Hon. P.F. CONLON:** Okay, thank you. It would be pleasant to get through seven seconds without an interjection from the Deputy Leader of the Opposition. So, the reason I point that out to the member for MacKillop is that the matters of the actual sale are not under the control of the government. They are, to this extent, because this is a government of the highest possible standards: the SAJC—

**The Hon. I.F. Evans:** Tell Tom Easling that.

**The Hon. P.F. CONLON:** I understand that website of the member for whatever it is—the honourable former leader of the opposition—may not be as inaccurate as it seems at present, given a little time, given the effluxion of time. His current website, which has him sitting up there, may not be as inaccurate as it seems at present.

The SAJC came to see us about selling Cheltenham for a variety of reasons, despite the fact that they thought the world would be terrific when their friends, the Liberal Party, sold the TAB. Remember they did not actually used to talk to us, the SAJC, in the old days when we were in opposition. They did not like us at all because their friends in the Liberal Party had sold the TAB and that was going to solve all their problems. Do people remember this? That is just a little history.

They came to see us a little while later saying, 'Look, we weren't right about that. Racing is pretty much bugged and we need to sell Cheltenham if we are going to have any prize money, if we are going to do any upgrades anywhere.' We get all this smear and innuendo from the other side, so let's make sure we understand the history of this matter.

They came to see us. We were the government. They were very disappointed that their friends had been elected out because, of course, they were on the record as supporting the entire sale of Cheltenham—no strings attached—as an industrial estate; and that is what they think of the people of Port Adelaide, of course. I do not have it with me but I think that Angus Redford was your person at the time. I will go and find his statement; I will find it for you. They came to see us—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. P.F. CONLON:** —wanting to sell Cheltenham. One of the things that was obvious to us was that they were not going to race at Cheltenham. That was a decision they controlled, not us—they controlled. They did want to race at Victoria Park—and we know what happened there—and at Morphettville. We said to them, 'Look, we have some reservations about simply giving you a windfall on the sale of the racecourse. We may not be as good to you as your previous friends, but we have reservations about that.' We said, 'We'll have a look at it, but there will be some strict conditions attached.'

The first condition we attached was that, given that there was not much useable open space for the community as it was at Cheltenham, they would have instead, I think from memory, their 12½ per cent legal obligation that there would be a minimum 30 per cent open space. They did squeal at that; they thought that was very unfair to them. I said, 'Well, you know, you keep racing there then.' Subsequently, through a contribution from us, we increased that open space requirement to 40 per cent, and we still think it a very good outcome for the local community.

What we did say to them, having seen what went on in the past with the sale of Cheltenham, was, 'Look, your internal governance is for you, but the other thing we require you to do is that, if you go to a sale process with this, there will be the same sorts of conditions that we would apply as a government, even though it is not us; it is the same sort of probity,' which is what happened. I do have it here. The article from the *Independent Weekly* states:

Opposition shadow racing minister, Angus Redford—

No, sorry, it is not this one. This was their attitude:

The future of Cheltenham is entirely a matter for the SAJC.

There were no strings attached—'Go do whatever you want.'

*Mr Williams interjecting:*

**The Hon. P.F. CONLON:** That is right; they can do anything they want—no 30 per cent open space. And, remember, Iain Evans did criticise us for the imposition of open space on their friends at the SAJC. He is on the record. It is in the *Hansard*. That is what we did, and we imposed conditions upon how they did it. What we did not do is impose conditions on how they subsequently developed the land with their private sector partner, if that is what it was. We are not party to that, but my understanding of it is that they have a relationship with parties in the private sector for the development of that land.

I am not privy to just how it works and how much they get at any time because what we did was to protect the community interest down there, and what they do with the private sector is, in fact, their legal relationship with the private sector. In short, the current status of that is between them and, I think, A.V. Jennings, from memory, I do not know. I have got to say that my

understanding is that A.V. Jennings has done a lot of work down there, or is acting upon the understanding that it is going to develop the land, and that is my understanding, too. I do note that someone had some sort of legal challenge there. I am not going to give an opinion on that.

**The Hon. M.J. Atkinson:** I wonder where it's funded?

**The Hon. P.F. CONLON:** I wonder where it is funded. But that is the long and short of it. The SAJC, your very good friends who supported you throughout when you were selling the TAB because it was going to save them forever—and it did not, of course, because you sold it for about one year's takings—

*An honourable member interjecting:*

**The Hon. P.F. CONLON:** Yes, we should never forget how great they were, this mob. The big difference between us and them is that, as the shadow spokesman for them said, they can do anything they want with it. They don't care. Well, we did care. We made sure that, when the SAJC got a windfall out of the sale of Cheltenham, there was a dividend for the community as well. That was the extent of our interest. With respect to the current status of the legal relationship between the SAJC and its private sector partner, I suggest that Mitch Williams gets on the phone and asks one of his friends at the SAJC.

### ROYAL ADELAIDE HOSPITAL

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:49):** My question is to the Minister for Health. Has the government's master plan for the Royal Adelaide Hospital site been costed and, if so, what is the cost of demolition of the buildings, the reparation cost and the total cost of the master plan?

**The Hon. J.D. HILL (Kaurua—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:50):** I refer to a ministerial statement I made yesterday after question time when I said the master planning process was being undertaken and that the suggestions that were put by the Leader of the Opposition that we were planning to sell any of the buildings on the site were completely and absolutely untrue.

I think it was the Leader of the Opposition who passed to me a copy of an article that appeared in the *Sunday Mail*, which made some reference to the fact that the buildings were to be sold. That was the *Sunday Mail's* comment, it certainly was not mine, and there is no way we would allow any of the buildings to be sold. The process of determining how much it will cost will obviously have to be worked out.

I said on the radio program I was on yesterday with the Deputy Leader of the Opposition (I do not know whether she heard me say that then, but I am happy to say it again now) that we would hope that the value that is inherent in the heritage buildings can be put against the cost of the demolition and we will be able to move, we would hope, some arts organisation in there as well, which would free up other resources. So, I would hope that we get to being cost neutral or close to cost neutral but, obviously, that has to be worked through. We are talking about something that will happen post 2016. So, despite—

**The Hon. K.O. Foley:** But they have to knock the buildings down to build their new one.

**The Hon. J.D. HILL:** Yes, of course. As the Treasurer (ever alert to the issue of money) indicated, of the three options that the Liberals have brought forward—which they have costed, but they are costings they will not stand by until after the election, when they have 100 days (it is almost biblical) of consultation. Then within, I think, three months of the consultation they will begin building works (it is fantastic to spend \$1.4 billion after 100 days of thinking) and then of course they will have it all built by 2016. I think not. They are totally fraudulent claims made by the opposition in relation to this.

As the Deputy Premier said, under the propositions put forward by the Liberal Party, the buildings that would be pulled down obviously would have to be paid for as well. So, I assume, given that the deputy leader has gone through the costings for her three options, she would probably have a better idea of how much that would cost than I. As I said, we are going through that master planning exercise.

*The Hon. K.O. Foley interjecting:*

**The SPEAKER:** Order!

**ROYAL ADELAIDE HOSPITAL**

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:52):** My question is again—

*The Hon. K.O. Foley interjecting:*

**The SPEAKER:** Order!

**Ms CHAPMAN:** —to the Minister for Health. Why has the government failed to mention the proposal for a boutique hotel on the Royal Adelaide Hospital site in its report to the Adelaide City Council, as required by section 23 of the Adelaide Park Lands Act, and will he now be tabling and providing a further report incorporating that proposal?

**The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:53):** Once again I refer the deputy leader to the comments I made to the house yesterday in a ministerial statement. I said in that ministerial statement that we are going through a master planning exercise and that Adelaide University was interested in obtaining access to a number of the heritage buildings along Frome Road. I said that we were interested in putting arts organisations, perhaps, in some of those buildings and that there was an exercise in place to determine what the best outcome would be. The land that would be freed up by the demolition of the fifties and sixties buildings would be returned to the Botanic Gardens.

I further said that one option in the return of that land to the Botanic Gardens was to put services underneath the land so that events such as WOMADelaide, or WOMADelaide style events, or the Festival of Unearthly Delights, which is in the Parklands adjacent to East Terrace, could easily fit into a site such as that so that the trucks that have to bring in all the generation equipment and all the other things that are expensive and cause noise could already be installed. For most of the time it would be a botanic garden, but you could also plug in one of these kind of outdoor events.

I have had discussions along those lines, informal discussions, with Stephen Forbes from the Botanic Gardens. He and I thought that seemed like a way to go. These are just suggestions that I have made. Another suggestion which I made but which is not a plan is that one of the buildings, I thought the nurses quarters—I think the Margaret Graham Building; the building which was the nurses quarters—a beautiful heritage building, possibly could be a heritage boutique hotel along the lines of the Treasury Hotel which is near the town hall, but that is just an idea. It is not a proposition, a plan, a proposal: it is an idea. We are going through a—

*Mrs Redmond interjecting:*

**The Hon. J.D. HILL:** The member for Heysen says that we're allowed to have ideas. Yes, we are allowed to have ideas. One of the hallmarks of this government is that we are a government of ideas, as opposed to the other side. They are an opposition of political gamesmanship. We do have ideas, we are open about ideas and we are discussing our ideas, and we are going through a planning process about what should happen on that site. We have no fixed views about that, other than heritage buildings will be protected and the Botanic Gardens will get most of the space when the buildings are pulled down. That is what we have said.

**ROYAL ADELAIDE HOSPITAL**

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:56):** I have a supplementary question. As the minister has had Woodland Architects do a master plan and has told us that he is going to be providing a more detailed plan for cabinet, if his idea of the boutique hotel is going to proceed, is he going to table that in an amended report to this parliament (as required under the act) and provide it to the Adelaide City Council, or has it been abandoned?

**The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:56):** I am really pleased the opposition is expressing so much interest in what should happen to the site after we build a new hospital down the road, because the inevitability of that is plain. It is interesting, isn't it, that the opposition would choose to focus on this narrow issue in the week when they put out three propositions for building on the existing RAH site. So why aren't they talking about their ideas, Mr Speaker—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.D. HILL:** We know, Mr Speaker, why they are not talking about their ideas—because they are really bad ideas. They presented this week not a health plan but a political plan. What we know about the Liberals and their politics is that they are not good at politics either. They are very poor at politics. This was a poor political strategy and now they are trying to divert attention away from this poor political strategy. When the process of master planning that site has gone through, we will comply with whatever the regulations and arrangements are. We are being completely open about it; there is nothing secret about it.

#### LEGISLATIVE COUNCIL

**The Hon. R.B. SUCH (Fisher) (14:58):** My question is to the Premier. Is the Premier still committed to holding a referendum at the next state election to ask voters whether they support abolition or reform of the Legislative Council?

**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) (14:58):** An excellent question; and the quality of mercy is not strained. However, I have to say that I am very disappointed with the functioning of the Legislative Council and I have been ever since I started working in this building in 1977. The point is that my view about the Legislative Council is that it is totally absurd that they get eight year terms and do not have an electorate office or an electorate to serve. I have said all along that my view is, if there was a choice given to the people between continuing the Legislative Council as it—I have said this many times publicly, so it can be breaking news if you want it to—

*Members interjecting:*

**The Hon. M.D. RANN:** I am quite aware what the question was. Basically, if there was a choice between abolition and reform, like four year terms and also (my view) a reduction in members of parliament, or keeping things as they are, my guess is that the majority of South Australians would vote for reform.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. M.D. RANN:** No, Business SA and other organisations have been very strong on this for a while. Other jurisdictions, such as Queensland, saw their members of the upper house vote for abolition some years ago, and the same thing occurred in New Zealand. What happens is that in New Zealand and Queensland governments get elected, re-elected or rejected, depending upon their performance. Here we have people who get elected for eight years who do not have electorate offices or defined electorates, and it seems to me that the parliament, as well as the government, should be decided at each election.

I am waiting for a report and advice from the Minister for Justice and the Attorney-General on these matters as to the nature and extent of the reform proposals, and that is something that I will advise the house on sine die.

#### SA WORKS CHEESE INDUSTRY PARTNERSHIP PROGRAM

**Mr PICCOLO (Light) (15:01):** My question is to the Minister for Employment, Training and Further Education. How is the government supporting South Australia's burgeoning cheese industry in the areas of skill development and career pathways?

**The Hon. M.F. O'BRIEN (Napier—Minister for Employment, Training and Further Education, Minister for Science and Information Economy) (15:01):** The government is offering support to the industry through the Cheese Industry Partnership Program. As the former convenor of the Premier's Food Council and one who has had some exposure to the industry and its chief players and some understanding of its aspirations for growth, I can understand the excitement with which the industry has received this initiative. The spin-off benefits for the dairy industry are also potentially significant.

Fundamentally, this program is designed to promote best practice for cheese making and improve industry skills by ensuring South Australian cheese makers receive exposure to the best of international expertise. I think this is a topic of some interest to those sitting on the opposition benches, given that the dairy industry figures significantly in the micro economies of their electorates.

The SA Works Cheese Industry Partnership Program is a joint project between the state government and industry to boost the skills of more than 100 specialist cheese makers and cheese industry workers, and 30 new industry recruits. Both the cheese industry and government have thrown considerable weight behind the program. The state government is committing \$298,300 towards the project, with an additional \$328,000 to be provided by industry—so it is very much a joint project.

Ms Kris Lloyd from Woodside Cheese Wrights in the Adelaide Hills (and I am sure a lot of the members of the house have called into Kris's venture), who is Chair of Cheese SA and Director of CheeseFest, has told us that the program demonstrates that the government recognises the value of this fabulous high-quality, regional-based, growing food industry here in South Australia. This figure may be of some interest and probably some surprise. Cheese is the highest value-added product of the dairy industry, with local sales in 2007-08 valued at \$1.04 billion. That is quite a significant figure.

However, the industry is facing a variety of workforce challenges in attracting suitably qualified workers. Many cheese makers cannot keep up with the demand and cannot source adequately skilled staff. I know that there are a number of significantly positioned cheese makers facing this particular issue. The flow-on effect of that is that people producing milk are actually not getting it into our cheese factories. This is a genuine skill shortage area. Currently, the only specialist cheese skilled development program available in South Australia is a five day course delivered at TAFE's Regency campus.

In closing, it is the intention of all those involved that this flow into a proposition which ultimately will attract international students to South Australia and increase the number of foreign students coming into this state.

#### TRANSPORT DEPARTMENT FINANCIAL ACCOUNTS

**Dr McFETRIDGE (Morphett) (15:05):** Will the Minister for Transport advise the house when the dispute between his department (Department for Transport, Energy and Infrastructure) and the Auditor-General will be resolved and the 2007-08 financial accounts presented to parliament?

The financial accounts of the Department for Transport, Energy and Infrastructure were due to be tabled in the house in September 2008, but they have still not been audited and presented to parliament. On Monday 16 March 2008, an officer from the department advised the Budget and Finance Committee that the Auditor-General had raised a number of issues with the department about the financial statements in a number of management letters. This officer said, 'The Auditor-General has asked questions in relation to a number of matters around the financial statements.'

**The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (15:06):** It is always interesting that the explanation bears no relationship to the question. The member asked when the dispute would be resolved but then went on to talk about the Auditor-General's asking questions. Can I tell you that we do not have disputes with the Auditor-General; we provide him with information. We are very respectful of the Auditor-General, unlike my friends on the other side, of course.

*An honourable member interjecting:*

**The Hon. P.F. CONLON:** If he wants to talk about disputes with the Auditor-General, as opposed to the Auditor-General asking questions about certain matters, a dispute with the Auditor-General is when he comes to the parliament and asks for some legislation to protect him from the Liberal government. That is what you call a dispute. For the benefit of the member for Morphett, that is the difference between asking some questions about accounts and having a full-blown stoush with the bloke.

I understand that the matters that have been of interest to the Auditor-General are small settlements of transactions through Services SA, I think, but I will check that for the member. I am in the hands of the Auditor-General. I am certainly not going to have a dispute with him, as I have enormous respect for the office and the individual. When he is satisfied, he will bring it, and you can ask any questions you like.

**TRANSPORT ASSISTANCE**

**Mrs PENFOLD (Flinders) (15:07):** Will the Minister for Transport advise whether he will consider extending free access to public transport to disabled people? For months, a young autistic man has been trying to obtain free access to a government-funded bus to enable him to attend the Moving On program. The bus goes directly past his farm gate twice daily, yet government bureaucracy does not allow him to get on board.

**The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (15:08):** I am not certain that this is really a matter for me, but I do not think that the appropriate minister is here in any event.

*Ms Chapman interjecting:*

**The Hon. P.F. CONLON:** She is trying to help me. Goodness me! Can I assure the house that the day I need Vickie Chapman's help, I will voluntarily retire. The day I need any help from the Deputy Leader of the Opposition, I will voluntarily retire. In fact, the idea of being helped by Vickie does make one shudder.

As was explained by the Premier and I, the initiative is one addressed to those who have suffered or who are most likely to suffer earliest from the effects of the global financial crisis for the reasons we outlined earlier. The elderly and particularly self-funded retirees are those who will first see their earnings diminish from lower interest rates and, of course, the failure of many investments, and we thought it was appropriate in those circumstances.

So, it is an initiative addressed fairly and squarely at the elderly. The government runs a number of other programs for the disabled and others in need, and I will refer this interest to the relevant minister. However, this is a government that has been compassionate across the board, and I am sure that it will continue to be so.

**OUTBACK COMMUNITIES ADMINISTRATION MANAGEMENT PLAN**

**The Hon. G.M. GUNN (Stuart) (15:09):** My question is to the minister representing the Minister for State/Local Government Relations. How much do residents who come under the auspices of the Outback Areas Community Development Trust have to pay under the government's new Outback Communities Administration Management Plan, which proposes a charge on these particular residents for the first time?

*Ms Breuer interjecting:*

**The SPEAKER:** Order, the member for Giles!

**The Hon. G.M. GUNN:** The honourable member is the only one who is happy about paying a new tax.

*Ms Breuer interjecting:*

**The SPEAKER:** Order!

**The Hon. G.M. GUNN:** I will tell them that she is the only one happy about it. Well done. Congratulations.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. G.M. GUNN:** I am sure the Greeks at Coober Pedy will be thrilled.

**The SPEAKER:** Order!

**The Hon. G.M. GUNN:** I will have much pleasure in telling them. May I explain, after that rude interruption. They put me off my line. Under the government's draft bill there is a provision headed, 'Rates on lands assets and levies on the community contributions will be required'. These charges are new and will affect people in drought-affected areas and isolated parts of the state. So, I would be grateful if the minister could tell us who and how much they are going to pay.

**The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (15:11):** On behalf of the relevant minister and out of enormous respect for the member for Stuart, whom I hope one day to name something after, I will get a full report from the relevant minister.

**QUEENSLAND LEGAL PRACTITIONERS TRIBUNAL**

**Mrs GERAGHTY (Torrens) (15:11):** My question is to the Attorney-General. Can he inform the house on a recent Queensland Legal Practitioners Tribunal case?

**The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (15:11):** I take this opportunity to bring before the house the failed prosecution of Queensland outlaw motorcycle gang lawyer, Douglas John Winning, to the attention of parliament, and to advise the house of the steps I am taking to ensure that South Australian lawyers who engage in similar conduct are brought to account for their behaviour.

In late 2008, the Legal Services Commissioner of Queensland brought nine charges against Mr Douglas John Winning, a Queensland lawyer, in the Legal Practitioners Tribunal, seeking findings of unprofessional conduct, unsatisfactory professional conduct or professional misconduct. Mr Winning was alleged to have tipped off his Rebels outlaw motorcycle gang clients about an imminent police raid on their premises, and advised one member to ensure that no cash or drug paraphernalia be found on the premises.

Criminal charges of attempting to prevent the course of justice and attempted official corruption had faltered early in the legal process. The lawyer had acted for members of the Rebels Motorcycle Club from early 2002. A practitioner for more than 15 years, he had worked as a Legal Aid solicitor and as a solicitor in the Aboriginal Legal Service, before joining a private practice specialising in criminal law.

In November 2002, the Queensland Police Service and the Australian Crime Commission jointly investigated the members of the Rebels Motorcycle Club Rockhampton chapter. On 22 May 2003, officers of the Queensland Police Service and the Australian Crime Commission obtained search warrants pursuant to the provisions of the Police Powers and Responsibilities Act, to be executed on 23 May 2003 on 10 alleged members of the Rebels Motorcycle Club, including Brendan and James O'Brien. Both men were clients of Mr Winning. Mr Winning acted for the club and its members.

On 22 May 2003, at about 11.20 pm, Mr Winning contacted Mr James O'Brien and said words to this effect:

Mate, this is [expletive] urgent. I've been running' around tryna find everybody. I can't get a phone number, mate. I've got some good drum that the coppers are gonna raid all the Rebels in Rockhampton at 5 o'clock in the morning.

On 22 May 2003, at about 11.31 pm, the lawyer contacted James O'Brien and said words to the effect of:

Yeah, so you know like get if they get rid of bongs particularly [expletive] cash because they'll steal the [expletive]. It would be lovely if they came up with [expletive] nothing...get rid of [expletive] bongs [expletive], cash...Anything...everything, ya know.

*Mrs Redmond interjecting:*

**The Hon. M.J. ATKINSON:** That is true, two in a row.

**The Hon. K.O. Foley:** After your donkey punch, I do not think I would go there.

**The Hon. M.J. ATKINSON:** Yes. I am nothing on the member for Heysen when it comes to donkey punching. It was unknown how Mr Winning found out about the raid. Mr Winning said that an insider told him. The tribunal found that, as the club's lawyer, Mr Winning had a solicitor-client relationship with the club which 'carries with it the duty of the solicitor to protect the clients' interests'. The court found it was that duty that informed Mr Winning's decision to contact the Rebels about the police raid. The lawyer's evidence about the tip-off was as follows:

I did not know and nor could I have known the subject warrants had, in fact, been issued. Information came to me on 22 May 2003 that a search was to be conducted. I passed the information on to my clients because they had an interest in learning of the impending search. I had never attended at the residences of the O'Briens or other members of the club. I had no knowledge of any illegal contraband at the residence of the O'Briens or other members of the club.

The respondent was not cross-examined about this evidence, and no other evidence contradicted it. Therefore, the tribunal found that it should be accepted. The lawyer stated:

Whilst I am very embarrassed about my language on this occasion, I believe I acted in the interests of my clients thus creating, at its highest, a possibility that a police investigation may have been compromised. I maintain I

did not act unlawfully in passing the information I received onto my clients and consequently did not breach my duty to the administration of justice. I consider that if I did not pass on the information I received to my clients I would have breached my duty to my clients.

The Queensland Legal Services Commissioner contended that the lawyer tipping off his clients of an impending police raid and advising them to get rid of any incriminating evidence impeded effective law enforcement and the fair administration of justice. The commissioner argued that the conduct jeopardised the very legal system that the respondent, as an officer of the court, was bound to protect and administer, and thereby breached his professional obligation to act in the administration of justice.

The commissioner said that the respondent allowed his concern for his clients' interests to conflict with his duty to the interests of the administration of justice. The respondent had essentially entered the arena and set aside his professional independence. The Legal Services Commissioner submitted that this is a serious example of professional misconduct. I respectfully agree with the Legal Services Commissioner's submission. However, the tribunal held that it is unarguable that a legal practitioner who assists in the criminal action of a client will be criminally responsible for those acts as a party to the offence or can be convicted of a criminal conspiracy, but the mere giving of advice in the course of a retainer is ordinarily insufficient to attract criminal sanction. Mr Winning was found not guilty on the charge. The tribunal said:

The Legal Services Commissioner has not satisfied the Tribunal to the requisite standard that the conduct violates or falls short of, to a substantial degree, the standard of professional conduct observed or approved by members of the profession, such that it 'had the potential or tendency to bring the legal profession or the Queensland justice system into disrepute'. Nor does it constitute unprofessional conduct. As to the first limb of Charge 1, that his conduct was in breach 'of his duty to the administration of justice', no duty in the context of the facts alleged has been made out.

I am not satisfied with the findings of the Queensland tribunal.

I would be interested to know what the Law Society of South Australia thinks of these findings. We will never know by reading Mr John Goldberg's president's column in the morning newspaper, *The Advertiser*, because Mr Goldberg will never canvass issues such as these. Mr Goldberg's columns will only ever be an apologia for his brethren. One will no more read about lawyer's misconduct in Mr Goldberg's column than one would have read about the Gulag Archipelago in the Soviet Union's Pravda or TASS. Should Mr Goldberg and the Law Society have the integrity to tackle this issue, one can be assured that they will not be able to take a detached view of their vocation, and the Law Society dog will be wagged by the criminal law committee tail.

I am concerned that similar matters may come before our own Legal Practitioners Conduct Board. I will soon write to the President of the Law Society and seek his views about a legal practitioner's professional duty in such a case. If I am not satisfied such conduct would receive appropriate treatment in South Australia, I will change the conduct rules to make them say what the public of South Australia expects them to say.

## GRIEVANCE DEBATE

### ROAD SAFETY

**Mr WILLIAMS (MacKillop) (15:20):** Today I want to talk about road safety, particularly about the lack of action taken by the government to a matter that I have raised with the government over a period of months now in regard to road safety in my electorate. The Dukes Highway runs through almost the whole length of my electorate, and it is the main route between Melbourne and Adelaide. It is a very busy road and one of the gateways to South Australia—in fact, probably the major gateway to South Australia from the Eastern States—carrying about 7,000 vehicles per day, approximately half of which are heavy vehicles.

As members would be well aware, serious motor accidents often occur on that road. It seems to be a regular occurrence that, somewhere between Tailern Bend and the border the other side of Bordertown, we read and hear of serious motor accidents. When this occurs, the police and emergency services authorities create detours to redirect the traffic around the accident site so that we do not have that number of vehicles backed up for a significant length of time.

One of the detours that is often used is called Macintosh Way, and it runs between Coonalpyn and Meningie. On 24 September last year, one of my constituents Deanna Lutze, from Coonalpyn, wrote to me complaining about the amount of traffic on Macintosh Way under these circumstances and said that:

...it is too narrow with no shoulders and the speed limit of 110 km/h is too fast when being used as a detour route.

My constituent was saying that, under normal circumstances, with the odd vehicle traversing Macintosh Way, safety was not an issue. However, hundreds of vehicles an hour traverse this relatively minor road and, although it is sealed, it has narrow shoulders or non-existent shoulders, yet it is still rated at 110km/h. She questioned the safety of that.

She said that she was forced off the road twice on 15 September last year, both times by B-doubles on that narrow road. She recalled that on 16 June a similar situation occurred on that road and she pointed out that school buses use the route on which farmers are often moving livestock and slow-moving farm machinery. She made a number of suggestions about what we might do, including that the shoulders of the road be widened and that it be made a temporary 90km/h speed limit zone in times when the road is being used as a detour.

I happen to agree with my constituent that these were very sound recommendations. On 9 October, I wrote to the Hon. Carmel Zollo (then minister for road safety) pointing out the issues that were brought to my attention by my constituent and I asked whether she could take these on board. The minister wrote back to me—I received her correspondence on 22 October—acknowledging that these roads are not of the same standard as the Dukes Highway. She went on to say that the Department for Transport, Energy and Infrastructure was scheduling a meeting in November to discuss such matters.

I wrote back to the minister in light of that correspondence and asked her to keep me abreast of any outcomes from those discussions. The rub is that on 10 March I received a letter from the new Minister for Road Safety, the Hon. Tom Koutsantonis, who acknowledged that a meeting was held on 12 December and again on 13 February to discuss the matters.

Lo and behold, the outcome from the meeting was that the Department for Transport, Energy and Infrastructure agreed to install additional signage along the detour route—and other similar detour routes—to 'reassure motorists that they are travelling in the correct direction'. I contend that this is just not good enough. It is not good enough to put hundreds of vehicles an hour onto minor back roads, and the only action the government will take is to put on a few extra signs to assure motorists that they are still heading towards Adelaide.

This government purports to be doing something about road safety. It is high time that it took some serious action and made sure that detour roads were suitable for the work they are required to do.

Time expired.

### GAWLER RSL

**Mr PICCOLO (Light) (15:25):** The RSL, as it is known today, evolved as a direct result of the concern and mateship shown by diggers for the welfare of their mates during and after the First World War. In South Australia, the RSL was formed as the Returned Soldiers Association on 8 December 1915. The name was changed on 12 July 1917 to the Returned Sailors and Soldiers Imperial League of Australia. At a meeting in the Foresters Hall in Murray Street, Gawler on 16 July 1919, 35 returned soldiers discussed the establishment of a branch of the Returned Sailors and Soldiers Association for the Gawler area.

The decision was made to form a branch, and monthly meetings to be held in the Foresters Hall were planned. The first meeting of the Gawler RS&SA was held in the Foresters Hall located on Murray Street, Gawler, almost opposite *The Bunyip* building. While the hall no longer exists, the pioneering spirit of those 35 members lives on. The Gawler RSL club has received widespread praise from community leaders for the work it has undertaken with returned services people and their families over the past 90 years.

State President of the RSL, Mr Jock Statton, said that the Gawler RSL is still caring for those who have served since the war to end all wars and wars and conflicts which still continue today. Mr Statton believes that the Gawler RSL is not just a building where old men and women meet to reminisce on old times: it is a community of ex-service people who, through mateship, support each other. Gawler RSL President, Mr George Sibenaler, said that since its inception 90 years ago, the Gawler RSL has unstintingly fulfilled the aims of those diggers in caring for the welfare and interests of its members, ex-service personnel and members of the ADF and their dependents.

Mr Sibenaler recently stated that the ethos of compassion and service remains the motivating influence of the league. The state Minister for Veterans' Affairs (Hon. Michael Atkinson) in a recent letter said that the Gawler RSL is a splendid example of a successful RSL sub-branch. The minister said that it is engaged in the local community and enjoys an excellent relationship with the Town of Gawler, the state government and the local community. The minister noted that the Gawler RSL sub-branch recently commissioned a Second World War honour board in the council chambers and that, whilst he has not seen it, it has been described as spectacular.

The RSL makes an enormous contribution to the wellbeing of families of returned service personnel. In my view, the Gawler club is a hardworking committee that continues to raise funds and provide direct support to often ageing family members of former service personnel. The club also provides an important opportunity for members to receive emotional and other support from each other. The federal member for Wakefield, Mr Nick Champion, in a recent message of congratulations earlier this year said:

As we celebrate the 90<sup>th</sup> anniversary of the Gawler RSL, we honour all those from the local area who have served in uniform, as well as those who have kept the memories of the fallen alive.

Gawler Mayor, Brian Sambell, has highlighted the high regard in which the RSL is held by the local community. According to Mr Sambell, 90 years later this esteemed organisation is still providing sterling service to our community, and is well supported by the Gawler RSL Women's Auxiliary, which was formed in 1950 to assist the Gawler sub-branch members in social activities. The Gawler RSL has organised a number of events and activities to commemorate its 90 years of service to the returned services community of Gawler.

On 14 April there will be a shop window display in Murray Street, and there will be a public library display. On 19 April there will be the traditional Sunday march, and also the dedication and blessing of the first stage of the Remembrance Garden. On 25 April there will be the traditional dawn service. On 16 July there will be a special anniversary dinner to mark the 90th anniversary. In October there will be the traditional annual dinner. On 11 November there will be the Remembrance Day ceremony and the possible launch of *Gawler's Fallen*, a book that is to be prepared by students.

Community support for those who have served their nation is growing, with local service clubs banding together recently with the state government and the Town of Gawler to do up the first stage of a remembrance garden in the local Pioneer Park. I wish the members of the Gawler RSL success during its 90th year. I would also like to acknowledge the wonderful research support provided by the Gawler Public Library for this speech and other publications produced by my office.

### LIQUOR LICENSING LAWS

**The Hon. I.F. EVANS (Davenport) (15:30):** During question time today the Minister for Health mentioned how it is good to have ideas. I note that, over the last few months, the federal parliament has been having a debate about the alcopops and binge drinking issues, and that has caused some community debate with respect to how society goes about tackling those matters. While this is not Liberal Party policy (or, indeed, my policy), it is always good, I think, to throw ideas out there to see what the community thinks about possible reforms within the community. So, for the sake of creating some community debate, I thought I would make some comments about possible changes to the liquor licensing or drinking laws in South Australia.

It seems to me that, since the education system has been changed over the last decade or so, in that students are now older when they finish their secondary education, that has had the unintended consequence of having more students of legal drinking age in the school environment. For example, if you have a son who is in a year 12 football team, at the end of season celebration half the team is 18 and can drink and the other half is under 18 and cannot drink. That creates a bit of a dilemma for the lucky parent who gets to host the end of season football celebration, because half of them roll up with slabs of legal drinks under their arm and they sometimes—and this might be a surprise to members in the house—share it with their friends who are not quite yet of legal drinking age if they were drinking in a public place. That creates some dilemmas for families who wish to host functions in good faith.

The police force has a very good program for those who want to host parties about how to go about hosting them and not fall foul of the law. It would be my strong recommendation to parents thinking about hosting a party on behalf of the loyal son or daughter to obtain some really good advice before they do it, because the parties are a lot more fun if the police do not close them

down. That has been the advice to me: if you have a party it is a lot better if you can go the full distance and not run out halfway through.

The issue I raise for the consideration of the community is this. To try to offer some support to the schools and those families that host that style of event (and they are happening every weekend throughout the state on a regular basis), I ask the community to give some thought as to whether, given the changes to the education system and the fact that we now have a lot of drinking age students still at secondary school, we would be better to make the drinking age 18, or out of secondary school (in other words, if you are a secondary school student you cannot drink), and whether that would make it simpler for families and schools to administer this social issue.

I think it might make it simpler, because if someone holds an end of year event they know that every student coming cannot drink. If you as a parent want to enforce that, you have some legal grounds upon which to do it. If you do not want to do that, that would be up to the parents or the families, obviously, but it would bring some clarity to the issue.

Most students leave school when they are 18, so it will not affect them for a long period—maybe six to nine months, maybe even less. I do think it is worth the community having the debate about whether it would not be easier for schools and families if the drinking age was tied to school attendance, as well as the age of 18 (whichever is the greater), and whether that would not be easier for the police, families and schools, and therefore bring some benefit to the system. I do stress, Madam Acting Speaker, it is not Liberal Party policy or, indeed, my policy: it is an idea for consultation.

#### INTERNATIONAL WOMEN'S DAY

**Ms THOMPSON (Reynell) (15:35):** Most years I host an International Women's Day dinner in the south. I think people would recognise that with IWD's being in March, it is not always appropriate to hold an event in March. However, this year we were able to hold one at the Southern Districts Working Men's Club, and about 50 women came along.

*Mr Hanna interjecting:*

**Ms THOMPSON:** Yes, we do note the irony and so did they.

**Ms Bedford:** It should be changed to 'working club'.

**Ms THOMPSON:** Well, that is another argument, unfortunately. However, it is a good mob of people at the Southern Districts Working Men's Club. I invite people who attend—and, indeed, those who do not—to nominate women who have done something special in their lives for recognition on this occasion. The traditional honours do not accommodate easily women who have worked in their parish church, their local neighbourhood centre, etc., and so we still have the situation where most of the honours that are received in the various national lists go to men and approximately a third go to women. I find that people really appreciate this opportunity to recognise the contribution of a number of local women and the fact that many of them have overcome considerable barriers to work on behalf of the community.

This year we received nominations for 10 women, and I would like to tell the house something about them. Sue King was nominated by women from the Hackham West Community Centre, where she started as a volunteer and overcame a number of personal challenges and feelings of isolation to arrive at a situation where she is now leading the group and, indeed, has a paid position at the centre. The testimonials written by a number of the women, particularly in the Women Having Fun group, about Sue's effort were really moving. They talked about her as 'strong and inspiring'; 'Sue has been my saving grace'; and generally gave the picture of a woman who helps other women who are having a really tough time.

Rita Fletcher was nominated by members of the Zonta Club of Noarlunga/Southern Vales. Rita initiated a special prize for young women in high school, so that at every graduation ceremony I attend at local high schools, there is a Zonta prize for leadership for a female student. It is quite obvious that this prize is highly valued by the recipients and, indeed, the school community.

Kath Ashton has been a tireless worker for family drug support and has supported both the families of people who are overcome by drug addictions and the young people themselves. One young woman who had been under Kath's guidance told me that she would not be alive if it were not for the work that Kath had done.

Barbara Roszkowski works at the Noarlunga TAFE in the non-traditional area of engineering. She has consistently developed programs to assist women to get into the non-

traditional engineering area. She has established Engineering for Humanity, which is a not-for-profit agency which helps ageing and disability groups. At the moment, she is working on establishing a ceremony to recognise the centenary of David Unaipon and working with the Aboriginal community.

The other nominations were: Ann Haverty from the Catholic Parish of Morphett Vale; Janine Wright from the Women's Education Unit at Noarlunga TAFE; Pam Crabbe from Wakefield House Over 50s Centre; and Pam Wehrmann, Irene Brown and Nancy Bullock from Women's Web were also recognised.

I mention particularly Pam Crabbe, whose husband died recently and has since assisted many other women at Wakefield House Over 50s Centre who have also experienced the death of a partner, and they talked about the strength that Pam has helped them discover in overcoming grief and developing a new life for themselves.

Time expired.

### GLENTHORNE FARM

**Mr HANNA (Mitchell) (15:40):** There are three matters I wish to bring to the attention of the house today briefly. First, in relation to Glenthorne Farm, that is, the wonderful historic farmland in the electorate of Mitchell, the white heritage of that area goes back to Major O'Halloran's settling on that land in about 1839, and his story is a very important part of South Australia's history. During my time as member of parliament I have fought for that area to be retained as open space. It always seemed a shame to me to have the prospect of that land being covered in houses and thus spoiling the vista from South Road or Majors Road as one drives through the area. It is treasured by local residents.

Recently, the university, which holds the land on trust, sought to have 950 houses built on the land. Because of the deed under which the university holds the land it needed the approval of state government, and I was genuinely pleased that the state Labor government saw fit to reject that proposal. I believe the way forward is for all of the stakeholders to sit around a table and talk through the ideas. I believe the stakeholders would include industry, community, political representatives, council representatives and, of course, the university. I hope that a spirit of cooperation will lead to some positive and realistic ideas for the future of Glenthorne consistent with the open space principle which is so valued by myself and many in the local community.

I turn to the topic of the Reynell Business and Tourism Association, and I mention it for the reason that on 14 February this year Geoff King, one of the members of the RBTA, resolved that the RBTA should collect money for the Victorian bushfire victims. Within the space of a few days he rallied the members and organised on that Saturday to hold a barbecue and elicit donations from the local community, and most of those people are from the Reynella, Sheidow Park or Trott Park areas. They raised \$3,000, and I find it very impressive that from a Saturday's collecting at a local shopping centre so much money could be raised to go to such a good cause. So I salute Geoff King and the members of the RBTA. The other person of particular mention is Councillor Rod Brown, who was instrumental in achieving that financial target as well.

In the time remaining today I want to reflect on the racism that is out there in our community. One of my constituents passed on to me a letter that he received recently that stated:

Merry Christmas. This country has given you a safe peaceful place to live and what do you do? Bring your rotten corrupt culture with you and attempt to steal govt money. This country is generous but we do not like scum like you and your friends making a fool of us. Go back to your 'dog eat dog' country! You and your sort do not deserve to live here.

It was anonymous. This man is, indeed, a Muslim, originally from Pakistan. He has lived in Australia for 11 years with his wife and has a child. Unfortunately, another child died here at birth. He has been a bus driver and has never had to draw on social security in his time in Australia. He is a hardworking, family-loving man who does not deserve this sort of rubbish.

I mention this is because so many people are misguided in their racism and make all sorts of wrongful assumptions, whether it be about Muslim people, Aboriginal people or people from other ethnic backgrounds. I can only ask every member of this house, and every decent person in the country, to do their bit and talk to the ignorant to try to overcome that sort of racism. It is not only hurtful but it is also unnecessarily hurtful because it is generally based on completely wrong assumptions.

### **SCHOOLS, ECONOMIC STIMULUS PACKAGE**

**Mr BIGNELL (Mawson) (15:45):** I rise today to talk about the great excitement around our primary schools at the moment as they put in their bids for their share of \$1 billion worth of government money to be spent in South Australia, courtesy of the Rudd government's stimulus package. It is fantastic to see that, after 10½ years of underfunding by the Howard government, our schools will now catch up—and catch up very quickly.

Over the past 10 years, most of the burden of the maintenance of our schools and new building projects has been left to the state government to fund and, with this injection of federal money, we will see a great new era in all our schools in this state. I will report on a few schools I have been to see in my electorate about the money, which has to be delivered through the Department of Education and Children's Services here in South Australia.

I have been speaking to the principals, to the governing councils and to the parents. It was my pleasure to be at Woodcroft Primary, the biggest primary school in the state, with the principal, the governing council and the parents, to step out the size of the new multipurpose hall. Schools can get a new library, a new multipurpose hall, new classrooms or refurbishment of existing libraries, halls and classrooms.

Because Woodcroft Primary is the biggest school, and it will get the full \$3 million, it was decided that it would build a new multipurpose hall so that it could fit in all its students for assemblies and other activities, such as its grade 7 graduation, which I am always happy to get along to each December, at the end of the school year.

At Hackham East Primary School, they are looking to replace all the early primary classrooms, which are very old and stuffy and contain asbestos. Of course, the school community—the principal, teachers, parents and students—are very excited that many of these old buildings will be demolished and replaced.

The bids for the first tranche of replacements closed last Friday, and I understand that they will go to the federal government to be either ticked off or sent back for some changes to be made. I believe that it was oversubscribed. We need 20 per cent the projects to be underway in the next month or so, and the deadline for the 40 per cent of the second tranche will be in June and, in December, the final 40 per cent will be undertaken.

We will actually get the work happening and people in the local areas will be employed or kept in jobs, as it is very important that, in the global financial crisis, we do not let our unemployment climb too high, which is a big fear not just in South Australia but right around the world. I think that the Rudd package has been perfectly timed to create a lot of work for people in the regions.

So, before the local brickmakers, carpenters, plumbers and electricians start laying off staff because of any downturn in the economy, they will have a new set of work on their books and can keep people employed. It is an exciting time in our schools, and I wanted to report to parliament that the principals, teachers, parents and students are very pleased with the way things are going, and they are looking forward to an exciting new era in their local schools.

I also commend the South Australian government and cabinet for saving Glenthorne Farm as open space. The University of Adelaide has the land under a deed that stipulates that it is not allowed to have housing on the land; in fact, it was meant to be used to grow new varieties of grapes that are tougher and more resistant to drought and hot weather. The heatwaves that we have experienced in the past two seasons have really knocked our grapes about and had a fairly detrimental impact on our vintage.

In particular, I would like to thank Philip White, a leading wine critic in this state. He is almost a constituent of mine. We are not sure whether he is in my electorate or the next one over. Philip has done a fantastic job. He got the deed of title to Glenthorne Farm when the University of Adelaide did not even have a copy of it. He read through it and he led the fight to have that area retained as open space. The next move will be to work with the University of Adelaide to achieve what is in that deed, and that is to have experimental grape crops there so that we can have a more efficient wine industry.

### **STATUTES AMENDMENT (PROHIBITION OF HUMAN CLONING FOR REPRODUCTION AND REGULATION OF RESEARCH INVOLVING HUMAN EMBRYOS) BILL**

The Legislative Council agreed to the bill without any amendment.

**ARCHITECTURAL PRACTICE BILL**

Adjourned debate on second reading.

(Continued from 4 March 2009. Page 1836.)

**Mr WILLIAMS (MacKillop) (15:52):** I am pleased to inform the house that I am the lead speaker on behalf of the opposition, and that gives me the opportunity to speak at length on this very detailed matter. However, I could change my practice and refer anybody who wants to know what the opposition's position on this is to the upper house *Hansard* of 17 February 2009, page 1,272, where my colleague the Hon. David Ridgway gave the opposition's perspective of this piece of legislation, and having done that I could sit down and save the house some time. I will not quite do that, but I will not take more than a few minutes.

The Architectural Practice Bill repeals the existing principal legislation, the Architects Act 1939, I think. It has arisen out of the competition policy adopted at COAG quite a few years ago. To be quite honest, I thought that that work had been completed. I was unaware that there were still some remnants of that agreement between the state and the commonwealth, and there are still some legislative changes happening.

The opposition agrees with the position put by the government that this modernises the Architects Act and brings it up to the standard that we expect of this type of legislation, which regulates various professional bodies. It is largely in line with other legislation which regulates a number of professions. I will not go into a detailed description of the act because I would merely be repeating what the minister has already put on the record and, as I said, what my colleague has put on the record in the other place.

I take this opportunity to note the irony that, whilst the government is demonstrating the importance of the architectural industry and those who practise in that industry—I understand there are some 800 registered practising architects in South Australia—I think it is lamentable that the government, in its undue haste to spend the money, the largesse, which the Rudd government is throwing around like a drunken sailor on shore leave, particularly with regard to school halls and gymnasiums, has taken the decision that it will use a one-size-fits-all regime and will not employ architects to do individual designs to fit with the—

*The Hon. P.F. Conlon interjecting:*

**Mr WILLIAMS:** The minister says that is not the case. I hope the minister will respond—

*The Hon. P.F. Conlon interjecting:*

**Mr WILLIAMS:** No, I am just pointing out the irony, minister.

**The Hon. P.F. Conlon:** You haven't got it right. There's a panel of architects.

**Mr WILLIAMS:** A panel of architects. There is going to be a panel of architects.

*The Hon. P.F. Conlon interjecting:*

**Mr WILLIAMS:** No. I would have thought that, for the sake of good design, we would actually judge each particular site on its merits, so that we actually have some architectural merit for the vast sums of money being spent. I just want to put on the record that I note the irony there and repeat that the opposition supports the legislation. The opposition did liaise and consult with the industry prior to this matter going through the other place. So, any work that would have needed to be done during the third reading or committee stage has already been completed. I understand that most of that happened during consultation, before the bill was even brought in to the other place. So, the opposition will not be seeking to go into committee on the matter either. I will close my remarks there and wish the bill a speedy passage through the house.

**Mr VENNING (Schubert) (15:56):** I rise for several reasons. One is to say at least that the opposition has done more than just leave it to the shadow minister. Secondly, I think it is important—and I am trying to be an example, as whip, to all my colleagues and say that we should research all bills, irrespective of whether or not we support them or whether they are big or little ones. I will just say to my colleagues who are not speaking this afternoon: I am doing it for you. We should all at least do the work on them.

As the member for MacKillop (our shadow minister) said, we support this bill. This bill has been introduced in order to bring the architectural profession in line with contemporary consumer protection legislation by repealing the Architects Act 1939—that is a long time ago. The current act

is now 70 years old and requires substantial amendments so that it is more appropriate to the current needs of the profession. We need to align it with the legislation in other states and current competition policy. That is a dreaded word that is apparently still being used—competition policy. A lot has been said about that, particularly in relation to grain marketing.

Following the 1995 COAG endorsement of the National Competition Policy agreements, the State Review Panel was appointed in order to implement the obligations required by these agreements. The competition principles, created in partnership with the agreement, included a review of legislation which relates to the competition.

The review panel subsequently recommended an overhaul of the Architects Act 1939. It was the opinion of the review panel that sufficient consumer protection was provided by the Trade Practices Act and the Fair Trading Act, and it was decided that further restrictions relating to the purpose, ownership and control of architect companies encompassed within the Architects Act 1939 were no longer appropriate or necessary.

In summary, the bill removes any competitive provisions by cancelling the by-laws relating to the endorsement of the current code of conduct by the Architects Board, removing restrictions on advertising and removing restrictions on companies practising in partnership. The act will impose a new requirement to replace the outgoing restrictions. In order for a body corporate to be registered as an architectural firm, at least half of the membership of the governing body must be registered architects.

As a further quality control measure, the State Review Panel recommended that the Architects Board include a consumer representative so that the board is re-focused on protecting the public interest rather than those of the profession. The remainder of the board will then comprise three registered architects, one lawyer, a person with accounting qualifications and experience and a person with regional, planning, building, surveying or construction qualifications or experience. The minister would appoint the presiding member—a good job for retiring MPs—with the Governor to determine remuneration, allowances and expenses of the board.

Other components of the bill include: a register of architects and architectural businesses is to be kept by the registrar; restrictions on the provision of architectural services (this includes the provision for falsely representing oneself as a registered architect); provisions for disciplinary proceedings of the board; and changes to the appeals process on decisions made by the board.

I note the minister's comment in relation to the member for MacKillop's point about the irony but, again, we are happy that we have the answer to that.

The Hon. David Ridgway, as shadow minister for planning, has contacted Mr Andrew Davies, the Chairperson of the Architects Board of South Australia. Mr Davies indicated that the board had engaged in numerous discussions with the minister and they are happy with the bill. There has been a full consultation, there is no problem and, therefore, the opposition supports the bill.

**The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (16:00):** I thank members for their contributions. I always enjoy the member for Schubert's contribution, but I do not think there will ever be a loose-leaf service called 'Venning on Architectural Practice'. In answer to the comments by the shadow spokesperson, when he talks about the irony of architects being involved, it would be helpful if he actually informed himself. Of course, there are architects involved. He says that one size fits all, which is not the case; again, it would be helpful if he informed himself. Standardised design does not mean you build the same building everywhere; it just does not mean that. Had he bothered to attend any of the briefings that were attended by hundreds of industry and skills people, he would have found that out.

I will place on the record that the opposition has opposed, and continues to oppose, our 590 primary schools receiving a building of the value of between \$500,000 and \$3 million. That means that 590 of those buildings in South Australia have been opposed by the opposition, just as they were opposed by the federal opposition. They may be shy about letting the schools and parents know about that, but we will not. We will make sure that all of those people know when their buildings are being built that, if it were for the opposition, they would not be getting them at all. I am happy to put that on the record any time I can.

**The Hon. M.J. Atkinson:** Good; like I am just sending these letters to people about Senator Ferguson's speech.

**The Hon. P.F. CONLON:** Yes. I have to say that if the opposition continues to perform the way it is performing, we will have to build more benches on this side. I thank everyone and commend the bill to the house.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

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

### **ELECTORAL (MISCELLANEOUS) AMENDMENT BILL**

Adjourned debate on second reading.

(Continued from 25 March 2009. Page 2045.)

**Mr GOLDSWORTHY (Kavel) (16:03):** I am pleased to make a contribution to this legislative matter before the house. I do not intend to go into any depth in relation to the bill, because I think the member for Heysen, the shadow attorney-general, has done an outstanding job of traversing all the issues—

**The Hon. M.J. Atkinson:** As always.

**Mr GOLDSWORTHY:** As always. I am glad the Attorney-General acknowledges good parliamentary performers when they are evident. He is acknowledging the very good work the member for Heysen carries out in this house, as is his norm. We would be very pleased to distribute around the member for Heysen's electorate that the Attorney-General praises the member for Heysen.

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

**Mr GOLDSWORTHY:** You've got some bad obsessions, Mick, sometimes, I can tell you; but back to the matter of the bill before the house. There are two areas the bill looks at on which I would like to speak, that is, the issue of electoral advertising. Under the aspects of the bill, posters, corflutes, whatever you like to call them, will be banned from being placed on public property, which obviously entails Stobie poles and pieces of infrastructure such as that, and will be displayed only on private property. Also you will not be able to have a sign on your car.

**The Hon. M.J. Atkinson:** Yes, you will. Absolutely you will be able to have signs on your car.

**Mr Bignell:** And on private property?

**The Hon. M.J. Atkinson:** And on private property.

**Mr GOLDSWORTHY:** Are you sure about that?

**The Hon. M.J. Atkinson:** Absolutely; you have my commitment on that. It is on the *Hansard*.

**Mr GOLDSWORTHY:** All right, fair enough. I take the—

*Mr Bignell interjecting:*

**Mr GOLDSWORTHY:** Not at all. That is something the Attorney has announced since the introduction of the bill. So, you want to get your facts straight, member for Mawson. The original bill did say that displaying signage on vehicles was to be prohibited. Leon, you have got to follow what goes on in the parliament.

**The DEPUTY SPEAKER:** Order! The member for Kavel will not refer to members by other than their electorate, and he will address the bill that is in front of the house.

**Mr GOLDSWORTHY:** Thank you for that direction, Madam Deputy Speaker. The member for Mawson should follow the legislation through its course in the parliament. The Attorney-General made the commitment during the debate that signage will be allowed on motor vehicles. I was right and the member for Mawson was wrong, once again. However, back to the intent of the bill where we see—

*Mr Bignell interjecting:*

**Mr GOLDSWORTHY:** What unusual people on the government side sometimes.

**The Hon. M.J. Atkinson:** And there are so many of us.

**Mr GOLDSWORTHY:** All very unusual, indeed, Mick. I am glad, again, that you agree with what some of the state Liberal members have to say. With respect to the banning of posters, one has to wonder why the government would take this stance. I think that the member for Unley yesterday in his contribution accurately portrayed the reason for that. Why did it not bring in this measure straight after the 2006 election? Why did it not bring it in when it first won government in 2002?

**The Hon. M.J. Atkinson:** In 2002 we got elected.

**Mr GOLDSWORTHY:** I am fully aware of that. Why were these measures not brought to the parliament just after the 2006 election or the 2002 election? Really, it did not win the election. It assumed government through a deal with—

**The Hon. M.J. Atkinson:** Not fair, is it?

**Mr GOLDSWORTHY:** I am not whinging about it. I am just communicating the facts of the matter. I am communicating what the reality of the matter is, that you assumed government by a deal that you did with a member of parliament. That is history, and we know all about that. Why is the government bringing in this measure 12 months out from an election? One has to view this with a degree of cynicism.

**The Hon. M.J. Atkinson:** Really?

**Mr GOLDSWORTHY:** Indeed, Attorney-General.

**The Hon. M.J. Atkinson:** You're a man of the world.

**Mr GOLDSWORTHY:** Gee whiz; just give up, Mick, will you?

**Mrs Redmond:** 'Idiosyncratic' is the kindest word.

**Mr GOLDSWORTHY:** No, that is too kind. The cynic in me thinks that this is purely politically motivated. It does not provide a decent chance for candidates of any party to run against sitting members. I heard the Attorney-General speak on radio about this issue; about how he drives down Port Road and he cannot stand—

*Mrs Redmond interjecting:*

**Mr GOLDSWORTHY:** No; in his government driven car—

**The Hon. M.J. Atkinson:** I'm probably on my bicycle.

**Mr GOLDSWORTHY:** Well, rides down Port Road. He travels down Port Road and he cannot stand to see it festooned (that was the word) with election posters. In the 2006 election, the election posters that were festooned in the north-eastern suburbs were those of either Labor members or Labor candidates. I remember driving down Grand Junction Road, and every light pole had the Labor candidate for Newland festooned on it. It is, I think, a coincidence (if I can use that word) that this matter has been brought to the house now, 12 months out from the election. As I said, I think it is a conscious move to disadvantage those candidates who do not have incumbency.

I have seen the lack of effort that the Labor Party has put into campaigns when it has run candidates in the seat of Kavel. They run dead, because they get up to as much mischief as they possibly can—and we are fully aware of what they try to do. They look to support any candidate who they think has the best chance of knocking out the Liberal. They did that against me twice and failed twice. I do not think—

*Mrs Redmond interjecting:*

**Mr GOLDSWORTHY:** Yes, they did support the Independent candidate and then the—

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

**Mr GOLDSWORTHY:** It did not go backwards, though. I held my vote.

**The Hon. M.J. Atkinson:** You held onto Kavel. You would have been retired to stud!

**Mr GOLDSWORTHY:** We are trying to have a sensible debate here in the house, and the Attorney-General is just making a complete farce of it. The Labor Party ran completely dead in the last election. I do not think it put up one poster for its beleaguered candidate in the Kavel electorate at the last election. I know it upset and hurt the Labor candidate that he did not really have the full

support of the party, but that is the way they look to operate in election campaign matters. This is a move to disadvantage those candidates running against sitting Labor members.

The other issue I want to talk about is that of the registration of political parties. We know that, under the current act, either you must have 150 members or an elected member of an Australian parliament to be a registered political party. Again, I have a slight suspicion that one of the reasons the Attorney-General wants to amend this—and I think he is talking about a figure of 500, if that is correct—

**The Hon. M.J. Atkinson:** That's correct.

**Mr GOLDSWORTHY:** He is on a jihad. It appears that the Attorney-General is on a jihad against the Democrats. He just cannot come to terms with the fact that they will not respond to his correspondence in relation to telling him how many members they have registered in their party. We saw the vitriol pour out from every pore of his body against the retired Democrat upper house member, Sandra Kanck. We all sat here asking where this was coming from. It goes to the nature of the Attorney-General that he embarks on these jihads against people—

**The Hon. M.J. ATKINSON:** I rise on a point of order, Madam Deputy Speaker. My understanding is that I am not the subject of the bill: the electoral law of the state is. Could the member for Kavel direct himself to the bill?

**The DEPUTY SPEAKER:** The member has mentioned several times that he would return to the substance of the bill. I wish he would not digress there from.

**Mr GOLDSWORTHY:** Thank you, Madam Deputy Speaker. It is my understanding that I am talking about the bill, because I am making some statements about why I believe the Attorney-General is proposing that a registered party has to have 500 members in it to form such an organisation.

**The Hon. M.J. Atkinson:** It is against standing orders to impugn an improper motive.

**The DEPUTY SPEAKER:** The member for Kavel, the subject under discussion is the bill, and the debate should focus on the issues surrounding the bill.

**Mr GOLDSWORTHY:** Thank you, Madam Deputy Speaker, but I actually thought I was traversing the issues within the bill.

*Mrs Redmond interjecting:*

**Mr GOLDSWORTHY:** That's right, member for Heysen: it concerns the registration of political parties. The Attorney-General is the minister responsible for the carriage of this legislation through the parliament and I have no doubt is the person who would have taken the matter to cabinet for approval and to his caucus to consider and make a decision that, in their opinion, it was a worthy matter to bring before the parliament. I think that is how the Attorney-General is relevant to the bill, Madam Deputy Speaker, but I do understand the direction you have given me on the matter.

It also goes to the issue of the registration of political parties. Other members have spoken about the Country Labor Party and the very reason why the Australian Labor Party chose to run their candidate under that banner at the recent by-election of Frome. Why would they do that? They would do it because they have no faith and no confidence in their proper brand, the Australian Labor Party.

**The Hon. M.J. Atkinson:** We're sorry that you lost Frome. We feel sorry about that.

**Mr GOLDSWORTHY:** You can apologise as much as you like, Attorney-General but—

**The Hon. M.J. Atkinson:** You're sooky-sooky la-la about Frome.

**Mr GOLDSWORTHY:** No, we're not sooky la-la at all. It just highlights the lack of confidence you have in your brand that you have to change your name when you run in different electorates. At least you have an understanding of how unpopular you are in the country regions. So, I want to make the point that they do not have the faith or the confidence in their brand to be able to run state-wide. The member for Heysen in her contribution spoke about the Electoral Commissioner being regarded as an affiliate, or something, of the ALP.

**The Hon. M.J. Atkinson:** That's right, something that you can't understand.

**Mr GOLDSWORTHY:** We can understand what she says, but we do not know how it refers to the act as such. It is an interpretation. It is an interesting issue, that the Labor Party does not have confidence in its brand to run at an election, and it will be interesting to see what it does at the general election in March next year, 12 months from now, and whether it does have the confidence to run under the Australian Labor Party banner or whether it will try to hide behind its Country Labor Party brand.

They are the two issues I want to highlight in relation to the bill. Because we have quite a number of concerns with many of the aspects of the legislation, as identified by the shadow attorney-general, the member for Heysen, we oppose the legislation, and I am pleased to have made this contribution to the house this afternoon.

**The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (16:21):** I thank all members for their contribution and look forward to a detailed consideration of the clauses in committee.

Bill read a second time.

In committee.

Clause 1 passed.

Clause 2.

**Mrs REDMOND:** I want to ask about the commencement date. Usually, of course, we simply have a provision that states that the bill will come into operation as an act on a date to be fixed by proclamation. I am curious about why there is a second subclause that provides that clauses 9 to 14 inclusive must be brought into operation on the same day. I would like to know from the Attorney the intended commencement date of the act, the intended commencement date of clauses 9 to 14, and what is the rationale behind separating those sections from the commencement of the rest of the act and the purpose of their being brought in on some other date.

**The Hon. M.J. ATKINSON:** Which clauses?

**Mrs REDMOND:** Clause 2, the commencement clause, is divided into two parts. I am curious as to the intended commencement date, assuming that the bill has reasonably rapid progress. Why are clauses 9 to 14 treated separately, and when is it intended that they will commence? Why are they different from the rest of the legislation?

**The Hon. M.J. ATKINSON:** I expect the committee stage to go beyond today's sitting and so I will take those questions on notice. However, I can tell the member for Heysen that clauses 9 to 14 are to do with registration of political parties; therefore, it may be best to detach those provisions and proclaim them at a later date, giving all political parties and intended political parties due notice of what the bill is intended to do so that they can order their affairs accordingly.

For instance, the FREE Party, which is essentially a Gypsy Jokers party campaigning against the serious and organised crime act, has complained that somehow this bill was introduced in an attempt to deny it registration. Of course, the truth of the matter is that the bill was more than seven years in the making and that something like half the bill was introduced to parliament in 2001 by the former government and the former Liberal attorney-general, Hon. K.T. Griffin. I should add, parenthetically, that it is a paradox that the party that introduced the substance of this bill is now voting against it, but that is another story.

The FREE Party will have due notice of these provisions, clauses 9 to 14, if they are carried, and it will have months before they are proclaimed to order its affairs accordingly. In fact, the provision to increase the minimum number of members for the purpose of registration of a party was intended to be introduced in this bill for years before the FREE Party was even a gleam in the eye of a Gypsy Joker bokie. They are a very recent creation that comes long after the drafting of these provisions.

As it turns out, it has become plain that their prediction that these provisions would prevent their being registered is not true because they have now lodged an application for registration and taken advantage of the current provisions. So, they will not be affected by these changes; still less if the proclamation of clauses 9 to 14 is delayed and detached from the remainder of the bill.

**Mrs REDMOND:** In response to the Attorney's partial answer, given that he had to take my first question on notice, my understanding from his comment during the briefing was that this bill was not indeed designed to prevent the registration of the FREE Party. I took that at face value

at the time, but given his comments a few moments ago my question is: is it not the case that the FREE Party can register now under the existing provisions if it has 150 members? For all I know they are registered now.

Is the intention of the commencement of clauses 9 to 14—sections 9 to 14, as they will become—to operate retrospectively so that, even if the FREE Party has been registered before the commencement of this legislation, they will then be forced into a situation where they have to increase their membership from 150 to 500 in order to satisfy the new provisions?

**The Hon. M.J. ATKINSON:** My intention is that they would have the benefit of the current law leading up to, and including, the next general election.

**Mrs REDMOND:** In that case, why did the Attorney indicate in the first part of his answer that they would have to come up with 500 people to be registered? Is the Attorney actually saying that, if they do not register before the commencement of sections 9 to 14, they will then have to come up with 500 members, but, provided they have registered before then, they will be able to exist and be recognised as a party with 150 members going into the 2010 election?

**The Hon. M.J. ATKINSON:** It is plain that the answer is the latter.

**Mr HANNA:** I want to first make the point that I was temporarily out of the chamber, and that was after consulting with the Government Whip, who assured me that we would not be going into the detailed consideration of the clauses of this bill this afternoon. It is always disappointing to have a broken promise when it comes to transacting the business of the house. I do not know how it happened. I can only make that observation. However, I have amendments ready and they are—

*Mrs Geraghty interjecting:*

**Mr HANNA:** Well, I do not know who was responsible. All I know is that they are the facts. The amendments that I have prepared are being distributed as we speak. I note that I was able to email a plain English version of these to the Attorney and to the shadow attorney on Monday, so at least there has been some forewarning. Those amendments do not start until clause 9.

In relation to clause 2 of the bill, I think that the issue of retrospectivity has been canvassed by the shadow attorney. I simply ask the Attorney what he expects the time frame for the passage of this bill will be, bearing in mind it is yet to go through the upper house. If it passes through both houses, when does the Attorney think that this would come into effect?

**The Hon. M.J. ATKINSON:** It is not my intention to prejudice the rights and duties of parties, or potential parties, leading up to the general election due on 20 March 2010. It is fair to say that, when an electoral bill comes before the parliament, one expects nearly every member to speak because, for politicians, the electoral bill is their bread and butter.

*Mrs Redmond interjecting:*

**The Hon. M.J. ATKINSON:** No; in fact, the member for Heysen misleads the house. We had the members for Enfield and West Torrens. Every other time I have seen an electoral bill debated in parliament in my 19 years in parliament, nearly every member wants to speak on the bill, because every member regards himself or herself as an expert on the electoral law.

Today, the electoral bill was scheduled for the second day of debate, and it was expected that a minimum of five members of the opposition were to speak on the bill. In fact, after one further speaker, the opposition folded. It did not have sufficient members willing to make a contribution on the electoral bill to keep the debate going.

**Mrs REDMOND:** A point of order, Madam Chair: I accept that during the committee stage debate is somewhat more flexible, but it seems to me that the Attorney-General's comments go nowhere near the matter raised by the member for Mitchell about the commencement of the legislation.

**The CHAIR:** I did understand that the Attorney was leading to issues relating to the question about the expected time of passage in the parliament, but perhaps, Attorney, you could be more transparent in your answer.

**The Hon. M.J. ATKINSON:** Madam Chair, the member for Mitchell asked me squarely why the committee stage of this bill is now being debated in this chamber, and I am answering his question. The answer is that the Liberal Party speakers did not materialise. They did not turn up and they were unable to keep—

**Mrs Redmond:** What about the Labor Party speakers?

**The Hon. M.J. ATKINSON:** The government has no obligation to keep debate on a bill going. We are not here just to fill up time or to filibuster against our own legislation. The opposition has had notice of this bill for the required length of time; it has had a three hour briefing on it from the Electoral Commissioner, my staff and me; it should be ready to go. That is what oppositions do.

**Mr Hanna:** You've put your whip in a very difficult position.

**The Hon. M.J. ATKINSON:** The member for Mitchell tries to make the Government Whip the lightning rod for the inadequacies of the opposition, and I will not have that. When we come into this place we promise to cooperate with the prompt dispatch of business.

*Mr Hanna interjecting:*

**The Hon. M.J. ATKINSON:** We did not breach the undertaking: the opposition did.

*Members interjecting:*

**The CHAIR:** Order!

**The Hon. M.J. ATKINSON:** Here are a group of people, the opposition and the member for Mitchell—

*Members interjecting:*

**The CHAIR:** Order! Everybody sit down and keep quiet. The Attorney—on a calm note, please.

**The Hon. M.J. ATKINSON:** I promised when I entered this place in 1989 to cooperate in the prompt dispatch of business, and that is what I am doing. I do not know where the Liberal Party speakers were. Perhaps they were doing something else; they found something else more compelling. Generally—

**Mr PISONI:** A point of order, Madam Chair: I ask that the Attorney-General withdraw that remark. I can find the standing order that it relates to—127: reflections on members—and I ask that he withdraw the suggestion that opposition members were doing something other than being attentive to parliamentary duties.

**The CHAIR:** There is no point of order. Attorney, perhaps you could proceed in a calmer manner.

**The Hon. M.J. ATKINSON:** Nothing in the electoral bill is designed to prejudice, before the general election of March 2010, the rights and duties of existing or prospective parties.

**Mr PISONI:** Referring to that commencement and the timing, Attorney-General, why is it that this bill does not appear on today's *Notice Paper*?

**The Hon. M.J. ATKINSON:** The green paper is merely a guide. The *Notice Paper* is what guides the house. It is in front of the member for Unley, and I advise him to read it and understand it.

**Mr PISONI:** The Attorney did not answer the question. I will ask it again. Why was it not on the *Notice Paper*, Attorney-General? Is it because you are not organised? Is that what it is?

**The CHAIR:** Order! That is not a question relating to the clause of the bill. The member for Stuart.

**The Hon. G.M. GUNN:** I was ready, willing and able to speak on this bill. I study this green every day. I examined it, and it says here, 'Orders of the Day: Government Business No. 68 Architectural Practices Bill—Completion of debate.' I had my speaker on in my office; I was doing other things. By the time I got down here, it was completed. That is well and good, but remember that it is very easy for us to keep this debate going.

**The Hon. M.J. Atkinson:** To filibuster!

**The CHAIR:** Order! Attorney, please be helpful.

**The Hon. G.M. GUNN:** There are many issues in relation to clauses in this bill to which I want to refer. I have been the victim of some of the unscrupulous escapades, and I want this committee to be fully aware of them. I will add chapter and verse. If the Attorney wants us to

debate it at length, I am willing to do so because there is nothing more fundamental in a democracy—

**The Hon. M.J. Atkinson:** Get on with it!

**The Hon. G.M. GUNN:** There is no need to have a short fuse, Attorney-General. The Attorney-General wanted to hand it out and, when a bit comes back, he gets a bit testy. Let me say to the Attorney that some of us have been the victims of it, and I do not want it to happen again because I believe that in a democracy this legislation is fundamental. It is absolutely important to making sure that the average citizen's rights are protected, as is the Constitution Act. If the Attorney wants for some reason to change the arrangement, it is news to me because we get the weekly arrangement.

We discuss in our party room what is going to take place, and we are ready, willing and able. Pull it on, okay? I really think that if it is fair and wants to correct the situation, the government should report progress and we will come back on the next day of sitting. I have never had a problem dealing with the whip in the past. I have never personally had a problem, but someone has been a bit like Fred Astaire—pretty quick on their feet! Normally when that happens you buy into it and you will get a fight. Governments never win by doing this, because you will not get anything through today, I can tell you.

We can pull every trick in the trade, and if you want the bells to start ringing that is what is going to happen. We can call the ministers out of their office every few minutes. I would suggest that you all have a drink of water and just understand clearly that, if you want, the standing orders will be applied. I would sooner not do it, but we can bring them out of the building, there can be quorums and all sorts of things. You would be wise just to have a bit of common sense. This is not how the real world operates.

**The Hon. M.J. ATKINSON:** Given that the Liberal opposition has signalled that it is going to refuse to cooperate in the dispatch of parliamentary business, accordingly, I move that we report progress.

**Mrs REDMOND:** I rise on a point of order.

**The CHAIR:** Order!

**The Hon. M.J. ATKINSON:** I move that we report progress. Is that not what you want?

**The CHAIR:** Order! The member for Heysen has raised a point of order.

**Mrs REDMOND:** The point of order is that the Attorney is again being gratuitously offensive and imputing motive to the opposition when it is clearly the Attorney and the whip on the government side who have been at fault in this matter in having the bill brought on in the way it was without it being on the *Notice Paper*, and I am not going to sit here and allow that.

**The CHAIR:** Order! That is sufficient, member for Heysen, I allowed you to make your point generously.

**Mrs GERAGHTY:** I have a point of order, Madam Chair. I am offended by the member for Heysen's comments.

**Mr Pisoni:** This is not a point of order; this is a personal explanation.

**The CHAIR:** Order!

*Mr Pisoni interjecting:*

**Mrs GERAGHTY:** The opposition advised—

*Mr Pisoni interjecting:*

**The CHAIR:** Order!

**Mrs GERAGHTY:** Sit down, you silly man.

**The CHAIR:** Order! The member for Unley, take your seat.

**Mrs GERAGHTY:** The opposition was advised earlier today that if there was time this bill would be coming back on—

*Members interjecting:*

**The CHAIR:** Order! Member for Torrens, that is not a point of order. You are entitled to make a personal explanation, however. Attorney, did I hear you move that progress be reported?

**The Hon. M.J. ATKINSON:** Yes.

Progress reported; committee to sit again.

#### MEMBERS' REMARKS

**Mrs GERAGHTY (Torrens) (16:51):** Madam Deputy Speaker, I seek leave to make a personal explanation.

Leave granted.

**Mrs GERAGHTY:** The member for Mitchell has insinuated that I have gone against my word, and the member for Heysen has also impugned, I think, my character as whip in this house, and I am really offended by it. I did in good faith make a statement—

*Mrs Redmond interjecting:*

**Mrs GERAGHTY:** Be quiet.

**The SPEAKER:** Order, member for Heysen!

**Mrs GERAGHTY:** I did in good faith advise the member for Mitchell, and I think the member for Frome, that we would not be going into committee on this bill today because I was advised by the opposition that it had X number of speakers at that stage; five, I think. So, in good faith, I said that we would not be going into committee.

*Mrs Redmond interjecting:*

**The SPEAKER:** Order!

**Mrs GERAGHTY:** The opposition was advised and I believe—

**Mrs Redmond:** When?

**The SPEAKER:** Order!

**Mrs GERAGHTY:** I believe I advised the member for Mitchell and the member for Frome during private members' time this morning that we would not be going into committee (I think it was around that time), and I understand that at that time the opposition was also advised, through its office, that we may be bringing this bill back on this afternoon. I am sorry that that information was not conveyed to you, but that is not my fault.

**Mrs Redmond:** At what time?

**Mrs GERAGHTY:** It was during this morning. I am sorry, I cannot say exactly when, but I think it was advised to the office upstairs. We will certainly be happy to confirm that.

*An honourable member interjecting:*

**The SPEAKER:** Order!

**Mrs GERAGHTY:** It was, and I—

*An honourable member interjecting:*

**The SPEAKER:** Order!

**Mrs GERAGHTY:** What I am saying is that the advice clearly was not passed through on your side. When I left this chamber this afternoon there were three speakers to go on this bill. I was out for less than two minutes, I believe, and suddenly we are in committee because your speakers were not here.

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

**The SPEAKER:** Order, the Attorney!

**Mrs GERAGHTY:** We had advised you.

*Mrs Redmond interjecting:*

**The SPEAKER:** Order! I agree. I think the member for Torrens has completed her explanation.

**MEMBERS' REMARKS**

**Mr HANNA (Mitchell) (16:54):** I seek leave to make a personal explanation.

**The SPEAKER:** The member for Mitchell seeks leave. Is leave granted?

**The SPEAKER:** Leave is not granted.

**Mr HANNA:** Sir, may I divide on that point?

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. M.J. ATKINSON:** Sorry, sir. Leave is granted.

**The SPEAKER:** I understand the Attorney is withdrawing his objection. The member for Mitchell has leave.

**Mr HANNA:** Mr Speaker, now I feel I must add something, because the member for Torrens is aggrieved and she has suggested that I have treated her unfairly in debate. I apologise for any offence caused by my earlier remarks to the member for Torrens. However, having spoken with her outside of the official proceedings, I now understand what has happened.

The fact is, as I said earlier, on the record, that a promise was made to me that this bill would not be debated in committee today. There was no qualification to that at the time. The Attorney seems to have gone on with the committee debate without having consulted with the whip. The difficulty in the situation is that, when the whip makes a commitment, it is on behalf of the government. If any one of the government then breaches that commitment, unfortunately, it may not reflect well on the whip. However, on this occasion, I accept entirely what the member for Torrens has said, and I do not attribute any blame to her.

At 16:55 the house adjourned until Tuesday 7 April 2009 at 11:00.