HOUSE OF ASSEMBLY

Thursday 24 September 2009

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

SPENT CONVICTIONS BILL

The Hon. R.B. SUCH (Fisher) (10:32): Obtained leave and introduced a bill for an act to limit the effect of a person's conviction for certain offences if the person completes a period of crime-free behaviour; and for other purposes. Read a first time.

The Hon. R.B. SUCH (Fisher) (10:33): I move:

That this bill be now read a second time.

I clarify for members that a bill currently on the *Notice Paper (*Notice of Motion No. 21) is on the same subject matter and that, at the appropriate time, I will withdraw that bill because it has been superseded by the one I now introduce.

The matter of spent convictions has been a passion of mine for some time. In fact, on Wednesday 5 May 2004, I introduced a spent convictions bill, and I have been trying ever since to get a spent convictions bill into this house, and through the council and passed into law. I must say that I am absolutely delighted that, following the meeting of the Standing Committee of Attorneys-General of Australia, the Attorney-General here has cooperated and worked to provide a bill, which I now introduce, which is very similar to what I have been advocating and have introduced before. I trust that this time we can get the bill through and allow people who have done silly minor things in their past to get on with their life and have a fresh start.

As I have said before in relation to spent convictions bills, we are talking about only very minor offences. We are not talking about murder, rape, bank robbery or things like that. I will go into some detail about the criteria spelt out for people to qualify under this spent convictions bill. In effect, it will be a template for the rest of Australia because the purpose of the Standing Committee of Attorneys-General was to try to get some consistency across all jurisdictions, and that is why this legislation is particularly significant.

I point out from the start that I do not condone breaking the law, whether it be minor or major, but, as I continue to emphasise, we are dealing here with offences at the lower end of the scale and not at the more serious end. This bill applies in relation to convictions for eligible adult and juvenile offences. An eligible adult offence means an offence committed by an adult for which a sentence of imprisonment is not imposed or a sentence of imprisonment is imposed but the sentence is 12 months or less.

An eligible juvenile offence means an offence committed while the defendant was a child, where on conviction of the defendant a sentence of imprisonment is not imposed or a sentence of imprisonment is imposed but the sentence is 24 months or less.

The qualification period for a conviction for an offence to be spent is, in the case of an eligible juvenile offence, other than where the person was dealt with as an adult, five consecutive years or, in any other case, 10 consecutive years. Spent conviction orders will not apply for convictions of a body corporate, for sex offences or convictions prescribed by regulation. So, the bill will allow some flexibility for the Attorney, via executive council, to deal with particular offences or convictions which would not entitled to be spent.

There is provision in the bill for how to deal with subsequent convictions and, if a person commits a second or subsequent offence, it will be disregarded if the offence is against the law of another country, the offence was minor, the offence was quashed or the convicted person was granted a pardon. Those are the provisions regarding subsequent convictions.

Under the bill a person cannot be asked or required to provide information regarding a spent conviction so, once a conviction is spent, a person cannot be asked to provide information relating to what has been spent. It is also an offence to carry on a business which involves the provision of information about convictions for offences or which discloses information about spent convictions.

However, under the bill there are a number of agencies to whom exclusions apply. These include justice agencies, including SA Police, Customs, the Attorney-General and the Australian

Taxation Office; specific commonwealth agencies, such as immigration; intelligence agencies; AUSTRAC; the Parole Board; and care agencies involved in the care of children, the elderly or the disabled.

What we have here is a historic piece of legislation and, as I said at the start, I am delighted that the Attorney has helped facilitate this in a very fundamental way through the agreement of the Standing Committee of Attorneys-General. I believe we can play our part in bringing about what will hopefully become a standardised approach throughout the whole of Australia and allow people who, as I said at the start, have done something minor and committed a silly, relatively insignificant offence to have it struck off, start their life again, get on with their life, get a job in some cases or travel to America and places like that where currently they are not allowed to travel.

A lot of people out in the community (I know, because many of them have contacted me) are looking forward to this legislation. The day that it goes through parliament—which I hope will be soon—they will be rejoicing, because they will be able to remove that stain which is currently against them and which impedes them enjoying life. Some of them have endured beyond the actual punishment they received at the time: for 40 or 50 years they have endured a blemish on their record out of proportion to the sort of offence they committed in the first place.

I trust the bill will have a speedy passage and that we can give many South Australians the opportunity for a fresh start, given that they did something silly, often many, many years ago. I commend the bill to the house.

Debate adjourned on motion of Mrs Geraghty.

WATER SURVEY

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (10:42): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.A. MAYWALD: I rise to provide further information to the house in response to a question raised by the member for MacKillop yesterday regarding community perception on drinking stormwater and pumping from the River Murray. In relation to stormwater, in line with SA Water's national and international leadership in water quality, SA Water was a key funding partner and host of the Cooperative Research Centre for Water Quality and Treatment. The centre conducted a national survey of community views on drinking recycled water in 2007, and the survey is available on its website, www.waterquality.crc.org.au.

The survey interviewed over 3,000 people across Australia, with 610 being from Adelaide. Recycled water was defined in the report as stormwater or wastewater treated to a suitable standard for use in homes or industry. There was strong support for using recycled water for non-food related purposes but a general reluctance to accept recycled water for food preparation or drinking. Initially, over 80 per cent of those interviewed were not willing to drink recycled water.

The survey was repeated after half the participants had been provided with factual information on recycling. This resulted in a slight increase in the acceptability of recycled water. Assurance that nothing could go wrong in the treatment process was regarded the most important factor in changing attitudes to drinking recycled water. However, one-third of the sample claimed that they could never be convinced that recycled water could be made safe enough to drink.

The study indicated that a significant portion of the community has concerns about drinking recycled water. It is also extremely important to advise the house of the fact that scientists involved in researching the suitability of stormwater for drinking water still advise that more research is needed before we can have confidence that the quality of water can be can be met on an ongoing basis.

In relation to pumping from the River Murray, the honourable member asked how much water was being pumped from the River Murray in this water year to the Adelaide Hills storages. This year, approximately 1.3 gigalitres are being pumped from the River Murray between 1 July and 22 September, compared with 36.1 gigalitres for the same period last year.

STATUTES AMENDMENT (GAMING MACHINE LIMITATIONS) BILL

Mr HANNA (Mitchell) (10:44): Obtained leave and introduced a bill for an act to amend the Casino Act 1997 and the Gaming Machines Act 1992. Read a first time.

Mr HANNA (Mitchell) (10:45): I move:

That this bill be now read a second time.

The problem with gambling machines (as I prefer to call them) is that they are deliberately designed to be addictive. I am not against all forms of gambling but, in relation to poker machines, I think there is something particularly insidious because of the amount of time and ingenuity that has gone into programming machines to encourage addictive behaviour. Over the last year I have been studying some of these features which promote addiction, and it is possible to legislate to remove those features which, in a sense, trick people into coming back and spending more and more.

I reject the notion that it is purely a leisure activity, as promoted by the Hotels Association. If that were the case, everyone would be happy for them to be 1¢ machines and to limit the bets to a very low amount. The fact is that it is a money-making business and, because it preys on people's addiction, it is a particularly odious business.

I realise the state's reliance on poker machine revenue, but there is a cost that goes with that. It is a hidden cost because it comes up in our hospitals, our justice system, with employers who lose embezzled funds, with people whose houses are broken into to get goods to sell in order to fund an addiction. So, in a great variety of areas, there is extra wasteful expenditure and heartache which counterbalances the enormous revenue received by the Treasury from poker machines.

The legislation that I am proposing does a couple of things. The most important thing is that the national guidelines must be adhered to. At the moment, there are national guidelines and the hotels associations around the country have a say in what those guidelines should be. Various stakeholders are consulted to come up with a list of what are, effectively, recommendations about the do's and don'ts of gambling machines.

However, adherence to that code is entirely voluntary. Even our gambling commissioner in South Australia can approve machines which do not comply with these agreed national standards. We know that is the case. When I took out a freedom of information application (I think it was concerning the years 2007 and 2008), some eight out of over 130 machines simply did not comply with the guidelines. That is not good enough. One thing that this legislation does is to make the national guidelines mandatory.

In terms of the structure of the bill, members will soon see that there are amendments to the Casino Act and the Gaming Machines Act. That is because there are duplicate provisions in our current law pertaining to the casino and to hotels and clubs, on the other hand. So, it is necessary to have exactly the same terms apply to hotels and clubs, on the one hand, and the casino on the other hand.

I now turn to the clauses of the legislation that I have drafted, because it is in going through the precise changes to the law that one can better understand what I am aiming for here. First of all, if one looks at clause 5 of the bill, it is clear from the first subclause that the Gaming Machine National Standards become mandatory—again, cannot be approved if those standards are not met. I note that in October this year there will be a revised version 10 of those standards and so the bill refers to that standard.

In terms of the transition period, I refer to clause 2 which provides that the act will come into operation on 1 January 2010. That applies to new games, effectively. However, it is important to note subclause (5) of clause 5 which provides:

All approvals of gaming machine games granted before 1 January 2010 will expire on 1 January 2014.

In other words, there is a four year period of grace in respect of existing machines, and there are many thousands of those throughout South Australia. By 2014, if I had my way, every machine in South Australia would have to comply with these new standards.

I now turn to the actual tricks of the machines which I say should be prohibited characteristics. There are many prohibitions already in the Game Approval Guidelines 2003. There are game approval guidelines because both section 40 of the Gaming Machines Act and a corresponding section in the Casino Act provide that the commissioner may approve particular gaming machines or particular games and that the commissioner must have regard to any guidelines which are published.

There are guidelines which are published and they do suggest that a number of things cannot be included in the games. For example, there is a suggestion that the spin time should be

not less than 3.5 seconds—3.5 seconds per turn, if you like. Of the machines which were approved in the previous financial year there were, in fact, a number which did not meet that minimum standard—but they do not have to; that is the point. Our gambling commissioner looks at the machine, looks at the software effectively, and says, 'Well, this is the subject of an adverse recommendation in the guidelines but I don't have to follow that; I just have to have regard to it.' So, machines that do not follow the rules can be approved.

My legislation seeks to add to those things that are prohibited. I have suggested under the heading 'Near miss' that the game cannot have other than an equal number of each type of symbol on each reel. The language, using the definition section of this legislation, picks up the old mechanical machine, and one can best understand the new electronic machines by reference to the old mechanical machines—the old 'one-armed bandits' as they were called—which had several reels with different symbols painted around them. They would be spun by mechanical means so that, apparently at random, different symbols would appear through the window facing the player. I have used that symbolism to describe a spin and a reel and it needs to be understood in the context.

What I am suggesting is that there needs to be an equal number of symbols on each reel. One of the tricks of the machines at the moment is that you can have plenty of kings, for example, on four of five reels, but only one king out of a hundred symbols on the fifth reel. The person spins, knowing that if they get five kings they get a massive jackpot. They keep getting three or four kings and they keep thinking, 'I am so close to getting that jackpot; I'll keep playing,' but in fact it is very hard to get that final king to come up. It is extremely unlikely.

Secondly, I am requiring certain game information to be provided. The odds of winning the game, including the five top and bottom winning combinations, and the average winnings paid out to players over the game over a particular period of time or number of plays must be displayed on the screen. The maximum and minimum player spend rate for the game needs to be displayed on the screen. A clock with the correct time must be displayed on the screen at all times.

Another feature that I am seeking to impose on these machines is a feature that interrupts play at regular intervals not exceeding 30 minutes of continuous play for at least 20 seconds on each occasion. During that break, there will be a display on the screen suggesting the duration of the player's session, the amount in dollars and cents that the player has lost during that session and indeed the net wins or losses during that session.

There will also be a question for the player to answer: 'Do you wish to continue or not?' I hope that that information and that opportunity will give players, especially those with an addiction, some cause to pause and reconsider their continuing pursuit of an illusory fortune.

The next feature to which I refer is a limit which would not allow more than three bets per reel spin. At the moment, multiple bets are allowed in various combinations, and sometimes there are 25 symbols that actually come up on a screen, and one can bet on various horizontal, vertical and even diagonal rows, so I am seeking to limit the number of bets per spin.

I am also limiting the feature of free spins. At the moment, there are allowed a certain number of what are called 'free spins'. A so-called free spin means that there is a bonus of extra plays to the player, but of course this is illusory because the payout is legislated to be 87.5 per cent. Therefore, the fact that there might be so-called free spins means that, in respect of the other spins, there will actually be less of a payout because the spin that is taking place that one does not have to pay for must be taken into account in the total number of spins available from the machine. Over a period of time, that free spin, for which one does not have to pay, means that other payouts are going to be less to take account of that apparent bargain. I am seeking to ban that free spin feature altogether.

Those, essentially, are the features that I have sought to impose upon these gambling machines. I have also suggested that they should not be capable of accepting a bet of more than 20¢ for each line for each play of a game. In other words, as I see it, there would be a maximum 60¢ spend per turn to limit people's losses. At the moment, you can lose thousands of dollars an hour through playing a dollar machine and multiple lines, and I think that is one of the reasons that problem gamblers have got into such difficulty.

Before I close my remarks, I must address the so-called 'small market argument' used by the industry and, I suspect, the government. They say that, because South Australia is a relatively small market for gaming machines in world terms, gaming machine manufacturers simply would not bother to manufacture and make these special changes for South Australia. I reject that. New

Zealand actually has a number of these features already as precautions in their gaming machine regime and New Zealand is not much bigger than South Australia in terms of population and I suspect not hugely disproportionate in terms of the number of gambling machines out there.

It seems to me that if these changes go through there will still be a buck to be made by those who are able to snare people with these gambling machines. However, the play will be more honest, and if it is truly a recreational pursuit there is no reason why we should not have more honesty in respect of the gaming machine features.

Debate adjourned on motion of Mrs Geraghty.

ELECTRICITY (RENEWABLE ENERGY PRICE) AMENDMENT BILL

Mr WILLIAMS (MacKillop) (11:00): Obtained leave and introduced a bill for an act to amend the Electricity Act 1996. Read a first time.

Mr WILLIAMS (MacKillop) (11:00): I move:

That this bill be now read a second time.

This is a new bill introduced to effect something that would already have been effected if the government had supported an earlier bill—the Electricity (Feed-In Rates) Amendment Bill—that I brought to the house on Thursday 4 June. The government voted down that bill on 18 June this year. I will come shortly to the reasons the government gave for voting down that bill.

First, I want to speak on the bill directly and what it is about. Last year, this parliament introduced a bill to provide a feed-in tariff to the owners of small photovoltaic generators, principally householders who put some photovoltaic cells on the roof of their house. Also, amendments made in the other place, supported and encouraged by the opposition in the other place, extended it out to small businesses and not-for-profit groups (such as churches, clubs, etc.) that wanted to participate in saving the planet by putting small photovoltaic generators on the roofs of their premises.

We introduced a net feed-in tariff whereby 44¢ per kilowatt hour of net power was fed back into the grid by photovoltaic cells and was paid to those qualifying owners of small generators, and definitions of small generators, etc., have been put into the principal act. That is to reduce the payback time for the principal cost of installing a photovoltaic system from something approaching 30 years—which happens to be about the life expectancy of such systems anyway—back to something of the order of 15 to 17 years.

Before the parliament passed that legislation and before it was enacted, the electricity retailers in South Australia were paying to the generators of electricity a net tariff based principally on the amount those same customers would have been buying electricity for off the grid—about 20¢ a kilowatt hour. That is about the price that customers buy electricity for off the grid and that is, by and large, what the retailers in South Australia were paying those who had installed small photovoltaic generators.

With the introduction of the feed-in tariff legislation and its enactment thereof, the 44¢ that is now paid to the owners of those small generators is actually paid for by all other electricity customers in South Australia because, under the Electricity Act and the regulations, it is defined as what we call a flow-through event and it is paid for by ETSA Utilities, which runs the distribution network because it is much simpler for it to operate the system of paying this money. However, the money actually comes out of the pocket of every electricity consumer through a slight increase in the price they pay for general electricity purchased. I do not have a problem with that, and we supported it when it came through.

At the time, we questioned the motive of the government and suggested that it was more about getting a headline. The Premier, we know, was most anxious for us to be the first state to have a feed-in scheme and, at every opportunity, he says that we were the first state to introduce a feed-in scheme. What he does not say is that we introduced a scheme that was flawed, and that virtually every other state provides a greater incentive to householders and small business operators to put photovoltaic cells on their roofs, or wherever, to create electricity. We give the least incentive. The other states have instituted much better schemes. They have feed-in tariffs which reflect the electricity that is fed back in, but the retailers actually pay for the electricity as well.

What happened in South Australia was that, when we introduced that 44¢—which, as I said, was paid for by every other consumer—the main retailers in South Australia stopped paying the 20¢ that they had been paying to generators to that date. One stopped paying it altogether;

another one was paying a nominal rebate of I think about 5¢ or 6¢; and one retailer continued to pay 20¢, and that was TRUenergy. It continued to pay the 20¢ and, in addition, 44¢ was rebated to its customers by ETSA Utilities. So, the customers of TRUenergy were receiving around 64¢ per kilowatt hour net electricity put back into the grid, which is about what the industry has called for across the nation as being a realistic figure for a net feed-in. In fact, the industry suggests that it should be based on gross generation capacity, not just net. There are a number of other things that I could bring to this debate; however, I am not arguing that, because this flaw needs to be corrected and it needs to be corrected quickly.

When I last put this matter before the house, the government made a number of arguments, not the least being that the market would sort it out. These major retailers are paying nothing for the electricity. They are on-selling as green power electricity for which they are not paying anything. What has happened in the market? TRUenergy has said, 'Why are we the fools and why are we paying this 20¢ when the other two major retailers'—which, by the way, are much bigger than TRUenergy in the South Australian marketplace—'are not paying it?' So, TRUenergy has actually cut the amount that it pays back to about 6¢. When the Premier was questioned on this matter earlier this month (I think it was on the 1st of this month; he was certainly on one of the TV stations), he said:

> The electricity companies which are now basically dodging their responsibilities need to be labelled as rip-off merchants.

The Premier today has the opportunity to support the bill that I have brought to the house, to correct that anomaly. I have changed the way that we would set the price, because the government questioned that in the last bill, and I think I am presenting to the house a much simpler bill to correct the anomaly and to force electricity retailers in the South Australian market to pay a fair and reasonable price for electricity, which they then on-sell and profit from. How do I suggest that we arrange that price? I suggest that we use the default price set by the Essential Services Commissioner which, exclusive of GST, is around 17¢ a kilowatt hour. I think that is a fair and reasonable price to set.

When we last debated a bill to achieve a similar end, the spokesperson for the government was the member for Light, who argued a couple of things when giving reasons to the house why he and his colleagues on the government benches would not support my bill. One of the things he said is:

> I fully agree that PV customers should receive fair value for the energy they export to the grid. More importantly, though, the question arises: what is a fair value—

I have just explained that, I think, and I might come back to that in a moment—

> and how should retailers pay for this energy? Despite what the member for MacKillop says, someone does pay for this. Other consumers will ultimately pay for it if it is not properly done...

Well, I suggest the member and his colleagues on that side of the house look at the principal act. If they look at section 36AD, particularly at subsection (2)—and I will read it, because I know that most of them will not look at it.

Mrs Geraghty interjecting:

Mr WILLIAMS: It provides:

> (2) It is a condition of the licence of the electricity entity that has the relevant contract to sell electricity as a retailer to a qualifying customer who is entitled to a credit under subsection (1)(b) that the retailer will, after taking into account any requirements prescribed by the regulations—
>
> (a) reflect the credit in the charges payable by the qualifying customer for the supply of electricity; and
>
> (b) provide to the qualifying customer...

How it will happen is already set out in the principal act. The member for Light does not understand the principal act and, in spite of the protestations of the Government Whip just now, the member for Light obviously had not read the principal act when he spoke on this matter on 18 June. That is why I am directing him to it, and he will see that the mechanisms are already in the legislation, such that, for the retailers, whom the Premier describes as rip-off merchants and who are currently on-selling this electricity without having paid for it, the principal act already has the mechanism there for them to do the right thing: to pay for it.

The member for Light also said that he was not supporting my bill because he did not agree that—I think that one was setting a price of about 20¢ a kilowatt hour—that was probably a fair and reasonable price. What the member for Light and the government did was encourage TRUenergy to stop paying the 20¢ a kilowatt hour and reduce that back to 6¢ a kilowatt hour. This is what the member for Light said in this house on 18 June:

> The advice available to the government is that it is worth in the order of 6¢ per kilowatt hour.

He told the world that that was the advice to the government. So, why would we expect TRUenergy and the other retailers to pay 17¢ or 20¢ when he has told the world that the advice to the government was that they should be paying only 6¢? He also told the house, on 18 June, that there would be a review—I think a statutory review—once the uptake reached 10 megawatts, which it did in May this year. He indicated to the house:

> It is anticipated that the government will be in a position to advise the parliament of the outcome of these deliberations [the review] in September this year.

I can advise the house that today is the last day of sitting in September of this year, and we have seen nothing from this government other than the Premier getting his face on television and calling the electricity retailers rip-off merchants. The Premier has had since May to address this issue. Instead of doing so, however, he allowed his backbencher, the member for Light, to come into this place and say, 'We as the government believe that the retailer should be paying only 6¢ a kilowatt hour.'

I can tell you, Mr Speaker, the industry out there and those people who are writing to me daily—those people who have already spent thousands of dollars to install photovoltaic cells—have an expectation that they will be paid fairly for this electricity. This government has walked away from them. It has received its headline. It gets the Premier onto TV again (on the 1st of this month I think it was), calling electricity retailers rip-off merchants, but he does nothing to close the loophole. He does nothing to redress the wrong; in fact, he has compounded the wrong, as the member for Light did on the 18th.

I implore the government to do the right thing this time. I implore the government to acknowledge that it got it wrong in the first instance, as I told the house it would and as I told the house that it was doing for the wrong reason—it had the wrong motive. I implore the government to now acknowledge that it got it wrong and to accept the matter I have put in front of the house. If the government has been carrying out a review since 1 May and they anticipated to have something to bring to the house by the end of September, which in practical terms would have been today, and if the government has done that work and it disagrees with the way that I propose that we determine a fair and reasonable price (and that is the determination which is already made from time to time by the Essential Services Commissioner), it should be in a position to make an amendment.

However, let's get on with it; let's solve this matter, close the loophole and act in good faith. That is something that I do not believe the government has been doing in this matter. It has not been acting in good faith for something like 12 months. The industry, the people who are trying to promote the installation of photovoltaic cells, and those people who are spending their own hard-earned cash to install them deserve to have a government that does the right thing by them.

I implore the government to indicate as quickly as possible that it will support this matter and, at the next opportunity, pass this bill so that we can have it enacted as soon as possible and bring those recalcitrant rip-off merchants (as the Premier would have them labelled) into line. I commend the bill to the house.

Debate adjourned on motion of Mrs Geraghty.

BAIL (ARSON) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 April 2009. Page 2517.)

Mr GOLDSWORTHY (Kavel) (11:16): I wish to make some comments in support of the legislation which the member for Davenport has brought before the house. I do not anticipate to take up the full allocation of my time, but I will make some points concerning the bill. It is my understanding that the bill deals with the criminal act of arson—that is, setting and lighting fires in our community—and that it is the responsibility of the person charged with the crime or arson, or their representative, to put the argument and convince the court that bail should be granted.

It is my understanding that—and I am no legal expert—in other cases when people are charged with an offence and bail is requested, the police and prosecutors need to put an argument to substantiate the reason why bail should be refused. However, this is the reverse; that is, bail will not be issued for the crime of arson unless a reasonable argument can be put forward, and then the court makes the decision whether or not to grant bail.

The reason for that is sensible because it provides another safeguard against recidivism. We know that, through research and analysis by the police and other bodies, those in our community who wish to wreak havoc by means of setting and lighting fires do not do it just once: it is a habit. It becomes an habitual activity in that these people are inclined to light a number of fires. We saw the tragic example of the lady who has been charged and convicted of lighting multiple fires to the east of the Adelaide Hills, around the Harrogate district. The lady and her family came from Harrogate. She has been charged, convicted and imprisoned for that crime. This is a safeguard against recidivism and provides further protection to the community from the prospect of these people lighting more fires.

During the last sitting week, we debated a government bill in the house concerning the review of fire and emergency services. We saw a level of bipartisanship in dealing with the majority of that bill when both sides of the house agreed on some structural reforms within the emergency services agencies and also some rearrangement of ways to fight fires and protect the community against bushfires. A number of suggestions have come from this side of the house in relation to how that may be improved.

I said that I would not take up my allocated time because I understand that we do want to move through other matters before the house this morning. I acknowledge my support for this piece of legislation which the member for Davenport has brought before the parliament.

Debate adjourned on motion of Mrs Geraghty.

CORRECTIONAL SERVICES (PAROLE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 May 2009. Page 2774.)

The Hon. I.F. EVANS (Davenport) (11:23): The opposition supports this bill. As there is only three minutes of this private members' session to go, I will not hold the house long, as a courtesy to the member for Mitchell. The opposition supports this bill, which effectively means that there is no automatic parole for those people sentenced to less than five years' imprisonment for violent offences. The opposition thinks that is a good message to send to the community; that is, there should not be parole for people in those circumstances. Therefore, we support the bill and look forward to its vote.

Mrs GERAGHTY (Torrens) (11:23): I move:

That the debate be adjourned.

The house divided on the motion:

AYES (26)

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

NOES (13)

Chapman, V.A.	Evans, I.F.	Goldsworthy, M.R.
Griffiths, S.P.	Hamilton-Smith, M.L.J.	Hanna, K. (teller)
McFetridge, D.	Pederick, A.S.	Penfold, E.M.

NOES (13)

Pengilly, M. Pisoni, D.G. Such, R.B.
Williams, M.R.

PAIRS (6)

Foley, K.O.	Venning, I.H.
Rankine, J.M.	Gunn, G.M.
Simmons, L.A.	Redmond, I.M.

Majority of 13 for the ayes.

Motion thus carried.

REDMOND, MRS I.M.

Ms CHAPMAN (Bragg) (11:30): It is with pleasure that I move:

That this house congratulates the member for Heysen on becoming the first female leader of a major political party in South Australia.

Of course, the Liberal Party's achievements in relation to political firsts in our history is well known. Recently, when Dr Brendan Nelson gave his final address to the federal parliament, he acknowledged a number of firsts—the first refugee, the first Aboriginal and the first woman—which the Liberal Party was responsible for introducing into the parliament. South Australia particularly has a very proud record.

I remember that, at the time of giving notice of this motion, it appeared to invoke a slightly negative response from the member for Chaffey. She apparently took objection because she is a female leader of the National Party in South Australia, although I am not sure which National Party, whether it is the real National Party, the South Australian National Party or some other group.

I respect the fact that the member for Chaffey is a member of this parliament. However, although she takes issue with the fact that she is not being recognised in this motion, it is difficult to imagine how you can be a party of one. However, there are others who have been recognised in other jurisdictions, including—

Mr Goldsworthy interjecting:

Ms CHAPMAN: —yes, very short meetings—Natasha Stott Despoja at the federal level, as well as the Hon. Sandra Kanck, who was the leader of her party (a party of two and, ultimately, a party of one). Importantly, the Liberal Party has taken the lead, and this state has been no exception. I am reminded, by the extraordinary attributes the member for Heysen brings to this parliament, of the remarkable history of Agnes Goode here in South Australia who, in 1924, representing the Liberal Union Women's Branch, became the first female member to be endorsed by a political party in Australia.

That was followed in 1959 by Jessie Cooper and Joyce Steele (who is depicted wearing Versace blue and who is brilliantly displayed in the chamber), who was the member for Burnside and the first female member of the parliament. In 1966, Joyce Steele became the first female South Australian cabinet minister. In 1993 to 2002, the Hon. Diana Laidlaw became the South Australian parliament's longest serving cabinet minister and, in 2006, Senator Amanda Vanstone—again a great female South Australian representative—became Australia's longest serving cabinet minister. Of course, she took the title from her Liberal predecessor in Victoria, Dame Margaret Guilfoyle. So, we have a proud history.

I return to Agnes Goode. In 1916, Agnes Knight Goode became a justice of the peace, and in 1919 she presided over the state's Children's Court, and she was also part of the National Council of Women. Her areas of work and activity were with the Liberal Women's Educational Association, becoming secretary in 1916 and president in 1921, and she also edited the women's page of the *Liberal Leader*.

Issues of the day for Agnes Goode included female police officers and women having equal guardianship rights over children. Many members would be aware that, recognised in the

infant guardianship bill debate (and displayed in our own chamber), is the pioneering work done in the late 1930s in this very parliament to achieve that. She believed that women should be better represented on government boards and juries—an effort that is still being contributed to today—and that there should be equal pay for women in that regard.

She was an articulate public speaker, and the Adelaide *Advertiser* described her as a 'vigorous speaker, with a keen, logical mind and experience backed with good common sense'. In 1924—and this was probably what most impressed me as an example of how Ms Goode is now represented by our own member for Heysen in this parliament—she said, when explaining why women should be elected to parliament:

> Do not let anyone imagine… that I am antagonistic to a man's point of view, but I feel that in public affairs men and women should have equal rights and take equal responsibilities. After all, the family is the basis of our national life, and where the two partners coordinate in the best interests of the family the best results accrue..That is why I think women should enter parliament. There is something bigger than either manhood or womanhood, and that is humanity.

I think that in every respect that principled position has been clear in the contributions made by the member for Heysen during debate in this parliament, and it is an example that she ensures is espoused and permeates the legislation we deal with.

As to the importance of Agnes as one of the first women in South Australia to be appointed a justice of the peace and a stipendiary magistrate, again there is some analogy to be drawn from her history. Powerful, strong, intelligent, competent, courageous women whom the Liberal Party have presented to this parliament and who have served with distinction include Joyce Steele, who is displayed on our wall here. The member for Heysen follows them in a great tradition.

I urge members of the house to recognise and congratulate the member for Heysen as the first female leader of a major political party in South Australia. I am sorry if the member for Chaffey takes some offence at that, but this has been a significant achievement, and I congratulate the member for Heysen. Her own experience in family life and professional life in the legal world and her contribution to the parliament, particularly as shadow attorney-general, have been very significant. She continues to be a competent and feisty advocate for the issues of South Australians, and I will proudly work with her, as will the opposition, as we lead up to the election in 2010. She will then have the opportunity, with the good grace of the people of South Australia, to be the first female premier of this state.

The Hon. S.W. KEY (Ashford) (11:38): I, too, support the motion congratulating the member for Heysen becoming the first female leader of a major political party in South Australia. I think it is also important to note the member for Chaffey as the leader of the National Party and Sandra Kanck heading up the Democrats. I guess there have been other leaders, and I guess we can debate what 'major' means, but I do not think that is appropriate at this stage.

In 1895 the Constitution Amendment Act gave women the right to vote and stand as members of parliament. Looking at the history of those debates and the history that went behind the debates that were recorded in parliament, it certainly did put members of parliament in a tailspin to think that women should have the same rights as them and also to stand for parliament. I understand from the history that I have read that women standing for parliament was originally introduced as a wedge position, as we call it now, but eventually people saw the sense of allowing women also to stand for parliament.

South Australia's first political candidate was Catherine Helen Spence, who stood for election to the Constitutional Convention of Federation in 1897. However, it was not until 1918 before a woman stood for parliament as a non-party candidate, and it took another six years before a political party adopted a woman as an endorsed party candidate for parliament. The opening of the new session of parliament in 1959 was front page news when the first two women elected to the South Australian parliament, Joyce Steele and Jessie Cooper, took their seats—and I acknowledge the comments made by the member for Bragg that they were members of the Liberal Party.

Recognising the importance of women as decision makers, the Rann government, I was very pleased to see, in our very early days made sure that part of the South Australian Strategic Plan was to increase the number of women in parliament as well as encouraging women to stand in local government. The T5.3 Members of Parliament clause in the South Australian Strategic Plan is to increase the number of women in parliament to 50 per cent by 2012. Certainly in the Labor

Party we have some work to do, and I know my colleagues will support the fact that we are very serious about the 50 per cent target.

In looking across the chamber in this house I think that certainly the 20 per cent figure that the Liberal Party has in this house will mean that it has a lot of work to do; it has another 30 per cent to make up, whereas on our side we have another 4 per cent to make up so that we have equal representation. I must say I have always argued that, because women hold up more than half the sky, we should actually go for more than 50 per cent, but I am known as a radical in the Labor Party, and I guess that is in line with my thinking on other issues as well.

We have discussed in this place the importance in local government of having good representation, and I know a number of programs have been put in place by the women themselves in local government as well as the Local Government Association to encourage women of all ages, particularly young women, to take their place in local government.

South Australia does have a proud history of encouraging women to take their place in parliament, and I remember well the national conference in Tasmania where we actually passed policy that supported affirmative action in our party to make sure that women also had the opportunity to run for winnable seats. It is all very well being nominated as a candidate but, as people in this chamber would well know, if you are being nominated and being supported as a candidate but you have no hope of winning, it is a bit of a hollow gesture as far as affirmative action is concerned.

I must say that one of the reasons that I am a very proud member of Emily's List in South Australia (and in fact have just been re-elected as the convenor) is that Emily's List dedicates its time to making sure women have a fair go as candidates. A number of us in this place have been, and hopefully will be in the next election, Emily's List candidates but, for some of the new candidates and certainly the women in marginal seats, Emily's List is a very important support for them. So, not only do we have an affirmative action policy in the Labor Party but we also make sure that we have mechanisms in place to support and mentor women and not just leave them for dead as they become candidates in difficult circumstances.

The Rann Labor government has also made it a priority that women in positions of decision making and power have an opportunity to exercise the knowledge and many skills that they have. This has been part of the drive on boards and committees, particularly those that are within the reach of the government and parliament, to make sure that we have proper representation.

I know that, in the trade union movement, this has also been a policy that has been supported. The fruit of that policy is very much exemplified in Sharan Burrow who, as we know, is the President of the ACTU, following Jennie George (another excellent ACTU president) and, in South Australia, Janet Giles, the first woman since 1894 to be secretary of what was the Trades and Labour Council and is now SA Unions.

I am very pleased to see the member for Heysen in this position of leadership. I think she will be an excellent addition to the Liberal Party's armoury. I have every faith that she will continue to be an excellent leader.

I say to members on other side that I think the Labor Party has a lesson to show them and maybe they should start thinking about affirmative action so that they get quality women candidates in this place, and we will be able to look at more women in the House of Assembly. Certainly, the women who are here (the member for Flinders, the member for Bragg and the member for Heysen) do a fantastic job, and I take this opportunity to say that. However, it is very sad that, as I understand it, the member for Flinders is going to be replaced by male candidate. So, we will be not only missing the member for Flinders but there will be one woman less on the other side.

With those comments I, too, congratulate the member for Heysen on becoming the first female leader of the Liberal Party in South Australia.

The Hon. R.B. SUCH (Fisher) (11:47): Thank you, Madam Deputy Speaker—perhaps, one day, we will have a female speaker and that will be a great outcome.

The Hon. M.J. Atkinson: We have already had one, Molly Byrne.

The Hon. R.B. SUCH: Well, it is time we had another one! I am happy to support this motion, not only because I believe the member for Heysen is very capable but she is a very decent and honourable person. I heard a few people say, 'She's too honest.' I said to her privately, 'Don't

ever move away from being seen as being honest and don't ever cease to be honest because that is the sort of member of parliament we want, and the community wants.'

The attainment of that office is one that deserves praise. In passing, I have sympathy for the member for Waite. I think he was caught up in unfortunate circumstances but politics is a fairly brutal business, as we know. I think he suffered a fairly harsh fate for something that, in my view, was not as serious as others portrayed.

I grew up with three sisters, who are wonderful human beings, and there was no discrimination in our family (I have two brothers as well). I can understand why people go into bat for genuine equality in the wider community but in our family I never saw any example where the girls were discriminated against in any way, shape or form.

It is important to acknowledge that we have made a lot of progress in our community in regard to allowing women to realise their full potential. However, in focusing on our own backyard, we should not overlook the fact that, throughout the world, women (and girls, as well) suffer tremendously as a result of prejudice, discrimination and ill treatment. It is not only imposed by fundamentalist regimes. I personally find abhorrent the fact that women have to totally cover themselves because I think that is a form of enslavement and diminishes their significance.

The fact is that they are denied schooling in a lot of countries and do not get adequate medical treatment. I have raised in this house before the fact that each year over half a million women die throughout the world because of inadequate pre and postnatal treatment. When I raised that issue, I got a nasty letter from someone asking, 'Why would you bother focusing attention on people overseas?' It was for the simple reason that they are human beings and, in that case, they were women who were being disadvantaged and ill treated by society and by particular countries.

I do not support and never have supported quotas. Plenty of women in the community have merit and, by going down the path of quotas, I think we diminish their talents. We need to move away from the idea of women always being victims and being diminished in their capability by talking about targets as if they need some special help to compete and to be leaders.

I would be quite happy if all members of parliament were female. I have no problem with that whatsoever. However, it should be based on ability and merit. I find that a lot of people who talk about quotas always choose a surgeon who is the best; they do not choose by the surgeon's gender. Likewise, if they go to any professional they go to the person with the ability.

If that means that all those positions are held by women, I am quite relaxed about it—that is good. As long as they are the best person for the position, then I am all for it. I do not believe in giving positions on the basis of gender, race or any other consideration because, at the end of the day, what you are really saying is that those people are not capable of achieving their goal. There is a difference between equal opportunity and what is often portrayed as equality.

We have had some excellent women in this place and we have had some not so excellent ones. We often hear people say, 'If we only had more women in parliament, the world would be a better place.' That may be the case but I am not so sure. I have seen some women in here that I would not want to have any influence over anything in the community—there are not many but I could name one (but I will not) who I regard as a particularly nasty individual.

I think the assumption that simply because someone is a female they are going to be more noble and Mother Teresa-like is an absolute nonsense. You only have to look at history to see that there have been some women who have been particularly evil, particularly nasty, just as there have been plenty of men in that category. I think we have to be careful about anointing all women as saintly or as angels—they are not.

To come back to the substance, back in 1992, I managed to get a group formed in this parliament to have a look at the impediments that women face getting into parliament and staying in parliament. That was picked up by Jennifer Cashmore who tried to implement some of those recommendations through this parliament. I have always been a strong supporter of getting women into parliament and ensuring that they stay here.

We still do not have any crèche facilities here; we do not have any childcare facilities, not just for women but for men as well. This parliament is not in any way really family friendly; we have made some slight adjustment, but there is still a long way to go.

The essential focus needs to be on merit, and I believe that that should be the overriding consideration—not gender or any other specific characteristic. We have reached the stage where

we no longer need a minister for the status of women; I think that is condescending and inappropriate.

The government still maintains—as did the previous government—discriminatory policy in relation to schooling for girls. DECS runs specialist schools for girls but does not run specialist schools for boys and yet, if you look at the justification, girls are doing better at university and elsewhere educationally than boys. Because of this ideological approach, we still have specialist schools run by DECS for girls, but none for boys. There is no justification for that. I am not against single-sex schools; I am against the discrimination involved and the fact that you run some for girls but do not run any for boys. I am not against single-sex classes, either; I think they are a good idea in certain situations.

Sadly, I think Labor governments get hooked on an ideological view, and that is reflected in trying to get mileage out of the situation relating to women. We have to move away from seeing women as victims, as being creatures who are not capable of looking after themselves, who are not capable of reaching the highest positions in this country. They can. You only have to look at people like Julia Gillard to see that there are plenty of women who have the ability and the talent, but we do not want people there simply because of their plumbing, whether they are male or female.

I support this motion, but I trust that the Liberal Party does not go down the path of setting quotas. I think that is a bad move and I hope the Labor Party moves away from artificially and mathematically trying to engineer what is a philosophy-based view that women are somehow inadequate or unable to cope and achieve in this day and age. I think women can and they should and, as I said at the start, I am happy if all the members in this place in the future are women. If they are the best ones for the job, then I am all for it.

Ms BEDFORD (Florey) (11:56): I am happy to speak to the motion congratulating the member for Heysen, and I totally endorse the remarks of the member for Ashford, who I thought made a marvellous contribution. She, however, did forget to put on the record the remark of former Victorian premier Joan Kirner, who once said that, when the house is full of mediocre women, we will know we have equality. I think when you reflect on Joan's remark and think about what she means by that, you can see that we have a very long way to go.

Only through affirmative action have we seen the numbers of women come into the parliament where you might one day even strike someone who has no ability, because we have so many women on this side, all of whom have worked very hard for their preselection and to win their seat. It is pure merit that you are seeing on this side of the house because, without the tenacity of the women's movement that saw an affirmative action board, there would be no way we would have been able to get over the numbers of mediocre men who we know were preselected through various mechanisms.

Members interjecting:

Ms BEDFORD: No; but in support of that, before I go on, I would just like to mention, following the member's remarks on Molly Byrne, that when I was first preselected in 1997 to run for the seat of Florey, which was an unwinnable seat, I received $20 for a lipstick from the Molly Byrne and Marie Skitch fund. As we all know, it may sound like a very antiquated little thing but if women do not have on their lipstick or are not dressed better or do not have their hair done or have not had the makeover, that is all you hear about them. You do not hear what they say—it is how they look—and if we wanted to look around the room and talk about ties and shirts, it would be a fun day, I would think.

Another person said—and we will have to find out who it was—that opportunity is a fine thing. So, how do you get the opportunity? We all know that 1894 saw dual suffrage granted in this state but it was only when it was tested before the courts in 1959 that we actually found out what members really meant when they wrote that bill to allow dual suffrage. A fine paper prepared by Jenni Newton-Farrelly from the parliamentary library following up on a question for the member for Light has come out in the last few days. While I have not had the opportunity to read it thoroughly, it talks about the fact that the right to stand was tested only because your woman candidate was selected in a winnable position.

Ms Chapman: Not quite. You should read the Supreme Court judgment.

Ms BEDFORD: Yes; but the only reason that it went to court is that she was in a position to win. Until that time, as far as I know, everyone ran in seats where they did not have a chance to win. I am not saying that it is a bad thing but we need to look at these things in context. So, when

you say that you have the equal right or the opportunity, it is not actually true because it has always been framed in a way that women were never going to succeed. In any case, how can you prove merit when no-one has the chance to get in here to prove that they have the ability to run?

I will not go near the remarks on girls in schools because that would just get us too excited, but I do want to talk about the fact that women have worked very hard. The member for Bragg was talking about 1924 which, unfortunately for her, triggered in my memory that that was the year that Muriel Matters-Porter, a South Australian-born woman who went to England, ran in the seat of Hastings. If we want to talk about opportunities, we can see how men kept women out of parliament for many years in the motherland.

Ms Fox: Wound up installing toilets.

Ms BEDFORD: And a whole pile of other things, and they have worked very hard since 1866 to get even the vote—not even the right to stand, but just the vote.

Ms Chapman interjecting:

Ms BEDFORD: Well, men seem to have been a problem in the whole equation for some time. The member for Bragg and I are in total agreement on that point. However, Muriel ran, and she had no chance of winning, but that did not mean she should not have a go. How anyone could say that the women running the suffrage movement in England had no merit is beyond me. Their organisation was superb. The only thing that kept them out was the fact that parliament was full of men who would not pass the law to give them the right to vote, and we all know why: because they knew they would be successful. I wish the member for Heysen all the best.

Mrs PENFOLD (Flinders) (12:01): In taking over the leadership of the South Australian Liberal Party team, the member for Heysen, Isobel Redmond, enters a long list of firsts for the Liberal Party in South Australia. It is a tribute to the confidence that the Liberal Party places in its women members, a confidence that I freely acknowledge needs to grow.

Liberal women have always been at the forefront of political and social action and were active in the movement that brought about the decision in 1894 to give women the vote and the right to stand for parliament. While New Zealand beat South Australia to the punch in giving the vote to women in 1893, South Australia was the first to allow women to stand for parliament.

Voting rights for women were introduced into international law in 1948 when the United Nations adopted the Universal Declaration of Human Rights. Article 21 includes the statement:

> Everyone has the right to take part in the government of his country, directly through freely chosen representatives. The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Women's suffrage—that is the right to vote—is also explicitly stated as a right under the Convention on the Elimination of All Forms of Discrimination Against Women, adopted by the United Nations in 1979.

When the Commonwealth of Australia was founded in 1901, some women were given voting rights because this right existed in South Australia. In 1902, the right was extended to all non-Aboriginal women. As far as I can ascertain, Aboriginal men always had the vote in South Australia and, when women were given the vote, that right included indigenous women.

Liberal women have always been involved in the community. In 1913, the Liberal Women's Branch Committee initiated a parliamentary delegation to the Women's Non-Party Political Association which, after seven years, secured the appointment of the first woman, Catherine Helen Spence, to the Destitute Board of South Australia.

In 1924, Agnes Goode (nee Knight) was the first woman to be endorsed by a political party. I was intrigued to find that she had a link with Eyre Peninsula. In 1896, she married William Edward Goode, a sheep farmer from Port Lincoln. She moved the family to Adelaide in 1915. One source said this was possibly because her husband was an unreliable manager.

In World War I, she was founding vice-president of the Women's State Recruiting Committee. She served terms as secretary and president of the Liberal Women's Education Association and, in 1916, became a justice of the peace and a member of the state Children's Council. From 1919, she presided over the state Children's Court and would have won the support of all who take up the catch cry 'tough on crime'.

Other achievements include being a councillor of St Peter's Corporation, an official visitor to the Parkside Mental Hospital, the Adelaide Gaol and its Convicted Inebriates Institution. Other groups and interests were poetry, theatre, Aborigines, housewives, unemployed women, travellers, local industries and kindergartens.

In 1955, Senator Nancy Buttfield (later Dame Nancy) became the first South Australian woman in the Australian parliament. She was known for her advocacy of women's rights. It is said that, with the encouragement of Liberal Prime Minister Robert Menzies, she broke down long-established barriers in Old Parliament House by becoming the first woman to drink at the previously male-only members' bar.

The year 1959 was a stellar year for women in politics in general, and Liberal women in particular, with the election of Joyce Steele to the House of Assembly and Jessie Cooper to the Legislative Council, both the first women to hold those positions. My husband's mother was from the Steele family, and his family took a great interest in Joyce and politics in general. When we were married, his interest in politics became mine and probably led me to entering parliament in 1993.

Both Joyce and Jessie made their maiden speeches in moving the Address in Reply in July 1959. Some things have not changed over the years. Typically, the first thing Joyce and Jessie were asked by reporters was how they would handle their domestic duties and politics. Similarly, in some of the first articles that appeared about the member for Heysen in her new role as leader of the Liberal Party in South Australia, the reporter's interest in hairstyle and dress was at the forefront.

However, it is her standards of political behaviour as a role model for our community that is of more interest to me, and her stand on swearing I hope will be a watershed that will see better language standards adopted both state and federally. I and many Australians were disgusted with the poor example (as reported in the *Sunday Mail* on 20 September) recently provided by the Prime Minister, Mr Rudd, when speaking to his colleagues. His bullying and intimidating behaviour from the top gives licence to others, making them believe that it is acceptable in our society to verbally abuse others, including wives and children.

In the same newspaper on the same day, there was a report on the foul language used on radio by Bob Francis when speaking to an elderly lady, who was brave enough to complain about his language on air. That behaviour was brushed aside by his employer FIVEaa as 'typical of Francis' and by the man himself with the statement that his audience would not be offended because 'they know what to expect', which shows a lack of respect for other people and is blatant bullying and intimidating.

In the same edition, there was another article about a young father, Tim Hilfery, who was lamenting that he would not be able to take his young son to the soccer—which is desperately trying to promote itself as a family-friendly game—after witnessing the shocking language and behaviour of fans from both sides. He commented that the police—forced to stand in the middle of these two groups of posturing, snarling morons—seemed unable or unwilling to do anything.

Is it surprising when our standards of acceptable behaviour towards other people have fallen so low that even the Prime Minister does not see verbal abuse as a problem, thereby condoning it? No code of conduct in schools, sport and parliament can reverse the damage done by such acceptance, and I commend the member for Heysen for her stand.

The legislated male dominance in the South Australian parliament did not go down without a fight. Immediately prior to the 1959 state election Frank Chapman and a colleague challenged the right of women to stand for election to the Legislative Council on the basis that the use of the pronoun 'he' in South Australia's constitution must be interpreted as excluding women.

Five days before the election the court ruled that the issue must be decided by the parliament. Mrs Cooper won the election comfortably. The opposition then joined with the government of Sir Thomas Playford to pass retrospective legislation, enacted as the Constitution Amendment Act 1959, affirming women's rights to stand for both houses of South Australia's parliament.

Liberal women continue to achieve. In 1966, Liberal candidate Kay Brownbill was the first South Australian woman elected to the House of Representatives, and in 2006 Senator Amanda Vanstone became South Australia's longest serving female cabinet minister. And, now, in another

Liberal first the party has elected a woman leader, Isobel Redmond, the first woman to lead a major political party in South Australia.

In Isobel we have a person with honesty and integrity and a strong interest, commitment and proven dedication to community. She has a strong sense of social justice, a quality instilled in her and her family from a young age that has been a driving factor throughout her life. Her experience in the legal profession, as a mother, a community person, as shown by her 28 years on her local hospital board, and since 2002 as a dedicated member of parliament representing the electorate of Heysen, have all shaped her in being the remarkable and diverse woman that she is.

Her knowledge across portfolio areas, including responsibility as shadow attorney-general, shadow minister for families and communities, housing, disability, ageing, justice, the arts, road safety and multicultural affairs, are all testament to her ability to tackle new issues with enthusiasm, passion and intelligence.

Mrs Redmond's understanding of both city and country issues come from her experience in living in the Hills community close to the city but working in a legal capacity in the city. In this role she provided legal representation for Aboriginal communities in the Far North-West of the state, where she is equally comfortable. Her approachability and ability to get to the kernel of a matter will be assets in the tasks she is undertaking, and her communication and listening skills are invaluable as a leader for the future.

The trust placed in her by her colleagues is an indication of the high regard that the Liberal Party places on women and on their practical involvement in politics, especially as members of parliament. The Liberal Party has a track record that we can be justifiably proud of. It will be interesting to read a retrospective of the life and achievements of our leader, Isobel Redmond, member of Heysen, in years to come. I congratulate her on past achievements, and I look forward to addressing her as 'premier' before long.

Honourable members: Hear, hear!

Ms BREUER (Giles) (12:11): Thank you, Madam Deputy Speaker, and how proud I am to see you sitting there. It is good to see you in that role; 50 years ago you would have had no opportunity. I also want to congratulate the new Leader of the Opposition. I was very pleased, and I congratulated her at the time. It is good to see her in that role.

I do fear for her, though. I think she probably has been handed a poison chalice, and I certainly hope that, with the next election, with the current polling—and it seems that once again we are going to win government—she is not accused and blamed for the loss of the Liberal Party. I am very concerned that that is probably what will happen, and maybe that is why she is there, in some ways. I do not want to detract from her, though, because she is a good woman. We have always been fond of her from our side, and we are very pleased to see her get into that position.

I am waiting to see how long it takes before the media start to attack her, because this tends to be what happens with women in politics. I think we do get a lot more criticism. I think we have to be pretty tough to survive in politics, particularly because of the way media often treat women. This is a long-standing thing, and it continues.

I was really sad to see, a couple of weeks after the leader was elected, an article in the paper talking about her makeover. I thought: this is appalling. How far have we come when we are talking about her makeover and even the textured stockings that she was wearing? I thought: we have not come far when we have articles like this still appearing in the paper.

We still have a long way to go. I heard this morning on radio that the cricket board has reappointed three men. They do not have any women on the cricket board, despite the fact that women do watch cricket, are interested in cricket, and, of course, we have very strong women's cricket organisations in South Australia. But this is typical—

The Hon. P.L. White interjecting:

Ms BREUER: With my sporting background, you think I should be on it? Mm? This is typical of what happens. It is very difficult for women to get onto boards, etc., and we still have a very low participation rate, in Australia, of women on boards, and this will continue. We have to keep that fight up.

One of the problems with women is that we are not taken seriously. I was interested to hear the member for Fisher's contribution this morning. I will read that again and have a good look at it, because some people just don't get it. I remember an experience when I was on the council in

Whyalla as deputy mayor. We had a meeting one night, and there was some discussion, and I came up with an idea. I said what I thought, and people listened, and then just went on to the next person, and they said, 'Oh thanks, Lyn,' and went on to the next person. Three people later, one of the men said exactly the same as I did and came up with the same idea. It was immediately proclaimed as a great idea, 'That's what we are going to do. We will do this from now on.' I just sat back and thought, 'Am I here? Is this really happening?' But I am sure that everyone of my female colleagues could relate a similar sort of experience.

What is seen as decisive and smart and tough in men is often seen as bitchy and calculating in women; we get accused of that. Men get ahead because they are smart and they are the best person for the job, but women are often accused or asked who they actually slept with to get there, and this goes on consistently.

Members opposite say that they do not need affirmative action to get women into the position of preselection for an MP. Well, I feel for them, because you only have to look at the number of women in the party on the other side compared to the number of women who are in ours. We are almost 50 per cent, and after the next election I think we will be.

You just need to look at the number of women on our side to see that affirmative action is important. It is something that helped us get there. It gave us an opportunity and we did not have to prove that we were super women to be preselected. We were given an equal opportunity and an equal chance. I am very much in favour of affirmative action, and I seriously think that members opposite should start lobbying for similar action in the Liberal Party.

The world has changed and ageing feminists like me are very pleased with what we have achieved, but we do despair at the lack of understanding of young women particularly about what we have achieved. They do not really understand what life was like for us. In my first job, I remember that we had to sit around, look good, be cute, giggle and take notice of everything that was said to us—and make the cups of tea.

Mrs Geraghty interjecting:

Ms BREUER: Yes, and we were paid less. When I started work, I sat alongside a fellow who did exactly the same job as me but who was paid one-third more than I. It seemed incredible at the time. Women are still struggling to get recognition in our society, despite the work of my wonderful feminist colleagues from the past and the battles and the achievements. Domestic violence is still a major scourge in our society. Of course, men can be victims of domestic violence—they can be attacked, etc.—but basically domestic violence is about women. It is a problem which women still have and it is still a major problem. We do not seem to have overcome that. It is all about power struggles.

We are still battling—not so much in South Australia, but in many parts of the world and Australia—to keep the right to abortion on demand. That is not seen as a right for women. We are still paid less than men. Even though we have equal wages now, the average wage for women is much lower than it is for men. We are still having to make choices between careers or children, and I think that, these days, it is even tougher for women. Many young women opt to have children but many do not because it is too difficult. It is always the women who feel guilty about putting their children either into a child-care centre or into the care of someone else. We are the ones who deal with that struggle and who worry about the issue.

I am very proud to have raised my children as a single mother. I had minimal support from my ex-partner, but I could not have done it without my major support, namely, my mother. Mothers have played an incredible role with their daughters over the years and continue to do so. They help them. I could never have raised my children and achieved this job and my previous jobs without my mother consistently backing me and being my best support. My women friends were also very important. We always said that we do not need antidepressants: we just need a cask of white wine, a packet of Tim Tams, a sit down for a couple of hours and we feel much better. I know that I went through many hard times—

Ms Bedford: Tim Tam therapy!

Ms BREUER: Tim Tam therapy, yes; and white wine and good friends who can talk things through with you. There is a very strong women's network and we support each other very well. My daughter says to me that she is very proud and thankful that I gave her very strong role models in my women friends. I think she is a young women who will go on to achieve, but she talks about the wonderful role models that I gave her over the years and my women friends. I am sure she has

memories of sitting around the kitchen table watching us eating our Tim Tams and sobbing into our white wine but, at the end, being able to conquer the world because we were able to talk to each and, as a result, we felt so much better. I think that women's networks are really strong, but I still think we have a long way to go before we can say we have achieved equality in our society.

I congratulate Isobel. I certainly wish her well in the job and I am pleased to see it. I also acknowledge the other women before her, such as the Minister for Water Security, who have been leaders. I guess it has never involved a major party with so many members behind her, but I hope she is watching her back. It is good to see her achievement. However, I feel that, when we reach the stage of not having motions such as this congratulating a woman on becoming the first leader of a major party, we may have achieved.

Mr PISONI (Unley) (12:20): I, too, strongly support this motion. In so doing, I will pick up on some comments made by other members, particularly women members who have contributed today. It is fair to say that in society today behind every successful man is a woman who has made sacrifices. It is absolutely true that men who are successful in their career have done so at the expense of their wife's career. In the end a decision needs to be made about children, the home and general culture in the home. More often than not, women rather than men are prepared to make those sacrifices. I thank very much the women who have done that.

I endorse the point made earlier by the member for Giles. I long for the day when it is no longer newsworthy that a woman becomes the leader of a major political party or heads up a large corporate organisation, or that we have a separate award for business women of the year. The day when it does not matter what gender you are is still far ahead of us, but I long for that day. As the father of a 15 year old daughter who is preparing to enter the workforce over the coming years, it is certainly something that I would like to see in the short term—although I think it will be a long-term project.

When I conduct school tours of Parliament House, I always point to the tapestry that celebrates women's suffrage in South Australia. I make the point that that happened in 1894 but that it took another 65 years before a woman was elected to the parliament. I also show the students the bust of Sir Thomas Playford, who was our longest serving premier but a socially conservative man. I explain that when Joyce Steel was elected in 1959 and Tom Playford came across her in the corridors of Parliament House he greeted her by saying, 'Hello girlie.' I can just imagine the reaction today. It is fair to say that even Tom Playford was out of tune with community values on social issues in those days.

During the 1965 election campaign, the then member for Modbury warned him that the electorate of Modbury over the years had turned from a rural seat into a metropolitan seat as a result of a lot of English immigrants moving to the area. The then member for Modbury also warned about letting people have a drink after 6 o'clock and buying a lottery ticket. Tom Playford did not think it was an issue at the time and, consequently, lost the election by one seat—which happened to be the seat of Modbury.

An extraordinary social change was legislated in 1894 but it was not implemented until 65 years later. Even then, a lot of people were not ready for that change. I can remember my mother telling me that once she married she was expected to resign from her job to look after her husband. Once children came along a woman could never get back into the workforce; so, consequently, a lot of women had to choose between a career and a husband. It was a high price for women to pay.

Ms Breuer interjecting:

Mr PISONI: Some women would say that the choice is very easy—I understand that—but those women had to give up the joy of having a family. Yet men enjoy both: they enjoy their careers and their families, which, generally, are held together by the women in those families.

In relation to the significance of Isobel Redmond's rise to the leadership of a major political party—that is, the Liberal Party here in South Australia—if you look at Isobel's character, she is a woman who, when an opportunity comes her way, grabs it and turns it into a success. If you look at her history, there is no doubt that, when an opportunity came her way that enabled her to start at a law firm, she did so and turned it into a success. An opportunity came her way to become a member of state parliament, and she took that and made it a success.

She was a very successful shadow attorney-general who spoke very passionately about that role, and she is still very much a socially progressive and socially responsible member of the

parliament. Constituents in Unley are also very pleased to see a woman with such a progressive social agenda leading a major political party in South Australia, and I hear some interesting comments to describe Isobel Redmond when I am doorknocking. For example, just a few weeks ago, one woman told me how wonderful it was to have a politician who answered questions.

What people like about her is that she has common sense and she is no nonsense and strong and tough, and these are the consistent messages I am getting about Isobel Redmond as leader of the parliamentary Liberal Party when I am doorknocking. I am very pleased to support the member for Bragg's motion, and I am certainly enjoying the ride as a member of the parliamentary team with Isobel Redmond as leader. I congratulate her and continue to look forward to working with her.

Dr McFETRIDGE (Morphett) (12:27): I rise to support the motion that congratulates the member for Heysen on becoming the first female leader of a major political party in South Australia, and I say that with absolute fondness for Isobel. We both came into this place in 2002 and, from the day I met and spoke with her, I knew that what you saw was what you got—and that is what you get now.

Unfortunately, many women in professional and political life have comments made about their dress, their hair, the way they conduct themselves and whether they wear fingernail polish. It is ridiculous, but Isobel's very pragmatic attitude was, 'Well, if my appearance is getting in the way of the message, I will have to change my appearance.' That is the pragmatic person Isobel Redmond is: what you see is what you get.

In fact, for her birthday a few years ago I bought her a magnifying glass and a fine toothcomb because, whenever Isobel is going through documents and legislation, she knows exactly what she is talking about and does not miss the detail, and we have seen that in the hours of debate between the member for Heysen and the Attorney-General on legislation. She goes through the fine detail in a logical and methodical fashion and, in 99 per cent of cases, she wins the debate because that is the sort of person she is.

As to the comments we have heard today about the success of women in both politics and business and about whether you need Emily's List and affirmative action or you select on merit, if you ask Isobel Redmond she will tell you that it should be on merit and that no extra help should be given, other than to make sure that it is a level playing field in the first place. We have that in the Liberal Party, and in the Labor Party they have Emily's List and so on. However, for Isobel to have achieved the position she has today is in many ways due to her personality, her determination and her dogmatic approach to things, but it is also due to the fact that she is a member of the Liberal Party.

The history of Isobel Redmond having made the choice to come and live in South Australia is one that is on the record. Her history in the legal fraternity and her friends on both sides of the political divide in the legal fraternity are well known. Isobel never withdraws from a challenge; she will always talk to people. Her latest challenge was the City to Bay last Sunday, and I know she did it in one hour and 37 minutes. I think the Premier did it in one hour and 46 minutes; both very good results. My wife and I did it in one hour and 41 minutes. I am ashamed to say that my training started when I walked through the barriers on King William Road on the way up the hill. I did not do any training.

Isobel Redmond taking on a challenge is nothing new; this challenge of being Leader of the Opposition is a tough job. It is one of the toughest jobs in politics, as the Premier said the other day. One of my areas of passion is Aboriginal affairs. Isobel has worked in Aboriginal affairs. Talking to me the other day about whether there was one thing she would change in Aboriginal affairs, an Aboriginal woman said, surprisingly, 'I'd come back as a man.' That should not be the answer that she felt compelled to give. As the member for Giles said, we should not need to have these debates congratulating women; we should be doing what the Liberal Party does, and that is allowing women with merit, drive and passion to come up through the ranks to achieve the position that Isobel Redmond has.

I congratulate her on having done this. I look forward to serving under her as the first female premier of this state in March next year, because I guarantee there will be no stone left unturned; no debate challenge unanswered; every opportunity will be grasped, just as she has done to achieve what she has already today, to make sure that in March next year Isobel Redmond will be the first female premier of this state, and I look forward to being a minister in her cabinet.

Mr GOLDSWORTHY (Kavel) (12:32): I, too, speak in support of the motion brought to the house by the member for Bragg. I certainly want to join with colleagues here in the house in congratulating the member for Heysen on her elevation to the leadership of the state parliamentary Liberal Party. As the member for Morphett pointed out, we came into the parliament at the same time; we were successful at the February 2001-02 election. The members for Morphett, Bragg and Heysen and I were the lower house Liberal members elected at that election.

I had not known much about Mrs Redmond prior to the 2001-02 election campaign. I came onto the scene relatively late and was preselected for the seat of Kavel actually after the election campaign had commenced, but that is all history; we were successful and we have moved on from there. I remember that the local newspaper, the Mount Barker *Courier*, through that election campaign period comprehensively covered both the member for Heysen's campaign and my own in Kavel and that we met on the Sunday immediately after election day and had a photograph taken together as the two successful members elected to seats in the Adelaide Hills. Since that time—

The Hon. A. Koutsantonis: Was that the first time you met her?

Mr GOLDSWORTHY: No; I met her before that. Our electorates of Kavel and Heysen neighbour each other and take in specific districts of the Adelaide Hills. Since that time, I would like to think that the member for Heysen and I have established a very good friendship.

I would like to talk about the member for Heysen's previous career in the legal profession. Through hard work and commitment (and all the things that the member for Heysen is well-known and respected for) the member for Heysen has forged an outstanding career in the legal profession where she was respected and liked by her peers.

Mrs Redmond, in her previous career, dealt with a diverse range of issues concerning legal matters and legal representation. As I said, she earnt respect amongst her peers, and since entering parliament she has also earnt that respect. As the member for Morphett said, the member for Heysen has applied herself to all her parliamentary and electorate duties. I particularly want to focus on her parliamentary duties and how she has dealt with legislation.

She has been a shadow minister for quite a number of years. She was first elevated to the shadow ministry under the leadership of the Hon. Rob Kerin (former member for Frome). She set about her tasks as a shadow minister with real diligence and commitment. That has clearly been evidenced by her work in parliament in relation to the carriage of legislation in the house.

Through her work as shadow attorney-general, she stitched up the Attorney-General on many occasions, particularly during the course of the committee stage on legislation. Many times she had the Attorney-General completely bamboozled and he did not quite know how to dig his way out of the situation.

Talking more broadly, the Liberal Party has a different policy to the Labor Party. The Liberal Party elects people on merit, not on gender. It has a proud reputation and a proud history of electing people to a whole range of positions and preselecting people into parliament based on merit, not on gender. That contrasts significantly with the ALP which has a quota system determining how many women are elected to various positions and into parliament, and it is not necessarily based on merit.

The member for Heysen has been a strident campaigner about this, particularly in the course of debating legislation where there are prescriptive measures on the election of members of boards—for example, where the composition of the board is eight and at least two or three women have to be members. We have seen that time and again. The member for Heysen has argued vehemently that it should not be gender-based, that it should be on merit.

The member for Heysen herself has been a strong campaigner for the election of people to positions in public life or in the corporate world (whatever career people pursue) where the individual person is elected or appointed to that position on merit, not on gender. The Liberals have led the way. We have been trailblazers in relation to women in public life. As other members have said, Jessie Cooper was the first woman elected to the other place in 1959 along with Mrs Joyce Steele who was the first woman ever elected to the House of Assembly in that same election in 1959.

That is a clear indication that the Liberal Party has been a trailblazer in promoting women on merit. As a tribute to her contribution and in recognition of her being elected here to this place as the first woman, a portrait of Mrs Steele hangs here in the chamber. They are some quite valid

points in relation to the contrast between the Liberal Party and the Labor Party in terms of the way each party deals with gender.

I want to relate my comments back specifically to the member for Heysen (Mrs Isobel Redmond). As others have said, she is an extremely intelligent, articulate and straightforward person who has a great deal of common sense and that again contrasts significantly with the leader of the government—the Premier. Since the member for Heysen has been elected as the Leader of the Opposition and the leader of the state Liberal Party, we have seen that there is a real contrast between her and the Premier and, in six months' time when the March 2010 election rolls around, the people will have the chance to vote for a real choice, to vote for change and we will see the member for Heysen as the state Liberal leader lead the Liberal Party to electoral success.

Mr RAU (Enfield) (12:42): I have been listening to this debate with some interest for a number of reasons. The first one is, of course, that as a member of this parliament for some time, I have had the opportunity of seeing the member for Heysen perform many different tasks and roles. I and, I think, others have been impressed with her way of conducting herself. I have enjoyed the interactions that I have had with her and I certainly wish her well in her new role.

Mr Piccolo interjecting:

Mr RAU: As the member for Light observes, not necessarily as well as the member for Kavel wishes her. However, I am just a bit puzzled about the motion because a number of members of the opposition have stood up and made the point that this is all about merit—it is not about gender. It is not about gender at all; it is about merit. I am trying to follow this line in my head and see where that will take us and I am thinking about that. I have my mind exactly in the same place as the member for Kavel as best I can. I am following his reasoning, and I think I am with him.

Then I read the motion, which states, 'That this house congratulates the member for Heysen'—so far, I am still following his argument—'on becoming the first female leader of a major political party in South Australia.'

Mr Kenyon: Uh-oh!

Mr RAU: Uh-oh—exactly! They are either on about merit or they are on about gender and they are trying to have a bob each way, as people might say. They want to be able to say, 'It is all about merit, gender doesn't matter, but by the way we are here with this flashing sign about gender.'

I do not profess to speak on behalf of the member for Heysen at all, but I would like to say a few things about her election. First, like the member for Kavel, I would be very surprised if her gender had anything to do with her election. Secondly, I would be very surprised if she would not have been unhappy if it did. Therefore, I wonder again what the consistency is between some of the arguments or endorsements that have been put and the actual motion that is before us.

As I said before, the member for Heysen and I came into this place at the same election in 2002. I think everyone here except perhaps the member for Light would know—and it is not a matter that he should be worried about not knowing—that since approximately March 2002, I have been looking after this column and we have become quite good friends. We have shared many moments. We have had different people come and go as our guests in the adjoining seats, but the two of us have remained here together—rock-solid. It is a partnership which I think shows all the hallmarks of being a lasting one.

I cannot remember where the member for Heysen started, but I am pretty sure it was not next to one of the columns. Her meteoric rise through the ranks of those who sit opposite is, I think, both testimony to her and to those by whom she is surrounded. I do not think I need to explain that any more other than to say that, obviously, the skills that she brings to this place are well recognised by her peers. As I have said, it is a very invidious comparison for me, as a member of the class of 2002, here with my column. I think even the member for Kavel started off by a column, if I am not completely mistaken.

Mr Goldsworthy interjecting:

Mr RAU: That's right. The member for Kavel, like me, was a column-hugger some years ago, I think occupying the spot that the member for Flinders now occupies, but he has moved on, too. He has kicked goals; he is now a frontbencher and I think the whip—today, at least. That is the other joyful thing about the elevation of the member for Heysen: it is like going to one of these

children's birthday parties where, even though the chair has come away, there is always a prize because, every time the music stops, everyone gets a crack at the lucky dip and everyone has a spot, and that is great.

Ms Bedford: It's merit.

Mr RAU: It's merit again; everybody has a go. The one thing I would say to those members who have spoken so positively about the next election and what might happen on 21 March 2010 is that, as I understand it, once we get to 21 March 2010, if your aspirations prove to be correct, there will be a different situation, because when the music stops there will not be enough parcels. There will be a terrible moment of reckoning, and some people will be out of the game, at least the main game.

In the event that you folks are successful in 2010—as I have said, obviously, I do not wish that to be the outcome—I am looking forward to seeing that jostling for positions when the music stops. But I do have a few tips. I think the member for Kavel is going to be okay, because I think he has demonstrated that he has what is required to do what is required. I know that I am speculating. Crystal ball gazing is always difficult, but I think the member for Schubert is probably going to move on to bigger and better things and hand the baton on to the member for Kavel.

Ms CHAPMAN: On a point of order, Madam Acting Speaker, whilst I welcome a contribution from the member to this important motion, to say that he is straying from the subject matter I think is an understatement. I do not think the member for Schubert is a woman. This is a very important motion. I think other members, on both sides of the house, have treated it with the seriousness that it deserves, and I would ask that the member be brought to heel.

The DEPUTY SPEAKER: Order! Points of order are not debate either. I do not uphold the point of order. The member is talking about the team led by the member for Heysen, the Leader of the Opposition, and I ask him to be cognisant of the points made by the member for Bragg.

Mr RAU: Thank you, Madam Deputy Speaker. I just wanted to get to the passing of the baton, because I think it is important—

Ms Chapman interjecting:

Mr RAU: To the member for Kavel.

Ms Chapman interjecting:

Mr RAU: Yes, but he is going to pass his baton to the member for Kavel in the new team, which would be, putatively, after the next election, headed by the member for Heysen. I got a bit distracted there, Madam Deputy Speaker, by members of the opposition.

To come back to the point, obviously all of us on this side of the house have no difficulty whatsoever with the resolution. We wish her well, inasmuch as you can wish an opposition leader well—but not wanting her to win an election, or win any seats from you—and we look forward to seeing how the team runs up to the next election. In the event that the predictions of the member for Kavel are correct and they do win the election, we very much look forward to the musical chairs, which will occur on 21 or 22 March.

Mr PEDERICK (Hammond) (12:52): I, too, rise to congratulate the member for Heysen on her meteoric rise to become the first female leader of a major political party in South Australia. Even though I have been her political colleague only since 2006, I have admired the way she works, and note that she came to this august place in 2002. It is refreshing to see her attain the position of leader, and it is refreshing to see that it has been achieved on merit. Even her selection to this place was achieved on merit, and that is to be commended.

People of either gender, male or female, should have equal rights and equal opportunity to get to where they strive to be, whether it be in public life or their private life. Certainly, in the debates I have witnessed that have been led by the member for Heysen, involving legal bills and taking on the Attorney-General, she has impressed me with her candour and the way in which she manages those debates. It is great to see her rise to the leadership. She has hit the ground running, and I believe that she will make an excellent premier in 2010: indeed, 21 March 2010 will be a great day for all of us—

The Hon. A. Koutsantonis interjecting:

Mr PEDERICK: —that's fine—when we come back to this place in power. With those few words, I salute the member for Heysen. I think she is doing a magnificent job.

Ms CHAPMAN (Bragg) (12:54): In concluding the debate, I sincerely thank those members who have made a contribution for their indications of support for the motion—support which is across the floor and across genders. That is welcomed and appreciated, and I look forward to the motion passing without dissent.

Motion carried.

COMMUNITY CENTRES AND HOUSES

The Hon. R.B. SUCH (Fisher) (12:55): I move:

That this house commends community centres and houses for the good work they do in the community and urges the state and federal governments to increase funding to these centres.

I am sure other members have positive things to say about the community centres in their electorates. In the City of Onkaparinga (in which my electorate is totally contained), there are approximately 11 community centres, and I commend the City of Onkaparinga for funding and supporting them, because they are fantastic. For the information of members, I advise that there are approximately 73 community houses and centres in metropolitan Adelaide—

Mrs Geraghty: Name them.

The Hon. R.B. SUCH: —I will see the whip afterwards—23 houses and centres in regional South Australia; over two million participant contacts per annum; over 15,000 volunteer hours per week, valued at over $15 million per year; and 660 (approximate) volunteer committees of management and advisory group members who put in 33,000 hours of community governance per annum. The great thing about these community centres and community houses is that they are open to everyone and they deliver a whole range of services based on community needs: adult community education; skills.net internet access; refugee support; neighbourhood renewal; health promotion; school holiday programs; housing week projects; social enterprise; environmental programs; problem gambling; children's programs; HACC programs; Be Active; tax help; community safety; and community gardening.

They support people of all ages, basically from birth through to 100 plus. I do not personally know of anyone over 100 attending my local centres, but I am sure there are some at one or other of these centres. They support parents, families, unemployed, employed, people with a different range of abilities, people from diverse ethnic and social cultural backgrounds, and people who are new to the area or those who have lived there a long time. They also partner with other organisations. One of the reasons for moving this motion is to focus in a positive way on the contribution of these centres and houses.

Recently, my local centre asked the people who attend to fill out a card saying why they enjoy the Aberfoyle Park Community Centre. I will not read all of them out because we had approximately 200 contributions, but some of the people said:

I can meet friendly people in a relaxed area to help me with learning English. I travel far to come here because there is a crèche for my child. I also get one-on-one tutoring.

My community centre provides an opportunity for me as a volunteer to engage in tutoring and other community services now that I am unable, physically, to volunteer for activities like firefighting and emergency services that I used to do.

Tutoring people in English literacy has given me greater self-esteem because I feel I am putting something back into the community. I have met so many lovely people and seen attitudes to other races change in many people. The centre promotes multiculturalism.

I need my community centre because I'd like to improve my internet, reading and communication skills. I travel from Mt Barker to this centre because my local one doesn't meet my needs.

It provides an outreach to the community in many ways. It gives me an opportunity to teach English to people of many different cultures and helps me to learn about them too. It is an exciting and joyful experience.

I want to make friends and learn about Australian culture.

I had a serious work injury...suffering multiple broken bones as well as suffering PTSD and depression. Coming to the art class has been the best form of therapy for me. My art teacher, students and staff have been an integral part of my re-adaption to society and focus on the next direction in my life. I hope it continues.

And so they go on with all these positive responses from the people who use the Aberfoyle Park Community Centre, and I am sure the message is the same at the other centres. I would urge the state and federal governments to support these centres financially to an even far greater extent than they do now. I commend the motion to the house.

Debate adjourned on motion of Mrs Geraghty.

DEVELOPMENT (REGULATED TREES) AMENDMENT BILL

Received from the Legislative Council and read a first time.

VICTIMS OF ABUSE IN STATE CARE (COMPENSATION) BILL

Received from the Legislative Council and read a first time.

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

COUNTRY HEALTH SA

Ms CHAPMAN (Bragg): Presented a petition signed by 176 residents of South Australia requesting the house to urge the government to reassess the budget provided to Country Health SA.

SERIOUS AND ORGANISED CRIME (CONTROL) ACT

Mr HANNA (Mitchell): Presented a petition signed by 138 residents of South Australia requesting the house to urge the government to repeal the Serious and Organised Crime (Control) Act 2008.

ROYAL ADELAIDE HOSPITAL

Ms CHAPMAN (Bragg): Presented a petition signed by 92 residents of South Australia requesting the house to urge the government to support rebuilding the Royal Adelaide Hospital at its current location and to abandon all plans for a rail yards hospital.

GLENSIDE HOSPITAL REDEVELOPMENT

Ms CHAPMAN (Bragg): Presented a petition signed by 67 residents of South Australia requesting the house to urge the government to retain the areas known as precincts 3, 4 and 5 of Glenside Hospital to ensure they continue to enable the delivery of mental health services together with open space and recreational areas.

HOUSING TRUST WATER METERS

Ms CHAPMAN (Bragg): Presented a petition signed by 21 residents of South Australia requesting the house to urge the government to ensure all Housing Trust households are provided with their own individual water meters in order that they might monitor and control their own water use and pay SA Water for the accurate and appropriate usage.

PAPERS

The following papers were laid on the table:

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

Death in Custody of Mr Daniel O'Keefe & Mr John Wanganeen—Response to the Coronial Report of actions taken following the Coronial Inquiry—dated August 2009

Response to the Social Development Committee's Report Inquiry into Bogus, Unregistered and Deregistered Health Practitioners

NATURAL RESOURCES COMMITTEE

Mr RAU (Enfield) (14:03): I bring up the 35th report of the committee, entitled Water Resource Management in the Murray-Darling Basin Volume 2—The Two Rivers.

Report received and ordered to be published.

Mr RAU: I bring up the 34th of the report of the committee, entitled Kangaroo Island Natural Resources Management Board Levy Proposal 2009-10.

Report received and ordered to be published.

VISITORS

The SPEAKER: I draw to honourable members' attention the presence in the chamber today of students from Heathfield High School, who are guests of the Leader of the Opposition.

QUESTION TIME

GRANT APPROVALS

The Hon. I.F. EVANS (Davenport) (14:05): My question is to the Minister for Recreation, Sport and Racing. Has the minister received advice from his department that crown law recommended that, to avoid conflicts of interest, he should get another minister to approve grants to sports clubs that he or a member of his family are involved in, as members, ambassadors or patrons, or that are in his electorate?

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (14:05): I need to check to see whether I have had crown law advice, but my practice, from the best of my memory, is that when I have grants to sign off on I get another minister to do it for grants that are in my electorate. That is something I have done consistently since I became minister. I know that the Minister for Infrastructure and minister Holloway in another place have done that consistently for me.

WATER SECURITY

The Hon. S.W. KEY (Ashford) (14:06): My question is to the Premier, and this question really affects the electorate of Ashford. Will the Premier advise the house about the current reservoir capacity and the impact of the recent storm event across South Australia?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:06): I thank the honourable member for this question—

The Hon. M.J. Atkinson: Jack Slater lives.

The Hon. M.D. RANN: Yes, Jack Slater was one of the great water ministers in the history of this state. There can be no more important issue for all South Australians than our water security. Our system of reservoirs around Adelaide is a key component of our water security, and the reservoir levels are obviously a matter of keen interest. Of course, commencing in December 2010, just over 12 months away, we will have the additional water security provided by the Adelaide desalination plant which, when operating to full capacity, will provide 100 gigalitres per annum—that is, about 50 per cent of Adelaide's water needs.

The news about our reservoir capacity is very good indeed. Current capacity across the system is 84.5 per cent, compared with capacity at the same time last year at 71.6 per cent. Significantly, I am advised that only about 2 per cent of water currently held in our reservoirs was pumped from the River Murray, and therein lies the difference. At this time last year, about 49 per cent of water held in our reservoirs (that is, about half the water) was pumped from the River Murray—this year, 2 per cent.

This is great news and it is attributable to the improved winter rains this year. Some of the figures for our dams are very encouraging indeed. For example, five of our dams—that is, Mount Bold, Happy Valley, Hope Valley, Warren and the Barossa—are over 90 per cent capacity, with two of these reservoirs currently at 100 per cent capacity.

In terms of the recent storm event, hot north winds, with temperatures in the mid 30 degrees Centigrade earlier in the month, hastened crop ripening, especially in the north and west. Since the hot winds, the cereal zone now has had mostly above average rainfall, with another strong system in the forecast for this weekend.

Severe storms this week in many districts brought large hail and strong winds to some districts. The most severe hail report occurred in a strip about 30 kilometres wide, starting at Elliston, traversing Eyre Peninsula through Lock and crossing the East Coast between Arno Bay and Cowell, touching on the west side of Yorke Peninsula at Moonta. The area inland from Elliston to about 20 kilometres west of Lock is pastoral zone with very little cropping.

Typical of hail damage, the damage is patchy, and much of the crop in the affected strip will more than make up for the hail damage due to the rains that came with it. In this hail affected strip on Eyre Peninsula, a few crops will not recover—plants completely shredded—but many crops with hail damage to grain (some knocked from head or bruised), leaf stripped and stem bruising, amount to variable losses, from less than 5 per cent to 75 per cent, allowing for some recovery due to the new moisture in the soil.

Most farmers in the affected area are believed by the SA Farmers Federation to be insured against crop hail damage, but there is a risk that some who were tight for cash after the three previous poor seasons may have opted to accept the risk and not insure to save costs, and some may have underestimated the crop yield and underinsured.

Just to go on with that, crop is near ripe in the early districts in the west, upper north and Murray-Mallee, and the rains would have limited benefit but elsewhere is ideal for crop potential yields. Harvest is expected to begin at the normal time of early to mid-October in the earliest district. As a result of the good spring rains to date for September, current thinking is that the estimate of total crop production will be increased by around 10 per cent to over 7 million tonnes, and that is certainly something we hope for. The good rains are also a boost for livestock producers, enhancing the prospects for significant spring pasture growth.

GRANT APPROVALS

The Hon. I.F. EVANS (Davenport) (14:11): My question is again to the Minister for Recreation, Sport and Racing. Why did the minister not answer the question asked on notice on 30 October 2007 that read, in part:

When considering grant applications or requests for money from corporations, groups, clubs or individuals from within the minister's electorate or groups, clubs or corporations that the minister or minister's family members are members, ambassadors or patrons of, does the minister approve their grant applications or requests for money or does the minister request another minister to approve these?

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (14:12): I thought that, in part, if not largely, I have already answered that. Certainly, with regard to Active Club I have another minister who considers the recommendations that are made to me about Active Club.

An honourable member interjecting:

The Hon. M.J. WRIGHT: I will come to it if you shut up and listen. I have consistently, as I said earlier, taken any recommendation that is made to me for the electorate of Lee to another minister for that minister to look at the advice that is provided by the Office for Recreation and Sport.

As the honourable member should be aware, being a former minister in this portfolio area, the Office for Recreation and Sport has a number of grants. Active Club is the one which we know most about in here, because it is money that is going to clubs in our electorate. There is also the Community Recreation and Sport Facilities Fund; that one goes out to a whole range of organisations in metropolitan and country areas. We also have the STEP funding that largely goes to peak bodies, and we also have IRIS.

For each of those programs there is a very transparent process that is already in place by the Office for Recreation and Sport. It has committees in place. As I recall, there might be some crossover, some people might be on the same committee, but they have different committees for those different grant fundings. Having said that, because of importance and sensitivity (and I would expected the former minister may have done the same himself), whenever recommendations have come to me with regard to Active Club I have ensured that another minister consider those recommendations and sign off on those grants that have been recommended by a committee from the Office for Recreation and Sport for Active Club grants.

MOTOR VEHICLE THEFT

Mr PICCOLO (Light) (14:14): Will the Minister for Police update the house on the latest motor vehicle theft statistics recently released by the National Motor Vehicle Theft Reduction Council?

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (14:14): I am very happy to advise the house that South Australia has recorded its lowest level of motor vehicle theft in more than 30 years, according to the latest National Motor Vehicle Theft Reduction Council statistics. The figures show that there were 5,341 motor vehicle thefts in South Australia in 2008-09. We have not seen so few motor vehicle thefts in South Australia since 1976-77, when 4,496 vehicles were stolen. Taking into account the increase in South Australia's population and the number of registered cars during the same period, those figures are outstanding and police should be recognised for their contribution to this reduction.

Compared to the last financial year, there were 981 fewer vehicles stolen in South Australia, a decrease of 15.5 per cent, the largest percentage reduction in thefts of any state or territory in the last financial year. South Australia also surpassed the national average for the number of vehicles recovered, at 77.8 per cent, compared with the national average of 69.9 per cent.

Under this government, motor vehicle theft has fallen by a massive 54 per cent, after rising under the previous Liberal government. Figures show that there are 6,293 fewer vehicles stolen in South Australia compared to 2001-02. That equates to 121 fewer vehicles stolen per week.

While immobilisers have played a role in reducing motor vehicle theft in South Australia, cars with immobilisers can be and are still being stolen. That is why it is important to have other strategies in place. Initiatives, such as the Stop Car Theft Program, targeted patrols, the targeting of repeat offenders, covert operations, monitoring bail conditions and awareness campaigns are also vital to deliver substantial long-term reductions in motor vehicle theft. New technology, such as mobile automatic numberplate recognition (which was launched yesterday) will also play an important role in catching criminals and recovering stolen vehicles.

While there is still a lot of work to be done on motor vehicle theft in South Australia, congratulations should go to the South Australian police for their hard work and impressive results. The Rann government's commitment to our police is in stark contrast to the failures of the previous Liberal government, where we saw police numbers fall to appalling lows and crime rates rise to record levels.

Mr WILLIAMS: Point of order: the minister is debating, Mr Speaker.

The SPEAKER: Yes, the minister is debating. The member for Davenport.

GRANT APPROVALS

The Hon. I.F. EVANS (Davenport) (14:17): My question is to the Premier. Why did the Premier and every other minister not answer the questions asked on notice on 4 March 2008 and 30 October 2007 about how the Premier and other ministers approved grant applications for organisations in their electorate, or organisations they or their family members are members, ambassadors or patrons of?

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) (14:17): I am happy to investigate that. I know the former minister has a very strong relationship with Apex. I think that is well known to everybody; I think people are aware of that. But I am happy to investigate the matter.

EVERY CHANCE FOR EVERY CHILD INITIATIVE

Ms PORTOLESI (Hartley) (14:18): My question is to the Minister for Health. How are South Australian newborn infants and their families benefiting from home visiting services offered through the Every Chance for Every Child initiative?

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (14:18): In the past financial year, over 18,000 families with a new baby took up the government's offer to meet with a child and family health nurse through the universal contact visit scheme. This was a take-up rate of just under 94 per cent of those eligible, which I understand is in line with international standards. While the take-up rate is extremely high we are currently undertaking work to understand who the six or so per cent who do not take up the offer are, and how we can better reach them as well.

This year $12.1 million will be spent on the program, $1.6 million more than in the previous year. This money will, in part, be targeted at reaching families on the APY lands. The visits, by one of the 80 full-time equivalent nurses employed in the program, are offered to all parents, whether it is a firstborn, a second, third or subsequent child in the family. I am sure that many of my colleagues (including the member for Hartley, the Minister for Environment and Conservation, the Minister for Infrastructure and others) have personally benefited from these visits in the past—I think that is good. I am not too sure whether we had crown law advice as to whether the nurse could visit them on every occasion, but I know they did their jobs well.

The member for Hartley will be particularly interested to know that, in the past financial year, 67 families received a visit in Paradise; 85 in Campbelltown; 41 in Tranmere; and 77 in Magill. Whilst the arrival of a new family member is one of life's happiest moments, it can also be

pretty challenging. Every parent requires some level of support in this difficult time, and any parent, regardless of who they are, can struggle to cope and can become ill with postnatal depression. Every mother is offered a universal home visit during the first few weeks of a newborn baby's life. During the visit, a specially trained nurse will check the baby's health and offer advice on breastfeeding, settling techniques and any other concerns that mums might have.

If the nurse conducting a universal home visit believes that the family would benefit from additional support, they can refer the family to the family home visiting program which complements the universal contact visit. That program may be offered to young parents, those who are clearly struggling to cope with the challenges and difficulties of a newborn or those who are socially isolated.

Families in the program receive up to 34 visits from a child and family health nurse over the first two years of a child's life. That is an enormous investment by the system—34 visits over two years. Parents are helped by a team that could include specially trained nurses, social workers, psychologists, bilingual counsellors, family support coordinators and Aboriginal health staff.

A total of 4,264 families have accepted family home visiting since its inception, including 950 new families who commenced in the 2008-09 year. Over 1,200 families have finished the two year program including 390 families this year. Both the universal home visiting service and the family home visiting service are world-leading and have attracted considerable attention from around the world. I take this opportunity to congratulate the member for Little Para on introducing the program when she was the responsible minister. It is really an outstanding program.

The Hon. M.D. Rann: World-class.

The Hon. J.D. HILL: A world-class program, as the Premier says. Increasingly, research is showing that the right kind of support in the first few years of life can significantly improve short and long-term outcomes for children. We know that these visits by nurses and other professionals will encourage better parenting skills and increase safety for children. In the longer term, we are hopeful that the visits will contribute to better school retention and employment, less youth offending and enhanced social and emotional health. Early investment produces long-term benefits.

The Every Chance for Every Child initiative was introduced in 2003 because we believe in the right of every child to be provided with the best possible start in life so that they can reach their full potential. I take this opportunity to thank the dedicated and hardworking health professionals who make the program possible. The work that they are doing is having a profound effect on the wellbeing of South Australian parents today and on the lives of our children into the future.

GRANT APPROVALS

The Hon. I.F. EVANS (Davenport) (14:22): My question is to the Premier. Why did the Premier not declare a conflict of interest before approving a $50,000 sponsorship package with the Port Power football club, a club for which the Premier was the ambassador and a Team Power member at the time of the approval?

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) (14:23): There has been sponsorship of various Aboriginal programs for many years through the Port Adelaide Football Club and indeed other sporting organisations, so I find this quite extraordinary—absolutely extraordinary.

PRAWN INDUSTRY

The Hon. L. STEVENS (Little Para) (14:23): My question is to the Minister for Agriculture, Food and Fisheries. Have there been improvements in the state of the South Australian prawn industry over the past few years?

The Hon. P. CAICA (Colton—Minister for Agriculture, Food and Fisheries, Minister for Industrial Relations, Minister for Forests, Minister for Regional Development) (14:24): I thank the member for Little Para for her question and acknowledge her not just keen interest in but love of South Australian seafood—in particular, eating it. I am pleased to report that continual improvements in the management of the state's prawn industry have seen the sector win international praise for its management practices.

The Spencer Gulf Prawn Fishery was recently recognised as being one of the best-managed fisheries in the world, according to the Food and Agriculture Organisation of the United

Nations based in Rome. In its report entitled 'A global study of shrimp fisheries', the organisation praised the Spencer Gulf prawn fishery as a global model of fair, flexible and accountable management. This accolade comes not by accident. The Spencer Gulf Prawn Fishery demonstrates the excellent outcomes that can be achieved when industry and government work closely together.

Continual growth in the South Australian prawn industry has seen the fishery reach its strongest position in recent years, and I am very pleased to also report that, over the past five years, we have seen continuing growth in catch rates and prawn sizes across three local prawn fisheries, namely, Spencer Gulf, Gulf St Vincent and the West Coast fisheries.

Recent data collected by SARDI Aquatic Sciences has revealed a 41 per cent increase in total catch in the Gulf St Vincent prawn fishery between 2003-04 and 2007-08. The 84 tonne catch in the West Coast prawn fishery during 2008 was the highest since 2001, and a significant increase on the 11.7 tonnes in 2007.

The total catch for the Spencer Gulf prawn fishery during 2007-08 was more than 100 tonnes higher than the long-term average for the fishery. Catch rates have increased despite constant controls being placed on the amount of effort that occurs in the fishery. The number of fishing nights and the amount of fishing gear being used by the industry has been tightly controlled at constant or decreasing levels to ensure the sustainability of that fishery. This is a very important point to note. These improvements in catches are a reflection of increased prawn stock abundance and not simply an increase in fishing effort, which is very positive for the future sustainability of these fisheries.

These are tremendously pleasing results. They show that world's best practice in fisheries management can be achieved by strong collaboration between government and industry, a collaboration that also ensures that we maintain a vigilant approach to stock sustainability. It is quite clear to me that the South Australian prawn industry internationally is no shrimp.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Mrs REDMOND (Heysen—Leader of the Opposition) (14:26): Does the Premier stand by his previous statement that there is no corruption in South Australia that requires an independent commission against corruption?

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) (14:27): I answered that question previously.

SCIENCE AND TECHNOLOGY INNOVATION 10 INITIATIVE

Ms FOX (Bright) (14:27): Can the Minister for Science and Information Economy advise on the progress of the Science and Technology Innovation 10 Initiative?

The Hon. M.F. O'BRIEN (Napier—Minister for Employment, Training and Further Education, Minister for Road Safety, Minister for Science and Information Economy) (14:27): As most members of the house are aware, the STI[10]—a ten-year vision for science, technology and innovation in South Australia—was launched by the Premier in 2004 as the key driver of the government's ten-year vision for research and innovation.

The strategy plays a vital role in helping meet South Australia's Strategic Plan targets. Our responsibility in government was to put in place a solid foundation for science and technology that would build and renew our state's school base, encourage new ideas and inspire specific solutions to issues affecting our state's future, such as climate change and waste management.

We are now midway through the STI[10] decade and, because this is a living document against which activities and projects are pursued, the Department of Further Education, Employment, Science and Technology has prepared an analysis of achievements to date. These have been detailed in the STI[10] progress report which can be accessed on the web. The achievements are truly impressive.

The state government has invested an impressive $206.85 million in over 50 projects in the past five years and has been directly responsible for leveraging a further $1.168 billion in investment from the commonwealth, industry and the university sector. That is a staggering $1.375 billion overall, a figure that I stress has been independently assessed by Deloitte's.

The projects and achievements are extensive and include the Royal Institution of Australia which, as the Premier has already informed the house, will be opened on Thursday 8 October. The Royal Institution of Australia will be located in the refurbished former Adelaide Stock Exchange building and will be—and I stress this—the national centre for the promotion of science awareness. It will share resources with the Royal Institution of Great Britain and is the only presence of the Royal Institution outside Britain. Other projects include: the Wine Innovation Cluster, the Mawson Research Institute, the Australian Centre for Plant Genomics, the BioSA Incubator—

Members interjecting:

The Hon. M.F. O'BRIEN: I have to say—

Mr Pengilly: Riveting answer.

The Hon. M.F. O'BRIEN: Yes; and you can understand when you go into universities why they get so frustrated, having to operate in this particular environment. In excess of $1.1 billion that we have brought into the research sector as a result of our activities over a five year period, and all you get is a babble.

The South Australian government, by supporting, investing in and promoting these groundbreaking projects, is enabling our science and research professionals in industry, our universities and in government to apply research outcomes to practical solutions and entrepreneurial opportunities.

We are midway through $1.1 billion, levered off around $300 million of state government money, another five years to go. I would like to be able to get up here in another five years and say that we have hit $2.2 billion in contribution to research in this state, and no help from the opposition.

MAGILL TRAINING CENTRE

Mrs REDMOND (Heysen—Leader of the Opposition) (14:31): My question is for the Minister for Families and Communities, so I don't know who will be answering it. How much of the $4 million announced yesterday will be spent on the Magill Training Centre, and what is that going to buy?

The Hon. P. CAICA (Colton—Minister for Agriculture, Food and Fisheries, Minister for Industrial Relations, Minister for Forests, Minister for Regional Development) (14:31): On behalf of my colleague the minister, I will take that question on notice.

Members interjecting:

The SPEAKER: Order! The member for Newland.

BUSHFIRE PREVENTION

Mr KENYON (Newland) (14:32): My question is to the Minister for Environment and Conservation. What work is the government doing to reduce fuel loads on public land to help protect against bushfires?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Environment and Conservation, Minister for Early Childhood Development, Minister for Aboriginal Affairs and Reconciliation, Minister Assisting the Premier in Cabinet Business and Public Sector Management) (14:32): I thank the honourable member for Newland for his question. I know that he takes an active interest in this issue, given the proximity of national parks to his electorate.

The government takes its responsibilities to help protect South Australians who live in bushfire prone areas very seriously. Even before the most recent tragedies in the Victorian bushfires, which, sadly, have reminded us about how terrible the consequences can be for communities of a fire event, our government has taken significant steps to reduce fuel load in fire prone areas since 2002, and has committed time and resources to ensure that the prescribed burning program grows in both size and effectiveness.

Members interjecting:

The Hon. J.W. WEATHERILL: I hear the interjection from those opposite, 'Not enough', and I will address that a little later. In 2003 this government committed $10 million over four years to the Department for Environment and Heritage to develop and increase its fire management capabilities. We have steadily increased the numbers and area of prescribed burning over those years. Then again, earlier this year, we announced that an extra $4.5 million would be dedicated to

the DEH to enable them to increase fire suppression activity, including the prescribed burns that they undertake.

The first prescribed burns for 2009-10 recently took place in the Murraylands and in the Mount Lofty Ranges. The government plans to conduct up to 98 prescribed burns, covering more than 16,500 hectares this spring and autumn, and almost half this area will be in the Adelaide Mount Lofty Ranges, where we aim to conduct 28 prescribed burns, covering more than 800 hectares.

As the events of this week show, we are to some extent at the mercy of the weather. Of course, we cannot burn when it is raining or when vegetation is too wet or when there is a risky day in terms of hot, dry weather; so, we have to make the most of limited opportunities that we have. That is why we have recently established a collaborative approach, announced by the Premier two weeks ago, between the Country Fire Service, SA Water, the Department for Environment and Heritage and Forestry SA to work together on bushfire suppression activities.

The joint agency agreement enables the government to take full advantage of the times that we can undertake prescribed burns by enabling us to do multiple burns, night burns, weekend burns and burns in larger areas. But there is no magic bullet. We cannot predict burns occurring or taking hold, no matter how much public land burning we engage in. Individual property owners need to prepare.

I am also sorry to say—and this goes directly to the interjection earlier—that this interest in prescribed burning was not shared by those opposite when they last had the opportunity to do something about it. Between 1999—

Members interjecting:

The Hon. J.W. WEATHERILL: It actually happens to be true and, if you would like the figures, I have them here for you. Between 1999 and 2002, when I think the member for Davenport was the minister for environment and heritage, prescribed burning was minimal and, in fact, there was no specific budget for on-ground work associated with fire protection. I am advised that, between 1999 and 2002, prescribed burning was only conducted in two areas—Marble Hill and Cobbler Creek—in the Mount Lofty Ranges. In complete contrast, this government has continued to build its fire management capabilities since being elected through increased funds, agency collaboration and legislative change.

Members interjecting:

The Hon. J.W. WEATHERILL: That's right. Absolute nonsense, they cry, but faced with the material about this, they simply wither. I will take members through the figures. The total fire management budget allocated to the DEH fire management program in 1999-2000, 2000-01, 2001-02 was $0.278 million, $0.474 million and $0.738 million respectively. This was their total contribution. Of course, the majority of this funding was for salaries and wages for dedicated fire staff. A small amount was allocated to regions for on-ground works associated with pre-season prevention activities, and this work included: slashing of firebreaks, access tracks, purchase of firefighting equipment and training. Just to repeat: between 1999 and 2002, prescribed burning was minimal.

Even though they bleat about it, they did nothing about it when they had the opportunity. No specific budget for this work. I am advised that, in relation to the two prescribed burns that were undertaken, the estimated costs associated with this burning would have been $9,000 and $10,000 annually. This is the level of commitment of those opposite who are always bleating about fire. I get more letters from those opposite about fire and what we may or may not be doing about it than I do anything else, yet when they last had the opportunity to demonstrate a commitment to this issue, they failed the test.

The other thing they are fond of bleating about is native vegetation and the barriers that that causes to people doing the right thing. Of course, the truth is that most of the vegetation that is lying around is not native at all and there are no restrictions on clearing that, yet people continue to refuse to take responsibility. We have now taken that excuse out of the equation. We have changed the regulations—20 metres around any building is capable of being cleared. That is the commitment that has been given. It is a very simple rule. It is now over to the landowners to take that responsibility. We will continue to work with them to ensure that their homes are safe, but it is a matter of individual responsibility.

MAGILL TRAINING CENTRE

Mrs REDMOND (Heysen—Leader of the Opposition) (14:39): To save the government from further embarrassment, I will not direct my question to the Minister for Families and Communities but I will direct it instead to the Premier.

The Hon. M.J. Atkinson: You knew she wasn't going to be here; you are just making it up.

Mrs REDMOND: I assumed that the Minister for Families and Communities—

Members interjecting:

The SPEAKER: Order!

Mrs REDMOND: My question is to the Premier. Why has it taken 7½ years to find $9 million to upgrade the youth training centres when the government has spent between $200 million and $300 million on government advertising; and does this show that your government has the wrong priorities?

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) (14:40): I cannot remember the Leader of the Opposition asking questions about the Magill Training Centre.

Mrs Redmond interjecting:

The Hon. M.D. RANN: I know about your interest in juvenile justice because I remember you going to the rave party with Sandra Kanck, and I remember what you said about ecstasy when you came out of the rave party.

Mr GRIFFITHS: I have a point of order, sir. This has no relevance to the question asked by the leader.

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! Settle petals! As I have said before to the house, if I indulge the member asking the question in terms of debate, I will provide a similar indulgence to the minister in answering it. That is what I am doing. The Premier.

The Hon. M.D. RANN: Just remember this: somehow a Liberal government, we are told, would not spend money on government advertising—which means there would be not be government advertising warning people to slow down and not drink and drive. There would not be government advertising warning people to be careful about bushfires and bushfire prevention. There would be not be government advertising about the Lotteries Commission. Mind you, that is probably because the opposition intended to privatise the Lotteries Commission.

But I do remember the previous Liberal government spending—if I am accurate—around $100 million on a handful of consultants to sell ETSA even though they went to the previous election saying, 'No, never, full stop.' That is the quote; we remember that very clearly.

If you are telling me that you will not run job advertisements, maybe that is because you do not have a priority about jobs. There are two AAMI stadiums more jobs in this state than there were under the Liberals. So the opposition would scrap the tender ads, it would scrap the ads for job advertisements and it would scrap the ads for health care. All those things will be gone but, suddenly, they have discovered the Magill Training Centre.

I heard someone this morning offensively comparing it to a concentration camp in World War II—which is absolutely the most deeply offensive thing. Clearly, that person has never read a history book or visited Auschwitz, like I did last December. It is absolutely offensive.

We know that you are really angry. The anger yesterday when we announced that we were funding the demolition of Magill and the building of a new youth training centre, we could feel an absolute gale storm of anger. What we were hearing across the table—I was not sure whether it was some kind of historical analogy going back to Roman times—was, 'What a gall!' Anyway, it is the first time I have been accused of being both French and Celtic on the same day.

What we heard was anger because you do not like it if we do what you have been calling for. The fact is that we announced we would demolish Magill. It was part of a $600 million new prison facility. You would have gone ahead with it, even if it completely ruined the AAA credit rating and damaged the state's finances—because you are not responsible.

I could not believe it yesterday, the Leader of the Opposition—in a historic moment—stood up and asked me about our polling. Talk about absolutely bizarre. She stood up and asked what our polling showed. I told you what our polling showed. Our polling shows that you are not fit to govern. That is what the polling says. It describes you as a divided rabble.

Mr WILLIAMS: On a point of order—

Members interjecting:

The SPEAKER: Order! The Premier will take his seat.

Mr WILLIAMS: —I do not think that the Premier should be saying that you are unfit to govern, Mr Speaker. I think you are very fit.

The SPEAKER: I'll live with it. The member for Reynell.

POLICING FOR A MULTICULTURAL SOCIETY AWARD

Ms THOMPSON (Reynell) (14:45): My question is to the Minister for Multicultural Affairs. Will the minister inform the house about the new Policing for a Multicultural Society awards?

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (14:45): On 19 August, the Lieutenant-Governor of South Australia and Chairman of the South Australian Multicultural and Ethnic Affairs Commission, Mr Hieu Van Le, presented the first Policing for a Multicultural Society Award. The recipient was 40 year old Probationary Constable Jason Marchioro, who had been posted to the Holden Hill local service area. PC Marchioro, who was a footings contractor before joining SA Police, is a second generation Italian; however, the award is open to cadets from any background.

The award recognises a graduating police cadet who shows the highest level of appreciation and understanding of migrants, refugees and cultural diversity as they relate to policing throughout his or her nine month training at the Police Academy. As there are eight or nine graduations each year, this means that eight or nine awards will be presented each year.

During each graduating recruit course, police cadets participate in a study of multiculturalism—something the Leader of the Opposition could well do with. As well as classroom lectures, there is a written assignment—

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: —and an activity where cadets interact in a community event with people from a non English-speaking background. I notice that the Leader of the Opposition was interjecting. I suppose that this is more than the Leader of the Opposition has managed to achieve in most of the weeks in which she has been the opposition spokesman on multicultural affairs. One might say that when it comes to multicultural affairs she is 'Invisobel'.

In choosing suitable Policing for Multicultural Society Award recipients, South Australian police will use these criteria: the results of a written assignment on multicultural issues, involvement in multicultural community events, understanding of multiculturalism in Australia and understanding of racism and its effects in our society.

I am pleased that the Lieutenant-Governor, in his capacity as the Multicultural and Ethnic Affairs chairman, has initiated this new award. I understand that the South Australian Metropolitan Fire Service chief officer, Grant Lupton, who attended the police graduation ceremony on 19 August, was so impressed by the idea that he is keen to set up a similar award for MFS graduates.

Such awards, apart from recognising the importance and understanding of the value of multiculturalism in Australia, also improve the training of emergency services personnel, such as police cadets and firefighters. I commend South Australia Police and other services for readily agreeing to institute these new awards, and I hope that they are the first of many across all areas.

WATER SECURITY MINISTER

Mr WILLIAMS (MacKillop) (14:49): My question is to the Minister for Water Security. Does the announcement today by the federal government that there are some 890 gigalitres of water available to purchase from New South Wales confirm that the minister is not across her portfolio and is this why her Labor colleagues want her out of the cabinet?

The minister has been telling South Australians for months that there is no water to purchase and that she cannot make it rain. Last week, the minister, being critical of the opposition, said:

> They are trying to pull wool over the eyes of our community when we are doing it really tough…they are calling for upstream states to give up water and give it to the Lower Lakes…

Yet today we have an announcement from the federal government stating that there are significant amounts of water available to purchase.

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (14:50): A lesson in water for the shadow water security minister again. He is well and truly out of his depth. The announcement today is that the New South Wales government will buy water entitlements. Those entitlements to water will have, seasonally adjusted according to how much water is in the system, allocations appointed to them. If we look at it from South Australia's perspective, we currently have about 570 gigalitres of entitlements issued to our irrigators. About 16 per cent of that is available. If you were to buy the full entitlement, what is available in actual water at the moment is only 16 per cent, if you are buying for South Australia. The same applies in New South Wales. What the federal government is doing is buying water entitlements so that when it rains there will be fewer people taking water out of the river and more water for the environment, which is a good thing.

Members interjecting:

The SPEAKER: Order!

CORPORATES4COMMUNITIES

Ms BEDFORD (Florey) (14:51): My question is to the Minister for Volunteers. Will the minister inform the house on the benefits of the Corporates4Communities initiatives for the South Australian voluntary sector?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Correctional Services, Minister for Gambling, Minister for Youth, Minister for Volunteers, Minister Assisting the Minister for Multicultural Affairs) (14:51): Yes; I can inform the honourable member and the house of this very important initiative, and I thank her for the question. This is an important, innovative approach to supporting the South Australian voluntary sector. This program helps community organisations and the business which participate to enhance their profile and marketing opportunities, boost morale, increase skills and knowledge and improve service delivery.

The Corporates4Communities concept has seen the development of an 'hours bank', which calculates the number of hours business leaders of South Australian commit to volunteering during paid time. Community organisations access the services of business leaders for tasks such as graphic design, bookkeeping and developing a marketing strategy. In the first half of 2009 the program welcomed many new participating organisations, including the Enfield Community Food Centre Incorporated, the National Heart Foundation and Peninsula Community Broadcasters.

Feedback on the corporate volunteering program has been received from participating organisations. For example, the Edwards Marshall employees were partnered with the Cancer Council to take the Cancer Council health message to members of the public at the Tour Down Under. As a result of their involvement as the Tour Down Under charity partner, the Cancer Council was able to raise close to $800,000. Edwards Marshall employees found that the experience enhanced the profile of their business, assisted with marketing opportunities and increased their skills and knowledge base, and it was great for team building.

Staff from SA Lotteries attended the Hutt Street Centre to cook and serve a barbecue for the homeless and vulnerable residents of Adelaide. The project provided SA Lotteries staff with the opportunity to be more actively involved in the community and make a difference to the lives of needy South Australians.

Corporates4Communities has seen a steady pattern of registration from both business and community organisations, with 85 requests for assistance from 40 different organisations lodged with the program between January and September 2009.

Some 43 registered requests were matched with corporate volunteers, 26 new corporate volunteers were registered with the program, and 15 partnerships have been completed, with a total of 872 hours being donated. The hours given to complete partnerships so far in 2009 are conservatively valued at over $85,000. In total, over 2,850 professional volunteer hours have been contributed through Corporates4Communities to the South Australian community.

In this win-win situation, community organisations benefit by having access to skills they may not normally have had access to, which will ultimately help in their growth and service delivery. It allows businesses to have a convenient mechanism through which they can meet their social responsibilities and obligations and which can also lead to employee development and identification of new products and markets. It is also about being involved in something larger than themselves and larger than making a profit.

The more businesses and community organisations we can encourage to join this initiative, the greater impact we can have in helping our vital community groups build a better South Australia. I am certainly proud of the outcomes realised by this initiative so far, and I look forward to seeing it grow as it helps to bridge the gap within the broader community.

WATER SECURITY

Mr PEDERICK (Hammond) (14:55): My question is to the Minister for the River Murray. Will the minister guarantee that any of the 890 gigalitres announced today under the proposed New South Wales/federal government agreement will reach the Lower Lakes?

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (14:55): I thank the member for his question because it is a really good question. Guarantees? Is there a guarantee that any of these entitlements that have been purchased by the commonwealth will—

Members interjecting:

The Hon. K.A. MAYWALD: I will start again.

Members interjecting:

The SPEAKER: Order!

Ms Chapman interjecting:

The SPEAKER: Order, the member for Bragg!

The Hon. K.A. MAYWALD: The issue of guaranteeing whether or not the entitlements that the federal government is purchasing actually have water allocated to them will depend upon rainfall in the catchments. If there is rainfall in the catchments that is available to be allocated to those entitlements, they will no longer be used for cotton or rice, they will be used for the environment. However, once again, they are dependent upon rain.

The member for Hammond well knows (and if he does not, he should) that, under the water act that was passed through parliament by Malcolm Turnbull and the previous government, there was the establishment of a Commonwealth Environmental Water Holder. The Commonwealth Environmental Water Holder is an independent body that has the responsibility to develop an environmental watering plan, taking into account the needs of the critical priority areas in the basin that require water under the environmental plan. The Lower Lakes and the Coorong, as a Ramsar site, is one of those priorities areas.

However, what this government is 100 per cent committed to is that the national government should have processes in place that involve independence in the development of these plans so that we can take the borders out of it. That is what we support. The science will show where the water is needed most.

This is in stark contrast to the opposition's position before the last election in 2006. The opposition's position on the River Murray was to support the retention of state control of the River Murray. I know it has changed its mind on that and I know it changed its mind some time in 2007. I think it was some time after the honourable member for Davenport lost the leadership.

I recall that, when Turnbull first talked about a national plan, it was opposed by the opposition. It did not want a takeover by the federal government of the River Murray. That is in the opposition's policy position in March 2006.

Ms Chapman: What about the National Party, Karlene?

The Hon. K.A. MAYWALD: The National Party's position in South Australia, as the member for Bragg has asked, has been for the federal government to take a strong leadership role and take over the management of the Murray-Darling Basin.

In fact, when Malcolm Turnbull came out with his national plan, I supported it, but on the proviso that we had an independent authority that could do the work necessary to underpin the decisions with science and not politics. The National Party in South Australia did not support—

Ms Chapman interjecting:

The Hon. K.A. MAYWALD: National Party policy in South Australia. The National Party policy in South Australia is that the federal government must have taken a stronger role.

Ms Chapman: What was it in 1999, Karlene?

The Hon. K.A. MAYWALD: In 1999 my position on the select committee (that I was a part of) as National Party leader in South Australia—the National Party in South Australia—

Ms Chapman interjecting:

The Hon. K.A. MAYWALD: I need to give her a lesson on the National Party.

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. MAYWALD: The National Party in Australia consists of each state having an independent party of their own.

Dr McFETRIDGE: Point of order, Mr Speaker. I do have a question.

Members interjecting:

The Hon. K.A. MAYWALD: Don't interject!

The SPEAKER: Is there a point of order?

Members interjecting:

The Hon. K.A. MAYWALD: No, I have not finished yet. The interjection was that the National Party policy was important to this question, so therefore I am answering it. The National Party in South Australia is a separate party, as is the Victorian party, as is—

Members interjecting:

The SPEAKER: Order! The Premier.

The Hon. M.D. RANN: It is deeply offensive to be described as National Socialists. You might think this is funny. Some of us had parents, like my father, who spent six years fighting National Socialists which is the formal term for Nazis.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: I think this is incredibly offensive to the people of this state as well as to individuals.

The SPEAKER: Order! The Premier will take his seat.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: I ask that you retract the use of that word.

Members interjecting:

The SPEAKER: Order! The house will come to order. I did not hear the remark or the remarks and I am not exactly sure, if they were made, what was meant by them. If the remarks

were meant to imply that another member was a Nazi, then I think that would be disorderly and, if the member did say it and that is what she meant, then that is something she should withdraw. The Leader of the Opposition.

Mrs REDMOND: Sir, I said it, but I did not imply any such thing by that comment.

Members interjecting:

The SPEAKER: Order! The house will come to order.

Members interjecting:

The SPEAKER: Order! The Premier will come to order. The Leader of the Opposition will come to order. The Minister for the River Murray has the call.

The Hon. K.A. MAYWALD: I conclude my remarks by saying that, since my election to this parliament and my leadership of the National Party of South Australia, we have been supportive of the national government taking a stronger leadership role in the management of the Murray-Darling Basin.

Members interjecting:

The SPEAKER: Order! The house will come to order.

The Hon. K.A. MAYWALD: This is what all South Australians want, and it took a long time for the Liberal Party members opposite to come around to that thinking. We are glad that they have and, from a bipartisan perspective—

Mr WILLIAMS: Point of order, Mr Speaker: the minister is now clearly debating the answer to the question.

The SPEAKER: I think the minister is wrapping up her answer.

The Hon. K.A. MAYWALD: I am wrapping up my answer and, in conclusion, I would like to say that I am very pleased now that everyone in this house does support that there needs to be a national role—and a very significant national role in the management of the Murray-Darling Basin.

WATER SECURITY

Mr PEDERICK (Hammond) (15:03): I ask a supplementary question. Can the minister advise the house, what percentage of every gigalitre of water purchased will arrive in South Australia?

The SPEAKER: That is not a supplementary question. The Minister for Water Security.

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (15:04): Same answer.

REPATRIATION GENERAL HOSPITAL

Dr McFETRIDGE (Morphett) (15:04): My question is to the Minister for Mental Health and Substance Abuse. Is the minister reducing mental health beds at the Repatriation General Hospital and, if so, why? The opposition has been told that the government is removing five beds from Ward 17 at the Repatriation General Hospital. These beds are currently used for post-traumatic stress patients who are mainly Vietnam veterans.

The Hon. J.D. LOMAX-SMITH (Adelaide—Minister for Education, Minister for Mental Health and Substance Abuse, Minister for Tourism, Minister for the City of Adelaide) (15:04): I thank the member for his question and I am sure that he has a better knowledge of history than some of those opposite and would not want to be associated with the notion that there were National Socialists in this room.

Mr Hanna: And that it was nothing to worry about.

The Hon. J.D. LOMAX-SMITH: And it was nothing to worry about, because I think for some of us we were actually quite shaken by that assertion, because it shows a lack of knowledge of history as well as an insensitivity beyond that which we are used to even from those opposite.

Ms CHAPMAN: On a point of order, the minister is debating an issue—

Members interjecting:

The SPEAKER: Order! We started so well. What happened? The member for Bragg.

Ms CHAPMAN: The minister is not only debating an issue—

Members interjecting:

The SPEAKER: Order! I cannot hear the member for Bragg.

Ms CHAPMAN: The minister is debating an issue in relation to a previous ruling that you have given—nothing to do with the question. The question is about the diminution of beds at the Repatriation General Hospital at the expense of Vietnam veterans. It has nothing to do with the National Socialists.

The SPEAKER: The minister for mental health.

The Hon. J.D. LOMAX-SMITH: Thank you, sir. I beg to differ. I think many of those veterans would be appalled by the comments made by those opposite, as are those on this side of the chamber. I would ask the member to reflect on what she has just said about those veterans who fought against that whole notion.

The discussion at the Repatriation Hospital relates to the fact that the government has a massive investment and plan to expand mental health facilities in this state. As members would know, our Stepping Up reforms will produce 86 more beds across the system, with a modern emphasis on intermediate care, Stepping Up facilities and rehabilitation, which is a very important change in the way we operate our mental health services.

The bed plan has been released, but there has been no reduction in actual beds. As I said before, 86 more beds are going to be within the system when the whole plan has been implemented. The bed plan has been released and it impacts on the whole service across metropolitan and regional areas of South Australia. Particularly, it has some very important reforms, like having intermediate facilities for when people are recovering or when they are just beginning to show signs of illness, as well as having beds in country areas.

In relation to the Repatriation General Hospital, I understand that those beds are not currently used solely by veterans. They are used by the general population of people needing inpatient services. The plan is to have the Repatriation Hospital beds used predominantly for veterans in that facility, and there will be 86 more beds at the end of the reform process. At the moment, the discussion about the bed plan is taking place in each one of our facilities but, at the end of the day, the plan is to have more beds for more inpatients across the whole service. The consultation about how about that bed plan is produced in the Repatriation Hospital is just beginning, because we have only just released the bed plan.

I understand that, whenever there is a change, there is anxiety. I am very happy to get a briefing for the member so that he can understand how we will achieve 86 more beds in the system and how this massive reform agenda produces more facilities for people with mental illness. When he sees the entirety of the plan, he will understand that, far from reducing beds, we are actually increasing them.

GRIEVANCE DEBATE

ZERELLA, MR V.G. AND GALVIN, MR S.J.

Ms CHAPMAN (Bragg) (15:08): Today, I wish to recognise two great South Australians who were laid to rest this week. One had a memorial service this week, which hundreds of South Australians attended. The other had only one attendee.

I will first recognise Vito Guido Zerella, known as Vic Zerella, who died at the age of 71 years. As many members of the house would know, Vic had a very high public profile. It was an honour for me and my son William to attend his memorial service at St Ignatius Church this week. He was adored by his wife, Silvana, and sons, Paul, Jim and Joe. He was a respected businessman and a revered member of the community, in particular by fellow community leaders. He was larger than life and he was a man who made a substantial public contribution to South Australia.

Vic was a founding member of the board of Adelaide Produce Markets and he supervised the relocation of the markets from the East End of the city of Adelaide to Pooraka—as many members would recall—substantially expanding it into the major enterprise that it is today. Vic was a pioneer in the wine industry, graduating from growing grapes and other produce to the acquisition

of Tatachilla Wines. Vic was also a significant contributor, via his membership, as one of the champions of fundraising for the new aged care facility, via the Society of Saint Hilarion. This is just a small measure of the outstanding contribution that he made, of which he was publicly recognised on many occasions.

At a personal level, I knew him as a fellow parent attending sport functions when he would be cheering loudly at the sporting contribution of his sons Jim and Joe, while I was there to support members of my family. He made an outstanding contribution in sport areas, and there are many clubs around South Australia that recognise him, not just as a fellow spectator, in his case, but a significant benefactor. His contributions, of course, are many.

The second South Australian whose passing I recognise today is Steven James Galvin, aged 86 years, known as Steve. He was not famous at all, but he represented so many senior South Australians who may not have had public accolades but were much loved by those in their lives whom they touched. My brother was the sole attendee at his cremation this week, and he will take his ashes to Kangaroo Island, where he spent the last 40 plus years of his life.

He was raised by his grandparents in Peterborough in South Australia's north when his mother died when he was 1½. At 14 years of age he went to the West Coast and worked at his uncle's farm, and he also worked in the Tumby Bay area and Sir Joseph Banks Islands. This is in the days when there were horse-drawn ploughs and sheep were transported by barges from the islands to the mainland.

At 19, like many of his contemporaries, he joined the national service and served Australia in New Guinea, across to building barbed wire fences along West Beach to protect what was seen at that stage as an anticipated invasion by the Japanese. At 43, he and his wife Gert went to Kangaroo Island, and were amongst the pioneering workers on that island in respect of the rural communities, supporting everything from mechanical repairs to fencing, and the like.

On a single day he delivered, as transport operator, five loads of cattle, in an old Bedford truck, between Snug Cove and Kingscote, and that is a mighty effort, for those who are familiar with the geographical circumstances. In latter years, he contributed, at a local level, to the Parndana Bowling Club and the Kangaroo Island Community Club, and was a favoured partner in the dance club and a loyal employee and mentor to members of our family.

He passed away this week little noticed but much loved by those in the community whom he had touched. I think he represents the great silent majority of people who do not receive public recognition in their life but who have made a sterling and lasting contribution to the protection of South Australians, to the development our state, and the support in our community. Vale Steve and Vic!

Time expired.

RESIDENTIAL TENANCIES

Mr PICCOLO (Light) (16:14): One of the more vexed relationships in our society it is the one between landlord and tenant. While most of the relationships are uneventful, a minority are quite difficult because either the tenant or the landlord or, in some cases, their agent, have behaved badly.

Over the years, laws have been introduced by parliaments in an endeavour to achieve a relationship that is fair for all the parties involved. Naturally, there exists a range of views as to whether the existing laws achieve a fair balance. Today, I wish to bring to the house's attention one case in my electorate that highlights the need for further reform of the laws, in particular those regulating the creation and use of residential tenancy databases.

At the outset I wish to put on record my view and, I think, that of the government that landlords should have the right to access data about potential tenants to minimise the risk of a bad tenancy. Equally, though, tenants should have the right to know that information kept on the database about them is accurate, fair and accountable. Information kept on databases can have an immense impact on the lives of people, namely, their ability to access accommodation. I believe that it is an outrage when databases are used for improper purposes and unfairly attack and abuse the most vulnerable in our community.

In February 2008, my office met with a constituent who was distressed at the treatment she had allegedly received from the managing agent of a property she was renting. It was alleged that the managing agent had threatened to list her on the TICA database—TICA is probably Australia's

best known tenancy database system—if she did not cover the outstanding rent for her son's tenancy. The son was an adult and the mother was not a signatory to the tenancy agreement. At law, it appears that the mother was in no way responsible for the son's debt. However, the managing agent was allegedly able to use the threat of listing the tenant—that is, the mother—on the TICA database as leverage allegedly to try to extort additional payment from her.

The shortage of housing stock available for renting and the threat of listing has enabled some managing agents to treat some tenants very badly. I should say that the overwhelming majority of agents act fairly and reasonably, and my office has only received numerous complaints about one particular agent.

The constituent was concerned about whether she had been listed. My office contacted TICA to find out whether she had been listed using the procedures outlined on their website. TICA charge for that information. Under federal privacy laws, TICA is required to keep such requests confidential. In a serious breach of the Privacy Act, TICA disclosed the correspondence from my office to the managing agent. I can say with confidence that a breach of privacy occurred, as the Privacy Commissioner has recently found in favour of a complaint lodged by my office on behalf of the constituent.

TICA has a number of adverse findings against it by the Privacy Commissioner, yet it continues to behave in a way that offends the law without, it appears, any serious consequences. Accordingly, earlier this year, I was pleased to hear the Minister for Consumer Affairs announce that South Australia would move to regulate privately held residential tenancy databases (often thought of as tenant blacklists) to maximise fairness to all parties. At the time of the announcement, minister Gago stressed that the state government wants to maximise useful information for real estate agents and landlords, while also protecting people from false reporting.

Some states already have laws relating to residential tenancy databases and others do not specifically regulate these databases. Currently, South Australia applies fair trading legislation that is limited in scope. In my constituent's case, her only meaningful remedy was to lodge a complaint with the Privacy Commissioner on the grounds that TICA had breached some of the 10 national privacy principles. While her complaint has been upheld, it has taken almost 20 months for the investigation to be completed. It has been a somewhat pyrrhic victory. Not only do the tenancy database laws need to be reformed but so do the penalty provisions in the Privacy Act for breaches of the law.

The current laws, in my view, are inadequate as a deterrent to future breaches by database owners. The current laws do not protect the most vulnerable in our society from those who wish to exploit them, and I look forward to those laws being introduced in this state. I understand that the Office of Consumer and Business Affairs is working with other jurisdictions to prepare nationally consistent regulations on how real estate agents and the like can utilise records about individual tenancy histories. I think the current practice by some agents to misuse that information is an attack on the most vulnerable in our community and should be resisted.

STORMWATER RE-USE

Mr WILLIAMS (MacKillop) (15:18): On 15 July this year, on 891 radio, David Bevan was interviewing the Minister for Water Security and pointed to an article in that morning's paper—I presume it was *The Advertiser*. David said:

> …Robyn McLeod your Water Security Commissioner. She says that South Australians are adverse to the idea of adding stormwater to the drinking water supply.

Ms Portolesi: Averse, not 'adverse'.

Mr WILLIAMS: 'Adverse' is what it says here. David Bevan continued, 'How do we know that?' Karlene Maywald's response was, 'Well, we've done extensive research in this regard.' When I heard that comment, I thought, 'Hello, I have never seen such research. I wonder where that came from and when it was done.' Later in the house that day, Adrian Pederick, the member for Hammond, asked:

> What research has the government undertaken on community acceptance of the treatment of stormwater to drinking standards; who undertook the research; what scenarios were included in the questions; and will the government release it publicly?

By way of explanation he said:

> On radio this morning the minister said that the government knew what the community wanted to do with stormwater because it had undertaken extensive research.

Amongst other things, the minister said:

> We have also undertaken work with SA Water internally, and SA Water has also undertaken some work internally and I will get the details of that and bring that back to the house.

Again, I was somewhat bemused by the minister's response. In spite of what the minister said today—and continues to say—I keep a good finger on the pulse of what is happening, so I filed off a freedom of information application to SA Water, asking for any documents, any reports, any memos or any minutes, etc., which would point to any research it had done. The response I received earlier this week states:

> After consultation within SA Water and pursuant to Schedule 1 of the Freedom of Information Act I have determined that SA Water does not hold any documents relating to your request in relation to research undertaken by the SA Water.

So much for the minister's claim in the house that it had done internal work. I do not know what internal work it had done, but SA Water does not know about it. The response continues:

> SA Water was, amongst others, a funding partner of the Cooperative Research Centre for Water Quality and Treatment.

My attention was drawn to a couple of research papers. I asked the minister a question about this yesterday but the minister could not answer the question. Mind you, in response to the question I asked in July, she did say that she would come back to the house; 'I will bring that back to the house.' She never did that. Yesterday she said that she could not answer the question but she would come back to the house.

This morning in private members' time she came into the house and pointed to the document that SA Water in the freedom of information application had brought to my attention. Amongst other things, she said:

> The centre conducted a national survey of community views on drinking recycled water in 2007…Recycled water was defined in the report as stormwater or waste water, treated to a suitable standard for use in homes and industry.

Recycled water was not defined in the report. There is an appendix to the report—and I will come to that in a moment—but recycled water was not defined in the report. In fact, the report states:

> Fear of the unknown, combined with a natural association of recycled water with sewage and waste, may work in combination to make people reluctant to use recycled water and support recycled water schemes.

The report is about recycled water and people believing the report was referring to recycled wastewater. The report is about a survey that was done in two parts. People were asked about their attitude and one part of the group was sent information about recycled water. Both groups were again asked the questions later.

In the material they received there were confusing definitions. On one page it defined recycled water as wastewater or stormwater, so they were treated as the same thing by the people being questioned. In the appendix—it is not in the report as the minister would have us believe—it states:

> Water sources such as recycled water, desalinated water, rainwater tanks, stormwater, groundwater and water trading.

In fact, that part of the information clearly states that stormwater and recycled water are separate.

Time expired.

VOICE OF WOMEN ORGANISATION

Ms PORTOLESI (Hartley) (15:24): I wish to draw the house's attention to a new group that is kicking off today here in Adelaide. The Voice of Women Organisation is an Afghan NGO that is opening its first international office in Adelaide. VWO is the brainchild of Suraya Pakzad, who is an incredibly brave and tireless campaigner for women's rights in Afghanistan. Suraya was moved to create VWO in 1998 while Afghanistan was under the control of the Taliban.

Suraya was so concerned that women and girls were being denied basic human rights under the oppressive regime that she literally risked her life to create an organisation whose aim was simple: to give women a better life. She did so by beginning to teach small groups to read and write. The classes had to take place in a room with a fireplace because, if the groups were discovered by the Taliban, they had to instantly burn their studies and pretend they were having a get-together lest they be caught educating women.

With the fall of the Taliban came greater freedom for this group, which now enjoys the status of a legal entity within Afghanistan. Despite the ousting of the Taliban in 2001, women continue to be subjugated in Afghanistan, and women's rights are, of course, still ignored. A recent UN report, Silence is Violence, found that Afghani women are living in an increasingly insecure environment. Less than 15 per cent of Afghani women are literate, more than 80 per cent will be subjected to domestic violence, almost 60 per cent are in forced marriages and only 14 per cent of women who give birth in Afghanistan will have a skilled attendant present. In August 2008, Suraya made a visit to Australia. On returning to Afghanistan she wrote:

> I have been very amazed and impressed not only by the beauty of the country but especially by the very wonderful open-hearted people I have met who are truly committed to supporting women and children to achieve their full rights. I visited many other countries, but I have never before experienced such sincere and generous caring.

It is with this positive connection established between a group of volunteers who had heard of Suraya's work and her commitment to improving the lives of women in Afghanistan that the Voice of Women Organisation Australia was established. Amnesty International has provided office space from which the group will operate here in Adelaide, and I thank them for that. The volunteers of VWO are continuing to work with Suraya to establish links between the Adelaide and Afghanistan offices. Funds raised will be directed to projects being undertaken in Afghanistan, and VWO is working towards funding to bring Suraya to Australia for another speaking tour in 2010.

There is still so much to be done, and the VWO is doing it. For instance, it is running shelters so that women can escape from domestic violence, and it is looking to open more. It runs gender-based violence training and projects on income generation and food sustainability. It runs programs to prevent self-immolation and programs that assist women who have been in prison. The organisation works with UNICEF to provide water sanitation and hygiene schemes, and it is looking to future projects that will help women achieve economic independence and that will, of course, increase vocational training for women.

Because we live in a world such as this, there is still so much to do. We may have a Quentin Bryce, and I am deeply proud of that, but we still live in a world where Malalai Joya was suspended from parliament and forced to live in hiding because she dared to denounce war criminals sitting in her nation's parliament. Australia may have had Chief Commissioner Christine Nixon, but we live in a world where Lieutenant-Colonel Malalai Kakar, Kandahar's Deputy Commander of Police, was assassinated because of her gender and her work trying to keep other women safe.

Suraya has been named one of *Time*'s 100 most influential people for 2009, and she has received the International Women of Courage Award from past secretary of state, Condoleezza Rice. Suraya has six children, but she is not yet 40. She is a truly inspiring woman, and I commend her and her organisation, Voice of Women Organisation, to the house.

JONES LOOKOUT

Mr PEDERICK (Hammond) (15:28): I rise today to acknowledge the honour I had on Saturday to launch the Jones Lookout at Clayton Bay in honour of Henry and Gloria Jones and their family and their contribution to the Clayton Bay district over many years. In my years as a candidate, and as the member for the local area, I soon learned of their vital contribution in all things in the Lower Murray and Lakes.

I will give a brief history of the Jones family. In 1961-62, they settled in Old Clayton to set up shop at what is now the fish factory. Henry went fishing, as he does today, in the family tradition. They had three daughters—Christine, Julie and Susan—who were all educated locally. The family bought the school bus and Gloria, Henry's wife, drove it every day. In 1969, the Clayton Bay estate was subdivided, and Henry and his family initiated a program of tree planting, and we are still enjoying the benefits of that project today.

Henry instigated quite a few things in the local area. He became the first captain of the CFS. They first used the Milang old truck, then the Strath old truck and then they managed get into a new truck. The daughters were also members of the local CFS brigade. Henry, I note, is still on call and makes appearances at Christmas in the truck.

In 1982 the family set up Yabby City, where Henry's catch was the feature of the menu and Henry and his whole family worked in the restaurant and built its reputation so that it was known internationally, and it was nothing to see planes landing for the Friday feast. The family sold

yabbies, fish, ice, gas and worms and also employed local people. All three of their daughters graduated from the local TAFE as hotel and restaurant managers and commercial chefs.

In 1986 the community hall at Clayton was opened, and this was part of a Jones family vision. The community raised $42,000 to have it built, and it opened debt free. This became the social centre of Clayton; there were plenty of parties, money was raised for the centre and many events were held to raise money for this new community hall.

Each member of the Jones family has their own list of honours, and I will mention just a few here. Susan in her teens was a president of the community hall and was young citizen of the year in 1987, and she produced the first edition of the local paper, the *Clayton Chronicle*, which is still going. Christine joined the police force and now teaches at Milang Primary School and is known for her extraordinary work in saving the turtles. Julie, with her mother, created the South Australian Women's Industry Network which has now grown into a national organisation and which is instrumental in the fishing industry having environmental management. In 1998 Gloria represented Australia in Washington DC.

I now will concentrate my comments on Henry Jones. He has spent much of his life working as a volunteer. He has been president of the Clayton hall committee, spent 10 years in local government in the district council of the Strathalbyn and was deputy chairman and chairman of works. He established the CFS in Clayton and was captain for 20 years and was also a successful coach of the Milang football team, winning a couple of premierships. He has been chairman of the peak industry fishing body in South Australia, the South Australian Fishing Industry Council, and was on the board for many years until becoming president.

He was a member of the government appointed fisheries management committees for many years with the inland waters and marine scale sections. Whilst president of the Southern Fishermen's Association, with others he developed the world's first environmental management plan for a whole fishery in the Lakes and Coorong and received a marine stewardship certificate for this multispecies fishery.

At present, Henry is a member of the Murray-Darling Basin Community Reference Group, a member of the Murray-Darling Basin Native Fish Strategy Group, a member of the River Murray Advisory Board, a member of Dean Brown's drought relief group, a spokesman for the River Lakes and Coorong Action Group and a member of Water Keepers Australia, and he is currently also a member of the Murray-Darling Authority New Basin Community Committee.

Henry has given a long-term commitment to the environment in the face of the Lower Lakes community advocating for more environmental freshwater flows in the region. He has been fighting for the plight of the Murray River since 1981, when the mouth first closed over. He also received a Pride of Australia Medal in 2008. I will take the little time left to honour the whole Jones family at Clayton.

INDUSTRIAL ZONES

Mr RAU (Enfield) (15:33): I want to raise today a matter of concern to constituents of mine in the electorate of Enfield, but I think it is a matter that has broader concerns for other members in this parliament, particularly metropolitan members, and that is the problem of the collocation of residential and industrial areas. In the Enfield electorate, in the area of Kilburn there is a large industrial section which is a legacy of planning decisions made many, many years ago. It is immediately adjacent to Housing SA properties and privately owned homes and, I should also say, the Kilburn Primary School.

For many years people in that area have been concerned about the implications of having these industrial activities going on at such close proximity to places where they live and where their children attend school, and in recent years the Bradken factory has been a focus for those concerns.

The reason I am raising this matter again now is that members may be aware that in the last week or so there was a very serious fire in one of the other plants nearby. I have to stress that the fire was not, it would appear, the fault of the operators and was, in fact, an act of arson on the part of an obviously disturbed young man. However, the consequence of large amounts of flammable plastic being burnt in that sort of proximity to residential areas is something of grave concern to me.

I emphasise that Kilburn is not the only part of metropolitan Adelaide where these sorts of problems can arise. It seems to me that the time has now come for the state government, in

concert with local government (and probably the industries concerned) to develop a long-term plan to gradually separate the residential and industrial activities that are going on, from my particular point of concern in Kilburn, but also elsewhere. We need to be progressively moving these industries to industry parks, where their activities are not going to disturb or threaten the quiet enjoyment of owners and occupiers of properties in their ordinary domestic life.

It is important in doing this long-term planning for us to recognise a couple of things. The first thing, of course, is that there is an obvious benefit to the community if the existing infrastructure that is presently being occupied, perhaps by some of these industrial premises, was able to be used for residential purposes. It is obviously a lot cheaper and a lot more efficient for parts of Kilburn to be occupied by new homes which people can live in, when compared with putting things 20 or 30 kilometres out from that point, a long way from the city.

Just bear in mind that these areas are very close to the city and they have good access to public transport; they have existing road infrastructure; they have telephonic services, sewers, water, gas, etc. It is all there and not a penny has to be spent on establishing any of these things. If it was possible to utilise those properties for residential purposes and, at the same time, move out the industrial activities, the state would be getting a better bang for its buck because of the existing infrastructure.

The second thing is that we have to, in sympathy with the companies that are already there, recognise the long-term investment cycle and not try to impose sudden knee-jerk changes upon them. They need time to readjust and they need a long-term plan to which they can work. Obviously, these companies are producing wealth and employing people.

At the end of the day, we need to recognise the legitimate requirement of residents of these sorts of areas in metropolitan Adelaide to be able to enjoy a clean and safe urban environment. We need to establish now a long-term plan so that progressively, over years, these types of industries will be moved out and separated from areas which should be wholly and solely devoted to residential activities.

STATUTES AMENDMENT (COUNCIL ALLOWANCES) BILL

Received from the Legislative Council and read a first time.

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:39): On behalf of the relevant minister, I move:

That this bill be now read a second time.

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

For some time, the Government has recognised the difficulty that elected members of local government face every year, when considering the question of their own schedule of allowances and benefits.

Section 76 of the *Local Government Act 1999* requires each council to revisit the question of allowances every year. Therefore, once in every 12 month period, members of each council must determine what they should pay themselves, subject of course to limits imposed by the regulations.

The *Local Government (Members Allowances and Benefits) Regulations 1999* set upper and lower limits within which councils can fix allowances. The maximum allowance limits were last adjusted in November 2006, by doubling and then rounding up the previous maxima.

Therefore, councillors may now receive a base rate of allowance of up to $15,000 and a Mayor may receive up to $60,000. Many councils set allowances that are less than these maximums.

The Local Government Association has long been pursuing legislative change under which allowances for elected members of councils would be set by an independent body or mechanism.

The Government is also of the view that it is no longer appropriate for local government elected members to continue to directly determine their own allowances. On the one hand, some might argue that councillors have an obvious incentive to overpay themselves. On the other hand, it is indisputable that few, if any councillors would view serving their local communities as a money-making proposition. It is a part-time and mostly honorary position. As such, it is obvious that most councillors are unwilling to vote themselves payment of amounts that would properly compensate them for the long hours involved in performing their duties. Having to make this decision, and review it annually, puts councillors in a no-win situation.

There is no obvious public policy reason why councillors should be placed in such a situation, and be required to revisit their decision every 12 months. Members of Parliament (either State Parliament or the Commonwealth Parliament) are not placed in this invidious position. MPs have their remuneration set by an independent body. So too, should local government.

Recognising this, in 2007 the Government undertook research into a number of proposals, to explore the details of independent mechanisms existing in other jurisdictions, and held discussions with the Local Government Association.

Discussions were also held with the President of the Remuneration Tribunal to inform the deliberation on various options. A number of options were explored in order to identify a preferred option that would:

- remove the Minister and State Government from the process;
- remove individual councils and local government from the process; and
- establish and provide for a truly independent mechanism for determining elected member allowances.

The preferred option was to utilise an existing independent body. To that end, the Remuneration Tribunal was identified as an appropriate body to determine allowances for Local Government elected members. The Remuneration Tribunal is indisputably independent and already established and resourced.

This Bill requires the Remuneration Tribunal to determine local government allowances only once in every four-year local government term. The Tribunal itself suggested that determinations might be made annually. However the Government wishes to limit the cost impact of this process upon ratepayers.

The Bill therefore, proposes a determination be made in a local government election year, and that allowances would be varied in the next three years only by movements in the Consumer Price Index.

The process of making this determination must conclude no later than the day on which nominations open for local government elections. The purpose of having this timetable is so that a person considering nominating as a local government election candidate will be aware of the level of allowances associated with the position. This is only fair to potential candidates.

The Bill includes some provisions to guide the Tribunal in making its determinations; and to ensure that the cost of its deliberations is recovered from local government, rather than the State Government. The Bill also prevents the Tribunal from applying its determinations with retrospective effect.

Finally, the Bill makes corresponding amendments to the *City of Adelaide Act 1998*.

I commend the Bill to Honourable Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Local Government Act 1999*

4—Substitution of section 76

This clause substitutes section 76 of the *Local Government Act 1999*

76—Allowances

Allowances for council members are currently fixed by councils. Proposed section 76 provides that the setting of allowances for members of council is to be determined by the Remuneration Tribunal.

Proposed subsection (2) provides that the Remuneration Tribunal must make determinations for the setting of allowances on a 4 yearly basis before the designated day (the day that is 14 days before the day on which nominations close) in relation to each set of periodic elections held under the *Local Government (Elections) Act 1999*.

The provision requires the Remuneration Tribunal to have regard to certain specified matters in making a determination. The Remuneration Tribunal must allow entitled persons and the LGA to make submissions to the tribunal in relation to a determination that relates to council members.

The proposed section makes provision for the variation of allowances from office to office and council to council and the adjustment of allowances on anniversary dates according to the Consumer Price Index under a scheme prescribed by the regulations.

Proposed subsection (13) provides that despite any other Act or law, the reasonable costs of the Remuneration Tribunal in making a determination are to be paid by the LGA under an arrangement established by the Minister from time to time after consultation with the President of the LGA and the President of the Tribunal.

Part 3—Amendment of *City of Adelaide Act 1998*

5—Substitution of section 24

This clause substitutes section 24 of the *City of Adelaide Act 1998*

24—Allowances

Allowances for council members are currently fixed by the Council. Proposed section 24 provides that the setting of allowances for members of council is to be determined by the Remuneration Tribunal.

Proposed subsection (2) provides that the Remuneration Tribunal must make determinations for the setting of allowances on a 4 yearly basis before the designated day (the day that is 14 days before the day on which nominations close) in relation to each periodic election for the City of Adelaide held under the *Local Government (Elections) Act 1999*.

The provision requires the Remuneration Tribunal to have regard to certain specified matters in making a determination. The Remuneration Tribunal must allow entitled persons and the LGA to make submissions to the tribunal in relation to a determination that relates to council members.

The proposed section makes provision for the variation of allowances from office to office and the adjustment of allowances on anniversary dates according to the Consumer Price Index under a scheme prescribed by the regulations.

Proposed subsection (13) provides that despite any other Act or law, the reasonable costs of the Remuneration Tribunal in making a determination are to be paid by the LGA under an arrangement established by the Minister from time to time after consultation with the President of the LGA and the President of the Tribunal.

Debate adjourned on motion of Dr McFetridge.

REPRODUCTIVE TECHNOLOGY (CLINICAL PRACTICES) (MISCELLANEOUS) AMENDMENT BILL

Consideration in committee of the Legislative Council's amendments.

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

That the Legislative Council's amendments be agreed to.

I thank members in the other place for their contributions to this legislation. The bill returns from the other place with three amendments. These three amendments are consequential and will not affect the original intention of the bill.

The first amendment, moved by the Hon. Dennis Hood, enshrines the welfare of the child as the fundamental principle of the act and the guiding principle of the provision of ART generally. Thanks to this amendment, the child's wellbeing is put above the desires of would-be parents or medical practitioners at all times, so we are happy to accept that.

The second amendment is one that I initiated and government members in the other place moved. It relates to consequential amendments to the Family Relationships Act 1975. As members would be aware, the bill allows for the posthumous use of sperm under limited circumstances. As a result, amendments were required to the Family Relationships Act to assign legal parentage to children born in these circumstances.

The Family Relationships Act assigns parentage for children conceived from a fertilisation procedure. The Family Relationships Act provides that, where a child is conceived using donor sperm, the donor is by definition not the father; instead, the husband/partner is recognised as the father by virtue of the relationship with the mother which is appropriate of course in the majority of cases.

However, where a husband or partner is deceased when the child is conceived, he is considered the donor and therefore not the legal father. If we were to proceed without that, that would go against the intentions of those who support posthumous donation. This obviously has implications for the child's inheritance and has other legal consequences.

The bill will now ensure that children born in these circumstances have legal clarity about their parentage. Should other cases arise which are not contemplated by the FR Act for children born with ART, the court—and in this case it is the Youth Court that deals with adoption orders—will have the power to make parentage orders with the agreement of both the mother and the sperm donor. This will give the court guidance on how to make decisions whereas, currently, it is left to the Supreme Court's discretion on how a parentage order decision is made.

I also take this opportunity to remind members that this amendment bill, with the inclusion of the two amendments I have outlined, is not a radical shift in policy. The amendment bill before

us reflects nationally accepted clinical practices and, if passed, will bring South Australia's ART laws into the 21st century.

Access to treatment is still based on clinical need and is restricted to people who appear to be infertile or at risk of transmitting a genetic defect, but that now includes those at risk of passing on a serious condition such as HIV to a child conceived naturally. The bill will ensure that the regulation of ART in South Australia is responsive to emerging issues and improved treatments, thereby benefiting those in need of ART for safe family formation.

This matter has been before the parliament now for some considerable time. It has had plenty of consideration by both chambers, a lot of discussion in the media and among interested groups. As it is a conscience vote on both sides of both houses, it has really been considered by individual members of parliament quite closely, and I am very pleased that we are now coming to the conclusion of that process. The passage of this bill today will create a new regime for South Australia, which will give clarity to everyone who has an interest in this area.

Dr McFETRIDGE: The bill was introduced by the minister on 26 November 2008 and passed by the House of Assembly on 3 March 2009. It was passed with amendments by the Legislative Council on 8 September 2009, and we have just received these amendments here today. As the minister has said, it is a conscience vote so, whilst I am speaking in support of the amendments, it is up to my colleagues and other members of this house how they vote, but I would be very surprised if it does not receive the same level of support as it did before.

I will just explain some of the amendments by way of explanatory notes given to me by some of the Hon. Mr Hill's staff. I thank them for the briefing that I was able to have and pass on to my colleagues. This bill allows registered assisted reproductive treatment providers to provide treatment to a woman using her deceased partner's sperm under strict conditions and with the prior consent of the deceased man.

As a result, to clarify the legal parentage of children born in these circumstances, amendments are required to the Family Relationships act 1975. The Family Relationships Act, among other things, assigns parentage to children conceived from a medical procedure (Part 2A). The Family Relationships Act provides that, where a child is conceived using donor sperm, the donor is not the father by virtue of section 10D, even if the husband or partner is the donor. Instead, the husband or partner is recognised as the father by virtue of his relationship with the mother, which is appropriate in the majority of cases.

In cases where a husband or partner is deceased when the child was conceived, under the current Family Relationships Act, he would be considered the donor and therefore not the legal father. This has implications for the child's inheritance and has other legal consequences. The amendment replaces schedule 1 containing the transitional provisions and substitutes it with amendments to the Family Relationships Act 1975. The amendments that relate to the above circumstances make minor consequential amendments and gives the court the power to make parentage orders in cases not currently contemplated by the Family Relationships Act.

The first clause changes the title to reflect that it relates to children conceived through a fertilisation procedure. Currently, the title is 'conceived through a medical procedure'. However, assisted insemination is not always considered a medical procedure, especially if undertaken by a nurse practitioner or at home.

The second clause changes the definitions of ART in the Family Relationships Act to reflect the new definitions in the amended bill. The third clause provides for children born from fertilisation procedures carried out before the commencement of the amendment bill. This amendment would give children born before the commencement of this amendment, and their families, legal certainty about their parentage.

The fourth clause assigns paternity to the deceased sperm donor in the case of a child conceived using a man's sperm posthumously. This clause is required as a result of the amendment to allow for the posthumous use of sperm under (section 9(1)(c)(iv)) in the amended bill.

The fifth clause gives the Youth Court, which deals with adoption orders, the power to make parentage orders should other cases arise which are not contemplated by the Family Relationships Act. This clause gives the court guidance on how to make decisions, for example, by requiring the agreement of the sperm donor and the mother, whereas currently it is left to the Supreme Court's discretion on how a parentage order decision should be made.

Part 2 relates to the original transitional provisions and is a technical drafting issue. This amendment replaces the schedule which currently contains these provisions, so it needs to be repeated.

As a result of this amendment, this morning I moved the adjournment of the surrogacy bill that has been in this place for around 4½ years. I hope to have that put through, as a result of some tidying up, after this bill has been passed and that it goes through the house before the end of the parliamentary term.

Ms CHAPMAN: I indicate that I will also be supporting the amendments passed in another place. I welcome the return of this bill. It has a long history, as indicated by colleagues today. I remind the committee of my disappointment at the rejection by the government of the bill that I introduced in the middle of last year to remedy a particular case that was very public last year. The government insisted, some months later, on introducing this bill with much more comprehensive reform, but it incorporates the difficulty of ensuring that a widow has the opportunity to use the sperm of a deceased husband.

The direct consequence is that it is now September 2009. I do not make criticism of the passage of the bill, because it was a much more comprehensive bill and it needed to consider a whole lot of other factors, many of which were in urgent need of reform, and we have commended the government for dealing with them. What is disappointing is that, in an attempt to ensure it gets some accolades for dealing with the issue of posthumous application of sperm, it should hold up that other case. Sadly, that particular family has had to wait until this year to have the opportunity, if the widow still elects to proceed, to use the sperm.

I also note the federal government's budget announcement that it will review the funding available for the provision of what we are now going to call 'assisted reproductive therapy'. That is appalling, and I am very concerned to hear that. It comes during the time that we have been debating this bill, and, although there has been some postponement of the final decision by the federal minister, Nicola Roxon, as to how much is to be cut from the benefit of people who have difficulty having children, it is of great concern. People do not choose to be infertile, and it is the wish of many who face that challenge that they have the opportunity to have a family.

I place on the record how deeply concerned I am at the federal government's announcement, which has come during the course of the debate of this bill, and which has been in another place until today. That is very concerning. I hope that the federal government understands what an outrageous imposition that will place on those families who want to have children, to experience the joy of children, but who may be prohibited from that because of the cost. I would certainly ask the government to review it.

Otherwise, the reproductive council in South Australia has been calling for these important reforms for many years, and I, at that time representing the opposition, as indicated by my colleague the new opposition spokesperson for health, indicated it was a conscience vote. There are aspects of this bill that have the full endorsement of our party.

There is just one other minor technical matter. It is important that we remedy this issue, by the amendments, to register the deceased party on the birth certificate. That is terrific, but it should be clear on the record that this does not obviate the obligation of the new partner or husband of the widow who may elect to use the sperm posthumously of her deceased husband.

Notwithstanding what we are proposing to amend in the state legislation, the Family Law Act, which deals with the question of obligations in respect of children from guardianship to financial support, irrespective of the marital status of their parents, does place a secondary obligation on another set of people; namely, step-parents, new partners, and where a child is ordinarily resident in a household involving that new partnership, they may well be called upon to make provision for financial support and, in addition, have entitlements to guardianship and contact.

It is important that the parliament understands that, whilst we are trying to recognise the significance of the opportunity to register the original donor on the birth certificate, meritorious as it is, it will not relieve other new parties from their obligations under the act or curtail the entitlements and eligibility which they will receive under the federal legislation. With those few words, I indicate that I will support the final passage of this bill and welcome its return.

Ms CICCARELLO: I will be very brief. I have already spoken on this bill at length in March this year. I am delighted that, even though it has travelled a tortuous path through both houses to

where we are today, we have an updated piece of legislation which ensures that assisted reproductive treatment in South Australia is progressive and relevant. I am equally delighted that Sheree Blake is in the chamber today and can be witness to this final battle in her war to be able to access the semen of her deceased husband, Lee. I am thrilled that my efforts have helped my two good friends' wishes finally come to fruition and look forward to the day when I am able to meet, as Sheree put it once, 'a little Blakey'.

The Hon. J.D. HILL: I am very pleased to say the final thing. All I wish to do is thank all members for their contribution and, of course, all the officers for their help. It has been a long process. Matters which are conscience votes for the parliament are more interesting in some ways to deal with, but they are more complex. We worked our way through all those issues over the year or so that it has been before the parliament and I am very pleased it is now coming to an end. I thank all members for their contribution.

Motion carried.

PERSONAL PROPERTY SECURITIES (COMMONWEALTH POWERS) BILL

Adjourned debate on second reading.

(Continued from 23 September 2009. Page 4095.)

Ms CHAPMAN (Bragg) (15:59): By April 2007, the Council of Australian Governments had given in principle support for the establishment of a national scheme for the registration of personal property securities, supported by a referral of legislative power from the states to the commonwealth. It is my understanding, and I think evident at least from the briefing provided on this bill, that some 70 acts of parliament around Australia and 40 registers operate under the relevant legislation, which, under these reforms, will enable the consolidation of the registers into one and under one piece of legislation.

Simplicity is not always the answer, but it appears that, in this case, there is a significant benefit to consumers and businesses, with assurances by the government that there will be less red tape and the claim that it will be more certain, more consistent, less complex and cheaper. It is not always the case that a reduction in complexity or simplicity makes things either cheaper or better, but we have been given some assurance that that will be the case.

It appears that other jurisdictions currently have this matter under consideration. As we speak, both the commonwealth and Victorian parliaments are considering their equivalent legislation for this part of the COAG agreement. The New South Wales parliament passed its bill in June this year.

The four acts of parliament which require registers to be kept are: the Bills of Sale Act 1886, the Goods Securities Act 1986, the Liens on Fruit Act 1923 and the Stock Mortgages and Wool Liens Act 1925.

The only matter that I bring to the attention of the house is the introduction date of 2010. I have assumed—and I hope correctly—that the delay in commencement is to facilitate education about and access to the new arrangements and the setting up of the new register at the commonwealth level for those who will be using the service, banking institutions, and so on, and consumers. There needs to be a necessary delay for that. I have accepted that advice at face value, but I hope that this new regime if it is to provide all the benefits espoused, can be implemented as soon as possible.

I indicate that the opposition will support the bill on the clear understanding that the new set of priority rules which are to be incorporated into the commonwealth bill—I have briefly perused that very extensive document, and this is not a question of what the priority is for liabilities against a particular piece of personal property—have not been changed. They are incorporated in the commonwealth bill. There has not been a change of priority or legal position or entitlement, so that situation remains as it is.

Secondly, we understand that there has been no interference with the opportunity for the states still to be responsible for—and, in fact, retain—the power to confiscate, seize, extinguish or forfeit in connection with enforcement under the state provisions.

It is important to remember—and we acknowledge—that we are talking here about personal property (cars, plant and equipment, hay, stock, and so on) that relates to the current acts. We are about to repeal the need for the retention of individual registers. It does not include land or buildings (fixtures on those properties), but it does include intellectual property.

Again, we were advised at the briefing—and we accept the information that was provided—that there is no expansion of the definition of 'personal property' that currently applies under the four acts of parliament to which I have referred. On that basis I indicate that we support the bill.

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

CORRECTIONAL SERVICES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 June 2009. Page 3212.)

Mr PENGILLY (Finniss) (16:05): I indicate to the house that, although I am the first speaker, the member for Bragg will be the lead speaker. The fact of the matter is that we were informed only yesterday that this bill was coming in this week; it was not scheduled to do so for a fortnight.

On Wednesday 17 June 2009, the correctional services minister introduced this bill. The proposed changes further the government's centralised policy, remove the committee and increase the management options for the Chief Executive of the Department for Correctional Services. The government's claimed agenda of introducing an amended correctional services bill was outlined by the minister in the opening two paragraphs of his second reading explanation, when he said:

> The changes proposed will make prisoners more accountable for their actions whilst the same time providing correctional authorities with more efficient prisoner management tools.

A few sections of the bill do not match the above statement given by the minister. Some of the negative issues include increasing penalties/new penalties. The last time penalties in the Correctional Services Act were amended was 1994, and I think that perhaps explains why the minister wants to update this section of the act. However, he also stated that 'amendments are proposed to ensure that the behaviour of prisoners who breach prison rules can be adequately dealt with'.

Without having a brief outline of how unacceptable behaviour will be adequately dealt with, the presumption is that it means that fines will increase and that privileges a prisoner may possess will be withdrawn. Therefore, instead of presuming, I would like to hear the minister give a full explanation of what 'adequately dealt with' means in relation to a prisoner's penalties. On further inquiry, it is noted that, along with the addition of fines and the withdrawal of privileges, solitary confinement will be included as a punishment option, and I think that this needs to be fleshed out further, especially when this bill was introduced to enforce efficient management skills.

The act already outlines isolation management units for misbehaving prisoners, and this is a successful management operational tool to this day, yet introducing solitary confinement as a form of punishment is not always suitable. I ask that the management definition of 'adequately dealt with' be outlined by the minister in due course.

Regarding visiting inspectors' qualifications and prison cell inspectors, amendments incorporated in this bill would expand the existing groups of visiting inspectors by allowing the minister or the Department for Correctional Services to choose respected members of the community or, as stated in the bill, 'suitable' community members.

The minister believes this is an important amendment to strengthen the scrutiny of our prison system. However, not once does the correctional services bill identify what a suitable community member is. What qualities or qualifications do suitable community members need to embody to be classified as visiting inspectors, and how are they to be tested? Again, I raise the above concern but, as the Minister for Correctional Services said in his second reading explanation, section 20 (Correctional institution must be inspected on a regular basis provides) as amended provides that 'prisons are required to be inspected regularly to maintain standards'.

One concern the Labor government has raised is the lack of staff or local persons eligible to be inspectors, and it therefore proposes an amendment which provides 'that this clause removes...requirements...and provides for the minister to appoint any person who is considered a suitable person as an inspector of prisons'. Specifications of 'suitable persons' need to be identified and defined; otherwise, the standards of our prisons may fall short.

In relation to separating prisoners, the current act requires that the minister review all prisoner separations. However, the minister noted in his second reading explanation:

Given the short time frame of most separations and the time...to complete the...administrative processes..., very few reports reach and are reviewed by the Minister before the separation order expires.

Therefore, the act is being amended to allow the CEO or his her delegates to approve all prisoner separations that do not exceed five days. Those exceeding five days will need consideration by the minister. The question is whether there is no other state in the South Australia where the minister has this responsibility or power.

Regarding the appointment and revocation of private service provider staff, when the Liberal Party was in government it allocated private operators access into prisons. However, a condition was put in place by the then Labor opposition that the executive council, that is, the Governor, was to approve staff appointments. Currently the selection continues to be approved by the chief executive, but now the Minister for Correctional Services wants to remove this condition, as the Labor Party views it as administratively cumbersome, which is rather interesting, considering where it has come from.

On the matter of prisoner property, already under current regulations prisoners are capable of keeping personal belongings in a locker of a specific size. This system has been described as out of date and not reflecting modern prison practice. Proposals have been made in order to allow regulations and flexibility for the management of prisoner property; however, specifications have not been acknowledged. Perhaps in due course the minister can specify exactly what regulations and flexibility will be afforded to prisoners and their property. By providing prisoners flexibility in relation to their belongings, how is this considered efficient prison management?

On the positive side are multiple committees. The present act provides that the minister may establish a committee that will assist the CEO of the Department for Correctional Services in assessing the behaviour of prisoners. We note that the current act specifies and acknowledges the legality of one community committee. I agree with the government that additional committees will enable each prison and prisoner to be individually and carefully assessed, which will result in a well rounded portfolio. The understanding is that these assessments will be carried out by prison staff and prisoner case managers and will allow each committee to have legal responsibilities in the assessment process of South Australia's prisons and prisoners.

Overall, with the deletion of duplicated sections there is not a lot of concern with some of those actions, as well as introducing multiple committees to prisons. Prison assessment committees will ensure proper management skills within a prison operation, which in the long term will be a beneficial system. I suppose it is fair to say that, given the backflip on the large Mobilong Prison just recently in the budget and yesterday's announcement on Magill, the Rann Labor government is all over the place on prisons. The Department for Correctional Services officers are under great strain trying to accommodate the numbers of prisoners that we have. Indeed, it is a far from ideal situation.

The major concern with the bill is the use of solitary confinement as a punishment option. I do not know that this is an efficient management tool in relation to prisoner penalties, especially when the use of management units which isolate prisoners has been a proven effective procedure for mismanaged prisoners, as well as using it as a form of protection for others.

A clearer explanation of a suitable person for visiting a prison cell and inspection should be a requirement, otherwise the minister will be allowing trusting persons to enter the living environment of prisoners which could lead to dangerous consequences.

It is unfortunate that we have to debate this bill today. I acknowledge that it was introduced on 17 June this year, but that is not the question. As the member for Bragg will indicate shortly, we have been undertaking a substantial amount of consultation with interested parties on this legislation that has come on today. Unfortunately, it has taken a fair while for some of these bodies to get back to us on the bill, so it is somewhat disappointing that the Liberal Party was pushed into debating this issue today and not given time to go through the process, which it would have done at the next joint party meeting prior to the next sitting week in a couple of weeks' time. It has created somewhat of a disruption in the process.

However, having said that, we are happy to debate it now. I know that there will be other contributions and amendments moved. I am thankful for the briefings that I had from Correctional Services staff this morning and I am only sorry that I was not able to get them a couple of weeks ago. I would rather have had that briefing than go through what I did, quite frankly. Having said that, we will proceed with the bill and continue the debate.

Ms CHAPMAN (Bragg) (16:17): May I say at the outset that I will be the lead speaker on behalf of the opposition in this matter. Further, I record my appreciation that the Deputy Premier is not the Minister for Correctional Services in South Australia and, therefore, we do not have imposed upon us (as a community, the correctional services department, its officers who are the professional people in charge, or indeed the prisoner population of South Australia and their families) the 'rack 'em, pack 'em, and stack 'em' policy which he espouses. Indeed, we as a community have the protection of the Correctional Services Act to ensure that proper process is secured and that management rules apply in our prisons.

The Minister for Correctional Services introduced this bill on 17 June 2009. It purports to streamline existing processes and maximise the use of the Department for Correctional Services' resources and 'remove the impediments that impact on effective custodial management'. That is the stated objective and it seems worthy at first blush, and it is important, particularly when we are dealing with the accommodation, security and rehabilitation of a group in the community who have not only offended but who are expected to pay the price. However, as a humane society, we have a responsibility to ensure a program of rehabilitation and humane security for those personnel.

The review, therefore, that has culminated in the miscellaneous amendments to this act, I have to say at the outset, is disappointing in that it fails to address a number of significant issues which are outstanding and which have been the subject of coronial inquiry recommendations in this state. Therefore, I will address my areas of disappointment in what I think has been an opportunity for the government to remedy and bring into effect reforms. Notwithstanding that it has chosen a narrow area of reform—some of which I find completely unacceptable, and I will outline this in due course—some of it is sensible and needs the support of the parliament.

I also say at the outset that the opposition has not formed a party position on this matter. As explained by the member for Finniss, the opposition is continuing to consult with a number of stakeholders who have expressed their concern about a number of aspects of this bill and from whom we are still awaiting some further information.

Certainly, it is noted that this bill was introduced in June and that, during the long winter break and the more recent break, work has progressed but is not complete, and for that reason the opposition has not formed a party position. However, I propose to outline a number of areas of concern, a number of other areas of omission and lost opportunity in respect of the reforms and tidying-up, even of minor matters in relation to this legislation.

May I also say that the amendments that are presented to us in this bill, I suggest, clearly reflect the government's very centralised policy on the management of our prisons and in particular the prisoners, bearing in mind that this legislation deals with both adults and children who are incarcerated.

The government's centralist approach is evidenced by reforms which include the removal of committees, the increase of management and punishment options in respect of the chief executive officer, and the exclusion, in fact, of the minister from some of this decision-making process, which we think is adverse and not in the best interests of the protection of those who are in custody.

That is not to say that there is any personal reflection on the chief executive officer who currently holds that position or that he would, in some way, act in a manner that is inconsistent with the interests of prisoners. I do not know the answer to that, but here in this parliament we do not make legislation on the assumption of the views of a particular person who might hold office. Legislation completely ignores that aspect and assumes that a person will have that responsibility, who may or may not have the same standards as the incumbent.

Therefore, to some degree, we make the decisions here based on the lowest common denominator and when we look at the checks and balances that operate in relation to any legislation where there is considerable control or management—and in this case we are talking about people whose liberty has been frozen and removed for a fixed period, or sometimes a non-fixed period, that is, they are incarcerated—it is a pretty serious matter and we need to get it right.

I suggest, in opening, that we probably have not got it right in relation to this bill, and there are a number of aspects that I will be asking the minister to review between houses. In the event that we do not conclude the debate on this second reading today, then when the parliament resumes he will have had the opportunity to consider some of these.

I also say in opening that I have viewed briefly an amendment by the government and also one that I understand has just been tabled by the member for Mitchell, and I will give some consideration to both of those. I am told in respect of the government's amendments that they are largely consequential upon other reforms that are in the bill. I will certainly have a look at those and will not hold the house up at this stage in dealing with them individually. If that is the case and they are consequential upon good substantive changes to the law, then they will have our support.

I indicate that, during the course of the consultation on this matter, the government offered, and the opposition accepted, the opportunity to have a briefing from Mr Peter Severin, the Chief Executive Officer of the Department for Correctional Services. That was offered earlier this month and, in fact, we met on 2 September. A representative from the minister's office attended. The chief executive officer has been in South Australia for a considerable time; I think he has held the position of chief executive officer here for five or six years.

I can remember attending a public function sponsored by OARS which featured him as a guest speaker upon his early arrival in South Australia where he outlined his aspirations for the development of corrections in this state. Those aspirations were visionary, some of them were quite radical, but he certainly set down some aspects of reform which I think impressed the meeting, and he was welcomed to South Australia. Of course, he has continued in that role ever since.

I was the only member of the opposition who actually attended the briefing on 2 September, although I understand that the member for Finniss (our spokesperson on correctional services) was offered and has been provided with an extra briefing on this matter. Mr Severin provided a comprehensive information session and briefing not only on the bill but on the background of his understanding of the programs and procedures that are currently in practice and operational within the prison system. I appreciated his time and his advice on that occasion. I start from the premise that he is an expert and experienced chief executive officer in this field, and I have no reason to think otherwise.

During the course of the meeting, I was advised that the origin of the bill and its antecedents in that sense was that it had been developed from initiatives, ideas and views expressed within the Department for Correctional Services, the department being the body which provides the staff and the management and operation of most of our prisons in South Australia. There is a private contractor in the Mount Gambier Prison. I am not sure whether they practice anywhere else in South Australia. I think it is Group 4, the English company, appointed under the previous government. To my knowledge, it operates that prison and, on the information that I have, it does so quite successfully.

Essentially, the Department for Correctional Services attends to the provision of personnel to supervise and keep secure the residents of our prisons across South Australia. It is my understanding that, because this bill deals with correctional services provided across the state, it also includes children. So, I assume that, for the purposes of this bill—particularly as there are amendments proposed to the Youth Offenders Act 1993 and the Youth Court Act 1993, in addition to the Correctional Services Act 1982—we are dealing with all age groups. I should qualify that by saying that we do not incarcerate children under the age of 10, of course, because their capacity to form an intent and to be charged and convicted starts statutorily at the age of 10.

It was, therefore, a little concerning for me to hear that, in view of the comprehensive coverage of the proposed amendments to the three pieces of legislation that I have referred to, when the presentation of these amendments was made to stakeholders it was to a fairly limited group in the end, that is, those who were invited to come along and hear Mr Severin, or one of his departmental people, give a presentation to a number of stakeholders.

Those represented, as recorded, were OARS, ACOSS (I am not sure if it was an ACOSS or SACOSS representative, but it was a social services council representative of some kind), the Victim Support Service, prison chaplaincy, Anglicare and the Salvation Army, the latter two of which are non-government organisations that are quite involved with the provision of housing for prisoners upon release, those who are in home detention and the like.

All of these are worthy and appropriate stakeholders to be invited to such an occasion. But, what struck me as concerning was the apparent omission. It is possible that other people were invited and they did not attend—they did not want to turn up, they did not have a view, or whatever—but in the initial consultation that the opposition has done it has come to light that a number of stakeholders, whom we would have thought would have been obvious to be consulted,

have not been, or at least invited to come along and be given a briefing and an opportunity to scrutinise the bill.

Having had the opportunity to have a briefing in recent weeks myself, and having had information made available, which, frankly, I found alarming, but to which I will refer in a moment, I have to wonder whether there was any attempt not to have broad consultation on this matter with stakeholders, who, I would have thought, would have a very strong vested interest. Let me give the parliament an example. I seek leave to continue my remarks.

Leave granted; debate adjourned.

[Sitting extended beyond 17:00 on motion of Hon. A. Koutsantonis]

FIRE AND EMERGENCY SERVICES (REVIEW) AMENDMENT BILL

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

No. 1. Clause 6, page 5, line 17 [clause 6, inserted section 4A(3)(d)]—Delete paragraph (d) and substitute:

(d) any council whose area would be, or is, within the designated urban bushfire risk area.

No. 2. Clause 6, page 5, line 18 [clause 6, inserted section 4A(4)]—Delete 'the LGA' and substitute:

a council

No. 3. Clause 23, page 17, after line 6 [clause 23, inserted section 73]—Insert:

(2a) The primary purpose of the plan is to identify major bushfire risks in the State and recommend appropriate action that will provide protection to life, property and the environment from the effects of bushfires.

No. 4. Clause 35, page 23, after line 26 [clause 35, inserted section 105B]—Insert:

(4) A Chief Officer may, on application by a council, exempt the council from the requirement to appoint a fire prevention officer under this section.

No. 5. Clause 35, page 24, after line 15 [clause 35, inserted section 105D]—Insert:

(4) If a fire prevention officer delegates a function or power under this section, he or she must report that fact to the council.

No. 6. Clause 35, page 24, lines 20 to 25 [clause 35, inserted section 105E]—

Delete 'notice to a fire prevention officer, require the fire prevention officer to provide to the Commission, the State Bushfire Coordination Committee or the bushfire management committee within a period stated in the notice or at stated intervals, any report or reports relating to the performance, exercise or discharge of the fire prevention officer's functions, powers or responsibilities,' and substitute:

notice, require the council to provide to the Commission, the State Bushfire Coordination Committee or the bushfire management committee (within a period stated in the notice or at stated intervals) any report or reports relating to the performance, exercise or discharge of the functions, powers or responsibilities of the fire prevention officer or officers (if any) for the council's area,

No. 7. Clause 35, page 24, after line 33 [clause 35, inserted section 105F(1)]—After paragraph (c) insert:

and

(d) to minimise the threat to human life from a fire on the land.

No. 8. Clause 35, page 26, after line 37 [clause 35, inserted section 105G(1)]—After paragraph (e) insert:

and

(f) to minimise the threat to human life from a fire on the land.

No. 9. Clause 35, page 28, after line 2 [clause 35, inserted section 105H(1)]—After paragraph (e) insert:

and

(f) to minimise the threat to human life from a fire on the land.

No. 10. Clause 35, page 28, after line 33—Insert:

105HA—Commonwealth land

(1) If in the opinion of the relevant Chief Officer conditions existing on Commonwealth land—

(a) in the country; or

(b) in a designated urban bushfire risk area,

present an undue risk to surrounding land (not being Commonwealth land) in the event of a bushfire on (or passing through) the Commonwealth land, the relevant Chief Officer must take reasonable steps to notify the person apparently in control of the Commonwealth land of the risk and the reasons for his or her opinion (and may provide advice as to the action that, in the opinion of the Chief Officer, should be taken in view of the risk).

(2) In this section—

Commonwealth land means land occupied by the Commonwealth (including the Crown in right of the Commonwealth or a Commonwealth Minister), or by an agency or instrumentality of the Crown;

relevant Chief Officer, in relation to particular land, means—

(a) if the land is within a fire district—the Chief Officer of SAMFS;

(b) if the land is outside a fire district—the Chief Officer of SACFS.

No. 11. Clause 38, page 32, after line 7—Insert:

(7) A regulation may only be made under Part 4 Divisions 7 and 8, and Part 4A, on the recommendation of the Minister.

(8) Before making a recommendation under subsection (7), the Minister must—

(a) give written notice of the proposed regulations to the LGA; and

(b) give consideration to any submission made by the LGA in relation to proposed regulations within the period specified in the notice (being a period of not less than 6 weeks).

No. 12. Clause 39, page 32, lines 8 and 9—Leave out this clause and substitute:

39—Amendment of section 149—Review of Act

(1) Section 149(1)—delete subsection (1) and substitute:

(1) The Minister must cause a review of the operation of this Act to be conducted.

(1a) The review must relate to the period between the commencement of the *Fire and Emergency Services (Review) Amendment Act 2009* and 30 March 2013.

(2) Section 149(3) and (4)—delete subsections (3) and (4) and substitute:

(3) The review must be commenced as soon as is reasonably practicable after 30 March 2013 and the report must be submitted to the Minister by 30 September 2013.

Consideration in committee.

Amendments Nos 1 to 10:

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

That the Legislative Council's amendments Nos1 to 10 be agreed to.

Motion carried.

Amendment No. 11:

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

That the Legislative Council's amendment No. 11 be disagreed to.

This issue was not raised in the House of Assembly when the bill was first debated. This amendment was moved by the Hon. Robert Brokenshire at the behest of the LGA. In essence, it asks for six weeks' consultation in relation to the regulations. The government cannot accept that.

As members on both sides of the house would be aware the fire danger season will commence on or about 1 November; that is the advice we have received thus far from the CFS. That could change from area to area, depending on weather conditions. It is critical that this

legislation is in place on 1 November. If we were to accept this amendment, obviously the legislation would not be in operation on 1 November.

I assure the committee—and I have already assured the LGA—that we will consult with the LGA in regard to the regulations. I gave that assurance when I met with the LGA two or three weeks ago. We contacted the LGA this afternoon to reiterate that point. We support the principle of consultation, which is an important element of the regulation-making process. The six weeks' consultation period should not be accepted by the committee—and I would hope it is not.

If it is returned to the Legislative Council, I hope members of the Legislative Council would be mindful of the advice that I have been given by both CFS and SAFECOM; that is, that a six week consultation period would simply run us past the commencement of the fire danger season.

The regulations, which will be drafted next week and which will be available to the LGA and other interested parties in the week after that, will not be overly cumbersome. It is not as if we will be dealing with a complicated set of regulations that will require us to meet week after week to negotiate a position.

As is our responsibility, we will sit down with the LGA and other interested parties to ensure that we go through this carefully and properly. We estimate that it would probably take about two weeks and, beyond consultation, it may require some changes to the regulations. Once those changes are made, they would come back to me to be taken to cabinet.

For a variety of reasons it is important that we not support this amendment. It is imperative that the legislation and the regulations are in place by the start of the fire danger season. A six week consultation process will simply not make that possible.

Mr GOLDSWORTHY: Given the comments of the minister in relation to this amendment, the opposition understands the argument put forward by the minister. We are of the same opinion; that is, we would not wish to delay the legislation as it relates to the start of the prescribed bushfire season. I remind the minister and the government that it is very important that proper consultation is undertaken on these issues with the LGA and other related organisations and stakeholders.

I take the minister at his word that he will engage in meaningful consultation in relation to framing regulations and working through that process. We have that on the record, and if it does not occur then it is the responsibility of the minister and the government. The opposition is willing to support the government's position in relation to this amendment.

Ms CHAPMAN: The Fire and Emergency Services (Review) Amendment Bill returns from another place with some helpful amendments. As our shadow minister has indicated, we will be supporting the government's position, and I anticipate that the minister will advise the house that he will support amendment No. 12. For the good reason explained by the minister, only amendment No. 11 is not acceptable to the government, and we accept the indication that the regulations will be available for consultation within a week and can be reviewed before 1 November.

The only contribution I want to make to the committee in relation to this bill in its final stages is to say that we have only five weeks before the opening of the danger period for South Australia. We set that date for good reason, and the expectation is that, prior to 1 November, we will not just restructure things, as proposed by this bill, and that we will not just start to impose on both public and private landowners that they do certain things but that we will action it.

It was very disturbing to me this week to read a full-page story in the Adelaide Hills Messenger paper of a concern expressed by the Mayor of Mitcham that, in the council's view, there had been inadequate provision by the natural resources management board that covers the Adelaide Hills area for funding for fire prevention programs in the region. The NRM's response was that it did not allocate according to councils but for the whole region. That may be so, but I will let them have their own little fight over there about that.

However, the bottom line is that money is not out there on the table ready at the moment to support that. Today, in the parliament the Minister for Environment outlined the figures and told us in no uncertain terms that there had been inadequate funding in 1999 from the then government (of which I was not a member) as though that was the answer. I remind the minister that he has had the opposition's support in the passage of this bill to restructure and introduce a better program for the management of the inevitable difficulties that we will face in five weeks' time and the following season, especially with the lack of rain.

However, it is not just a question of money; it is a question of the capacity of you, as the government, and the landowners who have imposed on them by this legislation an obligation to clean up, burn and get rid of the fuel load and ensure that they protect themselves, their families and their neighbours. That is a legal obligation that will come with the passage of this bill, irrespective of what might be added with a few regulations. That is what has to happen between now and 1 November. The only chance left for landowners, public or private, who have not done anything in the autumn or, what they have done is totally inadequate, and who find—

The ACTING CHAIR (Hon. P.L. White): Order! The member must speak to the amendment. This is not a third reading contribution.

Ms CHAPMAN: I am very happy to do that, but I thought I was. Unless it miraculously appears in the regulations, which we have not yet seen and on which there has been a request from the other place that it have an opportunity to consult, we are taking the word of the minister.

I am outlining to him what I expect to see, not only in the regulations but also in the opportunity to ensure that they are activated before 1 November and that we must have that if there is any chance of protecting not just those people who live in the Adelaide Hills but also those in all of the vulnerable areas, which I understand under this program will give us some zones and so forth around the state.

Action will save South Australians from some limited lightning strikes and prevailing winds. Action on that fuel load is imperative, and I would hope to see, on behalf of South Australians, not just in my electorate but for many of the people here to represent fire prone areas, some protection during what will be a very difficult period, given the fuel load and the lack of water supply that we have, so I welcome the return of this with the amendment.

Mr PENGILLY: Much of what I would say has already been said and put in very strong words by the member for Bragg. We sit in this place and pass plenty of legislation, but at the end of the day it has to be practical. I understand completely where the minister is coming from with this amendment, and in a bipartisan manner we support this, but the fact is that we have to be ready for this summer.

The best thing we can do is send Andrew Lawson, Euan Ferguson and Michael Pengilly up into the hills with a box of matches now and burn the heat of them out while they are still green, cold and half damp, because that is the best way to deal with it. I could not believe the minister for the environment coming in here today and telling us we need money to burn off. I have never heard so much nonsense in all my born days. We have forgotten practicalities in this place and in South Australia generally we have let bureaucracy, over-government, laws and regulation take over common sense, and it is totally ridiculous.

I support what the government is doing on this fire and emergency bill and on this amendment No. 11. Of course I support it, because we just have to get on with it. We do not have time to go away and fight this amendment or whatever the LGA wants. It is not always right, and neither are we. However, at the end of the day the fact is that we have to get back to common sense and a bit of practicality.

The minister came in here today and said we have put more money in than was there in 1999. I could have gone out in 1999 with a couple of boxes of matches and a fire stick and got rid of half the problem in my area pretty quickly in the late autumn or the spring. That is when you should burn, not try to run around when it gets to late spring and you have hot northerlies and things have dried out. That is the important thing; you get out there when you can, and you burn it up. You burn in late autumn when you know there is a rain coming so the rain comes and puts it out.

There are a few people around who have some practical experience. The member for Stuart is one, and there are a few others on this side of the house as well. I am terribly concerned about what may happen this summer. The growth will be extraordinary up in the Hills. It has been said before and it is worth reiterating that, after this spring and the rains we are having this week in September, the amount of growth will be amazing, so in getting on with this bill and these regulations I want to see what happens really quickly. I support the government in its direction here, but I want to see a practical approach to it as well.

Motion carried.

Amendment No. 12:

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

That the Legislative Council's amendment No. 12 be agreed to.

The Hon. M.J. WRIGHT: The government supports amendment No. 12. I appreciate the opposition's support in disallowing the previous amendment, and I certainly will honour the commitment I gave in regard to the consultation. I will certainly ensure that that occurs. With amendment No. 12, briefly, the opposition had an amendment for a review after two years. We thought that was a bit too short. We suggested four years; we have got one back saying three years; that seems to be a happy compromise, and we are happy to accept it.

Mr GOLDSWORTHY: I appreciate the minister's acknowledgment for our support for this amendment. This amendment was moved by me as the shadow minister for emergency services and, as I pointed out in the second reading debate, I make the point again that we really need to be on a continual improvement program.

We need to look at ways and means and methods and everything around how we go about improving emergency services and their response to bushfire management and control, so I appreciate the government's support. We did have a discussion that the initial amendment was for the review to take place in 2012, but life is about compromise and negotiation at times, so the option that I put was for a year later in 2013.

I think it is important that we do formally review the act. The bill we are discussing now in relation to all the amendments came about as the result of a former review process of the original act that was passed in 2005. We are appreciative of the fact that the government is supporting this, along with the other amendments that we moved here and in the upper house. The minister was true to his word that the government was prepared to look at the amendments between the houses.

A number of the amendments moved by the opposition, by the member for Waite, the Hon. John Dawkins and myself, were accepted. Also, the amendments which the Local Government Association proposed and which were moved by the Hon. Robert Brokenshire in the other place have been picked up and accepted.

I do not necessarily want to congratulate ourselves on it all, but I think this has been an example of how the government, the opposition and the minor parties can work in the whole Parliament of South Australia with a view to serving the people of South Australia more effectively and efficiently.

Motion carried.

CORRECTIONAL SERVICES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 4148.)

Ms CHAPMAN (Bragg) (16:58): What is most concerning is that the most logical people to be consulted would be, first, the Law Society of South Australia; secondly, the SA Bar Association; and, thirdly, and most obviously, the Aboriginal Legal Rights Movement.

As most members in this house would understand these are the very people who have a direct interest in those who are incarcerated in this state and they have often represented them. The profile of those who are in our prisons, sadly, reflect a very high over-representation of members of the indigenous community—in both our juvenile and adult prisons. That is a disturbing feature in itself.

As one who sat on the juvenile justice inquiry of this parliament, chaired by the Hon. Bob Such, and having read reports over the past 20 years on juvenile justice, it is a very disturbing statistic to see that the overwhelming majority of people in our prison system are young, poor and black. That is a reality. So, it stuns me beyond belief that the very people who you think would be consulted when it came to the management of those in prisons were not.

Again, I should refer to the profile of those who are in a number of our country prisons, and Port Augusta is one that comes to mind immediately, and there is Port Lincoln, where there are significant numbers of Aboriginal people in prison. You would think that the Aboriginal Legal Rights Movement would be one of the first groups of people to be consulted in relation to reform of the Correctional Services Act.

What I am told by the Aboriginal Legal Rights Movement is that over, I think, some period in 2007 there was consultation in relation to review of the act and that, in fact, they had put a very lengthy submission to the government. It may have predated the appointment of the current minister but it was a very lengthy submission, I understand, in which they outlined a number of concerns that they had in relation to the Correctional Services Act 1982 and areas of improvement and reform that they thought were important.

We have not yet had the opportunity to sit down with them, but I have a bit of a précis about what they have seen in this legislation since we sent it to them and drew their attention to a number of aspects of it, and they have repeated a number of concerns, some of which apparently were outlined in this submission that was put back in 2007.

Why were these people first and foremost not involved in the stakeholder briefing at the very least? It is possible now that we have made that inquiry that, if we were to go back to Mr Severin and ascertain from him whether in fact they had been invited to the stakeholders' meeting, they may well have received an invitation and even been sent a copy of the bill. I do not know whether they had been sent a copy of the bill at that stage.

It is a bit like déjà vu, because this week I have been debating another piece of legislation which relates to the question of whether we should brand recidivist young offenders as such and impose upon them a new formula of penalty, and it disturbed me greatly, given that we were again dealing with a profile of young prisoners, that there appeared to be no decent consultation with the very people who actually represent so many of these young children. Here we are talking about children and adults, so it is very concerning.

If they were invited and if they were sent the bill, that is one thing. However, in that instance, we then found out that they had been sent the bill, but that when government representatives inquired, having had no response in relation to the recidivist young offender legislation, it transpired that the solicitor in that organisation who normally deals with the submissions on a bill that may be put to the government was actually away on leave or on holidays, or somewhere. Notwithstanding that the government was advised of that, without even waiting for his return, the government proceeded with the debate on this matter without that information.

I am staggered beyond belief that the very people, who have not to just represent these people but pick up the pieces after repeat representations of these people and often their families, were not right there in the room at this consultation. In any event, they did not turn up to the presentation, but I have at least had an opportunity to raise this matter with one of the representatives of the ALRM who is legally trained.

I do not know his full experience, but he is employed as a solicitor with the Aboriginal Legal Rights Movement, and he has made some very sobering comments about this bill. In particular, when we pointed out that there was a proposal to extend the penalties or punishment regimes under the guise of 'remove impediments that impact on effective custodial management' of the minister, he was alarmed and very concerned to put some submissions to me.

The Hon. A. Koutsantonis: You should take up their cause.

Ms CHAPMAN: I am certainly going to be outlining a number of them which the minister will be riveted in his seat to listen to, I am sure.

The Hon. A. Koutsantonis: Every time you speak, I am riveted.

Ms CHAPMAN: I am pleased by that, minister. There is another category here which I have not heard from at all, and that is the youth representatives—the youth council and the like.

The Hon. A. Koutsantonis: It's about adult prisoners.

Ms CHAPMAN: We are also making amendments to—

The Hon. A. Koutsantonis interjecting:

Ms CHAPMAN: Yes, well, we will get to the committee stage in due course. The minister said in the parliament that this was a bill to amend the Correctional Services Act 1982 (which concerns adults) and to make related amendments to the Young Offenders Act 1993 and the Youth Court Act 1993, and they relate to children. I am sure the minister is aware of that, but it might have slipped his mind. As long as he is reminded of that, he will be able to follow the arguments that I wish to put to the parliament.

It is again concerning that younger youth advocates have neither attended the presentation or presented any submission. We are still awaiting a submission from the Law Society and the South Australian Bar Association. When I spoke to an eminent Queen's Counsel—that is criminal counsel in South Australia—he said to me, 'I'm a member of the committee in relation to criminal law reform, Vickie, and I certainly haven't seen this bill. If you tell me—as you have been told during the briefing—that there's an extension of the punishments that are going to be available under this bill and that is to include solitary confinement, or what we now call management units in modern language, that is a concern, and I would really want to look at that legislation.' So, I have sent it to him and I expect his committee to look at it.

I listened attentively when the minister gave his second reading explanation in the parliament, but he jumped quickly to incorporate the rest in *Hansard* without reading it, or something to that effect, so I was not able to hear it all at the time. However, after reading it, it did not illuminate me as to what was actually going to be put in there in relation to penalty. That was not until I had the meeting with Mr Severin, who was able to actually shine a light on the full extent of what was there.

The Hon. A. Koutsantonis: There was a Liberal Party campaign called 'turn the lights on'.

Ms CHAPMAN: Yes; it was called, Turn on the Lights. We won it actually. It was in 1975 for the Fraser administration.

The Hon. A. Koutsantonis: I thought that was 1984.

Ms CHAPMAN: No; it was 1975. Perhaps the minister was still at primary school at that stage. The Turn on the Lights campaign was a very successful Liberal campaign, where we thrashed poor old Mr Whitlam, who I think had a two year and 10 month prime ministership. I do not want to be distracted again because, as interesting as that political history is, I want to get back to the correctional services legislation.

Mr Severin's briefing provided me with the following. First, he said that this was legislation which had largely emanated from his department. There is no question that he is in a position to have a very comprehensive understanding of the prison system in South Australia. As I said, we have the legislation to protect prisoners and to regulate the management of people who are kept in all our correctional institutions in South Australia. I have recounted his areas of expertise and experience to date.

Mr Severin started by saying that the bill would abolish community service committees. Community service committees relate to the fact that we have community service orders. It is a sentencing option for offenders, which includes the opportunity for the judicial officer to order that an offender, once convicted, undertake certain hours of community service. It is usually a number of hours or days over a period of time, where they are obliged to report and undertake the service as a means of correction and, hopefully, rehabilitation. It is a form of punishment in a form which hopefully is productive for all concerned—for the prisoner, the offender and also for the community.

I am advised that currently the correctional services officers in his department consult with local councils and non-government organisations to find out what work needs to be done. This might cover rubbish removal, cleaning up riverbanks, tidying up areas in public spaces such as the Monarto Zoo, and the removal of graffiti. These are duties that can be identified, put into a program and undertaken. Largely, this relies on having enough funding allocated to supervise the offenders doing this work.

He further advised that the government had significantly increased funding, I assume to be in the recent budget, to remove graffiti as a specific program in the northern and southern suburbs in locations identified by local councils. There is plenty of work available; I suppose that is common knowledge. However, across the state it is fair to say that in some areas, such as Murray Bridge, there are not enough programs or work to be done. Perhaps the collapse of the riverbanks is one of the things that could attract a community service order program.

Recently, I visited Murray Bridge for a shadow cabinet meeting and attended the Murray Bridge court. That seems to be consistent with what I was informed at the briefing, that there are offences for which it would be beneficial, on the face of it, for community service orders to be made, but that there is a lack of specific programs available.

Mount Gambier is a region in South Australia that has quite a unique program relative to other regions in the state. It is the forestry capital of the state. My understanding is that the department is active in dealing with local forestry companies for the clean-up after trees have been

felled in forests, when they knock the branches off. I do not know a lot about forestry. I see them; I have a whole lot of forest next door to a property I have Kangaroo Island. They seem to dump all their branches off into the forest, and they leave them there. I am assuming, from the information that we received from Mr Severin, that in Mount Gambier there is a program where offenders provide assistance by doing some of this clean-up, presumably reducing the fuel load in those forest regions. All of that sounds good.

Coming back to the bill, it is now common practice that departmental officers deal with local councils and the NGOs, and they work out what needs to be done in a region and they get on with it. It seems that they bypass the community service committees. Hence, Mr Severin advised that they are superfluous (I think, reading between the lines of what the minister outlined in his second reading contribution), we do not need these any more, and they do not do anything useful. What became clear in the course of the consultation—

The Hon. A. Koutsantonis interjecting:

Ms CHAPMAN: This was a very long consultation, let me tell you, for which I was very appreciative. These community service committees were introduced as part of the law to ensure a number of things, one of which was that jobs would not be taken away from the private sector. That was put in the legislation. Therefore, one of the specific tasks of these committees was to consult with private businesses and make sure that there was no overlap.

As the minister well knows, whether it be creating deck chairs or putting together and assembling knock-down furniture that is imported into Australia, this is the type of work that is undertaken in our prisons, because it is agreed in the private sector and in consultation with the unions, quite properly, that this work can be undertaken by prisoners without any adverse economic impact on private enterprise and employment opportunities in the general community. We understand the principle of that.

The community service administration, under the Correctional Services Act 1982, specifically provided for a Community Service Advisory Committee and these community service committees, essentially, sit under it. They had to have certain people from the community on them, including a representative of the United Trades and Labor Council, a person nominated by the chief executive officer, etc. I am sure the minister is very familiar with that.

One of its specific tasks, as I said, was to be a voice for the private sector. What was being presented was that the departmental officers do this now. 'We worked that out. We discussed it with the local councils and we just decided what you need for a community service order. We know what is going on out there. The local government officer tells us.' One bureaucrat tells another bureaucrat what is occurring and everything is rosy.

In fact, it then transpires that it is not that these community service committees have been functional or operational, because it seems that they have not even been appointed during the lifetime of this government. For the last six or seven years, we have not had any of them. That pre- dates the chief officer's transfer to South Australia.

I was a little puzzled at what seemed to be, on the face of it, an inconsistency; that is, these community service committees which have a direct function under the act were purportedly no longer required because other people were doing that now. Then we find out that it is not that they are inefficient, not doing their job or superfluous: they are not even filled. They are not even out there. They have not been established and appointed even for the purpose of consultation. What a backdoor way of getting rid of community consultation. It is concerning—

The Hon. A. Koutsantonis: Backdoor? I am in the parliament.

Ms CHAPMAN: The minister interjects to express his disquiet about my referring to it as 'backdoor'. He did not say anything about this in his second reading contribution; that is, for six or seven years under this government there has been no reappointment of these committees since the previous government. They do not even exist, yet there is a statutory obligation under the act for them to exist and to give advice.

I have no reason to believe that Mr Severin would be giving me any indication otherwise, because obviously they do not exist at all anyway, so he probably has nothing to compare it with.

The Hon. A. Koutsantonis: If you are wrong, will you apologise?

Ms CHAPMAN: He has told me that.

The Hon. A. Koutsantonis: If you are wrong, will you apologise?

Ms CHAPMAN: What he has said is—

The Hon. A. Koutsantonis: If you are wrong, will you apologise?

Ms CHAPMAN: If I am wrong on what, minister?

Mr PENGILLY: Mr Speaker, I rise on a point of order. I draw your attention to standing order 131.

The SPEAKER: The minister should not interrupt the member for Bragg.

Ms CHAPMAN: Thank you for your protection, Mr Speaker. The government claims that they are no longer necessary. We now know that they do not even exist; they are not even operating. Irrespective of whether they could be assessed as being useful or useless, from our consultation to date we have been informed that, in fact, on occasions when they did operate previously, they were very useful. Let me give an example of what we have been advised. During the 1990s, when these committees were still alive and still appointed—

The Hon. A. Koutsantonis: The 1990s, that's 20 years ago.

Ms CHAPMAN: Your government has been there for seven years and obviously not used them.

The Hon. A. Koutsantonis: The 1990s are a long time ago.

Ms CHAPMAN: During the late 1990s, are you happy with that? We have been informed that when these committees were operational and their functions were being undertaken, a committee consulted with senior magistrate Grant Harris, who was a magistrate who went regularly to the West Coast and Ceduna courts. As part of the protocol, he would meet with the local community service committee, which comprised all those people provided for in the act. There would be a discussion about any community service work that was available and, obviously, this magistrate would adjudicate on matters in court and, where appropriate, make orders.

I am told that what was good about this interaction—which might be being thrown away by this amendment—was that there was a significant benefit in the race relations issue, bearing in mind that this court, from which community orders would flow, has jurisdiction for criminal matters in a number of indigenous areas.

I have named one magistrate who was a regular visiting magistrate at that time, and I am advised that a productive benefit was gained from it. I would not expect the Chief Executive Officer of the Department for Correctional Services to appreciate all this benefit because he was not participating in it. It is important, minister, as you have responsibility for this, that you not just look at what is inconvenient or a nuisance or an embarrassment because you have to disclose that you have not done anything about this for seven years. It is not enough to say, 'We will get rid of this because, in any event, someone in the department can do this.'

Someone in a department can do a lot of things, but the benefit of a forum which enables regular community consultation is important, so that you, minister, ultimately through the Community Service Advisory Committee, on which you have a representative from the community services committees, do not receive a narrow base of advice. Good as it might be from the department, it is not confined to that; you will have community input.

Minister, because it is your responsibility to this parliament and the government to make sure that the implementation of this act is carried out and prisoners are responsibly regulated and managed according to those obligations, it would be seen as an opportunity to have valued input from the community rather than its being dismissed because it is a pest, a nuisance and unnecessary and people in the department can do it anyway. That is not the exercise; the exercise is the benefit which is clearly outlined in the act.

I indicate that I express concern about the abolition of a process which, at least on the information we have received to date, had some benefit when it was operational and which needs to be reviewed. If there is a major cost attached to its maintenance, we are happy to hear about it, but I did not see in the minister's second reading explanation any reference to the importance of a necessary financial saving. So, in those circumstances I ask that it be reviewed.

The second aspect is the qualification of visiting inspectors and the opportunity for the appointment of persons who are not justices of the peace. I am informed that, at present, only a

justice of the peace with that appointment can act as a visiting inspector of prisons. We have a system in South Australia of visiting JPs, which is provided for in the act as a little security and a watchdog in the supervision of prisons, bearing in mind that that population is vulnerable to the extent that they are often not in a position to represent themselves.

Some would say that it is a toothless tiger regime; therefore, if that is the case, it is probably academic whether they are JPs or not. If they do not have some teeth in the recommendation they make, and they do not have any guidelines upon which to assess whether the standards in the prison are up to scratch, or there is no process whereby they can be dealt with, other than refer it to the minister, one wonders how useful they are anyway.

We are told that the purpose of the amendment is to expand the opportunity for others to become visiting inspectors under the South Australian regime. Instead of the requirement for a JP qualification, the minister can appoint anyone he considers suitable, whatever that means. In the bill before us, I note that there appears to be no definition of or a guideline for 'suitable'.

There is some case law on the common meaning and expected interpretation of words such as 'reasonable' and 'suitable', but there is nothing in the bill that gives any guidance to the minister or the people who will be putting in an application to become a visiting inspector on whether they would be accepted. The process is one whereby the minister makes the nomination (and obviously it will be gazetted) and the person is appointed.

I was advised at the briefing that perhaps it might be open to retired public servants or people who have some management or administrative experience, and they may well be well-suited to this job. I am not criticising that, but I alert the parliament and hope that the minister gives some consideration to how weak the visiting inspector program is in this state. Changing the personnel and their qualifications when they have no effective power or guidelines within which to operate seems like moving the chairs on the *Titanic*: it does not resolve the major issue of impending disaster, nor does it effectively create a structure to ensure that we protect prisoners and deal with the disciplinary breaches of prisoners.

I am told that Queensland (where Mr Severin worked at a high level in corrections) has a two tier system. A Justice of the Peace is employed to deal with the disciplinary breaches of prisoners, and another group, called Official Visitors, check that procedures are in order, etc. That may have some merit as well, but what is being proposed here is open slather for anybody to do this job who is considered suitable by the minister.

I should place on the record the fact that the current legislation requires every prison to be regularly inspected, and we use these visiting inspectors to do that. I am told that as a matter of practice this occurs at least once a week and that there are some 40-odd justices of the peace who form a pool of people who are available to undertake this work around the state. This is a voluntary service that they contribute, and they visit the institutions and undertakes these inspections.

In larger prisons I understand that several inspectors might go along and undertake the inspections each week; they look at different areas and report back. I think there is some small remuneration or honorarium or some kind of expenses allowance, but otherwise they are not paid for this work, and we value their contribution. There are another four or five visiting judges who are the justices of the peace who deal with the disciplinary breaches by prisoners.

Members in this house who read the Ombudsman's report each year will see that, notwithstanding the relatively small number of prisoners who reside in our correctional institutions in this state, they are very active when it comes to two things, and one is registering complaints with the Ombudsman, where they form overwhelmingly the largest number of complaints in the Ombudsman's report each year, many of which are found to be without any real foundation for complaint, some of which are investigated and resolved and some of which are investigated and there is found to have been a significant breach. They are often referred to in the Ombudsman's, report, and I will refer to them in this debate.

For the purposes of the prison inspection regime, they are not only active in that area but they also seem to get into a bit of trouble from time to time from their behaviour in the prisons, and the JPs are there to sort out disputes between prisoners, for example, and breach of the rules of their accommodation. So we thank them all for their service.

Can I say that one of the stakeholders we have consulted with has apparently raised a matter with the government already, but it has been ignored, sadly, because I think there is some merit in it and I would like the government to consider it, that is, the possibility of having a specific

inspector of custodial or correctional services, as applies in Western Australia. Instead of just having this team of volunteers under the current structure, which is to have its qualifications changed by this amendment, what the government ought to be doing is considering the legislative appointment of an inspector of custodial services.

My understanding is that a report has been prepared by the current inspector for Western Australia and is under consideration at a national level. This may not be correct, but I have noted that apparently the Optional Protocol to the Convention Against Torture is under consideration at a national level and that, if this is actually signed up to in due course, to ensure that there is proper supervision of what happens in prisons, one of the matters to be considered is that every jurisdiction will be required to appoint an inspector and that that person will have a function and responsibility to operate at, if I could say, a more professional level.

So, under this bill, in South Australia we seem to be going in exactly the reverse direction. If that is not right I invite the minister to come forward and indicate if there is a different approach happening at the national level. However, it seems that we are going the other way in that we are going to be giving a job to different volunteers who have, on the face of it, lesser qualifications while the rest of the world or at least the Australian jurisdictions are moving in another direction.

The second aspect of which I have been advised and which, again, I understand is being presented to the government but appears to have been dismissed or ignored or at least not agreed with and taken up in this bill, is that there are no identified criteria that our current teams who go into prisons have as a guide to what is acceptable in the standards that operate or are supposed to operate in prisons.

Being advised of this, I had a look at the Western Australian situation, which is available on the website of the Office of Inspector of Custodial Services, if anyone wishes to view it. The version as at 19 April 2007 has a code of inspection standards for adult custodial services. The website sets out the guidelines for the purposes of inspectors to use. It covers a number of areas including the processes that should occur at the time of reception and admission, the rules that are applied for remanding prisoners, the obligations in respect of orientation and custodial infrastructure. I assume that is an entitlement to have a bed and a shower. I am not sure as I have not gone into the detail of all that.

There are a lot of rules, and one of them is on the question of punishment. I will refer to this because there are some aspects of punishment which we are going to be asked to consider and approve in this bill and, as I have already indicated, I have some concerns about that. The punishment guidelines that apply in Western Australia, for example, state as follows:

> A prisoner may only be punished for a disciplinary offence following a properly constituted adjudication process. Any punishment imposed must be prescribed in law and be just and proportionate to the offence.
>
> Secondary punishment, additional to the sentence of imprisonment, should be commensurate with the offence or rule breach. The use of solitary confinement or segregation must be strictly regulated. No prisoner may be employed in any disciplinary capacity. This is not intended to preclude the proper functioning of systems based on self-management whereby selected prisoners may be entrusted to supervise libraries or to exercise some limited authority with regard to groups of prisoners undertaking social, educational, sporting and work activities.
>
> However, where prisoners are in such positions, staff must exercise vigilance to ensure that prisoners do not abuse or misuse the power and trust inherent [in] these positions. A prisoner should not be punished, except in accordance with the terms of such law, regulation or rule relating to prisoners' behaviour.
>
> A prisoner who is under punishment should be provided with information concerning the duration and nature of the punishment. Prolonged solitary confinement, corporal punishment, punishment by placement in a dark cell, reduction of diet, sensory deprivation and all cruel, inhumane or degrading punishments should not be used.
>
> Every prisoner who is placed in segregation as a punishment should be visited daily by a member of the prison management and, as frequently as practicable, preferably daily, by a representative of the medical officer. The medical officer or their representative should advise the house in charge of the prison if they consider the termination or alteration of the segregation is necessary on grounds of physical or mental health.
>
> Every prisoner who is placed in segregation must be able to exercise in the open air for at least two hours every day. In this regard, the space made available should be large enough to enable the prisoner to have a meaningful exercise.

I think members will get the gist of what I am saying. There are very clear guidelines set out; they operate as, obviously, a helpful, useful tool for those who undertake the inspection processes in Western Australia. They have the security and benefit of having someone who has a position responsible, under the act, known as the visiting inspector, and everyone knows what they are doing.

In light of the apparent move nationally and the already successful experience in Western Australia and the government's indication through this bill that it is effectively going to water down the volunteer system in the sense of qualifications—that is not a reflection on any of those who might apply for the job—they are still left ignorant of any guidelines to operate, and what we should be doing today is strengthening the visitor program and the inspectorate of any custodial service in this state.

It is possible—and I raise this because of my own personal experience—that the government has considered this recommendation and totally rejected it. I say that because, when we dealt with the Mental Health Bill earlier this year and late last year, the opposition recommended a proposed visitor scheme to mental health facilities in this state which would provide for inspection and access and an opportunity to interview and receive submissions (both orally and in writing) from patients who were detained in a mental health institution.

We thought that this was worthy of consideration and we looked at how a similar scheme had operated in Victoria. The state government here utterly rejected it. After some months, and effectively facing a situation where the bill would not pass unless there was some resolution to this issue, begrudgingly the government accepted it.

It would not surprise me, therefore, if the minister had given some consideration to an inspector of prisons regime similar to that in Western Australia, because of the government's absolutely implacable attitude of rejecting what was a workable, effective and beneficial system prevailing in mental health institutions in Victoria which ultimately, begrudgingly, it had to accept to get the bill through.

If I am wrong and the minister, in fact, has never heard of this system in Western Australia, or for whatever reason has not been briefed on the recommendation in this instance by the Aboriginal Legal Rights Movement, and if he has not been able to listen attentively to all of my contribution today, I hope he will peruse the *Hansard* and have a good look at this before the conclusion of the debate and between the houses.

The next matter that I wish to address is prisoner assessment committees. My understanding from the minister's second reading explanation and from viewing the Correctional Services Act is that, at present, where prisoners are facing a change of classification or placement, this assessment is done by a committee of prison staff and case managers—a multidisciplinary approach, which seems logical in itself. Presumably, you have correctional services officers; you might have someone who is attending to counselling in the prison department; a social worker; maybe a psychologist—I do not know what the qualifications are, but my understanding is that it is a multidisciplinary approach.

When a prisoner comes under assessment for a change of classification, I assume that it means from a high security classification to a different level of security, or from one prison camp to another. It may be that they have a drug and alcohol addiction and the committee considers that it would be beneficial for the prisoner to be transferred to another location, another campus, where a program would be available for the prisoner to receive rehabilitation, relief or be able to advance the management of that condition. So, this committee gets together and consideration is given to where the prisoner may be placed or reclassified; that then goes up the ranks to those in the hierarchy—I am not quite sure where it goes from there—and it is then actioned.

The act only provides for a single committee. My understanding is that there has been some question as to the validity of the operation of the current structure. The act does not make provision for multidisciplinary committees and the structure as it is currently operating in practice. This is uncontroversial, as I understand it. This proposed amendment to enable more than one prisoner assessment committee would give the professionals working around the prisoner the opportunity to amalgamate in different committees and carry out their duty without fear of being in breach of the legislation. I indicate to the house that I will certainly recommend to the opposition that that aspect of the bill be supported.

Parole conditions for prisoners given early release is a technicality in the bill which has been brought to the attention of the government by the Chair of the Parole Board, Frances Nelson QC. Prisoners are obliged to comply with the conditions of parole that operate from the original release date, even if the chief executive officer—who has a special power to give early release—allows that prisoner to be released a little earlier.

My understanding is that, if a prisoner were due for release on a Sunday, for example, it is within the powers of the chief executive officer to issue an order which enables the prisoner to be

released on the Friday—that is, an earlier release date. What has been explained to us and I understand brought to the attention of the government by Frances Nelson QC is that, when that occurs, the obligation to comply with the conditions of the parole, which has been issued by the Parole Board, still takes effect from the Sunday. That would mean that, technically, there would be no obligation for the released prisoner to comply with any of those parole conditions until the Sunday. That would make a mockery of it, and I suppose one practical way around it is not to allow the prisoner to go until the Sunday.

My understanding is that, as a matter of practice, they have been let out on a Friday, probably because the prisoners have no idea that they are not technically bound by the conditions of the parole between Friday and Sunday. They have not attempted to abuse that technicality and think, 'Well, I can just ignore those conditions; I can do what I like'—ignorance being quite helpful, probably, in those circumstances.

I am told that it is important for us to continue to give the chief executive the opportunity to give early release. It is only for a short period that he is able to do that. For example, sometimes it is impractical for a prisoner to be released on a Sunday. There may not be any public transport available and there may not be access to services that give advice on budgeting, accommodation or pension entitlements, the Centrelink office would not be open, etc., so there is a vacuum in the accessibility to services by a prisoner.

It is in the prisoner's interests, and it is also sometimes an opportunity for family members or people who are coming forward to offer extended support to assist that person to be available to receive the prisoner and support them on a working day, and it would make it more practical for everyone concerned. The opposition in no way suggests that the other way to deal with this is not to have early release.

On the information we have been provided, I again indicate that I will be recommending to the opposition spokesperson, the shadow minister for correctional services, the member for Finniss, that he recommend to the party room that that be supported, that we thank Frances Nelson QC for bringing it to the attention of the parliament, and that we will endeavour to support the government to remedy that promptly.

It was brought to my attention during the consultation we have had to date that the drafting of the clause to facilitate this obligation to comply with parole conditions was somewhat sloppy. I think 'badly drafted' was the information given to us. I refer to division 7, section 38—release of a prisoner from prison or home detention. Clause 13 provides:

> (3a) If—
>
> (a) the board orders the release of a prisoner from prison or home detention or parole on a specified date; and
>
> (b) pursuant to subsection (2) the Chief Executive Officer authorises the release of the prisoner before that specified date,
>
> the release of the prisoner on the authority of the Chief Executive Officer will be on parole subject to the conditions imposed under this act.

Notwithstanding the submission that I have received, I think it is clumsily drafted. I would not go so far as to say that it is badly drafted. I remember reading it in the first instance and inquiring as to what on earth it meant, because it does not seem to be clear. I know that we are into drafting in plain English, but I hope the minister is happy to look at it to see whether there might be a better way of expressing it so that, if it is absolutely clear to the prisoner who is about to be put on parole, the Parole Board and the chief executive, everyone will be happy.

The next matter is the chief executive's expanded power regarding the use of detention units or, in language of the past, solitary confinement. In this regard, I am referring to the proposal that will remove the minister from the picture—

The Hon. A. Koutsantonis: That's your dream.

Ms CHAPMAN: I am not talking about having him rubbed out. I hadn't thought of that. That prospect has made me feel quite cheerful. For the purpose of this legislation, under the Correctional Services Act, the minister has a very important role as the supervisor, I suppose, of all occasions when prisoners are isolated from other prisoners and put into some kind of unit. I think they are called management units now. There are many reasons why prisoners (and sometimes even patients in hospitals) are isolated. Sometimes it is to protect the prisoner.

If members were to visit the Yatala facility of our correctional institutions, which is for adult males, they could view an area that has individual cells for the secure incarceration of some of our most serious, long-term offenders. They are kept quite separate physically and geographically from other prisoners on the site. I do not think I need to go into the merits of it, but there are very good reasons why these prisoners are kept totally separate; sometimes it is because they have committed heinous offences, which might attract behaviour that would be life threatening to the subject prisoner; that is, to protect them from other prisoners who consider the offences for which they have been convicted so horrendous that they need protection.

I am not sure whether this is the current position, but on previous occasions when I have visited prison it has been my experience that the profiles of some of these prisoners include child sex offences, gruesome assaults against other adults or foul conduct towards a fellow human being which is so reprehensible that, under the code of hierarchy in prisons, even other prisoners do not want to be with them and are prepared to exact their own expression of disgust toward those prisoners. The state has an obligation to protect the prisoner in that circumstance, and sometimes, for their own safety, they are kept in isolation.

[Sitting extended beyond 18:00 on motion of Hon. A. Koutsantonis]

Ms CHAPMAN: I was explaining the circumstances in which a prisoner might be in isolation. There might be permanent accommodation of a prisoner in a separate physical and geographical area in a prison, and I have just highlighted an example to the house.

There are other situations where, in the general management of the prison, it is necessary to isolate a prisoner during the course of their normal activity. I am told that in the event of a riot in the prison—and we have this from time to time—

The Hon. A. Koutsantonis: A serious incident.

Ms CHAPMAN: Yes, I am sorry, that is what the new language is. I seem to recall the minister providing a report to the parliament relatively recently, subsequent to an inquiry undertaken in respect of the Port Augusta serious incident, which occurred under the watch of his predecessor.

It would not be unreasonable in that situation, at least in the finalising of the situation, for prisoners to be placed in isolation from other prisoners, and in some circumstances be put into solitary isolation, not as a means of punishment but, rather, as a means of management. It may be that, because part of the prison has become insecure or been burnt down, damaged or flooded, there needs to be some management of prisoners pending either evacuation or relocation on the campus. There are a number of situations from time to time when that could occur. I seek leave to continue my remarks.

Leave granted; debate adjourned.

FIRE AND EMERGENCY SERVICES (REVIEW) AMENDMENT BILL

The Legislative Council did not insist on its amendment No. 11 to which the House of Assembly had disagreed.

At 18:03 the house adjourned until Tuesday 13 October 2009 at 11:00.