HOUSE OF ASSEMBLY

Thursday 15 October 2009

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

LOCAL GOVERNMENT (BOUNDARY REFORM) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 June 2009. Page 3293.)

The Hon. R.B. SUCH (Fisher) (10:33): I believe this is long overdue. I understand that the government will not support the bill; I think it is scared of local government. We all know that, in the metropolitan area, between Gawler and Noarlunga we have 19 councils and, if you want to include Mount Barker council, which is now really metropolitan, we have 20. So, we have 20 council chambers, 20 works depots (although in Unley, they are called infrastructure centres because that sounds more impressive, but it is the same thing), 20 mayors and nearly 300 elected members, just in the metropolitan area alone.

I noted in the paper when this was flagged that the Mayor of Prospect said that I was trying some pre-election stunt. Well, I point out to the Mayor of Prospect that my electorate is totally within the City of Onkaparinga, so amalgamations are not an issue down there. Based on my experience in local government and my observations of how the world has changed, I believe it is time that there was an independent look at the number of councils in the metropolitan area and their boundaries. I have not suggested a particular number. I have heard the Mayor of Adelaide suggest three or possibly four. We know that Brisbane has one, and Brisbane is generally regarded as a very highly effective council.

It is not an issue of size so much as how the council is organised. Some of the best performing councils in this state are the larger ones, because they do consult their people and they have the resources to actually do things. Some of the councils that do not perform as well are in the smaller category. I will not get into the business of naming them, but I can indicate from my contact with people who live within the area of one of the smaller councils that people complain constantly about what goes on in that council.

There are a whole range of reasons why we need to have an independent look. The LGA and the councils themselves are unlikely ever to support any consideration of rationalisation. Elected members are not going to rock the boat and upset people in their own patch. Why would they? It is not just about savings, but the potential savings are enormous. If you compare it with Brisbane where, as I said, there is only one council (I am not advocating one; I think that should be left to an independent arbiter), it runs the buses and a lot of other things and provides the water services. Its expenditure is about double that of the combined councils of metropolitan Adelaide, and it does it with about the same number of staff—and that includes running buses and providing water, as I have said.

So, I think the scope for reform is there. I certainly do not want to go down the path of seeing major political parties dominate councils, but I do not know why the government is scared of local government. Whenever the LGA or the councils speak out, the government sort of rolls over and allows its tummy to be tickled. The responsibility for reform of local government rests with the state government. The authority of councils comes from state legislation; they have no other legal authority other than what is granted to them through the laws of this place.

I understand the government will oppose this; I am not sure what the Liberals will do. Do not hold your breath waiting for voluntary amalgamations in the metropolitan area, because there are too many vested interests and too many people who want to continue the status quo. So, the best strategy is to let an independent umpire (a retired judge or a similar person) have a look at the issue and make recommendations, and let us get South Australian local government in the metropolitan area into the 21st century.

Second reading negatived.

GRAFFITI CONTROL (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 September 2009. Page 3892.)

The Hon. I.F. EVANS (Davenport) (10:39): I am happy to contribute to this debate. The member for Fisher has for many years brought in ideas and bills in relation to the way the community deals with the issue of graffiti. If I am right, in terms of this bill the honourable member argues that the authorities should be given greater power in relation to orders regarding the way an offender can be treated under the various provisions to clean up the graffiti.

If my memory serves me correctly I know, from other contributions made by the member for Fisher, that he has done some study on this matter when he travelled to Western Australia. That state has some very innovative and progressive programs in relation to graffiti clean-up, particularly the requirement for offenders to be involved in that clean-up. As I understand it, the theory is that if the offender is involved in the clean-up of graffiti, and tells his mates that he has to be involved in cleaning it up in his own time, that will ultimately send a message to those who do graffiti that they will be heavily penalised for that.

I believe that that principle would have broad community support, as many people would agree that those responsible for graffiti should be more involved in its clean-up. It comes back to the principles of the community service concept that was, I think, introduced when John Olsen was then minister for correctional services many years ago, which still holds sway today. So I think the community would generally support at least the principle if not the detail of this bill, and I am happy to speak on the second reading. Whether or not it gets to the third reading is ultimately a matter for the house, but I think that my electorate, and the community in general, would at least support the principle. I am happy for the measure to go through the second reading, and we will see what the house does with it in the committee stage.

Debate adjourned on motion of Mrs Geraghty.

BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT BILL

Adjourned debate on second reading.

(Continued from 16 July 2009. Page 3578.)

Mrs GERAGHTY (Torrens) (10:45): I am pleased to have the opportunity to speak on this bill.

The Hon. I.F. EVANS: Sir, I rise on a point of order. I note that the government took the adjournment on its own motion on its own bill. My understanding of the procedure of the house is that if a private member from the government side moves a bill the adjournment is normally taken by the opposition.

The SPEAKER: No; the government took the adjournment after the member for Schubert spoke on the bill.

Mrs GERAGHTY: As I said, I am pleased to support this bill, which was introduced by the member for Newland, and I certainly acknowledge the work he has done on the bill, which will apply to the building and construction industry in South Australia. Security of payment legislation has been an issue in the building and construction industry since the 1990s. The Howard federal government's Cole royal commission in 2003 identified the need for state legislation to ensure a speedy process for timely adherence relating to contractual obligations in the building and construction industry.

To briefly explain, this legislation is about a process to deal with disputed payments for work done and/or supplies provided in the building industry. South Australia remains the only mainland state without some form of security of payment legislation. I have discussed this matter with a number of contractor organisations and contractors in the building industry over a very long period, and they have advised me that there are significant problems concerning contractors receiving timely payments for work undertaken and/or materials being provided. Whilst many building firms do the right thing and pay contractors in a timely way, others string out payments to their contractors, causing them considerable financial stress.

In the current economic climate (and I accept that it is improving) credit can be difficult to obtain for many small and medium size businesses. Delays in the payment for work done, be it progress payments or payments for completed work, can lead to a business folding. This in turn can see employees sacked, including apprentices, who are very hard done by and certainly are the future of our building industry.

Unfortunately, in many cases the contractual provisions for progress payments are flouted by building companies or perhaps the prime contractor. As I said, it can jeopardise the financial

viability of contractors, particularly small contractors, who can have many tens of thousands of dollars outstanding for work done or materials they have supplied even though there has been no suggestion of shoddy work or materials. In effect, these contractors are asked to provide the cash flows for the builders. Again, not only can this have a significant negative impact on the contractor in question but there can also be dire consequences for many employees they may employ, including apprentices, as I said. To add insult to injury, if the contractor were to then withhold labour or materials to the builder they can be in breach of their contractual obligations and can be sued in a court of law for their failure to adhere to the contract.

On the issue of apprentices, it has been stressed many times over that our community faces a skills shortage, particularly with the prospect of a significant increase in our state's mining industry and the defence projects that are happening now. It would be a tragedy if the future of many apprentices was put at risk because some members of the building industry fail to act fairly and pay their contract obligations in a timely way.

I have even been advised that at the completion of some building projects there have been builders who have withheld the final payment and then bargained down the payment on bogus arguments of work quality, knowing full well that the contractor is not in a position to seek legal redress given the cost and time involved in doing so—and that is the fact. This security of payment legislation is a means to address that situation without the need for the parties to resort to costly and time-consuming litigation, which can take years to reach a conclusion. Security of payment legislation need not lead to a costly government bureaucracy, as the dispute resolution process can be industry funded.

Given the feedback I have had from various contractors and their peer organisations, I support this bill. Similar legislation operates in New South Wales, Victoria and Queensland, and the New South Wales legislation has been in force since I think 1999. In part, to explain my support for security of payment legislation, I put forward the following details for those who have concerns.

The proposed security of payment bans 'pay when paid clauses' in building contracts. To explain that, a builder cannot withhold payment for work or materials on the basis that they themselves have not been paid. It provides for the making of statutory claims for progress payments. It allows for the adjudication of disputed claims made under the act by accredited adjudicators. The cost of the adjudication (or arbitration, as some may want to call it) is determined by the adjudicator, who apportions it among the disputing parties. These costs may be high and as such this tends to limit frivolous claims.

The act provides for the creation of a statutory debt, so that if an adjudicator determines a claim in favour of the claimant contractor the claimant can then, if the respondent fails to pay the adjudicated amount, obtain an adjudication certificate and register it as a judgment, allowing them to have the right to sue for the debt in a court of law. Strict time frames are applied to the adjudication process to ensure that payment disputes are dealt with in a timely way—and that is the key: 'in a timely way'.

An example of the effectiveness of the security of payment legislation can be seen in New South Wales, where, under its act, there are nearly 1,000 claims a year. Some of them do not proceed to determination, but there has been a major reduction of building and construction industry contract disputes going to formal litigation and arbitration. The introduction of the Building and Construction Industry Security of Payments Act here would see a fair and cost-effective method of dealing with contract disputes in the industry, and it would provide reasonable protection to building contractors who are, as we have all acknowledged over our years in this place, the backbone of the building and construction industry in this state.

It is a fair piece of legislation and it is something that is certainly sought by many in the industry. As we all know, there are those—a few—who do not support this because they have been able to use contractors almost as a bank account for themselves, but we need to protect our contractors who are vast employers in the community and certainly take on many apprentices. I do support this bill and I commend the member for Newland for bringing it forward.

The Hon. I.F. EVANS (Davenport) (10:54): The government has decided to bring this particular bill on today. It is regrettable that it did not advise the opposition spokesperson (namely, me) that it wanted to bring it on today, because I could have advised it, as I now advise the house, that because the private member who introduced this bill filed amendments to the bill just three weeks ago, which I have sent to the industry groups for consultation and on which I have not received any feedback from the industry, of course, it is difficult for the opposition to finalise its

position on the bill. So, having not been advised, I inform the house that I am speaking as the opposition spokesperson knowing that the Liberal Party has not reached a final decision on this bill because the industry groups have not got back to us on the member's amendments which he brought in just three weeks ago.

However, the government has decided to bring this on, so the opposition is locked into a position of at least having to debate the bill. The opposition will not be discourteous to the member and seek to adjourn it. Even though this government has for years sought to adjourn virtually every piece of private member's legislation before the house, we will not play the game of adjourning this legislation.

The Hon. M.J. Atkinson interjecting:

The Hon. I.F. EVANS: Because, Attorney, I think the industry groups deserve the bill to be debated on this side of the election. Right?

The Hon. M.J. Atkinson: You are virtue itself.

The Hon. I.F. EVANS: No, I am happy to have the debate. When this was first introduced, the industry groups had an anti position. When I talk about the 'industry groups', it was the Master Builders Association and the Housing Industry Association. When it was first introduced, I think Mr Xenophon or Mr Darley in another place opposed this principle, and they opposed it on a number of grounds, particularly because it did not take into account all the building industry chain, that is, right from the financing through to the lowest subcontractor.

They opposed it because of the privatisation of the arbitration system. It is interesting to see that the Labor Party is supporting the privatisation of the arbitration system in this bill, because they are private sector arbitrators, they are not government appointed arbitrators. That is what the government has locked itself into in this bill. It will be the first time, to my knowledge, that private sector arbitrators will deal with this sort of matter, but if that is the government's policy, so be it.

The industry groups were opposed to the principle of this bill for many months. Then the member for Newland picked up the bill and introduced this type of bill. I sent it out to the industry groups many months ago. The Housing Industry Association and the Master Builders Association, from memory (I do not have my documents here, because the government did not tell us that it was bringing it on today), opposed it at that point in time, because of a whole range of issues that were well-known to the government prior to the introduction of this bill.

My understanding is that the member for Newland has tabled some amendments, and I have sent them out to the industry groups. The Master Builders Association indicated to me last week, from memory, that it is generally supportive of most of the amendments but not all. I have not heard back from the other industry associations to whom I have sent them; certainly, the feedback has only been from one group. The opposition's view—and this is my view only at this stage, of course, because it has not gone to the party room—is that we are generally supportive of the principle. I think I am right in saying that I am the only member of parliament who comes from the building industry. I think I am right in saying that, having been a licensed builder.

The Hon. K.O. Foley: I sold steel.

The Hon. I.F. EVANS: The Treasurer says that he sold steel. My understanding is that that is the retail industry. I was actually building houses.

I am familiar with the problems that the bill seeks to address, but, unless the bill gets it right, it will create more problems for the industry than already exist. The member for Torrens talks about the issue of cash flow in the building industry. That has always been a problem, and the reason the building industry associations opposed the original bill was because it did not deal with the finances. So, if the banks did not pay the builder, the builder was still obligated to pay down the chain and, of course, that created huge cash flow problems for the builders. If the banks do not release the money to you, then how you pay is an interesting question to which the member for Torrens might like to turn her mind.

I am familiar with the cash flow problems existing in the building industry which this bill seeks to address. The groups that do strongly support this, of course, are the subcontractor-based industry groups. What I am talking about there is the Electrical Trades Association and the Plumbing Industry Association—those sorts of groups that contract to the main builders.

Mr Rankine and a number of representatives from other industry groups came to see me three or four months ago on this bill as part of the consultation process. At that point, they advised

me that they understood that the government was looking at amendments and that, until they had seen the amendments, they were not sure what they were, either. Again, we have not heard back from those groups about what they think of these amendments before the house today. My view, as the small business shadow, is that, in principle, the Liberal Party would support a bill that would attempt to try to bring some better certainty to the payment system within the building industry, but at this stage we will not support a bill that does not have the broad agreement of the industry.

I cannot confirm to my side of the house that it does have the broad agreement of the industry, because the amendments being tabled were sent to the industry groups only a matter of weeks ago. If I knew that the government wanted to bring this on today we might have been able to track that down earlier, but the reality is that we have not received back the position of the industry groups. I know that the Master Builders Association had a major problem with the arbitration system, which is still proposed under this bill.

I suspect that the Housing Industry Association would have exactly the same problem with the arbitration system. The building industry is a very complex industry. You might have on any one site hundreds of different businesses, all with different contractual arrangements, all with different responsibilities, and cash flow has always been the problem. There are two different models of security payment legislation in Australia. There is essentially the eastern states model, which the member for Newland picked up originally and which he has now altered through a series of amendments.

There is the Western Australian model, which is the industry-preferred model—and when I say the 'industry' I mean the building industry, not necessarily the subcontractors. The building industry prefers the Western Australian model, which is used in that state and in the Northern Territory. The government has looked at both models, I assume, and has gone with the New South Wales model. I think it is a pity that the process adopted has occurred in this manner. There was goodwill—and there is goodwill—on this issue from the industry groups and, indeed, the opposition and the government.

Why the government did not ring me a week or even three days ago and say, 'We're going to bring this on on Thursday—'

Mrs Geraghty: Because it's a private member's bill.

The Hon. I.F. EVANS: It may well be a private member's bill, Madam Whip, but the whip on the private member's behalf can ring the opposition and suggest that you are going to bring it on. That never occurred, to my knowledge. That is a pity because we could have had a complete debate, but why bring it on for a half-informed debate? The position of the Liberal Party, which I am putting down without the consultation of the party room, is that in principle we support the position, but we will not support a bill that does not have broad industry support. The arbitration clause is still an issue in the industry which needs to be sorted out.

Mr GRIFFITHS (Goyder—Deputy Leader of the Opposition) (11:04): I also wish to make a brief contribution on this bill. I congratulate the member for Davenport, the shadow minister, on his summation of the concerns at the moment. Since the member for Newland introduced this bill, and in the period that I had responsibility for small business as shadow minister, I did have a lot of contact—nearly on a weekly basis when the parliament was sitting—with the member for Newland to determine when it was intended to bring this bill forward.

The words the honourable member quoted to me every week were, 'Amendments are being considered.' I suppose that fact has created some uncertainty from our side of the chamber as to when this bill would come on for debate. As the member for Davenport said, we certainly understand the intent behind it; we certainly appreciate the fact that to the very large number of contractors involved in the building industry timely payment is critical for them and the cash flow situation that results. Unless bills are paid promptly, contractors are put under enormous pressure. The intent is clear.

The concerns that exist from various sectors within the industry—certainly in Western Australia and the Eastern States, and I met with one industry group which also expressed some varied opinions about this bill—make our position even more firm that industry groups must have the opportunity to consider the amendments that have been introduced by the member for Newland. Those comments come back to what the shadow minister said about the party having the opportunity to consider those amendments and form its final position.

There is general in-principle support of the intent behind the bill, but it is that lack of opportunity to ensure consultation to the fullest extent that really concerns us. The Master Builders Association and the Housing Industry Association expressed concerns earlier on. Subcontractors support this measure because it is vital to the people with whom they are involved but, unless we get it right we could create a greater problem. I urge the member for Newland to consider the problem that exists. Yes, support existed several months ago and general in-principle support is there, but we would seek an opportunity to ensure that full consultation allows an informed debate to occur in the house.

Dr McFETRIDGE (Morphett) (11:06): As the member for Davenport pointed out, the opposition's view is not settled on this piece of legislation, although there is in-principle support. I for one will be giving it in-principle support but I want to look at the detail and just go through the amendments and, as the member for Davenport said, seek the opinions of the industry, not just the subcontractors but the big players in the industry—the Housing Industry Association and other members of the construction industry.

I know that, as a small business owner who issued hundreds of invoices every week, it was very frustrating not to get paid. That was just in the veterinary practice. Although most vets do not give credit, I gave credit to people who presented at my practice. They had pets that were victims of a circumstance in many cases: it was not the pet's fault, people could not pay, and so I did give credit; and, in the vast majority of cases, those bills got paid.

But what happens in some cases is that you get part of the payment and not all of it. Chasing those very amounts, particularly in small business—and this is an issue for all small businesses chasing small accounts—is a real issue. Perhaps this bill needs to go a bit further, or more legislation needs to be introduced to extend this sort of security of payments to small businesses, because issuing summonses, making phone calls or sending letters is just not good enough.

At one stage I put up the names of my bad debtors on my noticeboard in the clinic, with a few dud cheques that had come through as well. I was told that you could not do that because of the privacy legislation, so I reluctantly took them down. Chasing small debts, for businesses, is a real hassle when you are out there. It is sometimes a wheelbarrow business: if you do not keep pushing that wheelbarrow, the business stops, and you need to get paid.

I had one particular client who was a farmer. He was known as Mr 10 Per Cent, because he always took 10 per cent off any bill he ever paid. That fellow did not get any discounts; I can guarantee that. Where I might have been feeling a bit generous on a particular day—

The Hon. I.F. Evans: Did you put his bill up 20 per cent?

Dr McFETRIDGE: I was very tempted, as the member for Davenport says, to put his bill up 20 per cent, but I did not do that. I resisted that temptation. I always delivered the service, because, as I said, it was not his animals' fault that he was a bit of a scrooge. Getting paid is so important for small business.

I have had a number of constituents come and see me about the building industry and their subbies, who are out there working very hard to get paid, to do the work, to get paid, to run the business. They need to get paid because they have to then buy their supplies, pay their apprentices, pay all the people working for them. It is a supply chain. If you break that chain at any stage you are in real strife. The fact that there is a deliberate ploy on behalf of some of the big building companies to delay payments for financial purposes, for accounting purposes or for taxation purposes, there is a ploy there—

Ms Chapman: To save money.

Dr McFETRIDGE: To save money, I suppose, in some cases, as the member for Bragg says. There are good business decisions and there are bad business decisions. In many cases, the reason that we get this sort of legislation is because of those business decisions which do unfairly affect some of these subbies and those lower down in the food chain, the supply chain, of the building industry.

What we need to do is make sure that everybody in that supply chain is comfortable. The money has to come from somewhere. It has to end up distributed throughout the whole of the industry. We have to make sure that this piece of legislation is not going to in any way force people into circumstances which really are beyond their control.

If the banks, for some reason, do not forward a payment on time, or if it is a day late after the prescribed time of the legislation, then the person involved could be in a bad position through no fault of their own. They have done their best, but there has been a bit of a break in the supply chain, there has been a bit of a breakdown in communication—for instance, the fax did not arrive, the email did not arrive, or it has been overlooked. If there is a breakdown in the supply chain we have to be very careful that there are no unintended consequences. Until we get feedback from the other players, the stakeholders, who the member for Davenport has contacted, we cannot form a final position on this.

I do know of some South Australian building companies who, unfortunately, have a reputation of not paying all of their bills. It is a bit like my Mr 10 per cent, they only pay part. It is a deliberate ploy, and I think it is a disgraceful thing if those building companies are not exposed. If this legislation is not going to capture those sorts of people, well, I would be very disappointed.

We need to know that it is going to do its job. We need to know that those involved in the building industry are going to be comfortable with the private adjudicators—an interesting bit of privatisation there. We need to know that the subcontractors are going to be happy with that system. If you are a subbie, if you are out there working your backside off, and you are a sole trader, it is a bit hard to take a day off to visit the adjudicator and to go through more difficult red tape, as they might see it.

It needs to be simplified to the point where the honest processes that should apply do apply. We do not have all the feedback from the stakeholders. We have some amendments here. I am not across these at the moment, and I make no excuse for that, because this is a piece of legislation that is important. I will make sure that I do follow it up as an individual and, having had representations from some constituents a while ago, it is important that we make sure it is going to work properly.

I know that the member for Newland is well-meaning in this, but it is not good enough just to be well-meaning. It cannot be rushed, it has to be put through this place in a constructive fashion, a fashion that is going to be examined and looked at, so that we do not have to come back and make amendments in a few weeks' time.

I remember the legislation that was put through this place for codes of conduct for sporting groups. It was rushed through this place. It was needed, it was needed to save all the sporting groups. What happened? We had to come back and we had to move amendments through, because we realised we needed waivers for the Masters Games that were being held in Adelaide. We should not be doing that.

We should not have to come back and repeatedly revisit pieces of legislation. If we had done the work in the first place, if we had made sure that the legislation was agreed to by all those who have a stakehold in it and it is given the opportunity to be examined by members of the opposition, then the situation we find today is one that we will see over and over again, and we will be revisiting legislation, taking up the time of the house unnecessarily. It is a position that everybody in this place needs to be aware of.

What we need to do now is recognise that this is in principle a very good piece of legislation, but the practicality of the situation that we are faced with today is that we need to have a further look at what is going on so that we do get it right, so that the subbies out there can get paid for the work they are doing, so that their families can enjoy life without having to worry about the old man, or the tradesperson, coming home and saying, 'Well, we're not getting paid, so what do we do this week?' It is a very important piece of legislation, and I look forward to seeing the final results of it, because I hope it does what is intended.

The Hon. R.B. SUCH (Fisher) (11:15): I will make some brief comments regarding this bill but extend the argument to broaden it a bit. I have felt for a long time, and I have done some preliminary research on this, that the issue of bad debt in our community is extensive and it really hurts small business, in particular, when people do not pay their bills. I regard a bad debt, or an unpaid debt, as a form of theft. It is no different in terms of its impact from someone stealing from the small business operator.

The big business concerns can usually protect themselves somewhat against bad debts and people who do not want to pay, but for small operators it can literally put them out of business; it does not matter whether they are a subby in the building industry or whether they are doing any other type of activity.

For a long time I have been amazed that as a community we do not seem to take this seriously. I know we have a small claims court and that people can take legal action but, from the cases that I have seen, by the time people take action—in some cases, they have to engage a lawyer—with the time and money that it takes it is really almost counterproductive. I am not sure what the answer is. I am trying to work on some approaches, but the point is that the current system is not fair and reasonable for a lot of small business people.

We would all know, I guess, through our contact with schools, of the number of parents who do not pay the minimum required contribution to their school. Some of them use the argument that it is supposed to be a free system. We all know that there is no such thing as a free anything in life; there is no such thing as a free lunch or a free education, that is all theory. What is often galling is that many of the people who can afford to pay choose not to pay, and it becomes for them a habit and a practice which is not only bad for small business, in particular, but it is unethical, in my view, to put someone in a position where they are on the verge of going out of business.

I support any measure which will help address this issue of bad debts or lack of payment. I am not totally convinced that this bill is the right strategy, but the issue of bad debts is certainly one where I think you need the resources of government to have a look at it to see if we can bring some fairness and equity into the system of payments. I have had contact with some business organisations, and it is very difficult to get some of the data that you would need to spell out some reforms, but I will continue to work on it. It is a big issue and I think the sooner we can rein in people who bludge off others, the better.

Mr HANNA (Mitchell) (11:18): I am addressing some issues which have been brought into this parliament by the member for Newland, Mr Tom Kenyon. He is a fine young member, at least when he is playing rugby union. He has brought in the issue of payment to subcontractors in the building industry.

Before I get on to the substantive issue of the bill I must make a procedural point, that is, that this piece of legislation has only been in the parliament for a few weeks, whereas other non-executive members of the House of Assembly have brought in pieces of non-government legislation, which we call private members' legislation, that have been around for much longer.

I will give an example. I have a bill, which in my own humble way I would consider quite worthy, to prevent the owners of nursing homes from signing death certificates for the residents of their own homes. That was a proposal that I brought into this place on 25 September 2008, so it has been around for more than a year, and yet the government chooses not to deal with such measures.

So, I just highlight the one-sided view of the government. Of course, it is entitled to do that, but the problem is that, in this place, what goes around, comes around; it is perpetuating a harsh and ruthless method of operation in this place when, in fact, all non-government proposals ought to get a fair hearing in this place in the one hour a week allotted for such discussion.

In relation to the Building and Construction Industry Security of Payment Bill that has been brought in by Mr Kenyon, the first point I would make is that it is extremely broad. When you look at the definition of those involved in building and construction work, it pretty well covers everything to do with the construction and finishing of any sort of building that you could imagine. It would cover every kind of trade, including painters, fitters, decorators, bricklayers, electricians, plumbers, gasfitters, you name it.

That fits, of course, with the intention of the bill that these people, when they do work, ought to be paid, and I do not have a problem with that principle. However, it is not quite as straightforward as it might appear. One point that has already been made in debate, which I think is a critical one that has not yet been addressed by Mr Kenyon or Mrs Geraghty on the government side, is the issue of enforced payment of subcontractors when the builder, at the head of the chain of contracting, does not have the money to pay.

It may be that a young couple orders a new home to be built, the builder is happy to do that and engages all of the various subcontractors, and they start work, then the young couple might split up, they might lose their jobs, or some other tragedy might occur and they cannot continue with the building of the house, so the builder does not get paid.

Under this legislation, the builder must, nonetheless, pay the subcontractors for the work they have done, so the question is: why should the builder lose out? There does seem to be a lack of equity in that. It is all very well to say that some of these building firms are big firms that can

withstand that sort of imposition, but there are plenty of other small builders, sole practice builders, who are really in as much of a difficult situation as the contractors they use to finish their work. I am sorry that I have only 10 minutes today to speak on this bill (that is the restriction on time to speak on these issues) because I am actually quite impassioned about it.

We also need to bear in mind that there is already a course of action for subcontractors who are in the position of not being paid. I know that all sorts of criticisms can be made about the court system, but it also has a lot of advantages. I have to say that the debt collection system has really improved a lot over the last 10 or 20 years. In the Magistrates Court, they have made huge efforts to streamline the process of getting money that is owed to people, and that is particularly so in the case of a straight-out debt that remains unpaid.

When we get into the area of disputed workmanship, and whether a certain level of building has been completed, we do get into a grey area. The member for Newland would wish to send those issues off to an adjudicator, a private sector adjudicator. I believe those issues actually do need to go to court. It is not necessarily just a matter of whether the right colour paint was chosen; some of these issues are incredibly complex. I remember when I was involved in legal practice (I am a lawyer only in name now), but when—

The Hon. R.B. Such: And by reputation.

Mr HANNA: Thank you.

Mr Pengilly: Once a lawyer, always a lawyer.

Mr HANNA: That's right. It is a bit like the priesthood: if you keep up your practising certificate, you are always a lawyer, even if you do not practise. When I was practising law, one of the cases I had involved a boat at Adelaide Brighton Cement. The key issue in the case was whether or not the electrical wiring of the boat was adequate. It was of such vast complexity (it was a trial that went for a number of days) that I have to say that I could not have expected the sort of private sector adjudicator envisaged under this bill to have presided over such a complex issue.

The people involved in that trial virtually had to become instant experts on complex electrical wiring to come to a reasonable conclusion about the answers that needed to be arrived at in that case. So, the adjudication provisions are not as attractive as they might appear at first. After all, who are these adjudicators going to be?

I presume there will be people who are actively involved in the building industry or perhaps retired from the building industry. However, to cover every aspect of the building industry with the expertise that is sometimes required, especially in more complex cases, I am not sure that you will get the full range of adjudicators to cover all those eventualities.

The member for Torrens mentioned that this might have to be industry funded. I am not sure that the building and construction industry has been properly consulted about how much it will have to pay for a separate adjudication process. The court process, in a sense, we all pay for as taxpayers; however, this adjudication process, which might amount to hundreds of thousands of dollars or maybe even millions of dollars a year (I do not know how many building and construction disputes there are) could be a very expensive imposition on the building and construction industry.

Another issue I raise in relation to this is the interrelationship between the enforced payment of subcontractor bills and insolvency laws. If someone in the chain of subcontracting becomes insolvent, what happens then? We have state legislation that provides that the next person down the chain needs to be paid, but we also have an insolvency practitioner, who is looking at a range of debts of the person one step higher in the chain, who has to decide which debts are paid and which are not. So, I think that is an issue that has not been addressed. No doubt, in discussing the bill in detail at the committee stage, we can sort through some of these issues.

It has also been pointed out that legislation like this operates in some other states, and that raises another interesting point: perhaps this whole thing ought to be resolved federally through the Corporations Law. If people think that is a silly idea, it is exactly the argument that Premier Rann uses in relation to having an independent commission against corruption. He says, 'Why would you do it on a state-by-state basis when you could have one overall scheme?'

I believe that could work very well. If we must have such a scheme for enforced payment of subcontractor debts, why not do it on a national basis for all corporations? I think you will find that most of the parties affected would be a company, even if it were a sole director company or a

family company. I think that the exemptions that are provided for in the bill also need to be pointed out.

Time expired.

Mr KENYON (Newland) (11:29): I thank all members for their contribution and make a few very brief points. While the amendments have been on file for only three weeks, they have been out to the industry for a bit longer than that. It is my recollection that I gave the amendments to the opposition before I tabled them formally. However, I gave them to the member for Goyder; that was my mistake, as I had not realised that had changed.

For the member for Mitchell, the amendments I put forward are all the result of industry consultation that took place after I introduced the bill in March. That said, the MBA has been completely consulted, and it has a fundamental problem with the method of resolving these issues, but we will get to that at the committee stage. I commend the bill to the house and thank members for their contribution.

Bill read a second time.

In committee.

Clause 1 passed.

Progress reported; committee to sit again.

Members interjecting:

The SPEAKER: For those members who are whingeing 'The bell, the bell, the bell,' it is the practice of the chair—not just this chair but all chairs—to allow a certain stage of proceedings in which we can conclude what is being done, and that is done mainly for the efficient running of the house and as a courtesy that is extended to all members, and members who have been here much longer than I have should know that.

AGEING POPULATION

Mr VENNING (Schubert) (11:32): I move:

That this house condemns the Rann government for its failure to address issues relating to South Australia's ageing population.

In relation to your ruling, Mr Speaker, I appreciate that, but I will consult *Hansard* and read the record because it is my recollection that, when I was dealing with my private member's drug bills, I was drummed in on the bell when we were doing exactly that. But, again, Mr Speaker, your ruling is respected.

This is the first time I have spoken in my official capacity as the shadow minister for ageing and population, so this motion is in relation to that subject area, where we are condemning the government for its lack of action in relation to preparation for aged people. The release of the State of Ageing in South Australia report on 17 September contains some very concerning figures that have serious implications for our future.

The report contained the Australian Bureau of Statistics' figures projecting for the first time in the state's history that those aged over 65 and dependent on others will outnumber children under the age of 14 by 2019. These figures also predict that, by 2031, 22.63 per cent of South Australia's population will comprise of people over the age of 65. So, it certainly is a changing demographic and a quite concerning demographic.

South Australia currently has the oldest population in Australia, with 15.4 per cent of the population being aged 65 and over (which certainly makes me feel young), compared with 13.3 per cent nationally. It is quite sobering when you think about these figures. The rise in the numbers of older South Australians will place increased pressures on the aged care sector, along with other services, particularly health, welfare, transport and housing.

The Minister for Ageing, in her foreword for this report (and I note that the minister is in the house, and I appreciate that) said, 'One of the greatest challenges facing our state is our rapidly ageing population.' As the shadow minister for both ageing and population, it is therefore quite appropriate that the two portfolios are linked together.

Well, what is the state Rann Labor government doing to address this situation? All I can say is: very little. Older South Australians are living longer than ever before. This will put significant

strain on nursing homes and aged care facilities as they try to manage a sharp increase in patients. Older South Australians have indicated a strong preference to stay in their own homes, according to the government's report, but in many cases need assistance to do so and in many cases they are being taxed out of their homes.

Specialised equipment and assistive technology enables older people to continue living independently and to maximise their quality of life. Currently, there is little coordination for the provision of assistive technology across the various stakeholder groups (information I have personally gleaned in the short time I have been the shadow minister) and more funding is needed. In 2007, a funding injection of $5.7 million was provided by the government to clear the waiting list for people with disabilities who needed assistive technology and equipment. However, nothing has been forthcoming for older South Australians. Once again, the Rann Labor government has chosen to ignore this section of the community.

As demonstrated by the statistics I quoted at the beginning of this speech, the number of older South Australians is on the rise, and the Rann Labor government chooses to ignore this large section of the community at its peril. The government has failed to put more funds into the equipment and assistive technology that allows older people to remain in their homes for longer so that they do not place increased strain on already stretched nursing homes and residential aged care facilities.

Upon examination, I note the state government's 2009-10 budget contains very few announcements specifically aimed at seniors. Older South Australians have been paying taxes their whole life and contributing to this state, yet they are being ignored by this government. They deserve better.

While the much heralded announcement of free public transport for seniors from 1 July between 9 o'clock and 3pm was welcomed, there was no comparable announcement for older South Australians residing in regional and rural areas. This is reflective of the Rann government's approach in general: it neglects country areas all too often. An appropriate and affordable public transport system is critical for older people, particularly for those residing in country areas, as it promotes independence, enables access to services and promotes social connectiveness. The Rann government has failed to improve public transport options for older South Australians residing outside metropolitan Adelaide. I say that again, particularly in relation to my electorate of Schubert, where there is a rail line but no passenger service; yet one could be introduced very quickly and conveniently.

Thank goodness we have the mainly volunteer-supported Barossa transport service, organised very well by council—particularly Ms Elly Milne, who coordinates that group. It does a fantastic job, and the service offers a lot for aged people living in the Barossa who otherwise could not live there, because they would not have access to the medical services that are not available locally and for which they have to come to Adelaide. I take my hat off to the Barossa transport service, delivered beautifully by volunteers and through the council.

COTA Seniors Voice chief executive Ian Yates has said:

> The big issues are trying to keep up with increased growth in country areas which are lagging behind their city counterparts, and managing the social isolation many older people feel.

It seems that, to date, the Rann government has failed miserably in trying to achieve this. Aside from free travel on metropolitan public transport during off-peak periods for seniors, and the alleviation of land tax on residential aged care facilities, the Rann government has done nothing to assist older South Australians.

In the Rann government's updated South Australia's Strategic Plan, released in 2007, there is no specific reference to ageing at all. The original plan, released in 2004, contained specific key points in relation to our ageing population; however, that does not appear in the 2007 version. It is very concerning that ageing does not warrant a mention in the revised plan, and it makes one question how serious the Rann government is about dealing with the ageing population and the associated challenges it presents.

The Rann state government's 'Improving with Age: Ageing Plan for South Australia', released in 2006, states:

> As a nation we need to consider the range of impacts on the labour market and health care expenditure. These are consequences that are primarily within the ambit of the commonwealth government's responsibility.

Talk about passing the buck and failing to take responsibility! That is certainly the case here, because there is much it can do. I know that a lot of it is federal responsibility, but so much of it can fall into the ambit of the state government.

Further through the report the Rann government states, with regard to the ageing labour market, that:

> It is imperative that South Australian employers are prepared to meet this challenge and put initiatives in place to retain mature age workers.

Once again, this demonstrates that the Rann government is ignoring older South Australians and expecting everyone else to deal with the challenges facing the state as a result of a rapidly ageing population. For all ageing people—and that is all of us—access to health services becomes vital.

Mrs Geraghty: Some of us more than others.

Mr VENNING: Well, we hope, acknowledging that interjection. Record waiting lists for elective surgery, along with prolonged waiting times for appointments with specialists, are a primary concern for older South Australians—and that is a headline in today's paper. Waiting times have been extended out to a totally unacceptable period, and it is a primary concern for older South Australians.

As revealed yesterday by the AMA, South Australia now has the worst elective surgery rate in the nation, with the average wait blowing out from 40 to 42 days. If that were not bad enough, just last weekend doctors said that there has been little or no improvement in the past year to overcrowded hospitals, and that is having a flow-on effect to elective surgery procedures, with almost 2,000 procedures cancelled since January. It is a disgrace.

The Royal Adelaide Hospital's Dr James Katsaros has said that the Rann government's claim of reducing overdue elective surgery waiting lists by 98.5 per cent does not take into account people waiting for an appointment to see a specialist:

> The public is not being told the real story. We are at bursting point, with a booking queue being used to hold back the vast numbers of people needing elective surgery.

It seems that the thousands of people—generally poor, older and powerless people—in booking queues for elective surgery and specialist appointments are not a priority for this government.

A year ago the Rann government promised it would release the South Australian Health Plan for Older South Australians, but the aged care sector is still waiting. The long delay in releasing this report is further evidence that older people's health is not a high priority for the Rann state Labor government.

Older South Australians are also concerned about access to dental care, as there is a trend towards retention of natural teeth compared to 1979, when 80 per cent of those aged 75 and over had no natural teeth. That is a clear impetus for greater dental maintenance. Older people deserve and need to be able to talk and eat comfortably, to remain pain-free, and be proud and confident in their appearance. Over the past couple of months I have met with many different advocacy groups and organisations, and many of them cite dental care as being a major area of concern.

The Rann state government currently subsidises a program which supports eight private dentists visiting aged care facilities. However, the frailty of many individuals, coupled with the fact that few aged care facilities have dental rooms, prevents many from having the remedial work needed. Aged and Community Services SA & NT estimates that this problem could largely be overcome, and in fact 80 per cent of older people's oral health needs could be met, if portable dental equipment were readily available. The former Liberal government established a program where dentists with portable equipment visited nursing homes and aged care facilities, but the Rann government has done little to expand it. Clearly, more funding is needed.

Concessions are another area where the Rann government has failed older South Australians. Despite the recent increase to the pension, many pensioners are still struggling to make ends meet. The Rann government increased fees and charges this year by an average of 4.2 per cent but concessions to match did not increase, and this is unacceptable. Increases to fees and charges, including water and sewerage charges and council rates, occur every year from 1 July, often increasing in excess of CPI. However, concessions for pensioners are not indexed in the same way.

Over the last decade residential energy costs have increased by 70 per cent, and increases of at least 50 per cent are almost certain over the next three to five years. Already low income households, such as pensioners, are spending more than 10 per cent of their income on electricity, an essential service. I have heard numerous stories of elderly people refusing to use their heating during winter or their air conditioner during summer months in order to keep their electricity bills down. That is atrocious, and it should not be allowed to happen. I appreciate that the state government has said that it will not cream off the recent increase to the pensioners by increasing, for example, Housing Trust rents. I hope that this promise will be upheld.

However, the state Rann Labor government needs to reform its entire concession system, particularly concessions available for essential services such as electricity and water, so that any increases in concessions are not wiped out by an increase in charges, particularly land tax and other insidious taxes these people pay. Many older people have given over their properties to their children, forgetting that once it is not the principal place of residence they are liable for huge land tax payments. Some of these houses are family homes in lovely areas with a high property value and, bang, you are into high land tax.

The Rann Labor government is tired and arrogant and, as I have outlined, has failed to address the challenges facing our state arising from such a rapidly growing proportion of ageing population. With the projection that the percentage of older South Australians will increase sharply in the future, the government cannot continue to ignore these issues. It must address the situation now so that we are prepared for the future, and up to this point it has failed to do so.

The government cannot ignore the changing demographic here in South Australia. We are already the state with the oldest population in Australia, and the state government has many things that it can and should do. It must encourage people to stay in the workforce as long as possible, encourage them to stay in their own homes and make life easier for them.

I challenge members of the government, as we run into the election period, to address this problem within the respective portfolios and to make sure that the aged-care problem is prominent in their policy because, if they do not, 15 per cent is enough people to decide who wins many of these seats. If the government ignores these problems it will do so at its political peril. I certainly appreciate the opportunity to serve the parliament in this way as shadow minister for ageing, and I have much pleasure in moving the motion that this house condemns the Rann government for its failure to address issues relating to South Australia's ageing population.

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability) (11:47): I thank the member for Schubert for his motion. How many years have you been in this place, member for Schubert? How many years have you been a member of parliament?

An honourable member interjecting:

The Hon. J.M. RANKINE: No, I want to—

An honourable member: We ask the questions.

The Hon. J.M. RANKINE: I am being nice. How many years have you been in here?

The SPEAKER: Order! The—

An honourable member: It's 19 years.

The Hon. J.M. RANKINE: Is it 19 years? I want to congratulate him on reaching his elevated position as a shadow minister. So, I am trying to be nice—19 years in here representing his constituency, and now his efforts have been recognised as the shadow minister for ageing. I just want to congratulate him on that. I thank the member for his motion, because it gives me the opportunity to outline what this government is doing to support older South Australians. I would happily have briefed the member for Schubert prior to his getting up and making so many incorrect assertions in this place, but we will try to address and work through some of them.

Mr Venning: Just put it on the record.

The Hon. J.M. RANKINE: I am about to put it on the record.

Mr Venning interjecting:

The Hon. J.M. RANKINE: Absolutely. This government recognises that the population here in South Australia is ageing, as is the population around our nation, and in fact it is a—

The Hon. G.M. Gunn: Ageing gracefully—

The Hon. J.M. RANKINE: Yes, some of us are ageing more gracefully than others, member for Stuart. This is a phenomenon that is occurring around the world, and it leads to the need for greater support and innovation in the way in which we address these needs. There is absolutely no doubt that the generations who are now moving into that age bracket have different aspirations and expectations from previous generations. They are more educated, more active, healthier and they have a much different aspiration for their lives: it is no longer a case of retiring and being willing to sit in a corner where they while away their retirement hours.

Rather than seeing this phenomenon as a threat, the Rann government sees it as a real opportunity. I am of the view that older populations provide positive opportunities for our community. We are not into those negative myths and stereotypes about ageing, and I get very cross when I hear about the youth problem and ageing problem so that it would appear that the only people who are not problems in our community are those who are aged between about 20 and 60. It is a nonsense.

Our state's prosperity relies on the contributions of older people as workers, volunteers, grandparents and carers. Even as grandparents, there is a very special role we all play in building the self-esteem and confidence of our younger generation of people as they come through, and this government is committed to ensuring that the lives of older people are the best they can be.

On 1 October—the International Day of Older Persons—we had a fantastic celebration here in South Australia in the Goyder Pavilion at the Wayville showgrounds. Unfortunately, there was no sign of the shadow minister there on that day, but about 1,000 South Australians came along to enjoy—

Mr Venning: I wasn't here.

The Hon. J.M. RANKINE: Where were you?

Members interjecting:

The Hon. J.M. RANKINE: Well, sorry about that. You missed a great function, with 1,000 older South Australians being entertained and educated. It was a fantastic event. Perhaps next year the member might like to come along if he still has this shadow portfolio. We host an event every year to recognise and celebrate positive ageing and the significant contribution that older South Australians make in our community. On 1 October, one great initiative that I launched at that function was a memory appointment and navigation assistance calendar. It is a talking head calendar, consisting of a computer-generated person who can remind people about appointments through a calendar application. Appointments can be entered by using the Google calendar system, and this can be done by a family member, carer, friend—

Members interjecting:

The Hon. J.M. RANKINE: No, don't laugh. This is a really amazing innovation. You are all laughing at it, but if you are suffering from dementia it is a fantastic innovation. It has been developed in partnership with Flinders University and is to be trialled with Alzheimer's Australia. So, whilst you lot might think it is funny, those older South Australians facing the challenge of Alzheimer's actually think it is a pretty good initiative.

Dr McFETRIDGE: Madam Deputy Speaker, I rise on a point of order. I take great umbrage at the insinuation by the minister that I am laughing at the innovation of ITC to help people with Alzheimer's. I am certainly not.

The DEPUTY SPEAKER: Order! That is not a point of order.

Mr Venning: We were laughing at the way you presented it—nothing to do with the subject.

The Hon. J.M. RANKINE: The way I presented! I am presenting it in a serious way—

Mr Venning: You said 'talking head'.

The Hon. J.M. RANKINE: It is a talking head. You might laugh at yourself a little in relation to that. The member for Schubert referred to the recently released state of ageing report. I make the point that that report was initiated by the state government to better help us prepare. The report was commissioned by the Office for the Ageing, in collaboration with three universities, to give us an indepth look at the ageing population and what it means for our state. It provides a

statistical snapshot of the issues and facts to equip us with the information we need to respond to the potential issues and take advantage of the opportunities the ageing population will bring.

This report builds on achievements we have already made in supporting older South Australians, and I will go through some of those. I do not have enough time to list them all, but I will go through some of them. Since the 2006 Ageing Plan for South Australia was launched, the Office for the Ageing, through the Improving with Age and Community Care Innovation Fund programs, has provided over $6 million to progress over 60 ageing plan projects. The Improving with Age fund provides funding to implement initiatives that support older South Australians, whilst the Community Care Innovation Fund supports initiatives which progress reforms and promotes best practice in community care. A further $2 million will be allocated in 2009-10.

According to the most recent data (2007-08), the Home and Community Care program provided assistance to over 92,000 people in South Australia. This included services such as domiciliary care, RDNS, Meals on Wheels, and local government 'home assist' programs. For 2008-09, the funding increased by approximately 8 per cent in South Australia, rising from $138.8 million to $149.7 million. The state-funded Grants for Seniors program aims to promote and encourage participation in community inclusion to ensure older people have opportunities to be fully involved in their communities through a broad range of cultural, sporting and educational recreation programs. Positive ageing development grants provide larger grants of up to $25,000 to encourage the participation of older people in their community and improve community attitudes towards older people.

The Elder Protection program, in recognition of the problems associated with elder abuse, two agencies receive recurrent funding from the Elder Protection program for the Aged Rights Advocacy Service program and Radio for the Third Age. We have recurrent funding in an Ethnic Ageing Grants program for older people and our South Australian seniors card program, which administers the seniors card program, I think with over 21,400 applications received during 2008-09. We now have over 296,000 registered card holders.

As the member for Schubert pointed out, this government introduced a $10 million public transport subsidy to give all seniors card holders free public transport during the inter peak period. The needs of older Aboriginal people continue to be a focus of the Office for the Ageing and other areas of the Department for Families and Communities. We have a dementia action plan—I could go through those issues.

The member for Schubert mentions concessions. This is an important issue. Let me go through this, and I will go through what has improved since 2002. The state concessions on energy increased by 71 per cent in 2004. Further one-off payments of $50 were provided in 2004; and a $150 energy concession bonus in 2005. In relation to water, a major change in the structure of water remissions was introduced in 2008, ensuring that concession recipients receive an amount relative to their actual water charges up to a maximum of $200. This is 110 per cent more than the previous maximum remission. The combined payments provided by both the state and commonwealth governments as support for pensioners who are homeowners have grown from $519.40 per annum in 2001 to a maximum of $1,297.40 for those receiving the maximum water remission and who have a home internet allowance.

Time expired.

Mr PENGILLY (Finniss) (11:57): I am pleased to speak to this. I was not intending to speak, but after some of the nonsense that has come out of the minister's mouth, I felt compelled, particularly for the aged population, the elderly, in my own electorate of Finniss. Now, I have never heard such a lot of categorical nonsense. Much of this is fine if you live in the metropolitan area. Let me turn to public transport which the minister was promoting. There is no public transport in the electorate of Finniss whatsoever. We have thousands of elderly citizens, retired people, but there is none whatsoever. Despite my pleadings and the pleadings of previous members, there isn't any. It is a categorical nonsense for the minister to say that they have put $10 million into public transport for aged people. What a lot of tommyrot. This will go well down there, don't you worry.

I turn to public health, particularly dental health. If an aged person or pensioner wants to go to the dentist, they can wait for four to five years to get into the public health clinic to get their teeth fixed—four to five years. What are they doing outside metropolitan Adelaide? I will tell you what, they are not doing a thing, not a jolly thing. The minister might like to retire on the South Coast and go into the public dental health system wanting to get her teeth fixed. She can put her name down because she will wait four to five years, and then she will wait another four to five years. It is all

very well for the local Labor Party candidate to run around puffing and blowing, but absolutely nothing is happening.

Let me also tell you about the wait for surgery in regional South Australia, not only in my own electorate but in other areas where you now have to wait any amount of time even for simple surgery, let alone more complicated surgery. The South Coast District Hospital is a fine institution put in there by locals and supported over many years. It has now lost its board through the government's changes to the act; however, the limitations on surgery down there mean that the aged and retired people must come to the city for surgery that they cannot get down there. Again, they cannot come on public transport because there is no public transport. Then they get on the queue and wait and wait.

Turning to transport issues, the department of transport pulled its office out of Goolwa, so now what does anyone do who needs to have things done with the department of transport—licensing, or whatever? What do they have to do? They have to go to Christies Beach, and how do they get to Christies Beach? They cannot get there unless they drive or get a family member to take them because there is no public transport. When they get up there they have to get in a queue forever and a day before they get served. They are incensed about it.

I have raised this with minister Conlon. I know that he is aware of it, but it simply is not good enough, and it is totally irrelevant for the minister to suggest that they are doing the right thing for everyone because I can tell members that, out in regional South Australia, they are not. Law and order also affects aged people and retirees. What do we have down on the South Coast? Last weekend we had one patrol in the evening to cover the whole area from Cape Jervis, through Yankalilla and right up to Currency Creek—one police patrol. Is that looking after law and order for the South Coast? It absolutely is not.

I do not want to listen to this nonsense in here being perpetrated by the minister about what a wonderful job they are doing for the aged. The member for Schubert is quite right in his motion. He has hit the nail on the head. I am not suggesting that the government is not putting the money into some programs—and I notice that the minister got on her high horse over some dementia program. Well, let me tell members that I am well aware of the work that is done. It is also aided and abetted by the many thousands of volunteers we have in South Australia, and the thousands of volunteers on the South Coast also assist with those things.

It is not all bad, but it is no good standing up in here, puffing and blowing, and saying what a wonderful job they are doing when anyone who lives outside of metropolitan Adelaide is absolutely left abandoned. If members think that we can get a bit cranky on this, we can. If it was not for the federal Department of Veterans' Affairs, which does look after veterans, war widows, families and people such as that who come under its jurisdiction, it would be even worse. Even then they have downtrodden the Repat—five mental health beds have been taken out of the Repat. That is going down like a hole in the head.

If you want to stand over there and be champagne socialists, you can wear it, because you are not looking after regional South Australia and the elderly. You are not looking after them and you have not looked after them in the past. You have totally forgotten about them in the last eight years, so it is no good trying to pretend that you are doing all the wonderful work in the world. I acknowledge the work that the minister has put forward—

The Hon. J.M. Rankine interjecting:

Mr PENGILLY: You know, if you want to sit over there and carry on like that, that is fine. I was about to say that I acknowledge the work that the minister has done. I acknowledge her work and that of her department. I also acknowledge the work that has been done by the Minister for Health. However, it has to go outside metropolitan Adelaide—and, if we just go back to it, no public transport and a three, four, five year wait for dental treatment in public dental clinics. All those things just add up. We have the department of transport issue and we have the law and order issue. It is time to get real about anywhere outside of Adelaide and do something about it.

I support the member for Schubert's motion. The minister wants to take a good deep breath and think about some of the things I have had to say, whether or not she likes it, and perhaps acknowledge that an area does exist outside Gepps Cross, Darlington and the Tollgate. They need these services as well, and it is up to this government to get up and do something about it.

The Hon. G.M. GUNN (Stuart) (12:04): I move:

That the debate be adjourned.

Mrs Geraghty interjecting:

The Hon. G.M. GUNN: Well, you have cut us off on all the others; so you wear a bit of your own back.

The DEPUTY SPEAKER: Order!

The Hon. G.M. GUNN: You have a *Notice Paper* here and you have not been game even to talk about it.

The DEPUTY SPEAKER: Member for Stuart, this is most unlike you. Was someone about to speak? If someone is about to speak, would they rise?

Mrs GERAGHTY: I was just going to raise some points—

The Hon. G.M. Gunn interjecting:

The DEPUTY SPEAKER: Member for Stuart, I had not fully checked the chamber to see whether anyone was ready to speak.

The Hon. G.M. GUNN: I rise on a point of order, Madam Deputy Speaker. The government has—

The DEPUTY SPEAKER: Order! Member for Stuart, resume your seat. There is a motion that the debate be adjourned.

Motion carried.

OPEN SPACE

The Hon. R.B. SUCH (Fisher) (12:06): I move:

That this house calls on the state government to undertake a comprehensive audit of open space in the metropolitan area and ensure, via its planning strategy, that there is enough land set aside for passive and active recreation, as well as for biodiversity and conservation purposes.

This is a very important issue. I am sure that the member for Stuart and the minister will take an interest in it. As we know, the government recently released the plan for Greater Adelaide, 2009-38, sometimes called 'the plan'.

Members interjecting:

The DEPUTY SPEAKER: Order! My apologies to the member for Fisher. Could members engaging in private debate leave the chamber. The member for Fisher.

The Hon. R.B. SUCH: Thank you, Madam Deputy Speaker, for your protection; I sometimes need it in here. I welcome a plan, because I think it is a smart thing to have a plan to try to chart where you want to go as a community. The critical thing, of course, is whether you implement the plan and attain the objectives that are set. The plan has many good features, but one that I think needs more attention is the provision of open space. In Adelaide we often think that we have a lot of open space because of the parklands. Members would be well aware of Professor Chris Daniels, Professor of Urban Ecology at the University of South Australia. He has done some research on this and has said that, based on total area, Adelaide has far less public open space than Brisbane, London or New York. He has also said that Adelaide is not a parkland city, but, rather a linear corridor of low-density sprawl.

The point to make is that we should not be deluded by the fact that we have a well-planned city, of which we are proud, with its unique heritage of 700 hectares of parkland, retained, in the main, over 170 years. Unfortunately, the Parklands have been used, or, one could say misused, to create the impression that we have lots of open space.

Obviously, when talking about open space, there are different categories—and I have never been a fan of Donald Rumsfeld, with the famous expression about what you know and what you don't know, and so it went on—and you can have open space that is not literally open, in the sense that it is not open to the public. A case in point is the Happy Valley Reservoir in my electorate. I am pleased to have it there, and so are the people of Adelaide, but it is not open to the public, and nor should it be because we need to protect the quality of the drinking water of Adelaide.

When people look at the concept of open space they have to realise that some of it might be called open but is not necessarily accessible, and I am not saying that it all should be. We also

have different uses, some for conservation biodiversity, some for passive recreation, and some, obviously, for active recreation—playing tennis and other sports. In my plea for the government to do an audit, I am encompassing all of those three categories.

Public open space is an essential element of community life, and it contributes, as I said, to recreation, healthy lifestyle, social involvement and activities. Unfortunately, over time various governments have sold off government land. We currently have a proposal for Glenside. The land I am talking about now, Cheltenham, is not government land, but much of that will not be left as open space, and likewise at Glenside. However, I am pleased to say that, having a close look at Glenside proposal, I am more reassured than I was a few weeks ago in terms of the amount of open space that will be left on that site.

If you look at school sites that have been sold off, where schools are being replaced by superschools, I am sure that land will be sold off presumably for housing. What happens over time, incrementally, is that these areas of government land, and what is largely, in effect, open space, gets sold off. I am concerned to find out how much open space we have, how much is under threat, and what we need for a good quality of life for Adelaide and the metropolitan area in the future.

I doubt, and I challenge anyone to show it, that there has been a net increase in open space. I would suggest that there has actually been a decrease in net open space in the metropolitan area in recent times.

We also have the hills face zone, which I sometimes call the 'hills farce zone', because I think another 400 houses are allowed to be built there. Whilst it is important as a visual backdrop and for conservation purposes, once again, I think it creates the impression that in Adelaide we have a lot of available open space. Well, it is not meant to be space where you can kick a football or throw a netball, but, like the parklands, it contributes to this view that Adelaide and the metropolitan area in particular is a parklands city; it is not.

What we are seeing now with urban consolidation—and it is certainly not a creation of this government; it has been occurring for a while—is smaller and smaller blocks, smaller and smaller backyards (if any), smaller and smaller front yards, and the traditional quarter acre block, which we rarely see these days, is disappearing—an endangered species. That means that there will be more and more need for community open space where children and others can go for recreation, whether it be passive or of a more intensive nature.

The government is committed to a policy of creating transit oriented developments (TODS), and that will also increase the need and demand for open space. Research shows that open space and greenery is important for personal well-being. Studies show that mental health improves when people have access to open space where they can actually see and experience greenery. It has been suggested that country people tend to have a better level of mental health because they have access to open space and can enjoy the natural environment. The more concentrated people are in an urban setting without open space or greenery the more likely it is that people will suffer from various dysfunctional conditions.

The issue of biodiversity is important. People such as Professor Chris Daniels and Associate Professor David Paton have been arguing for a long time that much of our fauna in the Adelaide metropolitan area is under threat. That is the subject of another motion, so I will not elaborate much on that. It is very important that in the open space provisions we recognise that some of them are there for the purpose of retaining biodiversity. I was very pleased to hear that, in the Glenside development, there will be a significant focus on recreating some of the biodiversity, which has been disappearing from the urban setting.

The wider issue relating to open space is that one way or another you pay for it, and you pay for it if there is a lack of it. My challenge to the government is to carry out an audit and find out what is there, what is potentially there, and what is at risk of ceasing to be open space. When I have asked planners in the planning department has there been an audit of open space, the answer I get is that to their knowledge there has not been. I think it is time that that happened.

I conclude by, once again, urging the government to undertake an audit; it is not a costly exercise. It can be done quite easily using some of the latest technology of satellite imaging and so on, and other techniques. The government can quite quickly and easily have a look at this issue of open space and ensure that in the refinement of the Plan for Greater Adelaide that open space is adequately provided for, because if we do not do it now it is going to be too late when future generations say, 'Why didn't you provide more open space?'

As I said at the start, we should not be lulled into a false sense of security or provision simply because we have the Parklands. In some ways the Parklands have worked against the concept of providing more open space, and once you get beyond the Parklands there has not been the provision of open space that should occur. Open space, if it provides for vegetation, will be very important in the future in terms of issues like carbon sequestration.

The urban forest, which is currently overlooked in terms of calculations for carbon sequestration, will become increasingly important. The urban forest in the metropolitan area is currently the largest forest in South Australia and people need to realise that you can only grow trees and you can only have shrubs/understorey if you have the area to grow them. Given that our housing blocks are getting smaller and there is more urban consolidation, there is less and less room for people to plant trees, shrubs, hedges and so on, and that will have a consequence in terms of our inability to deal with the carbon that we should be dealing with.

There is not just a benefit in terms of recreation, there is a benefit in terms of mental health and there is also a benefit, potentially, in relation to dealing with the whole question arising out of carbon generation by humans and other forms of life. I commend this motion to the house and ask the government to implement what I think is a very modest and inexpensive request, and I look forward to seeing this audit carried out in the very near future.

Debate adjourned on motion of Mrs Geraghty.

COOPER CREEK

The Hon. G.M. GUNN (Stuart) (12:19): I move:

That this house calls on the Queensland government not to permit further irrigation from the Cooper Creek or allow existing water licences to be activated and that this motion be sent to the Speaker of the Queensland Legislative Assembly by the Speaker of the House of Assembly.

Any suggestion that further cotton growing irrigation licences should be permitted to take water from the Cooper Creek would be an absolute outrage against the people of South Australia. We have seen and we are aware of what has happened to the Murray-Darling system. The Cooper Creek system is unique, it is fragile and it needs to be protected.

Once the irrigation pumps go into the Cooper Creek, tremendous damage will be inflicted on the people downstream in South Australia. The publicity that has been generated, and the public interest and comment in relation to this matter, has been absolutely amazing. Only this week on national television there were programs in relation to the dangers of allowing further irrigation from the Cooper Creek system.

The people at Innamincka clearly indicated their concern that they would run out of water. If irrigation pumps go in, there is a possibility that water would not reach the Coongie Lakes and downstream into Lake Eyre. There is no need for further irrigation licences to be activated in this part of Australia.

We are dealing with a system that runs intermittently. Lake Eyre does not fill up enough, and I am concerned that, if licences are activated, the water may never get to Lake Eyre from the Cooper Creek again, that those pastoralists along the river system will be affected because the floodouts may not be as effective as they have been in the past and that the ability for the tourism industry to expand and attract people to go to that part of South Australia will be affected.

My understanding is that over 30,000 people go to Innamincka every year. They go there to see the water, and they go there to see the Dig Tree and enjoy the other facilities. So, if the water did not flow across the causeway at Innamincka, it would be an absolute outrage, and it would be contrary to the best interests of the people of this state.

I put this motion before the house today out of my concern for the welfare of the people of this state, particularly those in the Far North. It is the proper role of this house to have a view on behalf of the citizens of this state and convey it to another government that may be wishing to take action that will be detrimental to not only current South Australians but also to those of the future.

I well recall some years ago going to Birdsville with then minister Peter Arnold to tell the Diamantina Shire that, if it attempted to block off the flow of water at Birdsville, he would take them to the High Court forthwith. We are again in a situation where people in Queensland seem to have total disregard for the effect that their decisions will have on the rest of Australia. They have to clearly understand that downstream operators do have rights.

They have the responsibility to apply common sense and fairness and, if these licences are reactivated, and huge pumps are put into the system, I fear what will happen in the future. If anyone has been to Innamincka and seen the water running across the causeway, they will know that it is a very interesting experience which, as I said earlier, thousands of people enjoy every year as they travel north. The benefits to South Australia, when Lake Eyre gets water in it, are tremendous and wonderful benefits flow to places like Marree, William Creek and other areas there.

However, if these large irrigation pumps are put in and people start irrigating cotton in Queensland, there are grave concerns that this project will have effects on the flow into South Australia. Who would ever want to see the water prevented from going into the Coongie Lakes? Who would want to do it? Why would we want even to contemplate such a foolish escapade?

It concerns me that, if something is not done to cancel these licences and put clear guidelines in place to make sure that our rights are protected, the cowboys in Queensland may go ahead and ignore us. I do not think we can afford to take that chance. This parliament has a responsibility to convey our concerns to the Queensland parliament and the government.

I do not think anyone could say that I am noted for being an irrational environmentalist. I like to see common sense applied, and I believe that common sense must apply in this case and that these people should not, under any circumstances, be permitted to engage in this irresponsible behaviour. We know what they tried to do some years ago—they still have it in their hip pocket—but it is our responsibility in this parliament to make sure, once for all, that their activities are prevented and that they never again contemplate such an irresponsible action.

As someone who enjoys going to that part of the state on a regular basis (I am planning to go up there again in the not too distant future), I ask why anyone would need or want to activate these licences? What I cannot understand is why the Queensland minister could not come out and say clearly and precisely when he had the chance that, no matter what the review came up with, the Queensland government would not permit irrigating out of the Cooper system—but he would not do that.

When we had some of these interviews on the radio programs, I indicated very clearly that, once the pumps went into the Cooper, that was the finish of the system. The minister came on afterwards and he did not appear to be very pleased with me and minister Weatherill. Notwithstanding that, we proceeded to make very clear our opposition to it. What I could not understand is why he would not come out and say that the Queensland will not permit this course of action to take place. He was under pressure. All around Australia people were saying that this is a nonsense suggestion. We all know it is wrong. I could not understand why they would not nip it in the bud—and they have allowed it to continue.

The concerns across the length and breadth of northern Australia are still being expressed. It is not just one group of people. We have the grazing industry in Queensland coming out and saying that this is an outrage. The tourist industry and the environmental movement and anyone who knows anything about it knows that it would be a disaster.

We ought to learn from the irresponsible behaviour with over-allocations out of the Murray-Darling Basin. We see it every day with our own eyes, as my colleague here understands better than most. My poor constituents up in the Riverland—Morgan, Cadell and Blanchetown—how they have suffered through no fault of their own because of irresponsible, unreasonable and unfair water allocations elsewhere in the system. What this parliament and this house needs to do is clearly indicate that under no circumstances will we permit any further diversion from the Cooper. The growing of cotton with irrigated water from the system would be an outrage, and I do not believe the community in this country would politically accept that decision.

I commend the motion to the house, and I hope the house will agree with it so that it can be conveyed to the Speaker and the Queensland parliament and, hopefully, the Queensland government and that the minister will take note of our concerns and the need to bring this foolish suggestion to an end once and for all.

The Hon. S.W. KEY (Ashford) (12:29): I rise to partly support the motion moved by the member for Stuart, the Hon. Graham Gunn, but also to suggest, by way of an amendment, what the government thinks would be a better way of handling this matter. I move:

Delete all words after 'Queensland Government' and add 'to refer the matter of the Cooper Creek Water Resources Plan to the Lake Eyre Basin Ministerial Forum for urgent consideration and that further extraction of water be halted until there has been an independent review of the science underpinning the plan.'

So, still within the spirit of what the member for Stuart is saying, the amended motion would read:

That this house calls on the Queensland government to refer the matter of the Cooper Creek Water Resources Plan to the Lake Eyre Basin Ministerial Forum for urgent consideration and that further extraction of water be halted until there has been an independent review of the science underpinning the plan.

With this amendment I seek to support the excellent submission made by the member for Stuart on this matter—and, obviously, I defer to his knowledge in this area—but also seek to say that the government acknowledges that Cooper Creek is one of the major river systems in the Lake Eyre Basin.

We know that, by world standards, the lower reaches are an exceptional example of intact, arid river ecology, including the Ramsar-listed Coongie Lakes. In flood the basins' rivers and lakes are a spectacular sight. The plants and animals that take refuge in the remnant waterholes burst into life again, and provide an environmental wonder of global renown. I know many members of this house have had the opportunity to see that wonder for themselves.

Through the work of the Lake Eyre Basin Ministerial Forum, the governments of South Australia, Queensland, the Northern Territory and the commonwealth have studied this phenomena, and I am advised that the Lake Eyre Basin's rivers are generally in good health. I am told that this was confirmed through the Rivers Assessment Project that was completed in 2008, which said that the Cooper is susceptible to inappropriate resource use, invasive pests and land-use intensification. I think this reflects what the member for Stuart has told us.

In May this year South Australia committed an extra $116,000 to projects assisting scientists, tourist operators, conservation groups and natural resources management boards to better work together on enhancing the Lake Eyre Basin. This funding is additional to the state's $125,000 annual contribution to the Lake Eyre Basin Agreement. That is why the draft Cooper Creek Water Resource Plan and the potential reactivation of sleeper licences, which would permit large-scale irrigation, is of great concern.

The South Australian government first registered its concerns regarding this in October last year in a submission to the Queensland government. The government also made it clear that these dormant licences represented a significant risk to the achievement of environmental objectives by starving the Cooper system of vital flows.

In June this year nine eminent scientists with experience in the Cooper Creek system, led by Professor Richard Kingsford from the University of New South Wales, raised their concerns with the Queensland government. Commenting on the scientific review that has informed the draft plan, these scientists described the process as superficial at best.

On 3 August this year minister Weatherill wrote to the Queensland minister for natural resources seeking his agreement to allow the lake basin scientific advisory panel to review the science underpinning the draft water plan for the Cooper. Unfortunately, to date I am advised that there has been no commitment to this.

We know from experience that trying to bend nature to fit our will is fraught with danger, and no better example is the current plight of the Murray and Lower Lakes. It beggars belief that there is potential for a terrible scenario of over-extraction upstream creating damaging consequences downstream to be played over and over again in one of our remaining pristine rivers.

I also acknowledge the significance of retaining flows from the Cooper for the water supply of the township of Innamincka, as the member for Stuart has told us, as well as South Australia's sustainable organic beef industry, valued up to $100 million, which operates in that region. As members know, the Premier and the Minister for Environment and Conservation have called an urgent meeting of the Lake Eyre Basin Ministerial Forum. With a genuine commitment to an outcome in the interests of the whole of the Lake Eyre Basin, I know the government is committed to ensuring that these mistakes that have happened elsewhere do not happen here.

Mr PEDERICK (Hammond) (12:35): I would like to concentrate on the tenor of the original excellent motion put forward by the member for Stuart: that this house calls on the Queensland government not to permit further irrigation from the Cooper Creek or allow existing water licences to be activated and that this motion be sent to the Speaker of the Queensland Legislative Assembly.

What is happening presently in the Murray-Darling Basin will certainly happen in the area around the Cooper Creek if this goes ahead. People do not learn over time that we cannot just rape

and pillage these water resources. With respect to the River Murray situation, between 1995 and 2002 Queensland tripled its storage capacity from 1,000 gigalitres to 3,000 gigalitres, and we see from that that only 40 per cent of the water enters New South Wales that used to enter from the systems involving the Darling and above the Darling. So, people are not learning from that experience, and that has a direct impact on what we receive as far as our flows down the Murray.

What is at risk here are the very livelihoods not only of people on stations and surrounding properties but also of a tourism mecca, Innamincka. We have had problems where a tourism operator there has had to bend over backwards (I am not even sure if he is still operating) in running trips up there, with arrangements that he has had to come to with the government. That community that has been there for a long time and its life source—its water source—is at risk if this goes ahead. It just beggars belief that the Queensland government is even contemplating this action. I think it should just be terminated.

We have to look at the reality. Let us not mess around. Let us not get another team of boffins up there having a look at flows and predicting flows and that sort of thing in the Cooper Creek. Let us just talk to some locals about how often it floods. Look at the science that is already there and get the facts on the ground about what has been happening with water as far as the whole Cooper Creek system.

The Coongie Lakes, which is a Ramsar site, is a beautiful area. I was there three or four years ago with the family. It is a beautiful spot in South Australia and it is recognised world wide, but it is also threatened. What we need here is proper management and we have to stress to the Queensland government that this is just not on. We cannot go on in this country just raping and pillaging our water resources, because I certainly believe that the 10 gigalitres they are talking about with respect to water licences will not be viable economically, socially or environmentally.

We have already seen what has happened with properties below St George in Queensland, which have struggled to make enough money to grow cotton. I can understand that they have set up communities around all this irrigation (this is on the Murray-Darling side of things), and that is well and good, but then I look at what has happened here in South Australia as far as the Murray-Darling system. We have places like Meningie, where a lake has been shut off to die and where fishermen are currently being paid $4.50 a kilo to fish carp out before we have a massive fish kill.

If we do not want that kind of situation repeated in the Cooper Creek system this motion must go forward (and I think it is worded more strongly in the original motion, as was the intent of the member for Stuart, who knows this country only too well), and that we should make full representations to the Queensland government to immediately stop any attempt to open up these sleeper licences on the Cooper Creek.

Mr RAU (Enfield) (12:40): I do not want to speak for very long on this matter, but I would like to congratulate the member for Stuart on bringing this important matter before the parliament. I agree with the member for Ashford in the remarks that she made as well. As members obviously would be aware, the Cooper is a river system, which, in some respects, is more similar to the Darling than it is to the Murray; that is, it is a flood or famine river system.

The Hon. R.B. Such: Ephemeral.

Mr RAU: Ephemeral, indeed. In fact, that was a word used in one of our Natural Resources Committee reports to describe the Darling. The fact is that there are infrequent, irregular, unpredictable rain events that occur in the catchment of the Cooper, and when they do occur, vast amounts of water are discharged through the Cooper system and, ultimately, wind up, I guess, in the Lake Eyre Basin. Those events are unpredictable, but, at the moment, it is basically a pristine river system, albeit that for most of the time it does not look much like a river system.

The idea that we have learned nothing from the terrible damage done to the Murray-Darling Basin, quite frankly, by fools issuing licences to harvest water in circumstances where it is clearly ridiculous to issue those licences and that we would be repeating that folly in respect of this large and essentially pristine river system, I find incomprehensible. I hope to goodness the Queensland government has the good sense and the wisdom as a participant in the federation to behave in respect of this river system in a way that does not repeat the stupidity of what has gone on in the Murray-Darling Basin.

We need to bear in mind that, because of the nature of these river systems, these licences, if they are activated, will result in vast storage facilities being established in remote parts of

Australia. For those of you who have not had the opportunity to look into it, Cubbie Station is a good example of what these things look like where the Condamine, in effect, has been channelled into these enormous storage facilities which go for kilometres and hold something like 400 gigalitres of water.

That is the sort of thing you will be seeing in the Cooper. It will mean that, when there are big rain events, suddenly vast areas will be put into agriculture, and then these storages will consume all this water. What is the environment going to get? What is the natural ecosystem going to get? What will happen to the people whose whole lives and agricultural practices have been developed over 100 years based on the current system that operates in that river?

All the wisdom is with the member for Stuart on this one. I would hope that there is sufficient wisdom amongst our parliamentary colleagues in Queensland to see that this is a very silly and dangerous move for them to undertake, and I think that, as members of parliament, in the event that they to the right thing, just as we are prepared to give them a tickle up with this, we should issue a congratulation by the state parliament as well. If they are smart enough to do the right thing, we should have a motion saying, 'We congratulate the Queensland government for doing the right thing about the Cooper.' I hope we have the opportunity of being able to put such a thing before the chamber.

With those few words, again I congratulate the honourable member for bringing the matter forward. I know it is a matter about which he has a great deal of personal knowledge, and I can say that, as far as the work of the Natural Resources Committee (of which I know the member for Ashford is also a member) is concerned, the honourable member's knowledge and insights about the remoter parts of the state have been invaluable to other members of the committee. I could almost go so far as to say, if the member for Stuart expresses an opinion about what is going on in those parts of South Australia, the rest of us would do well to pay attention to what he says.

The Hon. R.B. SUCH (Fisher) (12:45): I will be very brief. I commend the member for Stuart for this motion because it is very timely. Not only is it timely but also it is critically important. People came into my office yesterday and said, 'What are you'—meaning us in here—'doing about this issue?' I was able to refer them to the *Notice Paper* and this motion from the member for Stuart. They were quite pleased that the parliament was expressing a strong view, and that is what I want to do.

The member for Stuart has probably flown over the Cooper Creek more times than I have had hot lunches and knows more about the geography and so on of it than any us, but the essential issue is that, if the Queensland government allows any further irrigation or existing licences on the Cooper Creek to be activated, in my opinion that is just verging on the criminal. It is outrageous. I think that in some ways this motion is very mild, and I am not sure that it really reflects the strong feeling of South Australians about this sort of behaviour.

This is cowboy behaviour if what is being suggested occurs. If people are allowed to suck the life out of the Cooper Creek and deny its natural flow down, that is outrageous, and, as I say, bordering on the criminal. I fully support this motion.

Ms BREUER (Giles) (12:46): I am very pleased that the member for Stuart moved this motion today, and I certainly hope that political perspectives do not take away from the importance of this issue. It is an extremely important issue for South Australia. I think that the member for Stuart's motion is very good. I support our amendment, but I think that we have to go a step further. The Coongie Lakes is an area that I visit on a number of occasions. I feel very passionate about this; and it was good to hear the member for Stuart speak so passionately about it also.

I know that he is a regular visitor to that area. He is very lucky to have that area in his electorate. I wish that it was part of my electorate, but it is close to the border so I am comfortable with that. It is one of the most beautiful, tranquil, serene and spectacular areas in this state. It is hidden away because it is so far away. Most people do not have the opportunity to visit, and I think that we are very lucky that we have been able to go there on a regular basis. We must preserve that area at all costs. It is just wonderful.

A few weeks ago I travelled through the area with an Aboriginal couple. It is the gentleman's land; it is where his family and his people come from. Not only did I see the spectacular beauty of the nature up in that area but also I was able to absorb a lot of the Aboriginal history and culture which is very significant there. I had a look at the area through new eyes and I enjoyed it incredibly. Coongie Lakes to me is one of those areas we must preserve, and the thought of the water being taken away from there is just disgusting.

The Cooper Creek, of course, is also part of that area. That is the site of the Burke and Wills expedition and where they died. I have been to all those sites along that creek area. Innamincka is just a wonderful spot. I love to visit Innamincka. In my family it has quite a significant historical background. My former in-laws, Harry and Barbara Breuer, lived there for a number of months back in the 1940s. He was the local police constable and she was the local nurse. As happened many times over the years at Innamincka, the local police officer married the local nurse and produced some dynasties from there. Certainly in the Breuer family this was the case.

When they lived there they used to talk about how, at one stage, the creek flooded and they were cut off for about three months. They were not able to travel south. They had a young baby at the time. No meat was available and they lived on fish for three months. That is what they had to survive on. I do not think they ate fish after that ever again. It was apparently an incredible area. The whole area was flooded; you just could not get through. That used to happen regularly with the Cooper Creek, I understand.

Cooper Creek is also very significant. The permanent waterholes along there have been watering people for thousands of years, and the wildlife, the flora and the fauna in that area are just phenomenal. People should go and visit, if they are able, though it is a very long way away.

I hope that we are able to work out some sort of agreement with the Queensland government. I think what it is doing is disgraceful. I think we seriously have to put some pressure on the Queensland government to make sure that this does not happen. Unfortunately, because they are so far away from us, they do not understand the consequences of water being taken from our state. We have seen the devastation with the River Murray. I am not sure how we are ever going to resolve that situation, and I certainly do not want it to happen in the Cooper Creek area.

I certainly support any action we can take to prevent this from happening. As I said, I do not want political perspectives to get in the way of this. I hope we can work together, that the member for Stuart and I can work together on this, and that we can work together—opposition and government—on resolving this issue and getting the Queensland government to do the sensible thing, the good thing, for our state and for the rest of Australia.

The Hon. G.M. GUNN (Stuart) (12:51): I thank members for their contribution. The opposition is prepared to accept the amendment, because I want to see a unified approach to this particular matter. We should not allow any minor differences to get in the way of the importance of ensuring that we protect the Cooper system against what would be irresponsible behaviour if these water licences were to be activated. Not only do we have to protect it in the short term, we have protect it in the long term, to make sure that this controversy never happens again.

Amendment carried; motion as amended carried.

REMNANT NATIVE VEGETATION

The Hon. R.B. SUCH (Fisher) (12:53): I move:

That this house calls on the state and federal governments to do more to protect and enhance remnant native vegetation habitat in this state.

Members realise that this has been a hobby horse of mine for a while, and it is still a critical issue. It is borne out by the fact that, when Europeans came to this land, to this state in particular, naturally they had to clear native vegetation to grow crops, build houses, and so on—we all know that—but there was not enough consideration given to protecting and preserving remnant native vegetation. We have now reached the point where, in the Adelaide Plains, less than 3 per cent of the pre-European vegetation is left.

If you look at other areas, particularly the higher rainfall areas, the Mount Lofty Ranges has less than 15 per cent of its original vegetation left, and much of that has been compromised by the infestation of weeds and by some people who have no regard for native vegetation and ride their trail bikes and mountain bikes through it, and so on.

When we look at some of the municipalities within the metropolitan area, the City of Onkaparinga has less than 9 per cent native vegetation left and the City of Mitcham has a higher percentage—27 per cent—and that is because much of that encompasses the hills face zone.

I know people say there are things happening like Trees for Life, which does a wonderful job planting trees. I commend the government on its scheme, I think it is now called the three million trees scheme; that is great, but replanting, as good and desirable as that is, can never equate to something that has evolved over 600 million years. There is no way in the world that you

can replant an area and then say that it is equivalent to an area that has evolved over 600 million years.

There are those who accept the creationist view, and that is their choice, but whether you have a creationist view of the natural world or an evolutionary view, or a bit of both, the reality is that we are dealing with something that is very special and unique and yet increasingly under threat, even today.

In South Australia, in the 1980 to 1990 decade, there were 28,000-plus hectares cleared a year. Between 1991 and 1995 it was down to 1,370 hectares a year, and I suspect that now it is less, but the damage has been done in terms of threat to species. The number of threatened plant species has increased from 20 per cent in 1998 to 36 per cent in 2006, and that threat continues because the smaller the area, in terms of habitat, the greater the threat and the risk to plant species.

Likewise, for mammals in South Australia, the figure that I have been given of those that are considered to be threatened due to historical loss of habitat is 63 per cent. Overall, Australia has the worst record of mammal extinction in the world, and the major cause of biodiversity loss is land clearing.

As I have said, we all need to eat, we need places to live, and therefore you have to clear some vegetation, but the surest way of wiping out a plant or an animal is to destroy their habitat. I can understand why we say that to shoot a koala is a criminal offence, but if you destroy the habitat, which is a more effective way of killing them, that is okay. That seems to me to be a bit bizarre, a bit strange.

So, what do we need to do now? There has been a proposal put forward by Associate Professor David Paton of Adelaide University, who, I have noticed, was appointed to a federal government board this week. He is very knowledgeable about birds, in particular, but other animal species as well.

He has been advocating that the government (state or federal) needs to spend at least $10 million in securing high rainfall areas to preserve what remains of our, particularly small birds, but not just small birds, the birds that we used to see as children in the hills, the blue wrens and the red robins, which you rarely see now. There are still some there but they are under threat. His plan was to sell off part of Glenthorne, but that was not allowed. I would urge the state government and the federal government—I will be contacting Peter Garrett, the federal minister—to see if they can come up with the $10 million necessary to secure the habitat to protect those threatened areas in the hills.

Recently, the federal minister, Peter Garrett, said that they did not want to focus on individual species but, as has been pointed out by experts in the area, some of the associations between species are so critical that if you ignore an individual species you upset the whole ecosystem. There are things like fungi and so on that may not seem important, but they are important because of their effect on vegetation, animal life and so on. So, there is a move to try to get the federal government to reconsider that approach.

Importantly, $10 million out of a state budget of over $10,000 million is literally a drop in the ocean, and I would urge the government to expand and extend the areas that are remnant vegetation, particularly in the Adelaide Hills, but also other high rainfall areas. I commend the current minister, the previous minister and the minister before for what they have done in terms of adding to the national parks system. It does not always have to be in the national parks system, you can do heritage agreements, but we really need a vigorous effort to protect what remains of remnant vegetation and the plants and animals that are contained therein.

Debate adjourned.

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

SOUTH ROAD SUPERWAY

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) (14:00): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: Today I joined Prime Minister Kevin Rudd, the Minister for Infrastructure, Transport and Energy and the federal Minister for Infrastructure, Transport, Regional Development and Local Government in announcing the South Road Superway. The superway will connect from the Port River Expressway to Regency Road, reducing travel times by up to seven minutes and improving safety for the up to 45,000 vehicles that currently use this section of the road every day.

It will also improve productivity for the 17 per cent of vehicles using the road that carry freight, including B-doubles and freight trains, by linking Adelaide's industrial precinct, the Adelaide Airport, the Islington rail terminal, Port Adelaide and Outer Harbor. The project will include:

- a 2.8 kilometre road bridge elevated 10 metres above the existing road between Wing Street and Taminga Street;
- grade separation over four signalised intersections and one railway crossing;
- modifications to the 1.7 kilometre section of South Road between Taminga Street and Regency Road; and
- upgrades to the local road system, including Naweena Road and Hanson Road between Grand Junction Road and Cormack Road.

The South Road Superway will form the backbone of a dedicated north-south transport corridor for Adelaide and come in addition to the Gallipoli Underpass and the Glenelg Tram Overpass. A planned study for the South Road upgrade at Darlington is now also underway.

The federal government has committed $500 million to South Road as part of a $2.5 billion investment in South Australian transport and the state government has committed $430 million to the upgrading of South Road. Advance construction on local roads is expected to commence in March 2010. The South Road Superway is expected to be opened to traffic in late 2013.

Today's announcement is another example of the strong relationship we have with the commonwealth government. Together we are rolling out the biggest infrastructure partnership since Federation. We are investing record amounts on infrastructure for the future that will also create thousands of jobs.

Members opposite can oppose record expenditure on infrastructure and roads if they like. What we are doing is getting on with the job. We are getting on with the job of building this state—we are building for the future, investing in the future and creating jobs now. Our partnership with the commonwealth—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —is delivering the $1.8 billion Port Stanvac desal plant to guarantee our water security for the future and 50 per cent of Adelaide's water supplies. Just compare the level of infrastructure spending now with the past—seven years ago, when you did not have a AAA credit rating, when you did not have surpluses, and when you had no investment in rail, road or trams that was significant.

We have a joint investment in our public transport system which includes $294 million from the commonwealth to accelerate—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —the electrification of the Gawler line upgrade by two years.

Members interjecting:

The SPEAKER: Order! There is too much noise on both sides of the house. The Premier.

The Hon. M.D. RANN: We have a joint investment in our public transport system, which includes $294 million from the commonwealth to accelerate the electrification of the Gawler line upgrade by two years. An amount of $291 million has been allocated by the federal government to build another 5.5 kilometres of rail line from Noarlunga to Seaford, and $61 million from the federal government will also go towards a dedicated O-Bahn bus corridor into city, significantly reducing travel times for commuters.

A further $2 billion has been provided to South Australia as part of the federal government's economic stimulus package, including education and housing projects, and we have invested $400 million in the Techport precinct at Osborne to secure the South Australian construction contract for the air warfare destroyers and the next generation of submarines. That is more than $40 billion worth of defence projects.

Before today, I am reliably advised that we have seen six times more investment in infrastructure than seven years ago; more than when the Liberals were last in power. The construction of the South Road Superway will underpin what this government is doing in defence but also in mining. It is about linking up the Northern Expressway and the Port River Expressway, improving traffic flow and making it safer for motorists; getting rid of bottlenecks, easing congestion.

It is an infrastructure investment that is about reducing travel times and investing in our economic future. We are investing in infrastructure for the future and, in this case, also creating 2,750 jobs in the construction of the Superway. Let the Liberals, federal and state, come out against this infrastructure spending if they wish. This is our priority, rebuilding the state.

There could not be a better working relationship than we have with the commonwealth on infrastructure, and today's announcement is another celebration of that.

Members interjecting:

The Hon. M.D. RANN: Members opposite do not like good news about this state. They have to make up their mind; they have to put their state before their party. There are two AAMI stadiums full of jobs more than there was under the Liberals lack of leadership. This is about advancing for the future in a partnership with a federal government that shares our vision for this state.

PAPERS

The following papers were laid on the table:

By the Minister for Education (Hon. J.D. Lomax-Smith)—

Non Government Schools Registration Board—Report 2008-09

By the Minister for Tourism (Hon. J.D. Lomax-Smith)—

Adelaide Entertainment Centre—Report 2008-09
South Australian Tourism Commission—Report 2008-09

NATURAL RESOURCES COMMITTEE

Mr RAU (Enfield) (14:09): I bring up the 36th report of the committee, entitled Upper South-East Dryland Salinity and Flood Management Act 2002 Report, July 2008-June 2009.

Report received and ordered to be published.

PUBLIC WORKS COMMITTEE

Ms CICCARELLO (Norwood) (14:10): I bring up the 351st report of the committee, entitled Ladder Youth Accommodation and Support.

Report received and ordered to be published.

VISITORS

The SPEAKER: I draw to the attention of honourable members the presence in the gallery today of members of the Campbelltown Neighbourhood Watch, who are guests of the member for Hartley, a study group exchange Rotary team from Wales, who are guests of the member for Frome, and students from various schools who have participated in the Premier's Reading Challenge, who are guests of the Minister for Education and Children's Services. I do hope, children, that you don't go back to school with any bad habits from what you are about to see today.

QUESTION TIME

SCHOOL SPORTS

Mrs REDMOND (Heysen—Leader of the Opposition) (14:11): As a proud Rotarian, I would like to address my first question to the Minister for Education. What assessment has been

undertaken of all sporting and outdoor activities conducted by the department of education that contain a competitive element since the decision of the full court of the Supreme Court of South Australia in the case of Flavel v The State of South Australia?

In 1997, a 15 year old student in a public school was severely injured in a windsurfing accident. The state government maintained that it was not liable, but in November 2008 the plaintiff was finally successful on the appeal of the decision.

The Hon. K.O. FOLEY (Port Adelaide—Deputy Premier, Treasurer, Minister for Industry and Trade, Minister for Federal/State Relations) (14:12): I will take that question.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: As the minister responsible for SAICORP, the government's insurance corporation, is the leader questioning the government's tactics in that at all?

Mrs Redmond: Would you like me to repeat the question?

The Hon. K.O. FOLEY: Sorry, I thought you were questioning the decision, which I had to carry over from your government.

Mrs REDMOND: No. I will repeat the question, if I may, sir.

The SPEAKER: The Leader of the Opposition.

Mrs REDMOND: The question was: what assessment has been taken of all sporting and outdoor activities conducted by the department of education that contain a competitive element since that decision?

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) (14:13): I was a little confused, because the member started talking about her Rotary membership, and I am not quite sure what relationship that had to the question. Clearly, this accident was a tragedy—an unforeseen accident, you might say; the sort of event that could occur in many outdoor activities. It was a tragedy for the individual involved and we would all offer sympathy and, in fact, respect the difficulties of being in that situation, because it would have been very difficult not only for the individual involved but also for their whole family.

Having said that, the judgment, of course, has had some impact on the way in which sports are regarded, but to suggest that competitive activities within schools are unacceptable would fly in the face of everything we as Australians understand about sport. Whilst it may be possible not to have competitive activities in some fitness regimes and some activities, I think that most people would regard it as entirely unacceptable to give up an entire sense of competition within sporting activities. It would destroy our interschool competitions, it would have an impact on sporting activities at junior levels and it would, I think, be entirely unacceptable for all parents as well, particularly as they are concerned about fitness.

Having said that, there are some activities that clearly need to be reassessed, and the department has gone through a process of examining how sport is managed, how physical activity is managed and how extracurricular activities are managed beyond the classroom. This is obviously complex, but I can assure the leader that no-one would contemplate abandoning competitive sports within our schooling system. I think it would be an unacceptable response to that decision.

VISITORS

The SPEAKER: I draw to members' attention the presence in the gallery today of participants in the South Australian Regional Community Leadership Program from Whyalla, Port Augusta, Port Pirie and Roxby Downs, who are guests of the member for Giles.

QUESTION TIME

NATIONAL WATER WEEK

Ms THOMPSON (Reynell) (14:15): My question is to the Minister for Water Security. Can the minister inform the house about events planned for National Water Week?

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (14:15): Yes, and I thank the member for Reynell for her question. It is great to be celebrating National Water Week. The South Australian government is having a strong participation in the week, which starts from Sunday 18 October and goes through to Saturday 24 October.

National Water Week is the premier water awareness event in Australia, inviting water utilities, government agencies, councils, environmental groups and businesses to think about how they can bring their water awareness and conservation activities to the fore during the week. This year's themes are that: the nation's water supplies are limited; collectively our water comes from a number of different sources; we all share water; and we are all responsible for our water future. These themes are at the core of the state government's Water for Good Plan and provide a good platform to further promote the water sensitive message that this government is already promoting.

Key agencies of the government, principally the Office of Water Security and SA Water, are participating in the program. We are promoting the message that diversity of our water resources will take the state forward and that we all as individuals can do a great deal to conserve water. We will commence National Water Week on Sunday 18 October, with an opportunity for all South Australians to visit the Adelaide desalination project and newly commissioned visitors centre, which will bring to life the desalination process and how valuable the desalination plant will be to the greater diversity of the metropolitan area's water resources in the years to come and its contribution to reducing our reliance on the River Murray.

The Water for Good team will also have a stall in Rundle Mall from Monday 19 October to Wednesday 21 October, where we will be handing out the very popular four-minute shower timers, attached to the equally popular personal water savings plan. It is a small booklet full of water saving tips and available rebates, and it is suitable for attachment to the household fridge so that people can be reminded of these important conservation messages. We will also be running the Swap and Save showerhead exchange program from the site where people will be able to exchange their existing showerheads for a water efficient alternative, and the details of full terms and conditions will be available on the Water for Good website, which is www.waterforgood.sa.gov.au.

It should also be noted that many local councils are also participating in the showerhead exchange program and some have coordinated their participation with National Water Week. We will also be running a daily top water saving tips competition from Monday to Friday, with the best tips being published with the daily weather in the paper. National Water Week is an excellent opportunity for the community to learn more about water conservation, to exchange ideas and knowledge, and to see first-hand the significant work being undertaken by the government to secure our water future.

SCHOOL SPORTS

Mrs REDMOND (Heysen—Leader of the Opposition) (14:18): My question is again to the Minister for Education. Does the minister still stand by her statement, affirmed in her affidavit dated 27 February 2009 in the case of Flavel and The State of South Australia, that:

> the decision has significant ramifications for the curriculum offered to the students in South Australia and the mode of their delivery…It will be necessary to assess all sporting and outdoor activities conducted by the department that contain a competitive element. The outcome of such considerations, should the decision stand—

which, of course, it did—

> may see the cessation of many of the activities currently undertaken by our schools.

She went on to name the activities to include: swimming/aquatics, soccer, football, netball, cricket, tennis, basketball, athletics, lacrosse, hockey, volleyball, aerobics, dance and rowing.

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) (14:19): I think the Leader of the Opposition is suggesting that I lied in an affidavit—which I take exception to—asking me whether I stand by what was written, and I do take exception to that, because I wrote every word of that statement and it was entirely honest. As a lawyer—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. LOMAX-SMITH: —the Leader of the Opposition should be capable of reading every word and understanding the intent. Those words were crafted very carefully. The word she skipped over was 'may'.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. LOMAX-SMITH: The issue here is that we understand that sport is an integral part of our way of life. It was necessary for us to take this view to the judge in making this judgment because we were concerned that some people—perhaps the Leader of the Opposition—might see this judgment and therefore close down sport. I know that the Leader of the Opposition—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. LOMAX-SMITH: —has sort of a small 'l' liberal approach—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. LOMAX-SMITH: —and is likely to be politically correct in many of her judgments. However, we believe that we should support sporting activity, adhere to regimes where sport is possible within our schools and find ways of carrying on competitive activities in schools. If she thinks otherwise, I would be interested to hear about it.

GAWLER RACECOURSE REDEVELOPMENT

Mr PICCOLO (Light) (14:21): My question is to the Minister for Recreation, Sport and Racing. Will the minister—

Members interjecting:

The SPEAKER: Order!

An honourable member interjecting:

Mr PICCOLO: You can only wish, mate; you can only wish.

Members interjecting:

The SPEAKER: Order, members on my left!

Members interjecting:

Mr PICCOLO: I am happy to wait.

The SPEAKER: The house will come to order!

Mr PICCOLO: Will the minister update the house on the redevelopment of the Gawler racecourse?

The Hon. M.J. WRIGHT (Lee—Minister for Police, Minister for Emergency Services, Minister for Recreation, Sport and Racing) (14:22): I thank the honourable member for his question; he has certainly been a strong advocate for this project. I am pleased to advise that site works have commenced on the $12 million redevelopment of the Gawler and Barossa Jockey Club's racecourse which will upgrade facilities to a metropolitan standard venue. The racecourse will be improved by a comprehensive upgrade and reconfiguration of the track infrastructure.

In addition, the project provides for construction of wetland and community stormwater drainage facilities, landscaping and a new multipurpose function centre. The multipurpose facility will also provide the local community with a convention centre suitable for a variety of events, including business conferences, educational training programs and wedding receptions.

With Victoria Park and Cheltenham Park racecourses closed, Allan Scott Park, Morphettville, has become South Australia's only metropolitan racing venue. The construction of a newly-designed track at Gawler will accommodate more race meetings and allow for competitive racing. Gawler at present conducts 12 race meetings per annum, which will increase to approximately 22 following the track upgrade. The racecourse is conveniently situated between the main road and the railway line and has the potential to draw larger crowds following a significant upgrade.

Additional race meetings, plus making the multipurpose function centre available for other community-based activities, is expected to generate greater investment and economic activity for the club and the Gawler and Barossa region. The state government has committed $6 million towards the upgrade. The balance of the funds will be sourced from the sale of 4.3 hectares of surplus land at the southern end of the racecourse. Thoroughbred Racing SA and the Gawler and Barossa Jockey Club have identified land bordered by Main North Road and Barnett Street as being surplus to their needs following the reconfiguration of the track layout.

It is particularly satisfying to see the state's racing industry in such a strong and healthy position. The future certainly looks promising, and it is apparent that those within the industry are now getting on with the business of racing in a more confident and optimistic manner.

SCHOOL SPORTS

Mr PISONI (Unley) (14:24): My question is to the Minister for Education. When will parents be told that their children will no longer be able to play school football, school soccer or school netball?

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) (14:25): I have to say that—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. LOMAX-SMITH: I will say it again: it is unthinkable that children in Australian schools would give up sport, and, if that is the response of those opposite, I think the public in South Australia have to be very fearful of electing you.

SCHOOL SPORTS

Mr PISONI (Unley) (14:25): I have a supplementary question. Which is it then, minister? Are you cancelling school sport or is your affidavit untrue?

The Hon. P.F. CONLON: On a point of order, the member must address his question through the chair. I know he's new.

The SPEAKER: He should address the question through the chair, but the question is—

Mr Pisoni: Do you want me to ask it again, sir?

The SPEAKER: No, you won't. The question was disorderly.

AUSBIOTECH

The Hon. S.W. KEY (Ashford) (14:26): Can the Minister for Science and Information Economy advise the house of Adelaide's successful bid to host the international bioscience conference in 2011?

The Hon. M.F. O'BRIEN (Napier—Minister for Employment, Training and Further Education, Minister for Road Safety, Minister for Science and Information Economy) (14:26): I am pleased to announce to the house that Adelaide has won the right to host the premier biotech event of the Asia-Pacific region, the prestigious AusBiotech conference. AusBiotech has over 2,400 members and covers the human health, agricultural, medical devices and environmental and industrial sectors in biotechnology, areas of excellence in our state's research and development capabilities.

More than 1,500 delegates from Asia, Europe and the United States will attend this annual conference. We will welcome to Adelaide internationally renowned scientists, investors and business leaders from national and international companies. The conference, the ninth of its type, will be held from 16 to 19 October 2011 at the Adelaide Convention Centre.

Given the cachet of the event, winning the bid for this highly regarded conference is an outstanding achievement for South Australia, for the South Australian bioscience community, in particular. The conference will give South Australia's bioscience community the opportunity to showcase its research and development expertise as well its products and services on the international stage.

That Adelaide was chosen as the successful bidder is testimony to the value that the government places on biotechnology and the pivotal role that South Australia has played in its development, showing yet again that this state punches well above its weight in science and research areas.

Some four weeks ago, the state government released the Science and Technology Innovation 10 progress report, and I announced to the house that, over a five-year period, the South Australian government, through its activities, had attracted in excess of $1 billion to South Australia for science-related research undertakings.

This conference builds on this significant achievement and recognises the continued growth that the state government is effectively engineering right across the science sector, but particularly in the growing bioscience sector.

I would like to congratulate those who took part in securing the conference. The bid was coordinated by the Adelaide Convention Tourism Authority and supported by Bio Innovation SA, the Centre for Innovation, and the Department of Further Education, Employment, Science and Technology. Along with the attendant commercial gains for our tourism and hospitality industries, we welcome this stimulating and prestigious event, which will help further our state's position as a global leader in the bioscience field.

GLENSIDE HOSPITAL REDEVELOPMENT

Mr PISONI (Unley) (14:29): My question is to the Premier. Has the land at Glenside campus being sold to the Chapley Retail Group, operating as Commercial Retail Group, and, if so, what land has been sold and for what price?

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) (14:29): I can answer that. The Glenside site, of course, is the location of a really exciting rebuilding and renewal of our mental health system in South Australia, a massive investment to guarantee modern facilities that are integrated within the community, both with housing and retail. It is a great concept that will bring our mental health services into the 21st century. I can inform the member for Unley that no land has been sold by this government at that site yet.

GLENSIDE HOSPITAL REDEVELOPMENT

Mr PISONI (Unley) (14:30): I have a supplementary question. Has a contract been entered into, guaranteeing the sale of land to Commercial Retail Group?

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Energy) (14:30): The issue with the Chapleys—can I say that the Chapleys are a small part of this, but they have been, in my view, remarkably patient. From memory, this goes back to an arrangement the department of transport (under, I think, Di Laidlaw) wanted with the Chapleys in regard to some land there. Basically, what the opposition complains about in this regard is that we intend to keep a promise it made in government—a promise I would have thought that it was entirely proper should be kept. To Mr Steve Condous MP (of blessed memory, as the Attorney would put it), member for Colton:

> Dear Steve,
>
> I refer to your letter regarding the Glenside Hospital wall.
>
> I have recently visited the site and decided to support the request of Chapley Nominees Pty Ltd to purchase portion of the Glenside Hospital site—

Ms Chapman interjecting:

The Hon. P.F. CONLON: Well, you don't seem to remember it, do you? No, you don't. You don't seem to remember it. I do note you have some other friends you prefer to run supermarkets than the Chapleys—

> and demolish the small remaining section of the wall…I have notified the Minister for Human Services of this decision.
>
> It will now be necessary for Chapley Nominees to negotiate the sale with Crown Lands SA of my Department and to obtain development approval for the proposal.

Can I say—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: —I think when the government—

The Hon. J.D. Hill: You didn't say who signed the letter.

The Hon. P.F. CONLON: Sorry—'Iain Evans, Minister for Environment and Heritage.' I think that—

Mr Williams interjecting:

The Hon. P.F. CONLON: For the benefit of the rather slow member for MacKillop, I will give you the relevant sentence:

I have recently visited the site and decided to support the request of Chapley Nominees Pty Ltd to purchase portion of the Glenside Hospital site…

The Hon. I.F. Evans: How big a portion?

The Hon. P.F. CONLON: I'm sorry; you didn't set that out. It may have been the position—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: I will release this one for you. You can have it. It may well be the position of the previous Liberal government that you tell people one thing and do another, and we know that is their position. I remember so well the deputy premier before the 1997 election, 'We will not sell ETSA, full stop, full stop, full stop.'

It may well have been the practice of the former government to say one thing and do another, but that is not what we do. In fact, we believe that if a business in South Australia, acting in good faith, came to an arrangement with the previous government, then that arrangement should be honoured because that is what honourable people do. I hope not to hear any more on this, but can I say this—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: —if the opposition wants to keep standing up and saying, 'Why don't you govern like we would have?' we are going to say, 'We are going to keep acting honourably.'

MAGAREY FARLAM

Mr BIGNELL (Mawson) (14:35): My question is to the Attorney-General. Can he inform the house about developments in the Magarey Farlam matter and matters of the Law Society's culpability for the misconduct of its members?

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (14:35): Members would be aware that a supervisor and manager has been appointed to wind up the law firm Magarey Farlam after its bookkeeper's alleged defalcation, and to pay out what was left in the firm's trust account. I understand that there has been a mediation, and the auditors, the banks and the insurers have finally been called upon to pay their part in compensating the victims of this defalcation. Of course, if the Leader of the Opposition had got her way it would have been all cast on the guarantee fund, but that is another matter.

As Attorney-General, I must authorise all payments made from the guarantee fund. Many of the costs claims have now been finalised, and these include those of Mellor Olsson, one of whose partners, members may recall, tried to take quite a large sum of money out of the guarantee fund, and certainly his overcharging was endorsed in this house by the Leader of the Opposition. One will recall the turn she put on towards the end of question time a few months back before she was Leader of the Opposition.

A large saving has been made because we did not just write a cheque for Mr Goode's bill, as the Leader of the Opposition was advocating.

Mrs Redmond interjecting:

The Hon. K.O. FOLEY: I rise on a point of order. The Leader of the Opposition just accused the Attorney-General of misleading the house. I ask that she withdraw and apologise, or move a substantive motion.

The SPEAKER: I did not hear any such thing.

Members interjecting:

The SPEAKER: Order! The house will come to order. I did not hear any such thing. I heard the Leader of the Opposition say, 'You shouldn't misrepresent people,' but I do not think that is an accusation of misleading the house. In any case, it would be far preferable for there not to be these constant exchanges from one side of the chamber to the other while a minister is on his feet.

The Hon. M.J. ATKINSON: I do know the truth of the matter, and it is that Mr Goode of Mellor Olsson sent a bill to the guarantee fund for—wait for it—$365,205.16. With the concurrence of the Crown Solicitor's Office I have authorised payment in response to that bill of—wait for it—$131,856.24. This reduced amount was offered to Mellor Olsson after the supervisor found that the former Law Society president, Mr Andrew Goode, was claiming outrageous costs to be paid from the fund.

The Leader of the Opposition, or the member for Heysen, as she then was, told the house that this is just routine, this is what lawyers do, you put in a bill and then you see what comes back. I can tell you what came back, $233,000 less than initially claimed. It was no thanks to the Law Society though. Despite my giving the Law Society president, John Goldberg, the opportunity to respond to my concerns, he said that he was satisfied that there was no impropriety in the manner in which Mr Goode submitted his claim for costs.

So, Mr Goode submitted almost three times as much as he was entitled to, and the Leader of the Opposition says that that is routine in the profession: that is what we do. The Leader of the Opposition has lost any moral compass about how the practise of the law ought to occur in this state.

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: Who investigates lawyers in this state? The answer to that is: lawyers do.

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: I think there is a need for a more independent means of investigation. Earlier this year I stumbled upon a disappointing example of the problems created by self-governance within the legal profession when I noticed in the daily cause list—and I try to read the cause list every day—the name of yet another former Law Society luminary and Criminal Law Committee guru in a spot of bother over his professional integrity.

Mr Nicholas Niarchos was listed to appear before the Supreme Court in what I eventually discovered was an application pursuant to section 49 of the Legal Practitioners Act to continue to practise the law despite entering into an insolvency arrangement. He had not paid income tax for years. It was only upon requesting that a staff member of mine attend the matter in court that I learned the nature of Mr Niarchos's appearance. As a matter of principle—

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: The Leader of the Opposition can shake her head; apparently she considers it all right that lawyers practise when bankrupt or subject to insolvency agreements. Again, she has completely lost her moral compass about the practice of the law. As a matter of principle, bankrupt lawyers or lawyers subject to an insolvency agreement ought not to be allowed to practise unless it can be shown that they are fit and proper persons to practise the law because otherwise they pose a risk to the public.

Lawyers are in a trusted position, often managing funds held in trust accounts for clients. Where a lawyer has a poor financial history, it is necessary as a matter of prudent public protection that the profession is as open as possible and willing to provide the public with information needed to allow people to arm themselves against being victims of professional misconduct perpetrated

against them by a trusted legal representative. The risk to the public became only too evident in the Magarey Farlam matter.

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: The member for Bragg interjects that it was the bookkeeper's fault; it was the accountant's fault. It is never the lawyer's fault, is it, according to the Liberal Party? Funnily enough though, the lawyers have been persuaded to make a contribution to the defalcation. At no point did the Law Society appear to have any intention to inform me as Attorney-General of Mr Niarchos's hearing. He was a Law Society mate; that is 'mate' spelt with three As. This is disappointing, as one would reasonably think that it would be prudent to ensure maximum transparency about such matters rather than to allow a situation where the Attorney-General finds out only by my assiduously reading the cause list that a lawyer is applying to continue to practise, despite entering into a personal insolvency arrangement.

Although Mr Niarchos had not yet become bankrupt, an application under section 49 of the Legal Practitioners Act became necessary owing to his need to enter into an insolvency arrangement with his creditors. The court granted Mr Niarchos authority to practise the profession of the law subject to his complying with strict conditions upon his licence. Draft orders were presented to the court by Mr Niarchos and supported by the Law Society. These orders were thankfully amended as proposed by the Solicitor-General, who attended on my behalf, to include me as Attorney-General as a recipient of notifications of continued compliance.

The court orders now require that a quarterly report be provided, not only to the Law Society but to me as Attorney-General. Should Mr Niarchos fail to comply with any of his licence conditions, not only the Law Society but also I, as Attorney-General, have the ability to apply for an order revoking the court order authorising Mr Niarchos to continue to practise. But for my reading the cause list, none of this would have happened. The Law Society—

The Hon. I.F. Evans interjecting:

The Hon. M.J. ATKINSON: And I will. The Law Society would have covered up for one of its nomenklatura nicely. Mr Goldberg was as quiet as a mouse. Although the Law Society is not required by statute to notify me of applications, pursuant to section 49 of the Legal Practitioners Act, its calculated silence about this application raises concerns about a profession being self-serving. Once again we see the Law Society holding itself to a different standard from the rest of society.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Mrs REDMOND (Heysen—Leader of the Opposition) (14:45): My question is to the Premier. If at least two independent state watchdogs—the DPP and the former auditor-general—are calling for the establishment of a state independent commission against corruption, why is the Premier still so steadfastly opposed?

The SPEAKER: This question is pretty similar to one yesterday, but I will allow it.

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) (14:46): I am happy to respond, sir. Regarding the former question, because I know that members were serious, I can say that while Labor is in power there will be school sport. Those of us—

An honourable member interjecting:

The Hon. M.D. RANN: No, no; if the Liberals want to get rid of—

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

The Hon. I.F. EVANS: I have a point of order. Not even the Premier can make school sport come into an ICAC. It is relevance, Mr Speaker.

Members interjecting:

The SPEAKER: Order! The Premier must answer the substance of the question.

The Hon. M.D. RANN: Those who remember my appearances on the rugby fields of the Waikato will know my passion for this.

An honourable member: Why didn't they play you on the wing?

The Hon. M.D. RANN: I did play on the wing; the right wing, actually.

Dr McFetridge interjecting:

The Hon. M.D. RANN: That's not far from the truth.

Members interjecting:

The Hon. M.D. RANN: The mascot, that's right. Why are people so unkind? I can say, on the issue of ICAC, that we can keep doing this and doing this, in terms of repeats. This government has employed 550 extra police in South Australia, we have seen robberies go down 30 per cent, and we have seen a drop in crime in this state. We have an anti-corruption branch that does an outstanding job in this state; we have an Ombudsman with the powers of a royal commission; and we have an Auditor-General with enormous powers to carry out investigations. We also have a DPP to whom we gave extra resources; he wanted more and more resources for himself, and we delivered for his organisation. I remember going down there. I listened, and we delivered the extra money. He is independent as well.

I guess the point is: how much is it going to cost? From where are we to get the money? Would it not be better to have a national ICAC, like the former National Crime Authority, that is not appointed by politicians here, whether they are Liberal or Labor? Crime and corruption have no borders, and that is exactly the point we have been trying to get across in relation to the bikie legislation. We wanted everyone in it so that there were no safe havens.

PRISONER WORK PROGRAM

Ms CICCARELLO (Norwood) (14:49): My question is to the Minister for Correctional Services. Can the minister inform the house about the prisoner work program run with BHP Billiton?

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) (14:49): I thank the honourable member for her question, and, yes, I can inform the house about this important development. I would also like to thank the member for Giles, who came with me to Roxby Downs and Andamooka station to look at this program, and her local community should be very proud of it.

I am sure members would agree that a project that provides prisoners with the opportunity to develop skills and improve their chances of securing employment upon release is an extremely positive initiative, and I am pleased to inform the house that Port Augusta Prison and BHP Billiton at Olympic Dam have come together as partners to develop such a project.

There are compelling arguments for encouraging prisoners to engage with education and training, work experience and linking them to employment opportunities. The social benefits of reducing reoffending are obvious: fewer victims of crime, the breaking of generational criminal norms and fewer families dislocated by the loss of family members to prison. For some of the people whom I met up there crime was a generational habit and so was prison. One young man there told me and the member for Giles that his grandfather, his father and he had been in prison, and he did not want the same future for his son.

Prisoners with newly acquired vocational skills are also more likely to be able to assist in the development of their communities. It is particularly important for indigenous prisoners returning to communities (some remote) where employment options are limited. The participants in the program will be sourced from Port Augusta Prison with a minimum of 50 per cent indigenous prisoner participation.

This partnership project involves selected low security prisoners to undertake a range of duties, including work associated with the clean-up, renovation and maintenance of the Andamooka, Roxby Downs and Purple Downs stations and to undertake work experience on BHP Billiton-owned pastoral stations at Olympic Dam. To qualify for this program, prisoners must have had no citations from correctional officers, they must have had clean urine samples in drug tests, they must have behaved well and they must be low security prisoners.

Community consultation was held with the Roxby Downs Community Board in 2009 to finalise the preparation of the program. The consultation process provided an opportunity to discuss the history of the Mobile Outback Work Camp program and the benefits to remote communities, which cannot afford to do the work on their own. The presentation was well received by the Roxby Downs Community Board.

This initiative provides prisoners with the opportunity to gain work experience at Olympic Dam, on-site training and development and an identifiable pathway to employment opportunities at Olympic Dam. It will encourage industry-related vocational education and training at Port Augusta Prison and strengthen community capacity and resilience. The program will consist of approximately six work camps for a period of two weeks conducted this financial year. The first work camp commenced at Andamooka Station on 4 August 2009 and was completed on 17 August 2009. Before the camp commenced, prisoners were trained at Port Augusta Prison.

It is important to note that the remoteness of these locations and the type of work involved means that, if it were not for these programs, it would be very difficult to find people who would carry out this type of work. BHP subcontractors and representatives were so satisfied with the progress of the program that they were keen for it to be expanded, and a second camp operated from 29 September to 12 October. I was pleased to visit the participants at Roxby Downs and officially sign a memorandum of understanding between the correctional services office and BHP last Tuesday, 6 October.

South Australia's Aboriginal incarceration rate sits at 20 per cent, which is 4 per cent lower than the national average, and I think most members would agree that this rate is far too high. The government aims to further reduce the number of Aboriginal people who are in gaol every year and to further reduce reoffending.

In August this year, I had the pleasure of opening South Australia's first prison unit specially designed to accommodate Aboriginal offenders. The new unit, located at Port Augusta, which was designed in consultation with Aboriginal prisoners and their elders and staff, gives offenders a chance to reform their lives in a culturally appropriate environment. The Rann government has invested heavily in rehabilitation, with a focus on reducing Aboriginal imprisonment.

Within the prison system, several rehabilitation programs are tailored to Aboriginal offenders, including programs where Aboriginal elders are brought in to be active role models and spend time with prisoners. In addition, 11 Aboriginal liaison officers have been employed across our prisons to assist prisoners in dealing with departmental procedures.

We are committed to taking violent repeat offenders off the streets and strengthening prisoner education and rehabilitation and thereby reducing reoffending. Not only will this government continue to be tough on law and order but we will also continue to identify and support initiatives such as the BHP partnership, and provide training and employment for prisoners so that they can be on the front foot in turning their lives around. An example is that one of the people on these camps recently became eligible for release for home detention while on the camp. Rather than go to home release, he asked to stay on at the camp and complete his training. That is an indication of the level of commitment that these prisoners are showing.

In fact, in some of the anecdotal evidence from the trainers, they were saying that literacy and numeracy is a very large problem for some of these prisoners and a lot of these prisoners found it very difficult to get along while they were in prison, but, while they were on these camps, all of a sudden, mentors sprang up amongst the prisoners, helping other prisoners with their application forms and their written assessment part of the work.

Some of the works that were completed in the initial camp include:

- cleaning of interiors and surrounding garden areas of two homesteads;
- transportation of rubbish to the landfill area on the property;
- pruning and removal of non-native trees;
- clearing of rubbish from the blacksmiths shop and the woolshed;
- cleaning of carport areas and shearing sheds;
- removal of a chicken yard; and
- the clearing of rubbish from hillside surrounding homestead.

While they were doing all this—of course without realising—they were being accredited with using front-end loaders, forklifts, welding, painting, repairing architraves, doorjambs and windows. BHP was so impressed with the work that the camp did at this Andamooka station that they will use this

station for BHP board meetings in the future. It is a great example of this government giving Aboriginal offenders a bit of hope.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Ms CHAPMAN (Bragg) (14:56): My question is to the Attorney-General. Why has the Attorney-General never proposed a national ICAC at the Standing Committee of Attorneys-General?

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (14:56): What a splendid idea. I thank the member for Bragg for the suggestion. I will do it when we get together in Sydney during the week of the Melbourne Cup.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Ms CHAPMAN (Bragg) (14:57): My question is again to the Attorney-General. Can the government guarantee that the current Director of Public Prosecutions, Mr Steve Pallaras QC, will be offered reappointment to his position and not removed, as a result of his support for a state ICAC?

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (14:57): It is very nice to have that vote of confidence from the Liberal opposition that I will be attorney-general and that the Rann government will still be in office at the time that Mr Pallaras' term comes to an end.

The Hon. P.F. Conlon: It's called tapping the mat, isn't it?

The Hon. M.J. ATKINSON: So you've tapped the mat already.

The Hon. K.O. Foley interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: The arrangement is that the director of public prosecutions is appointed for seven years. I think Paul Rofe got one seven year term and then there was a great deal of controversy within the then Liberal government about whether he ought to be reappointed. My recollection is that at least one prominent minister did not want him reappointed. They had quite a blue about it and eventually he was reappointed. The system is quite straightforward: it is a seven year term and, at the end of the seven years, the position will be considered on its merits.

SUPER SCHOOLS

Mr RAU (Enfield) (14:58): My question is to the Minister for Education.

The Hon. I.F. Evans: Are you a member of the Law Society?

Mr RAU: Yes, I certainly am. Can the minister update the house on the progress of the six new schools for northern and western Adelaide?

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) (14:59): I thank the member for Enfield for his question. He has certainly shown a keen interest in the new education facilities in his electorate, which will be one of the main beneficiaries of the new work. Last Wednesday, I was delighted to attend one of the schools which is the site of the new development, Blair Athol Primary School.

I have to say this birth to year 7 school will be an astounding development, and really one that is well received by the local community in that it will offer a one-stop shop for young children. The earth-removing works are now well underway, with activity on our sites. It is great to see that the $323 million investment in these schools over the next 30 years is now commencing.

The work is beginning and we will see the first two schools at Playford North and Regency Park set to open in October 2010. This delivers on our commitment to open two schools in 2010, with the remaining four schools in 2011. This 30-year investment is part of a public-private partnership, with our partner being the Pinnacle Education group, which not only will build the facilities but also manage and maintain them over this period, allowing principals and governing councils to focus on education rather than maintenance of buildings. When this period ends the ownership will revert to the government.

The Department of Education and Children's Services, of course, will staff and operate the six schools. This is undoubtedly the most significant building program delivering new schools in the last three decades. We will replace 20 existing schools and preschools with these entirely new developments (being six) across the northern and north-western suburbs. In fact, it is almost three years since this project was announced and discussions begun with those communities to involve them in both the development and the decision about the locations of the schools, as well as the focus on the sorts of educational programs that were important to those school communities.

In those three years the school communities have assembled collectively. They have worked together, they have decided on the sorts of school facilities that will be required and they are only just now working through those other perhaps more complicated issues for some communities, such as the naming of the schools, the uniforms and the details about how they will operate when they begin working.

The need for these new schools was essentially one where the demographics had changed in those areas, with many schools being built for more children than were currently attending schools, and the small number of students meant that it was difficult to provide enough curriculum choices.

These new schools are very exciting—exciting not only for the parents and the children involved but also exciting for the educational input within them. I think that SSOs, teachers, curriculum development and the whole area of the education department involved in their design is innovated and excited by this because we know that this is the future. I commend these schools to members where they are in their electorates, and I hope that we can attend the sites more often to see the progressing works.

SANTOS

Mr WILLIAMS (MacKillop) (15:02): My question is to the Premier. Has the Premier received any advice from Santos in relation to the change in investment focus from the Cooper Basin to the coal seam methane assets in Queensland, and how many jobs are at risk in South Australia because of this change of investment focus by Santos?

Last year legislation was passed in this parliament to remove the cap on share ownership with Santos. At the time, the Premier and the minister gave assurances that the operations of Santos would continue as they had been in the past in South Australia. The opposition has been made aware that Santos intends to change some of its investment focus from the Cooper Basin to its coal seam methane assets in Queensland.

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (15:03): This is really interesting. Santos is a private company, which proudly has its headquarters and heart in South Australia. In fact, I would have thought that the honourable member would realise that just in recent weeks we have seen events honouring the contribution of Santos to the Royal Institution ($5 million) and to the University College London, which will be having masters in energy and in the resources area ($10 million).

Santos operates nationally and internationally and is based in this state. All members of this parliament from my memory—it might be inexact, I don't know—supported the lifting of the cap on Santos so that it could operate unfettered in fundraising—

An honourable member interjecting:

The Hon. M.D. RANN: Are you saying therefore that we should interfere in the operations of a commercially-listed company on the Australian Stock Exchange?

An honourable member interjecting:

The Hon. M.D. RANN: I am happy to talk to you about South Australian jobs. Two AAMI stadiums more full of jobs in this state under us compared to when you were in because you were not interested in jobs. You had only one philosophy, which was to privatise state assets—

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

The SPEAKER: The Premier is debating. The member for MacKillop.

WATER RESTRICTIONS

Mr WILLIAMS (MacKillop) (15:04): My question is to the Minister for Water Security. Now that the minister has ruled out the opposition's suggestion to provide excess water to councils to water parks and significant trees because she does not know how to get water to councils, has she considered turning the taps on? Overflowing dams in the Adelaide Hills are connected to a water system that delivers water via a network of pipes that allows people and councils to access water from taps. Isn't that how you would get the water to the councils, minister?

The Hon. K.A. MAYWALD (Chaffey—Minister for the River Murray, Minister for Water Security) (15:06): I relish the opportunity to answer this question from the member for MacKillop, because obviously the member for MacKillop thinks that water is a joke; this government does not. The minister—

Mr Williams interjecting:

The SPEAKER: The member for MacKillop!

The Hon. K.A. MAYWALD: Mr Speaker, I seek your guidance. Being shouted over every time I get to my feet is becoming a little bit tiresome.

The SPEAKER: Absolutely. The members on my left—particularly the member for MacKillop: he has asked his question, he will listen to the answer.

Mr WILLIAMS: I took umbrage at her saying that we take water as a joke.

The SPEAKER: Order, take your seat! The Minister for Water Security—

Mr Williams interjecting:

The SPEAKER: The member for MacKillop will contain himself! The Minister for Water Security.

The Hon. K.A. MAYWALD: The government is not going to relieve water restrictions at this time. We do not know what is around the corner in summer. We know how quickly it went pear shaped in 2006-07. We have not secured next year's water reserve from the River Murray for critical human needs, and we will not be relieving water restrictions when it is raining.

Members interjecting:

The SPEAKER: Order!

ROCK LOBSTER FISHERIES

Mr PEDERICK (Hammond) (15:07): My question is to the Minister for Agriculture, Food and Fisheries. Considering the substantial reduction to the total allowable catch for the rock lobster fisheries, will the government reduce or consider reducing the licence fee for commercial fishermen to ease the cost burden on this important export industry?

The Hon. P. CAICA (Colton—Minister for Agriculture, Food and Fisheries, Minister for Industrial Relations, Minister for Forests, Minister for Regional Development) (15:08): I thank the honourable member for his question, and I can provide a brief response. The compliance and the costs involved with respect to that fishery will remain the same whether or not the total allowable catch has been reduced. The answer with respect to the fishery is no. However, what we are looking at—at the preliminary stage at this stage, in discussions with the northern zone—is some matters that might be able to be put in place that do not necessarily have a reduction in the fees that are being paid, but another component of that, that may offer some relief. That is very preliminary. I have made no commitment to that at this stage, but, certainly, what we did this year—and quite rightly so, on the scientific evidence that was provided to me—was to make a very difficult decision with respect to the total allowable catch and what level it will be set at.

The responsibility of this government and me as fisheries minister is to make sure that we have a sustainable future with respect to lobster fishing in this state. That is the reason the decision was made. I hope that the claims of the southern zone people that the science is wrong will be, in a way, proven right. I hope that they catch lobster hand over fist this year and that they reach their quota in a short period of time, but, certainly, based on the evidence that I have been provided with, I do not think that is going to be the case.

EXTREME WEATHER EVENTS

The Hon. P.L. WHITE (Taylor) (15:09): Can the Minister for Ageing inform the house of the government's plans to assist vulnerable South Australians in extreme weather events?

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Northern Suburbs, Minister for Housing, Minister for Ageing, Minister for Disability) (15:09): I thank the member for Taylor for her question. Earlier this year, South Australians experienced an extreme heat wave that most of us had never experienced before. During this time we saw an enormous collaborative effort in responding and providing support to thousands of vulnerable people across our state.

The impact of climate change is likely to make extreme weather events more common, so the state government is preparing a whole of government response should such an event reoccur. The Department for Families and Communities has an important role in this planning. Non-government organisations are also a vital link in serving our community, and their assistance during last summer's event was crucial.

The Red Cross teleservice made something like 15,000 calls to vulnerable people around our state and arranged support for many of them. Yesterday, I had the pleasure of launching the new Telecross REDi service, which builds on the existing Telecross service. The REDi service will allow people to preregister, should another extreme event occur, and they will automatically be contacted up to three times a day.

The new REDi service will be working in collaboration with other service organisations to lessen duplication and enhance appropriate responses. The REDi service is a free service, and we expect that up to 15,000 people will register. While the Red Cross, RDNS and state agencies did a magnificent job during the heatwave, we know that being prepared keeps people safe.

The state government has recently given Red Cross a grant to allow the distribution of 50,000 information packs containing copies of its REDi planner, and we have also made a contribution to the new REDi service. The REDi planner will help people be better prepared for extreme weather and other events, including heatwaves, by giving them tips on how to look after themselves and keep themselves safe.

Organisations with a large customer base will receive the information and registration packs to distribute to their clients, including the Royal District Nursing Society, Meals on Wheels, Domiciliary Care and agencies that support Adelaide's multicultural communities. If registered vulnerable clients cannot be reached by phone, they will be visited by appropriate organisations to confirm their health and wellbeing.

Preparing now means that we will have the best chance of managing people through heatwaves this summer and reduce duplication of effort. Volunteers are also absolutely vital for the service to function, and the Red Cross is aiming to have at least 400 trained volunteers who can be activated during an extreme weather event.

South Australia has a great record of volunteering, and the response to last summer's events by volunteers and staff alike was extraordinary. I encourage anyone who feels that they might be able to assist in this vital work to contact the Red Cross to discuss their volunteering opportunities. This house can be assured that the state government is doing all it can to get South Australians ready for the pending summer.

MEMBER'S REMARKS

The Hon. I.F. EVANS (Davenport) (15:12): I seek leave to make a personal explanation.

Leave granted.

The Hon. I.F. EVANS: I seek leave to make a personal explanation because I believe that I have been misrepresented. While I am reluctant to make a personal explanation without the documents in front of me, given the comments were made in today's question time, I will give the house my personal explanation to the best of my memory.

During question time, the Minister for Infrastructure, in response to a question, read a letter I wrote as the minister for environment and heritage (I suspect in my role as the minister for heritage) to the then member, Steve Condous. It was in relation to the Chapley development and the site at Glenside. The Chapleys, as is well known to the house, have a property with an adjoining boundary with the Glenside property.

Through representations—I can only assume through Mr Condous, given that I wrote to him, but certainly through my department and to me—the Chapley group sought permission to buy a sliver of land along that adjoining boundary because there was a heritage-listed wall that was continually being knocked over by its delivery and supply trucks. The trucks were slowly getting bigger, the turning circle of the original development was not big enough and the wall was continually getting damaged and knocked over, incurring expense for them and for the department.

My role was the role as the minister for heritage—the heritage-listed wall. It was actually impossible for me to agree to the sale of the land as minister for heritage because it was under the then minister for health, Dean Brown, which is why the letter was copied to the minister for health, Dean Brown.

I think that the minister's answer in question time today gave the impression that I had given approval for the sale of the land apparently proposed as part of the Chapley redevelopment. I think that is a misrepresentation of the facts. I invite the minister to look at the record and come back and correct the record, if he so wishes, while he has the opportunity.

WILSON, MRS KUNMANARA

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

Leave granted.

The Hon. J.W. WEATHERILL: My ministerial statement relates to the passing of Mrs Kunmanara Wilson, an Aboriginal elder of the APY lands. She is highly respected by many people throughout South Australia, Western Australia, Northern Territory and Queensland. The government was saddened to learn of her passing and we extend our sincere condolences to her family, extended family and to the Aboriginal people of the APY and surrounding areas of South Australia, Northern Territory and Western Australia. I acknowledge the presence here today of her sister, Mrs Nellie Patterson.

Kunmanara Wilson was a deeply respected senior law woman, a powerful and highly sought after ngangkari, or healer, and Aboriginal elder. Kunmanara Wilson was passionate in sharing her knowledge of Aboriginal culture, law and traditions. She envisioned for Aboriginal people a great sense of responsibility to protect, support, maintain and sustain Aboriginal law and culture. She felt strongly that non-Aboriginal people have a duty of care to ensure that Aboriginal people maintain their way of life, law, language, family, rituals and ceremony.

Over many years, Kunmanara Wilson spoke with both state and federal governments about Aboriginal women and the need for the establishment of women's health services, shelters, family violence and domestic violence services, and mental health services. In many ways the significant contribution made by Kunmanara Wilson required enormous courage as a true leader and champion for her people. Kunmanara Wilson had an abundance of bravery, as she often spoke out about the many harms experienced by Aboriginal people within remote communities.

I have heard it spoken of Mrs Kunmanara Wilson that she changed the social fabric of the way in which the government views the safety of Aboriginal women, children and men. We are grateful to Kunmanara Wilson. Her early leadership in the focus on land rights for the APY region led to the associated Land Rights Act 1979.

It was Kunmanara Wilson who, more than 40 years ago, initiated the much needed community controlled Aboriginal organisations, many of which are well established and provide support for Aboriginal people today, including the Pitjantjatjara Council, NPY Women's Council and Alukura, a women's service and birthing unit in Alice Springs.

She played a significant role in improving the lives of Aboriginal Australians. She long advocated for better outcomes for Aboriginal children, and was a key figure in calling for more to be done about child abuse in remote communities. She had a strong influence in the establishment of the Northern Territory government inquiry, The Little Children Are Sacred report, and the South Australian government's Children on APY Lands Commission of Inquiry, better known as the Mulligan inquiry.

Kunmanara Wilson has deeply touched the lives of many people, not just South Australians but many people across the country and around the world from as far away as Canada, the United

States, Israel and New Zealand. The world will remember when she led 350 women to perform traditional Inma at the Olympic Games opening ceremony in Sydney.

I am told that, when she relocated to Adelaide for medical treatment, in fact up until the day she passed, she was committed to providing advice to Aboriginal and non-Aboriginal people alike. She maintained her involvement in cultural workshops, often putting other people's needs ahead of her own.

Kunmanara Wilson was a strong woman who was passionate about her beliefs that we as humans have a responsibility to one another, to the earth and to cultural integrity for all people. I want to acknowledge that her passing is difficult for Pitjantjatjara and other Aboriginal people who looked to her for guidance and support.

Mrs Kunmanara Wilson has left an enormous legacy for all Australians and she will be sadly missed. A memorial service to honour her life will be held on Saturday night in Amata.

GRIEVANCE DEBATE

DeMARCO, MS A.

Mr HANNA (Mitchell) (15:19): This matter was brought to my attention by a whistleblower. The Minister for Further Education, Employment, Science and Technology needs to investigate this. It concerns a senior public servant, Ms Angela DeMarco, and her longstanding association with Mr Tony Hancock. Ms DeMarco is a permanent employee of the Department of Further Education, Employment, Science and Technology. She manages the Skills Recognition Services (SRS) which has recently been nominated for one of the Premier's awards.

Ms DeMarco also has her own business, called Angela DeMarco and Associates, which is registered as a migration agent service in Tranmere. Given that the Skills Recognition Services deals with potential long-term migrants to Australia, there would appear to be a conflict of interest between her Public Service role, especially given the personal details of clients available to her, and the business of a migration agent. I raise the issue of whether this apparent conflict of interest has been declared by Ms DeMarco and, if so, how it could have been approved.

A more serious issue has been raised with me. Mr Tony Hancock is the director of A. Hancock Consultants, a company based in Glenelg which provides employment advice and support to migrants for substantial fees. Since the 1990s, Ms DeMarco has been in positions that involved migrant advice and employment support. Under Ms DeMarco's management, Mr Hancock has been contracted for a fee to provide various services.

I am told that in about 2006 Mr Hancock was successful in gaining a $20,000 contract to develop a new web and database portal for two schemes—the SRSS and the TRSS—both relevant to migrant employment services. Ms DeMarco was on the committee which awarded the contract.

In mid-2007, the department merged the two services into the Skills Recognition Services and Ms DeMarco was appointed manager. The new Skills Recognition Services opened in mid-2008. For this agency, Ms DeMarco has at times engaged Mr Hancock to conduct internal staff training.

During 2009, Mr Hancock was contracted to work on the database operating system of SRS and thus had access to all client information. Ms DeMarco also initiated publicly funded information seminars. I am told Mr Hancock was paid $2,000 per day to run these. Mr Hancock was given full access to records of attendees and he promoted one of his own companies during these events. This company offered employment support and advice to migrants for a commercial fee.

Mr Hancock recently made unsolicited contact with SRS registered clients with offers of contracts to assist with employment support and placement. These contracts commit the migrant to a $2,000 fee with a $20,000 penalty if they break the contract. It would appear that the only way Mr Hancock would have the names and addresses of these SRS clients would be from information obtained from that agency.

It should be stressed that the SRS clients are generally professionals who are brought to Australia to fill gaps in our labour force. For example, we bring in doctors, nurses and accountants because we simply do not have enough Aussies to fulfil our needs. For these professional

migrants, a condition of their visa is that they must obtain employment here or they will be sent back, thus they are desperate for job placement and easily preyed upon.

Section 251 of the Criminal Law Consolidation Act relates to abuse of public office. Among other things, it states that a public officer who improperly uses information that the public officer has gained by virtue of his or her public office with the intention of securing a benefit for himself or herself or for another person is guilty of an offence. The maximum penalty is imprisonment for seven years. The definition of public officer includes contractors to a public agency.

MILANKO, MR J.

The Hon. M.J. ATKINSON (Croydon—Attorney-General, Minister for Justice, Minister for Multicultural Affairs, Minister for Veterans' Affairs) (15:23): Today I place on record the state's recognition of and appreciation for the life of Jim Milanko OAM of the Macedonian community and our appreciation for what he did for multiculturalism in South Australia. Jim Milanko died on Wednesday 9 April 2009, aged 64.

Jim was born in Dolno Kotori on 15 September 1944. He arrived in Adelaide with his family on 12 December 1955. Jim Milanko was a long serving committee member and office bearer of the Macedonian Community of Adelaide and South Australia Incorporated. He joined the community in 1964, was president of finance from 1966 to 1968 and public officer from 1970. He was president throughout the 1990s, a life member and also held the title of Elder.

Jim Milanko was also president of the Macedonian Orthodox Church of St Naum of Ohrid for many years and a committee member of the Macedonian Orthodox Church of Australia at the time of his death. I attended his funeral and there were many priests on the altar and dozens of mourners from interstate.

Jim was perhaps best known to the multicultural community as Chairman of Ethnic Broadcasters Incorporated for many years. He was chairman from 2001 to 2007, having been vice-chairman for seven before that. He was patron of the Macedonian community radio program on 5EBI FM from 1984 to 1994. Jim Milanko was the founding secretary of the Macedonian United Findon Soccer Club, established by the Macedonian Orthodox Community of South Australia, and was the club's president during the 1980s. He was also at one point a committee member of the Macedonian Council of Australia and was a member of the former Ethnic Communities Council of South Australia, which later amalgamated to become the present day Multicultural Communities Council of South Australia.

Like me, he was a supporter of the Woodville-West Torrens Eagles Australian Rules Football Club, and we often spoke at Woodville Oval during home games. Jim Milanko was awarded the Order of Australia Medal in the General Division of Australian Honours in 2004 'for service to multiculturalism in South Australia and to the Macedonian community'. Mr Milanko's family, in a notice published in *The Advertiser*, described him as:

> A powerful man whose pride in his Macedonian Australian identity was only surpassed by his devotion to his family. [His] life has been an epic, and we mourn the passing of a true Macedonian warrior…

Jim Milanko is survived by his widow, Rina, children John and Vesna, Chris and Tania, and grandchildren Samuil, Mitchell and Paul. This well-known community leader will be greatly missed, and I offer my condolences to his family and friends.

30-YEAR PLAN FOR GREATER ADELAIDE

Mr GOLDSWORTHY (Kavel) (15:26): I would like to raise a very serious matter that has the potential to affect a significant proportion of the population of this state. It relates to the government's 30-Year Plan for Greater Adelaide, and I would like to focus my comments this afternoon on the potential impact of that plan on an important area of the electorate that I represent in this place. I refer specifically to the townships of Mount Barker, Littlehampton and Nairne, where the government's 30-Year Plan for Greater Adelaide will have the most significant impact. Basically, the plan looks to double the population in that area of the Adelaide Hills.

Earlier this year I undertook my own community consultation process, writing to 9,000 homes and residents in those three towns, and I had a significant response to that survey.

The Hon. P. Caica: Did you make a submission?

Mr GOLDSWORTHY: I will come to that. I had a strong community response to the survey—with almost 15 per cent of the 9,000 mail-outs, or 1,386 people, replying—and there were

some overwhelming statistics in relation to the community's feelings and attitudes towards what the government is proposing for that part of the Adelaide Hills region.

One of the main issues raised was the lack of services and infrastructure currently being provided by the government, as well as a question mark over what it will provide into the future if and when this plan is implemented. There are some quite specific large infrastructure requirements and needs within that district before any expansion of the existing town boundaries is contemplated.

I made a submission on the 30-Year Plan, I wrote to the Minister for Urban Development and Planning, and my position was that the town boundaries not expand until services and infrastructure are put in place to meet current demands. Once that takes place we can assess modest growth, after full consultation with the council and the community. Unfortunately, that consultation has not taken place. The government has not consulted in a full way with the community or the council; it has come in in a heavy-handed manner, riding roughshod over the community and the council, and saying, basically, 'This is what we intend to do, but we'll go through the motions and you can make some submissions.'

There was even some suggestion that if a piece of paper—this cover sheet that the department had issued—had not been on the submission they would not be taken into consideration. That is how ridiculous the bureaucratic process in relation to this matter has been. In my submission to the minister and the government I have asked for written confirmation from the minister that any submission that is made will be taken into consideration regardless of the manner in which it is made. This nonsense about not having a piece of paper on the front is ridiculous.

The submissions closed at the end of September, and we need some clarification from the government on the number of submissions made. There is a figure of 350, but there is also a figure of 550. My office is making some inquiries seeking the exact number of submissions made, but we are having some difficulty obtaining that information.

AWEIL COMMUNITY

Ms PORTOLESI (Hartley) (15:31): Today I have great pleasure in speaking about the Aweil community, a group which I have recently become aware of which have absolutely impressed me with their dedication to ensure that their refugee community is able to live peacefully and productively in our community whilst maintaining strong and important links to their home. Throughout this year, I have forged strong links with this community, and particularly with Mr Dominic Deng, their representative in Hartley. From Mr Deng I have learnt that there are about 100 households, which is quite a significant community.

By way of background, Aweil is in southern Sudan and has a population of about 4.5 million. Due to the ongoing troubles in the south of Sudan, which have been well documented, many families have escaped the war-torn area, seeking better lives for themselves and their families—not an unfamiliar story, unfortunately. Mr Deng's commitment to his community, both in the Aweil community and his Adelaideian community, is to be applauded. Like many migrants before him, he is keen to embrace his new home whilst maintaining his links with his past and his culture. He is seeking ways to make that a reality for others in his community. He appreciates the opportunities that he has in Australia but of course he respects his heritage, as do we.

Mr Deng approached my office back in May this year. He is working hard to formally establish an Aweil community group in South Australia. I arranged for him to meet (as he did) with Mr Simon Forrest, who is a very senior officer in the Attorney-General's Department, and that was a very productive meeting.

To that end, the Aweil community has applied for, and won, two multicultural grants: one to go towards the purchase of traditional costumes and one for office equipment to facilitate the establishment of the group, because Mr Deng believes (and I agree with him) that by giving people a sense of purpose and a sense of community the result will inevitably be a happier, more harmonious and productive community. The traditional dress will be used in part to get the young people in this community involved in Sudanese dance. The office equipment will allow the group to establish links with other Aweil communities around Australia and overseas.

On behalf of Mr Deng and the community he represents, I have been speaking with and advocating on their behalf to local organisations to find a suitable space for the group to conduct its dance practice. In addition, Mr Deng believes that soccer will provide a good outlet for his young

people and, as such, I have been speaking to local clubs in our area in an attempt to progress this idea.

I am sure that the Aweil community living in Adelaide are very thankful for the time and effort Mr Deng is putting into his people. From a personal perspective, I am similarly very thankful to have such a dedicated and diligent community campaigner living in our area. Whilst looking to his new Adelaide home, Mr Deng and the Aweil community also look back to the home they left behind. During my most recent meeting with Mr Deng, he outlined his desire to help the lives of people still living in southern Sudan. Although the area is no longer as dangerous as it was, the population is currently being resettled and the reality is that there are only three hospitals to service the whole of southern Sudan's northern Bahr el Ghazal state, an area with a population of 1.7 million.

Médecins Sans Frontières, or Doctors Without Borders, works with this civil hospital doing amazing work but, as with any war-torn community, there is always more that can be done. The area has some of the worst health indicators anywhere in the world. The infant mortality rate is 150 for every 1,000 live births and the maternal mortality rate is 2,054 per 100,000. The crude mortality rate stands at 22 per 1,000. Between February and September last year, 2,745 children were admitted to the hospital for severe acute malnutrition.

Mr Deng—and I have been doing my best to assist him—has been sourcing donations of equipment to send back home and my office has been liaising with the Minister for Health to establish what assistance can be done. I congratulate Mr Deng, the community he represents, and I wish him the very best.

APY LANDS

Dr McFETRIDGE (Morphett) (15:35): Today a press release was put out by the Anangu Pitjantjatjara Yankunytjatjara about permits on the land. The press release states:

> APY has asked the State government to amend Section 43 of the APY Land Rights Act to allow APY to make by-laws that would enable changes to the permit system and to prevent abuse of Aboriginal people through the obnoxious practice of bullying rent out of them for houses owned by the APY, which should go to R&M [repairs and maintenance], and kicking them out of houses if they don't comply.
>
> This would allow positive changes to be made in a flexible way, through negotiation with the government as opposed to the drama of amending the APY Land Rights Act again.
>
> APY Chairperson Bernard Singer said 'APY has received written advice from a Victorian QC that amendments to the Act without APY's consent would be invalid for constitutional reasons. So we need to obtain Anangu support for the changes we need to make.'
>
> In a press released dated 16 June 2009 Mr Singer announced his proposal to seek the consent of Anangu to remove permits on public roads and public places in communities. The proposal to dedicate roads is not new. In an article in *The Australian* on 29 December 2008 the proposal was revealed.
>
> 'We recently concluded a Housing MOU with Minister Rankine which, for the first time, contains government commitments to look at the feasibility of housing on homelands and very importantly Anangu individual ownership of houses in communities and through community title group, ownership of homelands.' Mr Singer said.
>
> 'For Aboriginal ownership to have value we need public roads and with public roads we can look forward to a higher standard of maintenance' added Mr Singer.
>
> The by-law making power sought will give APY the ability to act quickly with the agreement of government, if Anangu consent can be obtained. Lands-wide consultations are planned for late November in relation to this and other vital issues.
>
> Obtaining consent of Anangu is vital to avoid invalidity. The QC legal advice is from a recently retired Federal Court judge who has been described by Minister Weatherill, in a letter to Mr Singer, as a very eminent lawyer whose opinions are well regarded by the minister.

For further information, they can contact Mr Ken Newman, General Manager of the APY.

I also add to what the minister said and express the deep sympathy of the opposition over the recent death of Mrs Kunmanara Wilson. Mrs Wilson was a well respected Aboriginal elder. She was a senior law woman and, as the minister said, was sought after for her very well respected powers as an Ngangkari or healer. I note that Ngangkari are working in Adelaide and assisting as allied health workers. I do not think Mrs Wilson was doing that, but certainly her influence both in Aboriginal communities and government is one that goes back many years and is one that will be deeply missed.

Over the years, Mrs Wilson was pivotal in the formation of the Pitjantjatjara Council, the Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council and the Alukura, a women's health and birthing unit in Alice Springs. She played a significant role in improving the lives of Aboriginal Australians. She will be missed both in the Aboriginal community and certainly by all those who knew her.

I did not have the pleasure of meeting Mrs Wilson, but I know that her influence in the Aboriginal communities was very powerful and she, like other well respected Aboriginal leaders and representatives of Aboriginal groups like Professor Lowitja O'Donoghue, has contributed in a very big way and will be sadly missed. We do express our sympathy to her and the Aboriginal communities of the APY lands.

PARAQUAD SA

Ms SIMMONS (Morialta) (15:39): I rise today to inform the house about a fantastic initiative by PARAQUAD SA, which I am actively supporting. The Safe Driving campaign is designed to promote discussion within the family of the need for road safety. Not only does it encourage parents to drive in a more responsible fashion as role models for their children as future drivers but also it targets young children themselves and their peers.

At the centre of the campaign is a Safe Driving Agreement to be signed by both parents and their children. The agreement was designed by Dr Bill Griggs AM, ASM, an acclaimed trauma specialist at the Royal Adelaide Hospital, to whom I would like to pay particular tribute not just for his work in this initiative but also for the work that he does on behalf of all Australians in relation to trauma/crisis situations around the world.

When I met with him at the beginning of October, Dr Griggs had just returned from Samoa where he had been coordinating the Australian Trauma Response Team immediately after the awful earthquake, and I pay particular tribute to him. However, I digress. Dr Griggs and his trauma department have been working with PARAQUAD SA, because both groups have to deal with the results of bad decisions often made by our young people regarding driving skills.

In Australia, young drivers under 21 have the highest crash risk of any age group. Per kilometre of travel they have the highest rates of involvement in all types of crashes, from those involving only property or car damage through to crashes causing permanent disablement or fatalities. The problem is worse in the first few years of driving when limited driving experience and sometimes risk-taking behaviour behind the wheel can result in disaster.

The cornerstones of the program are discussion, family trust, responsibility and choice. The agreement is basically a framework for families to discuss safety on the roads. Often it is the children themselves who are not happy with their parents' driving skills and want them to drive in a more responsible fashion. They are often too nervous to bring this up with their parents, and this agreement is a mechanism that allows them to be able to do that.

Parents want to bring up issues of speed, peer group pressure to drive in a particular way and how to resist them and the obvious issues of drink and drug driving. It might also be about not being a passenger in a car when you know the driver has been drinking or taking drugs. Risky behaviour can take many different forms, and the Safe Driving Agreement makes families sit down, think, talk and listen together before deciding on a cooperative family position. It is based on trust.

Parents need to be able to trust their child who is taking on the adult responsibility of driving, and young people are similarly showing their trust in their parents to support them when they need it. This may include picking them up at a venue in the early hours of the morning without question or acrimony in a calm and non-judgmental manner.

I would like to congratulate James Kinghorn, CEO of PARAQUAD SA; Michael Vickers, Manager, Special Projects; and particularly Dr Bill Griggs for this potentially life-saving project. I encourage all families to discuss and sign this document.

The Hon. A. KOUTSANTONIS: Mr Speaker, I draw your attention to the state of the house.

A quorum having been formed:

UPPER SOUTH EAST DRYLAND SALINITY AND FLOOD MANAGEMENT (EXTENSION OF PROJECT) AMENDMENT BILL

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) (15:46): Obtained leave and introduced a bill for an act to amend the Upper South East Dryland Salinity and Flood Management Act. Read a first time.

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) (15:46): I move:

That this bill be now read a second time.

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

Leave granted.

The Upper South East (USE) Project was developed in the early 1990s to address community concerns about dryland salinity, waterlogging and the degradation and fragmentation of ecosystems in the Upper South East.

On 19 December 2002 the USE Project was given specific enabling legislation: the *Upper South East Dryland Salinity and Flood Management Act 2002* (USE Act).

The USE Act was extended in 2006 to ensure that construction of the drainage network could continue as it was considered essential to mitigate flood risk, remove saline groundwater to improve agricultural productivity, and provide fresh water to meet the requirements of wetlands and threatened species.

The Bill being presented today seeks a further three-year extension to the USE Act to 19 December 2012. A number of important events have taken place that contribute to the need to extend the Act.

In June 2006, a comprehensive proposal to part-fund the *Restoring Flows to the Wetlands of the Upper South East of South Australia* (REFLOWS) project, was submitted to the National Water Commission for consideration. REFLOWS involves construction of floodways to partially redirect historic environmental flows to the Upper South East. Its objective is to construct the infrastructure that will opportunistically manage excess flows created by significant episodic rainfall events. The floodways will encourage water flows back into the historic watercourses of the Upper South East, thereby managing flooding events and providing water to the environment. The project links the Lower South East drainage system to the Upper South East by diverting water to the north from Drain M (which currently flows out to sea). The intention is to provide benefit to wetlands along the watercourse and ultimately to the Coorong if the rainfall event is large enough.

In a further development, the Natural Resources Committee of Parliament tabled its annual report on the USE Act for the period July 2007-2008 in November 2008. The report made recommendations for further study and assessment of environmental risks of aspects of the Project. The Committee recommended that no further work be undertaken on the Bald Hill groundwater drain or REFLOWS floodways pending these studies.

Two reviews were therefore undertaken: an independent review of the environmental implications of constructing and not constructing the proposed Bald Hill drain and an independent review of community perspectives of the Bald Hill drain and REFLOWS project. The first of these reports revealed that if no action is taken further degradation of the West Avenue watercourse is likely to occur. The second report found there was majority support for construction of Bald Hill and REFLOWS.

While the two independent studies and the cessation of work on Bald Hill and REFLOWS has delayed construction, they have provided the certainty required to complete the Project, including the construction of REFLOWS.

In addition to seeking to extend the USE Act to provide adequate time for completion of both the Bald Hill drain and REFLOWS, this Bill also seeks to address issues relating to acquisition of land by easement to construct REFLOWS, simplify the revestment of land on completion of works, make consequential amendments to the compensation and fencing provisions to reflect the revestment of land and the establishment of easements, and update the interest rate provisions relating to non-payment of the levy.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Upper South East Dryland Salinity and Flood Management Act 2002*

4—Amendment of section 3—Interpretation

This clause proposes to insert the following definitions in section 3:

Category A project works corridor;

Category B project works corridor;

Category C project works corridor;

designated establishment date;

designated transfer date;

statutory easement.

It is also proposed to insert a new subsection (7) in the section that will provide for the making of regulations to prescribe various classes of statutory easements and the terms of such easements. Other amendments are consequential.

5—Amendment of section 10—Powers of authorised officers

The amendment proposed to this section is consequential.

6—Substitution of heading to Part 3 Division 1

It is proposed to substitute the heading to Division 1 of Part 3 as a consequence of the amendments proposed to that Division. The heading will be 'Vesting of land and creation of statutory easements'.

7—Amendment of section 12—Vesting of land (Category A and Category B project works corridors)

It is proposed to amend the section to provide that public land adjoining or adjacent to land within a Category A project works corridor may, by proclamation, be declared to be subject to a statutory easement (being an easement of a class prescribed by the regulations for the purposes of this section and being an easement that matches the nature of the land as public land and the nature of the works to be undertaken for the purposes of the Project according to a scheme set out in the regulations) in favour of the Minister over and in respect of public land.

Other proposed amendments to section 12 are related to the foregoing, or clarify the provision.

8—Insertion of sections 12A, 12B and 12C

It is proposed to insert new sections 12A, 12B and 12C in the principal Act after section 12 as proposed to be amended.

12A—Land to be revested (Category B project works corridors)

New section 12A provides that, on the commencement of this new section (the *commencement date*), all land within a Category B project works corridor will vest in—

(a) unless paragraph (b) applies—the person who, on the vesting of the land in the Minister under section 12, was the owner of the remainder of the land in the parcel of land that was affected by the vesting (the *remaining land*); or

(b) if the person referred to in paragraph (a) is not, on the commencement date, the owner of the remaining land—the person who, on the commencement date, is the owner of the remaining land.

The section then makes provision for various matters following the vesting. For example, if the vested land was, before the original vesting in the Minister, part of a road vested in a council, the land will be reinstated as a public road under the *Local Government Act 1999*. Land within a Category B project works corridor will, on the vesting under this new section, be taken to be subject to a statutory easement (being an easement of a class prescribed by the regulations for the purposes of this section and being an easement that matches the nature of the land as public land or as private land and the nature of the works to be undertaken for the purposes of the Project according to a scheme set out in the regulations) in favour of the Minister over and in respect of the land.

Land vested under this new section will be vested in the same estate as the remaining land and, on the vesting under this section, the title to the land will be taken to have been restored as if no change had ever occurred and as if the land had never been vested under section 12 (subject to any dealing with the remaining land between 19 December 2002 and the commencement date and without giving rise to any retrospective liability for any tax, rate or charge in connection with the land that has been revested).

The section makes provision for other matters that follow from the vesting under this section, the creation of the statutory easement and the restoration of title.

12B—Acquisition of interest in land by statutory easement (Category C project works corridors)

New section 12B provides that on the commencement of this new section, all land within a Category C project works corridor will, by force of this new section, be taken to be subject to a

statutory easement (being an easement of a class prescribed by the regulations for the purposes of this section and being an easement that matches the nature of the land as public land or as private land and the nature of the works to be undertaken for the purposes of the Project according to a scheme set out in the regulations) in favour of the Minister over and in respect of the land.

12C—Statutory easements

New section 12C makes provision for statutory easements under section 12, 12A or 12B.

9—Amendment of section 13—Entitlement to compensation

The amendments proposed to section 13 relate to compensation with respect to land within a Category A or Category B project works corridor and relate to the return of land within the project works corridor to persons and the creation of statutory easements over the land.

Other proposed amendments are consequential on distinguishing between compensation in relation to land within a Category A project works corridor and compensation in relation to land within a Category B project works corridor. For example, the finalisation date for land within a Category A project works corridor remains unchanged from what is currently provided in the Act, while the finalisation date for land within a Category B project works corridor will be a date that is not later than 19 December 2014 fixed by the Governor by proclamation for the purpose.

10—Insertion of section 13A

This new section is proposed to be inserted after section 13.

13A—Entitlement to compensation—Category C project works corridors

New section 13A provides that, subject to this section, the Minister is, in respect of the acquisition of a statutory easement over land within a Category C project works corridor, liable to pay compensation to any person who is the holder of an estate or interest in the land that is subject to the easement on the relevant date (and an entitlement to compensation under this section with respect to a particular easement does not arise before the relevant date).

The compensation will be determined—

(a) as if the Minister had acquired the easement on the relevant date; and

(b) as if the acquisition had occurred in accordance with the *Land Acquisition Act 1969*.

The section requires the Minister to make an offer of compensation within 6 weeks after the relevant date and that offer will be taken to have been made under section 23A of the *Land Acquisition Act 1969*. The section also defines *relevant date* and *works finalisation declaration* for the purposes of the section.

11—Amendment of section 17—Entry onto land

The amendments proposed to this section are consequential.

12—Amendment of section 21—Fencing works and drainage reserves

Current section 21 provides for the erection, repair, maintenance and replacement of fencing of Project works and drainage reserves within the Project area. It is proposed to insert new subsections that empower the Minister to require the owner of land where a statutory easement is situated to carry out specified fencing work; and provide that the owner is responsible for the maintenance and replacement of designated fencing (with, subject to the terms of an agreement, the Minister bearing half the cost).

13—Amendment of section 23—Contribution to funding of project

The proposed amendment to section 23 will substitute the current definition of *prescribed percentage* with a new definition for the purposes of calculating the interest that is to be payable on any contribution required to be paid under this section that is in arrears.

14—Amendment of section 44—Regulations

It is proposed to amend the regulation making power so as to allow for the substitution of any Rack Plan referred to in Schedule 1.

15—Amendment of section 45—Expiry of Act

This proposed amendment will postpone the expiry of the Act for 3 years until 19 December 2012. A new subsection is also proposed to be inserted to make provision in relation to statutory easements created under the Act after the Act expires.

16—Variation of Schedule 1—Project works corridors

It is proposed to amend Schedule 1 to include a description of lines for the purposes of paragraph (c) of the definition of *project works corridor*.

Schedule 1—Transitional provisions

The Schedule contains provisions.

Debate adjourned on motion of Ms Chapman.

ANANGU PITJANTJATJARA YANKUNYTJATJARA LAND RIGHTS (PERMITS) AMENDMENT BILL

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) (15:47): Obtained leave and introduced a bill for an act to amend the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981. Read a first time.

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) (15:47): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill amends the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981* (the APY Land Rights Act).

The intention of the proposed amendments to the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981* is to clarify and expand the groups who are exempt from applying for a permit to enter the APY Lands.

Section 19 defines unlawful entry on the (APY) lands and section 19(8) identifies those groups to which unlawful entry does not apply. This has the affect of appropriately requiring most non-Anangu, to obtain permission of the APY Executive to enter the Lands and supports the right of Anangu to control who comes onto their Lands.

The amendments to section 19(8)(b) and (ba) and (bb) make explicit that both state and commonwealth officers and public servants do not need to apply for a permit prior to entering APY lands to ensure that government can carry out its responsibilities in the interests of Anangu in areas such as health, environmental and social services.

Persons who are not employed within the public sector, for example non-government organisations and service providers are funded to carry out some functions that would otherwise be the responsibility of government. The amended section 19(8)(bc) and section 19(8)(bd) exempts those persons or groups who are authorised by the Minister to carry out a function for a Commonwealth or State Minister, a public sector department, agency or instrumentality, and those carrying out work related to infrastructure on the Lands.

Section 19 (8)(c) exempts journalists from having to obtain permission to enter the Lands. However they will only be able to enter without a permit if they are there for the purpose of genuine investigation or reporting of a matter of public interest, carry identification and comply with a code of conduct prescribed in regulation.

As with others entering the Lands, journalists will not be able to enter without a permit if they have a conviction for an offence prescribed by regulation. Further, a code of conduct will prohibit journalists from entering a sacred site, entering premises (except with the permission of the occupier) or interfering with an event, including a ceremony that takes place in accordance with Aboriginal tradition. Governments of all persuasions have long been criticised for restricting media access to the Lands for fear of public scrutiny. These provisions will enable media to have greater access to public areas of the Lands.

Section 19(8a) of the Bill will enable the Minister to seek information in relation to criminal history when considering an application for an exemption from the requirement to obtain a permit to enter the APY lands.

The Act requires that most groups exempt from the requirement to obtain permission to enter the Lands notify APY of the time, place and purpose of their proposed entry to the APY Lands. The amended Act will require these groups to endeavour to give reasonable notice recognising that it is not always possible to give substantive notice in advance. The exception to this requirement in the current Act will remain: police officers acting in the course of their official duties and those entering in case of emergency will still not be required to notify APY Executive of their entry to the Lands.

These amendments strike a careful balance between the rights of the land owners and the need for Government to carry out its responsibilities in protecting the health and wellbeing of Anangu.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981*

4—Amendment of section 19—Unauthorised entry on the lands

This clause amends section 19 of the principal Act. In particular, the clause amends subsection (8) so that section 19 (which makes it an offence to enter the lands without the permission of Anangu Pitjantjatjara Yankunytjatjara) does not apply to the persons specified in the paragraphs inserted by subclause (1), in addition to those specified in current paragraphs (ca) to (f) of the subsection.

The clause inserts new subsections (8a), (8b) and (8c), which set out procedural matters in relation to authorisations granted by the Minister for the purposes of subsection (8).

The clause also inserts new subsection (9) (which requires a person proposing to enter the lands pursuant to subsection (8) to endeavour to give reasonable notice of that proposed entry to Anangu Pitjantjatjara Yankunytjatjara) and (9aa) (which exempts certain persons from having to give such notice).

The clause inserts new subsections (11), which clarifies that a reference to a police officer includes a member of the federal police, and (12), which defines terms used in the amended section 19.

5—Substitution of section 19A

This clause amends section 19A of the principal Act to reflect the changes made by clause 4 of the Bill to the list of persons specified in section 19(8).

6—Amendment of regulation 43—Regulations

This clause amends section 43 of the principal Act to include in the regulation-making powers conferred by that section the ability to adopt codes, standards and other documents by reference or incorporation. In particular, this allows the code of conduct required under proposed section 19(8)(c)(ii)(B) to be so adopted.

Debate adjourned on motion of Ms Chapman.

CORRECTIONAL SERVICES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 September 2009. Page 4161.)

Ms CHAPMAN (Bragg) (15:48): The subject that I was canvassing at the time of the adjournment was the chief executive's expanded power, which is proposed in this bill, to deal with methods of punishment and penalty for prisoners. Currently, the minister must consider all placements of a prisoner into a management cell, that they be separated from all other prisoners. This is often done for less than two or three days as part of the management of the prison. It is this management tool that forms part of the expanded power of the chief executive to deal with prisoners in these circumstances.

The process, as I understand it, is that under our current legislation notice needs to be given to the minister for his or her approval when such instances are to occur. In reality, most often, the minister's approval is received after the period of management, that is, after separation from other prisoners has already occurred. It is a bit like shutting the gate after the sheep are out but, for practical purposes, I was briefed that that is what occurs.

The proposal in this bill is to enable the chief executive to have the power to confine a prisoner for up to five days, with some safeguards in the legislation against repeat periods. It is with those safeguards, and in view of the current situation as explained, that the opposition is prepared to support this aspect of the bill, although it initially caused some concern that this was an important tool in the management of prisoners in the prison.

However, the fact that it requires a process of notice and approval by the minister, albeit retrospectively, indicates the seriousness with which supervision and protection against this being abused in any way is treated; therefore, change needs to be considered very carefully. However, on balance, as I indicated, the opposition is prepared to accept this situation.

I always look at these things on the basis that one has to remove the person who currently holds the office, and to whom a certain privilege or power will be given, because it can be a particularly beguiling situation to think, 'I know the person who is in that position, and they are decent and appear to be carrying out their duties very well and therefore can be relied upon to act honourably and appropriately in their duties.'

I remind the house that, especially when we will be removing a check and balance against potential abuse of power or position, we have to make decisions based on the fact that we could

have someone who ultimately takes up these positions (in this case, the Chief Executive of the Department for Correctional Services) who may not have the same standards as the incumbent. As is often said, we have to make decisions based on the lowest common denominator.

The person who may occupy that office in the future cannot always be assumed to be of the same standard as the current occupant. I say that simply because we are removing a safeguard and, on balance, we think that is acceptable with the substitute safeguard of not having repeat periods. Some stakeholders whom we have consulted in this regard indicated some disquiet; however, on balance, the opposition supports the position.

There is the regulation amendment in respect of the property of prisoners. Currently, the regulations restrict personal effects to the value of $200 or to that which fits into a locker of a prescribed size under the legislation. This amendment allows regulations to be made and varied or changed from time to time to be more flexible to increase property retained for the prisoner.

One matter that was raised (I cannot immediately recall by whom) was the along the lines that this proposal was only really being put forward because corrections was sick of having to handle, store and deal with the property of prisoners. Presently, they have some duty to put it in some sort of storage or security, and they want to be relieved of that. That is not what I understood the briefing to suggest. I understood that it was to do the reverse, that is, it would enable the prisoner to have extra personal effects of a greater value. It would be logical to expect now that prisoners may—and certainly in the most recent time that I visited the prison—have a number of pieces of equipment (television, audio and video equipment) that enables them to have some entertainment in their residence, that these are of some significant value, and that we are really just keeping up with the times. If I am in error in that regard I would hope that the minister would clarify that in his response.

I refer to the penalties to punish prisoners. There are a number of amendments to increase penalties for those who misbehave in prison, for example, from $2,500 to $5,000 fines. I do not take issue with the fact that from time to time it is necessary and appropriate to review the level of fines, and, on assessment of what is being proposed here, the opposition accepts that that is appropriate. The minister goes on to say, in his second reading explanation:

> Amendments are proposed to ensure that the behaviour of prisoners who breach prison rules can be adequately dealt with.

What I understand this to mean is that this could expand, not just the current fine or the withdrawal of privileges as a punishment, but that it could also include punishments by solitary confinement. I had some discussion with the chief executive about this and I think I made it fairly clear to him that I would be very concerned if, in fact, that was to be included in the regulations as an option. It is not in the bill—but if those words that I have just quoted in the contribution, on my discussion with the chief executive, were to enable that to happen within the regulations. This would not be the place, of course, to challenge if that was to occur because we do not have the regulations before us.

I would hope that, first, the minister, in his response, will make it absolutely clear, if it is not the case, that he will not be introducing any regulation which will include a power of exclusion, that is, placing a prisoner in solitary confinement, as a form of punishment executed by the Correctional Services chief executive officer, whoever that might be. If it is the intention of the government, or the minister, to enable this to be an option, then the government is on notice that we will be taking issue with this at the time of introduction of those regulations.

For the record, even judges in courts, and even the Attorney-General, do not have the power to exclude people by way of solitary confinement in a prison: they cannot attach it to a prison sentence. The Attorney, with all his powers, even on the bikies legislation, cannot order a period of solitary confinement. So, if we were to find that by regulation it was proposed that the chief executive officer was going to have power to do this as a form of punishment, then we would be very concerned. There is a whole history as to why this is inappropriate as an option, and it would be very concerning to the opposition if that were to occur.

Having said all that, I think it is important that I place on the record that one of the reasons that I was advised—I was the only one at the briefing—that it was necessary to have this as an option was because the usual sort of action in withdrawing of privileges has become more difficult to implement. An example that was given was withdrawing the privilege of access to a television. Now the use of a television is so run-of-the-mill and every prisoner has access to it, it is no longer a punishment to take away television time. I did not quite understand that explanation. I would have

thought that, even if it has become a usual part of the household, even in a prison cell, it would still be a withdrawal of privilege.

I think in the absence of a television, particularly if there was no access to any other audio facility, it would be a pretty lonely place. Given the level of literacy in the prison population, simply to say that they could read a book is not necessarily a realistic option. I would have thought that the withdrawal of television would be a fairly severe penalty. However, I simply place on the record that that was the explanation given to me as to why that may need to be included in the regulation as an available tool in the tool bag, so to speak. That is what they often say now in relation to—

The Hon. M.J. Atkinson: Tool kit, isn't it?

Mr Hanna: Toolbox.

Ms CHAPMAN: Toolbox, tool kit? We want to know what was occurring in other jurisdictions in Australia—if that had been introduced anywhere as a means of punishment—and we want some explanation from the government as to why it should consider this to be justified before we will agree to it.

There was a removing of duplication in respect of prisoners being eligible for home detention. Certain prisoners are not eligible for home detention but amendments over the years have created some duplication. We understand this is an administrative amendment and will support it.

We have this issue of the private sector provider staff. The minister (not the Governor) is to appoint and revoke private service provider staff. Members will remember that some years ago, under a former government, private operators were allowed to contract with the government to operate prisons. I am not familiar enough in South Australia as to where they currently operate. I recall that an English company was introduced for the management of the prison in Mount Gambier. I understand it continues to manage that prison but I am not sure whether any other place of incarceration in South Australia is operated privately.

In any event, when it came into being, a condition was imposed in the legislation that was passed to facilitate this new form of management and the then Labor opposition required the imposition of a condition that Executive Council (effectively the Governor) would have to approve staff appointments. The selection was to have some management involvement, so it still involved the chief executive officer, but this was a separate requirement. Now it seems that the government wants to get rid of this condition.

I make the observation of how quickly things change when people change from one side of this house to the other. I was told at the briefing—and I think this was in the second reading contribution—that this requirement is administratively cumbersome. I think it was pretty obvious back at the time when the legislation was debated in another place that it was going to be administratively cumbersome. Nevertheless, that was the contribution made by the then Labor opposition and, sure enough, now that it is in government, it does not want it.

We do not have any issue with its being removed and that amendment being made. I suspect that some of my predecessors who suggested it would have been administratively cumbersome back then would have wanted to be here to see today's legislation and reform passed. The briefing also confirmed that the chief executive officer of the department, Mr Severin, had provided a presentation to OARS, ACOSS, the Victim Support Service, Prison Chaplaincy Services, Anglicare and the Salvation Army, the last of which provides significant support for prison housing. There was no objection to the matters raised.

Frances Nelson QC was consulted on the matter of amendment to parole. My understanding is that she was not consulted on other issues, but it is fair to say that a number of these other matters do not specifically lie within her area responsibility as chair of the Parole Board.

I would like to refer to the amendments that have been tabled. When we previously discussed this bill, the government had tabled a number of amendments. The opposition's shadow spokesperson, the member for Finniss, had conferred with the government on those amendments; I understand that they are in order, and the opposition will consent to the same.

Since that time I have received notice—via a press release today—than an amendment has been laid on the table by the member for Mitchell, and this amendment would have the effect of abolishing automatic parole for violent offenders—those people who are in prison as a result of being convicted of offences such as assault, stalking, leaving the scene of an accident, kidnapping,

unlawful threats, home invasion and aggravated robbery. On viewing that amendment it seems that it is consistent with that announcement by the government. I am not sure whether there is provision, under the traffic offence legislation, to deal with leaving the scene of an accident, but in any event that is included in the press release.

The wording of the amendment is 'or for the purposes of escaping from the scene of the offence', which is a slightly different matter. It is not simply leaving the scene of an accident which, I think on anyone's interpretation, actually refers to leaving a traffic accident, which attracts a penalty. Of course, and as always, I am very confident in relying upon the parliamentary draftsman and not on whoever may have drafted the minister's press release, so I will take it that the member for Mitchell's amendment is the one upon which I should rely for that purpose. Thankfully, that is the one that will be before us for consideration.

Whilst the opposition has not met to consider this specific amendment, members would know that the Liberal Party's position—in fact, it was part of its 2006 election policy—is that all offenders, not just those involved in violent offences, who have been incarcerated—that is, had prison terms—for more than 12 months should appear before the Parole Board before release. The Liberal Party has for years been shouting that this is something that needs to be done, and there has been some support from the general community and from those who have a specific interest, including Frances Nelson QC, chair of the Parole Board, who has made a number of public statements about the need for many more offenders to appear before the board before release. However, the government's position has been to consistently deny that, and maintain that they only need to appear before the Parole Board if their sentence was five years.

Is it not incredible that, after two years of rampage in the streets, concern expressed in the media and situations where I think probably many of us will have had constituents expressing their concern for their own personal safety and that of members of their family and their property—for example, that their car might be stolen—and all sorts of issues like that, we now have an announcement today that, suddenly, automatic parole will be abolished for violent offenders.

Mr Hanna: They had to be forced into it.

Ms CHAPMAN: Absolutely. In anticipation of the amendment of the member for Mitchell, I congratulate him for what has been foreshadowed, and I note that it seems that the government has come kicking and screaming to the table. However, having done so, whilst we say it has not gone far enough, we welcome that component.

I have also had notice of further amendments that have been tabled as amendments Nos 113(3) and 113(4). I will await with interest and listen attentively to the minister's explanation for this, but my understanding is that the member for Mitchell's amendment will cover those who will in future be incarcerated and these two amendments will cover existing prisoners and that they will deal with two different transitional provisions. I suspect that may be for different acts, but I will have a quick look at it and, no doubt, the minister will explain that aspect. I have just received the approval of the shadow minister for corrections of the foreshadowed amendment No. 113(4).

I indicate that we will support the bill. Although I had canvassed that eager consideration be given by the minister for an inspector of prisons regime to be considered, I see that nothing has come forward. It is something on which the opposition has done some further work. We understand that the Western Australian model comes at a cost (at least, from its annual report) of some $2 million a year.

This team of visiting inspectors, under the Western Australian model, would replace the visiting inspectors that we have at the moment, which itself is under review in this bill. However, certainly, from the website information, a pretty healthy contingent of people work in this office: it has 17 full-time equivalent staff. In any event, it seems that they operated (according to their records) at a total cost of services at close to $2.5 million for the year ending 30 June 2008.

So, it certainly comes at a cost. The opposition will not be introducing amendments that seek the imposition of that, but it seems that we really need to look at strengthening that process rather than simply reviewing it on the basis that we are going to allow non-JPs to come into the voluntary service for that purpose. With those comments, I look forward to the matter moving into committee.

Mr HANNA (Mitchell) (16:15): The government is bringing in legislation to amend the Correctional Services Act; in other words, to do with prisons. I think a number of amendments are fairly inconsequential. I want to run through them briefly, then I will get to the punchline. The

government claims there are various moves to make prisoners more accountable. In fact, this language means that it is increasing the penalties for some breaches of regulations by relatively minor amounts. There is also an increased penalty for people not answering a question of a parole officer and increased fines under the regulations generally.

The bill removes the Community Service Advisory Committee. It is hard for me to know just how valuable the input of that committee was. However, it would seem an undemocratic move. I think that most government departments—and I really am generalising here—could benefit from the input of suitably interested, qualified and experienced members of the community in terms of how the department runs, and correctional services is no exception. The difficulty is to find appropriate people who do not have a vested interest to serve on such committees. The bill enables the CEO of the department to approve short-term prisoner separations. I should explain: the term 'prisoner separations' really means solitary confinement. However, longer term confinement over five days will still require notification to the minister.

Now I think we get to the punchline. The legislation also transfers authority for appointing private prison staff from the Governor to the minister. There is an interesting little bit of history I can add to this one, because I was working as an adviser to Labor MPs when the private prison legislation went through, and I pointed out to the then shadow minister, the late Hon. Terry Roberts, the implications of the Liberal legislation of the day. It was obvious that there would need to be a series of publications on behalf of the Governor in the gazette to enable listed people to then perform prison staff duties and, indeed, this has been going on for years; that is, those names of relevant staff have to be published in the gazette.

Whether it simply escaped the attention of the shadow cabinet or whether there was a nice wink to what was going on, there was no substantial opposition. It could have been blocked in the upper house at that time, but I think some elements of the Labor Party were quite happy to have privatisation of the Mount Gambier prison, and so it happened. In any case, given that that is history now and it has been running as a private prison for all that time, if it is slightly easier and if it removes one extra little bit of workload from His Excellency the Governor, then, at this stage, there is no point opposing such a move.

There are a couple of other provisions, but I will not touch on them. However, a particular matter about which I am passionate and which I would like to raise at this stage is in relation to pets in prisons. I am in favour of pets in prisons. Current provisions in our legislation allow the manager of the prison to allow prisoners certain items—and this can include a little pet bird, for example—and that would apply under the amended legislation as well. As I am speaking, members are suggesting various animals that might be obtained by prisoners under this concept, but the practice has been to allow some prisoners to have pet birds.

I understand there needs to be a restriction here. It should not be a right of every prisoner to have a bird, but for those who are nearing release, perhaps for those who fulfil certain good behaviour requirements such as having attended appropriate rehabilitation programs, for those who have been drug free or for those who have behaved well in the prison environment, it would be a very good reward for prisoners who wanted to have such a creature to care for. One of the special and beautiful things about it is that it gives the prisoner some thing in the world to which they can emotionally commit. Some of these people have pretty barren lives emotionally, especially within prison itself, so to have a little creature to care for, I think, is a very important part of rehabilitation where it is appropriate for that particular prisoner.

I first came across this, in fact, when I was in South Africa. I was given the opportunity to tour Pollsmoor prison. For those interested, they might recall that this is the prison to which Nelson Mandela was transferred after he was taken off Robben Island. He was placed in Pollsmoor Maximum Security Prison prior to his release. Crime in South Africa runs roughly at about 100 times the rate that we have in South Australia. Pollsmoor Maximum Security Prison is full of murderers, rapists, armed robbers, kidnappers, and the like—people with extremely violent pasts.

It currently has about 7,000 inmates; it is quite a vast institution. As we toured through there I saw some quite horrific sights. People who were quite mentally ill, with faeces all over the walls, and so on, were confined by themselves in cells and kept there pretty well around the clock. I guess that in some kind of distant comparison to our prisons, those inmates with a mental illness never seem to get enough care in our prisons. Among the inmates I came across was someone they called the 'bird man'; and the authorities allowed him to keep a bird because he had kept birds before he had entered prison.

He had a little cage, but the bird would come out and tamely sit on his hand sometimes and he would feed it. In fact, his aggressive behaviour had reduced markedly after he had been given this bird to look after. I sing the praises of prisoners having suitable pets, such as birds, and only for those prisoners who qualify in the sense that I have already mentioned.

The other matter, finally, to which I will refer, is the anomaly in our prison system when it comes to offenders being released on parole if they have a head sentence of less than five years. It is a matter that I will speak to further in committee, but I am grateful for the government's support for my proposal to put violent offenders, at least, on the same footing as violent offenders who have more than a five year gaol term. In all those cases the Parole Board, I believe, should have the opportunity to assess whether such a person is really ready to come back into the general community.

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) (16:24): I start by thanking the shadow attorney-general and the shadow minister for corrections for their support and the smooth passage of this legislation. I understand they have indicated that they have no amendments, so I am very grateful for their support. I wish to mention a few matters the shadow attorney-general raised, especially given her fear on a number of matters in terms of the delegations.

I think that this bill is not that controversial other than what the government is intending to do in committee. I want to start by congratulating the member for Mitchell for his fine work on his amendment, which he foreshadowed a long time ago. He did not just walk in here, last minute, with it written on the back of an envelope. He had thought about it, consulted and spoken to people about it. I had spoken to other people about any possible amendments and none were foreshadowed. The member for Mitchell should be congratulated very much for the hard work he is doing. I can say to him today that the government will be accepting his amendment. We will be tidying it up a little bit to make sure that we catch people who are currently in prison. I wish to pass on my congratulations to him.

I am sure that honourable members opposite are aware that legislation takes a number of forms. Some legislation is designed to review all aspects of an act, and such legislation requires major changes and, by its nature, it is generally widely consulted. This amendment bill is not such a document. It is not a bill of lost opportunity, as it has been described by the honourable member for Bragg.

As I stated when I first introduced this bill to the house, it is simply a list of amendments that are required to remove impediments that impact on effective custodial management or to streamline existing processes to maximise the use of available resources. Consultation, therefore, has been directed at those directly affected by the changes.

The honourable member made a number of references to youth and children in her speech in this house. She said that this legislation deals with adults and children who are incarcerated. She also said that we are dealing with all age groups, and 'because this bill deals with correctional services provided across the state, it also includes children'.

Unfortunately, that is not the case. The member for Bragg is not accurate, and it is probably not her fault. The act has absolutely nothing to do with the incarceration of children. The Correctional Services Act 1982, that is, the subject of this bill, is about adult offenders only. With very few exceptions, only offenders over the age of 18 can be placed in adult prisons.

Ms Chapman interjecting:

The Hon. A. KOUTSANTONIS: Yes, well, that's right. I presume that, in making her statements, the honourable member is referring to subsequent changes that have been made to the Young Offenders Act, which she quoted during her speech. These changes do not impact on children or young offenders. They simply seek to transfer the authority for appointing and revoking the appointment of G4S staff who work at Mount Gambier Prison and who transfer offenders between courts, hospitals and other facilities, from the Governor to the minister for corrections.

Under existing arrangements, the Governor is required to personally approve and revoke the appointment of every G4S staff member who works within prisons. This takes a long time. It impacts on the resources of the department and the valuable time of the Governor and members of the cabinet subcommittee who must process every application. I repeat: none of the initiatives discussed in the bill impact on the incarceration or treatment of children in custody.

The member for Bragg went on at great length to discuss the government's intention to do away with the community services committee. In supporting her argument she made a number of statements, of which I remind the house:

> ...they [the community service committees] 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.

She went on to say:

> ...for six or seven years under this government there has been no reappointment of this committee since the previous government.

She then said, 'They do not even exist.' I understand that the honourable member was briefed on the bill by the department's chief executive. I am advised that during the briefing the chief executive outlined that the central community service committee had not operated for about six years and that no new members had been appointed. However, all existing committee members of the central and regional committees are appropriately appointed in accordance with the act.

Ms Chapman: I didn't say that.

The Hon. A. KOUTSANTONIS: Sorry? Did you say you didn't say that? I can go back to the *Hansard*.

Ms Chapman interjecting:

The Hon. A. KOUTSANTONIS: Okay, because I've got the letters here. I just want to read them out to the member for Bragg just so that she knows we are not actually in breach. I have here a letter dated 5 March 2008, Mr Brian Condon, appointed; Mr Lindsay Thomas, 3 March 2008, appointed; Tom Clarkson, 3 March 2008, appointed. I can go on and on.

Ms Chapman interjecting:

The Hon. A. KOUTSANTONIS: I didn't brief the member for Bragg. So, before the member for Bragg accuses me of misleading the parliament, would—

Ms Chapman interjecting:

The Hon. A. KOUTSANTONIS: Anyway, I think my point is that it was just a misunderstanding, and I understand her error. I am happy to show the member for Bragg the letters afterwards, and I accept her apology.

What is clear is that the committees have for a considerable period of time not added the value that they originally set out to add. Existing arrangements are robust, proven and tested. No complaints are received about community service work displacing private sector employees, and few complaints are received about community service projects.

The program is going from strength to strength. Recent rebadging of the entire community service program to Repay SA has netted a huge upsurge in products from local communities that cannot afford to do the work for themselves.

Ms Chapman interjecting:

The Hon. A. KOUTSANTONIS: Imitation is the greatest flattery. Projects, such as graffiti removal, have benefited the entire community. This is a great initiative that does not require committees to oversee any work. We are not taking work away from AWU members when they are doing graffiti removal. It is graffiti removal and work where the community cannot afford to have it done, so corrections steps in, gives some training and gives people a better sense of their community, and we get good outcomes for the prisoners, the parolees and, of course, the local community.

I come now to some statements that have been made in this place by some members opposite about prison visiting inspectors. I take the opportunity to thank the many visiting inspectors and tribunals who give their valuable time and reinforce the Rann government values with their commitment.

Under current legislation, visiting inspectors can be legal practitioners, justices of the peace or retired judicial officers—not, as the member for Bragg stated, only justices of the peace. The member for Bragg said that only justices of the peace with that appointment can act as a visiting inspector of prisons. I think that it is also wrong to refer to visiting inspectors as toothless tigers.

I can assure this house that a recommendation of a visiting inspector is taken very seriously by the department. No general manager would refuse to consider or act upon a reasonable request from a visiting inspector. The legislation as proposed does not affect that situation; it simply tries to overcome a problem that exists with attracting people prescribed in the act to undertake the role.

Historically, it has been very difficult to find legal practitioners or retired judicial officers who are prepared to act as visiting inspectors. JPs have become the sole source from whom the department can recruit. In some rural areas, despite its best efforts, the department has great difficulty in attracting JPs; Cadell is one such area.

In addition, it has been challenging, despite all efforts, to find Aboriginal justices of the peace who might be prepared to work in the prisons. There are many well-respected Aboriginal elders who would be eminently suited to work in this area; however, they are not justices of the peace. The department is well aware that the lack of Aboriginal visiting inspectors does not impact on and can disadvantage some Aboriginal prisoners.

The government's intention in amending the act is certainly not to reduce either the importance or the work of the visiting inspectors or downgrade the standard of those who become inspectors; it is simply to ensure that sufficient suitable inspectors are available to visit prisoners every week and resolve their concerns. It is not our intention to adopt the Western Australian prison inspection system.

The member for Bragg has been talking about solitary confinement. I think she has probably watched one too many episodes of *Hogan's Heroes*.

Ms Chapman interjecting:

The Hon. A. KOUTSANTONIS: It is a great show and one of my favourites.

The Hon. I.F. Evans: Sprechen sie Deutsch?

The Hon. A. KOUTSANTONIS: Nein. I am not sure that she believes this, but she gave the impression that we have solitary confinement cells specially designed to separate prisoners for punishment. I think that the term 'solitary confinement' is not even used any more. We separate prisoners, and we do so for their protection.

What I am confused about is that we are criticised for doubling up, we are criticised for having two people to a cell but, when prisoners request to be separated because they fear for their safety or because they are a protected, it is called solitary confinement and we are condemned for that as well. I am not sure how the member for Bragg can reconcile the attack on a government for doubling up and then talk about her opposition to so called solitary confinement.

The Hon. I.F. Evans: So, it's a bit like a holiday, is it, Tom?

The Hon. A. KOUTSANTONIS: No, it is not a holiday. Prison is not a nice place, but we do this for the protection of the prisoner. We have a duty of care. I am sure that the member for Mitchell would not want us to put somebody in Bevan Spencer von Einem's cell to share with him? So, we do have separations, and those separations—

The Hon. I.F. Evans: Are you sure he has not shared a cell?

The Hon. A. KOUTSANTONIS: Let me be quite clear, the member has made use of the term 'solitary confinement' throughout her contribution; she has used 'solitary confinement', 'isolation' and 'separation'. The government will continue to be tough on crime and ensure that those who break the law are punished, but punishment, however, will not include torture in any form, nor will it include the use of solitary confinement.

Our prisons are humane, and they are safe for both staff and prisoners. It is quite wrong to suggest that the separation of prisoners constitutes solitary confinement, or a cooler, or a dungeon, or any other term you might want to use. Solitary confinement conjures up images of prisons of days gone by, of long-term isolation in dark cells. That does not happen in South Australia.

Most prisons have management cells and they are used to separate prisoners for their own safety and for the safety and good order of the prison. These cells, in the main, are modern, with toilets and showers, and by and large prisoners who are placed in these cells are there for only a few days.

The majority of separations occur because prisoners require protection for their own safety, or because there are those who have placed the good order and security of the prison at risk. Separation is not just limited to the department's management cells. Prisoners who have no contact or who are denied contact with other prisoners are regarded as being separated. There are many instances where prisoners ask to be locked in their own cells during association time because they may feel threatened or just, simply, want time out to escape the attention of other prisoners.

Ms Chapman interjecting:

The Hon. A. KOUTSANTONIS: So, the member for Bragg thinks it is solitary confinement. It is not solitary confinement. The majority of separations rarely exceed four days, I do not think that the Public Service lies to me. Separation is essential for prison authorities to provide effective and safe prisoner management. It has been around for many years, and during the term of the previous Liberal government. This government will not be swayed by those who throw around such terms as 'isolation' and 'solitary confinement' when referring to separations as a means to detract from its real purpose or to gain any political mileage.

Ms Chapman: Walks like a duck, looks like a duck, is a duck.

The ACTING SPEAKER (Mr Piccolo): The member for Bragg had the opportunity to speak before. I am warning her now.

The Hon. A. KOUTSANTONIS: In closing, I would invite the member for Bragg to visit any of our prisons. She is more than welcome to have a tour. I do not have to be there.

The ACTING SPEAKER: The minister will ignore interjections.

The Hon. A. KOUTSANTONIS: I know, sir, but it is just so hard to ignore. I would invite the member to point out in one of our gaols where we have solitary confinement cells. As I said in my opening remarks, these changes will also make prisoners more accountable for their actions, which I am sure will please all members, especially members opposite.

Ms Chapman interjecting:

The ACTING SPEAKER: The member for Bragg!

The Hon. A. KOUTSANTONIS: I thank the staff from the department and parliamentary counsel for their hard work, especially Mr Chris Johnson, who I am sad to say will retire at the end of the month after 15 years of excellent service to the Department for Correctional Services, and 45 years of service to the people of South Australia. Congratulations Mr Johnson on your retirement. I commend this bill to the house.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

The Hon. A. KOUTSANTONIS: I move:

Page 3—

Line 4 [clause 4, inserted subsection (2)]—Delete 'is' and substitute 'includes'

Line 10 [clause 4, inserted subsection (2)(b)]—Delete 'appointed' and substitute 'designated'

Amendments carried; clause as amended passed.

Clause 5.

The Hon. A. KOUTSANTONIS: I move:

Page 3—Lines 15 to 17 [clause 4, inserted section 4A(1)]—Delete subsection (1) and substitute:

(1) The Minister may, by written notice, designate a person to whom this section applies as a person who is to be taken to be an officer of the Department for the purposes of this act, the *Prisoners (Interstate Transfer) Act 1982* and any other prescribed act.

Amendment carried.

The Hon. A. KOUTSANTONIS: I move:

Page 3—

Line 21 [clause 4, inserted section 4A(2)(b)]—Delete 'an appointment' and substitute:

a designation

Line 31 [clause 4, inserted section 4A(3)(c)]—Delete 'appointed' and substitute 'designated'

Lines 32 and 33 [clause 4, inserted section 4A (4)]—Delete subsection (4) and substitute:

(4) Section 74 of the *Public Sector Act 2009* does not apply to a person designated under subsection (1).

Amendments carried; clause as amended passed.

Clauses 6 to 16 passed.

New clause 16A.

Mr HANNA: I move:

New clause, page 5, after line 26—After clause 16 insert:

16A—Amendment of section 66—Automatic release on parole for certain prisoners

(1) Section 66(2)—after paragraph (a) insert:

(ab) a prisoner if any part of the imprisonment for which the prisoner was sentenced is in respect of an offence of personal violence; or

(2) Section 66—after subsection (2) insert:

(3) In this section—

offence of personal violence means any of the following offences (including a substantially similar offence against a corresponding previous enactment or the law of another place):

(a) an offence against the person under Part 3 of the *Criminal Law Consolidation Act 1935*;

(b) a home invasion;

(c) an offence of robbery or aggravated robbery;

(d) a conspiracy to commit, or an attempt to commit, an offence referred to in paragraph (a), (b) or (c);

(e) an offence that is committed in circumstances in which the offender uses violence or a threat of violence for the purpose of committing the offence, in the course of committing the offence, or for the purpose of escaping from the scene of the offence.

I first moved non-government legislation in this place in, I think, November last year. It was a problem brought to my attention by a constituent from Sheidow Park who had suffered a home invasion. He had been visiting his son or grandson's place, simply returning a laundry basket of clothes to that address. Meanwhile, three young men in search of something rocked up and, because the constituent concerned did not have and would not want to give the three offenders anything, they savagely beat him. He sustained numerous injuries, including head injuries, and he suffers from those injuries to this day.

It was a shocking case. The young men involved did not have much of an offending history, so they were sentenced to several years imprisonment but their nonparole period was less than five years; in fact, it was two or three years. My constituent was shocked on a couple of grounds. First, no-one had explained to him that the head sentence was relatively meaningless in practical terms. From his point of view, if it were a notional four year head sentence, he thought they would be imprisoned for four years. Neither the prosecutor nor anyone else in the court, and no-one from the police or any other agency, had explained, so that he could understand it, that a four year head sentence would never really be the term spent in prison by the relevant offender. Because it was a term of imprisonment of less than five years, the law—which is the current law today—ensured that each of the three offenders would be out almost to the day that their nonparole period expired. That was a couple of years earlier than anticipated by my constituent.

Secondly, my constituent was very aggrieved that these young men, who had behaved extremely violently, were being released without an analysis by the Parole Board as to whether or not they were fit to return to the community. It is this second point that my amendment seeks to address.

I crafted this amendment to refer particularly to violent offenders, and members can see a range of serious violent offences listed there. I have called these 'offences of personal violence'. It seems to me that, in these cases in particular, the community wants the Parole Board to check these people before they are released. It is not too much to ask, and I believe the only reason it has not been done before is because of budgetary restraints. In an ideal world everyone would be checked before they were released from prison to determine that they were fit to live again in the community.

Five years was an arbitrary cut-off point, and below that release was automatic. Not any more, and I am very grateful for the government's support. Minister Koutsantonis has been particularly understanding in relation to the problem I have brought before the parliament, and I am glad to see the government backing this amendment.

The Hon. I.F. EVANS: I rise to support the amendment. It is substantially the amendment moved in private members' time in the form of another bill, which the opposition supported in principle. I similarly have a private member's bill in relation to bushfire and arson offences relating to the same principle, and was to move an amendment to that effect so that the house could deal with it. It has been on the *Notice Paper* for all members to consider since April. The minister advises me that he needs just a little more time to cost the impact of our amendment and that if I force his hand today the amendment will be lost. So, I will not waste the house's time in relation to the amendment. The minister and I have agreed that he will look at the amendment between the houses. The opposition will move the amendment in the other house and then it may have to come back here if the other place accepts it as an amendment to the bill. So, the house may well deal with this matter again.

I will not hold the house any further other than to say to the minister that I think he needs another transitional provision in this bill, because it does not deal with circumstances where the Parole Board has already told the prisoner they are going to get out and, because of the changes being made in this bill today, they will now find that they are not going to get out even though the Parole Board has already advised them of that. I think that is wrong in principle, and I have an amendment that the shadow can move that will fix it up. I thank the minister for his agreement on the other matter, and we look forward to dealing with it in the upper house.

The Hon. A. KOUTSANTONIS: First of all, I want to congratulate the member for Mitchell on an excellent amendment, which the government has agreed to. Secondly, I would have been very happy to accommodate the member for Davenport or the member for Bragg or the shadow minister for corrections if any of them had spoken to me about this earlier. It seems eminently sensible.

However, I think walking into parliament and writing amendments on the back of a piece of paper makes for bad legislation. I think if there was a more considered approach to it there probably would have been a very different result today. I think it is completely unreasonable for the member for Davenport to make the accusation that the government will use its numbers to knock off a 'back of envelope' amendment.

I have not tried to take credit for the member for Mitchell's amendment. He is an independent member who has made an amendment. I think it is a very good one, and the government accepts it. If the member for Davenport had advised me earlier on this government bill that he wanted to do the same here, rather than what he was doing in private members' time, perhaps I could have been ready with a few more costings and working out how we could implement it—commencement times and all that sort of thing—but of course he did not. He just walked in, heard it was going on, back of an envelope, 'These are the amendments,' and then walked out.

Ms CHAPMAN: I indicate that the opposition supports the member for Mitchell's amendment. The debate on this amendment is, I think, rather concerning. It probably illustrates more about how little governments take notice of what is in private members' business than anything else and how little attention is given to it, probably on the presumption that it will never see the light of day unless they ever agree with it, particularly to vote on. Nothing was more evident than in private members' time today when we debated reform in relation to the building industry on a bill that was presented—

The Hon. A. KOUTSANTONIS: On a point of order, Madam Chair, the member is reflecting on a vote of the house.

Ms CHAPMAN: No, I am not. Time was taken during private members' time today to deal with a bill in respect of the building industry (I simply indicate the subject matter), which was clearly government business, which took up I think an hour in total of private members' time. It is little wonder that private members' bills do not ever see the light of day in this place and do not have an opportunity to be dealt with. For the minister to acknowledge that the content of a private member's bill has not been given attention to—has not been costed or otherwise—should make that very clear to all members in the house who are waiting for a private member's matter to get up.

In addition, with respect to the suggestion that bills do not come in with amendments at the last minute, I read today in the minister's own press release about the acceptance of the member for Mitchell's amendment that would have been tabled. We did not even know about it. I read about it in the minister's press release. However, he got it wrong because, as I read out, he started to refer to leaving the scene of an accident instead of leaving the scene of where an offence has been committed.

Notwithstanding that, having had notice of it via the press release, I thought it was a sensible amendment that was being moved. I was pleased to see that the government is accepting it. We quickly located it and conferred on it and we are here today to support it. So, do not give us this nonsense in this debate about amendments coming in at the last minute or otherwise. In this case, the last minute was April.

The minister should have been well aware of this proposal being presented by a private member and it should have had his consideration. The fact that it has not should indicate to this committee what little regard the government has for anything that private members on either side of the house put forward, because, clearly, if it does not want it, it is not debated and it ensures that it never sees the light of the day.

I am disappointed that this aspect of the private member's bill is not under consideration. I accept that the minister has placed on the record that he will consider it between houses and that it may be able to be dealt with. However, members should certainly not assume that we on this side of the house will be dismissive of someone's proposal, a good idea, even if we get notice of it through a press release.

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

The Hon. A. KOUTSANTONIS: The bill before us has been on the table for a period of time now. The member for Davenport knew it was on the table. He had another bill. I have not even seen the amendments he wishes to move. I do not think they are even drafted. I am saying that I am happy to consider them. If they work well, I am happy to consider them and give him the credit for them.

Ms CHAPMAN: I rise on a point of order, Madam Chair. My point of order relates to the fact that, currently, we have under consideration the member for Mitchell's amendment. The member for Davenport has spoken, the minister has spoken, I have spoken and now the minister appears to want to have a second bite of the cherry about an ancillary issue. I ask for your ruling in relation to this, because unless he has a question for the mover of the motion, who is the member for Mitchell, I suggest it is out of order.

The CHAIR: Any member is entitled to ask questions or contribute opinion three times during the debate.

The Hon. A. KOUTSANTONIS: It has only been the practice for 100 years. Anyway, I think the anticipated amendments of the member for Davenport have a lot of merit. What upset me was not the member for Davenport's intent or his desire not to do the right thing, but the fact that I had not even seen the amendments that he is planning to move. In relation to the member for Bragg, I am reminded of a story her late father told me when I first got in here. He said to me—

Ms Chapman: 'Give up, Tom.' Is that what he said?

The Hon. A. KOUTSANTONIS: No, he didn't say, 'Give up, Tom.' He said, 'Listen, boy, within six months of an election campaign you will not get anything done in this building because everyone is trying to get their point up, no matter how reasonable it is. So, do it straight after an election, never six months out.' I never thought that it would be this bad.

I would like to see what the member for Davenport wants to do. I would like him, at least, to explain the amendments to me and to which clauses they relate; and, if they are workable, I would probably be happy to accept them. I would like to look at them at least. I have seen the member for Mitchell's amendments on the table for weeks. All I did was to make sure that they applied immediately. The member for Bragg can hypothesise all she likes about my intent and the way in which I treat private members' business, but I think that she needs to look in her own backyard first. I will consider between the houses the amendments the member for Davenport has flagged.

The Hon. I.F. EVANS: I will not delay the committee for long because I think that the member for Mitchell's bill and the minister's bill deserve to be passed quickly. However, I will place this on the record for the minister so that historians know the facts on this one. The minister says that he has not seen the amendment. That is quite true because I have not yet tabled the amendment. If the minister had extended the courtesy of letting me explain the amendment I could have told him that it is exactly the same words—not one different—as the bill tabled on 30 April this year that has been adjourned a number of times by his side of the house. We have not had that discussion because—

The Hon. A. Koutsantonis: Which one? The last one or the one about home detention? Which one?

The Hon. I.F. EVANS: I do not have a bill about home detention. This is the correctional services parole No. 2 bill, which is to do with arson and bushfires—those people accused of arson in certain categories, as per the bill, and the bushfire offence, who should not get automatic parole; it is that bill. It is the same bill, minister, I wrote to you about during question time about a month ago, just before this matter was last adjourned, and you told me to speak to the Attorney-General about it.

The reality is that this house deals with handwritten amendments that are thought up on the floor by members on a regular basis—it has been like that for 100 years. Had the minister given me the opportunity at least to move the amendment—

The Hon. A. Koutsantonis interjecting:

The Hon. I.F. EVANS: —no; hang on—and for him to see the words, the minister would have known that they are exactly the same words that his side of the house has been aware of since 30 April. I will not go out and criticise the minister publicly on this in the media. The minister has given me his word that he will now consider it between the houses. Well, thank goodness, because it has been only seven months. Minister, with due respect, your staff—not you, your staff—need a kick.

For a staff member not to have this already costed after seven months, having not sent it to the department and got a response—sitting there in the minister's office when you were doing this bill, a staff member should have thought, 'Gee whiz, the member for Mitchell and the member for Davenport have two bills on the *Notice Paper* that go to this very act. I wonder whether they will move the amendments they want to get up? I wonder.' Obviously no-one went through that process in the office.

I have said my bit. We have got the agreement. The government can vote this down in the upper house if it wants and let people who light bushfires out early, that is fine. I will not have this nonsense that you have not seen the amendment. The words of the amendment pick up the exact bill I put in 6½ months ago, and if 6½ months' notice is not enough for the government, God help us.

New clause inserted.

New clauses 16A and 16B.

The Hon. A. KOUTSANTONIS: I move:

Page 5, after line 26—After clause 16 insert:

16A—Amendment of section 86—Prison officers may use reasonable force in certain cases.

Section 86—after 'officer' insert 'or employee'

16B—Repeal of section 86A

Section 86A—delete the section

New clauses inserted.

Clause 17.

Ms CHAPMAN: I am referring to the insertion of the provision to enable the more flexible regulation of the holding and acquisition of prisoners' personal property. You might recall, minister, that I raised in my contribution a concern I had, which arose from a briefing. It was along the lines that this would enable a better opportunity to accommodate the modern position, namely, that prisoners have a lot more assets than they used to in value, and sometimes a lot more property. The restrictive confines of the area that they are allowed to take up, or the value, was obviously oppressive, and this is was a way of dealing with the flexibility of that.

On the flipside, I have been advised (as I said, I cannot recall the source during the course of this debate) by some interested party who was concerned that, in their view, this was designed to remove the obligation of the department for corrections to provide secure storage of prisoners' property. I just want some clarification of that.

Is this to accommodate the modern situation, or is it really just to relieve the department of the obligation to store assets? I am assuming that we do not have a situation where the department is obliged to store and pay for a prisoner's entire household effects and goods, but I just want to be reassured that there is some basis for this, which is in the interest of the prisoner and, indeed, of the department.

The Hon. A. KOUTSANTONIS: I sympathise with the member for Bragg's position on this—I really do—but it is a matter of space, storage and transport. We would like prisoners to be able to safely store their belongings that are held by the department while they are being moved. It is unfair to expect the department to be hauling massive amounts of personal property. We would like some sort of standard amount of personal belongings that people can have with them while they are in prison.

Of course, while prisoners are being moved, they have televisions, radios and all sorts of personal belongings. We would like them all to fit in a certain sized container so that they are easier to move. It is very difficult, when we are moving prisoners, and there are security requirements. Often, they want to take their things with them. It is a matter of making sure that we can do all of those things effectively. I move:

Page 5, after line 28—After subclause (1) insert:

(1a) Section 89(2)(h) and (i)—after 'officers' wherever occurring insert in each case:

or employees

Amendment carried; clause as amended passed.

Schedule 1.

The Hon. A. KOUTSANTONIS: I am now not proceeding with schedule 113(3) and proceeding with schedule 113(4).

The CHAIR: So, minister, are you proceeding to move amendment No. 9 on schedule 1?

The Hon. A. KOUTSANTONIS: Yes.

The CHAIR: The first paragraph is nominated '4'. Is that correct? It should be '1'. It is a typographical error. In schedule 113(1), in amendment No. 9 replace '4' first appearing with '1'.

The Hon. A. KOUTSANTONIS: Yes.

The CHAIR: Over the page, replace '5' with '2'. It still amends section 4, but it is clause (1).

The Hon. A. KOUTSANTONIS: I move:

Page 6, lines 1 to 14—Delete Schedule and substitute:

Schedule 1—Related amendment of *Young Offenders Act 1993*

1—Amendment of section 4—Interpretation

Section 4—after its current contents (now to be designated as subsection (1)) insert:

(2) A reference in this Act to an *officer of the Department* includes a reference to—

(a) a person who, immediately before the commencement of this subsection, held an appointment made by the Governor as an officer of the Department; or

(b) a person who, after the commencement of this subsection, is designated by the Minister as an officer of the Department under section 4A.

2—Insertion of section 4A

After section 4 insert:

4A—Designation as officers of Department for certain purposes

(1) The Minister may, by written notice, designate a person to whom this section applies as a person who is to be taken to be an officer of the Department for the purposes of the Act, the *Youth Court Act 1993* and any other prescribed Act.

(2) The Minister may, by written notice, revoke—

(a) the appointment of an officer of the Department made by the Governor before the commencement of this section; or

(b) a designation made under subsection (1).

(3) This section applies to a person if—

(a) the person is engaged by another person (the *contractor*) to carry out certain work in the course of and for the purposes of the contractor's business; and

(b) the contractor is engaged, in the course of and for the purposes of a business, by the Minister under a contract, arrangement or understanding for the purposes of this Act or another Act; and

(c) the Minister is satisfied that the person is a suitable person to be designated as an officer of the Department.

(4) Section 74 of the *Public Sector Act 2009* does not apply to a person designated under subsection (1).

Amendment carried; schedule as amended passed.

New schedule 2.

The Hon. A. KOUTSANTONIS: I move:

Page 6—After Schedule 1 insert:

Schedule 2—Transition provision

1—Transitional provision

The amendments made by Part 2 of this Act to section 66 of the *Correctional Services Act 1982* are intended to apply in respect of prisoners serving sentences of imprisonment immediately before the commencement of this clause regardless of when the prisoners were sentenced.

New schedule inserted.

Title.

The Hon. A. KOUTSANTONIS: I move:

Long title—Delete 'and the *Youth Court Act 1993.'*

Mr HANNA: I just want to clarify this. Is this one of the transitional provisions?

The CHAIR: No; it is an amendment to the long title. It will read:

Correctional Services (Miscellaneous) Amendment Bill 2009

A BILL FOR

An Act to amend the *Correctional Services Act 1982*; and to make related amendments to the *Young Offenders Act 1993*

Title passed.

Bill reported with amendments.

Bill read a third time and passed.

CRIMINAL LAW (CLAMPING, IMPOUNDING AND FORFEITURE OF VEHICLES) (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 July 2009. Page 3562.)

Ms CHAPMAN (Bragg) (17:16): I speak on behalf of the opposition and indicate that we will be supporting this bill. Given the opposition's position I do not propose to keep the house long in respect to this matter, which I am sure members will be delighted to hear. This bill was introduced on 14 July to amend the Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007. The principal act was passed only in recent years, and I think just about everyone here in the house, except, perhaps, the member for Frome, would be familiar with that legislation.

There was a 2006 election promise of the Rann government that it would increase provision for the impounding of vehicles from two to seven days and introduce a regime of wheel clamping and extend the use of that option to more offences, not just hoon driving, the original hoon driving laws having been introduced as an amendment to the Summary Offences Act.

Quite frankly, there has been a continued problem in the community of hoon and dangerous driving behaviour. There has been an increase in road fatalities this year. I think it is fair to say that last year the road toll in this state was kept down to 99, and that was a welcome reduction, but it is back up again at an alarming level.

It would be fair to say that road deaths are still far short of the suicide deaths toll that we suffer in South Australia, relative to most states around the country, but in any event we are talking about senseless death, something which all in the community should work hard to remedy. One way of dealing with this is to increase again the provision for impounding of vehicles and the laws relating to clamping, etc.

This is a bill which is designed as a response to this situation that we are still in. It increases the period that vehicles can be impounded or clamped by police from seven to 28 days, and there are certain obligations in respect to the police commissioner for the paying of costs for the impounding and attempts to be made to advise current registered owners of vehicles. Of course, where a vehicle is being used in the commission of one of these offences and a situation prevails where the real owner of that vehicle, who may have had no knowledge or consent to the vehicle being used in that offence, comes forward, then there is provision to protect, in particular, the release of the vehicle to the owner.

The second part of this proposed legislation is to provide for forfeiture in more than the current number or types of cases. On information from the government, this is to target offenders who have a history of committing and being found guilty of prescribed offences by increasing the period of court ordered impounding and reducing the number of chances before a vehicle can become eligible for court forfeiture.

For the purposes of consideration of these cases, the offending history will be considered at the date of the previous offence, not at the date of the previous conviction, so it will capture more history in that regard. There is power for the courts to impound up to six months where currently it is three months.

There are extra penalties for those who reoffend, and there is provision by regulation for other categories that may attract forfeiture. As I understand it, it is intended by regulation to include any indictable offence under section 19A, 19AB or 19AC of the Criminal Law Consolidation Act 1935. These include offences such as causing death or harm by dangerous use of vehicle or vessel, leaving an accident scene after causing death or harm by careless use of a vehicle or vessel, and dangerous driving to escape police pursuit.

The third aspect of this bill is to allow for the destruction of forfeited or uncollected vehicles, and there are certain obligations for the police commissioner and power for him to order destruction of vehicles with some safeguards as to costs and so on, but also to provide for situations which sometimes occur where there is absolutely no point in either selling a vehicle or disposing of it when the cost of disposal would be more than the value of the vehicle. Some discretion has been left with the police commissioner in that regard.

I was informed during the course of briefings about the number of vehicles that have been affected as a combination of clampings and impoundings in the past few years since this legislation has been operational, which we are about to expand. It seems as though, with the increasing severity and extent of the legislation in the times we have been back to amend it, there has been a corresponding significant increase in the number of vehicles affected. That is, they have either been clamped or impounded. I am not quite sure whether that is because personnel are more vigilant or have more power under the act or whether there has been a significant increase and we are not making a dent on this problem at all.

For the record, I will record that I am advised that number of vehicles affected—that is, a combination of clampings and impoundings—in 2005-06 was 693; in 2006-07, 791; in 2007-08, 1,461; and in 2008-09, 3,156. However that data might be interpreted, let us hope it is on the basis that it demonstrates the effectiveness of the action which this parliament has taken to support the government in further initiatives to expand the effect and severity of this legislation. If it is not, then regrettably we are still going to have a problem next year. Let us hope that we are able to see some positive response as a result of this legislation and the strengthening of these provisions in the interest particularly of the safety of those who use, access and try to traverse our roadways.

Mr PEDERICK (Hammond) (17:25): I, too, rise to support this bill. My property where I live is on the Dukes Highway, and far too often we see what happens when there is a bit of inattention on the roads. I know it is not hoon driving as such a lot of the time but, when you see the results of high speed crashes at 110km/h each way and trucks that have burned—and, sadly, drivers that are burnt to death in the remains of their truck—it really brings back to you what can happen on the road. It is not just truck drivers; I have been at accident scenes where cars have gone underneath trucks, and there is no hope of survival when that happens.

However, getting back to hoon driving in the towns, I know there are areas in my electorate that are favourite places. One of those is Sturt Reserve at Murray Bridge; a few people get down there by the river and think they will have a bit of fun, put a few black marks on the road. The police get down there reasonably often and catch a few, but they would have to be down there full time to police it 110 per cent.

I support this bill going forward because all too often you read in the paper or hear about someone you know—a friend's child or grandchild—who has been driving a vehicle or been a passenger in a vehicle, just been out having a bit of fun—or so they thought. Speeding, a bit of irrational behaviour on the road, and it all ends in tears. Far too often I have seen the news reports with schoolmates of someone who has died on the road, and the flowers and wreaths placed on the Stobie pole or marker at the side of the road. Far too often on country roads you see white crosses and flowers marking the spot where people have lost a loved one or loved ones.

It is so sad that people have thrown their lives away by making poor decisions. Sometimes it happens because people get together and there is peer group pressure—we were all young once—and they think it is a bit of a laugh to get out there and drive fast. However when the results are as stark as maiming or even death it is very tragic for communities.

I am the father of a couple of young boys, and they have a few years to go before they will be able to drive on the road as licensed drivers, but the more we can do to keep our people alive the better. Mind you, my sons have the benefit of learning to drive at an early age on the farm. My eldest is only eight, but he has his own little motorbike and he roars around, and they sit on your lap steering down the tracks or around the paddocks.

Mr Venning: He's not hooning, is he?

Mr PEDERICK: He is not hooning at all; he is very careful. It will be the second son that I will have to watch. Be that as it may, this is very serious legislation, even if it says only one life—although I think it will save a lot more—or save some of the maiming and destruction that occurs on our roads. The end result of a lot of these accidents is that families get torn apart; parents fall apart because of the loss of their young ones. I commend the bill, and I look forward to its speedy passage through the house.

Mr VENNING (Schubert) (17:29): I was not going to speak, but I will say just a few words in relation to this bill, because the opposition does support it. Listening to the member for Hammond I am reminded of the speeches I have made in this house in relation to the terrible deaths of young people in the Barossa Valley, and it would be remiss of me if I did not raise that here.

There has been a very tragic series of events, much of which could have been avoided, and a lot of it has been related to driver attitude. I do not believe that any of these young people, particularly the lads, are bad people, but they get behind the wheel of a vehicle—often not an appropriate vehicle for these lads to drive—and do some foolish things. What was particularly tragic was that the last lad we buried had actually done the eulogy for one of the other lads five or six days earlier.

That really sent a message, it really sent the horrors right through the whole community, and it spurred people to action. We had meetings, the police had forums, the schools had

educational programs, because it really tore the heart out of the community. In this instance, the road conditions were partly to blame, but these young lads drive these cars inattentively and are also hoon driving. The problem is the mentality of 'It can't happen to me.'

We were all young once—I know the member for Hammond was—and I can say that I was the proud owner of an EH Holden. When my father was away we pulled the exhaust pipe off and put on a two inch Lukey system, and at about 11 o'clock at night we were going up and down the main street of Crystal Brook. I confess that, after all these years. If police had been around the place, I probably would have been booked for excessive noise and everything else. Luckily, in those days, the cars were not fast enough and there was not the traffic around, and the danger was not so great.

Mr Pederick: What did you have, a 149?

Mr VENNING: No, it was a 179. It was a powerful machine. I was very proud of it, I can tell the member. It was a Hydramatic and, when you put the gear down, it burbled beautifully as it changed through the gears. I was very proud of that car. As I look back, I think I should have kept it.

The Hon. M.J. Atkinson interjecting:

Mr VENNING: No, luckily, I did not have any offences at all. It is only in my recent history that I have had this difficulty. I note in today's paper the huge increase in speeding fines, and I believe the government is revenue raising—the drop in speed limits has raised a huge amount of money for the government.

I come back to this driving problem. We must do anything we can to send a message to people, particularly the lads who have a careless moment. They know if they get caught for hoon driving there are things that can happen. Their cars can be clamped and, for the worst offence, they can have their car crunched. I think that is a little over the top, personally. I believe the car should be confiscated, but to see it crunched is a total waste.

I believe an education process should be implemented through the schools, and I know the schools in the Barossa are doing that. It is not sensible for young lads to buy a two-door V8 imported from Japan as their first vehicle. A lot of the vehicles that are imported are pretty cheap because they have done 50,000 kilometres in Japan. These cars are extremely powerful and the bodies extremely light. They barely pass Australian standards—apparently they do, but only just. The father of one of the lads who was killed was going through the reasons that this happened and said he did own that car. Everyone said the lad was not stupid with it and that it was the car that killed him. I do not think the family would mind my saying that when he was found he had a CD in his hand and he had been changing the CD.

This is the sort of thing we should educate kids about. The story is, 'It can't happen to me,' and I suppose I was the same. We all say it. Well, it does happen to us. So, we should do anything we can to send the message, even if it is by these draconian methods of clamping and crushing cars. If it sends a message, it is worthwhile, and we in the opposition support it. I hope it works.

The Hon. I.F. EVANS (Davenport) (17:33): I will not hold up the house for long. In relation to the crushing of vehicles, the opposition supports this particular—

The Hon. M.J. Atkinson: You say that, but you have never sat down short of 20 minutes, so we are ready.

The Hon. I.F. EVANS: The longer the Attorney interrupts, of course, the longer the speech goes. In fact, at this stage, Madam Deputy Speaker, he has spoken longer during my contribution than I have.

I only want to deal with the aspect of the crushing of cars. It is my view that, while the power to crush should be there, that should be the absolute last resort. I think if you are taking someone's asset away from them (which is already allowed in the act and this is extending the offences it relates to), it should be put to some community good. I think that crushing should be the last resort and, rather, we should sell them to charity. We could gift them to Meals on Wheels, the Royal District Nursing Society or other organisations that—

The Hon. M.J. Atkinson interjecting:

The Hon. I.F. EVANS: No, the high-powered ones can be scaled down and reformed.

The Hon. M.J. Atkinson: Let me introduce you to the Mitsubishi Colt with a V8 engine lowered into it!

The Hon. I.F. EVANS: Yes, that is fine. The Attorney says a Mitsubishi Colt with a V8 engine. Give that to a school to strip down to teach the kids about how cars work. A car club at the school I went to did exactly that; they stripped down and rebuilt the same car for decades. You can give it to schools; you can take it to the prisons to teach prisoners skills about mechanics and dent knocking and a whole range of things. I think that crushing should be minimal and should not be used just for the media stunt that it will be paraded as. I think that, if you are going to take someone's asset off them, ultimately the government should put it to some community good.

Mr WILLIAMS (MacKillop) (17:35): I might use my whole 20 minutes: I have a lot of thoughts on this matter. This is an interesting subject, and this parliament spends a lot of its time debating changes to the relevant statutes trying to control the carnage on our roads. I have been wondering for some time whether we are getting it right, and I suspect that we are not. The member for Schubert made the point (as have I think some others) that we are certainly collecting a lot more revenue. The revenue collected from road traffic fines has increased substantially in the term of this government. I am not too sure—

The Hon. M.J. Atkinson: It doesn't pay for even a fraction of the cost of the police.

Mr WILLIAMS: No; I am not suggesting it does. Are you suggesting that is what it should do?

The Hon. M.J. Atkinson: No. I am just telling you—

Mr WILLIAMS: I never suggested that it did. I never suggested that the revenue derived from traffic fines was designed to pay for the police. I always thought it was designed to have a deterrent effect.

The Hon. M.J. Atkinson: It is.

Mr WILLIAMS: What on earth has that got to do with paying for the police? The Attorney has probably had an opportunity to speak on this bill and will have a further opportunity to speak on it, and we would all be a lot better off if he refrained from interfering in the debate and the contribution of other members and let the house get on with its business instead of making inane comments.

The Hon. M.J. Atkinson: The revenue raising claim is nonsense.

Mr WILLIAMS: The revenue raising claim is not nonsense, as the Attorney well knows, and many members of the Labor Party when in opposition made the exact same claim.

The Hon. M.J. Atkinson: Not me: I'm a cyclist.

Mr WILLIAMS: Many have. I can say for a fact—

The Hon. M.J. Atkinson interjecting:

The DEPUTY SPEAKER: Order!

Mr WILLIAMS: —because the police have told me themselves (and I have made the point before), that when you drive on the road between Stirling and the Victorian border down the Dukes Highway, the last 17 kilometres of the road from Bordertown to the border has a speed limit of 100 km/h. The rest of the road has a speed limit of 110 km/h. The last 17 kilometres of the road has been completely rebuilt in recent years at a cost to the commonwealth government of $15 million. It is the best piece of road between the Victorian border and Stirling but it has a lower speed limit and is policed more heavily than any other section of the road—and the Attorney-General will try to convince me that there is not an aspect of revenue raising with regard to the laws that he and his government bring before this place. I am not convinced, and therein lies the reason why I am contributing to this debate.

Mr Kenyon: No; you just can't help yourself.

Mr WILLIAMS: No; I can help myself, actually—unlike the Attorney, who makes a habit of spending most private members' time here interfering and interjecting the whole way through because he can't help himself. I agree with the comments that were just made by the member for Davenport and, in my opinion, we run the risk of having a different penalty set for the same offence because of the different values of the various cars that people drive.

So, we have driver A who commits an offence driving what can only be described as a bomb that he has probably picked up for $1,000. He commits the offence and potentially crashes his car. He will go before the court and possibly lose points or lose his licence, possibly be fined and possibly have his car crushed. That will have a certain impact on him. Driver B commits exactly the same offence but in a much more valuable car. He goes before the court and gets a loss of licence (not dissimilar to driver A), gets a fine (not dissimilar to driver A), but with the potential to have a much more valuable vehicle crushed. It seems inequitable to me to suggest that this is the way to go forward.

I have real concerns about attitudes to driver behaviour. The member for Schubert keeps saying that we need education in our schools, but I am yet to be convinced of the value of some of these education programs. If education worked and overcame the desire of particularly young people to do silly things, I think we would have seen the cessation of smoking many years ago. The very fact that young people still take up smoking in significant numbers suggests to me that education does not overcome their inner thoughts which, as I think the member for Schubert also said, suggest to them that they are bulletproof—therein lies part of the problem, I believe.

There is always public discussion about increasing the driving age. I think even more legislation is about to come before us to make it more onerous for young people to get a driver's licence. I am sure that, in controlled situations, lowering the age where people can get entry into driving might be better, starting people driving at a much earlier age.

I think the member for Hammond made a comment about his young sons riding around on a motorbike on his farm—including an eight year old. They are not bad kids, either; nothing like their father—they are very fortunate with their mother.

Mr Pederick interjecting:

Mr WILLIAMS: No, I take all that back as I would be misleading the house. I ensured that all of my children learnt to drive at the age of 10. By and large, they have been pretty responsible drivers. I am not sure whether it is just—

An honourable member interjecting:

Mr WILLIAMS: Yes, I am not too sure. I think my children were very fortunate to have the opportunity to grow up on a farm where they could learn to drive at a very early age. One thing I do know is that as they graduated to receiving their driver's licences and went out with their young friends in their late teens and early 20s, they never felt that they had to prove anything.

Part of the problem, I think, is that as a parliament and as a society we have put so much emphasis on this that young people think that there is something to be proven out there. We have to recognise that, as a state, we worship motor sport. We put a lot of state resources into supporting motor sport.

The Hon. M.J. Atkinson: For a good return.

Mr WILLIAMS: For a very good return. However, I think we should question whether there is some impact on the mental state of young people. I was at the Clipsal 500 some years ago and saw a demonstration of motorbike—

The Hon. M.J. Atkinson: You are always there in the state suite.

Mr WILLIAMS: No, I am not always there in the state suite. I have not been in the state suite for probably five years.

The Hon. M.J. Atkinson: But you have been there.

Mr WILLIAMS: I have been, on several occasions in the time that I have been a member but I am certainly not always in the state suite. As I said, I doubt whether I have been there for five years, for the Attorney's information. In the time that the Attorney has been in government, in the past seven years, I think I have been twice, possibly once. I will say twice just to be sure.

Mr Kenyon: I can check for you, if you like.

Mr WILLIAMS: You can check and, if I am wrong, I will apologise. It is not something that I make a habit of going to. But I have been there and I have seen V8 utes being raced, doing ringies and making a lot of smoke. I have seen motorbikes doing the same thing.

The Hon. M.J. Atkinson interjecting:

Mr WILLIAMS: Yes; and the young people see this and they do cheer wildly, yet we say to them, 'Don't do this at home.'

The Hon. M.J. Atkinson: We say a lot of that: 'Don't do this at home.'

Mr WILLIAMS: Yes, we do. We do say a lot of, 'Don't do this at home.' I am just making the point that I happen to think that is a very big ask. Kids do learn by watching their elders and kids do take note of what other people do. Thousands of us watch the Clipsal and watch the V8 utes doing ringies on the tarmac. I am not surprised that a couple of kids actually say, 'Gee, I wouldn't mind having a go at doing that at home or down the street.' I am not too sure that that is not what happens in the back of the mind of at least a few young people in South Australia. I think we might be accused of being a little hypocritical in some of the legislation we bring before this place.

I think just about everyone in our society has been touched by road trauma. There are not too many families who have escaped either having family members or very close friends seriously injured or even worse. It is something which pervades our society. I know it is something which I have been close to over the years. I know that it is a terrible experience for families. I just question some of the things that we do and claim that we will make a huge difference, I really do.

I certainly will take the opportunity yet again to reiterate that the policing effort put into those stretches of our highways where the road speed drops from 110 to 100 proves that there is a large element of revenue raising, and I think that in itself is counterproductive. When the community loses faith that the measures we are taking are designed purely with road safety in mind, I think we begin to lose the battle, and that is why I have argued and will continue to argue the point that revenue raising from traffic offences does not help the road trauma that we are trying to address.

The Hon. M.J. Atkinson: There shouldn't be any fines.

Mr WILLIAMS: No, there shouldn't be any fines, Attorney. When you are driving along the Princes Highway—

The Hon. M.J. Atkinson: Hang on, you shouldn't have fines for traffic offences?

Mr WILLIAMS: No, I never said that.

The Hon. M.J. Atkinson: Well, what did you say?

Mr WILLIAMS: I will tell you what I am saying. You have been chatting away and you come in after I finish making a point and ask, 'What am I saying?' So, you are asking me to repeat it all.

The Hon. M.J. Atkinson interjecting:

Mr WILLIAMS: No, I never said that at all.

The Hon. M.J. Atkinson: Then, what did you say?

Mr WILLIAMS: I said that it is my belief that, when it becomes obvious that the way in which we police traffic offences is more about revenue raising than ameliorating the road toll, the community loses faith, and when you do that, you start to lose the battle to win the heart and mind of the people.

The Hon. M.J. Atkinson: There shouldn't be fines for what?

Mr WILLIAMS: I said—

The Hon. M.J. Atkinson: You said there shouldn't be fines.

Mr WILLIAMS: No, that is not what I said at all.

The Hon. M.J. Atkinson: I think we will look at *Hansard*.

Mr WILLIAMS: No, you go back and read the *Hansard* and you will understand. You, indeed, Attorney, sought to put words into my mouth.

Mr Kenyon: You said that twice.

Mr WILLIAMS: No, I was repeating what he had said. For the record, Madam Deputy Speaker, I did not say and I certainly did not mean that there should not be fines for road traffic offences.

The Hon. M.J. Atkinson interjecting:

Mr WILLIAMS: No, I think it should not be made obvious, and I think it is obvious that many of the fines collected are more about raising revenue than they are about ameliorating loss of life on our roads.

The Hon. M.J. Atkinson interjecting:

Mr WILLIAMS: It has nothing to do with the cost of the agency, minister. The reality is that, when you drive through my electorate along the Princes Highway, you get to Meningie. You have driven all the way to Meningie at 100. From Meningie to Salt Creek—that is 60 kilometres—the speed limit drops to 100 km/h. From Salt Creek to Kingston, the speed limit goes up again to 110 km/h. The reality is that the quality of the road in that 60 kilometre section is no worse than the other parts of the road, but it is policed more heavily—that is what the police officers tell me—and people are being fined because they inadvertently are driving on a road where the speed limit changes. That sort of behaviour by a government—

The Hon. M.J. Atkinson interjecting:

Mr WILLIAMS: I am making the point, Attorney.

The Hon. M.J. Atkinson interjecting:

Mr WILLIAMS: Excuse me, minister, that did not happen under our government. For the minister's information, it occurred under minister Michael Wright, as transport minister, when he lowered the speed limit between all of the country towns down along the Victorian border. So, when you drive from Mount Gambier to Casterton, it is 100 km/h. When you drive from Penola to Casterton, between Penola and the border it is 100 km/h.

As I pointed out earlier, when you drive from Bordertown to the border, the speed limit is 100 km/h. It has nothing to do with the state of the road, as I pointed out earlier. The best piece of the Dukes Highway, the best piece of that road between the Victorian border and Stirling is that piece between Bordertown and the Victorian border, but it has the lowest speed limit on it—and it is heavily policed. That is the point I am making. In my opinion, it is counterproductive—

The Hon. M.J. Atkinson: You won't be saying that when you are over here.

Mr WILLIAMS: I think I will be, and it won't be long and I will be over there. Madam Deputy Speaker, I think I have made my point. I would not have taken 16 minutes if was not for the Attorney; I would have taken about six minutes. I apologise for holding up the house for much longer than I intended, but I did want to make a couple of points, and I think I have made them, with no thanks to the Attorney.

Bill read a second time.

In committee.

Clauses 1 to 4 passed.

Clause 5.

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

Page 3—

After line 8—Insert:

(1) Section 5(5)—Delete 'A motor' and substitute:

Except as provided in section 16(3), a motor

After line 8—Insert:

(5) Section 5(6)(b)—Delete 'prescribed' and substitute:

clamping or impounding

In the second reading, I noticed that the measures in this bill represented an initial and immediate response by the government to the increase in prominence in hoon and dangerous driving by some sections of the public. Since the second reading, the government has filed more amendments to the bill. These amendments continue to build on the initial measures that combat hoon driving.

Amendment No. 1 seeks to permit temporary clamping by the relevant authority, namely, SAPOL, on a public road or other area of a kind described by regulation. It is consequential on the

amendments to section 16(3) of the parent act. SAPOL has advised that police resources are being inefficiently used when patrol members who seize a vehicle under the authority of the act are required to wait by the roadside until a tow truck arrives.

SAPOL further advises that patrol members have, on occasions, waited with a seized vehicle for two or three hours for this to occur. Once clamped on the roadside a tow truck will then be requested to attend the scene and remove the vehicle to a designated SAPOL impounding yard. This obviates the need for SAPOL officers to wait alongside a vehicle seized on a public road for the tow truck to arrive to take it away.

The general prohibition of clamping on public roads or other areas of a kind prescribed by a regulation will remain under section 16(3) of the act but this will make an exception. The practical effect of the amendment to section 16(3) will be to permit SAPOL officers to affix clamps temporarily—or any other locking device—to a motor vehicle on a public road or in any other place to secure the vehicle until it can be seized or moved a short time later.

Mr HANNA: I also have an amendment to clause 4. Shall I speak to that now?

The CHAIR: We have passed clause 4. Clause 5 is under consideration now.

Mr HANNA: At what point shall I move that clause 4 be recommitted?

The CHAIR: At the end of the consideration of the bill in committee you can seek to have the matter recommitted. Are there any matters on amendments Nos 1 and 2?

Mr HANNA: It may sound old-fashioned but the basic principle underlying this measure relates to the ability of the police to take the car off someone and, of course, clamp it. I may sound old-fashioned but I still think that the courts are the appropriate agency to impose punishment on our citizens when they do something wrong. I am certainly not against punishment, but I do think it should be the subject of a court order.

I realise that the contrary argument is that this is merely some kind of confiscation, in the same way as police might confiscate a weapon if it were used in an assault. However, the way that this is developing, this legislation is increasingly being used as a method of punishment, and I maintain that it is not the best way to make laws to have the police able to punish people before they have a right to redress in court.

The Hon. M.J. ATKINSON: I am glad that the member for Mitchell said that. When we first introduced the hoon driving laws back in, I think, 2003 or 2004, he was the only member of this house to oppose them. He opposed them in the house; he spoke against them. I have a transcript of his appearing on the Matthew Abraham and David Bevan program speaking against the law that I introduced.

I certainly intend to circulate his remarks to people in Sheidow Park, Trott Park, Marion, Mitchell Park and other areas of the state district of Mitchell, because it is very important that they know that the one member of the House of Assembly who is opposed to our measures against hoon driving is the member for Mitchell.

Progress reported; committee to sit again.

INDEPENDENT COMMISSION AGAINST CORRUPTION (NO. 2) BILL

Received from the Legislative Council and read a first time.

WILLUNGA BASIN PROTECTION BILL

Received from the Legislative Council and read a first time.

CORONERS (RECOMMENDATIONS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

At 18:02 the house adjourned until Tuesday 27 October 2009 at 11:00.