

HOUSE OF ASSEMBLY

Thursday 10 February 2011

The **SPEAKER (Hon. L.R. Breuer)** took the chair at 10:30 and read prayers.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (EXEMPTIONS AND APPROVALS) AMENDMENT BILL

The Hon. M.F. O'BRIEN (Napier—Minister for Agriculture and Fisheries, Minister for Forests, Minister for Energy, Minister for the Northern Suburbs) (10:31): I move:

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

UNIVERSITY OF ADELAIDE (TRUST PROPERTY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 November 2010.)

Mrs VLAHOS (Taylor) (10:32): I wish to speak on this bill today that the member for Bragg has tabled with her proposed amendments to the University of Adelaide Act 1971 section 4(7), with particular reference to the sale, mortgage or change to any land vested in or conveyed to it by the trust. This amendment is not supported.

Effective use of the university's assets is essential to providing the highest quality educational opportunity to their students, whether they be local or international. This government recognises that our South Australian universities are generally well run, audited by a number of organisations and have such strategic and good governance processes in place that we should have trust in them. Such good governance mechanisms are part of the scope of an audit undertaken by the South Australian Auditor-General's Department and the Australian Universities Quality Agency, to name but two instances.

Therefore, it is understood that when a bequest is made, a university's senior executive would consider the terms and conditions carefully before entering into any such arrangements. It then follows that such arrangements would be entered into only if they were conducive to the long-term vision and direction of a particular university.

Such bequests are private arrangements between the benefactor and the university. Their arrangements should remain between those two parties unless there is a dispute or demonstrable noncompliance with the spirit of the bequest. At this point there is no evidence to suggest the University of Adelaide did not comply with the trusts underpinning the bequest of Martindale Farm, Munduney Station and Moralana Station. The university has explained that these properties were listed within Martindale Holdings Pty Ltd and not separately listed in university reports but identified through the global reference.

The university is dependent, to a large extent, on commonwealth government grants, which may be approved for general spending or for specific purposes. In addition to these sources of funds, the university receives student tuition fees and charges, endowments, general bequests and sponsorships. The university is accountable by the provisions of its act through regular audits by the South Australian Auditor-General's Department as noted above.

The university's major product and service is the provision of higher education and research. Universities are very complex business entities these days. The requirements of a university in the 1960s were very different from those of the 21st century. Many of the students currently enrolled at the University of Adelaide will, in their working lifetime, be engaged in careers that have not even been considered yet. There is a general community expectation that universities will provide the most dynamic and 'future oriented' learning opportunities possible. Therefore, the universities should be allowed opportunities to use assets to best benefit their business and reputation within a highly competitive international environment.

It is appropriate that benefactors will want to have confidence that their bequest(s) are treated with respect and with the general or specific direction agreed. South Australian universities are well served by pro-active and talented councils whose professional and personal expertise is recognised. I have confidence that the universities have recruited to senior executive positions individuals with sound backgrounds and significant talent. For example, the University of Adelaide's Service and Resources Vice-President was a senior executive of the South Australian Treasury;

the vice-chancellor is highly respected nationally and internationally and is implementing strategically his research vision for the university's future through an ambitious plan for infrastructure. The university's council is advised by its Audit, Compliance and Risk Committee, and much of this audited information is available on the university's and other websites.

The member for Bragg notes 2003 amendments to the three South Australian universities' acts to be based on a principle of providing 'greater autonomy in the handling of the university's own affairs, including its financial affairs and, in particular, the capacity to be able to buy, sell, lease, encumber or deal with its assets, and particularly real property.' The member for Bragg also makes reference to the properties of the North Terrace precinct.

This compounds current consideration of properties acquired by trusts as the North Terrace campus does not constitute such a category of facility and therefore cannot be disposed of without government consideration. South Australian governments have contributed in donations, payments, financial and in-kind, over many years, but it is not this campus that is being considered for selling, leasing or other encumbrances.

In referring to specific properties, the member for Bragg notes their appreciation over time. She does not, however, refer to the ongoing maintenance costs of such buildings. The University of Adelaide has advised that it is not appropriate for it to conduct its teaching, learning and research through such small 'specimen farms', especially as the Roseworthy Campus Farm, a large property of some 1,600 hectares, is being enhanced through major university and state capital investment.

The member for Bragg has asserted that the university's decisions are part of an overall context within the 'government's abandonment of its commitment to primary industry, etc.' To the contrary, Roseworthy is continuing its pioneering role with a strategic vision for the 21st century that focuses on combining and integrating resources with campus partners and rural industries to develop the campus as a hub of learning and new technologies for the rural community. This supports the state's agribusiness and exports.

Campus partners include Technical and Further Education SA (TAFE), Primary Industries and Resources SA (PIRSA) and the South Australian Research and Development Institute (SARDI). Roseworthy is also the location for collaborative centres such as the Pig and Poultry Production Institute (PPPI), which is part of Livestock Systems Alliance (LSA).

The SPEAKER: Order! There is a lot of background noise. Can you just keep your voices down a little? It is quite okay for you to chat, but don't yell; I can actually hear what is being said on the chamber floor.

Mrs VLAHOS: Thank you. Roseworthy has made an invaluable contribution to the education and careers of many local, state, national and international identities over many years and across a range of industries, including agriculture and viticulture. The campus is home to several cooperative research centres (including Pork CRC, Poultry CRC, Beef CRC and Bio-remediation) and the JS Davies Beef Cattle Research Centre.

Australian Grain Technology Pty Ltd is the largest cereal breeding company in Australia and one of the largest in the world, and it has made Roseworthy the centre of its national operations. Roseworthy is once again leading the way in servicing the vitally important agricultural sector of South Australia.

The Roseworthy campus has been reinvigorated with the re-establishment of the highly successful bachelor degree in animal science, attracting more than 50 students per year; and, building on this success, an annual intake of approximately 62 students in veterinary science. The Roseworthy and Waite campuses are recognised as centres for excellence in agricultural science, and their reputation underpins the Bachelor of Agricultural Sciences.

The head of the school of Animal and Veterinary Sciences is Professor Gail Anderson who runs the bone biology section. The deputy head of Animal and Veterinary Sciences, Professor Phil Hynd, runs cutaneous biology, and he has been involved in the sheep CRC and developing improved techniques in mulesing sheep. Therefore, it is evident that the Roseworthy Campus of the University of Adelaide is one example of ongoing contributions to and development of agriculture and education in South Australia.

It is not necessary to amend the provisions of the trust properties granted to any university to ensure that this type of valuable work continues.

Mr VENNING (Schubert) (10:41): This amendment bill has been introduced in response to the University of Adelaide's decision last year to sell off three mid-northern properties: Martindale Farm, Moralana Station and Munduney Station at Spalding, which I am very aware of and which were bequeathed to the university to encourage education and to provide agricultural education facilities.

The combined value of these properties was in the tens of millions of dollars, and I commend the member for Bragg for bringing it to the house because it has been quite a sensitive issue in rural South Australia and, indeed, here in Adelaide. These three properties were not bequeathed just to be sold off with the cash going into general revenue, lost to the cause.

When the sale was announced last year, the rural community was outraged, and I believe rightly so, particularly with the information that was around. There has been some softening of that impact, but there is still a lot of concern. I am sure that, if these generous benefactors knew that their properties would become just cash cows, they would not have bequeathed it and they would never have been so generous.

The sale of these properties—the three of them—raised concerns regarding the decision to sell any property bequeathed to the university, particularly when it had been a good income provider, not just an asset for sale. In 2003, three bills relating to each of the three universities in South Australia were debated in this house. They were passed (and I participated in that), which allowed the universities greater autonomy when dealing with their affairs, including their finances, and the capacity to be able to buy, sell and lease the assets.

These reforms included an obligation to the University of Adelaide to secure cabinet approval for any sale or lease relating to the substantial property that it owned, including the North Terrace precinct and the Roseworthy and Waite campuses. However, Martindale Farm, Moralana Station and Munduney Station were not included in the list of assets for which the university needed to secure cabinet approval, and thus were not considered during the 2003 debate, and I think more is the pity, Madam Speaker.

This bill seeks to amend the University of Adelaide Act 1971 to ensure that, in future, any assets, such as these three properties, will be protected as will any future bequests. I am unhappy, and I vented my anger at the time, that, in some cases, these properties have been sold (or soon will be sold) and therefore lost to the agricultural education sector at a time when PIRSA has been gutted by the state government and food security is becoming a prominent issue.

I cannot understand why the highly-regarded University of Adelaide would also make a decision that will impact heavily on future agricultural research and development. We had a briefing on this the other day—a couple of my colleagues were there—with the Roseworthy people and also the University of Adelaide through Mr Martyn Evans, the Chairman; a man of many hats, past and current. I raised several matters with him, particularly the future of Roseworthy College, the campus itself, because there were rumours running around that certain sections of the property were to be sold as well, particularly under this huge new development expansion which has been currently going through at the moment where there are thousands of new housing allotments to be allocated just to the west of Roseworthy town. I was very concerned about what that would do to the college.

I was told by the chairman, Martyn Evans, that, no, the college lands would not be included, and I hope that means they never will, but we certainly need to be very careful about that. Also, I was assured (and we were shown quite clearly) that some of the money from the sale of these projects would be going directly into the Roseworthy campus, particularly in relation to the agricultural veterinary science sector—a great facility. I certainly appreciate having the facility there but I still believe that money for projects like that should be coming out of general revenue.

I did hear the argument and I was thankful to the group, particularly Mr Evans, to be able to brief us and show us, but I am still very concerned particularly about places like Martindale Hall. There is a lot of history and beautiful land to boot, and it should have been kept for community use in relation to education, and, likewise, Munduney at Spalding. My wife was a neighbour to that property and I knew it well even from the Davies family many years ago and it was run pretty effectively by a very good manager. I cannot understand why that could not be kept for the training of young farmers to go on site to work on these properties—an actual commercial farm in operation, not just a cellared education without experiencing the real world. Moralana is another great property that was bequeathed to the state.

I have a difficulty: if the bequest or the wills specifically gave us the power to onsell these, I would be comfortable with that but it is not there. I am sure the people gave them to the state of South Australia, like the Waite Institute out here. All these properties were given to the state and, to see them cashed out now, I think is pretty poor.

I am not convinced. Even though Mr Evans has a great manner with him and is very persuasive, I still have this concern and I am very pleased that this bill is before the house. Part of the Martindale property has already been sold, apparently, for \$13.7 million; Moralana has been sold; I do not think that Munduney has been sold yet. Unfortunately it is too late for these assets, but this bill will ensure that any future sale of such assets requires cabinet approval at least prior to proceeding. I support the bill.

Mr PEDERICK (Hammond) (10:47): I rise in support of the member for Bragg's bill. Much has been covered by speakers in this place, including the member for Schubert, about the sale of the properties—Moralana Station, Munduney Station and Martindale Farm—by the university. The issue here comes back to what recurrent funding has been available from the federal government to support further education at the university and what state funding is going to support the education, especially of rural people in this state.

What bothers me and the whole rural education scene in this state is that everything seems to be coming down to a few acres at the Waite Institute and I think there are many reasons for that. I have been very troubled in the past few years about the future of Roseworthy and whether that institution is safe into the future, and I mean the very long-term future of agricultural education in this state.

We have seen many courses cut that used to be run out at Roseworthy. We had the horse course. Viticulture was a big course out there which has now come into Adelaide and a lot of the Ag. science courses are now mainly run out of Waite. I was very concerned that, with the way things were going at Roseworthy, it was getting run down to almost nothing. Thankfully, there has been an injection of funds to put in the veterinarian school out there, and I was fortunate to be at the opening of that with several other members. It is a fantastic facility and may it be well used and maintained. It provides a great impetus to get up to 450 or 500 students, I believe, back into that campus. I think that before that happened, we were at very real risk of losing a major facility for the state.

There are many concerns about these properties being sold by the university. They were bequeathed to the university, and it uses the excuse that they were only bequeathed for 20 years and they have kept them for 40 years. Well, is it good enough for the people of this state, though, to see these very good income earning assets sold off so that other items on the university's learning agenda can be propped up? I do not think so. They should have been retained by the university. They were forgotten about in the earlier legislation, and legislation should have gone through before any sale could proceed.

I said that I would be succinct with my remarks, but I reiterate that, as the shadow minister for agriculture, I am very concerned about primary industry education in this state. I am concerned about the build-up and spread of the suburbs, and I know there will be a lot of pressure on Roseworthy to retain all its property from developers out there. You hear all sorts of rumours all the time, but all I can say is that Roseworthy had better be kept as it is, with all the acres that are attached to it, in its present form. We do not want to see things like this going away and the foot off the pedal with agricultural learning experience in this state.

Finally, we have already seen one problem this morning where this government has just taken its eye off the ball, as far as supporting our local primary producers goes, by importing Chinese apples into the health department. It is interesting that after a little bit of media that decision has been overturned.

So, someone does not have their eye on the ball. This government has taken its eye off the ball with primary industries in this state, using it as a cash cow to prop up suburban projects—\$180 million over four years ripped out of primary industries support and 180 jobs. It is not good enough for the future wellbeing of agriculture in this state. I support the bill.

Mr VAN HOLST PELLEKAAN (Stuart) (10:52): I, too, rise to join my colleagues in support of the member for Bragg on this issue. Two of the three properties that are being discussed at the moment are actually in the electorate of Stuart, and they are the significant primary production agricultural properties of Munduney and Moralana. I know that Martindale is in the electorate of Frome.

I would just like to put a few thoughts forward on behalf of the people of Stuart and, probably more broadly, the people concerned about agriculture and primary industries. This is one of our most important industries. South Australia has no future if we do not stay strong and get stronger in regard to agricultural production. It concerns me that the university will relinquish properties that were bequeathed to it to support, grow and improve training in that area.

In regard to training in that area, it is not good enough just to move towards a world of virtual training. It is not good enough to move towards a world where we learn what we can in classrooms from books and from the internet and take visits out to other properties. I think the university has had for a long time now a wonderful resource in owning these properties, which did actually make money. It is not as though they were a burden; it is not as though they were a problem; they did actually make money for the university.

The opportunity to do that training, to control it yourself, to be involved in it, to set programs and tasks exactly as you would like to in the university, instead of having to use other places and other means to undertake the practical side of the training, I think is very, very important, and I think it is a shame to let that go.

This really does flow on right from the nuts and bolts of the pastoral industry, from cattle or sheep all the way through to important grain growing practices that would be learnt at Munduney and other areas. There is a lot more to this. I know, from having lived in the Outback for seven years, that you can learn all the book work, accounting, staff management, you can learn all the skills that you might need for your business or practice, but until you actually do them when it is 40° to 45° and you are having to sit by the air conditioner, you are hot and sweaty and trying to keep your computer and paperwork and all of that sort of thing together, it is not the same.

If we are going to train people to be future pastoralists, for example, they do not really know what it is like to be doing their book work if they learn it all in a classroom in Adelaide. They need to be learning what it is like to do their book work out on a station, out in a remote place, out where it is anywhere from 40° to 50° on any given day. So, I think that some of those nuts and bolts practicalities may have been missed in the system here, and it is a shame to lose those properties where you can control every little bit of the training.

I will also comment briefly on the social implications of this bill. I can give a very real world example of the community of Spalding, which has just lost its school bus. Who may or may not come to live at Munduney after it is sold may or may not make the difference on whether that school bus is available for the Spalding Primary School. Right now they are just below the cut-off. If a new family comes they will be just above the cut-off, if they have kids for that school.

I do not expect the University of Adelaide to be making its commercial decisions based on the Spalding school bus, but I use that as an example of the importance of these properties to the community and to South Australia far more broadly than just the technicalities of what the university might think it can or cannot teach its students and how it might be able to do it in another way and release the capital and use that capital in some other way.

I am not pretending that this needs to be the biggest issue for the University of Adelaide but it is a very important real world example. If the community of Spalding loses its school bus, then for the kids who live between Spalding and Clare, or Spalding and Jamestown, or any other community, they will say, 'Well, there's no school bus here. We will go to the other town.' The next thing you know they lose their school, they lose the shop and Spalding is potentially in all sorts of trouble.

I will not labour this point because people in this place have heard me talk about this a lot: school buses are critical. I just use that as a really good example of the impact of selling these properties, and there are lots of other examples. One other example that I will comment on is my concern that lots of pastoral properties, pastoral leases, are being taken out of pastoral use. Technically, pastoral leases in Outback South Australia are being used for non-pastoral purposes. I do not object to that per se. Some of those uses are quite sensible and quite practical and I support them, but it is a trend that concerns me.

For a strong pastoral industry, as with many other industries, you need a critical mass. It makes it so much easier if your pastoral property is surrounded by pastoral properties. You will then be much more efficient and your operations and all of the other operations will work much better together. So, every one that is taken out of pastoral use hurts the rest of the industry. That may or may not happen with Moralana. I am not suggesting that is automatic, but here is one that while it was owned by the University of Adelaide was guaranteed to be in pastoral use and now,

down the track in years to come, it may or may not. So, it is a small step but it is an issue that concerns me. Those are two social, community, but very real world issues that are attached to this.

I will leave it there. I support the member for Bragg and my colleagues who have spoken on this issue and I would like everybody to consider the broader issues associated with this decision, other than just the pure efficiencies, from the university's point of view, in meeting its curriculum objectives and simultaneously freeing up cash for other purposes.

The Hon. R.B. SUCH (Fisher) (10:59): I have a few words on this. I think it illustrates a couple of things, that when you donate to an institution, or in this case where something is bequeathed, I do not think you can rest in peace, literally, because when things are given in trust then the organisation may not do the right thing.

I am sure the people who donated these properties did not expect them to be sold off or, in the vernacular, flogged off for the sake of the university's finances. We see a parallel, going back a few years, with the University of South Australia and the campus at Underdale, which was paid for by taxpayers and then, for the sake of the real estate (I think a measly \$30 million), was sold off, including the Linear Park, which the government had to retrieve, and wonderful buildings were destroyed. In that case, the University of South Australia, like the University of Adelaide in this case, did not look at the bigger picture.

Universities are part of a community; they are not something in isolation. The taxpayer supports them heavily, and I agree with that; in fact, I would like to see the taxpayer support them more heavily. However, they have a responsibility in terms of, firstly, not breaching a trust and, secondly, making sure that the decision is not simply short-term monetary gain.

I touch on a point made by one of the members earlier about research. These may not have been prime areas for agricultural research (certainly not horticultural), but one of the things that has been happening in recent times, as anyone in the bush will tell you, is that there have been continual cutbacks and reductions in agricultural and horticultural research. Whether you look interstate or here, a lot of those institutions and facilities—Waite may be the exception; there has been extra money put in there—have been cut back, and there has to be a fight to save things like weed research.

If we want to lead the world in agricultural and horticultural production in terms of techniques, we have to invest in research. You cannot expect the average farmer to be doing that; they do not have the time and they do not have the resources, but collectively we need to do it. What we have seen in recent years is a continual decline in a focus on agricultural research.

I am not an agricultural expert, but I take a general interest. We have seen some progressive changes in tilling techniques that have been developed and changes in sheep production in some areas where they are moving into what are called 'cleanskins'. The member for Mawson probably thinks that is wine, but I am talking about Dorper and Wilty Poll and sheep like that.

The farmers themselves are moving to adjust and adapt to the new circumstances of the market and trade, and so on, but it needs to be backed up by community-funded and supported (out of their taxes) proper and adequate research. These three properties may not have been central to high-tech agricultural research, but it does move the university away from a focus on rural activities, which is another negative in terms of this particular outcome.

I express my concern, as I did in relation to the University of South Australia. They flogged off the Salisbury campus for peanuts and then they flogged off the Underdale campus and, in the process, the community has lost out. The university has improved its bottom line, but the community has suffered as a result.

Ms CHAPMAN (Bragg) (11:03): I thank members who have contributed to the debate on this motion to amend the University of Adelaide Act, essentially to ensure that, if the University of Adelaide in future is to sell properties as named, it does so with the approval of cabinet. It is a small ask.

I am disappointed to note that the only speaker from the government is opposing this motion and, indeed, not one minister came forward to speak on it. The reason I am particularly disappointed is because, whilst the member for Taylor has made a contribution, which I thank her for, clearly she was not here in 2003 when we debated this matter. She suggested that this was an issue available for debate in 2003, when clearly this parliament was entirely bereft of that

information, which was outlined in our contribution, which indicates a level of naiveté, perhaps, or possibly someone else prepared the notes for her presentation; I do not know.

I simply say this: we were completely in the dark on this issue. The fact that the government came back and said, 'We restructured the legislation some years ago to give universities autonomy', when they have failed to make this disclosure, in itself, should send alarm bells to her and every member of the government party, and particularly the ministers.

There are a number of aspects as to why this is important, not the least of which is respect for the bequests that have been made. But it is also the importance of making sure that we have a transparent process by the university, which deals with public assets and public money and which is a public institution.

The other aspect which is important, which I think in recent days has been confirmed by the government, is the announcement by the Premier that he is going to have a food marketing minister. This is so important for the state of South Australia that there should be a food marketing minister to make a contribution to securing South Australia's future economy on behalf of South Australians, yet they are not prepared to come in here and support a piece of legislation that would ensure that the government would have responsibility for making a decision in relation to assets that are available for the training and research for people who will be involved in the future in the food industry in this state.

It is staggering that they would not take the opportunity to come in and say, 'Yes, this is very important and, before there is a sale by a public institution of valuable property that is available for this purpose, we need to scrutinise it, therefore we will support the bill.' It staggers me that, in light of that decision, here today the only representative from the government came in and said that that will not be pursued.

It also comes in the wake of the decision by the government to pursue an amalgamation of the operation of SARDI, which the research arm of our primary industry department, with the university, and those negotiations are pending. That entity (SARDI) owns some \$60 million worth, I think, of assets—it might be more than that—in this state. Whether the Treasurer decides to keep it and flog it off, including the very valuable property at West Lakes, or whether he transfers it to the university, in which case the university will have permission to flog it off, are issues of importance, particularly when the government itself has acknowledged the significance of the food industry in this state. So, I am very disappointed about that.

I will place on the record that I have called upon the university leaders (that is, the Vice Chancellor, who I have had meetings with over a number of these issues, and the new Chancellor, the Hon. Robert Hill) to meet on these matters. I had an indication on 4 January from another colleague, who had met with the Chancellor, that he would be in touch with us about this bill. I place on the record that there has been silence from the university, absolute silence.

It is not up to them; it is a decision, of course, of the government—the government and its cabinet will have a role in any future sale. However, this will obviously impinge on aspects of their autonomy, so I would have expected to hear from them, but I suspect they know that the government has the numbers and that it will vote this down and they are going to leave South Australians bereft for it.

The house divided on the second reading:

AYES (19)

Brock, G.G.	Chapman, V.A. (teller)	Evans, I.F.
Gardner, J.A.W.	Goldsworthy, M.R.	Griffiths, S.P.
Hamilton-Smith, M.L.J.	Marshall, S.S.	Pederick, A.S.
Pegler, D.W.	Pengilly, M.	Pisoni, D.G.
Redmond, I.M.	Sanderson, R.	Such, R.B.
van Holst Pellekaan, D.C.	Venning, I.H.	Whetstone, T.J.
Williams, M.R.		

NOES (23)

Atkinson, M.J.	Bedford, F.E.	Bignell, L.W.
Caica, P.	Conlon, P.F.	Foley, K.O.

NOES (23)

Fox, C.C.	Geraghty, R.K.	Hill, J.D.
Kenyon, T.R.	Key, S.W.	Koutsantonis, A.
O'Brien, M.F.	Odenwalder, L.K.	Piccolo, T.
Rankine, J.M.	Rau, J.R.	Sibbons, A.L. (teller)
Snelling, J.J.	Thompson, M.G.	Vlahos, L.A.
Weatherill, J.W.	Wright, M.J.	

PAIRS (4)

McFetridge, D.	Rann, M.D.
Treloar, P.A.	Portolesi, G.

Majority of 4 for the noes.

Second reading thus negatived.

SHOP TRADING HOURS (RUNDLE MALL TOURIST PRECINCT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 November 2010.)

Mr BIGNELL (Mawson) (11:16): I rise to finish my contribution on this matter, which I started at the end of last year. There have been a few public holidays between the start of the speech and the end of the speech, and I would like to point out, being down in the electorate of Mawson, that it was wonderful to see so many people down there enjoying their public holidays. McLaren Vale and the surrounding beaches really are a great part of the world, and in the period over Christmas and the New Year it was almost impossible to get in for lunch at a lot of the restaurants because people were out there enjoying their time together with their friends and families. That is a really important part of life. It is not all about work and it is not all about shopping; and I think Christmas time, in particular, is a very good time for people to come together.

I will not reiterate everything I said at the beginning of my speech, but I have mentioned that Paris is the world's most visited city, yet it does not allow Sunday trading. So shopping is not the be all and end all of the tourism experience. We have fantastic tourism experiences in South Australia, and I do not think people will come to Adelaide for a trip based on whether or not Rundle Mall is open.

I also think that perhaps the mall could have a look at the environment there; there is certainly some room for improvement. I like the mall, I like the balls, and I like the pigs, but it is quite a noisy place with all the spruikers and PA systems—people playing electric guitar. I think something could be done to make it a bit more of a pleasant place to be.

I met with the Lord Mayor recently, and I like the work he is doing to try to encourage people to come to the mall in that period between 4 o'clock in the afternoon and 7 o'clock at night. I think that is a good thing to try to encourage, and his thoughts on that are that, if you get people there in between the shops closing and the restaurants opening, then you actually extend that time out and create a more vibrant city. That would actually go for Monday to Thursday every week of the year, apart from public holidays. So you would spread the trading hours and profitability. The companies would get a lot more out of his idea than they would just looking after a few public holidays each year.

I congratulate the new Lord Mayor on his election win. I know he has many visions, and I wish him the very best with all those. As I said at the outset of this speech, I do not support this at all.

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (11:19): I certainly support the measure that has been brought before the house by the member for Adelaide. Just on a couple of the comments the member for Mawson made about people down in his electorate in the Vales on public holidays; I am absolutely certain that those people would not have bothered going down to the Vales if they could not go into a restaurant, a café or a cellar door. There are indeed people—

The Hon. A. Koutsantonis: But they can.

Mr WILLIAMS: Absolutely; they can, because those businesses are operating on a Sunday or a public holiday. That is the point.

Mr PENGILLY: Point of order, Madam Deputy Speaker. Can I just ask that the minister goes to his seat if he wishes to make comment, instead of from down here?

The DEPUTY SPEAKER: That point of order can be upheld, I suppose, yes. Minister, if you wish to interject, please do it from your chair. Would you like to interject? I know you care about these things.

Mr Pengilly interjecting:

The DEPUTY SPEAKER: No; from his special seat. We will waste no more time. Member for MacKillop.

Mr WILLIAMS: I thank the minister for helping me make my point that those people who enjoy going to places like the Vales do so because people and businesses are prepared to work and remain open on public holidays. That is the very point. I thank both the member for Mawson, for making that point, and the minister, for helping to reinforce that point.

This set of regulations in South Australia are the most draconian shopping laws anywhere in this nation. I had the pleasure of being the shadow spokesperson for industrial relations a few years ago. I remember going through this particular question. I remember doing up a spreadsheet of all the other capital cities across Australia. Adelaide has the most restrictive trading hours anywhere in this nation, and we need to ask ourselves why we would do that.

Why would we again impose restrictions in metropolitan Adelaide which do not apply to the rest of South Australia? I happen to know that, throughout all of South Australia, outside of the metropolitan area, there is only one community where there are restrictions on shopping hours—only one—which happens to be Millicent, my home town. It is the only community, other than Adelaide, in the whole of this state that restricts shopping hours. There were previously similar restrictions in Port Lincoln, but they were overturned by the local community about 18 months or two years ago.

The reality is that, as a parliament, we sensibly overturned these regulations with regard to Jetty Road—that tourism strip down at the Bay—for very good reason. The member for Adelaide—the new member for Adelaide, because the people of Adelaide decided that the old member for Adelaide was not representing their interests—has brought on this matter, recognising that this is just as important to the tourism industry of this state as it is to Jetty Road, and she wishes to very sensibly overturn these regulations with regard to the Rundle Mall precinct because of the tourism industry.

We know that the tourism industry in this state is not doing nearly as well as it should be; it is not doing nearly as well as it is in the other states. I am not saying that this would be the be all and end all, the silver bullet, to recovering the tourism industry. We all know and, as the member for Mawson said, if you go to the Vales on a public holiday, there are lots of people there enjoying themselves. If you go down to Jetty Road on a public holiday, there are lots of people there enjoying themselves. If you come to Rundle Mall, where the greatest investment in retail has been made by some very progressive business people, it is dead. One reason is that, as a parliament, we say that consenting adults cannot trade on a public holiday in Rundle Mall. It is a nonsense.

I fully support the member for Adelaide for bringing this matter before the house, and I urge the house to support her. I lament that the SDA has taken even more control of the current government. This is the way this government works. It has nothing to do with them discussing it in caucus and coming to a sensible decision; it is about taking a phone call from the SDA, and then them all bowing to the wants and desires of that particular organisation.

So, unfortunately, I think this bill may not receive the support that it deserves; it does thoroughly deserve it. It is a nonsense to suggest that we should have these regulations in probably the most important tourism precinct in South Australia, yet we do not do it at Jetty Road. I will conclude my remarks.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice, Minister for Urban Development and Planning, Minister for Tourism, Minister for Food Marketing) (11:24): I just wanted to say a few words in relation to this matter because some of the argument in favour of this has been essentially put under the banner of tourism, which, of course, is

a matter that is of some interest to me. I just wanted to say a few words about this. The first thing I wanted to say is that, in as much as tourism is the genuine driver for this matter, members would be aware that there is already provision within the legislation for some flexibility. Indeed, on 20 February, tens of shops in the mall are going to be open at 9am to allow passengers coming into Port Adelaide on two cruise ships, the *Amadea* and the *Queen Mary 2*, to have an opportunity to shop in the city centre.

So, when we have what is demonstrably a tourism event, the legislation already provides an opportunity for that event to be catered for by retailers in the city. If that is the point that the honourable member is making, the good news is, those events are already covered; it already happens and the flexibility already exists. Everybody is happy about that.

What is being proposed here is that we actually, as I read the draft bill, are going to create a thing called the Rundle Mall Tourist Precinct, which presupposes that the Rundle Mall is somehow more significant as a tourist precinct than O'Connell Street, for example, or more significant than Tea Tree Plaza, or more significant than The Parade.

Members interjecting:

The DEPUTY SPEAKER: Members on my left, I think you—excuse me, member for Morialta—I think you will find that during your contributions the members on my right actually listened to you; so you can do the same thing. Thank you.

Mr Pengilly interjecting:

The DEPUTY SPEAKER: Member for Finniss!

Mr Pengilly: Hello!

The DEPUTY SPEAKER: No, that's completely inappropriate behaviour. It is a completely inappropriate way to address the chair, and if you carry on like that, I will just ask you to leave.

Mr Pengilly: There you go.

The DEPUTY SPEAKER: That was also inappropriate. Everybody's inappropriate. Okay, carry on.

The Hon. J.R. RAU: Thank you, Madam Deputy Speaker. As I was saying, if tourism is the genuine issue here, I have already explained that for a particular tourism event such as the arrival of large cruise ships the matter is already being dealt with under the existing regime. If it is to say the Rundle Mall is a particularly significant tourism area, I would ask rhetorically—and I do not want an answer, the member for Norwood—why The Parade should not also be, why every other area should not also be. The answer, of course, is that this is a stalking horse, a Trojan horse, an argument, a battering ram, I do not care what you want to call it, but it is not about tourism. It is not about the significance of tourism—

Members interjecting:

The DEPUTY SPEAKER: Once again, I draw your attention to the standing orders. Member for Norwood, you seem to have the disease of the member for Finniss—and it is an unattractive disease.

Members interjecting:

The DEPUTY SPEAKER: Order! We are not going to start again until people have stopped talking.

The Hon. J.R. RAU: Thank you, Madam Deputy Speaker. I am trying to be temperate in my remarks and if members opposite do not want to hear what I have to say, I can only assume that is because they find it uncomfortable. So, can I please get on with—

Mr PENGILLY: On a point of order: it is not a question of not wanting to hear what the minister says, it is a matter of listening to the nonsense that is emanating from his lips.

The DEPUTY SPEAKER: There is no point of order, as the member for Finniss well knows.

The Hon. J.R. RAU: It is interesting the member for Finniss mentions nonsense. As far as nonsense goes, he would have to be in the grand final, wouldn't he? I defer to the honourable member on the subject of nonsense. I will try and depart from what is his natural turf.

As I was saying, whether you call it a Trojan horse, a battering ram, a stalking horse, I do not care. There are all sorts of analogies you can use, but the point is simply this: this bill is an attempt to play around with that old chestnut called shopping hours. That is what it is, pure and simple. If they want to have a debate about shopping hours, have a debate about shopping hours, call it what it is, but do not put it under this sort of little wrap and label it 'Rundle Mall', because that is not what this is about. So, if we are going to have a debate about shopping hours, I am fine about that. That is fine, but let's have an honest debate about it. Let's not be cute and use this little device as a proxy vehicle for having a debate about shopping hours.

The other thing that members might be interested to know is that there is a group in the city—and I am sure that the member for Adelaide is well aware of this group—called the Rundle Mall Management Authority. That group represents people whose businesses and livelihoods are tied up in the Rundle Mall. These are people who have invested their own money and their family's money, and their family's future, in running a business in the Rundle Mall. And, guess what? They are not asking for this.

An honourable member: Have you spoken to them?

The Hon. J.R. RAU: Yes, I have.

Members interjecting:

The DEPUTY SPEAKER: Order! The time for debate on this matter is over. Perhaps everybody could go outside and have this conversation.

Debate adjourned.

NUCLEAR ENERGY

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

That this house, whilst acknowledging the potential for renewable energy sources in South Australia, also recognises that nuclear power is likely to be a base load energy source in the future, especially given technological advances in reactor design.

The point of this motion is to try and advance the debate in South Australia in regard to the possibility of using nuclear energy. I notice, even in the paper today, Annette Hurley suggesting that it is time to consider this issue, and I believe that former Labor prime minister, Bob Hawke, has also engaged in this debate, as have many others within and without the Labor Party, including an article this week by the Hon. Alexander Downer.

This motion is not about criticising alternative energy sources and renewables. I support that, but I am saying let us have an open mind about the potential and the possibility of having nuclear energy, particularly given that the technology involved in the nuclear industry is changing very rapidly. I make the point that whilst we do not have nuclear reactors in Australia, except for a small medical-based facility in Sydney, that is not the case around the world.

An article in the *Australian Financial Review* from September 2010 states that of 61 new reactors under construction in the world, 23 are in China, and India is gearing up likewise and so are others countries, such as Vietnam, Egypt, Saudi Arabia and even Indonesia. Australia is one of the few countries in the world, certainly one of the few top economies in the world, that does not have, and is not actively considering—certainly not in the public arena—a nuclear industry in terms of generating energy.

There are a lot of renewables, alternative sources: hydro, we are not strong on that in South Australia; geothermal, the potential is there; wave and tidal, I will not go into all the detail because I do not have the time; and wind energy, South Australia has something like 49 wind farms with a total of 962 operating turbines, and that may well have increased since I was given this information. We have the largest installed capacity in Australia, which represents 44 per cent of the nation's total wind generating capacity.

That is good, that is important, and that is useful, but I point out that in an article in *The Australian* on Monday, Annabel Hepworth made an interesting observation in relation to wind energy in South Australia. I do not know whether members read the article, but it was written during the recent heatwave in South Australia. She talks about 'last Monday', so it was the Monday of not this week, but of the previous week. The article states:

...4:30pm, extreme heat led electricity demand in the state to reach a record 3,399 megawatts;—

and this is the telling point—

of that, just 49MW was met with wind.

I also refer to her article where she quoted the Managing Director of the Australian Energy Market Operator, Mr Matt Zema, who said:

The wind farmers will get upset; they say, 'You are always quoting these numbers at the peak time', but that's the reality for us. I have to meet the peak assuming that there's hardly any wind there. Because otherwise you will have issues regarding security, reliability and so on.

Wind energy is fine as long as you have wind, but it is not suitable in terms of a guaranteed base load.

South Australia is facing a very serious situation in the next four or five years (starting then), if we do not get a significant increase in our base load capacity. So wind is fine, providing it is integrated into the grid and providing it is actually generating energy. As we have heard, on that peak demand the other day—10 days ago or so—wind energy in South Australia only contributed 49 megawatts out of 3,399 megawatts. So, you would not be running too much in the way of electrical appliances or otherwise on the basis of that.

Now that in itself does not automatically mean that you need to go to nuclear. Obviously there are arguments about the economics. We have some natural gas options and there are some other possibilities that I have outlined before. What I am saying is that we need to look at the nuclear option.

I was interested in a report relating to the possibility of using nuclear energy, for example, at Roxby Downs. Some of us visited that area a year or so ago with the Social Development Committee, and the irony of their exporting uranium ore when they basically need significant energy themselves was pointed out. I think it was something like a drum or two of yellow cake would power the new Roxby facility for quite a long period.

I refer to an article by Terry Krieg. He is a member of the Australian Nuclear Forum, so obviously he is not impartial to this issue, but he does make the point in an article in *The Adelaide Review* of September of last year, as follows:

The fourth step would be for BHP Billiton to build its own nuclear reactor to provide the power needs of the expanded Olympic Dam mine and the town of Roxby Downs with excess power fed into the grid. This negates the 275Kv gas fired power line from Port Augusta to Olympic Dam. The South African designed Pebble Bed Modular Reactor (PBMR) could be used. PBMRs are small 165 MW units which can be established, on site, where the power is needed. They are gas cooled using helium so no water is needed for cooling. Being modular, additional units can be added as needed and they are cheap and quick to build, requiring about two years for construction.

When people think about nuclear energy, they often think about giant plants, but I am reminded of something that Sir Eric Neale told me when he visited Scotland regarding the nuclear submarines that are housed there. Focussing on the safety aspect, he said that they were within 100 metres or so of the residential area. People often say that they are not safe or they are a threat and so on. He said that submarines had been based within a short distance of residential properties for many, many years, with no indication of any problems whatsoever. The other point from that article by Terry Krieg is that they do not have to be giant plants, necessarily. There could be a possibility of using one of the smaller plants up at Roxby.

So, we have a situation where I think it is time to put aside the prejudice of the past and look at the nuclear option. It is not going to happen tomorrow. It is probably not economically advantageous tomorrow but, down the track, we will, I believe, have to look at it for environmental as well as other reasons.

I mention technological advances in the motion. Clearly, I am not a nuclear physicist, but what I understand is that they are now working on what are called 'Generation IV' designs that are not likely to be operational until 2020. There are 13 countries which form the Generation IV International Forum (GIF). They are developing new technologies that are clean, safe and cost effective, meeting increased energy demands on a sustainable basis while being resistant to diversion of materials for weapons proliferation and secure from terrorist attacks.

The six technologies they are looking at—the gas-cooled fast reactor, the very high temperature reactor, the super critical water-cooled reactor, the sodium-cooled fast reactor, the lead-cooled fast reactor and the molten salt reactor—were selected because they are clean and safe. Most of them employ a closed fuel cycle to maximise the resource base and minimise high-level waste. They utilise uranium efficiently. Many can use depleted uranium or spent fuel from current reactors and use about 99.8 per cent of the energy, unlike their predecessors—the current ones—which use less than 1 per cent of the energy.

They have a clear cost advantage and they carry a financial risk no greater than other forms of energy generation. We are talking about something that is being developed, and that is why I think we need to keep an open mind about the possibility. These Generation IV reactors, as I said, can actually reduce the waste issue. They can also reduce the terrorism threat issue, because they can burn not just uranium but also plutonium and other forms of spent fuel.

So, there is great potential there that is currently being worked on. It is not low-level research; it is high level. These reactors can also use thorium, a lower grade radioactive substance which is three times more abundant than uranium, and Australia has the world's largest supply.

The point I want to make is that we have been heavy users of fossil fuels in the past—oil and gas—and we are using quite a bit of natural gas currently to power some of our energy-producing facilities. We are still using pretty dirty brown coal at Port Augusta, but we need to think outside the square.

I realise the Premier comes from a background where he was hostile to French nuclear testing in the Pacific many years ago, but the world has changed. We have to move on. We have to be realistic for environmental reasons, CO₂ reasons. Importantly, at the moment, there is no obvious indication of anyone providing any base load generation. What we are getting are some companies prepared to put in peak load when they can cream off from the community at times of drastic power consumption. However, for a growing economy, we need a guaranteed base load supply.

I challenge anyone in here—I would like to hear from the minister—to tell me where South Australia is going to get its guaranteed base load in four years' time. It takes a long time to build conventional power stations. I see no evidence whatsoever of anyone building one or planning to build one in South Australia. I do not see any evidence of people planning to build new stations interstate.

There is uncertainty because of the debate over a carbon price. So we are left literally swinging in the breeze, and people should not only worry about the price they are going to pay for electricity but they ought to worry more about the availability. The old saying is 'the last one out switch out the light', but in a few years' time it might be a case that the light is already out.

I make a prediction now: if either of the major parties cannot deal with this issue coming up to the next election, whichever one is seen as not being able to deal with the issue of electricity price and supply will get slaughtered at the election. It will be in conjunction with a concern about the price and supply of water, despite the recent floods and the Murray flowing again. Those two issues I think will be like a pincer movement against whichever major party cannot guarantee a supply of adequate power into the near future.

It might seem a radical thing to suggest but I might see the resurrection of Sir Thomas Playford, and we might see a situation where a government has to commit to a base load station itself. One way or another, it should either build it itself or assist the private sector to do it. I notice in New South Wales that premier Keneally is giving people additional home subsidies for electricity because the price is escalating and she is trying to save her 'base load' by giving households a donation.

We are facing a critical situation. I am saying we should keep an open mind and get this debate going in a sensible, rational way and move away from the traditional Luddite approach which rejects modern technology because, without it, unless you want to sit in a cave with a candle, we need additional base load.

The Hon. S.W. KEY (Ashford) (11:46): I rise to oppose this motion. Certainly the member for Fisher's speech supports his views but I think it is important that we also look at the reality of having nuclear power as a base load energy source in South Australia. I understand that the South Australian government is keen for commercially viable and environmentally sound energy developments to proceed so as to guarantee a reliable energy supply and competitive energy costs, and we know that this is particularly important in establishing long-term viability of electricity sources.

Nuclear power is not currently commercially viable technology for Australia, particularly South Australia, and South Australia, I am advised, has a very peaky electricity demand profile with an overnight load of approximately 1,000 megawatts, an average load of approximately 1500 megawatts and a peak load of approximately 3,000 megawatts. Many studies have shown nuclear power to be amongst the more expensive greenhouse reduction measures, as nuclear

reactors are traditionally more expensive to build than traditional energy sources and have significant environmental and cost issues associated with long-term storage and management of high level nuclear waste. The economics of nuclear power do not add up—at this stage, anyway.

It is true to say that many Labor politicians, particularly in the federal arena, do support the nuclear industry and are very keen for this to be an option for us. I am not one of those people—I am not in the federal arena, but I am certainly not one of those who supports that argument.

As I see it, there are a few political and legal realities. First, nuclear plants are not permitted under the commonwealth Environment Protection and Biodiversity Conservation Act 1999 and, in fact, section 140A prohibits the construction of a nuclear power plant, a nuclear fuel fabrication plant, an enrichment plant or a reprocessing facility. These are controlled actions under the EPBC Act and the commonwealth minister for the environment is not allowed to approve them. Interestingly, this provision was introduced by the Howard government.

Also, at the commonwealth level, the commonwealth Radioactive Waste Management Act 2005, introduced by the Howard government to allow the construction in Australia of nuclear waste storage facilities, specifically prohibits the storage of high level nuclear waste, including spent nuclear fuel. The federal government's proposed replacement of that act (which I understand may be debated at any time in the Senate) will not alter this position, as I understand it. Both the Coalition and the ALP at a federal level have legislated to ban the storage of spent nuclear fuels; and you cannot operate a nuclear power plant without a facility somewhere in Australia to store spent nuclear fuel.

Secondly, under the South Australian legislation, the Nuclear Waste Storage Facility Prohibition Act 2000 (and many of us will remember the debate surrounding that particular act), the import, transport, storage and disposal of nuclear waste, including spent nuclear fuel, are prohibited. That legislation was introduced by the Olsen Liberal government in 2000; and, I am pleased to say, strengthened by the Rann Labor government in 2002. This act effectively prohibits the operation of a nuclear power plant in South Australia because the plant must store its spent fuel rods in cooling ponds on site.

Thirdly, the establishment of a nuclear power plant anywhere in Australia would require there to be national bipartisan support. This would be particularly interesting considering the make-up of the federal parliament at the moment. This was acknowledged by the Chair of the Howard government's Uranium Mining Processing and Nuclear Energy Review, Mr Ziggy Switkowski, and by the former federal Liberal leaders Dr Brendan Nelson and Malcolm Turnbull.

The current federal Liberal leader, Tony Abbott, declared in 2009 that he would not support nuclear power generation because it was economically unviable. In 2010, he said, 'The Liberal Party will not be proposing nuclear power as a policy in the forthcoming election.' That election has since passed. In reality, there will not be in Australia the necessary bipartisan support, I believe, to make this happen. This has been proved by the actions of successive governments—Liberal and Labor, federal and state—in legislating to prohibit nuclear power stations and to prohibit the storage of high-level waste.

That is just my overview with regard to the politics of nuclear power. I think, then, what we really need to do is to look at the economics. I am advised that the minimum size required for a commercial nuclear power plant to run efficiently (and this may or may not take into consideration the new mini-nuclear power plants that Dr Such was talking about) and as cost-effectively as possible, there needs to be 1,000 megawatts as a base load; that is, 1,000 megawatts needs to be available all the time.

The fundamental problem in supporting nuclear power in South Australia is that the overnight electricity demand in South Australia is under 1,100 megawatts. The first thing you have to do is to request practically all other electricity producers not to generate electricity overnight, which means you have to put everyone out of business who is currently selling electricity overnight. This is the advice that I have received. Like Dr Such, I am not professing to be an expert in this area, but, certainly, from conversations and briefings that I have had it means that this would make for some really big problems in the energy industry in South Australia.

I also need to mention the construction costs. I am told that the most recent indication is that the likely costs of constructing a nuclear plant come from the USA where, in February last year, President Obama approved a \$US8.33 billion guarantee for the construction of two nuclear power plants in Georgia. The construction cost of these two plants has been estimated between \$US14 billion to \$US16 billion. On the present exchange rates (although the dollar is looking a little

better at the moment), we are talking about billions of dollars to set up one plant—a minimum, probably, of about \$6 billion.

International experience shows that nuclear power plants are never built without major financial contributions from the host government, by grants, guarantees or both. Realistically, there is no prospect (nor would there be, I imagine) of the South Australian government being able to contribute the huge sums of money that would be required to allow the construction of nuclear power plants in this state. I think we really do need to look at the costs and see whether they match up. I would like to take this opportunity to acknowledge the advice that I have received from a number of people, but particularly David Noonan from the Conservation Council, who was very keen to make sure I had some alternative information.

There is also the question of operating costs. I am told that the factory-gate price of nuclear power is approximately 50 per cent higher than coal. Natural gas is not 50 per cent higher than coal, so you have a massive increase in the cost of producing nuclear power above that of the gas-powered plants that you wish to turn off overnight in order to run the nuclear power plant.

The notion of turning down existing generation to build a nuclear power plant (which is the only thing we can do, I am told) seems to me to be complete nonsense. Not only do you have to pay for a new power plant but you have to pay compensation for all the generators that have been asked to shut down in order for the nuclear plant to operate overnight. I really wonder what we would do to run a nuclear plant, because, of course, we would probably need to turn off the wind farms as well.

South Australia, as we know, has approximately 45.5 per cent of Australia's total installed wind capacity. Wind development in the state has grown substantially over the last five years and it would seem to me that this is the way we should be going. We should be looking at all the alternative clean, renewable energy sources and not putting that in jeopardy, as well as the solar electricity that is also increasing, with a number of households in South Australia feeding excess electricity into the grid. For all those reasons and many more that I would like to go into if I had time, I oppose the motion.

The Hon. R.B. SUCH (Fisher) (11:57): I realise this is a very sensitive issue for people in here, but I think the argument that has been put forward—'Where will you put it?'—is a silly, childish argument, because, as I indicated earlier, with a portable nuclear energy generator, you can put it on the back of a big truck, so you are not talking about—

The Hon. S.W. Key: We'll put it in Fisher!

The Hon. R.B. SUCH: I personally wouldn't mind. As I pointed out, nuclear subs park next to residential houses in Scotland, I am informed. I do not think there is a problem. I think it is a silly argument to say, 'Where will you put it?' You obviously would not, and you do not need to, have any large plant anywhere near any residential development, because with its efficiency and capacity, you can generate and transmit over a considerable distance the electricity that you generate.

I just mention again, people have to get out of their mind the mindset of a huge plant, because the way to approach this, as I indicated earlier, for places like Roxby and the mine up there, is to look at some of these newer smaller units—and you can have them in module form—which produce electricity which would be fantastic for places like Roxby and the new mine.

I know it is a sensitive issue and we have had people in the past say, 'Where are you going to put it?' and nominating suburbs. That is just so immature and childish as an argument that it is hardly worth even responding to. I have just surveyed 23,000 households, and the people are telling me that they are increasingly realising that we cannot keep going the way we are in terms of energy production.

We are getting more and more people coming out—as I said, Alexander Downer, Bob Hawke, others—who realise that we have to be more mature about this, more sensible and more open-minded. It will happen. I believe we will have nuclear energy here in the future, maybe one of those new types of generation that are more efficient where you do not have the waste material that you have now. I indicated before that the efficiency of what they call Generation IV reactors will go from 1 per cent to about 99 per cent, in terms of the material they use, which takes away a lot of the debate about where you store the waste material and so on.

I am going to test the house but I am not going to divide on it because I do not want to make life difficult for individual members. I just make the point again that it is our job in here to look

at issues, confront them and debate them sensibly and maturely, but I can see and read that members in here do not want to tackle this issue at the moment. I think that is unfortunate and I make a prediction that, in the future—I will not be in here—maybe in 10 or 20 years, nuclear energy will certainly be on the agenda for South Australia.

Motion negatived.

STATE ELECTION

Private Members Business, Other Motions, Notices of Motion, No. 5: Mr Venning to move:

That this house—

- (a) notes the result of the 2010 state election and in particular, that this was the third election since 1989 where the party receiving more than half the vote was unable to form government and that the Australian Labor Party was the beneficiary on each occasion; and
- (b) urges the boundaries commission to draw boundaries with a stronger consideration of fairness.

Mr VENNING (Schubert) (12:02): I ask that this motion be withdrawn because it has been on the *Notice Paper* for over a year and the matter is no longer relevant. It does highlight a problem: it has been on this *Notice Paper* for so long that it would be futile to debate it now.

Notice of motion withdrawn.

POLISH TRAGEDIES

The Hon. R.B. SUCH (Fisher) (12:03): I move:

That this house—

- (a) expresses its concern and sympathy to the Polish people following the tragic loss of life in the recent plane crash; and also
- (b) acknowledges the brutal slaughter of 22,000 Polish officers and others at Katyn and elsewhere by Stalinist forces 70 years ago.

We know that the plane crash happened almost 12 months ago, I think—on 10 April 2010, from memory—and the Katyn massacre goes back to 5 March 1940. Even though it is some time since that tragic plane crash, I think it is still worth putting this motion to the house.

I recall that the Premier introduced a motion of sympathy and condolence, and I was happy to see that dealt with earlier last year. I support the government, the opposition and other members who indicated their support for the condolence and sympathy motion put by the Premier and supported by the Leader of the Opposition.

The plane crash was a tragedy for the Polish people. They lost their president, his wife and 95 others. I believe the report into that crash is only just emerging now. I do not intend to go into the details of that, just to say that even though it is nearly a year ago I still express my sympathy to the Polish people.

The Katyn massacre was an awful thing. We know that humans are capable of good things—this is one of the most evil acts that was carried out during the Second World War. We often focus on what Hitler did, and he was an evil person who was supported by some evil henchpeople, and they killed a lot of people, not only Jewish people but other people, disabled people, gypsies and others. I think we need to remember that it was not only the Jewish people, as tragic and enormous and as evil as that crime was against Jews in Europe, but that Hitler also killed, or had killed, people who had disabilities of one kind or another and, as I say, gypsies and others.

Stalin ranks alongside Hitler as an evil tyrant. One example is the Katyn massacre where the Polish people lost a lot of their officers. People were taken to other places, they were not all army officers, some were doctors, professors, lawmakers, police, public servants, all sorts of, I guess, intelligentsia of Poland, and they were executed, either in the Katyn Forest or other places, as part of Stalin's cruel and evil purge.

I am not trying to minimise what Hitler did but I think it is important that we should remember the evil that was carried out by Stalin. It highlights the point that has been made by people wiser than I that if good people do nothing then evil people prosper, and I know they are not the exact words. When you look at history and, for example, at the German people, I have heard people argue, 'Why did the German people allow Hitler to do what he did?' Once he got into a position of power he was able to do what he liked, and likewise with Stalin.

So, I put this motion. I know that no-one here will object to it. While we have already had an expression of sympathy and condolence led by the Premier and the Leader of the Opposition, I think it is important that the house itself, arising from a motion in this form, is supportive. I commend the motion to the house.

The Hon. S.W. KEY (Ashford) (12:08): I am pleased to support the motion moved by the member for Fisher. In doing so, I would like to acknowledge his longstanding interest in Poland and in international affairs generally. My contribution to this motion will be short because I believe I would be repeating the important comments that have been made during the 11 May condolence motion.

As the house is aware, the president of Poland, Lech Kaczynski, his wife Marie and 94 other people were killed on Saturday 10 April 2010 in a plane crash in Russia. The thing that made this event even more terrible was the historically significant circumstances in which it occurred. The plane was carrying people on their way to visit Russia to attend commemorations for the loss of an earlier group of Polish leaders and heroes, the more than 21,000 Polish military officers, and others, slaughtered by the Russian forces in the notorious Katyn massacre of 1940.

The incident was made awful by the fact that the aircraft crashed near a forest where some of the victims of Katyn were shot 70 years ago. Horrific as the events of 1940 were, it is important to recount for a moment the true enormity of the Katyn massacre. Indeed, the president himself, prepared a moving speech for the proposed commemoration, a speech he was never to deliver, which provides us today with telling detail.

He was going to say in his speech that a total of 21,768 Polish prisoners were slaughtered in Katyn and five other locations, and this was done in the most brutal of circumstances. The Polish soldiers were tied up and killed with a shot in the back of the head. They were then rudely thrown into deep ditches, their bodies cloaked in uniforms that sported buttons featuring the Polish symbol of an eagle.

Besides generals, regular officers and soldiers, Poland was senselessly robbed as well of policemen, professors, village teachers and military chaplains of various religious denominations. All these folk were killed at the behest of Joseph Stalin and the Soviet Politburo, and of course without even the pretence of a trial or court decision. The only justification issued was that the Polish prisoners were 'declared enemies of the Soviet Union, with no hope of re-education'.

It is important that we acknowledge the grief that was witnessed by the South Australian Polish community, which united in their grief. This community, which has always been a close-knit and compassionate one, demonstrated great dignity and immediately came together to comfort each other when the news about the deaths in Russia reached them. Following this, it was humbling to see members of the community present in the public gallery on 11 May when this house heard the Premier's condolence motion relating to the tragic loss of the President and other leaders of Poland.

I take this opportunity once again to extend not only my own sympathy but also the sympathy of all members in this place to both the people of Poland and the entire Polish community in our state. I commend this motion to the house.

Motion carried.

SOUTH AUSTRALIA, SETTLEMENT CELEBRATIONS

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

That this house notes South Australia's impending 175th birthday this year and urges the state government and the wider community to plan for a comprehensive range of celebratory activities involving all South Australians.

I appreciate that the government has indicated its support, financial and otherwise, for celebratory activities this year for the 175th anniversary of this state. I want to emphasise at the start that any suggestion of celebration I believe should involve the traditional custodians of the lands on which we live. This is not in any way meant to be an exclusive celebration.

We know Aboriginal people suffered pain as a result of European settlement, even though South Australia was much more progressive in its stated intentions toward Aboriginal people than other states. Nevertheless, there is no getting away from the fact that there would have been pain and even today probably some regret about what happened to the lands that they had custody of.

What I am suggesting involves everyone in the community, not just the state government. We often call on the state government to do things, and that is appropriate, but we also have councils throughout the state, and we have a lot of community and neighbourhood groups that can and should participate in the celebration of our 175th birthday. It is important to celebrate what has been achieved in South Australia. We are not a perfect society, but we are a very good society overall, despite some faults, and there are ways in which, obviously, we can improve.

I was actively involved (which shows how old I am) in the 150th birthday celebrations, and a lot of wonderful things happened during that year that have had a lasting impact, including walkways and cycleways. A statue was erected to recognise Catherine Helen Spence; there was a focus on facilities for people with disabilities; the City of Adelaide did a jubilee commemorative walk and it put down bronze plaques on North Terrace. The council did a whole lot of things in that vein.

What I am suggesting, if people can celebrate and the government can support the celebrations, is a range of activities, whether it be a fun run, a barbeque or it might be all sorts of things. I am not saying that I endorse any one or all of them, but some of the suggestions people have put forward are that there be a ball of some kind (that is, in dancing); an update of our history books—that the Biographical Register of South Australian Parliament be updated; that we do things such as an audio history of current members, something we have often failed to do in the past (as we know, no-one is here for ever, and we have lost the opportunity to hear from members of parliament by way of keeping an audio history); photo essays; commemorative banners for Parliament House and King William Street; commemorative artwork (it is always a good opportunity when you are celebrating to commission some art); and educational activities.

When I spoke to the Managing Director of *The Advertiser*, Ish Davies, about this last year, he was quite enthusiastic about getting schoolchildren involved via the newspaper, and it could also be done through the Messenger newspapers as well.

The Hon. A. Koutsantonis interjecting:

The Hon. R.B. SUCH: The minister asks me, 'What is the official term?' I have it written down here somewhere; I will hopefully find it, but it is quite a mouthful. Sesquicentennial was simple, but the 175th sounds more like a medical condition. It was here a minute ago; I will see whether I can find it.

Some of the other things we could think about doing would be a regional sitting of parliament—we have not had many of those (I think we have had only the one at Mount Gambier; I was the Speaker at the time); special activities for children—poetry, essays, debating, art, photography, day in the life of your suburb, street or South Australia in 2011; special exhibitions of Indigenous works; people from non-English speaking backgrounds; contribution of women; and commemorative memorabilia. The member for Schubert will like this one—commemorative bottles of wine. I do not think he will keep them long enough for another 25 years.

Another would be postcards. Even on the official government envelopes, like the ones I have seen in England, they put a promotional thing on the outside of the envelope saying it is celebrating or commemorating a particular event. There is no reason why we could not do that. There would also be all the usual other things.

I think it would be a good opportunity to acknowledge the traditional custodians of the land. South Australians in general do not know much about the culture of our traditional people, and I think that is something that could be focused on, and there are other things that have been done elsewhere—time capsules, and so the list goes on.

Some people say, 'What's special about 175?' I think any time span like that is worth celebrating, particularly in a world where often a lot of negative things happen. I think it is important to celebrate birthdays. Just as we do for individuals and organisations, I think it is important that we do it for the state.

There will be people on Kangaroo Island, I guess, who would argue that South Australia started there, and Aboriginal people will probably say it started 40,000 years ago. I know that the people in my local area—I live in Coromandel Valley—are going to celebrate basically at the start of 2012 because that is when the 10 sailors from the *Coromandel* jumped ship, and the Lions Club of Aberfoyle Park and Districts is going to re-enact that. All sorts of community groups have become involved to celebrate this event: the Freemasons are doing an historical display and schools are going to be doing all sorts of activities. In Coromandel Valley the focus will be

stretching from the end of 2011 into 2012, and we already have an active group committee which is planning many activities.

Whilst the state government has the overall responsibility, I think it is important that they help promote and engender pride in our state through celebration and create things which are of lasting benefit. The parliament itself should do some things which commemorate our 175th birthday.

I have always been keen to have more tapestries in here. No disrespect to the elderly gentleman portrait and the one female portrait, but if you ever go to the United States and look in some of their chambers, they have beautiful tapestries showing life in their particular state. We could feature agricultural, industrial and commercial portraits, if you like, of those activities by way of tapestries to hang in this chamber.

There are other things we can do. I was keen to celebrate the anniversary of the founding of our parliament by getting a sculpture or something at the front, of the orator—a non-sexist sculpture—and we could have some plaques out the front and really showcase our role as a parliament in South Australia.

I conclude by urging the state government to really get behind our 175th birthday. Councils, community groups, Lions, Zonta, Rotary—all of those groups—can help to celebrate this event. Let us ensure that, as we do it, we embrace all sections of the community to make it a genuine celebration of the contributions of the community and individuals in this state, and that we pay tribute to the pioneers and people who have come more recently. In doing so, we should also acknowledge the sacrifice of those who gave their lives so that we can enjoy South Australia today.

I commend this motion to the house and trust that members, the government and others will take on board the importance of celebrating this event and supporting the History Trust and other organisations that are committed to acknowledging what has been achieved in South Australia, and looking forward to the future for more than another 175 years.

The Hon. S.W. KEY (Ashford) (12:23): I seek to move an amendment to this motion as follows:

Delete the word 'impending' after 'South Australia' and delete the words after 'birthday' and replace with 'and the wide range of activities that have been arranged'.

I am very pleased to speak to this motion, and I thank the member for Fisher for agreeing to that amendment. I always think it is important that we, in supporting the 175th anniversary of European settlement, also acknowledge the traditional owners in South Australia—the first South Australians. I am very pleased that the government has made sure that that is part of the celebrations.

Although I quite often have the opportunity to speak against motions that the member for Fisher raises in this house (and he knows that it is nothing personal), I think he did come up with a very important suggestion in his contribution. In addition to the fine things that have been organised, the idea of having a statue out the front of Parliament House is a great one. I suggest having a statue of our first woman Speaker, the Hon. Lyn Breuer, member for Giles; or, if not a statue, then at least a bust of her. I think this would be a very good idea. I am not sure if that is what the member for Fisher had in mind, but it is certainly something that we should run with. Certainly the women in this house would like to see her acknowledged, and also perhaps—

The SPEAKER: You would need a big piece of marble!

The Hon. S.W. KEY: The other thing we could perhaps think about is honouring the Hon. Anne Levy, the former first woman president in this parliament. So, I think there are some ideas that the member for Fisher has put forward that I would certainly support and I am sure—

Ms Bedford: Or a tapestry, at least.

The Hon. S.W. KEY: A tapestry at least, as the member for Florey says, would do very well. I am also very keen (and I have had these discussions with the member for Fisher in the past, when he was, in fact, the speaker) about the need to make sure that we have artworks that commemorate our First Australians. That is something that I will continue (with the honourable member, I hope) to lobby for.

As members in this house may know, the reason for amending the motion is that we are now in the year 2011—in fact, in the year of the 175th anniversary of European settlement in South Australia—and the government has provided funding to try to ensure that the community is engaged in this process. I understand that community grants have gone through History SA, and

my colleague the member for Florey will talk about one of those exciting initiatives associated with the Muriel Matters Society, which I think people will be very interested to hear about. This funding has enabled a number of community-led events and initiatives across the state, and I commend the government for making sure that there is an opportunity for people to celebrate and commemorate in different ways; and, I guess, make the celebrations are little more interesting.

South Australian History Week has turned into a month-long history festival, to be known as 'About Time: South Australia's History Festival'. The festival will increase from nine days to one month, running through the month of May, and will provide an opportunity for approximately 90,000 South Australians from across the state to actively participate and engage in history in South Australia. The remaining funds from this program will expand the 175 community grants program.

There have been a number of successful applicants, from the Adelaide Colonial Dancers holding a colonial costume ball in the Adelaide Town Hall to the Kildare College proposal to create an interpretive trail highlighting the lives of prominent Karna women. That, as the member for Torrens has importantly said, is in the electorate that she represents, and it will be a very important occasion for a number of us.

As I understand it, there is also The South Australian Company settlement on Kangaroo Island, and also the later arrival of the Governor Hindmarsh/Holdfast Bay celebration. The Art Gallery will stage a colonial art exhibition, which will be curated by Jane Hilton, who has a long and distinguished history as a curator in South Australia and who has recently been appointed to the National Gallery of Australia Council. The Art Gallery is involved in making sure that a number of colonial artists who have not previously been documented are represented in this celebration.

So I commend the motion, and thank the member for Fisher for raising this important issue, as well as for his grace in allowing me to amend his motion.

Mr VENNING (Schubert) (12:30): I commend the member for Fisher for bringing this forward because, he and I being the two eldest people in this place, I think it is great that we take an opportunity to recognise history. I will also say that I have no problem with the amendment; I do not think the member for Fisher does either, so I am happy to cooperate with that.

I think as a state we should never let prominent days go past without using them and reflecting back. I certainly support an active program, particularly in relation to re-enactments of what went on in the past. A lot of our modern Australians—our young ones—are, one, not interested and, two, do not know about it. It is great to highlight to them how our state was born, the history of it being a free state and our significant contribution to Australia in many ways, with inventiveness and productivity. So, 175 is a very significant birthday.

Can I suggest that, to commemorate our 175th birthday—and never one to let an opportunity go by without being controversial—we should look at the Southern Plaza that adjoins this building on the northern side. The Southern Plaza was completed in March 1977. This information comes from Wikipedia, the free encyclopaedia:

The Southern Plaza was completed in March 1977, comprising a then-controversial environmental sculpture by West German artist Otto Hajek. No longer intact—

because they obviously cut it when they put the hole through—

the sculpture was conceived as a concrete garden and iconic City Sign. The lego-like forms and colourful paint work across the Plaza were designed to conceal an air-conditioning vent at the same time as providing a playful place to congregate. However, Adelaide's citizens never warmed to the idea, and it remains one of Adelaide's most under-utilised public spaces.

I had a look at it again last night with guests, looking at it from the balcony. Can I say that it looks very tawdry and tired. At the risk of being very controversial, I think it looks tawdry and tired, particularly when you see it alongside the Festival Theatre, which has all been upgraded. The Festival gardens are lovely with their gardens, their trees and their rockeries. It is all very attractive, but this area, I have to say, does not look very attractive. When did you ever see people congregate there? I have never seen people congregate there, and it is a very large prominent space of Adelaide.

I think we could consider, at this 175th commemoration, whether we upgrade it, renovate it or, dare I say it, replace it. So, I put that out for you as food for thought because I think that we cannot just sit back and think that, well, it has been there and it should always be there. If it is going to be left there, it has to be at least upgraded and made to look presentable, because at the

moment it does not. I hope that would be the opinion from both sides of this house. I put that up as a project for the 175 years commemoration. I certainly think that it is a good idea and, hopefully, it gets cross-political support. I am happy to assist wherever possible.

I did note the member for Fisher's comment about a commemorative wine. I am sure that I could assist with the selection of that product. I am sure that, with member for Fisher, we could, through the house, through the joint parliamentary committee, arrange a tasting and put up a very suitable and appropriate product as a commemorative wine for 175, equally as good as the best Grange and priced accordingly.

Also, I believe that an education program in our schools should be automatic. It should be highlighted, so that all the schools have a program designed to bring all students up to date with the history of our state and what we have achieved in those 175 years and what we hope for the future. I also believe that books and pamphlets ought to be printed. I am happy to assist and join the member for Fisher, as the two oldest members in this place. I am proud of that.

An honourable member interjecting:

Mr VENNING: I am older than him. He's been here longer, but he is not as old as me. I am happy to join the member for Fisher on a committee to oversee the parliament's role in relation to acknowledging 175 years. As you know, I am into history and we should use all birthdays like this to reflect back on the people and events which have shaped South Australia and which have made it what it is today. In particular, I will use this opportunity—

Members interjecting:

The SPEAKER: Order!

Mr VENNING: —to pay tribute to Pastor Kavel, who was the grandfather of the Barossa Valley, who brought the people from Prussia to the Barossa Valley. He died 100 years ago only a few weeks ago, so it is great to commemorate that. It is all part of the mix that is South Australia, and in the Barossa Valley, too, there is a lot of history in relation to the Germans who came out so many years ago and who now make up a very important part of what South Australia is today. It is a great place to be and we are a mix of all countries, all nations, and what it has become is great. I am very proud to be a South Australian and I think we ought to be proud enough to commemorate our 175th birthday.

Ms BEDFORD (Florey) (12:36): In supporting the amended motion, I would like to put a few things on record. There was an article—I think it was in the *Sunday Mail*—recently by demographer Bernard Salt, where he explored the fact that so many South Australians go elsewhere to make a marvellous contribution. I did send him an email and we may work on some sort of program or project to look at how we can recognise the marvellous contributions that so many of our South Australian people have made.

South Australians have made great contributions. I think many of the members will have seen the movie *The King's Speech*, which is very topical at the moment, and learnt the story of Lionel Logue, who helped with the speech problems of King George VI. Many of you might be surprised to know that Lionel Logue learnt elocution at the University of Adelaide with one of my favourite people, Muriel Matters, under Mr Edward Reeves. It is that sort of contribution by helping someone overseas that I think it is really important, as we keep our mind on what we are talking about in celebrating South Australia and learning from history.

As we have heard from members, the History Trust of South Australia is promoting About Time, and instead of being History Week, it is going to be History Month. Parliament House is already going to contribute to that through tours through the house, and through the kind assistance of the Speaker, the Clerk and the JPSC, we have mounted an exhibition in Centre Hall on Muriel Matters, the South Australian woman who was the first person to speak in the House of Commons, which was another enormous step by a South Australian-born person.

Mrs Geraghty: What did you say?

Ms BEDFORD: The first woman to speak in the House of Commons. Sorry, I left out the word 'woman'.

An honourable member interjecting:

Ms BEDFORD: No, speak. But once you are on the floor of the house, you are speaking, aren't you, member for Fisher? We are going to be taking people through, and the education

officer, Penny Cavanagh, and the community engagement officer, Brigid Tipping, are going to be talking about Parliament House and how parliament works and, no doubt, the role of the building. With their kind permission and assistance, I will be taking people through to talk about Muriel Matters and her contribution to women's participation in democracy.

We have mounted the exhibition in Centre Hall, which features the grille from Westminster, which is part of the ladies' grille in the House of Commons, dating back to 1855. It has been very graciously loaned to us by the Palace of Westminster, and we are in the final stages of confirming a loan from the Museum of London of the actual chains that Muriel wore the night of the demonstration. They were confiscated by the speaker at the time and spent many years in the Museum of London unnoticed, until we went over to make sure someone knew about their significance.

We are also hopeful that we might be able to bring out the prison brooch that Muriel was awarded. Having had her protest up in the gallery on the night to allow women to participate in the discussions in Westminster—she was not actually arrested for that part of the demonstration—she went back out the front of the building and was arrested for obstruction, which is a bit funny when you think of what she had done in the house. She had actually closed debate down in the house that night.

So she went off with one of the first groups of women to go to prison and was awarded a badge for that. That is Muriel's badge, which is in the Museum of London and we hope to have on show here, reuniting for the first time the three parts of the protest that so changed things for women in England. Again, another South Australian person at the front of changing society. I am sure a lot of us here hope that we get the opportunity to do some very outrageous things and change society for the better, and let's make the 175th celebration the beginning of our looking at how we might go about that.

The Hon. S.W. Key interjecting:

Ms BEDFORD: Sensibly outrageous, that's right.

Mr BIGNELL (Mawson) (12:40): I rise also to support the motion and to talk about my early days in journalism when I was covering the sesquicentenary celebrations of South Australia. I was a cub reporter at the *Adelaide News*. It was a fantastic year with the many celebrations, but the one that stands out the most was the end-of-year concert at the Adelaide High School oval. Little River Band played, and some of South Australia's great musicians came together that night. Because I was a young journalist with a media pass, I could get backstage, and it was one of the highlights of my life to that point. It was fantastic to be rubbing shoulders with Glenn Shorrock and all the people I had grown up seeing on the TV. I think I may have got a little carried away, though, because I went back to the *News* and filed my copy at about midnight and, when I picked up *The Advertiser* the next day, I saw it had the crowd at 50,000 and I had it at 100,000. Maybe I just enjoyed it twice as much. It is always hard to count crowds; the people keep moving.

I also have a bit of a family tie to this in that my great, great, great-grandfather, James Harvey, came out on the *Buffalo*. Originally, he owned a plot of land around Partridge Street in Glenelg, which I wish the family still had. Instead, he sold up and went looking for gold in Prospect Hill. I am sure the land at Glenelg was worth a lot more than the few flecks of gold he found at Prospect Hill.

I guess it started a relationship with the area that I now represent because, while Prospect Hill is not in the electorate of Mawson, James was 19 years of age when he came here and he had many children (I think 14 or 16 children), and they would all go down to McLaren Flat and pick grapes and help with pruning. So I have long ties to the area I represent. Also, James built the first set of wagon wheels in the new colony of South Australia, so I also like to think that he helped kick off manufacturing in this state; and the state has gone on and prospered for it.

It is good to look back and think of those early settlers in South Australia, the original South Australians, and also the waves of migrants that have come here over the years—the Irish, English, Greeks, Italians, Vietnamese and, more recently, people from Africa. It is good to remember all the various stages over the past 175 years—

The Hon. R.B. Such: Plus the Aborigines.

Mr BIGNELL: I did say the original South Australians, member for Fisher. Thank you for your input. I finish by supporting this motion and wishing everyone a very happy birthday.

Amendment carried.

The Hon. R.B. SUCH (Fisher) (12:44): I conclude by asking that members support it and that it be now voted on.

Motion as amended passed.

PENSION SUPPORT FOR VETERANS AND EX-SERVICE PERSONNEL

Mr HAMILTON-SMITH (Waite) (12:45): I move:

That this house—

- (a) notes the federal coalition's policy to increase pension support for Australia's veterans and ex-service personnel;
- (b) commends the federal coalition for committing to increase this pension support from 1 July 2011 so that Defence Force Retirement and Death Benefits Scheme members aged 55 years or older will have their military superannuation pensions indexed to the greater of the Consumer Price Index, Male Total Average Weekly Earnings or the Pensioner and Beneficiary Living Cost Index;
- (c) commends the federal coalition for fully costing and funding this policy; and
- (d) joins with the parliamentary Liberal Party in calling on the federal Labor government to immediately match the federal coalition's policy commitment, thus rectifying its broken 2007 election promise to fix this issue

I thank the member for Fisher for his interest in this motion and for allowing it to proceed, because it is a very important motion to do with veterans and their entitlements. It draws to the attention of the house that there is a wide breach between the positions of the Liberal Party and the Labor Party in respect of veterans' entitlements.

Can I say at the outset, as indicated in my Register of Members' Interests, that I am entitled to one of these pensions. I get that on the record now, but I raise it after being approached by veterans and veterans' groups so that the state parliament gives this its attention, as well as the federal parliament, because it is very important to them and to their families.

In essence, the situation is that the federal Labor government and Labor Party generally seek to diminish veterans' entitlements and pensions while expecting them to go and fight for country. The federal Coalition is commended in the motion for offering to increase pension support from 1 July 2011 so that Defence Force Retirement and Death Benefits Scheme members aged 55 years and older will have their superannuation pensions indexed to the greater of the Consumer Price Index, Male Total Average Weekly Earnings or the Pensioner and Beneficiary Living Cost Index.

The federal coalition is to be commended for that initiative, which has now been taken to a private member's bill in the federal parliament. I am asking in this motion to this house to call on federal Labor to immediately match the federal coalition's policy commitment, thus rectifying its broken 2007 election promise to fix this issue.

There is a private member's bill in the federal parliament, and I would call on this house to agree to this motion and for this motion to then be passed to the federal parliament and to our colleagues on both sides of the house so that they get a message from the South Australian parliament that we want this private member's bill put forward by my colleague the shadow minister (Senator Ronaldson) in the federal parliament passed.

Australia's military veterans and ex-personnel are seeking a federal government commitment to index their pensions accordingly, in the same manner as the aged pension. Last year, at the behest of members of the veterans' and ex-servicemen's community, I committed to raising this issue in parliament on their behalf as a former colleague and soldier. In order to prosecute the case for fair indexation for their pensions, veterans' and ex-servicemen's organisations have combined to form an alliance of service and ex-service organisations and have started the Fair Go campaign.

The alliance includes the Defence Force Welfare Association (DFWA), the Naval Association of Australia (NAA), the Royal Australian Air Force Association (RAAFA), the Royal Australian Regiment Association (RARA), the Australian Special Air Services Association (ASASA) and the Australian Army Apprentices Association. The main aim of the Fair Go campaign has been to achieve 'the same indexation formula as the aged service pension, so that our superannuation pension purchasing power is protected over time'.

As it stands, the Defence Force Retirement and Death Benefit Scheme (DFRDBS) members aged 55 and older have their military superannuation pensions indexed to the Consumer Price Index (CPI), whereas the aged pension is indexed according to the greater of CPI, male total average weekly earnings or the pensioner and beneficiary living cost index.

The federal Labor Party's 2007 election policy, titled 'Labor's Plan for Veterans' Affairs', made much of this issue, and it promised to 'provide a fair and reasonable approach' to resolving this matter. That was in the ALP's federal election policy—'Labor's plan for veterans' affairs, page 10'.

On 26 June 2010, the federal coalition announced a policy to increase pension support for Australian veterans and ex-service personnel, noting that Labor had failed to deliver on its promise. As I mentioned, the fully costed and funded policy committed to increased pension support from 1 July 2011 so that DFRDB scheme members aged 55 and older will have their pensions indexed at the greater of CPI, male total average weekly earnings or the pensioner and beneficiary living cost index. This means that the pension would be consistent with indexation arrangements applicable to the aged pension, as I have mentioned.

According to reports I have read in *The Australian* by Mr Michael Owen on 21 July 2010, Premier Rann wrote to the new Prime Minister, Julia Gillard, four days after the federal coalition released its policy position requesting that her government 'reconsider the matter'. Premier Rann, in a letter, which I am sure was designed to give people the impression that he was fighting on this issue on their behalf, said:

There is widespread and profound disquiet in the South Australian veterans' community about the indexation arrangements in the Australian military superannuation schemes.

He goes on:

I would be pleased to receive your views on this matter and, if the issue can be investigated further, when such an investigation might take place.

I say to the Premier: what have you done? You got the media story up in *The Australian*, and you got the credit. What have you now done? Based on the lack of action from federal Labor on this, you have done absolutely nothing except seek a media story.

According to Owen's report on 21 July 2010, a spokesperson for Mr Rann stated that no response had been received from Prime Minister Gillard. I understand that he does not have a very good relationship with her but, on this issue, it needs improving.

I call on the Premier to inform the house and the veterans' and ex-service community in South Australia of the following: has he received a response from Prime Minister Gillard to his letter? When did he receive the response? What are Prime Minister's views expressed to him on this matter? Can the issue be investigated further and when will that investigation occur? Finally, did the response commit to matching the policy of the federal coalition?

If the Premier cannot answer any of those questions, then he has done absolutely nothing for the veterans of South Australia except mislead them prior to an election with a media story that gave the impression that he was going to do something.

The Hon. K.O. FOLEY: Madam Speaker, the speaker just said that the Premier has misled—

Mr Hamilton-Smith: No, I didn't.

The Hon. K.O. FOLEY: He did.

Mr Hamilton-Smith: No, I said, 'If he hasn't done those things, he would have misled them.'

The Hon. K.O. FOLEY: That has to be by way of substantive motion, otherwise it must be withdrawn.

The SPEAKER: Can you just clarify what you said, member for Waite?

Mr HAMILTON-SMITH: I said, 'If the Premier has failed to take these actions, then he will have misled the veterans' community.' That is what I said. I made no direct accusation and the Premier can quickly clear the matter up by telling us whether he has taken out the actions he said he would take.

The SPEAKER: Continue, member for Waite. I will not uphold that point of order.

Mr HAMILTON-SMITH: Thank you, Madam Speaker. Sadly, I fear, that the Premier may not have received a response to his letter nor that any of his requests have been met by the federal minority Labor government which has specifically ruled out increased support for Australian veterans and ex-service personnel in its 2010 election policy. Page 14 of Labor's election policy states:

As responsible economic managers, given the very significant costs involved, Labor believes that now is not the time for a change in superannuation indexation.

But it is the time for our young men and women in the Australian Defence Force to serve in Afghanistan. It is the right time for them to be serving in peacekeeping missions across the country. It is the right time for their families and their loved ones to be waiting anxiously at home to find out whether their name is going to turn up on the casualty list, but it is not the right time to properly index their superannuation pensions. Well, thanks for nothing, Premier. Thanks for absolutely nothing. It is a disgrace that the Labor Party is failing to recognise their efforts and refusing to index their pensions.

There is a solution; that is, I call on the Premier to inform the house and veterans and ex-service personnel of South Australia whether he has received those responses, and whether or not he will call on the Gillard government to support the private member's bill titled the Defence Force Retirement and Death Benefits Amendment (Fair Indexation) Bill 2010? This bill amends the Defence Force Retirement and Death Benefits Act 1973, so that the pension paid under this act to a retired defence force member over 55 years of age is increased biannually by the greater of the following percentage increases as calculated by the ABS: the CPI, the Pensioner and Beneficiary Living Cost Index (PBLCI) or male total average weekly earnings.

The rate at which the pension increases is known as the indexation rate. Currently, all commonwealth military and superannuation pensions, except for certain parliamentary and judicial superannuation pensions, are indexed by increases in CPI. Now, this bill has been introduced, as I mentioned, by my colleague, Senator Ronaldson, but, to my knowledge, has not at this time been referred to any parliamentary committee. Senator Ronaldson presented the bill in fulfilment of the coalition pre-election promise, to which I have referred, to implement a fair approach to the indexation of pensions. As I have mentioned, currently military superannuation pensions are not appropriately indexed, thanks to the Australian Labor Party.

The proposed amendments in this bill are intended to affect current and future retired DFRDB members over the age of 55 who have commenced receiving their pensions. I understand there will be a similar amendment to include members of the earlier DFRDB schemes. The bill does not affect ADF members of MSBS.

I draw to the attention of the house a media release from the Defence Force Welfare Association, dated 2 September 2010, which welcomes the support of certain Independents for a better deal for military superannuants. The release says:

David Jamison, the National President of the Defence Force Welfare Association and spokesperson for the Fair Go! Campaign, has welcomed the support provided by Bob Oakeshott, Bob Katter, Tony Windsor and now Andrew Wilkie, to change the indexation arrangements for military superannuation.

Missing from that list is the Hon. Nick Xenophon, and I hope that he too comes to the support of veterans in South Australia by supporting the bill. The Defence Force Welfare Association then goes on to argue the case and to call on all members of parliament to support the change.

Now, this is an important matter for veterans, their families and their communities across this state. This house can play a role in influencing the federal parliament towards the right conclusion and outcome. Labor members of this house, by getting on the phone to their federal Labor colleagues, can bring about a change to the benefit of veterans and their families across this nation, if they so choose.

On this side of the house, the Liberal Party and the coalition are of one voice on this issue. We want to see our young men and women, when they return from active service, enjoy the sort of superannuation benefits they deserve and not have, because of cost-cutting and poor fiscal management on the part of the current federal Labor government, their pensions curtailed.

Labor has a chance to make a difference on this. As I have mentioned to the house, the Premier suggested, in his earlier media utterances, that he would do something about it. Unless he can respond to the house and tell us what he has done about it, and unless he can get a result and demonstrate some purchase with the Prime Minister and some ability to influence federal

government decisions, then he will have failed. He will have failed, and veterans and their families will have good reason to feel that assurances they were given prior to the state election and the recent federal election, that the Premier would do something about it, have not been delivered upon.

It is up to him and I am sure my address today will be reported to him. I will adjourn this motion and I hope that there will be a response from the government to this motion, so that we can signal to veterans and their families what they want to hear, which is a fair outcome in respect of their pensions and superannuation.

Debate adjourned on motion of Hon. K.O. Foley.

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

VISITORS

The SPEAKER: I direct members to the presence in the gallery of Dr Enzo Testa, Mayor of Roccabascerana, province of Avellino in Italy, and Father Albert Mwise, parish priest of several important communities in the same region, who has brought greetings from the Archbishop of Benevento to South Australia. They are accompanied by the Acting Consul of Italy in South Australia Mrs Orietta Borgia. Welcome.

ANSWERS TO QUESTIONS

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

GLENSIDE HOSPITAL

14 Dr McFETRIDGE (Morphett) (1 June 2010).

1. How many patients left Glenside Hospital without approval in 2008-09?
2. How many patients at the Glenside Hospital in 2008-09 were classified as acute, ICU, secure rehabilitation, drug and alcohol, peri-natal intermediate care and supported accommodation, respectively?
3. Were the public advised of any of the patients who left Glenside Hospital without approval in 2008-09 and if not, why not?

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

1. There were 74 detained consumers that left Glenside Hospital without consent in 2008-09.
2. During the period 2008-09:
 - 786 consumers were classified as acute.
 - 293 consumers were classified as Intensive Care Unit patients.
 - 34 consumers were classified as secure rehabilitation care patients.
 - There were no consumers at Glenside Hospital who received treatment for drug and alcohol issues alone, as Glenside Hospital is a mental health facility. There were mental health consumers with co morbidities of substance abuse at Glenside during the 2008-09 year.
 - 100 consumers were classified as receiving peri-natal intermediate care.
 - There was no supported accommodation at Glenside Hospital.
3. When a consumer is absent from Glenside Hospital without approved leave, a report is lodged notifying South Australia Police that the person is missing. It should be noted that patients under mental health orders are not considered to be 'at large' in the criminal sense.

Senior mental health staff liaise with South Australia Police regarding whether the public be advised via a media release, based on an assessment of the level of the consumer's potential risk

of harm to themselves or others. This level of risk and requirement for such intervention is rare. Specific South Australia Police intervention may be provided as required.

In most cases, consumers are returned to the Campus by South Australia Police without the need for public notification or assistance.

In 2008-09, there were no public notifications for missing consumers.

DRUG AND ALCOHOL SERVICES

129 Dr McFETRIDGE (Morphett) (27 July 2010).

1. Why aren't more Drug and Alcohol Services delivered by the non-government sector to increase services in metropolitan and regional South Australia?

2. Why is there no specific program for Drug and Alcohol services in Housing Trust homes?

3. How long is the waiting list for 'in-house' residential Drug and Alcohol rehabilitation programs and what is the government doing to reduce it?

The Hon. J.D. HILL (Karna—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts): I am advised that:

1. In addition to services provided directly by the South Australian government through Drug and Alcohol Services South Australia (DASSA) and other public health services, an extensive range of alcohol and other drug treatment services are provided by non-government organisations and private sector organisations.

The South Australian government continues to work with the non-government sector to enhance capacity and consolidate the important role of non-government organisations. The South Australian government provides funding to the peak body for the non-Government alcohol and other drug sector, the South Australian Network on Drug and Alcohol Services. Through this funding, collaborative work is undertaken to establish effective communication and consultation mechanisms that: engage the whole sector; support quality service delivery; and increase workforce development.

2. DASSA's community-based service programs offer a free and confidential treatment service that provides counselling, assessment and referral for people from any age group and regardless of their housing situation with alcohol and other drug related problems. It also provides counselling and support for family members and friends, provides specific services for Aboriginal and young people, and consultation, education and training for other professionals.

The community-based program works collaboratively with accommodation support agencies, including the South Australian Housing Trust offices, and other welfare based agencies. This collaboration enables the provision of advice and training for responding to substance misuse and the acceptance of treatment referrals for more complex or challenging clients.

3. The Woolshed residential program has an average waiting time of 60 days.

The Amata Substance Misuse Facility operated by DASSA on the APY Lands does not have a waiting list.

In order to reduce waiting times for the Woolshed, DASSA operates three houses to enable clients to be effectively transitioned from the Woolshed Residential Rehabilitation Program.

In addition, from initial engagement with the Woolshed, a process of assessment and pre-entry preparation is put in place for each client. This plan ensures clients are supported and transitioned to residential treatment. DASSA Community Services staff and the 24-hour telephone Alcohol and Drug Information Service, provide counselling and referral services to both city and rural clients.

Partnership agreements and Memorandums of Understanding have been developed with non-government organisations to strengthen the transition of clients to and from each service without a break in the continuum of care. This further enhances the ability to move new clients into programs at a more efficient rate.

EMPLOYMENT FIGURES

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) (14:02): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: I am delighted to inform the house that the latest job figures released today show a drop in the state's headline unemployment rate of 0.3 percentage points to 5.3 per cent. The January figures show that in trend terms 813,900 South Australians were employed in January. Significantly, the participation rate in trend terms in January also remained steady at 63.4 per cent, indicating that South Australians continue to have confidence in their ability to find a job and people are out there looking for work.

The youth unemployment rate in January fell by more than eight percentage points to 24.8 per cent—below the national rate of 25.1 per cent.

Members interjecting:

The SPEAKER: Order!

Mr Williams interjecting:

The Hon. M.D. RANN: Here we go. I've just given you the figures.

The SPEAKER: Order, member for MacKillop!

The Hon. M.D. RANN: The youth unemployment rate fell by more than 8 per cent—lower than the national rate. If you call out for the figures, I will give them to you. 122,800 new jobs have been created in South Australia since we came to office in 2002. The January figures show growth in total employment in South Australia of 17.8 per cent since 2002, more than double the figure of just 8 per cent during the term of the last Liberal government.

An even greater contrast is that full-time employment has grown by 16.4 per cent under the Rann government, compared to just 1.2 per cent during the term of the previous Liberal government. So, if members opposite want to call out, let me give you the figures again: full-time jobs have grown by 16.4 per cent under Labor, compared to 1.2 per cent during the Liberal's entire eight years and more.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: I can see that members opposite are unhappy. They are unhappy about a fall in the jobless rate. That is what they are about. In their entire last term of more than eight years the former Liberal government created just 5,800 full-time jobs. In just the past 12 months under this government there have been 11,600 full-time jobs created, nearly double the figure for the previous government's entire term.

Mr Pisoni: 8,200 more unemployed in the last 12 months; 8,200 more can't get a job.

The SPEAKER: Order!

The Hon. M.D. RANN: Let me just repeat this by way of emphasis: we have doubled the jobs growth of your entire eight years in government in just one year alone. Last year we committed to delivering 100,000 new jobs by 2016. Today's employment figures show that we are well on track to delivering it, and you can't stand it. You cannot stand the fact that we have doubled your growth rate in one year.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: Eight years and we have doubled it in one.

Members interjecting:

The SPEAKER: Order!

Mr Williams interjecting:

The SPEAKER: The house will come to order! The member for MacKillop will be quiet.

An honourable member interjecting:

The SPEAKER: Order! That was disgraceful.

Members interjecting:

The SPEAKER: Your comments; your behaviour.

Members interjecting:

The SPEAKER: Order!

VISITORS

The SPEAKER: Before we go on to the next ministerial statement, I draw to the attention of the house and welcome to the house the Speaker of the Tongan Parliament, Lord Lasike, and the Deputy Speaker of the Tongan Parliament, Lord Tu'i'afitu, who are guests of us here in this parliament (CPA twinning of our parliaments) and will be here for the next two days and listening. Welcome; it is a pleasure to have you with us.

PAPERS

The following papers were laid on the table:

By the Attorney-General (Hon. J.R. Rau)—

Listening and Surveillance Devices Act 1972—

Annual Report 2009

Annual Report 2010

Summary Offences Act—

Authorisations Issued to Enter Premises Report for Period 1 July 2009 to 30 June 2010

Warrants Issued to Enter Premises Report for Period 1 July 2009 to 30 June 2010

Suppression Orders—Annual Report 2009-10

Regulations made under the following Acts—

Associations Incorporation—Fees

Expiation of Offences—Fees

Family Relationships—General

Justices of the Peace—Prescribed Requirements

Recreation Grounds (Regulations)—General

Trustee—Revocation

Victims of Crime—Fund and Levy

Rules made under the following Acts—

Magistrates Court—

Civil Rules—

Addendum to Amendment 36

Addendum to Amendment 37

Amendment 35

Supreme Court—

Bail Review Rules—Amendment 3

Civil Rules—Amendment 14

Criminal Appeal Rules—Amendment 3

Criminal Rules—Amendment 27

By the Minister for Urban Development, Planning and the City of Adelaide (Hon. J.R. Rau)—

Development Plan Amendment—

Construction of a building addition to the Blackwood CFS Station, Hawthorndene

Interim Operation of the Woodville West Neighbourhood Renewal Development Plan

Regulations made under the following Acts—

Development—

External Painting

Miscellaneous No. 2

System Indicators

By the Minister for Transport (Hon. P.F. Conlon)—

Regulations made under the following Acts—
Harbors and Navigation—Unprotected Waters
Motor Vehicles—
 Disclosure of Information
 Exemptions
 Parking Permits
 Schedule 4 Demerit Points
 Trade Plates
Road Traffic—
 Miscellaneous—
 Licence Disqualification
 Prescribed Offences
 Road Rules Ancillary and Miscellaneous Provisions—
 Display of Parking Permit
 Trams
Rules made under the following Acts—
Road Traffic—
 Australian Road Rules—
 Parking Times
 Time Extension
 Various
 Vehicle Standards—Diesel Engines

By the Minister for Police (Hon. K.O. Foley)—

Australian Crime Commission—Annual Report 2009-10

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

Abortion Reporting Committee—Report 2009
Australian Health Practitioner Regulation Agency—Annual Report 2009-10
Death of—Bias, Ricky Report of actions taken following Coronial Inquest 22 August 2007
Health Service—
 Mid North Health Advisory Council Inc Annual Report 2009-10
 Pika Wiya Health Advisory Council Inc Annual Report 2009-10
 Port Broughton District Hospital and Health Services Health Advisory Council Inc.
 Annual Report 2009-10
 Veterans Health Advisory Council Annual Report 2009-10
Public and Environment Health, State of—Annual Report 2009-10

By the Minister Assisting the Premier in the Arts (Hon. J D Hill)—

Country Arts—Annual Report 2009-10

By the Minister for Education (Hon. J.W. Weatherill)—

Teachers Registration Board of South Australia—Annual Report 2009-10
Regulations made under the following Acts—
 SACE Board of South Australia—Schedule 1 Fees
Local Council By-Laws—
 City of Mt Gambier—
 No. 1—Permits and Penalties
 No. 2—Local Government Land
 No. 3—Roads
 No. 4—Moveable Signs
 No. 5—Dogs
 District Council of Peterborough—
 No. 1—Permits and Penalties
 No. 2—Moveable Signs
 No. 3—Roads
 No. 4—Local Government Land
 No. 5—Dogs and Cats

By the Minister for Families and Communities (Hon. J.M. Rankine)—

Regulations made under the following Acts—

Fair Trading—Related Acts

Liquor Licensing—

Dry Areas Long Term—

Meningie Area 1

Naracoorte

Peterborough

Port Augusta

Port Lincoln

Strathalbyn Area 1

Dry Areas Short Term—

Adelaide New Year's Eve

Adelaide Schutzenfest

Beachport New Year's Eve

Glenelg New Year's Eve

Kingscote

Morgan New Year's Eve

Robe New Year's Eve

Rymill Park Fringe Festival

Rymill Park Summadayze

Two Wells Christmas Street Parade

Unley Area 1

Walleroo New Year's Eve

By the Minister for Housing (Hon. J.M. Rankine)—

Community Benefit SA—Annual Report 2009-10

By the Minister for Environment and Conservation (Hon. P. Caica)—

Natural Resources Management Council—

Annual Report 2005-06

Annual Report 2006-07

Annual Report 2007-08

Annual Report 2008-09

Annual Report 2009-10

Regulations made under the following Acts—

National Parks and Wildlife—Protected Animals Marine Mammals

Natural Resources Management—

Financial Provisions—Contiguous Land

General

Peake, Roby and Sherlock Prescribed Wells Area—Reduction of Water

Access Entitlements

Occupational Health, Safety and Welfare—Asbestos Definition

Upper South East Dryland Salinity and Flood Management—Prescribed Rate of Interest

By the Minister for Water (Hon. P. Caica)—

Regulations made under the following Acts—

Waterworks—Water Conservation

By the Minister for Mineral Resources Development (Hon. A. Koutsantonis)—

Regulations made under the following Acts—

Gaming Machines—Exemptions

By the Minister for Correctional Services (Hon. A. Koutsantonis)—

Regulations made under the following Acts—

Correctional Services—Personal Property

By the Minister for Agriculture and Fisheries (Hon. M.F. O'Brien)—

Regulations made under the following Acts—

Livestock—Pigs

Primary Industry Funding Schemes—Riverland Wine Industry Fund

By the Treasurer (Hon. J.J. Snelling)—

Electricity Industry Superannuation Scheme—Annual Report 2009-10

Motor Accident Commission—Charter

COMMISSIONER FOR WATER SECURITY

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (14:10): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P. CAICA: The role of Commissioner for Water Security was established by the government in 2008 at the height of the worst low rainfall period in our state's history.

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: The commissioner's role included leading policy development across government to ensure the long-term security of the state's water supplies to meet economic, environmental and social goals and, in particular, the commissioner was to drive the accomplishment of our state's commitments under the National Water Initiative, coordinate the development of the Murray Futures Project and develop a statewide water security plan.

With the construction of the Adelaide desalination plant well advanced, new legislation tabled in parliament, which includes independent pricing and regulation and opportunity for third party access, as well as significant progress in the building of stormwater projects, the government has accepted the recommendation of Robyn McLeod, the Commissioner for Water Security, that the role of commissioner is no longer required.

Mr Williams interjecting:

The SPEAKER: Order, the member for MacKillop!

The Hon. P. CAICA: Ms McLeod was originally appointed for three years as the state's full-time Commissioner for Water Security but was able to transition to a part-time role in 2010, with the establishment of the Department for Water. Ms McLeod is now working to transfer the duties of commissioner to the Department for Water and plans to relinquish her position at the end of March 2011. I, along with the people at least on this side of the chamber, congratulate Ms McLeod for leading the development of Water for Good—

An honourable member interjecting:

The Hon. P. CAICA: The only waste of space in this place is you. Will you show some dignity? Will you not be so miserable?

Members interjecting:

The SPEAKER: Order!

Mr Williams interjecting:

The SPEAKER: Order, the member for MacKillop! I warn the member for MacKillop.

The Hon. P. CAICA: Good work. Madam Speaker, I congratulate Ms McLeod for leading the development of Water for Good, a plan to secure South Australia's water to 2050. This blueprint for our water security is now being implemented across the state and is receiving acclaim, both nationally and internationally, as best practice policy for adaptive and diverse water management.

An honourable member interjecting:

The Hon. P. CAICA: They didn't mention it when you were in America? They didn't raise it with you? Madam Speaker, it must be remembered that Ms McLeod came into the position of

commissioner at an extremely difficult time but brought with her a wealth of experience in relation to water management. She has indeed made a contribution for which all South Australians can be grateful. South Australia is now leading Australia in water management, due in no small part to the policy frameworks developed under commissioner McLeod's leadership.

As Minister for the River Murray and Minister for Water, I will continue to lead the government's drive for long-term water security for South Australia, including continuing to chair the Water Security Council.

I understand that Ms McLeod's commitment and talents will not altogether be lost to South Australia, with her remaining an honorary member of the SA Competitiveness Council, the South Australian Premier's Science and Research Council and as an independent director of the Australian Centre for Social Innovation. I am also informed that Ms McLeod will continue her involvement in advisory boards for the University of Adelaide. On behalf of the government, I thank Ms McLeod for her significant contributions to the betterment of our state, and I wish her every success for the challenges she takes up in the future.

SKILLS FOR ALL

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (14:16): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.J. SNELLING: Today I released the Skills for All white paper as the new blueprint for the vocational education and training system in South Australia. Skills for All is one of the five priority reform areas for this state government, and it has been developed through extensive consultation with interested parties after the release of the green paper last year.

The South Australian government is focused on strengthening our strong economic foundations to position the state for sustainable growth; however, there is more to be done. South Australia, like the rest of the nation, continues to face challenges in meeting its workforce and economic goals, with the opportunity to achieve high rates of sustained growth and realise the major economic and social benefits these will deliver. But first we need even more people to participate in the workforce, and we need more people within the workforce to develop better skills. We need to transform ourselves into a highly skilled community to meet the needs of our changing economy and labour market, and this is what I have announced today. It does not matter whether you are a school leaver, a mum coming back into the workforce, or a worker who is just looking for a better job; we will invest in you to get the skills that you need.

The vocation, education and training system has an important role to play in maximising our social and economic opportunities. Global competition means that the state's traditional industrial platform is changing; new industries and skill demands are emerging. It is critical that we have a training system that can respond to these needs. That is why the government has made an unprecedented additional investment in training of \$194 million to support an extra 100,000 training places. We want to make sure that South Australians have the skills and the capacity necessary to take up the 100,000 additional jobs being created over the next six years. This commitment is important to ensure the continued prosperity of our state, backed by a strong workforce with the required skills needed by existing and new and emerging industries.

Education, training and employment are fundamental concerns for all South Australians. Through our continued investment in the education and training of our community, we will build the foundations for South Australia to enjoy social and economic prosperity. The message from our consultation is quite clear: the training system needs to be simpler and it needs to be easier to access. Through Skills for All we will reform the training system to create one that is modern, flexible and equipped to deliver the breadth and depth of skills necessary to support the evolving economy.

The new system will be simpler to access and easy to navigate, better supporting people to enter training and progress to high qualifications. Our aim is to provide more opportunities for people to enter and continue training to develop the skills that will enhance their employment options. Under Skills for All, students will be able to choose their preapproved training provider and will be able to access fully-funded training up to and including certificate II level in areas of industry demand. Significant subsidies will also be available to students in those higher level courses where jobs are most in demand.

Important apprenticeship trade courses like motor trades, plumbing and electrical will be much cheaper for students; and, in some cases, about \$1,000. The extra funding will mean more students will be able to access subsidised training, and many of the current restrictions will be removed that will make the system a lot simpler. Students and employers will have more say than ever before in the training they want—their jobs for the future.

There will be renewed partnership with industry, with employers, to make sure there is a connection between training and jobs, employers and training providers. For industry and employers the system will be more focused on meeting the needs of its users, industry will be better able to co-invest with the government in upskilling the workforce, and there will be an increased focus and support for career development and workforce development in the industry.

Over the next six years the government will invest \$6.4 million in additional funding for foundation skills through adult community education. This will create training places for South Australians who want assistance with their literacy and numeracy so that they can then access higher-level training and jobs.

As well as additional funding for ACE and providers to provide learning support services for students facing barriers to learning, there will be more support than ever before. As the public provider, TAFE SA will have an important role in delivering the skill needs of the economy into the future, with training activity likely to increase.

We are putting more money than ever before into TAFE SA through a \$200 million investment in new facilities and campus upgrades, including the \$125 million Sustainable Industries Education Centre at Tonsley. Under Skills for All, TAFE SA will have more autonomy, more flexibility and better capacity to respond to market needs and to compete for revenue under reforms to revitalise and modernise the training sector. These changes will help TAFE to prosper in an increasingly contestable funding market.

Changes to the training system will be implemented progressively over the next four years, and I am confident that, through Skills for All, the South Australian vocational education and training sector will be transformed to make it more responsive to the needs of students and industry and better linked to schools and to universities, which is so important. Once carried out, Skills for All will mean more people in training, greater choice for training providers, better skills, more jobs and, ultimately, a much stronger economy.

ECONOMIC AND FINANCE COMMITTEE

The Hon. M.J. WRIGHT (Lee) (14:22): I bring up the 73rd—

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. WRIGHT: —thank you—report of the committee, being the annual report for 2009-10.

Report received and ordered to be published.

QUESTION TIME

PUBLIC SECTOR LEAVE ENTITLEMENTS

Mrs REDMOND (Heysen—Leader of the Opposition) (14:23): My question is to the Minister for Education. When cabinet agreed to change the Public Sector Act to allow public servants to cash out their long service leave entitlements, was he fully aware of its implications, and, if so, why didn't he tell cabinet or the then treasurer about the significant financial implications of the change?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development, Minister for Science and Information Economy) (14:24): I have no responsibility to the house for those matters, but what I can say is that—

Members interjecting:

The Hon. J.W. WEATHERILL: It is obvious that those opposite do not want to go anywhere near the education agenda. We have had absolutely no—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: In three days of question time—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: Three days of question time, and they do not go anywhere near the education agenda—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: —because they realise—

Members interjecting:

The SPEAKER: Order! The opposition have asked a question. If they do not want to hear the answer, leave the chamber.

Members interjecting:

The SPEAKER: Order! Minister.

The Hon. J.W. WEATHERILL: Madam Speaker, we have had three days of question time—after a rather long break. The announcement of one of the most significant—

Mr WILLIAMS: I have a point of order, Madam Speaker. It is up to the minister to answer the question, not to propose what sort of questions we should be asking him. He is not going anywhere near the substance of the question.

The SPEAKER: I will not uphold that point of order. Minister, I direct you to answer the question.

An honourable member interjecting:

The SPEAKER: I am sure he is getting there. Minister.

The Hon. J.W. WEATHERILL: Madam Speaker, I am happy to answer questions for which I am responsible to the house, and that is on matters of education. In relation to education, in the last budget we managed to provide for the education system an extra \$203 million—

Members interjecting:

The SPEAKER: Order! The member for MacKillop.

Mr WILLIAMS: I have a point of order, Madam Speaker. The minister is directly disobeying your ruling.

The SPEAKER: No, I think his answer is relevant to the question you have asked.

The Hon. J.W. WEATHERILL: Absolutely. Madam Speaker, these are questions that go to the budget. The budget involved an extra \$203 million that was voted for the education system. That will be an extra 700 teachers and like service officers, etc.

The SPEAKER: There is a point of order. The Leader of the Opposition.

Mrs REDMOND: Madam Speaker, the minister is clearly going nowhere near the answer to the question that was asked. If he wants, I can redirect the question elsewhere, but I say he should answer.

The Hon. P.F. Conlon: What point of order is that?

Mrs REDMOND: Relevance.

The Hon. J.W. WEATHERILL: Madam Speaker, they direct the question to me and they are going to get the answer that I am giving them. If they do not like that, they might want to have a bit of a think about how they organise their tactics in question time. We have had—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: In a very difficult budget an extra \$203 million was found for the education system. There are 700 extra teachers and like staff going into the education system in this state. I know that those opposite describe public education as rotten to the core and they have no commitment to public education, but on this side, even when we are framing difficult budgets, our priorities are absolutely clear, and they remain education, health and the security of our citizens.

NATIONAL HEALTH REFORM

Mr ODENWALDER (Little Para) (14:27): My question is to the Premier. Will the Premier advise the house on the approach he intends to take at COAG this Sunday on the national health reforms?

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:27): I thank the member for Little Para for asking this question. I had expected to get a question about COAG from members opposite, but then obviously they are more interested in pantomimes.

The Sunday COAG meeting will deal with a number of issues, including, of course, the recovery and reconstruction following devastating floods in Queensland and elsewhere in eastern Australia. I know that there has been a considerable number of media reports about a change in policy by the federal government relating to the growth funds for the health system that were guaranteed at last year's COAG under former prime minister Kevin Rudd. Can I say this: we fought hard, worked hard and negotiated hard to get an outstanding agreement on health, and that outstanding agreement on health involved considerable growth funding for health from the commonwealth for the future beyond 2015. Very importantly—

Members interjecting:

The SPEAKER: Order! Premier, continue.

The Hon. M.D. RANN: Very importantly, I also negotiated for a pathway, a glide path, of extra funds—some might call it sweeteners—between where we are now to reach where we need to be in 2015. I was very pleased that we were successful in those negotiations. We have signed the agreement—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: We have signed the agreement. That is the agreement I have signed and that is the agreement that will be honoured. The April 2010 COAG national health reforms—

Mrs Redmond interjecting:

The SPEAKER: Leader of the Opposition, I am about to warn you. Premier.

The Hon. M.D. RANN: Thank you, ma'am. The April 2010 COAG national health reforms included significant extra funding for South Australian patients. Under the proposed agreement, from 2014-15, the commonwealth will become the major funder of health services, with the commonwealth providing 60 per cent and the state providing the remaining 40 per cent of costs based on a nationally efficient price.

The thing that interests me is the growth funding. That is the bottom line: the money that was promised in terms of the pathway to a new arrangement from 2015. The commonwealth has guaranteed \$1.1 billion over and above South Australia's current estimates over the five years of the agreement. That is \$1.1 billion extra for patients for hospital care in South Australia. It is also, of course, the first time in history that we have had a commitment from the commonwealth to provide a capital contribution to hospital services. South Australia argued strongly for an immediate—

Members interjecting:

The SPEAKER: Order! I warn the member for Norwood.

The Hon. M.D. RANN: I understand that the member for Norwood has a great interest in political philosophy, including Marx. Apparently he has seen all of their movies. South Australia argued strongly for an immediate injection of funds into our health system. We argued for an

injection of extra money now, not later, and the successful negotiations secured increased funds of \$306 million from 2010-11 to 2013-14.

These additional funds included: \$120 million for subacute beds which will be used on services and the redevelopment of the Repatriation General Hospital and more mental health beds; \$60 million for additional elective surgery, and this will help us ensure that we continue to have no overdue patients; \$56 million to contribute towards additional senior medical, allied health and nursing staff for acute medical units, and senior consultants and registrars rostered at nights and weekends in order to help achieve the four-hour ED target; \$17 million for flexible funding over four years to support reforms in emergency departments, elective surgery and subacute care; \$29 million will be provided to support long-stay older patients in public hospitals; \$21 million to refurbish or renovate multipurpose service facilities or purchase equipment in rural and remote areas; and up to \$3 million will be provided for early psychosis prevention and intervention centres.

Under the national health and hospitals network agreement, the state government will continue to be the system manager for public hospital services and will retain responsibility for public hospital service planning, capital planning and management.

Members interjecting:

The SPEAKER: Order, the member for Kavel!

The Hon. M.D. RANN: Medicare locals will provide for the delivery of GP and primary health care services at the local level. So, what is the bottom line for Sunday's COAG meeting? We negotiated a deal for growth funding. That is the deal that I will be wanting to walk away with on Monday to secure the future because that is the deal we signed, that is the deal we made and that is the deal we will keep.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: Can I say that there has been speculation today that there has been some change in policy over our emergency service department guarantee. Let us remember what that policy proposal is: we intend to make central to our policies that 95 per cent of patients going to an emergency department in South Australia will be treated, discharged or found a bed within four hours. We will keep to that promise and we look forward to the money from the commonwealth.

Members interjecting:

The SPEAKER: Order! The member for Davenport.

PUBLIC SECTOR LEAVE ENTITLEMENTS

The Hon. I.F. EVANS (Davenport) (14:34): My question is again to the Minister for Education. Did the minister know before the March 2010 election that the then treasurer did not support the policy of public servants (including those from the minister's agency, education) cashing out their leave entitlements and wanted to cancel that policy for both executive and non-executive employees after the election?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (14:34): This is a—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: This is a matter to do with the state's finances. It is entirely appropriate as Treasurer that I take the question. It is not an issue that I am familiar with. I will get a briefing with it—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: I have been in the job—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: I have been in the job for 72 hours. I will get a report back from my department as soon as possible and report back to the house in due course.

Members interjecting:

The SPEAKER: Order!

LEGAL SERVICES COMMISSION

Mr SIBBONS (Mitchell) (14:35): Can the Attorney-General inform the house of what measures the government will be taking to ensure that the provision of legal assistance to the South Australian community is effective and accessible?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice, Minister for Urban Development and Planning, Minister for Tourism, Minister for Food Marketing) (14:35): This is a very important question and an important issue for South Australians. As most members of the parliament would appreciate, the prime method for delivery of legal services to the less fortunate people in this community is through the Legal Services Commission. People would also be aware that that commission is jointly funded by the state and the commonwealth, but the commonwealth funds are largely quarantined to commonwealth matters, in particular, family law matters, which means the burden and responsibility in respect of criminal proceedings in particular falls upon the state and the state as a contributor to the commission.

The commission provides legal advice, representation, education and information to South Australians. The government has increased funding in 2010-11 by \$2 million and funding will continue to increase over the next three years, reaching an extra \$2.8 million in 2013-14.

To ensure that the commission's services are delivered in the best possible way, I today have announced a review into the operations of the commission. The review will be chaired by the Solicitor-General. Representatives of the Law Society of South Australia, the Legal Services Commission and the Office of the Director of Public Prosecutions will review and consider a number of matters relating to the commission's operations.

The review will, amongst other things, consider the public defender services established in New Zealand and in New South Wales. The review will identify ways to increase the accessibility to legal aid. The review will also examine the fee structure of the commission, including: an evaluation of the current fee structure with particular interest being taken by me in how that fee structure can fit into ameliorating the problems of congestion in the criminal courts in particular; the provision of legal services, including the current policy which gives defendants a choice of applying for legal aid directly to the commission or being represented by a particular private lawyer; and the operation of the commission, including an analysis of criminal matters assigned to in-house commission lawyers and external lawyers.

I expect the review to report to me by the end July this year. I would like to acknowledge, in making this statement, the excellent work of the commission. I look forward to a report that will ensure that the community receives the best legal aid service possible into the future.

PUBLIC SECTOR LEAVE ENTITLEMENTS

The Hon. I.F. EVANS (Davenport) (14:38): Does the Treasurer accept or reject the Treasury advice in relation to public servants cashing out their long service leave entitlement, and that it has the potential to increase state debt by at least \$130 million? I quote the Treasury minute, dated 13 January 2010:

As at 30 June 2009, the outstanding long-service leave liability for the general government sector was \$1.3 billion.

There has already been significant interest from the agency level from the employees looking to access their entitlement under the new provision. Even a 10 per cent take-up has the potential to increase net debt by \$130 million.

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (14:39): When I've seen that minute, I'll be more than happy to come back to the house and provide a comment on whether I agree with it or not, but I'm not in a position to say whether I've agreed with it or not, when I haven't seen it. Let there be no mistake, this government is committed to financial sustainability. This government will ensure that we do not run up a credit card debt—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —of day-to-day expenses that are to be left to our children to pay. Our critics, including those in the opposition—that is what they would have us do.

SOUTH AUSTRALIA POLICE

The Hon. M.J. ATKINSON (Croydon) (14:40): Could the Minister for Police tell the house of the findings of the Productivity Commission Report on Government Services on South Australia Police?

The Hon. K.O. FOLEY (Port Adelaide—Minister for Defence Industries, Minister for Police, Minister for Emergency Services, Minister for Motor Sport, Minister Assisting the Premier with the Olympic Dam Expansion Project) (14:40): I actually can, member.

An honourable member interjecting:

The Hon. K.O. FOLEY: I was a bit. I figure this is probably the only way I am going to get a question these days.

Mrs Redmond interjecting:

The Hon. K.O. FOLEY: No, fear not. I am delighted to inform the house today, and I should pay tribute to the former minister for police because this is during his reign—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: As minister for police in my earlier incarnation, I essentially set up the framework for the next two ministers. The Productivity Commission Report on Government Services: the 2011 survey found that for the sixth year in a row—so, that is three years with minister Wright and three years of minister Holloway, but set up by me—South Australia Police (SAPOL) has the highest percentage of operational police of any other state in Australia with 91.7 per cent of sworn officers performing policing operations. What an outstanding achievement for a very proud Labor government. We have the most police of any state in Australia.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Per capita, South Australia continues to have the highest number of police compared to any other state; that is, 312 police officers per 100,000 people. So, again, South Australians are kept safer because of this Labor government's commitment to police resources.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: And members opposite laugh. We remember the dark days of the mid-1990s when South Australians were very unsafe in their homes and very unsafe in their communities. There were 1,000 less police under the Liberal government in that period than there are today. Unlike the Liberal Party, we care about keeping South Australians safe and we commit to it. Since coming to office, we have increased police expenditure—I am not sure that the current Treasurer will necessarily like this—by 88 per cent and we have put more than 700 extra police on the beat in South Australia.

The Hon. I.F. Evans interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: The member for Davenport screams and yells as his mate Rob Lucas in another place writes these obscure questions for him and he simply comes into this place to try to cause some difficulty. Let us go on about this survey, and the police commissioner, his senior staff and the force in general can be very proud of this: 82.9 per cent of respondents thought that SAPOL performed its job professionally, the second highest in the nation; 70.9 per cent thought that SAPOL treated people fairly and equally, the third highest in the nation; and,

importantly, 80.4 per cent of South Australians thought that most police in South Australia are honest.

Members interjecting:

The Hon. K.O. FOLEY: Sorry? You think that's funny? The Leader of the Opposition has laughed and mocked the fact that South Australian police are considered to be honest by 80 per cent of the population.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: The member for Norwood.

The Hon. A. Koutsantonis: A bit like Tony Abbott.

The Hon. K.O. FOLEY: Yes, it happens.

The SPEAKER: Order!

The Hon. K.O. FOLEY: What we do here in South Australia is we support our police, not just with funding but with a firm commitment of the Labor government to stand with our police, support our police and be proud of our police, unlike members opposite—soft on crime, critical of police; you really should be ashamed.

These excellent survey results show that SAPOL, under the outstanding leadership of the former minister for police, has established an enviable reputation as a professional and ethical police service of which South Australians can be proud. I could go on, because we have invested significantly not just in the number of police but in the equipment and the capital infrastructure needed to underpin our outstanding police force.

Unlike the last Liberal government, we build police stations, we don't close them. We have built new stations at Christies Beach, Golden Grove, Aldinga, Gawler, Mount Barker, Victor Harbor, Berri, Port Lincoln, Newton, Blakeview, Hallett Cove, Pooraka and Kalangadoo.

Mr Whetstone: So why did you sack the police minister?

The SPEAKER: Order!

The Hon. K.O. FOLEY: A further \$115 million in building a new state-of-the-art—

Members interjecting:

The Hon. K.O. FOLEY: —are you right there?—training academy.

The SPEAKER: Order!

The Hon. K.O. FOLEY: In my electorate. We will have for our new recruits the best training academy anywhere in Australia; arguably, the best in the western world. As I said, I could go on. We are building more police stations at Roxby Downs, Murray Bridge and Yalata. Remember the shame of the former Liberal government, as the minister for Aboriginal affairs at that time I think the member for Cheltenham would remember, when we came to office the Liberal government did not have a permanent police presence in the APY lands of this state—no permanent police presence.

The Hon. M.D. Rann: Pulled them out.

The Hon. K.O. FOLEY: They pulled them out. They had no care, no concern, no compassion, no empathy towards the people living on the lands. What have we done? Not only have we put permanent police postings into the APY lands—

Mr Williams interjecting:

The Hon. K.O. FOLEY: The deputy leader is saying, 'Oh, they were okay in Marla.' It was 20 kilometres away. It just shows that the Tories have no idea, compassion or understanding of the plight of Indigenous Australians. We have put serious resources on the lands. We are building homes for our police officers and public servants and, more importantly, we are building permanent police stations. The lands have never been safer than since this Labor government came to office. I will conclude on this point because I think I have made it rather well: we are—

Members interjecting:

The SPEAKER: Order!

An honourable member: Just say 'Thank you, Michael' once again.

The Hon. K.O. FOLEY: You've got to let me take the car for a spin occasionally. This is a government proud of our track record when it comes to policing and we will continue to keep the streets of South Australia safe, unlike the former Liberal government.

PUBLIC SECTOR LEAVE ENTITLEMENTS

The Hon. I.F. EVANS (Davenport) (14:48): My question is again to the Treasurer. Will the Treasurer confirm that former treasurer Foley and Treasury missed the broader implications of allowing the cashing out of long service leave for non-executive public servants when it costed the proposed changes to the Public Sector Act and, as a result, cabinet signed off on the policy unaware of the policy change and the impact it would have on state debt, resulting in treasurer Foley writing to minister Weatherill:

I am concerned that this significant change in employee entitlements does not appear to have been brought to the attention of cabinet during the approval process. To this end, was a significant broadening of the payout arrangements intentional or an oversight in drafting of the legislation? If it was intentional, what was the motivation?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (14:49): Again, allow me to get an opportunity to be briefed on this issue by my department. I will come back to the parliament with a full report.

ADELAIDE FILM FESTIVAL

Ms FOX (Bright) (14:50): My question is to the Minister for the Arts.

Members interjecting:

The SPEAKER: Order! I can't hear the member. Member for Bright.

Ms FOX: Thank you, Madam Speaker. My question is to the Minister for the Arts. Can the Premier update the house on the forthcoming film industry events to be held in Adelaide?

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) (14:50): I want to thank the honourable member for Bright for her great interest in and passion for the arts.

An honourable member interjecting:

The Hon. M.D. RANN: Was that from Harpo? From 24 February to 6 March, Adelaide will host the fifth biennial BigPond Adelaide Film Festival. This event continues to break new ground and to explore and celebrate the many forms of the moving image.

This festival has carved a distinctive place in the Australian film landscape and this year offers its most ambitious program, with Australian features, documentaries and shorts, alongside world cinema. There will be cross-platform works, incorporating video installations, as well as online and mobile phone activities. This festival attracts international guests, and this year will bring many eminent guests to Adelaide, including festival programmers from around the globe and from each of the major Australian film festivals and film corporations.

The Adelaide Film Festival was groundbreaking in the establishment of the Adelaide Film Festival Investment Fund—I think that was a moment of genius. Not only does the festival program show films but it also invests in the creation of films. Very few of the 1,500 film festivals in the world (several years ago, I knew of only one other) actually invests in every single step of the creative process. Most film festivals screen other people's films; our film festival makes films.

The state government provides \$1 million over two years to the Adelaide Film Festival Investment Fund for each film festival. This fund was set up in 2003 to support established and emerging Australian film makers. Since the inception of this fund, we have seen investments in 46 Australian projects, including 14 feature films, nine feature documentaries, 18 short films and five cross-platform projects. A number of these films have gone on to great success, the most notable being Sarah Watt's *Look Both Ways* having won the Discovery Award at the Toronto Film Festival; Rolf de Heer's *Ten Canoes* winning special jury mention, *Un Certain Regard*, at the Cannes Film Festival; and, of course, Warwick Thornton's *Samson and Delilah*, winner of the Camera D'Or (or best first feature film) at Cannes in 2009.

In fact, with those films, we saw almost a clean sweep of AFI awards, with the first films our film festival produced. Just like in previous years, including *Samson and Delilah*, I am sure that some of the films in this year's festival, including *Snowtown*, will be both confronting and challenging.

Premiering at this year's festival are no fewer than 14 new investment fund projects—bold and sweeping in their content, style and format—that have been funded through this initiative. Let me go through some of them. *Shut Up Little Man*, produced by Sophie Hyde and Matthew Bate, *Danger Five*, a series of six previous webisodes from the team behind *Italian Spiderman*, and *Snowtown*, directed by Gawler-born Justin Kurzel, and dealing with difficult subject matter, are just a few of the investment fund films that are premiering at this year's film festival.

Shut up Little Man and *Danger Five* are excellent examples of quality films made by local talent. *Danger Five* is also included in the Made in SA program. Presented in partnership with the South Australian Film Corporation, Made in SA demonstrates the wealth of talent emerging in the South Australian film sector.

It is exciting to note (and I can feel the excitement) that in April 2011, New York's Museum of Modern Art, known to the minister assisting and I as MOMA, will be screening a week-long program of some of the films that this fund has supported. It is testament to the quality and international standing of the BigPond Adelaide Film Festival and investment fund that an institution of such global repute should choose to showcase our product—started here, begun here, produced here and developed here.

At the launch of the festival program on 28 January, minister Hill announced that the recipient of this festival's Don Dunstan Award, in recognition of her outstanding contribution to the Australian film industry, will be the amazingly talented actor Judy Davis, and I look forward to presenting Ms Davis with the award on opening night.

This year the BigPond Adelaide Film Festival will screen films and support installations and projections at locations all over the state; in cinemas, theatres, galleries, and even on the cliffs at Port Willunga beach. The program includes an impressive 20 world premieres, including *Life in Movement* by Adelaide filmmakers Brian Mason and Sophie Hyde, *Magic Harvest* by Adelaide filmmakers Jeni Lee and Julia D'Roeper, which celebrates wonderful community food projects that are running in and around Noarlunga (so I hope that the minister for food will be there, as well as the member for Mawson), and also, screening in competition at the festival, *Here I am*, directed by Beck Cole and filmed in and around Port Adelaide.

We are looking forward not only to the film festival but also to the Australian Directors' Guild Conference and the Adelaide International Documentary Conference, also occurring here in Adelaide. I want to thank Cheryl Bart, the chair of the Adelaide Film Festival and chair of the South Australian Film Corporation, and her board. I also particularly want to thank the vision of Katrina Sedgwick, our inaugural and continuing festival director, for the amazing job she has done in making this festival into what has been described as one of the world's 'not to be missed' film festivals.

PUBLIC SECTOR LEAVE ENTITLEMENTS

The Hon. I.F. EVANS (Davenport) (14:56): My question is again to the Treasurer. Will the Treasurer guarantee not to cancel the cashing out of long service leave for public servants, as recommended by the former treasurer to minister Weatherill in his memo of 30 January 2010, just before the state election? It said:

I recommend that action be taken to limit the application of this provision and in the longer term—post-election [underlined]—the clause be removed from the Public Service Act for both executive and non-executive employees.

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (14:56): Again, let me go back to my department and have a look at the issue. I will come back to the house as soon as I can.

Members interjecting:

The Hon. J.J. SNELLING: Let us not get too excited about this. The opposition has a track record of trying to make something out of nothing; it has been doing it for the last nine years. A few examples come to mind, including this morning. It is constantly trying to make something out of nothing. Let us not get too excited. I will go back to my department, get a full briefing on the issue, and report back to the house. However, I am confident that 'there ain't much in it'.

Members interjecting:

The SPEAKER: Order!

SPENT CONVICTIONS LEGISLATION

The Hon. R.B. SUCH (Fisher) (14:58): My question is to the Attorney-General. When will the spent convictions legislation come into force, and how will it benefit South Australians?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice, Minister for Urban Development and Planning, Minister for Tourism, Minister for Food Marketing) (14:58): I want to thank the member for Fisher for his question. As all members in this chamber know, the member for Fisher has been a persistent campaigner in relation to this issue for many years, and I would like to say that both he and the former attorney are to be congratulated by virtue of this legislation now being in place. The act comes into force on Sunday 13 February. As from that time, the spent convictions regime in South Australia will come into line with the systems operating in other Australian jurisdictions.

Minor convictions are spent after 10 years for adults and five years for juveniles. Reoffenders would have to wait for a longer period before convictions were spent. Convictions being spent in another state would not revive because a person simply moved to South Australia. It is important for members in this place to recall that spent convictions, even though spent for many purposes, are not spent for all purposes. There are some areas of employment, for example, where it is highly relevant that those convictions still be considered. Nevertheless, it is a big step forward in relation to this matter. Those areas include sensitive jobs where police checks would be involved; for example, in law enforcement positions and things of that nature.

I have to tell the parliament, the member for Fisher and other members on both sides of the chamber who have asked me about this, that we are consulting on the possibility of a future amendment to this particular piece of legislation to deem a particular conviction spent instead of simply relying on the blanket prescription method existing in legislation. However, I have to tell the parliament that, in the event of that option being taken up, it is my view that such a conviction, if not contained within the general categories, would have to be both trivial and have had no impact on a particular victim, and that is a matter about which we will be consulting in the months ahead.

PUBLIC SECTOR LEAVE ENTITLEMENTS

Mrs REDMOND (Heysen—Leader of the Opposition) (15:00): My question is to the Premier. Is the failure of minister Weatherill to inform and alert the cabinet of massive financial implications of the policy to allow public servants to cash out their long—

The Hon. P.F. CONLON: Point of order.

The SPEAKER: Order! The Minister for Transport, point of order.

The Hon. P.F. CONLON: The question cannot contain comment. Referring to massive whatever it was is plain comment. She cannot expect the Premier not to debate an answer if she debates the question.

Mrs REDMOND: Madam Speaker, I will reword it.

The SPEAKER: Yes; I was just going to ask you to reword the question, because I do uphold that point of order. It was very judgemental.

Mrs REDMOND: Is the failure of minister Weatherill to inform and alert cabinet of the financial implications told by Treasury to be potentially at only 10 per cent take-up, at least \$130 million—

Members interjecting:

The SPEAKER: Order!

Mrs REDMOND: Is the failure by minister Weatherill to inform and alert the cabinet of that, that is, the policy about the long service leave implications, the cashing out—

Members interjecting:

The SPEAKER: Order!

Mrs REDMOND: —and the potential financial implications—is the failure of minister Weatherill to alert the cabinet of that the reason he has chosen to endorse minister Rau? Is that the reason—

Members interjecting:

The SPEAKER: Order!

Mrs REDMOND: I think he's got the gist of it, Madam Speaker, if I can just finish the sentence; that is, is that the reason he has chosen to endorse minister Rau as his potential successor instead of minister Weatherill?

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) (15:02): Can I just say that I heard this kind of rambling rumbling. I know that some lawyers take silk, others wear silk, but it seemed to me that it was not exactly a Rumpole-like performance. So the answer is: the former treasurer has just told you that these issues were resolved a year ago. I have the utmost confidence in the Minister for Education. So, I would suggest to the Leader of the Opposition, given her performances in court and here in this house, that she sticks to pantomime, sticks to waving around a wand with my photo on it, as the Queen of Hearts.

Members interjecting:

The SPEAKER: Order!

Mr Pisoni interjecting:

The SPEAKER: Order! I warn the member for Unley!

Members interjecting:

The SPEAKER: Members on my right, also.

The Hon. K.O. Foley interjecting:

The SPEAKER: The Minister for Police will be quiet.

Mr Pisoni interjecting:

The SPEAKER: Order! Member for Unley, do you want to take a walk for three days? Because that's what you're due. Member for Torrens.

VOCATIONAL EDUCATION AND TRAINING

Mrs GERAGHTY (Torrens) (15:04): I ask the Minister for Employment, Training and Further Education to tell the house how South Australia is performing in the area of vocational education and training.

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (15:04): I thank the member for Torrens for her question. It is an important question, and I know of her keen interest in matters of vocational education and training.

I am pleased to inform the house that the Australian Bureau of Statistics has released its latest report into educational work data for South Australia. The report shows positive figures in the vocational education and training sector, suggesting that this trend is expected to continue. Data from the publication is used to report against a number of VET targets and performance indicators included in the National Agreement for Skills and Workforce Development, related national partnerships and other national reports.

In nearly all cases, South Australian figures performed better in 2010 than in 2009. The report shows a reduction in 2010 of the proportion of South Australians aged between 20 and 64 years who do not have a qualification at certificate 3 level or above. The report also shows that the proportion of the South Australian labour force with qualifications achieved beyond high school increased from 52.9 per cent in 2005 to 58.9 per cent in 2010, a significant increase of 6 per cent.

These figures back the South Australian government's objective of ensuring high quality vocational education and training delivered by South Australian TAFE institutes, private registered training organisations and adult community education providers. The ABS report is particularly encouraging given the state government's \$194 million promise to deliver 100,000 training places

to boost the skills and qualifications of our workforce and to assist in the creation of 100,000 new jobs over the next six years.

Further, today I released the Skills for All white paper as the new direction for vocational education and training. The message from our community consultation was very clear: South Australia's training system needs to be simpler and easier to access. I am confident that through Skills for All the South Australian vocational education and training sector will be transformed to be more responsive to the needs of students in the industry and better linked to schools and universities. Once implemented, Skills for All will mean more people in training, more choice of training providers, better skills, more jobs and a stronger economy. Whether you are a school leaver, a mum returning to work or a worker who is looking for a better job, the South Australian government is going to back you with the training that you need.

Additionally, Skills for All coincides with an investment from the government of more money than ever before into TAFE SA through a \$200 million investment in new facilities and campus upgrades, including the \$125 million for the new sustainable industries education centre at Tonsley.

MOUNT BARKER DEVELOPMENT PLAN AMENDMENT

Mrs REDMOND (Heysen—Leader of the Opposition) (15:07): My question is to the minister for planning. Will the minister immediately review the decisions of the former minister for planning in respect of development changes and urban expansion at and around Mount Barker?

The Premier has created the new special portfolio of food marketing and assigned it to the minister for planning and development. Yesterday, the Premier announced via Twitter:

I have asked John Rau to look at ways we can protect the unique identity and integrity of the Barossa Valley and McLaren Vale. We will look at special legislation. We must never allow the Barossa or McLaren Vale to become suburbs of Adelaide.

The SPEAKER: Order! There is a point of order.

The Hon. P.F. CONLON: None of this is necessary to explain the question.

An honourable member interjecting:

The Hon. P.F. CONLON: Well, it's not. With the greatest respect, the Premier understands the question.

Mrs REDMOND: I will continue the explanation. Residents of the Adelaide Hills, which is one of South Australia's—

The SPEAKER: Order! There is a point of order.

The Hon. P.F. CONLON: A ruling.

The SPEAKER: I think the question was fairly self-explanatory. The leader seems to have a volume of information there. Are you going to keep reading the whole lot?

Mrs REDMOND: I am down to the last two lines, Madam Speaker.

The SPEAKER: Well, finish it. I will give you the benefit of the doubt this time.

Mrs REDMOND: Thank you. The Adelaide Hills, of course, is one of South Australia's great wine regions and part of our food bowl, and the residents there have been fighting the government's decision to expand Mount Barker significantly—plans headed by the former minister Paul Holloway.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice, Minister for Urban Development and Planning, Minister for Tourism, Minister for Food Marketing) (15:09): I thank the honourable leader for her question. Given the fairly broad range of topics covered in the question, I hope everyone will enjoy the answer.

I will start with the issue about the Barossa Valley and McLaren Vale. I would like to explain to the parliament very clearly what is going on there. The member for Mawson has been working extremely hard in relation to his community; and I must say the member for Schubert is known, on all sides, as being a—

The Hon. M.D. Rann: A baron of the Barossa.

The Hon. J.R. RAU: Indeed, a baron of the Barossa, and a tireless campaigner for his electorate. When, in the fullness of time in 2022 or 2026, he decides he is going to stop

representing them, I believe there will be a large bronze statue assembled, probably in Tanunda, or somewhere like that, I am not sure—

The Hon. M.D. Rann: Like Bacchus.

The Hon. J.R. RAU: Indeed, it will be like Bacchus, but in the form of the member for Schubert, perhaps one of those goat skin containers with wine slung over his shoulder.

Mr Venning interjecting:

The Hon. J.R. RAU: He gets it, Madam Speaker! The honourable member gets it! His electors are pleased that the government is going to stop urban infill in his beautiful electorate, and that is a magnificent thing, and I am pleased that he is pleased.

I am also pleased that the member for Mawson is pleased, because he has put in a great deal of work in and around his electorate, talking to people, gauging the feeling of people and talking to ministers. I think—

Members interjecting:

The SPEAKER: Order!

The Hon. J.R. RAU: The first call I think I received, after being given the privilege of taking on these responsibilities, was from the member for Mawson. It happened about 30 seconds after I was sworn in, and he said, 'I need to talk to you about McLaren Vale.' That is the sort of commitment we have from that member. Now, the other matter that was raised was the matter of food. I would like to say, very briefly, that the concept of me having responsibility for food—and I need to talk to the member for Schubert about this because he has offered me some culinary delights in the beautiful Barossa— is that food is part of the tourism experience.

Tourism in South Australia, to get real added value, is going to have to look at experience tourism, not simply going to have a look at the beautiful Barossa, take a photo and go home. It is about going there and, as the member for Schubert would tell all of us, enjoying the Barossa Valley. The member for Mawson tells us all about enjoying the Clare—no, he doesn't; actually he talks about McLaren Vale. I'm sorry that a certain member of the upper house is not here because I could pay tribute to her because she lived up in Clare and talked constantly about that. Anyway, she knows who she is.

This is the important thing: that is where the food issue fits in—it fits in with planning, it fits in with tourism, and it is going to be a great area working together. As to the other element of the honourable member's question, I will get back to her.

Members interjecting:

The SPEAKER: Order!

HOSPITAL EMERGENCY DEPARTMENTS

Dr McFETRIDGE (Morphett) (15:13): My question is to the Minister for Health. Why is the South Australian Labor government retaining a discredited arbitrary target for emergency department waiting times when Prime Minister Gillard has announced the dumping by federal Labor of the four-hour targets in emergency departments; and will the promise of \$100 million announced by Premier Rann to enable emergency departments to achieve the four-hour targets still be available to reduce waiting times?

The Hon. J.D. HILL (Kaurana—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (15:13): I was hoping for this question from the shadow minister. He is always predictable in terms of his questions. The first point he made that it is a discredited policy is not true; it is not a discredited policy. It is a very sound policy which the Liberal government in Western Australia has adopted, and the government in Britain has continued. It now has a 95 per cent—

Dr McFetridge: They're not; it's not true.

The Hon. J.D. HILL: The government in Britain has a 95 per cent target that has been put in place, as I understand it, and now the commonwealth—

Ms Fox: It's from *The Daily Mail*, it's fiction.

The Hon. J.D. HILL: From *The Daily Mail*, that's right. The government of Australia has got the same policy. The member has made the claim that the Prime Minister has dumped the policy. I would ask the member to provide proof to the house that the Gillard government has dropped this policy. A piece of paper that the member holds up in front of him does not seem to me to be demonstrable proof. The member is relying—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —on *The Advertiser*. I say to my good friends at *The Advertiser* that I know they very rarely get it wrong, but I say to the member for Morphett that I would not be relying on that report for my information about what the Gillard government is or is not going to do in relation to the emergency target. Our government has a commitment to that target, whatever anybody else does, and we will resource it appropriately, as we have already announced.

NARRUNG BUND

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:16): My question is to the Minister for Water. Why has the government failed to remove the temporary bund between lakes Alexandrina and Albert, work for which funding has been provided to the state? A letter dated 24 January 2011, to the Coorong District Council from the CEO of the Murray-Darling Basin Authority, states:

In relation to funding for the removal of the Narrung bund, in June 2009 the MDBA paid \$2.3 million to the Department for Water towards the costs of spoil treatment and bank removal. In return for this payment the MDBA received a release from South Australia for any further obligations in relation to the Narrung bund.

Yet, as late as yesterday, a spokesperson for the government of South Australia is claiming that it is still seeking several million dollars from the commonwealth government for this work.

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (15:17): I thank the honourable member for his question. I think that he was involved in a stunt down there whilst I was on holidays, in getting a shovel.

Mr Williams interjecting:

The Hon. P. CAICA: Trying to help get it started. Yes, trying to help yourself, and it did not work. I want to clarify a couple of issues.

An honourable member interjecting:

The Hon. P. CAICA: Yes, I know. The Lake Albert Water Level Management Project commenced in 2008-09 and comprised two main components: the construction of the Narrung bund and the pumping of water from Lake Alexandrina to Lake Albert. The funds for the original construction and pumping project were, as we know, provided by the Murray-Darling Basin Authority and the project was sponsored, managed and delivered by the Department for Water. Additional funds have also been provided from a range of other sources to manage water levels in Lake Albert in order to control acidification.

In January 2009, the pumping component of the project experienced difficulty as water levels in Lake Alexandrina decreased significantly—and sometimes we forget how low they were—and the pumps were unable to draw water. To resolve what was an emergency situation, dredging was undertaken to return the supply of water to those pumps. Because the dredging works were undertaken as an urgent response, spoil was cast aside. Under the terms of the emergency dredging agreement that stockpile had to be disposed of at a later date when it would not impact upon the pumping operation.

In June 2009, it was accepted by the project steering committee that the Narrung bund would still be required into 2009-10. I remind the honourable member that it was only in August of last year that we were still tracking at near record inflows into the Murray-Darling Basin system, and things changed very dramatically and very quickly, of which we are all—

An honourable member: Record low inflows.

The Hon. P. CAICA: Record low inflows, yes. We are all thankful that that situation has changed. At that time, of course, the water levels in the Lower Lakes were predicted to remain very low for an extended period and the threat of large-scale acidification remained high. Acknowledging

these issues, the MDBA agreed to provide an up-front payment to provide funds for removal of the bund and management of the spoil castings.

Mr Williams interjecting:

The Hon. P. CAICA: Yes, but I am putting it in the context. I would like to do it a little bit better than you did, Mitch, as opposed to picking pieces out and saying, 'This will go on the record.' This is the fact as it is.

The Hon. P.F. Conlon: Is it fair to say that they have flung dung at the Narrung bund?

The Hon. P. CAICA: Yes, he did; he flung dung at the Narrung bund. Quite frankly, the total cost of the project for the removal is estimated at about \$2.65 million. This means that the available project budget will require additional funds. We have made no bones about that. I would again remind the deputy leader that there is a difference between the Murray-Darling Basin Authority and the commonwealth government. You got on the wireless the other day and made a big fuss about this letter, which of course has been public information for a period of time, but there is a difference between the commonwealth and the MDBA.

Members interjecting:

The Hon. P. CAICA: I explained various circumstances that had changed from the time that we were provided with funds to do the entire project. Quite simply, we are having ongoing discussions with the commonwealth to address this shortfall. We are very confident that we will be able to resolve that, and there are—

Mr Williams interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: We expect the matter to be resolved fairly quickly and, even as we speak, we have representatives over there talking with their commonwealth counterparts to make sure that some of the money that is still available there that has not been spent because of the existing—

An honourable member interjecting:

The Hon. P. CAICA: Well, we have a lot of money that hasn't been spent. They asked for the application of the funds, Madam Speaker, and I think I should probably do that in the time remaining, and it won't make any difference to what views will be proffered by the deputy leader in the future.

The construction of the Narrung bund was \$2.5 million; the pumping costs from Lake Alexandrina to Lake Albert were \$9.2 million; the dredging costs were \$2.2 million; the repair and remediation of the Narrung bund was \$0.9 million; the partial removal was \$300,000; the project management surveys, assessment, investigations and modelling costs were \$1.5 million. The total expenditure was \$16.6 million. The source of funds, if you would like me to go through them—

Mrs Redmond: No.

The Hon. P. CAICA: Why? Because you don't want to know, do you? No, you don't want me to go through them. The Murray-Darling Basin Authority, \$14 million; the River Murray drought budget, \$0.9 million; the Living Murray MDBA, \$400,000; the Murray Futures clam project, \$1.6 million. A total of \$16.9 million, a surplus of \$0.3 million. The costs involved, as I said of that, we are in discussions with the commonwealth to make sure that we are able to transfer money from elsewhere to that project.

SAVE THE RIVER MURRAY LEVY

Mr WHETSTONE (Chaffey) (15:23): My question is to the Minister for Water. Why are South Australian irrigators paying 100 per cent of the Save the River Murray levy when restricted to 67 per cent of their allocation?

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (15:23): I thank the honourable member for the question.

Members interjecting:

The Hon. P. CAICA: No, I am happy to go on well beyond this time. I would have thought that you might have asked some questions about the allocations as well. Certainly I would make the point that we have been very supportive of the Riverland communities over a significant period of time.

Members interjecting:

The Hon. P. CAICA: What, you don't remember when we purchased water for permanent plantings?

The Hon. K.O. Foley interjecting:

The Hon. P. CAICA: Tens of millions of dollars.

Mr Marshall interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: I was up there last week; it's safe to say they don't love me. It is safe to say they don't love me, and I accept that.

Mr Marshall interjecting:

The Hon. P. CAICA: That's right. Quite frankly, we are renowned for the way in which we are managing water. Quite simply, we have provided significant subsidies for a significant period of time in relation to ameliorating against the impacts of the drought. Some of that, of course, is the natural resources management levy; the water component of it, based on the percentage of water that they would get. In addition to that, too, covering the costs involved with transfer of water during that period of time. Quite frankly, for the opposition to come and say that we have not been supportive—we have been and will continue to be able to support irrigators in that region.

Members interjecting:

The Hon. P. CAICA: Well, do you want me to talk about the 67 per cent so that you might understand what it is all about?

Members interjecting:

The Hon. P. CAICA: We all pay what is appropriate; however, on numerous occasions, we have been able to, and we will continue to be able to, support the irrigators in that region through the subsidisation of some of the costs they incur.

DROUGHT RECOVERY PROGRAM

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) (15:25): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: While most of the state has experienced heavy rainfall over the past six to 12 months, it is important to acknowledge and remember that many districts are coming out of drought for the first time in many years. In 2006, South Australia was facing the worst ever drought on record. It was vital that businesses, families and communities were supported. A coordinated whole of government response was required; it needed to be evidence-based, innovative, flexible and responsive to regional needs. Urgent action was needed and urgent action was taken.

In September 2006, I convened a drought subcommittee of cabinet and established a high-level drought task force to devise ways to support affected farmers and communities through the drought and into recovery. We also engaged the Hon. Dean Brown as a special adviser on drought to provide government with high-level strategic advice as conditions evolved. A package of measures was designed to complement the National Drought Policy, including support to the exceptional circumstances arrangements, and to provide support to the social fabric of communities.

The state government's drought program has played a pivotal role in underpinning farm business and the rural community's ability to manage and recover. There has been a five-year sustained effort across government. We took a phased approach to respond, as issues emerged, providing ready access to services and support. There were 14 phases of support, moving from

crisis to recovery to transitioning to preparedness. This whole of government approach included strong links with the community through the formation of regional task forces, bringing together regional leaders to communicate and coordinate support and services.

Following my visit, with the honourable Minister for Infrastructure, to Eyre Peninsula in late 2007, we recognised the need for regional drought coordinators, and three were subsequently appointed to support the four regional task forces. Over a five-year period, the drought response has provided \$115 million in government support to businesses, families and communities.

In terms of farm business support, an impressive number of services were provided. I advise that 2,450 businesses received interest rate subsidies, the state contributing 10 per cent of the cost. The state provided 1,568 businesses with business planning grants. Three thousand clients were supported by Rural Financial Counselling South Australia, with the state providing specific funds for additional staff, and the state provided 1,725 irrigators with a critical water allocation to underpin the survival of permanent plantings on the River Murray. We also delivered a program of technical workshops, including strategic planning, succession planning and communication, a farm debt mediation service, and specific drought business management planning support for irrigators.

The other critical component of the program was to support the social fabric of the regions. This was strongly supported by the SA Farmers Federation and delivered through Country Health SA. Some 4,200 people were supported by Country Health community counsellors and 733 men were directly assisted through the Peer Support Project. Our drought support centres provided a one-stop shop for these services. We set up the drought information hotline to provide a single point of contact for people in rural communities. Regional workforce retention was a vital component of the wellbeing of rural communities, and 908 young apprentices were supported to stay in work and in their regions.

We recognise the skills of farmers and provided further training to expand opportunities to gain work on and off farm, in particular, in mining. A total of 742 farmers were supported to learn new transferable skills. We helped assist families by maintaining 22 otherwise unviable school bus runs, offering school expenses assistance with the drought school card and offering mental health education through schools.

The government is proud that the state's support program was able to evolve with the emerging and changing needs of regions. The significant impacts of drought on the economy, environment and community were minimised. Just as importantly, farmers and families were supported through the drought. Following the successful drought program, communities are now stronger and thus will be able to respond very quickly when the next drought inevitably occurs.

Thankfully this current season has proved excellent for South Australia. While there were some difficulties during the grain harvest, we have produced a record crop, with strong prices providing a strong return to the state. Many farmers were able to capitalise on the good season due to the critical support provided during the drought, and the program has provided a template of action that is now incorporated into the commonwealth's drought response approach. It will also provide a template for action when drought inevitably revisits South Australia sometime in the future.

I would like to say thank you to all the members of the high level Drought Task Force, all those involved in implementing the program which has made such a difference to drought-affected communities. I want to thank both the minister for agriculture and his predecessor, and I want to particularly thank Dean Brown, former premier of South Australia, for his assistance and dedicated hard work.

Members interjecting:

The SPEAKER: Order!

GRIEVANCE DEBATE

PUBLIC SECTOR LEAVE ENTITLEMENTS

The Hon. I.F. EVANS (Davenport) (15:31): It is the end of the first week of the new parliamentary year and what have we got? A divided, shabby, secretive and tricky government, and that is no better illustrated than by the events of today and the events of this week. The government has gone through a hatchet job in cabinet. It is trying to sell it as a cabinet reform and a bloodless coup, but the Red Cross was on standby at the caucus meeting on Tuesday. They

have gone through the cabinet with a hatchet, and the divisions are there for all to see—and they have been there for a long time.

Today we saw how these divisions impact on the state. We had minister Weatherill taking his submission to cabinet, minister Foley not even aware of its implications, and we had Treasury saying, 'We didn't know about this. We didn't know the implications of this.' How is it that then deputy premier Kevin Foley's department did not know what was in the cabinet submission produced by Kevin Foley's arch-rival, the member for Cheltenham? Of course, we discover this happened just weeks before Jay Weatherill, as the member for Cheltenham, challenged Kevin Foley, then deputy premier, for that very spot. So those leadership tensions played out in the departments and played out in the cabinet, and cabinet—and this is where the government gets very shabby—

The Hon. J.M. Rankine interjecting:

The Hon. I.F. EVANS: I note that the minister interjects. This is where the government gets very shabby. The cabinet signed off on a process, unaware of the costs, unaware of the implications on the state debt. That is the formal advice from the Treasury to the Treasurer: that it did not know the detail, it was unaware of it, it did not know the policy. How can a cabinet be so divided that, when one leadership rival brings in a submission, the other leadership rival does not even know what is in the submission and does not get it properly costed?

Treasury says that at that point the net debt could increase up to \$130 million; that is if only 10 per cent of public servants take up the option. The long service leave provision is actually \$1.3 billion, so it could be that Treasury had a different view that it may have gone over \$130 million had public servants taken it up a higher rate.

This is a secretive government. We all remember the meeting that the Treasurer had to remember that he had forgotten. We all remember that, and how he misled the house, how he kept that secret from the state during the election. We all remember that. Well, guess what? We are back there again. The same government, the same treasurer, gets advice in the January before the election—just weeks before the election—that the state debt could have blown out by up to another \$130 million because cabinet was not properly informed. That is what the Treasury minute says. This goes to the secretive government. They deliberately hid that issue from the public, just as they did the Adelaide Oval blowout. The former treasurer wrote to his leadership rivals saying, 'We should deal with this post the election.' They did not do this before the election.

Then we get the show today; we get the trickery of today. We have a potential future leader of the party, the member for Cheltenham, the Minister for Education. He gets asked a very simple question: did he know about this before the election? That was the question: did he know about it before the election?

The new Treasurer, wanting to impress everyone, stands up and says, 'Let me take it, I'm the new Treasurer. This is a money matter.' Well, how is knowing this issue before the election a money matter? Then the Treasurer says, 'Well, now I've got the question, I don't know the answer.' That is a disgrace. It is a disgrace, not because the Treasurer did not know—that is one issue—but it is a disgrace that it was a deliberate tactic to stand up and take the question, because then he could say, 'I didn't know, and I was protecting minister Weatherill from answering the questions.'

We went from someone who knew something but said nothing to someone who absolutely knew nothing and said nothing. At the end of the first week of this parliamentary year, this government is divided, it is shabby and it is secretive and, we can see today, it is still tricky.

CARMAN, MS S.

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Housing, Minister for Ageing, Minister for Disability) (15:37): Today I would like to pay tribute to Suzanne Carman, who was the previous executive director of the Office for Disability and Client Services. On Thursday, 30 December 2010, Suzanne Carman, sadly, lost her battle with cancer.

Suzanne moved to Adelaide from North Queensland in 1972. She came from a large extended family, whose faith, I understand, very much forged Suzanne's commitment to social justice, as did her time as a student with the Sisters of Mercy. I understand that in her last year at school she was dux, head prefect and national president of the Young Christian Student Movement. She won a commonwealth scholarship to study at university. However, it was not until

she came to Adelaide that she undertook university studies, obtaining an arts degree as well as a Diploma of Education. She returned to Adelaide University to study law after some time teaching.

Suzanne then embarked on a distinguished career in the state's Public Service. She held roles including women's adviser to the Premier; deputy equal opportunity commissioner; official secretary to the Governor of South Australia; director in the cabinet office; director of security and emergency management; acting ombudsman; and, most recently executive director of the Office for Disability and Client Services.

I had the privilege of working closely with Suzanne. She was a professional public servant of the highest calibre. She was committed to creating a positive change and improving people's lives. She knew how to cut through bureaucracy and make a difference. She was strong and courageous in her approach to problems—traits which shone through during her illness.

Suzanne was admired across the Public Service and held in high esteem and respected by her peers both in and out of government. Glenn Rappensberg, Chief Executive of Novita Children's Services, said of Suzanne Carmen:

She was an esteemed and valued champion for services to children and young people living with disability in this state.

In speaking at her funeral, Joz Mazel, Chief Executive of the Department for Families and Communities, said:

As was her destiny, she (Suzanne) approached each role with a sense of duty and dedication that in turn brought with it the admiration and respect of her staff and colleagues.

She had high expectations of others, but even higher expectations of herself. She was never one to shirk from hard work and was always there when yet another deadline had to be met, no matter how complex the task.

Suzanne has been described to me as a warm, wise and compassionate friend, a woman of integrity, and her modesty and humility was notable. Colleagues at the Office for Disability and Client Services said:

Suzanne had a passionate commitment to achieving a better life for people with disability. She had a great capacity to elevate the concerns of others over her own concerns and she was attentive to and supportive of her staff.

National Disability Services paid tribute to Suzanne with the following:

Suzanne understood the value a strong working relationship between the disability service provider sector through its peak body, National Disability Services, and the department would bring to the delivery of disability services in this state. On behalf of our members, we pay tribute to her genuine commitment to this final path of her commendable career.

Staff at Community and Home Support SA said:

Suzanne was a consummate public servant who operated with grace and intelligence. Her understanding of the mechanics of government, her willingness to engage in robust debate when needed, her capacity to engage with stakeholders, including those with differing points of view, her drive to add value. These are some of the qualities identified by those who worked with her and learnt from her. She was a mentor and a genuinely caring human being.

One person said:

I remember the very first time I met Suzanne. How many people can you say that about? She caught my attention and I was drawn to her intelligence, sensitivity, honesty and dignity.

Suzanne had a passionate commitment to achieving a better life for people with a disability. She had a great capacity to elevate the concerns of others over her own concerns and she was attentive to and supportive of her staff. Suzanne's passion for her work continued during her illness. She continued to come to work even when she knew she was terminally ill. She continued to attend meetings and apologised to me that she would not be around to see our reforms come to fruition.

Suzanne was much loved partner of Gray Hawk and mother to Sean, Sunny Carlin and Malika. Their loss is much greater than ours and I offer them my most sincere condolences. Both personally and professionally, she will be greatly missed, and I was truly honoured to have the opportunity to work with Suzanne and get to know her.

The ACTING SPEAKER (Ms Thompson) (15:41): I would also like to pay my tribute to Suzanne Carman. I was privileged to be a colleague of hers for some time. In fact, I think I was either her first or second employer in the Public Service. She was truly a woman of insight and

compassion and I would also pay my respects to Gray Hawk and other members of the family on their great loss.

MARINE PARKS

Mr TRELOAR (Flinders) (15:42): I rise to speak on an issue of great importance to South Australia, which is the government's current marine parks proposal and, specifically, the community anger caused by the ill-conceived sanctuary zones, often referred to as no-take zones. It is no great surprise that this government has continued its announce-and-defend style with respect to marine parks. Genuine community consultation with recreational anglers and proper dialogue with the commercial seafood industry have been handled, in my opinion, very badly by the government. That lack of proper consultation has been caused by a government which has, unfortunately, been distracted and divided by its own political future.

A number of public meetings have been held right across the state and, in my own electorate of Flinders, public meetings were held in Coffin Bay, Tumby Bay and Port Lincoln, with an estimated 700 people attending to voice their serious concerns about the Department of Environment and Natural Resources' current proposals. Other meetings are being planned in the near future.

What we are hearing is that there is a clear disconnect between DENR's proposals for no-take zones and the impact that it will have on recreational fishers and commercial operators alike. There is also a belief out there in the community about a lack of credible scientific information about marine parks being released into the public domain. The perception that DENR and PIRSA Fisheries are at odds is also a widely held view amongst constituents and stakeholders alike. I note that the environment minister has taken the lead on this issue, and there is certainly a perception that the minister for fisheries is being sidelined.

The mainstream meeting in Adelaide has quite rightly followed the issue in recent months and weeks, and that can only be a good thing because the issue of marine parks deserves prominence and, indeed, the consultation process right through to the implementation and management of marine parks needs to be transparent and it needs to be an accountable process.

The well-respected seafood expert, Michael Angelakis, has weighed into the debate this week. He quite rightly points out that South Australia's fisheries are amongst the best managed in the world and this is an important point. The industry itself has an intimate understanding of fishing stocks and sustainability, and South Australia especially has world's best practice when it comes to balancing the need for protection of habitat with the necessity of fishing the waters of this state. The proof is in the pudding.

This is what has caused the community anger: an arrogant, out-of-touch government telling stakeholders and recreational fishers what is good for them and their concerns are sadly falling on deaf ears. The question has also been raised: what will happen as a result of slashing \$3 million over two years from the operating costs of marine parks? That has yet to be answered by the minister. When will the government undertake an economic impact study? It brings me to the point about the economic effects of the current marine parks proposal.

Make no mistake: if the government does not listen and continues its ill-advised approach to marine parks, then the economic effects on this state will be disastrous. We often talk about the multiplier effect of primary industries. It is usual for industries such as fishing to have a six-fold or seven-fold multiplier effect through the broader South Australian economy.

The Port Lincoln Chamber of Commerce and Tourism has recently expressed grave concerns about the impact on businesses in that city and the Eyre Peninsula generally. Possible economic impacts are estimated at \$40 million in that city alone if the boundaries were to be followed through with. The federal shadow environment minister, Greg Hunt, was in Port Lincoln last week listening to local recreational and commercial fishers. He made the point in the *Lincoln Times*:

The government is posing an unnecessary threat by overdrawing of the lines with huge expanses of no-take zones.

This backs up the argument of Michael Angelakis and other industry people who have spoken to me about the issue. The government seems to have sought to stifle debate about the conflicting scientific arguments when it comes to fish stocks and the marine environment generally.

These concerns and others are strongly felt in the communities of the Eyre Peninsula, the West Coast and indeed all South Australian coastal communities, and the onus is now on the government to reassure locals that their strong views will be listened to. The Liberal Party sought to have marine parks legislation amended to allow greater parliamentary oversight of the zones and, sadly for coastal communities, this was opposed by the Labor government and the Greens which leaves us no closer to a satisfactory marine parks proposal.

Time expired.

LOVEDAY INTERNMENT CAMPS

Mr PICCOLO (Light) (15:47): On the weekend of 11 and 12 June this year, the Barmera branch of the South Australian National Trust will be holding a celebration to mark the 70th anniversary of the opening of the Loveday Internment Camps.

On 1 June 1941, a number of officers and non-commissioned officers under the leadership of Officer-in-Charge Lieutenant-Colonel E.T. Dean arrived at the camps to commence guard duty. The camps housed both internees and prisoners of war. A number of Australian residents and citizens of Italian, German and Japanese ancestry were interned as enemy aliens despite living here for many years, many of whom were hostile to the fascist governments in their countries of birth.

Unfortunately, camp commanders did not appreciate the strong feelings between internees who supported the fascist government or those who opposed it. This ignorance led to the death of an anarchist internee, Francesco Fantin, at the hands of a pro-fascist prisoner of war, Bruno Casotti, on 16 November 1942. This event led to changes in the housing of camp prisoners.

Internees came from across Australia and many theatres of war. Many internees were removed from their homes and families with little notice, often leaving behind family members who did not know where their husbands, brothers or fathers had been taken to. While internees and prisoners of war were generally well treated, the internment of Italo-Australian residents and citizens did generate some bitterness, given that they were interned not because of any unlawful activity or any intelligence suggesting they were pro-fascist (or politically active at all) but purely because of their place of birth.

Interestingly, about 40 per cent of Italian migrants living in Queensland were interned, compared to only about 4 per cent of Italian migrants living in Victoria. I think these figures reflect the nation's insecurity about being invaded from the north.

On 11 June 1941, 458 Italian internees arrived by train from Hay in New South Wales and were placed in prisoner of war camp No. 1. A further 502 prisoners of war arrived the following day. At their height, the camps at Loveday appear to have housed 5,382 internees, or prisoners of war. Many of the internees and prisoners of war were placed on farms as POW workers, as the war effort had left many farms short of labour. Many Italian prisoners of war worked on numerous farms throughout the Adelaide Hills.

My interest in this matter, apart from being very interested in history, is that my family migrated to Australia as a result of two of my uncles being prisoners of war in Australia. Both uncles were originally interned at Hay in New South Wales following their capture in Libya. According to national archive records, one uncle was transferred to South Australia. He was placed as a prisoner of war worker on a farm owned by L.S. Crowhurst at Gumeracha. While spending most of his prisoner of war time working on farms, he did spend some time at the Loveday camp pending his repatriation to Italy at the end of the war. My uncle was repatriated on 3 December 1946 on the *Rangitata*.

The story does not end there. My uncle's experience in Australia was sufficiently positive that he applied to migrate to Australia with his wife (my dad's sister) and their two children. My uncle and his family returned to Australia on the *TSS Hellenic Prince*, landing at Melbourne on 24 January 1952. Their first place of residence in Australia was on the farm of L.S. Crowhurst at Gumeracha. They later moved to Marden, Campbelltown and then to Smithfield (modern day Kudla) in 1962. My uncle became an Australian citizen in 1959.

My uncle's journey could be summed up as: 'From POW to Citizen; Stories from the Loveday Camps'. My uncle sponsored my family and we arrived in Australia in March 1963. My family has lived in the local area ever since.

I wish to congratulate the Barmera branch of the National Trust on its effort to bring the camps to the attention of the wider community through a range of activities on that weekend. The activities include a bus tour of the camps with a local historian, and museum displays, amongst other events. Further information about the weekend of activities can be obtained from the Barmera National Trust at post office box 472, Barmera, South Australia, 5345, or they can contact Ms Helen Barney on 0408843240.

Time expired.

MURRAY RIVER IRRIGATORS

Mr WHETSTONE (Chaffey) (15:52): I would like to grieve on a very sad situation regarding South Australian Murray irrigators being restricted to 67 per cent. Quite frankly, it is a ludicrous situation that at present we are experiencing nearly 85,000 megalitres coming over the border daily and the state water minister continues to deny South Australian irrigators their full allocation. Along the way we have had commentary from both state members of parliament and federal MPs and they are all in disbelief that South Australian irrigators are being denied their full allocation.

The current situation is that SA Water and the South Australian government are sitting on around 115 per cent of allocation, and yet South Australian irrigators are restricted to 67 per cent. To me, there are two standards and this city-centric government continues to deny the irrigators their full allocation. Every district in the Murray-Darling Basin is allocated 100 per cent allocation. Whether it be high security or whether it be general security, they are on full allocation; they are not denied access to water.

The flows continue to come into this state. As predicted, today's current flow is 83,000 megalitres, it is forecast to go to 95,000 megalitres by the end of next week, and yet we are still on 67 per cent allocation. Why? Unfortunately, the state's allocation of 1,850 gigalitres has been hamstrung. We have 696 gigalitres of dilution flow, which is the carrier water that takes the water from the border down to the mouth; we have 201 gigalitres, which is the water for the towns; and we have 650 gigalitres, which is the allocated water for diversion for the state. Of that 650, 560 is for irrigators. We have 303 gigalitres of environmental water and yet we see unrestricted and unregulated flow coming into the state and going out to sea, with irrigators being restricted.

I have had lots of meetings and contacts, as has the minister, from local constituents, irrigation trusts, businesses and also the commodity groups, and yet he is not listening. There are solutions. As I say, the minister could sign off on the water allocation plan. He could change the situation that we now face. He could amend the WAP and that would give irrigators their allocation.

At the moment the government have 164 gigalitres of water that they are about to carry over—164 gigalitres—and that is just in case, because the 2011-12 critical human needs for towns is already in storage. We have the desal plant that continues to be delayed, but that is there to produce 100 gigalitres of water. Goodness me. How much water does the state government need for South Australia for the 2011-12 year one might ask?

We also have over 700 gigalitres of capped credits, which is not actual physical water, but it is an accounting method that the government can use to allocate water to different licences. One wonders how this minister, as a firefighter in a previous life, would fight a fire with 67 per cent of the water that he needed to put the fire out. How would he do that?

To date, I have tried to work with the minister in a bipartisan approach and he is clearly not listening. He has his head buried deep in the sand. And nor will the Premier. The Premier, who struck this carryover agreement, stuffed it up and he should intervene and amend his mistake.

South Australia is being hamstrung. There is no investment opportunity for people to come into this state and invest in irrigation and food production. To date, with that 100 per cent allocation, we could be alleviating the food shortage that we are now encountering with the eastern seaboard. Fifty per cent of the eastern seaboard is under water; the most productive land in this country, and Australia is being denied food production.

South Australia could pick up the slack on that. I have one constituent that could generate \$15 million worth of food production between now and 90 days' time to harvest, and he is being denied that. Every South Australian is being denied an opportunity of economic benefit through these water restrictions. I urge the minister to rethink his stand; take his head out of the sand, listen to the solutions and get on with the job.

PRIMARY SCHOOL PRINCIPALS

Mrs GERAGHTY (Torrens) (15:57): Today I wish to speak about the achievements of two highly-committed educators who, sadly for me and my electorate, have moved on—not retired but moved to other schools, so I want to make some comments about them.

Sharon Broadbent, who was the former principal of Northfield Primary School and is now the principal of Burnside Primary School; and Angela Falkenberg, principal of Hampstead Primary School and is now the principal of Lake Windemere CPC-7 school. Both of these two wonderful women are dedicated, hardworking individuals who are committed to the education and development of our youth.

On Australia Day this year Sharon Broadbent was awarded the Public Service Medal, an honour which was truly well deserved. Sharon commenced her appointment as principal of Northfield in 2002 at a time when the school was considered by some dysfunctional, with a disconnect between the school and its community. This happens in a number of schools but, referring to Northfield, we had problems with unruly students, which is disruptive in the classroom.

Through Sharon's leadership and with the support of her fantastic staff—and they are absolutely fantastic—and committed parents, the school has been completely transformed. In 2003 and 2004, Northfield Primary School's reception class won the national maths challenge award. In 2006, the reception, year 3 and the year 6/7 classes were state winners of the national maths challenge. The reception and the year 6/7 classes went on to be national winners of the national maths challenge that year.

The school continues to maintain high educational standards due to Sharon's focus on literacy and numeracy development. Northfield Primary School, as a category 2 school, has outperformed many category 7 schools. The school has a rich cultural diversity—and I have spoken of that in the house on a number of occasions—which includes both staff and students from some 42 different nationalities including our Aboriginal community, Vietnamese, Arabic, African, Indian and French communities, as well as numerous other backgrounds.

In 2008, Northfield Primary School was formally recognised as a Save The Children Alliance United Nations Global Peace School, and it was awarded the United Nations flag and a certificate in recognition of its achievements, and I think that is truly a fantastic achievement. Sharon has also been the driving force in the growth of the student voice. As an example, in 2009, students from the school were invited to speak at the European Union World Education Forum in Italy, which was incredibly exciting.

Angela Falkenberg commenced at Hampstead Primary School in 2005 and she, too, was a driving force. With the support of the school's governing council, she saw the establishment of a preschool on the Hampstead primary site, and she was completely dedicated in driving that. Angela also worked tirelessly to have the school win a Stephanie Alexander Kitchen Garden school grant, which has allowed the school to establish a kitchen and garden complete with chooks—sadly, some of which were pinched one night, but have now been replaced.

Hampstead Primary School is an ideal location for the Stephanie Alexander Kitchen Garden Program as the school works proactively to support the needs of students and families, especially those that experience poverty, unemployment and those with the challenge of settling into a new country, or, sadly, experiencing a family crisis such as domestic violence. I know our new principal will continue to drive the school and the students so that they achieve to their best potential. Through Angela's tutelage, the school has undertaken many other programs such as a walking group and volunteer community mentoring program.

As the member for Torrens, I have been extremely privileged to work with these two wonderful women. I have had firsthand experience of the tremendous contribution that they have made, both for the care and education of our young kids, and I want to congratulate both of them on the excellent work that they have done, and wish them extremely well in their new school environment. I know that those schools will value their input. I certainly look forward to working with the new principals of both those schools, and I think our students have been exceptionally lucky to have these two fine women in their place.

HOSPITAL EMERGENCY DEPARTMENTS

The Hon. J.D. HILL (Kaurua—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (16:03): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: Today in question time, the member for Morphett asked me a question about an emergency target of 95 per cent of people being treated and discharged or admitted within four hours, and I said a number of jurisdictions had a similar arrangement, including the National Health Service in Britain. The member for Morphett said that was not the case. I thought I had better check. I have been advised that that was the case, and I find that we are both correct because, currently, there is a 95 per cent target in place.

The target was changed from 98 per cent to 95 per cent on 21 June 2010 when Andrew Lansley, the Secretary of State for Health in Britain, advised that he decided to reduce the threshold to 95 per cent, so that is currently the policy in Britain. However, to be perfectly fair to the member, he also announced that he would abolish the target generally from April 2011 so, in the future, the member for Morphett will be correct, but currently I am correct, but that will not always be the case. I just wanted to fix the record in relation to that.

HEALTH AND COMMUNITY SERVICES COMPLAINTS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 October 2010.)

Dr McFETRIDGE (Morphett) (16:06): I indicate that I am the lead speaker for this bill. The opposition will be supporting the bill, although there is quite a bit we need to put on the record, particularly with the number of reports having been tabled in the last few days in this place. The bill is something that is going to assist all South Australians to achieve what we all want, and that is a safer health system and a much more efficient way of voicing any concerns and complaints.

The bill was introduced by the minister in October last year, and it seeks to amend the Health and Community Services Complaints Act, as a result of an independent review undertaken by Ernst & Young, which was tabled in parliament in March 2009. We should also remember that the Social Development Committee of the parliament produced a report into bogus, unregistered and deregistered health practitioners. The committee conducted a very intensive and thorough investigation and produced a comprehensive report. I know that some members of that committee will want to contribute to this debate. Their report around that issue was one of the impetuses for making these changes.

The Health and Community Services Complaints Commissioner was established in 2005, and the annual report it puts out always seems to be a little bit late, and I have made some inquiries about that. I think it was the Minister for Water who talked about some of the reports he likes to have put through the Auditor-General's thorough investigation process, and those reports come out late because they are not top priority, and that is a shame. The implication that has been put to me is that it is not a top priority for the Auditor-General to look at the Health and Community Services Complaints Commissioner's annual report. That is no reflection on the Auditor-General; it is just the burden his department is under.

However, the report was tabled the other day. It was supposed to be tabled by 30 September 2010, which is four months ago. It was given to the minister on 12 November, a couple of months after its due date, and we saw it tabled in this place on Tuesday. There are comments in this annual report that I think should be put into *Hansard* because there are some significant issues in the report, particularly the commissioner's foreword, that raise serious discrepancies between her current attitude and that expressed by the operational review report in May 2010, which was conducted by ZED Business Management.

The commissioner's annual report talks about how the office of the Health and Community Services Complaints Commissioner was opened on 4 October 2005 and how the Health and Community Services Complaints Commissioner provides free information and assistance to resolve complaints about public, private and non-government health and community services, including child protection services. The commissioner encourages direct resolution with the service provider first, and that is important. We need to have a complaints system, whether it is through the public hospital system or through this commissioner, that does provide a 'without fear' approach for direct resolution of complaints.

It is interesting to note the commissioner's comments in her foreword. I will talk about the response by the government to the operational review which, as I said before, does fly in the face

of some of the issues the commissioner raises in her foreword, and I will talk about those in a moment. The commissioner says:

As I write this foreword, the HCSCC is once again preoccupied with securing sufficient core funding to meet the responsibilities conferred by the South Australian parliament through the Health and Community Services Act 2004. Many independent statutory complaints agencies find it difficult to secure adequate funding to meet their legislated functions. In particular, those functions that would minimise escalated complaints by enabling them to be dealt with locally, fairly and quickly. Especially concerns and complaints arising from the experience of people who are vulnerable or disadvantaged, people who don't speak up, are hard to reach, and who are most likely to be missing out.

The commissioner's report goes on:

When essential services are struggling to meet the gap between increasing demand and less capacity, and feeling assailed by unrealistic expectations of their services, complaints may seem to be inevitable, largely insoluble and of little or no value.

The commissioner continues:

The messy, emotionally charged business of complaints handling is hard to measure in economic terms. Yet governments spend millions on inquiries after things have gone wrong. Many health, disability and child protection services could tell you the cost of defending legal claims, but would be unable to tell you the cost of complaints. This also means that the cost benefits of preventing or reducing complaints, and of improving complaints management, remain invisible. Likewise the benefit of complaint lessons when used to minimise a recurrence of harm or loss remain invisible.

For those who recognise the individual and public value of good quality, independent complaints agencies it is timely to ask some questions about how we sustain adequate funding for this work. For example:

- Should the service providers complained about fund or contribute to funding independent statutory complaints agencies—

these are the commissioner's views, certainly not my views—

- What about a citizens rights levy?

We know that levies are being put on all over the place, but a citizens' rights levy is what the commissioner has raised here. The commissioner also raises the issue of 'combining the knowledge, skills and experience among South Australia's small and diverse statutory complaints offices'. So, amalgamation of a number of offices. These are some issues in this annual report of the Health and Community Services Complaints Commissioner that the government might want to consider. The report continues:

Meanwhile, emerging evidence in health services demonstrates that if people's basic rights to access and use services are met, significant benefits flow. In particular, benefits in timely and appropriate use of services, self management and better treatment outcomes.

There are certainly some questions to be answered there. The review that was done by ZED Business Management in May 2010 raised issues that I hope the government has looked at, certainly in its initial response, which I will detail in a few moments. I do not think the commissioner can take a lot of pleasure from these.

The annual report talks about the issues that the commission has faced. It talks about the costs associated with providing the service in South Australia, and it is interesting to note that there are about three complaints a day to this complaints commission whereas there are about 25 complaints a day to public hospitals around South Australia. The commissioner looks at the cost per head of providing the commission's service. In South Australia it is 74¢ a day; in other states it ranges from \$9.58 in the ACT to \$2.28 in Queensland. It is a bit cheaper in Victoria, at 47¢ per person.

However, when we look at the costs per complaint, that is where the South Australian complaints commission does have some questions to answer. It is about \$1,500 per complaint, and I understand that this is a significant issue with those who are examining the efficiency of the office. Compared with interstate, the cost per complaint is hard to justify.

The commissioner raises other issues in her annual report, such as national health professional regulations and accreditation. There are concerns about ensuring the responsiveness of time lines, transparency and accountability of complaint management, about individual registration, and formally registered health professionals through the Australian Health Practitioners Regulation Authority (AHPRA) in Melbourne.

We have heard just recently that in South Australia up to 150 health practitioners and I think over 1,000 nurses are having difficulty re-registering under the national registration scheme.

The office in Melbourne is taking something like 3,000 phone calls a day from around Australia. It is a significant issue. When we debated that bill in parliament we were concerned that there would be some teething problems, but it looks more like significant headaches, backaches and stomach upsets as well.

The commissioner, in her annual report, talks about serious complaints and vulnerable clients. She states:

During 2007-08 several serious complaints involving vulnerable adults that were handled poorly prompted the [Health and Community Services Complaints Commission] inquiries about complaints management and reporting in services funded by government departments.

We know that there are complaints made about all government departments. Some of them are valid, some of them are vexatious, and some of them may be just trivial; but it is important that, whether it is the 1,000th complaint you have had for the day—and hopefully it is not at that level—that the complaint is dealt with extremely swiftly so that it can be either dismissed or resolved. The commissioner raises serious complaints about vulnerable clients particularly—never mind just ordinary clients, but those with difficult needs who need to be looked after. I hope the government takes notice of that comment.

The commissioner notes in her report the 30th Report of the Social Development Committee into Bogus, Unregistered and Deregistered Health Practitioners. As I have said, the report by the parliamentary committee was comprehensive. I will let some of the members who were on the committee and who participated in the inquiry talk about that. The commissioner looks forward to changes to the Health and Community Services Complaints Act that will go through today to solve problems raised by that parliamentary committee.

The Mental Health Act, as we know, came into force in July last year. The commissioner is concerned about community visitor schemes. I tried to look on websites to see where our community visitor schemes were going. I understand that they are being put in place and will be in service by 1 July this year. If the minister can give us more information on that at some stage that would be good.

There is a significant issue in South Australia, still, and the commissioner notes this in her report, about advance directives, which are falling under a number of categories. In fact, she states in her report that there are three South Australian laws which have different advance directives, and that would create legal problems for anybody, never mind mere mortals like me who are not lawyers. It states:

Research has found that this is too complex for consumers, carers, health service providers and lawyers to understand.

So even lawyers cannot understand this. It states:

As a result, advanced directives are not being used effectively, leaving families and clinicians without clarity for end of life decision-making. This can result in distressing, unwanted and expensive medical interventions.

An issue that will come before this parliament involves the voluntary euthanasia bills that will be debated fairly shortly in this place. I would think that advance directives will be discussed during that particular debate.

The Health and Community Services Complaints Commissioner charter of rights is mentioned in the report. I know that it has been a topic of discussion amongst the number of people who are involved in the health sector. The Have Your Say consultation report came out on 1 October last year. We are looking forward to seeing the proposed health and community services charter of rights to see what the time line is on that, minister, to have it delivered as either a piece of legislation, which I assume it will have to be, or, if there is some other way of doing it, what the charter is going to have in it.

I will not do much more with the annual report other than to say that there are a number of areas where the commissioner has talked about complaint resolution services. The inquiry service is staffed Monday to Friday 9 to 5 and is accessible by phone, email, fax or letter. That seems adequate; however, with three complaints a day perhaps there are some concerns there. I think the operations review that was conducted does look at that, and I will go into that directly.

The thing I should say here is that what people say about their contact with the commissioner's office, in their attempt to raise complaints, is interesting. When talking about trying to raise their complaints with providers, one of the complainants said:

I tried to bring up my concerns with the provider but I was too worried about repercussions. I need their care and don't want my services to stop.

Another person said:

I telephoned them [the provider] three weeks ago and nobody rang back.

There is a final comment here that says:

I don't agree with the information sent to me in response to my complaint. I think it contains inaccuracies and I feel fobbed off.

The commission is there to make sure that the people who feel fobbed off, feel they are being neglected or are worried about repercussions have a safe avenue of lodging their complaints and having them dealt with in a fair and open fashion.

That is the annual report of the commissioner in which she raises a number of issues, but I think the most important one is the last part where she says the commission's role is a vital role for the people of South Australia, to make sure that all complaints about health and community services in South Australia are dealt with in a fair and open fashion, and, you would hope, at a reasonable cost. However, that is an issue.

As a result of some of the issues that were being voiced around departments and among some of the stakeholders about the way the office was operating, an operational review was conducted. The findings of that review were handed down last year by ZED Business Management. I will not read all 100-plus pages of the report but I need to quickly go through the executive summary and look at the analysis of the 28 findings that the review made because it is really important when you consider the costs of running the commission (which the commissioner wants to have increased) and then some of the issues that are raised in this report.

There are 28 findings and the first is that there was a low level of effort by the Health and Community Services Complaints Commissioner on a number of core functions prescribed under the act, including reporting and trend analysis, increased awareness and capacity building. To me, that is a fairly serious issue in itself. We need to make sure that there is maximum effort put into handling every single complaint. That is a serious issue that needs to be addressed by not only the commissioner but also the government.

Another finding is that the volume of complaints managed by the Health and Community Services Complaints Commissioner (which I will call 'the commission' in future for the sake of *Hansard*) appears low, averaging three complaints per day, especially in comparison to the South Australian public hospital system averaging 25 complaints a day. We do know that some of those complaints to the South Australian public hospital system are extremely serious complaints, and we will talk about patient safety a bit later on. I would have hoped that people in South Australia now would not have to complain either to the commission or to the public hospitals, but I guess when you are dealing with issues as complex as people's health and medicine there will always be some issues that people either do not understand or misinterpret or there are cock-ups.

In relation to the cost per inquiry, as I said, the commissioner did it by state and territory per capita, and we were way down at 74¢, but this report talks about the fact that interstate comparison identified that the average cost per inquiry per complaint for South Australia is \$1,526, representing the second-highest cost behind Queensland at \$2,342 and double that of Western Australia at \$738. We really do need to get that cost down so that the commission can do its job for as many people as possible.

Providing more money to a commission that is operating in the same way does raise questions. I know that the commissioner is doing her very best—I have had discussions with her and been to her offices—but, obviously, there are some issues that need to be addressed and we hope to be able to give her as much support as possible.

In regard to the way the commissioner's office is working, South Australia recorded the second-lowest ranking across all jurisdictions for inquiries and complaints per staff member. South Australia recorded 67 inquiries or complaints per full-time employee. I suppose you have to ask the question: are people just not reporting? That can be compared with Western Australia where there were 203 inquiries. Victoria was the highest at 383 complaints per full-time employee. We had 67, which is quite low, and, while I would like to believe it, I do not believe it is because everything is as open, transparent and understandable as it might be. The bottom line, I think, is that some people

are not reporting because it is just too hard or for some other reason they are just accepting their lot in life.

They say in this report that the commission is achieving good resolution rates for inquiries and complaints, at approximately 48 per cent within 24 hours. So, the commission is doing a good job in some areas, but there are other areas that we need to look at.

The other finding is that the number of core obligations are not being delivered. This is not the fault of the commission. A charter of rights is being worked on and should be delivered shortly. The establishment of a health and community services advisory council is being dealt with in legislation. The systemic trend analysis and reporting is an issue. Increasing awareness of people's ability to complain and avenues for lodging of complaints is an issue for the commissioner. Training and education of service users and service providers is an issue, and I understand that the commission has now expanded that role. I think it might be an RTO, I am not sure, perhaps the minister can tell us. The operational review into the commission continues to raise further issues.

Finally, there is a perceived lack of accessibility to core commission services, particularly with the phone inquiry service only available Monday to Thursday from 10 until 4, and no drop-in capacity. If you are going to have a service like this it needs to be accessible. You should not be able to make totally anonymous accusations through a commission like this. I think there are other areas where people's privacy needs to be protected, and that is at the frontline services, the hospitals and other health delivery services. You should be able to say, 'This isn't working', or, 'There is an issue here', without having to put your own future in jeopardy. A career-limiting move, as some people might say, should not be an issue.

The report into the operational review of the commission was responded to by the government, and was tabled on Tuesday last in this place. It is interesting that, of the 10 recommendations from this report, the government either agrees with them directly or in principle. The one that I think the commissioner will be particularly disappointed in is:

It is recommended that the current base funding for the commission of \$1.25 million per annum be maintained at existing levels.

The government agrees with that. When you look at the cost per complaint, I think there is an issue there. We should be able to reduce the cost per complaint. I think the commissioner would be more than happy to look at ways of improving service delivery, and I know that that is her intention. She does have a good heart and she means to do the right thing.

The things that the commissioner is going to have, hopefully, to assist her in delivering her services will be an improved IT system, because replacing the IT system is one of the recommendations in the operational service review. It states:

It is further recommended that the commission consider the South Australian Health Single Common Complaints and Incident Management System across the public health system which is being implemented in early 2011.

If the minister would give us a bit more detail on that that would be good because the South Australian health response was that they agreed in principle to that.

Establishing a formal success criteria for the commission was thought a good thing by everybody, including the government. Establishing a formal staffing strategy: I think there are issues with the numbers of staff in the commission for the output. The review has raised that and the government is going to do something about it; it is agreeing in principle here.

So, the government does agree with those 10 recommendations. Reading the commissioner's annual report, I think there are some concerns that we need to make sure that not only the commissioner and the commission but also the people of South Australia are able to see action on. That will then, hopefully, deliver a service that is the best in Australia, both in terms of intent and in terms of output.

This week we also saw a very important report tabled in parliament, which was the review of the public health system's performance for 2008-10 by the Health Performance Council. The Health Performance Council was set up under the Health Care Act 2008 and its job is to report to the parliament on the performance of the South Australian public health system.

The terms of reference of the Health Performance Council are interesting to read. The Health Performance Council's review of the South Australian public health system was undertaken in accordance with its mandate under the Health Care Act, part 3, section 11. The act specifies that

the functions of the Health Performance Council (HPC) are to provide advice to the minister about the operation of the health system, along with a number of other things, including seeking and obtaining the views of the health advisory councils, advisory committees and any others that they seek to contact.

We will be seeing these reports every four years, which will be interesting. I notice that in New South Wales they are reporting on the performance of their hospitals every three months now, on the net. They are interesting reports to read. It would be interesting to see whether we are looking at something like that in South Australia. They are very open, comprehensive and precise reports.

The executive summary of the Health Performance Council's report is interesting. The whole report is a comprehensive report of 173 pages, but the executive summary says that the Health Performance Council was established in 2008, as I have said, and the council reports against the South Australian Health Strategic Plan 2008-10.

The council became aware of many valuable and essential health services and functions that were undertaken by South Australian Health that were not covered under the South Australian Health Strategic Plan. That is a concern to me because, as Professor Paddy Philips said at a public function, 'You can't know what you don't measure.' It is important, not only for the people who are using these services but also for the people who are monitoring these services, like the Health Performance Council and the Health and Community Services Complaints Commissioner. It is important we know what is going on out there and we are able to measure performance and, just as the review of the commission is benchmarking, we are able to benchmark what is happening in South Australia.

I was quite surprised, actually, that some of these areas were not part of the South Australian Health Strategic Plan that the Health Performance Council could look at. This includes dental care in South Australia that was commenced by the South Australian Dental Service. There were nearly 170,000 cases of treatment by the dental service, which should be looked at, could be looked at and, when reported on, I am sure it will be a positive thing.

There were over 5.5 million tests performed by SA Pathology. The performance council, obviously, is not going to look at 5.5 million tests, but they are going to look at the performance of SA Pathology. It will be interesting to watch what happens with SA Pathology with the move to the new Royal Adelaide down at the rail yards, because I know there are issues being raised by the Royal College of Pathologists about that move, and I look forward to seeing some positive outcomes there.

One of the really nice things here that I would have thought the government would have wanted the performance council to look at is that, during 2009-10, there were 19,575 women who gave birth to 19,872 new South Australians.

The Hon. J.D. Hill: A stunning turnaround under my leadership!

Dr McFETRIDGE: It is a credit to South Australia that we are turning out so many new South Australians. I hope that they do one for mum, one for dad and one for the state. That would be great. Being parochial as I am, as a South Australian, it is the best state in the best country in the world. What better place! While one of my grandchildren was born here, one was born in Melbourne, but they are both back here now for a much better future.

Talking about my grandchildren and children generally, the Childhood and Adolescent Vaccination Programs were not looked at by the Health Performance Council. I think this is a good area for them to look at, because there are probably some exceptionally good things happening there. We see the anti-vaccination lobby out there every now and then with their junk science—and it really is junk science—and we need good reviews of what is going on with vaccination programs in South Australia so we can discredit the junk science that is out there.

I read somewhere that South Australian Hills dwellers, as in Mount Lofty Ranges, had one of the lowest rates of vaccinations for children. I think that that is a real worry for all of us in this place, as well as our health professionals and, also, those kids who are not being vaccinated because there is nothing more sure than that a thorough vaccination program will give exceptionally good protection to our children.

It says in the report here that there are many good results in many areas, and I am happy to praise up the good things that are happening in South Australia because it is a great state. But there are some areas of concern, and one of the areas of concern that the Health Performance

Council talks about—and it is going to be more of an issue for the Health and Community Services Complaints Commissioner—is how our lifestyle illnesses are being dealt with—people waiting to be treated in hospital, and their treatment in hospital, not because, as we saw in the past, of accidents and illnesses, but because of lifestyle diseases such as asthma, chronic obstructive pulmonary disease (COPD), renal disease, diabetes, heart failure and obesity.

Obesity is obviously the one we hear about all the time but there are so many other lifestyle diseases now which are going to be an increasing burden on our health spend, and we can see that there are going to be more and more issues with making sure that the people who are affected by those diseases are dealt with as fairly as possible, even though many of these diseases are self-inflicted.

Changing lifestyles, I think, is going to be one of the big challenges in health. It is easy to tell people to slow down on the roads by increasing speed cameras and decreasing speed limits, but to tell people to change their lifestyles is going to be a real challenge for us.

The Health Performance Council's report goes on to state that, while achieving results in other areas, there remains a challenge. One of those, unfortunately, is the lack of integration and communication with providers within and across services in both the public and private sector. Making sure that we are talking to stakeholders and people who are at the coalface of our health system is so important, and the government—fairly, or unfairly and, in many cases, I think quite fairly—is accused of the announce and defend. I think it needs to be improved and, as it states in the report on page 11:

The development of performance measures that demonstrate effectiveness and system outcomes is challenging. However, in the Health Performance Council's view, this is essential to the achievement of greater public accountability and system improvement.

So, as Professor Paddy Phillips said, 'You can't know if you don't measure'. The Health Performance Council states here that you should be measuring these things, and knowing what is going on, and setting realistic targets for all of them.

I am glad the minister came in here and talked about the four-hour targets, because I have been watching this for a while. I have had some issues with it, and on 9 June 2010, the health secretary, Andrew Lansley, told the UK parliament that they would be abolishing the four-hour targets. In reply to a question, the health secretary stated, 'I was very clear in what I had to say—I'm going to abolish the four-hour A&E target.'

I would love to have a target that is achievable, that is real, and not just an arbitrary target, and that is what we all need to be cognisant of. We need to make sure that all of our targets are real, because in the British case, in the Mid-Staffordshire NHS area, there are a number of reports that have been done there that really show the fiddle factor that was coming in, forcing doctors and nurses to move people around inappropriately, and putting lives in danger.

I read somewhere that, I think, 1,200 people died as a direct result of either inappropriate treatment, inappropriate discharge, or some other fault in the system where hospitals were trying to meet these targets so that they could get their funding. I think that that is not the case here in South Australia, but we should never, ever get into that position where we are putting pressure on our health workers to meet arbitrary targets.

On page 12 of the Health Performance Council's report, it states that more dynamic committee relations are needed, and this is what the Health and Community Services Complaints Commissioner would like to see. The need to talk, to communicate, to explain—I know in my veterinary practice that you needed to make sure that people understood exactly what was going on, and you need to try to explain extremely complex circumstances and conditions to people who have no knowledge whatsoever, no understanding of the science of biology behind veterinary science or, in this case, human medical science.

There are areas where people's expectations are completely unrealistic, and there are also areas where people just have no comprehension of what is going on, and I recognise the fact that we need to make sure that we are communicating in a manner that is going to cut off complaints even before they arise so that people do understand that their expectations are unrealistic.

The problem we have in South Australia with adverse events is certainly a reason for complaints, both to the commission and to the public health system. The commissioner does not really deal with that to a great extent in her annual report. It is touched on in the Health

Performance Council's report, and I know that the commissioner is involved with the Health Performance Council, so there is an overlap, anyway. Key finding No. 9 states:

While substantial work is underway to improve the safety culture and to monitor adverse events within the public hospital system, further work to both understand and improve patient experiences and clinical effectiveness of in-hospital and out-of-hospital care is indicated.

In its response to the Health Performance Council's report that was tabled in parliament on Tuesday, the government has outlined that its patient/client satisfaction surveys have been undertaken in South Australia. I looked at these during the estimates process, and I think the figure of 88 per cent rings a bell—but it was 88 per cent year after year after year. So, the level of satisfaction was peculiarly regular—but I hope that it is greater than 88 per cent.

What we need to do is to make sure that we are not kidding ourselves and pretending that we have a greater level of satisfaction than we actually have. We have a very hardworking public health workforce in South Australia, which is highly dedicated—and I should say it is also the case for private health—but we need to make sure that that satisfaction level is not in any way trivialised or unrealistic because of the limited way we are measuring it.

I would like to hear from the minister a little more about the safety learning system that is being implemented in South Australia. I wanted to have a look at that on the website, but I could come up only with the Australian Safety and Learning Systems, which I think is a private consultancy service. This safety learning system replaced the AIM System (and I will have a bit to say about that in a moment), and that was the Australian Incident Management System. Some serious issues surrounded that late last year, and I hope that, as at 1 December 2010, with the replacement of AIMS by the safety learning system, the issues of reporting and ensuring that complaints are followed up through the South Australian health system are as efficient as we can possibly have them, in parallel with the complaints commission.

In June 2010, the SA Health Consumer Feedback and Complaint Advisory Group was established, and this group incorporates membership from the regions, safety and quality, Health Consumers Alliance and the Health and Community Services Complaints Commissioner. So, the commissioner is involved, as I said. However, it is a real concern for us to make sure that we are working together to achieve a great outcome and not trivialising it in any way, and I am not accusing anyone of trivialising complaints in South Australia.

However, some comments have been made by former health bureaucrats in South Australia about the outcome of the South Australian Patient Safety Report 2008-09. Once again, with statistics, it is how you categorise, qualify and quantify things that determines how you can interpret reports. It was stated—I am fairly certain of my facts here, but I am happy to be corrected if I am wrong—that there were only 15 sentinel events in South Australia in the 2008-09 year. Sentinel events are obviously extremely serious events, but turn to page 16 of the Patient Safety Report and look at falls. During 2008-09 fall incidents rated as SAC 1 included nine patients who died after falling, 20 patients who required surgical repair of a fractured neck or femur, two patients who sustained other injuries that required surgery, and one patient who sustained a fractured skull. I would have thought that those were all sentinel events.

In total there were 7,333 falls of varying categories in our hospitals. Now, any fall can be quite serious. In fact, a good friend of mine was at one of our public hospitals—and he does have some mental issues, unfortunately; he is getting older—and fell out of bed about four times before they did something about it. Fortunately they did do something about it, but let us not pretend that it is all sweetness and light when there are serious issues here.

Leaving falls, let us look at the other area of medication. Giving the wrong medication, or not giving medication at all, is a very serious issue for patients. Reactions to that medication and complications because of a combination of medications is of real concern. While the commissioner does not talk about that in her annual report, referring back to the Patient Safety Report there were 5,865 cases where there was an omission and/or a suspected omission or where the wrong medication was given to a patient.

We have thousands and thousands of patients going through our public hospital system, so I am not trying to blow this out of proportion; however, if you were one of those 5,865 people it would be pretty important to you. I used to tell the vet students who came into my practice that their levels of compassion must never drop off; I did not care if it were the 20th cat fight they had seen that day, they must never forget that it is that person's cat. We need to be well aware that if we

were one of the 5,865 people who received the wrong medication, or did not get our medication, it would be a serious error.

Medication-related errors are amongst the most common medical errors and the most common threat to patient safety, according to this report. Omissions or suspected omissions of medication were at the top of the rank. Fortunately overdoses were a lesser problem, but the wrong medication is a serious issue there.

Regarding clinical management, I have spoken to the ANMF, and I speak to our doctors and nurses and our allied health professionals almost daily about the terrific job they are doing, but there are still issues with clinical management. There were 4,000 incidents involving the clinical management of patients in the 2008-09 year. I would be interested to see what the Patient Safety Report has to say in the next few months when it is released.

I do not use those figures as a means of putting down people in our public health system. It is just that we should not kid ourselves; let us be aware that there are issues there. I want all those levels to be zero. In a system as complex as our health system, as diverse and tested as our health system is, we will never get to that level, but let us make sure that we are still trying to achieve that as far as we possibly can.

A moment ago I talked about the safety learning system that has replaced the AIM System. I was happy to read that, but was concerned last year when I was told that the South Australian Incident Management Centre, the contact centre, was reducing its hours of operation. It is a bit like the complaint about the Health and Community Services Complaint Commissioner; if you can only get on the phone between 10 and 4 five days a week, then you cannot make the complaint. That is one way of reducing complaints, but it must be really frustrating for people who do have an issue.

However, the incident management contact centre was, from 5 October 2009, reduced from 6.30 in the morning until 10.30 at night seven days a week. You are still able to use voicemail after that, but there is nothing like being able to talk to a person on the line. I hate 'push button 1' or 'push button 2', or having to go through a series of voice menus to get somewhere. When you are stressed, when you are challenged, when you have got a sick relative or child or you are unwell yourself and you have got an issue, you want to talk to someone about it and have some action taken. Whether it is through the 10 till 4 phone hours of the commission or whether it is through the reduced hours of the AIMS contact centre, it is not good enough. I hope that the new system is going to improve on that. I look forward to the minister telling us about how it is going to be improved.

Part of the improvement process, though, is consultation. That was brought up in the Health Performance Council's report. One of the major lobby groups which is involved with the Health Performance Council is the Health Rights and Community Action group. They have come to see me on a number of occasions. They gave me a copy of one of their reports. It is two years old now, but it is still relevant. I will read some of the issues that they put into this report. They expressed similar concerns when we last spoke. The Health Rights and Community Action group carried out a survey to assess consumer feedback on the complaints mechanisms operating in South Australia. It states:

Since then a number of consumers have contacted HR&CA regarding issues with health complaints which raised concerns as to whether the H&CSCA had improved the way complaints are handled. As a result of this feedback HR&CA decided to conduct another survey along similar lines as the survey carried out by the Consumers Association of South Australia in 2002...70 people came forward and shared their experiences and problems.

It is not a lot of people, but it is significant that they were brave enough to come forward. It continues:

This survey, along with the 1995 Australian Study into Health Care and many other reports shows that many consumers continue to experience Adverse Events in the health system.

We just spoke about those. Let's hope that we are going to see some improvement there. Adverse events in Australia cost in excess of \$800 million a year, according to this report—\$800 million. I am surprised that it is not more than that. Let's hope that we are able to reduce that. That does not include the human cost; that is only the financial cost. Let's hope that we can reduce that, because it should not be so. The report continues:

Those who did not lodge complaints stated health and personal issues, followed by lack of knowledge and support and fear of retribution as the main reasons for not lodging complaints.

That is what I said before, that you must be able to do this in an open fashion. If you feel in some way aggrieved and you do fear retribution, that is a terrible position to be in in the first place. However, if you can do that anonymously and, if we have a system in place where people receiving anonymous complaints are able to thoroughly investigate them without sledging people, that is desirable. I think it was working with the AIMS contact centre before, but not now. Let's hear what the minister has to say about that.

There was an increase in the number of consumers who were thinking of litigating compared with the previous survey. This is a survey that has been done by the Health Rights and Community Action group. Litigation should be the last resort for these sorts of concerns in the health system. You should be able to do it with the provider, have unrealistic expectations explained away and have issues dealt with without having to enter into the legal system in this state. Certainly, that is one of the things that would be a real disincentive for anybody to continue on pushing a complaint that they did not feel was being dealt with appropriately. The report by the Health Rights and Community Action group states:

Consumers surveyed expressed significant dissatisfaction with the way complaints were handled by service providers.

That is why it is good to see the review into the way the Health and Community Services Complaints Commissioner is working. It is good to see the Health Performance Council's report coming out, because we do need to keep improving as much as we possibly can.

The work of groups such as Health Rights and Community Action is very important. I encourage all groups involved in dealing with patients' rights in any way, shape or form to keep being active, keep in touch with all of us, keep on the government's back, contact the opposition and talk to the people in the hospitals at the coalface, because there are complaints resolution systems being set up within the hospitals. They should be working, and working well. I have looked at the websites today and there are flow charts of the way complaints are handled in hospitals. They are relatively straightforward in theory, but in practice that is often not the case and that is why we see complainants going off to the commission; and this bill is all about improving the commission's ability to do its task.

Looking at some of the particular clauses in the bill, the charter of the Australian Human Rights Commission is being incorporated into the legislation. The content of the charter has been improved so that a person should be entitled to be supported by a person of his or her own choice when making a complaint about the provision of health and community services. There will be a community visitor scheme, which we talked about before, and having a support person is important. We saw that in the Mental Health Act recently, that is, having support for people who, in this case, feel aggrieved or, in other cases, have an illness and need support by a carer or a relative.

The assessment of complaints against aged care facilities, as it should be, is being put under the commonwealth Aged Care Act 1997.

[Sitting extended beyond 17:00 on motion of Hon. J.D. Hill]

Dr McFETRIDGE: In this particular case we have no problem with the commonwealth legislation being used not as part of this legislation but as a reference for complaints against aged-care facilities. The bill talks about notifying providers of any action that may be taken against them, and the commission must now allow at least 28 days to make representation to it from the provider.

Division 5 is a new part, and it is a good part. It is all about the Social Development Committee's report, that is, action against unregistered health practitioners. It also talks about those who would be considered to be bogus practitioners. It says that the Governor may by regulation prescribe a code of conduct relating to the provision of health services that fall outside the ambit of operations of a registration authority.

These are the guys you see on the adverts for some of the health funds—the fish slappers and crystal twisters of this world. They do need to have codes of conduct. I know in veterinary practice there are a number of areas in which people are operating where I would like to see codes of practice, and I am looking at regulation to cover veterinary chiropractors, veterinary dentists and farriers.

I was sent a photograph the other day of a horse's hoof. The horse was the favourite in a race at Morphetville. I have shod a lot of horses in my time and whoever backed this horse should be able to sue for fraud because that horse was never going to be able to run on its merits having been shod the way it was. It is an issue I will raise with the minister for sport. I digress slightly but, as well as having codes of practice for our human unregistered health practitioners, I think there is an area in veterinary practice that I will raise later. We need controls in both areas.

One of the clauses states that the commissioner will be able to take interim action if in the opinion of the commissioner action under that section is necessary to protect the health or safety of members of the public. My concern is that we need to be able to stop those people continuing to do what they are doing. I understand that the commissioner can do that, because under section 56C the commissioner may:

- (a) make an order prohibiting the prescribed health service provider from providing health services, or specified health services, for a period specified in the order, or indefinitely.

You cannot allow people to continue on in the way they are, ripping people off, putting people's lives in danger and, in some cases, killing people. I understand that there were heart wrenching stories told to the Social Development Committee by people who had been done over by dodgy health practitioners. I am sure that the member for Hammond and other members in this place will give details of that in their contributions.

I strongly support naming and shaming these dodgy practitioners, and it is in this bill, 'publish a public statement'. I think that people who are found to be offering services which are dodgy and putting people at risk should be named and shamed and immediate action should be taken to stop them from continuing what they are doing.

The appeal process, 56E, is of concern, and perhaps the minister can tell us about this. Can these dodgy practitioners still work while the appeal process goes on? My reading of this, and I am a humble veterinarian not a lawyer, is that they can continue to work while there may be orders against them but they are appealing to the administrative and disciplinary division of the District Court. So, if we could find out what is going on there.

The amendment to section 67—Establishment of Council, which is the Health and Community Services Advisory Council which was established under the original act, there are two more people who are going to be added to that, and that is:

- (f) one person who, in the opinion of the minister, is qualified, by reason of his or her experience and expertise, to represent the interests of carers;

which is a great thing:

- (g) one person who, in the opinion of the minister, has appropriate experience and expertise in relation to the quality and safety standards of health services.

So, that is another good area. I have one question here that was put to me. Subclause (e) in the original bill provides:

Two persons who are members of a registration authority (not being members of the same registration authority) who, in the opinion of the minister, are qualified, by reason of their experience and expertise, to represent the interests of the public.

That registration authority, I assume, is the national authority and not the state-based authority, because they no longer exist. So, if we could make sure that that is cleared up.

The functions of the advisory council have been expanded a little bit in here. Certainly, educating and informing users, providers and the public of the availability of the means for making health or community or service complaints or expressing grievances, and we talked about that earlier, is in the bill, and that is the reason that we are supporting this legislation.

'Protection of identity of service user or complainant from service provider', I think that is important because we must make sure that we are not putting at risk the health or safety of a person because they feel that they do not want, in any way, to be identified.

The final clause in the bill is insertion of section 86A—Assistance to other agencies, which provides:

Without limiting any other provision, the commissioner may assist, and provide information to, a person concerned in the administration or enforcement of a law of the state...

We need to cross-reference as much as we possibly can in making sure that this legislation is not just a little silo on its own, but that it is making sure that our whole health system has improved.

There are a number of other members who want to speak on this tonight in the 55 minutes that is left, so I will conclude my remarks there. We will go into committee. There are a few questions that we need the minister to answer. With that, I conclude my remarks by saying that the opposition supports the bill but there are other members who want to raise issues of concern and/or experience.

Ms SANDERSON (Adelaide) (17:04): I rise today to speak briefly on the bill before the house. I support the need for health consumers to have an avenue of address for any issues that arise in relation to the treatment that they receive by registered health practitioners. For many, a significant health issue is a stressful and difficult time in their lives, and for those who care for them. I will not refer to the merits of specific legislative amendments proposed, except to say that I am very pleased that the government has addressed the need to recognise the role of carers and the contribution that a support person can make when a consumer has an issue with the treatment received.

I will mention a couple of situations experienced by a constituent that I have referred on to the Health and Community Services Complaints Commissioner. Most recently, a constituent was seen at The Queen Elizabeth Hospital following an injury sustained to her knee. The constituent raised two equally important concerns with me. The first was her frustration of wrong diagnosis at The Queen Elizabeth Hospital which, upon second diagnosis at another medical facility, resulted in immediate surgery.

My constituent's second complaint related to the manner in which she was consulted and informed of the diagnosis. I understand that, due to a lack of space, my constituent was consulted and diagnosed in the general waiting area. This caused my constituent much embarrassment as she was asked questions in relation to her personal medical history and medication taken during this procedure within earshot of other waiting patients. I am sure all members in this house would agree with me that this was not an appropriate place to conduct such a consultation, although it does perhaps indicate a health system in crisis management.

I will also share a personal story about my mother's cancer treatment. Three years ago my mother successfully underwent treatment for bowel cancer at the Modbury Hospital, where she was taken care of very well. Upon completion of her treatment, a follow-up appointment was made three months later for a scan. No results were given and no further follow-up or consultation was made by the hospital. 'No news is good news,' she thought and did not follow this up.

A trip to her local doctor about three years later for an asthma prescription led to the local GP inquiring about her cancer. The GP did blood and urine tests, which showed up negative, and requested scans. It was then found that the cancer had returned to three different locations in the body. Put simply, a failure of administration to properly case manage a patient has meant the cancer is now inoperable and that invasive treatment of intensive chemotherapy and radiation is now the only choice available. These examples illustrate that mistakes do happen and no industry is infallible, and that such mistakes within the health sector can have grave consequences.

In closing, I realise that we do not live in a perfect world and that mistakes inevitably happen. Even though patients have the option of seeking remedy through our judicial system, this is not a pathway that many patients wish to take for numerous reasons, including money, time, effort and poor health. Therefore, it is essential that there are other avenues for patients to address their concerns and seek resolution. The Health and Community Services Complaints Commissioner serves such a purpose and I commend the proposal to amend such legislation to strengthen the role of the commissioner.

Mr PEDERICK (Hammond) (17:08): I rise to speak to the Health and Community Services Complaints (Miscellaneous) Amendment Bill 2010. I was on the Social Development Committee when we held the Inquiry into Bogus, Unregistered and De-Registered Health Practitioners, and our report was tabled in the parliament on 3 March 2009.

This was a very interesting committee to be on at the time. I will not go into too much detail, but there were many heart-rending stories of people that have had experiences with bogus and unregistered so-called health practitioners. There were people who had made claims to people that they could cure cancer, and these people put their absolute faith in these—well, witchdoctors, I suppose you could call them. Some of these people did not even use the paths they could have

through the normal health practices and doctors because they put their absolute faith in these other so-called practitioners.

We had some very emotional presentations, I must say, from people talking about loved ones that they had lost, who they thought they had done the right thing for in going to these practitioners, and the end result was that partners and friends had died, and that is very sad. They put their faith into people who are, basically, peddling snake oil. It was very moving and very tragic to hear these stories, and I commend all the people who presented to the committee or brought in written submissions. It certainly tested the emotions of everyone on the committee, and very emotional stories and submissions were presented to the committee.

Some of these pedlars of so-called health benefits, were quite voyeuristic in what they were doing, and some of the procedures they took were quite disgusting as well. I do not want to go through that too much here but some of the photographic evidence we saw was just inappropriate to say the least, on how these people operate.

So, I am pleased—having gone through the committee process, and having heard the submissions on how these bogus operators operate—that under this bill there are some provisions made for penalties for operating inappropriately, and this will bring them under legislation to control how they operate.

As I said, it was a very moving experience hearing these submissions and, again, I commend the people who presented to the committee. My condolences go to people who lost loved ones through getting poor advice from bogus health practitioners. It is my hope that this legislation will help stamp out some of these snake oil pedlars, keep them under control, and I hope it will promote people to get proper health advice and look at all the options, instead of just taking some misguided advice from people who claim that they have the ability to heal people.

The sad thing is that the end result is that someone loses their life. It was a great tragedy and you could see there was great emotion in these people because some of these incidents had happened not that long before we had the committee hearings. I commend the bill and wish it speedy passage through this place.

The Hon. J.D. HILL (Kaurua—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (17:12): I thank members opposite for their contributions and their support for this legislation. The shadow minister raised a whole range of issues in relation to the health complaints commissioner and I do not disagree with his essential analysis, and I will not go through the points that he made because they are not really pertinent in a direct way to this legislation.

This legislation strengthens the health complaints commissioner and gives the commissioner additional powers, particularly in relation to the bogus and unregistered practitioners, which the members on the other side have already referred to. This is an area, I think, that all members of this place and, in fact, the broader community, are very much concerned about—those people who purport to give hope and service to people who are dying and, in fact, they are just exploiting them both in a financial sense and, in the case of at least one that the member referred to, in a sexual sense as well. It is hard to imagine how another human can do that to somebody who is in such a vulnerable position.

So, quite frankly, I hope this legislation allows us to deal with those people and put them where they belong. I really do thank members opposite, and on all sides of the house, for their support for this legislation. There were a number of questions that the member for Morphett asked me. I cannot actually recall what all of them were now, but I am happy—and I understand we want to go into committee—to address them in committee, and I will have some support next to me, and they will be able to assist me. On that point, can I thank Lee Wightman from the department, who has been largely responsible for organising the health department's response to this, and also parliamentary counsel, Simon Gill, who has done the legislative work on it. I do commend the legislation to the house and I thank members for their contributions.

Bill read a second time.

In committee.

Clauses 1 to 5 passed.

Clause 6.

Dr McFETRIDGE: Clause 6 talks about the content of the charter and provides that 'a person should be entitled to be supported by a person of his or her choice'. The commissioner, in her report, talked about the Community Visitors Scheme, which will be commencing. Can the minister tell us a bit about the Community Visitors Scheme and when that will start, the time line?

The Hon. J.D. HILL: The Community Visitors Scheme is scheduled to start from 1 July, the beginning of the next financial year. The department is working on the elements of that as we speak, so that is when it should be in place.

Dr McFETRIDGE: Will those people be appointed by the government, the department or by the victims, I suppose, of complaints? How is it going to work?

The Hon. J.D. HILL: I might have to get further advice for you on that. It is the mental health part of the portfolio. So, the visitors will be visiting facilities that look after mental health consumers. I am not entirely sure of the process by which people will be appointed, although they will be people who, presumably, have the skills and who are familiar with some of the issues. However, I am happy to get an answer for the member.

Dr McFETRIDGE: I am sorry, minister; I will read that in *Hansard*, I promise.

The Hon. J.D. HILL: I do not actually know the process by which people will be appointed. I guess some recommendations will be made to me, based on people who have the skills and attitude and who have been through a training process and can do the job, but exactly how it works, I do not know.

Clause passed.

Clauses 7 and 8 passed.

Clause 9.

Dr McFETRIDGE: In relation to the codes of conduct relating to the provision of health services that fall outside the ambit of operation of a registration authority, we saw with the public liability legislation a few years ago that there were serious concerns about insurance and developing codes of conduct for sporting bodies. That was very difficult in itself, and I envisage quite a few issues with developing codes of conduct for these health practitioners. Are there codes of conduct that exist already and, if so, in what areas, and what sort of time line are we expecting to develop these codes of conduct?

The Hon. J.D. HILL: I think six months is the kind of broad estimate. However, New South Wales has been through this, so our legislation is largely modelled on what New South Wales did. So the code of conduct would say, for example, that if you purport to deliver a health service that was not in a registered area, you must comply with some basic standards: it would need to be a clean premises and you would need to operate in an honest way in terms of bookkeeping and so on. You could not make claims for the service—and this is a critical one—for which there is no evidence. So, you cannot say, 'Take this pill and it will cure cancer.' You just cannot say that. That is, on its surface, a basis for a breach of the legislation. It would be things of that order.

Someone who does massage, for example, may be able to say, 'This may assist in the management of pain associated with X, Y or Z.' That is possibly okay. What they cannot say is, 'Come to me and I will massage away your coronary condition or your cancer' or whatever it is. I think that it is probably applying the same sort of standards that corporate law would apply to any other business, but in the medical area.

Dr McFETRIDGE: That is what you would expect, and it is great. However, I still have a concern; it may not be addressed by this legislation, but you could perhaps just tell me. I am pleased that I have not seen anyone in this place wearing those bands with a crystal in them that you can buy at the moment. If you wanted a bogus piece of medical equipment that has to be the epitome of it, yet they are selling thousands of these things.

I see that the ACCC has said that people who want their money back can get it, but people are still selling them. I think there should be a code of conduct, because people just cannot make those claims. People seem to be able to get away with it under consumer legislation; perhaps it should be under this sort of legislation.

The Hon. J.D. HILL: That is really for the ACCC; it is a trading thing. We are talking about people who provide a service that purports to be a health service. So, if they say that they will do something that will cure something, or fix something, and they cannot, in any scientific way, prove

that that is the case, then it is a breach. In terms of selling a product, the ACCC says that if you sell a product then it has to comply with a certain range of requirements. Essentially, it has to do what it says it will do. I was not aware of the crystal bracelets. I assume they cure something or make you feel better?

An honourable member interjecting:

Dr McFETRIDGE: I do not think they actually look pretty. At first sight you might think they are a watch, but they are just a little crystal that people put on their wrists. They swear by them, but that just goes to show the psychosomatic effect out there with so many things.

If I move on to new section 56E in clause 9, the issue I raised during my second reading contribution was whether these practitioners continue to work during the appeal process. Perhaps I have missed something, but I would have thought there were reasons you could appeal.

The Hon. J.D. HILL: It is a good question. The order starts immediately, and then the person against whom the order has been taken has a right to appeal. They cannot practice while they are going through that appeal process, as I understand it.

Clause passed.

Clause 10.

Dr McFETRIDGE: The additions here are paragraphs (f) and (g). The question concerns paragraph (e) and about two persons who are members of a registration authority (not being members of the same registration authority). Obviously, state-based has gone national here. What is in place and who decides who is on the council?

The Hon. J.D. HILL: I am just having it explained to me. It is a technical nicety, really. AHPRA, which is the national authority, has a series of boards which exist underneath it, and those boards are the bodies which do the registration. There are still multiple registration boards in existence, so the legislation will still hold under those arrangements. The goal is that we do not end up with two doctors or two nurses, that we have a mixture of skills, as you probably appreciate.

Clause passed.

Clauses 11 to 14 passed.

Title passed.

Bill reported without amendment.

The Hon. J.D. HILL (Kaurua—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (17:27): I move:

That this bill be now read a third time.

Bill read a third time and passed.

WILLUNGA BASIN PROTECTION BILL

Received from the Legislative Council and read a first time.

PARLIAMENTARY COMMITTEES

The Legislative Council notified its appointment of standing and sessional committees.

PUBLIC SECTOR LEAVE ENTITLEMENTS

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (17:28): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.J. SNELLING: Today in question time the member for Davenport asked a question concerning a Treasury minute dated 12 January 2010 about long service leave payouts under the Public Sector Act 2009. I have sought some initial information from my department and I wish to take this early opportunity to inform the house what I have been advised to date.

Part 6 clause 9 of the Public Sector Act 2009 provides for payment in lieu of long service. As members would be well aware, the long service leave liability for all public servants is fully

accounted for in the state's balance sheet. The issue of whether or not employees can access a payment in lieu of long service does not affect the size of the liability.

In the case where payment in lieu of long service may occur, this does not impact on the net operating result or net lending because under accrual accounting the expense is recognised when the long service leave is earned, not when it is actually taken. A payment in lieu of long service leave merely results in a reduction in the leave liability and a commensurate increase in net debt, which reflects the payout of the cash.

Contrary to the claims of the member for Davenport, I am advised by my department that there is in fact no shortfall in the budget. It is all properly accounted for. Payment in lieu of long service leave can only be approved by the department chief executive under the Public Sector Act or, in the case of chief executives, the minister.

I have been further advised that there has not been a significant take-up of the changed arrangements since February last year. Payments in lieu of long service are made in limited circumstances. Accessing payment of long service leave before retirement or termination means that the benefit of future wage increases such as promotion or CPI increases would be forgone by the employee and be made without access to the concessional tax arrangements available from the commonwealth for long service leave payouts on termination.

Based on the information that I have before me, Treasury have been doing what I would expect them to do, and that is expressing their concerns in an abundance of caution, but these concerns have not materialised. I think the only person who needs long service is the member for Davenport's long-term research assistant, the Hon. Rob Lucas.

HEALTH SERVICES CHARITABLE GIFTS BILL

Adjourned debate on second reading.

(Continued from 24 November 2010.)

Ms CHAPMAN (Bragg) (17:31): I will be referring to the Health Services Charitable Gifts Bill, but not as the lead speaker. My colleague the member for Morphett will have the conduct of the matter as the lead speaker on behalf of the opposition.

There are a number of aspects of this bill which I wish to canvass but I start by saying that the minister outlined in his contribution on 9 November last year the basis upon which this bill comes before the house and, in particular, the desirability of repealing the current Public Charities Funds Act 1935 which, for over 100 years with its predecessor, has effectively attended to the laws surrounding the management of donations to public charitable institutions in South Australia.

The basis upon which the government suggests there needs to be considerable reform, I suggest, is flawed and this bill really should be described as the 'raiding of the tomb' bill rather than what is presented as a contemporising and updating of the language, powers and definition of those who have been statutorily placed in charge of these donations to public charitable institutions.

Members will recall that, several budgets ago, the then treasurer announced that he would sell a number of buildings, that is, to liquidate some assets owned by the state, to in some way redress the financial crisis that we were heading into, and one of those was a building in Hindmarsh Square. It was pointed out to the then treasurer that, in fact, he did not own it. After shouting claims that he did—that is, that the state owned it—in fact, he had to ultimately admit to parliament that this was an asset owned on behalf of the commissioners under the Public Charities Funds Act 1935 and that, in fact, he had no power to sell it. It probably gave us an indication of what level the government was prepared to go to at the time to deal with its financial management issues, or mismanagement issues, which should have been a sign to us.

Alongside this was the preparing of a draft bill, which was really a predecessor to this, which was to, essentially, abolish the current system to be able to—again, under the grounds of contemporising it—expand the powers of the commissioners, but that they had to, effectively, invest their money at the direction of the Treasurer.

As I recall the bill at the time it was to require the investment of the funds, the assets of the trust, with Funds SA. That is not a unique requirement when we deal with a number of government instrumentalities, that is, of course, where we are dealing with government money and the requirement that there be direct accountability not only to the board of those instrumentalities but also to the Treasurer.

A classic example of that is the charter that was tabled here in the parliament today for the Motor Accident Commission, which sets out obligations of scrutiny and accountability and the obligation to, effectively, be under the financial management not only of a board, which they have, but in addition to that Treasury officials on behalf of the Treasurer, and the nature of and the extent to which they can invest independent of decisions outside of Treasury is very limited.

So, that was the first draft and that probably gave us the next hint of what the government was prepared to do to get hold of a fund which is approximately \$75 million. The government says, 'This is legislation which is old. The drafting, language and focus is old-fashioned. It needs to be contemporised.'

Secondly, whilst preserving the powers of the commissioners we need to create a board, rather than individual status, and expand their powers, essentially, for investment—the most common example being to be able to buy themselves shares and to expand the opportunity to distribute to beneficiaries under the terms of the donation not only the interest but the capital. Some of these have merit and I will come back to them in due course.

The third tranche of the government's proposal is that it needs to increase accountability. There are a number of aspects under this which are to be enshrined in the law; that is, to outline the obligation to identify and ensure that those who are appointed as commissioners by the minister or by the Governor, but effectively nominated by the minister, that certain skills have to be identified and represented amongst the commissioners and that their powers and duties and responsibilities are set out in more detail.

Both of these things are of no concern to me. They are not unreasonable. We have got along pretty well by the appointment of these people over the last 130-odd years but, nevertheless, I would have expected ministers, in fact, to do just that, to make sure that these skills were represented amongst the commissioners. So, I have no objection to that. The extent though of accountability is to identify two things which do cause me concern; that is, the mandatory obligation of the commissioners, or the board, as it will become, to seek advice from the investment advisory committee. The obligation to take it is another matter, but there are some obligations that come with reporting to the parliament on this which make it pretty clear that the obligation is going to be to take the advice of this committee. I will come to that again in a moment.

Another area is to grant power to the commissioners to not comply with the donor's intent and be able to have the capacity to apply a gift to an institution or person other than the donor had identified. This is purportedly to deal with circumstances where the nominated beneficiary trust (an institution, for example) may no longer be in existence or the proposed beneficiary is one which does not have the capacity to carry out the will of the donor. That is, if a certain institution is given money to undertake breast cancer research and it is found that that institution does not undertake that research, they need to find somebody else who might be able to carry out that research. It is to facilitate that circumstance. I will have something to say about that in a moment as well.

The final area is to remedy some of the defects (if I can put it in a general way) that the Auditor-General has identified over a number of years, particularly when the bill is drafted in a way that the beneficiaries have to be named. The beneficiaries are scheduled or proclaimed under the legislation and, if they are not in the list, one can end up with a situation where money is given and received into the trust, and it is found, at a later date, that they had not been named. Therefore, it raises the validity of the commissioners accepting the funds in the first place.

The most recent example of this was exposed by crown law advice in 2008. It was identified that funds that had been received for the benefit of the Hanson Institute, a research arm affiliated with the Royal Adelaide Hospital (in fact, on their grounds), had been paid into the commission and held in trust for and on behalf of the Royal Adelaide Hospital because the Hanson Institute is not recognised. The Auditor-General said, 'Look, this is actually not in compliance with the law; we need to remedy this,' and it should be remedied.

On this issue, I am utterly appalled that the government has not acted, at least in the last two years when it has knowingly had crown advice, on the invalidity of continuing to receive funds under this legislation. The 2009 annual report tells us that well over 90 per cent of the funds are there for the benefit of the Royal Adelaide Hospital, but an undefined amount is clearly there for the Hanson Institute (probably tens of millions), and there are also funds there for the IMVS. We need to raise some issues about that.

In respect of specific beneficiaries, there are funds that have been there now, I think for several years, for the benefit of the disabled community which, by virtue of this legislation, will be

able to be applied to Families and Communities in order to carry out the benefit that it was supposed to fulfil. I am concerned that what is identified, even if only half a million dollars (which in the size of the total fund is not a lot, but is a lot for the people who might be the beneficiaries of the disability money), has been locked up in this fund for so long when, clearly, it should have been available, if only the government had acted. What really concerns me here is that the government says it is proceeding with this now to remedy all of these things. In fact, it comprehensively brought to this parliament amendments to the Trustee Act 1936 which dealt with trustee investment obligations and duties and the like in 2003 and 2006 and which considered these types of issues, yet it has failed to deal with these other issues.

I suggest that, alongside of this, the reality is that the government has, firstly, failed to act to remedy issues such as the Hanson Institute, which it could have done as a former minister for health, Dr Armitage, did to deal with the funds in the Helpman Trust. These are funds which are referred to in the 2009 report and the beneficiary was the Royal Adelaide Hospital, with the commissioners operating as defacto co-trustees. He named this in the schedule (brought it into the parliament), so that we could get on with securing that entitlement. There are even some defects in that, but at least he did it and at least he brought it to the attention of parliament.

I suggest to members that the government's agenda here was to continue to allow this organisation to have qualified annual reports by the Auditor General, which had to keep noting time after time that this issue had not been resolved, even when they had obtained legal advice and still failed to deal with it, because, alongside this, they were thinking about how they were going to get a hold of this \$75 million. That is what this is all about. In the mean time, they have set up their own research organisation; they have some federal money and they are building a new home for it. That is what this is all about—getting hold of this money. That is exactly what this legislation will allow.

So, this contemporary nonsense. Whilst we always update language and the like when we review legislation, I do not think that the examples used are very satisfactory because, under the much amended Trustee Act, we still have a definition of 'lunatic'. I remind the minister that when he starts throwing out language as examples, lunatic is defined as:

...means any person who has been found to be a lunatic upon inquiry by the Supreme Court, or upon a commission or inquiry issuing out of the Supreme Court in the nature of a writ of *de lunatico inquirendo*;

There is a significant relationship with other legislation. So, you do not just throw out language because you do not like it anymore or it has attained a new type of approach.

There are reasons for this, and this is an act which has been updated and some of this language is important. In fact, we keep Treason Act references in our criminal consolidation legislation in South Australia from Henry VIII. It is all there in the schedule if you want to read it—very old, flowery language—but there is good reason for some of it. So, do not come to me with some piffle excuse about having to bring this into the parliament to contemporise this. That is utter rot.

The second aspect is that, when we consider this question of investment powers to be able to buy and sell shares, to be able to apply capital and not just interest, that is fine, I can live with that. That could have been done at any time, as is consistent with what has happened in the Trustee Act. Without having to set out these obligations, at the time of dealing with the Trustee Act, they could have done what they did. I urge members to look at part 1 of the Trustee Act because it sets out very clearly what happens in relation to investments, the power of the trustee to invest and the duties. It encapsulates all the rules and principles in law, and in equity, in relation to the duties of trustees which include:

- (a) a duty to exercise the powers of a trustee in the best interests of all present and future beneficiaries of the trust;
- (b) a duty to invest trust funds in investments that are not speculative or hazardous;
- (c) a duty to act impartially towards beneficiaries and between different classes of beneficiaries;
- (d) a duty to take advice,

If, as I was advised in the briefing, it was important to bring this up to date as far as the Trustee Act goes and that it is a similar situation, why do we not have that in this bill? Why is it an obligation, not a duty, to take advice? I also refer to the matters to be taken into account in exercising power of investment which give an opportunity to get advice from the professional sources of their choosing?

Why is it that, in this legislation, we have to accept that there must be an investment advisory committee, with an official from the Treasury department on it, to have to seek advice? This is

absolute nonsense. What would be appropriate and reasonable is that, similar to the Trustee Act, it binds other organisations and individuals in carrying out their duties, and I have no problem with that. However, this is a different scenario: this is an obligation in respect of a committee.

When they could not get away with insisting that this \$75 million had to be invested at the direction of the Treasurer of the state, they introduced this other system, and this is completely unacceptable. In fact, it is insulting not only to the commissioners we have now but those in the future who may be appointed, with all the qualifications and skills imposed on them. I say that that is completely unacceptable and unnecessary and it should be removed, and that, if anything, we have a regime that is consistent with the Trustee Act.

The second aspect I want to refer to is the power to be able to completely ignore what the donor wants and be able to say, 'We are going to give it to somebody else entirely.' That is all about giving it to a body nominated by the government. Be under no illusion that they are going to get hold of this money and get hold of it as soon as this bill goes through.

In the briefing—and this is really concerning—I asked them to give me one example, in the last 130 years, where a donor had made a donation under the current act where there had been a problem with finding anyone who would be available to take the money—that is, the donor no longer existed or the duties they undertook were no longer able to be carried out—and there was not one example. I will close by saying that part 4 of the Trustee Act again provides a charitable trust—

The ACTING SPEAKER (Ms Thompson): Order! That is going a bit far, member for Bragg.

Ms CHAPMAN: There is a process: you go to the Supreme Court or you go to the Attorney-General.

The ACTING SPEAKER: Order! Member for Bragg, you have had your 20 minutes.

Debate adjourned on motion of Dr McFetridge.

At 17:53 the house adjourned until Tuesday 22 February 2011 at 11:00.