HOUSE OF ASSEMBLY

Wednesday 23 February 2011

The SPEAKER (Hon. L.R. Breuer) took the chair at 11:01 and read prayers.

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

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) (11:01): I move:

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

Motion carried.

Mrs GERAGHTY: Madam Speaker, I draw your attention to the state of the house.

A quorum having been formed:

PUBLIC WORKS COMMITTEE: PORT BONYTHON JETTY REFURBISHMENT

Mrs VLAHOS (Taylor) (11:05): I move:

That the 388th report of the committee, on the Port Bonython jetty refurbishment, be noted.

Mr PENGILLY (Finniss) (11:06): Quite clearly this was a matter of major importance for the South Australian economy, and the opposition had no hesitation whatsoever in supporting the project. It was a significantly expensive project—from memory, around about $40 million—for what appeared to be not a great deal of work, which was the worry as far as I was concerned. I know that opposition members asked a number of questions about it. It is of major strategic importance for the Upper Spencer Gulf and, as I said, major economic importance to the state.

One of the things that came out in relation to this was where exactly we are with refurbishment and upgrades on other jetties around the state that are owned by the state. We are yet to find out a bit more, but my information on the Port Bonython Jetty refurbishment was that this is more the start of things up there rather than the end of things. It is heavily used; the figures that were produced at the time were quite amazing. I know that the department was asked to come back with some further information which it did but, in brief, there was absolutely no opposition from the opposition. In fact, it was a very worthwhile exercise going through that process and I know, Madam Speaker, that you have an intense interest in it. We support the project.

Motion carried.

NATURAL RESOURCES COMMITTEE: ANNUAL REPORT

The Hon. S.W. KEY (Ashford) (11:08): I move:

That the 46th report of the Natural Resources Committee, entitled Annual Report 2009-10, be noted.

It is with great pleasure that I move this motion on behalf of the Natural Resources Committee. Madam Speaker, as you probably know, in the years 2009-10, the new committee was appointed after the March state election and, as well, the membership was expanded from seven to nine members. Two members from the previous committee (the Hon. Russell Wortley MLC and I) have, we hope, provided some continuity of service to the committee in this new parliament.

There was a period of reduced committee activity leading up to and following the election, as well as the retirement of our executive officer, Knut Cudarans, in May 2010. A consequent recruitment process has resulted probably in some cases for the better for this house, but fewer reports are being published than have been in recent years. This hiatus is an unavoidable function of the four-year election cycle compounded by staff turnover. Obviously elections are a necessary evil, so we had to endure that, but I am very pleased to say, having spent four years on the Natural Resources Committee, that I was delighted to be appointed in this place as the chairperson.

Mr Venning: And a good choice, too.

The Hon. S.W. KEY: Thank you very much, member for Schubert—I only wish you were on the committee. In the reporting period of the Natural Resources Committee, we undertook 13 formal meetings, totalling 21 hours, and we took evidence from 34 witnesses. Six reports were

drafted and tabled in the reporting period. These were: an annual report describing the 2008-09 reporting period; three reports into the Natural Resources Management levy proposals; a bushfire inquiry interim report; and a report into the Upper South-East Dryland Salinity and Flood Management Act.

We undertook four fact-finding tours in the 2009-10 financial period. Over six days, the committee visited the South-East, Kangaroo Island, Eyre Peninsula Natural Resources Management regions and met with the Natural Resources Management board members, staff and landholders. We also met with people who were interested in talking to us about natural resources. So, I think that we could throw a few 'greenies' into those consultations.

In addition, members completed their inquiry into the Murray-Darling Basin with a tour of New South Wales and Victorian basin catchments, taking in the Barmah Choke and Barmah Forest, the Hume Dam, the Snowy Hydro Scheme and Shepparton in November 2009. I am very pleased to say—and this is something that I really do want to encourage—that a number of non-committee members of the parliament joined the committee on three of our tours (at their own expense) where they had a particular interest.

For example, Mr Michael Pengilly, MP, the member for Finniss, joined the committee on its visit to Kangaroo Island, which, obviously, is part of his electorate. The former member for Norwood, Ms Vini Ciccarello, came on the Kangaroo Island and the South-East tours, while Mrs Robyn Geraghty, the member for Torrens, joined the Kangaroo Island, South-East and Murray-Darling Basin tours.

The committee continues to encourage non-members to attend the committee hearings to observe witnesses present, as well as to attend fact-finding tours that relate to their interests and electorates. We would be particularly pleased to ask whether our previous chair, the Hon. John Rau, can join us on some of our tours in the future, maybe in his capacity as the Minister for Tourism.

The Hon. M.J. Wright interjecting:

The Hon. S.W. KEY: And I can see that the Hon. Michael Wright might also want to join us on some of our trips. We really do encourage members on both sides of the house, and in the middle, to be a part of our tours.

As in past years, the committee has chosen to engage with communities in their regions. A full list of meetings and fact-finding tours can be found in the text of this report. Copies of all the committee's reports, Hansard transcripts and presentations are readily available on the committee's website so that people who have an interest in our area—the very important natural resource area—can access that information.

I acknowledge the valuable contribution of committee members who left us last year. I have already mentioned the former presiding member, the Hon. John Rau. I also acknowledge the Hon. Graham Gunn, the previous member for Stuart, the Hon. Caroline Schaefer MLC, the Hon. Lea Stevens, the previous member for Little Para, and the Hon. David Winderlich, who replaced the Hon. Sandra Kanck in the Legislative Council. I would really like to thank all those people. We miss you, but we do have some new blood, and we are having an equally important and, I think, enjoyable time on our committee.

I would particularly like to emphasise (and this is something that has carried through to our new committee) the cooperative manner in which everyone worked together. Although we came from different places politically, particularly on the old committee (but, I guess, that signature is in our new committee as well), people did work together and cooperated.

Also, I would particularly like to thank the committee staff for their support. We were very lucky to have our previous executive officer, Knut Cudarans, as I mentioned earlier, who retired. We are very lucky now to have Patrick Dupont as our secretary and David Trebilcock, a new addition, as our research officer. So I am expecting that the exceptionally high level of service and expertise that we had in the previous committee will carry over into the new committee. I commend this report to the house.

Mr PENGILLY (Finniss) (11:15): I am not on that committee, but I would like to support the remarks made by the member for Ashford. Since I have been in this place, my experience has been that it is one of the best committees of the parliament, and I do not think there should be any inhibition on the amount of money it requires for its members to get out and do what they are doing. In the past, under the previous chairmanship of the Deputy Premier, the committee went out and

about and did a lot of good work, and I know that the former member the Hon. Graham Gunn was a strong advocate for chasing up things that affected country people.

My view is that this committee ought to grab things by the scruff of the neck in a bipartisan manner. At the moment there is a matter 'floating' around, so to speak, which I think could be well looked at and hammered away at, and I would be quite happy to talk to the member for Ashford and other committee members about that. However, it is a very good committee. It meets regularly, it does good work, and its reports are always well put together. I commend the member for Ashford in her role as presiding member, and wish the committee all the best. I look forward to its next report, and I also look forward to the committee investigating a matter that I believe needs investigation.

Mr VAN HOLST PELLEKAAN (Stuart) (11:16): I rise to support the member for Ashford in presenting the 2009-10 report to the house. As a brand-new member of the committee this year, after the last election, obviously I did not have an enormous contribution to the work that went into the report because, as the member for Ashford mentioned, the election came along. From memory, our first meeting for that year was mid-to-late May and, given that this report runs to the end of June, it is hard for me to comment.

However, I have had extensive discussions with my predecessor, the former member for Stuart the Hon. Graham Gunn, who was a member of that committee, and I can say that he was very satisfied that the work that went into that was well placed and well researched, and a lot of effort and time was spent on it. Importantly, a very good bipartisan working relationship was in place then, as it is now under our current chair.

The committee has four Labor members, two Liberal members, two Independent members and one Family First member these days, and I know that every one of those individuals comes to work on this committee in a genuinely bipartisan way. Given that I am talking about the transition that took place during the end of the last financial year, it is probably worth adding my thanks to Patrick Dupont, who was a research officer and then acting executive officer, who then became the executive officer. That transition, through the time of the election and from one committee to another, certainly would not have been nearly as smooth without his support and efforts. With those words I, too, commend the report to the house.

Motion carried.

NATURAL RESOURCES COMMITTEE: UPPER SOUTH-EAST DRY LAND SALINITY AND FLOOD MANAGEMENT ACT

The Hon. S.W. KEY (Ashford) (11:18): I move:

That the 47th report of the committee, entitled Upper South-East Dry Land Salinity and Flood Management Act 2002 Annual Report 2009-10, be noted.

The South-East region of South Australia is a highly modified landscape, and I am sure that the member for Mount Gambier will be able to put a lot more detail into his views on the work we have done on the issue of the Upper South-East Dry Land Salinity and Flood Management Act 2002.

Broadscale land clearing and an extensive drainage network was developed over the past century and it was interesting for me, being basically a city-slicker, to have an opportunity to look at those drains and at what was being proposed, and to hear the different views about the future with regard to the hydrology in the South-East area. I also had the benefit of being on the select committee that looked into the Penola pulp mill proposal, so in addition to what I learnt on the Natural Resources Committee it was also very interesting to spend time talking about that and hearing from expert witnesses, as well as people on the land who knew what they were doing, about the hydrology of that area. I feel as if I have learnt a lot (and indeed there is a lot more to learn) about that area, but certainly the South-East now has a different attraction for me.

The broadacre land clearing and extensive drainage network I mentioned that have developed have converted what was once a wetland dominated landscape into a very high level of agricultural production on a vast scale. Although this has generated great wealth and prosperity for the region and the state, there have been issues raised with regard to the environmental health of that area. Several east-west drains intercept environmental flows, which, in the past, flowed northward to the Upper South-East and the Coorong, a Ramsar-listed wetland of international importance.

There are two main components of the Upper South-East (USE) program. The first issue is draining the saline groundwater and floodwaters away from agricultural areas and, secondly, maintaining essential service flows to wetlands and watercourses.

The USE program of the Department for Water (formerly DWLBC) is completing the construction of a vast interconnected network of surface and groundwater drains, floodways, natural wetlands and watercourses. These are known as USE flows network. The Bald Hill and Winpinmerit drains are the final pieces of infrastructure comprising that network.

The system of drains that reconnect the surface water flows to the wetlands, swamps, watercourses and, ultimately, the Coorong, comprise largely of what is known as REFLOWS (restoring flows to the Upper South-East of South Australia) project. You can understand why it is called REFLOWS.

The REFLOWS project is designed to capture some of the surface water from the Lower South-East that has currently drained to the sea and redirect it along natural historic flow paths to the Upper South-East to supplement environmental flows to the stressed wetlands and watercourses. Once environmental flows are delivered to the existing USE flows network via the REFLOWS project, it should be possible to direct flows throughout the region to optimise water use for environmental purposes.

The system is designed to be flexible so that it can be operated sensitively in response to environmental and agricultural needs. I think members in this house would understand that it took many of us—certainly not people who have been based in country regions—a lot of time to understand the essential issues of the USE and REFLOWS and how they are interconnected, where the drains were and where they should be. As I said, it was quite an educative process for all of us, certainly, needing to understand the complications and the different views that people had in that area.

In July and August 2009, the Upper South-East received above average rainfall. The water was able to be diverted via the Upper South-East Dryland Salinity and Flood Management program into a number of key wetlands, allowing them to be watered for the first time in many years. Furthermore, there was sufficient water to allow some releases into the Coorong South Lagoon via Salt Creek, which I found very interesting. Having camped at Salt Creek, it would be nice to think that there was a bit more water in that creek.

The apparent success of these watering events reflects well on the REFLOWS component and the USE program and bears out the considerable research and planning that has gone into REFLOWS. The committee looks forward to hearing from the department on how the Upper South-East program, and REFLOWS in particular, has functioned, given the trials of the significant rains that we have seen in the region over the past year.

I really look forward particularly to hearing from the expertise on our committee. We are very fortunate to have the member for Mount Gambier, with a considerable track record in his region of work, on our committee. I am sure that he will help us understand what are quite often technical contributions that we receive from the many experts we have on the committee. I commend this report to the house.

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (11:25): Unfortunately, I have to go shortly, so I will not be able to contribute nearly as much as I would like to on this particular matter, but I just want to put a couple of things on the record. I quickly read through the report this morning and I think it is a fine report for what it covers, but unfortunately there is a lot of history and a lot of information that is obviously not in the report.

Page 11 of the report talks about phase 3 of the Upper South-East program under the heading of 'Environmental program' and it talks about there being a budget of $49.3 million, $38.3 million of which has been contributed by the state and commonwealth in equal portions and $11 million raised in the landholder levies. I think it is worth putting on the record that prior to the 2002 program there was an earlier program that is a part of the same Upper South-East drainage project, which had a budget of $24 million. So the total project is $49.3 million plus another $24 million. That $24 million comprised $9 million from each of the state and federal governments and another $6 million levied from the local landholders. The landholders have contributed some $17 million towards drainage of the Upper South-East, which is quite a considerable contribution.

Interestingly, there is a table in the document about some aspects of the project and the chair of the committee has just told us about the Bald Hill and the Wimpinmerit drains that have

been completed in recent times (last year). On page 9 of the report there is a table—it is obviously a much earlier table—and it has the drain and the estimated completion date as 22 October 2003, and the completion date estimated then for both of those drains was October 2004, so they were about six years late in being delivered.

I raise these points because these landholders in those two areas, the Wimpinmerit and the Bald Hill valleys, have been contributing those levies. In the case of individuals, we are talking about hundreds of thousands of dollars towards the project, and some of those landholders have had to wait well in excess of 10 years to see the drain run past their property, which has caused quite a bit of anxiety to the landholders themselves.

There has been a lot of to-ing and fro-ing and arguing about the merits of the scheme itself, and also the design of the individual drains. Some argued that we should have had deep drains, some argued that we should have had shallow drains, some argued that the drains should have been on the western side of the valley, some on the eastern side of the valley. At the end of the day, throughout the whole of the scheme, we have a little bit of everything. We have some deep drains, we have some shallow drains, we have drains on one side of the valley, we have drains on the other side of the valley.

Recently, as the member has just told us, we have had superimposed on this the REFLOWS project, a program which I think is fantastic. There is an opportunity for us to manage to return a lot of the water from the Lower South-East, the Mid South-East and the Upper South-East back towards the Coorong to reinvigorate at least the southern basin of the Coorong, which has turned into a hypersaline environment—much to the distress of the locals and the local Aboriginal community, who tell me that they used to be able to almost drink the water at the southern end of the Coorong in the winter seasons and it is currently, I think, two or three times as salty as seawater.

I think the key to successfully cleaning up the environment in the southern basin of the Coorong is in the REFLOWS project and the Upper South-East project per se, but there are needs for other projects as well. I know government agencies are looking at another drain coming from further south, probably south of Kingston, and bringing water to the north, closer to the coast, and eventually getting it into the Coorong; again, another project which I would commend. As I often say, and as I have said a number of times in this house, there are two things we have done in the South-East since white settlement. George Goyder commented in 1864 that, in his opinion, half the land between Salt Creek and the Victorian border became inundated to between one and six feet deep every winter, and that is a lot of water. The two things we have done in the interim is we have cleared most of the vegetation and we have dug drains and run all that water to the sea.

I also argue that the drainage system in the Lower South-East, which was constructed between the late 1860s and the early 1970s, should have more work done on it. That work should be comprised of putting weirs and structures throughout the system, as we have done in the Upper South-East scheme, so that we can actually control the flow of water. Even in recent years when we have had very low rainfall, we have had those drains still delivering groundwater to the sea when there was a dearth of water in the landscape, and that is a great pity. It needs some money—not huge money, but probably in the order of $20 to $30 million maybe over a few years—to put a series of weirs in that drainage system.

The NRM committee may well take that on as a reference and have a look at that and come up with some ideas and a plan to go forward. The committee should go back and look at the original drainage scheme in the Lower South-East and see what can be done to enhance that and to enhance the landscape and the environment of the Lower South-East. I think that would be a terrific project. We also need to make sure that management plans for the wetlands that have been re-wet through the REFLOWS project in particular, but the Upper South-East scheme in general, have good management plans for the operation of flows in and out of them, and are also ticked off by the landowners.

Back in January, I was on a property in the Upper South-East where the farmer has a part of one of these wetlands on one edge of his farm. He has complained for the last two winters that the water levels in that wetland have been put to such a height that it has flooded a fair bit of his farming land, and he has claimed that it has caused him significant losses of pasture. I have seen a series of photos that he has taken and, from the photographic evidence that he has shown to me, I can only agree that the management of that particular wetland was a little overenthusiastic, to say the least. He also tells me that, as soon as the water stops flowing, the wetland dries out because it does not have a sealed bottom in it; it has a rocky bottom. I cannot believe that it was ever a

permanent wetland, if that is the case. That is what he has told me and I take him on his word for that.

Right across the South-East, and indeed across the whole state, we have enjoyed an incredibly wet period at least over the last six months. On my farm at Mount Burr, I have probably only experienced one summer anywhere near like what we have experienced this year where the paddocks are still green. There is green feed over the whole of my farm.

An honourable member: God's country.

Mr WILLIAMS: God's country, indeed. If we have even an average winter rainfall, or indeed if we have a wetter than average winter, a lot of surface water is going to be generated in the South-East. The ground and the subsoil is already wet. There is a huge amount of subsoil moisture and we will generate a lot of surface water. I would estimate, if we do have a relatively wet winter, that the drains will be more full than what they have probably been for 10 or 15 years at least, and probably a little bit longer.

That augurs well, again, for the Coorong. There is opportunity now to divert significant amounts of water to the north and into the Coorong, but we could also experience local flooding throughout the South-East. The risk of that occurring is much higher than what it has been.

Having put those matters on the record, I do urge the NRM committee to consider taking up another reference into the drainage system in the South-East, particularly the original part of the system, and having a look at whether we can enhance the local environment by having a program to put a series of weirs in that system.

The Hon. S.W. KEY (Ashford) (11:34): I want to thank particularly the member for MacKillop for his contribution. As I said earlier, we really do encourage local members in particular, or members who have expertise in different areas under the natural resource banner, to contribute to our committee, and I want to acknowledge that. I thank all of our members—past members as well as our current members—for their contribution.

Motion carried.

PUBLIC WORKS COMMITTEE: NORTH SOUTH INTERCONNECTION SYSTEM PROJECT

Mrs VLAHOS (Taylor) (11:35): I move:

That the 389th report of the committee, entitled North South Interconnection System Project, be noted.

The South Australian Water Corporation proposes an upgrade to the existing metropolitan Adelaide water supply system infrastructure through the provision of interconnectivity between the northern and southern water supply systems at an estimated capital expenditure of up to $402.73 million, excluding GST. Construction on this project is scheduled to begin in February 2011, with completion due in June 2013 and operational handover on 31 December 2013.

This proposal is referred to as the north-south interconnection system project (or NSISP). The project will deliver significant water security benefits to the Adelaide metropolitan area by allowing bulk water transfers between the southern and northern water networks, and it is necessary to enable maximum utilisation of a climate-independent source of water to supplement Adelaide's water supply. At present, the system can transfer between 30 to 40 megalitres a day under winter supply conditions, and the NSISP will increase this to 179 megalitres per day across many supply scenarios; this transfer will include the northern network from the southern zone. At a high level, the NSISP delivers many things:

- physical infrastructure works, comprising pipeline works, including six specific pipeline systems, three pumping stations, pressure-reducing valves, pressure-sustaining valves, and ancillary works such as installing network flow meters;
- operations management and control works relating to the integration of monitoring and control capability into the physical infrastructure; and
- decision support tools to manage the complexity of the operational environment once the system is operational and to maximise opportunities relating to system interconnectivity for the future.

SA Water has conducted extensive consultation with residents, businesses, community groups and local representatives, including members of parliament, and it will continue to do so.

The committee has been told that these consultations indicated more work was necessary, and the consultation program has been extended. The committee has further been told that the communities likely to be affected will be targeted with communication programs that will detail the proposed works and measures to mitigate community risks. For elements of the project where communities can influence design outcomes, more thorough engagement is taking place or is scheduled.

The project case requires capital expenditure of $402.739 million to be incurred from 2008-09 to 2012-13, including sunk costs of $13.328 million incurred in prior financial years. The project case will incur average annual operating costs of approximately $10.5 million (real) per annum, from 2012-13 over 25 years, largely due to increased electrical consumption and control costs. Annual operating costs range between $8.4 million in the first full year of operation to $14.9 million in 2035-36. The committee has been told that the cost of the project will be recovered within the price path already announced by the state government.

Based on a procurement strategy options analysis undertaken by SA Water and Ernst & Young, a flexible and adaptable procurement strategy was selected to account for the complexities and uncertainties inherent in this project, especially those relating to the integration of the existing distribution network.

Given the above, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public work.

Mr PENGILLY (Finniss) (11:39): This was a project that caused the opposition members some concern. Although we support it, my view, and the view of my colleague the member for Waite, was that a bit of argy-bargy went on about this whole thing. For a project of the value of $402.793 million, the lack of consultation was alarming. Indeed, the member for Bragg came into our committee and spoke for a significant amount of time on the matter, and it is most concerning that she is not even mentioned in the report.

She raised some very serious matters that were of concern to her and her constituents. I know that some time ago in the committee, before some of the current members were on it, this was raised as part of the desalination project. Once again, we got some argy-bargy answers at the time, and eventually this project did indeed come in front of the Public Works Committee.

I am looking forward to seeing how this progresses to the completion of the project. It is absolutely critical that we can move water from the north side to the south side and vice versa, although I would suggest that in the future it will be more from the south to the north. I was rather staggered to learn, early in the piece, that we as a state and the city of Adelaide just did not have that capacity; there was on a smaller scale, but really any large-scale capacity was lacking.

However, the member for Bragg will be speaking in a moment, and I am sure she will raise some of the issues and put on the record what she thinks of the whole process. The opposition did support the project but with some reservations.

Ms CHAPMAN (Bragg) (11:41): I speak on the Public Works Committee's 389th report on the north-south interconnection system project. Can I say that the issue of the public announcement of this project in the middle of last year, after the state election, was one which raised considerable concern in my electorate.

Essentially, this is a project which is to add pumping stations and pipelines between certain parts of the eastern suburbs and North Adelaide, out from Gilberton to the north-east, to be able to move water from the south to the north, on the basis that South Australia, under its SA Water infrastructure, is on two separate systems and more infrastructure needs to be included to facilitate the transfer of this water at a greater volume and more quickly. The principal reason that is necessary, unquestionably, after a lot of digging on this issue, is the government's decision to double the desal plant in the south to provide for the production of water for 100 gigalitres per annum instead of 50.

The second reason it is necessary to add infrastructure to facilitate the transfer of this water is that the government has signed a desalination plant contract for the production of water during the period, particularly in the summer, that requires the absorption of that water at a rate necessary to avoid wasting it after we are going to pay a fortune for it, which will either flush down to the ocean or have to be moved.

So, two government stuff-ups are followed by a $403 million project which, even if it were a desirable project for the future for infrastructure and water security in metropolitan Adelaide, could

never be justified in 2010-11 when the rest of the state has been perishing under drought and when people in the Riverland, for example, are still under water restrictions. It is completely unacceptable that a project of this size should be proceeding here in 2011 when half of the state is deprived of access to water and a missive has gone out to put as many people as possible under prescription and restriction; it is totally unconscionable

The other thing that is concerning about this project is that the preliminary works were signed during the state election period. That is an issue which has been raised. The Auditor-General said, 'Well, there should have been some disclosure on this'—essentially these are his words—'but it doesn't require the convention in respect of signing any documents during an election campaign because it was an existing project.' That is the let-out for the government to avoid the scrutiny.

However, the truth is that it was not until the Monday after the election in March last year that the successful contractor to do the preliminary works for this project made an announcement. How curious—because it was not until June and July that people from SA Water went to my district (as it turned out) and to the residents in Wattle Park who were told, 'This is going to be happening to you. We're having a new pumping station.' They said, 'We don't know anything about that.' They were told, 'You can have a look at this paper but we can't leave it with you.' They then went to a meeting about it and were told, 'We can tell you more about this and we can show you material, but you have to sign a confidentiality agreement that you're not going to tell anybody about it.'

This was a secret project and the then member for Adelaide (Jane Lomax-Smith) did not tell one detail of it to her electorate. People in the eastern area were told nothing. The member for Waite was told nothing of the major redevelopment of the Clapham pump in his area and, at that stage, a proposed upgrade of the Springfield pump—none of us were told. This was an entirely secret project. This is about secrecy and if it was not for the courage of the people in Wattle Park who came forward to raise it with me as their local member, and for me to then raise it here in parliament, that we would know a scrap about it.

Not only had the government signed up preliminary contracts, not only had it had meetings with the stakeholders about proposed work opportunities that people in the industry would have to do on this project, but the very people whose road was going to be dug up in front of them, whose infrastructure was going to be torn down, whose trees were going to be at risk, whose business viability was going to be at risk, were told one jot about it. That is what is unacceptable about the government's conduct on this.

The second aspect which members should be aware of and of which the new chair of the Public Works Committee, I think, needs to take on notice to ensure that it does not happen again, is that when you get a project of this value—and we are talking about $403 million—do not be fooled by the crap that you get from, in this case, SA Water, which said that this was an existing project; this was something announced by the Premier and then minister Maywald two years before, because that is not what they announced. What they announced was not a $403 million interconnector pipeline; they announced a $304 million pipeline between two reservoirs—a totally different project. So, do not be fooled when they come to you to suggest that something has been going along for years and everybody has known about it—what absolute rot! During this process that was exposed.

Sure, the committee did, ultimately, approve this project but do not be fooled by what you are told in that regard. We went from a $304 million project to a $403 million project. So what I am going to ask the committee to do, having approved this project (which is obviously going to go ahead), is to: scrutinise SA Water and call people back to give an upgrade on a number of things, including whether they have secured a site for the Gilberton upgrade and the pipeline that is to go from the north-east, because they have not even secured the site as yet; when that has been done, to ask if there are any additional costs necessary; and that the committee should monitor this project as best it can by regularly calling for updates in relation to the finance of this project.

Let me give you the principal reason why: SA Water abandoned the first project—that is, the $304 million project of connection between two reservoirs—because when it did its figures more carefully, it realised that it was actually going to cost more than $1 billion. So SA Water abandoned that project and brought in this one because some preliminary work had been done over a number of years and they thought it was better to just dig up the middle of the road and put an extra pipe down rather than a reservoir-to-reservoir pipeline and to just upgrade an existing structure. When it was brought in you were given an estimate of $403 million. If they could get it so

wrong on a $304 million project—which is suddenly over $1 billion, which justifies its abandonment—then you need to watch this project very carefully.

SA Water has done a number of things in recent times: sometimes it does good things, but there are a number of things that it has done. One, it has refitted its own new headquarters in Victoria Square; over $45 million to put in new carpets and computers in a building that the government does not even own. But that is fine. It has done all of that for its little hierarchy. It has given 1,500 of its employees tax deductibility as a result of being able to claim their water rates, which the rest of the state does not have.

It has supervised a contract with United Water, of which part 1, as announced in the press last week, has cost us $13.8 million, at least, which is going to be recovered. It had 40 people, I think it was, supervising that contract. The former treasurer has come into the parliament and told us that he is going to get back tens of millions of dollars of that dodgy arrangement. They have gone to court over it—years late, in my view—and got some of that money back. It cost taxpayers a huge amount of money. Some of it is going to be recovered, at least $13.8 million, if the press is right.

It is very important that the new members of the Public Works Committee understand that they have the responsibility to approve projects over $4 million, which are projects that the taxpayers are paying for. At times when the smallest projects are axed all over the place, they need to get it right on the big projects. That is the job of the Public Works Committee. I would urge the Public Works Committee not to let this scandalous situation be repeated and, at least for this project, please give some comfort to the people in the eastern and southern areas, who are about to have their roads dug up, that this project will be worth it, that it will not blow out and that the taxpayers' funding will not be wasted.

Motion carried.

PUBLIC WORKS COMMITTEE: MUNNO PARA RAILWAY STATION UPGRADE

Mrs VLAHOS (Taylor) (11:52): I move:

That the 390th report of the committee, entitled Munno Para Railway Station Upgrade, be noted.

The Munno Para Railway Station upgrade project is being proposed at a total cost of $13.8 million. This is an important project for the northern suburbs of Adelaide as many people in the north commute via public transport to the city every day to increase the state's economy with their workplace practices.

A new Munno Para Railway Station will be located 60 metres south of the existing location. This is in accordance with the proposed Munno Para transit oriented development by the Land Management Corporation as part of the Playford North redevelopment, which is an important initiative in the north of our state. The scope of the project comprises:

- architecturally designed shelters;
- new platforms designed to minimise the step and gap between the platform and trains;
- windbreak screens, public toilets and seating;
- improved lighting and closed circuit television surveillance of platforms and car parking areas to increase safety for commuters;
- real time passenger information, public address and emergency telephone systems on all platforms;
- twenty-two, including two accessible, car parking spaces on the eastern side in close proximity to the main platform entry point and 100 car parking spaces on the western side of the site;
- landscaping incorporating water sensitive urban design elements will be used where practicable; and
- passenger information display systems will be provided on each platform to inform passengers about train running times and status.

The new station will feature a fully enclosed pedestrian overpass with lifts and stairs linking the platforms, which will have architecturally designed shelters extending approximately 75 metres in length. The expected outcomes of this project include:

- improved facilities for commuters that support and encourage increased patronage of the train system to the city;
- improved commuter comfort and convenience;
- improved public safety and security;
- improved visibility and passive surveillance for those people using the facility;
- improved accessibility in line with the Disability Discrimination Act 1992; and
- improved general amenity is the overall objective as well.

The completion of the project is scheduled for November 2011. Given the above and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr PENGILLY (Finniss) (11:54): Once again, opposition members supported this project, which caused a bit of discussion about the merits of it. As it was in the electorate of the former chairman of the Public Works Committee, he was very much of the opinion that it was a critical program, so we took that on board. However, the convoluted way in which this revolved around the Land Management Corporation, and what it was doing, also received much debate.

One thing of concern and interest to some members of the Public Works Committee was how it would tie in to the accessibility and parking at Munno Para Railway Station. However, that was covered in depth by government officers who gave evidence, and we were satisfied that they seemed to have that in hand.

Any upgrading of any railway station is good and, as the state slowly progresses forward from the dim dark ages of diesel electric trains to electric trains, no doubt we are going to see a lot more of it. So, along with various railway stations down South, Munno Para was badly needed. The Hon. John Dawkins in another place comes in on that line nearly every day, as I understand, so he was able to give us good information on that particular station. I do not think there is much point in standing here and waffling for the next nine minutes about something that we support, so we will get on with it.

Motion carried.

PUBLIC WORKS COMMITTEE: BERRI HOSPITAL REDEVELOPMENT

Mrs VLAHOS (Taylor) (11:56): I move:

That the 391st report of the committee, on Berri Hospital redevelopment, be noted.

The current project involves the redevelopment of Riverland Regional Health Services, or the Berri Hospital. The estimated completion date of this project is June 2013, and the cost is around $41 million.

Berri Hospital is designated as a country general hospital and currently has 36 acute public multi-day beds, two birthing suites, and 12 private beds. In addition, it has two renal dialysis chairs and 13 recovery bays. The proposed Berri Hospital redevelopment comprises the provision of several main components and elements. The proposed design expands the current facility of one theatre and one procedure room to two theatres, both capable of accommodating general anaesthetics and one being able to operate as a part day-surgery unit. A significant expansion in the recovery area is also planned, with the provision of six stage 1 recovery bays and 10 stage 2/3 recovery bays.

The central sterile supply department (CSSD) area is replanned in a new build area to better suit workflows and for better supply and disposal routes; for example, the supply of clean stock to inpatient areas and disposal of waste directly to the outside of the building. A new plant area is planned to be constructed, encompassing new mechanical plant, chillers, hot water, generator and transformer rooms, as well as medical gas and main switchboard rooms.

A renal dialysis section is also an important part of the components. Renal dialysis fixed chairs are proposed in the new building with good external views to be provided for those attending the renal dialysis area. Chemotherapy is also included and a regional chemotherapy 'hub' is proposed, with approximately 75 per cent of Riverland patients being treated at Berri.

Emergency departments will be included. The new redevelopment at Berri encompasses and addresses various aspects of the existing emergency department, including a significant

increase in the number of emergency beds; separate entrances (discrete from the main entry) created for ambulance and ambulant patient entry; and a direct functional link which will be established from the ED to the operating department. The emergency waiting area is also established as a discrete area of the outpatient waiting area. A short-term parking area is also proposed adjacent to the ambulant entry and undercover ambulance parking is near the sheltered ambulance entrance.

There is also a rehabilitation component of the project. An increasing need to accommodate rehabilitation and geriatric evaluation management and stroke services is envisaged for the Berri Hospital with the provision of a new rehabilitation unit. This area will allow functional links with both inpatient and outpatient areas in order to readily access both day patient and inpatient rehabilitation facilities; stroke and neurological; post-surgical; orthopaedic and amputee (step down care and additional outpatient services); cardiac rehabilitation; and respiratory function services.

Inpatient facilities will also be improved. Inpatient services are proposed to be reconfigured as 38 multi-day beds, including six mental health beds. All inpatient accommodation is to be provided as a single room.

Debate adjourned.

EDWARDSTOWN GROUNDWATER CONTAMINATION

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (12:00): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P. CAICA: I have been advised that a groundwater contamination, extending beyond the known original area of contamination at the former Hills Industries site in Edwardstown, has been identified and reported to the Environment Protection Authority (EPA).

I am advised that, in August 2009, the EPA was notified of harm to groundwater, in accordance with the Environment Protection Act 1993, by Colonial First State (which now owns the former Hills property) and its consultants. The groundwater assessment at this time was limited to the Hills site. At the request of the EPA, a further series of groundwater investigation wells were drilled and installed in an attempt to delineate the contaminated plumes. Analysis of the samples collected from these wells progressively identified further off-site groundwater contamination.

As a result of this additional work, the EPA was notified of updated information on the extent of the groundwater plume extending well off-site on 14 February 2011 that for the first time was in an area that was likely to affect registered domestic bores. The mid-February report presented to the EPA also included a human health assessment report that concluded that the chemical concentrations of the PCE, one of the industrial solvents found in the groundwater, has the potential to result in a risk to human health.

The report recommended assessment of indoor air quality, which is likely to occur in a small number of houses, in order to evaluate the potential vapour intrusion issues—that is, chemicals moving from the groundwater, through the soil and into the air. This information was then assessed by the EPA in conjunction with the Department of Health last week.

The contamination consists of hydrocarbons associated with fuels and metal-cleaning solvents. I am advised that the contamination is likely to have resulted from historical use and historical practices. The EPA has defined an area that includes the known groundwater contamination, as well as a buffer for further potential contamination. It includes approximately 2,000 properties in the Edwardstown region, which is bounded by Marion Road to the west, Oval Terrace and Nelson Street to the south, Railway Terrace to the east and Maxwell Avenue and Melville Street to the north.

In relation to the known original site of contamination, I am informed that since August 2009 the EPA and the Department of Health have been working closely together to ensure that responses are commensurate with the risks to public health. Both departments are continuing to work together to determine further action that may be required as more information about the extended area of contamination becomes available.

Communicating to potentially affected households is a key priority to ensure that risks are identified and addressed, as well as avoiding unnecessary alarm in the local community. I am advised that the EPA is providing a letter to all properties within the defined area, recommending

the immediate cessation of the use of groundwater for any purpose until further notice. The letter will also include a Department of Health leaflet on the safe use of groundwater.

The EPA has also informed key organisations, such as the City of Marion, the Department of Education and Children's Services and staff from the Forbes Primary School, (which is within the identified buffer zone), Housing SA, and the Department of Planning and Local Government.

The EPA has become adept in its management of processes in relation to these types of matters, assisted of course by the government's legislative change in July 2009 that included a mandatory duty to report harm to groundwater. The EPA has informed me that Hills and Colonial First State are working cooperatively with it and have indicated that they will continue to respond positively to any direction from the EPA. The EPA is expected to be holding a press conference about this matter shortly.

CONTROLLED SUBSTANCES (THERAPEUTIC GOODS AND OTHER MATTERS) AMENDMENT BILL

Consideration in committee of the Legislative Council's amendments.

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

That the Legislative Council's amendments be agreed to.

There were four amendments moved in the other place. The first was moved by the Hon. Stephen Wade, and he deleted a subsection (4). I will explain to this house why the government is accepting this amendment. I am not sure that I completely understand what the amendment does or why we accepted, or what difference, if any, it makes—probably none. It is a bit moot; a bit of a lawyer's thing.

The intent of the original clause was to make it clear that there would be the same approach to the application of commonwealth therapeutic goods laws for natural persons as for corporations. That is, to the extent of any inconsistency between the Controlled Substances Act 1984 and the provisions of the commonwealth Therapeutic Goods Act 1991, that are being applied in South Australia, the commonwealth Therapeutic Goods Act 1991 will prevail.

The inclusion of the subsection (4) was to clarify what is stated under section 109 of the Commonwealth Constitution: that commonwealth law will prevail over state law to the extent of any inconsistency. I am advised that it appears that putting that in causes more confusion than clarity. It does not make any real difference, so we are happy to have it removed. The reality is that the Therapeutic Goods Act does trump our state act, and that is just the nature of the Constitution. So we are happy with that.

Amendment No. 2 was also moved by the Hon. Stephen Wade. He moved to delete the phrase 'as a law of South Australia in relation'. This amendment removes the explicit reference to the commonwealth Acts Interpretation Act applying as law in South Australia in relation to interpretation of the applied provisions of the commonwealth therapeutic goods laws. The approach taken in the drafting of the bill is consistent with the standard approach adopted by the Parliamentary Counsels Committee.

For many years in all states and territories, when a commonwealth act has been applied, the package applied is the specific act or provisions, together with the commonwealth Acts Interpretation Act. The most recent example of the same formula being used as in this bill is the Australian Consumer Law (SA) passed by this house late last year.

The proposed approach of not referring to the commonwealth Acts Interpretation Act applying as a law of the state in relation to interpretation of the applied provisions does not effect a substantive change but may confuse users of the legislation. If parliament is trying to achieve the same end, for example, as in the current Australian Consumer Law, our legal advice is that the same language should be used.

So, this is really a nicety about drafting. The end result is the same. For reasons which are apparent only to members of the other place, they chose to put in a unique provision which would confuse readers of the bill. It does not change the powers in any way. Why they would want to do that, one would have to ask them. However, in order to expedite the progression of the bill, the government will support that amendment as well.

The third amendment was moved by my colleague, the Hon. Gail Gago, on behalf of the government; that was to delete the words 'supply or administer' in clause 13. The amendment was

moved by the minister in another place and that amendment seeks to rectify an unintended consequence as a result of the drafting of the bill with respect to the administration or supply of prescribed prescription drugs.

Under provisions in the bill the prescribing, administration and supply of some specialist drugs—for example, some drugs used for the treatment of cancer—is restricted to a medical practitioner with prescribed qualifications. This is an unintended consequence. It is intended that only the prescribing of these drugs is limited to a medical practitioner who holds prescribed qualifications. This amendment would allow a nurse to administer, and a pharmacist to supply, these specialist drugs.

The other amendment, which is No. 4, was also moved by my colleague the Hon. Gail Gago in another place. This amendment would give the minister the power to fix fees for licences, authorities and permits issued under the Controlled Substances Act 1987. The Office of Parliamentary Counsel has suggested that the minister should have the power to fix fees for licences, authorities and permits issued under the act, given the minister presently has absolute discretion to grant or refuse a licence, permit or authority under the act. The specification of fees for licences in the regulations fetters the minister's absolute discretion. The amendment, if passed, will allow greater flexibility and enable variation of fees if appropriate. So, as I say, I am happy to accept the amendments from the other place.

Dr McFETRIDGE: I appreciate the government's support for these amendments, particularly amendments Nos 1 and 2 moved by my colleague in the other place, the Hon. Stephen Wade. His acute legal mind has looked at the various nuances of the wording. I am just a humble veterinarian so I am guided by him, and I am very pleased that the government supports these amendments, for the benefit of all South Australians.

Motion carried.

OCCUPATIONAL LICENSING NATIONAL LAW (SOUTH AUSTRALIA) BILL

Adjourned debate on second reading.

(Continued from 25 November 2010.)

Mr PISONI (Unley) (12:10): I indicate opposition support for the bill and also that I am the lead speaker. I will raise a couple of points in supporting the bill. This legislation is based on the lead legislation that was introduced in the Victorian parliament. It was due for debate in June last year but was not debated until September. Of course, that put a little bit of pressure on the other jurisdictions to meet the time line that was anticipated by COAG for passing legislation.

I note that the minister in the other place (Hon. Gail Gago) expressed some sense of urgency when she introduced the bill in November last year when she said, during her second reading speech, that there could be some risks to the reward payments for South Australia if South Australia did not meet the key reforms and milestones (including incorporating these applications in an act) by December 2010), so I will be interested to explore that a little bit in the committee process.

I also would like to take a moment to reflect on my own experiences when I had my own business. I was doing business from South Australia mainly into New South Wales. I had a shop in Sydney to deal with my clientele there. Generally, because we were dealing person to person (the end user, if you like) and we were acting as a retail outlet for the products we were producing and we were dealing with mainly residential customers, we did not really experience a lot of the difficulties that many other businesses experienced in trading across borders until we won the contract to fit out the Lowy Institute in Bligh Street in Sydney. We had several hundred thousand dollars' worth of furniture that we wanted to install and the Lowy Institute wanted to have that furniture delivered in a timely manner, as you could imagine, so we made some inquiries about getting into the building a couple of days before it was signed off as completed as a building site.

However, we found that we needed to send the staff, whom we were sending over from Adelaide to Sydney, two days beforehand so that they could sit through an induction course on workplace safety as a WorkCover requirement and present the green ticket (I think it was) that they had to hold at the time. Of course, that requirement was not necessary here.

In the end, after a couple of discussions with the managers of the project and a few others, we worked out that, if we waited until the sign-off of the building, we could in actual fact just move in the day after that and start delivering and installing the furniture, which is what we decided to do

because there was then no requirement for the WorkCover induction. This is an example of how bureaucracy does need to change and how it is important that we have some sort of consistency between the states.

An issue was raised by the Real Estate Institute of Australia that is peculiar to South Australia, and I think it is important to raise it. Obviously the institute supports national licensing in the wider sense and agrees that individuals should have the opportunity to work across borders more easily. However, there are some key areas that must be addressed concerning the implications of national licensing.

The institute would argue that, in South Australia, real estate agents are more highly trained because they also prepare documentation on behalf of clients in the form of sales and agency agreements, contracts and Form 1s, etc. In the other states, such as Victoria and New South Wales, solicitors undertake these roles, so obviously they see it as being a more open and fair system. I think we have a similar system in South Australia where you can go to see a conveyancer. In some other states—

The Hon. M.J. Atkinson interjecting:

Mr PISONI: The member for Croydon, interjecting from outside of his seat, is showing extreme ignorance today in questioning me on my ribbon and my commitment to supporting women with ovarian cancer. I am sorry that he is displaying such ignorance and interrupting my speech on this very important matter.

In relation to the point that the Real Estate Institute raised, I was referring to the example of the Form 1 being required and also the fact that, in South Australia, you can employ a conveyancer for transfer of property at the time of sale and, consequently, it is a much cheaper thing to do in South Australia than it is in some other states where that is an exclusive right of the legal profession.

We do not want to see an increase in costs for business in South Australia because of a national system in areas where our system is open to a bit more competition but still provides safeguards and protections for consumers, and ensures that people can confidently hire somebody knowing that they are qualified and know what they are doing. I just wanted to point out that area in supporting this bill, and there are a couple of general questions that I would like to ask at the beginning of the committee stage.

Mr PEDERICK (Hammond) (12:19): I, too, rise to support the Occupational Licensing National Law (South Australia) Bill 2010, because it certainly impacts on my electorate, which, on its eastern boundary, comes up against Victoria. A vast range of issues are involved over many trades and businesses in terms of whether someone is licensed in South Australia or Victoria—and I mention the relationship of Lameroo and Pinnaroo to towns on the Victorian side, such as Murrayville, Panitya, Ouyen, Walpeup and, even, Underbool.

It is quite sensible that we should be moving forward with some decent national legislation because across industry sectors and across trades everything changes for people going into another jurisdiction just because they have driven over a state boundary. They are not licensed and they cannot do the work unless, perhaps, they do some extra training for essentially the same work; and, so long as it is under proper guidelines and properly managed in the respective parliaments, I think that it is a very good move.

I will give some background on the Inter-Governmental Agreement on Federal Financial Relations and the National Partnership Agreement to deliver a seamless national economy (and these were both signed off in December 2008). The Inter-Governmental Agreement (IGA) for a national licensing system for specified occupations was established and signed by COAG in April 2009.

It is this IGA that forms the basis for the Occupational Licensing National Law (South Australia) Bill 2010. The National Partnership Agreement to deliver a seamless national economy summarises the intention of the bill. It states:

> ...reducing the costs of regulation and enhancing the productivity and workforce mobility in areas of shared commonwealth, state and territory responsibility.

The bill refers occupational licensing to a new national system in two waves. The first wave will come into operation in July 2012 and will include air conditioning and refrigeration mechanics, plumbers and gas fitters, electricians and property agents (other than conveyancers and valuers).

The second wave will come into effect in July 2013 and will include land transport (passenger vehicle and dangerous goods only), maritime building and, then, conveyancers and valuers.

It is noted that Victoria is the lead jurisdiction, and it is the host state for the commonwealth law having passed the template legislation in September. This enables the establishment of a national occupational licensing system through the National Occupational Licensing Authority from 1 January 2010. All other state and territory jurisdictions have agreed to pass harmonising legislation. Minister Gago noted in her second reading explanation that:

> The national law has been designed to provide the governance and high-level framework for the national scheme. The operational aspects of the scheme and industry-specific licensing rules and procedures are to be covered in regulations, which are currently being developed. This will enable informed and detailed analysis on the risks, needs and safety requirements for both licensees and consumers, before each occupational area becomes operational under the national law. Occupation-specific legislation will still exist in South Australia to regulate areas that fall outside of the national scheme, for example, conduct matters.

The Office for Consumer and Business Affairs (OCBA) will still have operational responsibilities relating to occupational licensees. OCBA will be responsible for issuing licences and licensee disciplinary decisions. Funding for this will come from general budgetary funding of the agency, soon to be merged with the Office for the Liquor and Gambling Commissioner.

I am certainly very supportive, as I indicated earlier, of this bill and how it will come into play. I note that, under the governance structure of the national occupational licensing system, from the bottom up there will be the delegation of the enforcement and administration of the system to existing jurisdictional regulators, including:

- issuing and renewal of licences;
- monitoring and enforcement; and
- disciplinary proceedings.

Above that will be the trades; being electrical, plumbing and gas fitting, property agents, refrigeration and air conditioning. These will be advised by the occupational licensing advisory committees, and that flows through to the National Occupational Licensing Authority, governed by a board, which is responsible for developing licence policy on licence categories, scopes of work, and eligibility criteria, including training requirements. It will also be responsible for assessing future occupations for inclusion into the scheme. I am advised that right at the top, above this, is the Ministerial Council for Federal Financial Relations, which is responsible for approving changes to the national law, making the regulations, and appointing board members.

We support the bill, but I note that there will be some questions asked in committee. I think it will be a great step forward in common sense for a lot of trades and businesses, especially in my electorate, where at this stage people need to have dual licensing arrangements and work under dual systems. It becomes a bureaucratic headache, especially for the good people of the Mallee whom I represent, very practical and sensible people who would rather attend to their trades than spend their time buried in paperwork when it is, essentially, the same job. I commend the bill to the house. It will be a great move forward.

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (12:26): I thank honourable members for their support. This bill is an important step in establishing a national occupational licensing system for selected occupations. The national licensing system will remove inconsistencies in licensing certain occupations across the state and territory jurisdictions, will reduce the cost of licensees operating in multiple jurisdictions and allow for a much more mobile workforce. Again, I thank honourable members for their support and commend the bill to the house.

Bill read a second time.

In committee.

Clause 1 passed.

Clause 2.

Mr PISONI: In the minister's speech in the other place, she referred to the fact that reward payments could be threatened. When she spoke to me about this issue before Christmas she also expressed concern that there could be a financial penalty for South Australia if we could not demonstrate that we were taking some action in moving this forward. Can you inform the house

whether or not there will be any financial penalty, because we are now at the end of February and the legislation still has not gone through the parliament? Can you elaborate on what the minister's concerns were back in November, and inform the committee whether there will, in fact, be any penalty for the state of South Australia?

The Hon. J.J. SNELLING: This piece of legislation is one of the 27 regulatory reforms under the national partnership agreement to deliver a seamless national economy, and one of only 10 which are tied to reward payments under the seamless national economy. South Australia and several other jurisdictions—Western Australia, the Australian Capital Territory, and Tasmania—did not meet the interim milestone under the NPA of delivering application laws by December 2010. This delay could potentially result in some reduction in the maximum possible reward payment of $14.275 million that is available to the state in 2011-12, based on the 2010-11 performance against NPA milestones. However, the delay in passage does not threaten the establishment of the NOLA Board on time and was a consequence of a three-month delay in the passage of the model legislation in the lead jurisdiction—Victoria.

South Australia made every effort to have the legislation passed by the end of 2010, with the introduction and passage in November in the upper house, but it was unable to achieve passage through both houses within the available sitting days. So, primarily, the reason for the delay was the delay in the passage of the lead legislation in Victoria. Ultimately, it would be a matter for the COAG Reform Council to consider, but I think, given those mitigating circumstances, it is unlikely that we would be penalised.

Mr PISONI: Are you able, then, to give us a date of proclamation? I know that generally there can often be quite a lapse of time. Have you got a date in mind for the proclamation?

The Hon. J.J. SNELLING: I cannot see any reason why there would be a delay in the proclamation. I am advised that there are provisions in the national regulatory framework which are already in operation. We would want to see this legislation proclaimed as soon as practicable. There is no reason to delay proclamation.

Mr PISONI: I have another question, and I think it does relate to the commencement of the bill. You mentioned that the intention of the bill would be to reduce the cost of working across borders. Will we see any increase in licensing fees for those people who perhaps do not need the requirement of working across borders, for example, the single, self-employed contractor who requires a licensing fee, whether it be for plumbing or electrical work? Will we be seeing any increases in those fees as a result of these changes?

The Hon. J.J. SNELLING: No. The agreement provides for the states and territories to continue to set and collect their licence fees. You will have to apply for your licence in your primary jurisdiction. That provision is there essentially to stop people licence shopping for the cheapest licence.

The licence fees for in-scope occupations in South Australia will need to be restructured extensively to reflect the new categories, classes, possible bundling of certain types of licence and different renewal periods. It is anticipated this work will be undertaken later this year and will be finalised early next year. Given the restructure that will have to happen, it is not possible to guarantee that fees paid by any particular individual will not increase, but there will not be a national fee. They will still be set at a state or territory level and you will have to pay the licence fee that is applicable in your primary jurisdiction.

Mr PISONI: To tease that out a little bit, any increases in licensing fees will not be as a direct result of the legislation?

The Hon. J.J. Snelling interjecting:

Mr PISONI: I note that you mentioned timing and renewals. Is part of the restructuring plan to see uniform renewal periods? For example, would every electrician's renewal be due on 1 July, or are we looking at having every single licence renewal due on the same date and for the same length of time; or will it be different periods for different professions or trades?

The CHAIR: I should point out that we seem to be moving somewhat from part 1, clause 2 into rather interesting other areas. Are any of these issues that you could perhaps bring up in other parts of the bill?

Mr PISONI: Once these are covered, I am done.

The Hon. J.J. SNELLING: I think what the member for Unley is getting at is: will every electrician's licence come up for renewal on 1 July every year? I think that is what he is perhaps asking.

Mr PISONI: I am just trying to get some idea.

The Hon. J.J. SNELLING: No, that will not be the case. You will apply for your licence. Your licence, for example, might be for three years. You apply for it and it will be valid for three years from the time you first obtained your licence. So, it will not be a uniform thing; it will depend on when you have been granted your licence. It will work in the same way as car registration works at the moment. Your registration expires a certain period after you have paid your registration fee.

Clause passed.

Remaining clauses (3 to 165, schedule) and title passed.

Bill reported without amendment.

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (12:40): I move:

That this bill be now read a third time.

I thank honourable members for their support for the bill, and I thank officers in the preparation of it.

Bill read a third time and passed.

MOTOR VEHICLES (THIRD PARTY INSURANCE) AMENDMENT BILL

In committee.

(Continued from 9 November 2010.)

Clause 1.

The Hon. I.F. EVANS: On clause 1, is it still the minister's intention to proceed with the debate, given that the Motor Trade Association has written to members of parliament asking for the debate not to proceed? I understand there were discussions with the minister and the Motor Trade Association in the last couple of days to the effect that they do not want the bill to proceed because they still have so many major concerns with the bill.

Rather than go through the whole committee stage, is the government's intention still to proceed with the debate? If so, why? With any changes the Motor Trade Association might seek, this house and the Independents will be denied the opportunity to actually contribute to those issues if we just flick it to the upper house. So, at clause 1, is it the government's intention still to proceed with the debate? The letter I have from the Motor Trade Association states:

Given our concerns (and I understand from a number of other organisations) in relation to this Bill, we respectfully ask that you seek to have this Bill deferred from completion of debate until our issues are addressed.

This legislation, in our view is poorly drafted and will have negative impacts on not only our members but indeed any business which either consigns or receives goods in this State...

John Chapman

The Hon. J.J. SNELLING: It is our intention to proceed with the bill. I met with Mr Chapman and the MTA's legal adviser on Monday, and the MTA put to me their concerns with the bill. There has been ongoing consultation with the MTA since November of last year. I do not think we can reach agreement with them; they have implacable opposition. We have attempted to address some of their concerns, but I do not think we are going to reach agreement. I undertook to meet with the MTA, which I have done and, having heard their case, I do not think that we are going to be able to come to an agreement with them.

Clause passed.

Clause 2.

The Hon. I.F. EVANS: Clause 2 deals with the commencement, and the commencement in the bill is to be by proclamation. What date or time period does the government see this bill commencing in? Is it going to go immediately through the upper house and then be proclaimed, or is it going to be six or nine months? At what point do you see this bill actually commencing as an act?

The Hon. J.J. SNELLING: I do not see any reason why there would be any delay in the proclamation of the bill coming into effect, once it has made passage through both houses.

Clause passed.

Clause 3 passed.

Clause 4.

The Hon. I.F. EVANS: Clause 4 deals with amendments to the Motor Vehicles Act, and it deals with amendment of section 99 in particular. There are eight different parts to clause 4 and, if I am restricted to three questions for the whole clause, that is not even one question per part.

The Hon. J.J. Snelling interjecting:

The CHAIR: Yes, I see your point of view—the minister has demonstrated his generosity—and I think we can go subclause by subclause.

The Hon. J.J. SNELLING: Within reason.

The CHAIR: Within reason, clearly.

The Hon. I.F. EVANS: To help the minister out, let me deal with the issues in clause 4, Nos 1 to 4 first and then I will deal with Nos 5 to 8 as a separate issue, and that will narrow it down just to key issues, I guess. Clause 4, subclauses (1) to (4), deals with the interpretation clause of section 99 of the existing Motor Vehicles Act.

Subclause (1) deals with inserting into the Motor Vehicles Act a definition of the 'heavy vehicle driver fatigue scheme', and it brings into the definition the scheme of management as defined by the regulations in the Road Traffic Act, which is a South Australian act; then any heavy vehicle driver fatigue scheme 'established under the law of another state or a territory'; and then or 'brought within the ambit of this definition by the regulations'. So, on the commencement, I assume the minister's department has already had the regulations written, otherwise there will be a delay in the commencement. However, I take the minister on his word that they are going to implement it virtually immediately; so one assumes that the regulations are nearly written.

What guarantee, minister, is there about another state regulating differently from our state under a heavy vehicle driver fatigue scheme? In subclause (1), minister, you say that it can be a heavy vehicle driver fatigue scheme as established by the South Australian act or by another state or territory. Another state or territory will also have regulations under its act, which will bind under this act. So, when there is a conflict between those two, which one takes precedent and how are you going to guarantee there are no conflicts, otherwise the drivers are at risk of having two definitions apply to the same issue?

The Hon. J.J. SNELLING: The Motor Accident Commission is liable in cases where an accident occurs interstate if the vehicle is registered in South Australia. So, for example, if a vehicle registered in South Australia has a crash in Victoria, MAC is liable for a payout for the accident. So, in establishing the cause of responsibility, you have to have established that a law in that jurisdiction where the accident has occurred has contributed to the accident. You basically need this provision because MAC is liable for crashes that occur interstate if that vehicle is registered in South Australia.

The Hon. I.F. EVANS: The second part of clause 4 deals with inserting a definition of what the government is defining as 'parties in the chain of responsibility'. This is specifically in relation to the heavy vehicle driver fatigue scheme where, later on in the bill, they seek to make parties in the chain of responsibility in relation to the heavy vehicle driver fatigue scheme responsible, and possibly liable, for claim back by MAC for injuries they may have contributed to.

Now, the committee knows I am not a lawyer, which is probably a blessing, but the Law Society's advice to the opposition is that the definition is so complex that it is essentially not to be supported. I read, for the sake of the committee, its submission on this particular point:

The Sub-Committee—

which is the sub-committee of the Law Society—

consider that the use of wording 'party' is so broad and 'chain of responsibility' so complex that it will likely involve lengthy investigation, legal disputation, costs and uncertainly with reference to apportionment of liability and recovery of excess.

Those contemplated to be captured will have serious insurance issues if they are pursued.

The specialist committee of the Law Society has looked at this issue and said that it is all too complex and all too broad. The committee does not even know who is going to be a party in the chain of responsibility; that is going to be as specified by regulation.

Why is this important? Under this bill, parties in the chain of responsibility for the heavy vehicle driver fatigue scheme will become liable under later clauses if they are deemed to have aided, abetted and essentially contributed to the relative offences consisting of driving while fatigued, driving essentially exceeding the allowable work drive time or not having the required rest. Somehow, if the parties in the chain of responsibility have contributed to that, they are going to be liable for possible claim back by MAC for all their costs, or at least the costs attributable to that person's contribution to the injury as judged by a court.

Now, the Law Society simply makes the point that the word 'party' is way too broad and the chain of responsibility so ill-defined that the clause is essentially unworkable. The South Australian Road Transport Association, the specialists in the freight industry, do not support this clause either. Their preference is to leave the act as it is. I cannot find one body, outside of MAC, that supports this particular definition going in. I make the point that those people opposed that particular provision, which leads onto all the other provisions.

Clause 4(3) deals with the relevant offences. The relevant offences are going to be the offences that the drivers can be charged with under the heavy vehicle driver fatigue laws, where a claim back can be made by MAC against the driver or the parties in the chain of responsibility. I think in my second reading contribution I outlined where I thought the government might be going in relation to what a party might be. The three relevant offences are: consisting of driving while fatigued; exceeding the allowable work time for a driver; or failing to have required rest time for a driver.

The way the bill was originally crafted, if those three offences occurred, there was an automatic claim back, even if the commission of that offence did not lead to all of the injury. The government, I think by its own amendment, is now going to try to restrict the claim back to the expenses having been spent relating directly to the offence, which is a narrowing down of the provision and is certainly a better drafting than the original. They are just a few comments, if you like, in relation to those issues.

For those who are not sure who the government is talking about in the parties in the chain of responsibility, if you look at my second reading contribution you will see that they are not only the driver but the owner, the person who ordered the goods and the warehouse manager. All of these people are now going to be potentially liable for a claim back against MAC. Let us be clear what we are talking about here: we are talking about an injury occurring and MAC coming to you, as the warehouse manager, and proving that somehow you contributed to it. Then there is going to be the question mark about whether your business insurance will cover that claim back. It could be $100,000, half a million dollars, or $5, but, whatever the figure is, whether your business insurance will cover it.

If you are an employee, what are the circumstances there? Who knows what the employer would do and whether you are actually going to have to find the money privately, which means your house is at risk as a direct result of this particular provision. That is why the Law Society has such trouble with it. It is so broad and so ill-defined and it covers such a huge area that is open to interpretation. It is unusual for the Law Society but its argument is that, essentially, this is going to be a lawyers' picnic in relation to any claims.

I want to go to another point which is far more complex, but I will leave that until after question time, so we might break.

The Hon. J.J. SNELLING: I would like to respond with regard to the initial matter raised by the member for Davenport. Parties in the chain of responsibility is not a new concept. It is a concept that already exists in the Road Traffic (Heavy Vehicle Driver Fatigue) Regulations which, I am told, have been in operation since 2008. So, for two years this concept of there being parties in the chain of responsibility has existed in these regulations.

The Hon. I.F. Evans interjecting:

The Hon. J.J. SNELLING: No, they are the same regulations. When we are talking about regulations in here—and I will be corrected—we are talking about the regulations pertaining to the heavy vehicle driver fatigue scheme which are already in operation. This is not something new.

This is something that already exists and has existed since 2008. So, the parties in the chain of responsibility definition is referring back to the definition which already occurs in these regulations.

Progress reported; committee to sit again.

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

CHRISTCHURCH EARTHQUAKE

The Hon. M.D. RANN (Ramsay—Premier, Minister for Economic Development, Minister for Social Inclusion, Minister for the Arts, Minister for Sustainability and Climate Change) (14:00): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: The rescue and recovery effort now underway in the aftermath of yesterday's earthquake that shattered our sister city of Christchurch in New Zealand is becoming increasingly grim. While some people are being pulled from the rubble of fallen buildings alive and unscathed, some are having limbs amputated to free them from the wreckage, and in too many instances bodies are being recovered.

Media reports coming out of New Zealand are putting the number of those who have either perished or are missing in the hundreds. Again, our heartfelt sympathies lie with the many thousands of people who are affected by this disaster and our thoughts are with them now and over the coming days as the full realisation of the horror of this tragedy unfolds.

Yesterday, I informed the house that I had been in contact with the New Zealand government to offer assistance from South Australia in whatever form we could: search and rescue, emergency services, paramedics, medical officers and police. The New Zealand Prime Minister, John Key, has described the disaster as possibly 'New Zealand's darkest day'. He has said that, 'No words can spare our pain. We are witnessing the havoc caused by a violent and ruthless act of nature.' Prime Minister Key has today declared a state of national emergency in New Zealand.

I can report to the house that South Australia Police is now preparing to send 32 officers as part of a wider Australian contingent of more than 300 police to assist their counterparts in Christchurch. The South Australian contingent will be made up of a superintendent, three sergeants, 27 officers and a planning/administrative officer.

New South Wales Police Commissioner, Andrew Scipione, who is organising the nation-wide deployment, has been in constant contact with his counterpart, New Zealand Police Commissioner, Howard Broad, since the earthquake struck. The contingent is expected to depart on Friday. South Australian officers will work alongside New Zealand police assisting in traffic control, general patrols and providing security for the people of Christchurch. We wish the contingent of South Australian police well in their very important duties in Christchurch.

In addition to South Australia's contingent, New South Wales will provide about 200 officers and others will come from Victoria, Queensland and the Australian Federal Police. I am informed that the deployment of our officers to Christchurch can be accommodated without a significant impact on existing SAPOL operations.

Since the earthquake hit, our Metropolitan Fire Service Chief Officer, Grant Lupton, has been in constant contact with Emergency Management Australia, which is leading Australia's assistance response. As a request could come at any minute due to the instability of the area and ongoing aftershocks—in fact, there was a significant aftershock a short time ago—the MFS State Coordination Centre has been activated and is in full operation, preparing for the possible deployment of South Australian emergency service personnel. They are liaising closely with the State Emergency Service (SES), the Country Fire Service (CFS) and the South Australian Ambulance Service.

South Australia's team of 42 Urban Search and Rescue personnel is now on stand-by and can be deployed as soon as a request is made. At this stage a total of 148 Australian Urban Search and Rescue specialists have been deployed to Christchurch at the request of the New Zealand government. Seventy-four specialists have been deployed from New South Wales and 74 from Queensland. Japan, Britain and the United States are also among countries sending rescuers to help.

These rescue teams are experts at recovering people who are trapped or affected by structural collapse, and consist of highly trained emergency services workers, doctors, engineers and search dogs. They have expert search, rescue, medical, and engineering and support capabilities. South Australia has also made offers of medical and nursing staff through the Australian Health Protection Committee, which is the central organising committee.

Today, our Prime Minister, Julia Gillard, has made it clear that, as Australians, we view New Zealanders not just as our neighbours but also our family. New Zealand has been side by side with us in times of peril, in war and in peace, since the ANZAC legend was born almost 100 years ago. That tradition continues. On behalf of South Australia, this government will stand with New Zealand in its hour of need and continue to offer whatever assistance we can in the coming days and weeks.

Dr McFETRIDGE (Morphett) (14:06): Further to the Premier's ministerial statement, I have been in touch with the health minister in New Zealand, Tony Ryall, and he has thanked us in South Australia for our support in supplying rescue personnel.

30-YEAR PLAN FOR GREATER ADELAIDE

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) (14:06): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.R. RAU: This month represents the first anniversary of the 30-year Plan for Greater Adelaide. I would like to pay tribute to my predecessor (Hon. Paul Holloway) for the important work he has done over many years. One of the great legacies of his tenure is the bringing together of this plan, which lays out a direction for our capital city for the next three decades.

There have been times in the past when development in South Australia has occurred in an ad hoc and uncoordinated way. To the extent that that was ever acceptable, it is no longer so. Over the next 30 years, as many as half a million people will be added to the state's population. These people will require housing. These people will require transport. These people will require open spaces. These people will need jobs and, most importantly, these people will need a complementary, well thought out urban environment.

Natural boundaries preclude extensive growth to the east and, obviously, the west. I do not believe, and the government does not believe, that it is reasonable or smart for the city to extend endlessly north and south of its current boundaries. The implications for outlying communities, difficulties with transport, medical facilities, schools and so on, not to mention the destruction of productive agricultural land, make that alternative unacceptable.

The 30-year plan contains limited and clearly defined boundaries for the maximum growth of metropolitan Adelaide. However, developing within these boundaries will not house all of the anticipated population growth for the city. This means that urban infill of some description will have to meet a substantial proportion of the increased accommodation needs.

Rather than being threatened by this possibility, I view this as an exciting opportunity to revitalise portions of metropolitan Adelaide. Importantly, urban infill does not mean the destruction of Adelaide's great heritage in terms of outstanding individual buildings or suburbs with great heritage, constancy or value. It does, however, mean that we will need a substantially greater population density in some parts of the city, particularly those adjacent to major transport networks. These areas have recently been described as transit-oriented developments (TOD). There is no doubt that these are a major part of our future.

Appropriate planning for such dramatic change in our urban environment will require more sophisticated thinking than has been needed previously for simple subdivision of land into quarter acre blocks. Developers will need to become more sophisticated and creative. The priority for 'liveability' in these new urban precincts will be central. A greater integration of urban design will be essential. A greater integration of government services and utilities—including transport—will need to accommodate the primary function of these precincts as places in which people feel comfortable living, working and enjoying their leisure time.

The government's long-term planning means that we are well placed to achieve these goals. I am pleased to say that, in the first year of the 30-year plan (which, for those opposite, means that there are 29 to go) significant achievements have occurred. These include:

- Urban infill projects—the fact that the cities of Unley, West Torrens, Prospect and Norwood Payneham and St Peters are collaborating with the state government to realise infill opportunities for rezoning for the inner suburbs surrounding the city;
- Housing and Employment Land Supply Program (HELSP)—which sets out a clear timetable for preparing and zoning land within Greater Adelaide for housing and employment;
- Population projections—underpinning that process and a key platform in the targets and policies of the plan, and South Australia's Strategic Plan, is to monitor and accommodate population growth in a sustainable and planned way;
- Structure planning—the development of structure plans for five state significant areas outlined in the plan is underway and underpinning the vision; and
- Urban design—the value of design and the impact of the built environment on quality of life outcomes is not to be understated. The design-led approach will also create opportunities to reduce the impact of climate change on urban communities.

The 30-year plan is not only about where and how South Australians will live in the future, it is also about how land will be used to create jobs in our communities. The plan also underpins the government's determination to protect the intrinsic value of regions, such as McLaren Vale and the Barossa Valley. It will ensure that towns that will become regional centres over time, such as Mount Barker, will have the infrastructure they need to support and service their growing communities.

Madam Speaker, the 30-year plan is the most significant planning document in the history of Adelaide, and it will have implications for the city far broader than those contemplated by the MATS plan in the 1960s. I am determined that high level consultation will continue between my department, the relevant local government authorities, the Department for Transport, Energy and Infrastructure and the Integrated Design Commission to ensure an excellent outcome.

A report card will be compiled annually to detail implementation of the plan beginning in the second half of 2011—reporting against indicators such as population growth, rezoning of land to meet supply targets, optimising the density of residential development and reducing mains water consumption.

The quality of life for South Australians into the future, as in the past, will be tied closely to the quality of our planning. The 30-year plan puts us in an excellent position to create an enduring legacy for future generations—a legacy of close-knit community, liveability and economic strength.

Members interjecting:

The SPEAKER: Order!

VISITORS

The SPEAKER: Honourable members, I draw attention to the presence in the gallery of Ms Jane Price, the great grand-daughter of Tom Price, who was the first Labor premier of South Australia, and her mother, Mrs Bett Price. Surprisingly, they are guests of the member for Norwood. Welcome.

LEGISLATIVE REVIEW COMMITTEE

Mr SIBBONS (Mitchell) (14:13): I bring up the 17th report of the committee.

Report received.

Mr SIBBONS: I bring up the 18th report of the committee.

Report received and read.

VISITORS

The SPEAKER: In the gallery today we had some members from the Pilgrim School, years 6 and 7, who were guests of the Hon. Robert Such.

QUESTION TIME

ROYAL ADELAIDE HOSPITAL

Mrs REDMOND (Heysen—Leader of the Opposition) (14:16): Can the Treasurer explain to the house in what way the new Royal Adelaide Hospital will not be constructed by or on behalf of the Crown or a state instrumentality, as per the provisions of section 3 of the Parliamentary Committees Act?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (14:16): Ma'am, the opposition want to rake over this issue of whether the government is obliged to refer the Royal Adelaide Hospital project—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —to the Public Works Committee. Our advice from Crown is explicit and clear that we are not obliged to refer it. However, the government is prepared to consider its options to allow Public Works to undertake an inquiry. I have had a discussion with the member for Waite, and I am looking forward to the member for Waite getting back to me.

Members interjecting:

The SPEAKER: Order! The member for Ashford.

NURSE PRACTITIONERS

The Hon. S.W. KEY (Ashford) (14:17): My question is directed to the Minister for Health. How will patients benefit from the government's election commitment to expand the number of nurse practitioners working in the South Australian public health sector?

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) (14:17): I thank the member for Ashford for her question and acknowledge her strong interest in this area of public health. I am very pleased to advise the house that the first round of nurse practitioner scholarships—scholarships that we announced during the election campaign—have now been awarded. The first round of scholarships will enable 40 nurses in our state to undertake masters level studies. The second round offer will be made later this year.

The role of the nurse practitioner is a critical element in our state's health reform process. All nurse practitioners are educated at masters level and endorsed by the Nursing and Midwifery Board of Australia. They have advanced clinical assessment skills, can interpret diagnostic tests, for example, including diagnostic imaging, and they monitor patient care and prescribe prescription medications.

Nurse practitioners work within a defined scope of practice, and they work in collaboration with other health professionals. Having more nurse practitioners in our health services will allow us to provide innovative and flexible health care for patients. The role of nurse practitioner expands the scope of practice appropriately for trained nurses to undertake.

Nurse practitioners are currently working in a number of areas, including emergency, palliative care, mental health, cardiac failure, orthopaedics and diabetics. In South Australia 51 nurse practitioners have been endorsed since the role started in 2002. This has been a good result, but we want to have more.

The 'every patient every service' policy, announced by the government in the last election, promised 80 two-year scholarships over four years, with specific attention to clinical service health reform areas. In developing the nurse practitioner scholarships and support scheme, information and cooperation was gained from course coordinators from our three universities in Adelaide and, consequently, the number of scholarships that will be offered will exceed the 80 that have been promised and will be expanded to three years to enable part-time study as well.

The scholarship scheme is designed to support recipients throughout their studies by reimbursing all course fees and relevant costs, including textbooks, travel and accommodation for rural students and clinical placements if they are required. In the first round of 40 scholarships the priority areas identified for 36 recipients are in palliative care, aged care, emergency departments and cancer services. Another four scholarships are awarded in other areas of need: diabetes, paediatric, gastroenterology, chronic heart disease and youth health.

The scholarship recipients work across the state and they include: seven at the Royal Adelaide Hospital; five at The Queen Elizabeth Hospital; two each at Modbury, Noarlunga and Flinders hospitals; four at Mount Gambier Hospital; two in the South-East rural community services; three in the Riverland; and one each for Port Pirie, Roxby Downs, Woomera, Whyalla and the Adelaide Hills palliative care—so right across South Australia.

Under last year's commonwealth budget measure, nurse practitioners have been able to access prescribing arrangements under the Pharmaceutical Benefits Scheme from 1 November last year. The role of nurse practitioner has become an integral position within the Australian healthcare system. Where nurse practitioner services are available, those roles gain strong local support and add value to existing health services. They demonstrate the changing nature of the health workforce. More and more of these roles that bridge a range of traditional roles are being formed; nurse practitioner is just one of those.

These scholarships are one of the many ways that we have, as a department in SA Health, to encourage nurses and midwives to further their professional lives and, of course, there is an obvious benefit to our healthcare system. I am very pleased that we have been able to make this announcement and I congratulate the winners of those scholarships, as I am sure all members here would join me in doing.

ROYAL ADELAIDE HOSPITAL

Mrs REDMOND (Heysen—Leader of the Opposition) (14:21): Again, my question is to the Treasurer. Can the Treasurer explain to the house in what way the new Royal Adelaide Hospital will not—and again I quote from section 3 of the Parliamentary Committees Act—'be constructed on land of the Crown or a State instrumentality'?

An honourable member: Same question.

Mrs REDMOND: No, it's not.

An honourable member interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (14:22): If that is not exactly the same as the first question the Leader of the Opposition asked me, I will be pretty surprised.

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: It sounded pretty similar to me, but there may have been a change in syntax, perhaps. If there was, I will take the Leader of the Opposition on her word. I am not going to rise in this place and argue with the Leader of the Opposition the merits or otherwise of the advice that has been given to the government by Crown; that advice is clear. That advice is quite clear.

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: For the purposes of the committees act, the new Royal Adelaide Hospital project does not come under the ambit of what would be referred to the Public Works Committee. Our legal advice from Crown is quite clear on that point. I have come to the opposition and put to them a proposal where we do not have to worry about this; we can come to an accommodation. I cannot understand exactly why the opposition want to rake over what the legal advice is when I have put to them a proposal, and I am looking forward to them getting back to me.

FORESTRYSA

Mr PEGLER (Mount Gambier) (14:23): My question is also to the Treasurer. Can the Treasurer confirm to the house that a final decision has not been made about the forward sale of rotations of ForestrySA plantations?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (14:23): I thank the member for Mount Gambier for the question and note the passion with which he looks after the interests of the people of the South-East of this great

state. In the wake of the unfolding global financial crisis, the South Australian government announced in the 2008-09 Mid-Year Budget Review several measures aimed at realising some of the value of the state's assets, with the intention of reducing government debt and meeting the increased demand in our core public services. One of these measures was an investigation into options to sell the harvesting rights of ForestrySA.

The former treasurer has advised the house that, as part of the initial consultation process and to gain a better understanding of the forestry business, there have been meetings with ForestrySA's board, key customers, a range of industry analysts and commercial advisers, and harvesting contractors. The Premier is already on the record in this place, on 24 November last year, as saying, and I quote, if 'the potential sale is no longer economically viable, then the government will not proceed with the sale'.

The government has also announced to the house that, as part of the decision to investigate the sale of the forward harvest, it has commissioned an external economics consulting firm, ACIL Tasman, to develop a regional impact statement identifying the potential social and economic impacts on the South-East from selling the forward harvest.

As part of this process, the consultants have begun a comprehensive consultation process with key stakeholders including local councils, timber industry representatives, key unions and chambers of commerce. The regional impact statement will identify, firstly, the issues and the views expressed in the consultation; secondly, the costs and benefits of this proposal on the region and its community, in particular on employment; thirdly, the impact of the proposal on social inclusion and economic development within the region; fourthly, strategies for managing any identified risks, impacts and issues including the impact on downstream industries.

It is expected that the consultant will deliver their report by the end of the first quarter of this year. I can confirm to the house that no final decision has been made by cabinet and no final decision will be made until the consultation process and the regional impact statement is completed. I will advise the house once a final decision has been made by the cabinet. I would like to add, the people of the South-East can be assured that I will need to be satisfied—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —that the jobs and the welfare of families are secure before I agree to this proposal.

Members interjecting:

The SPEAKER: Order!

FORESTRYSA

The Hon. I.F. EVANS (Davenport) (14:26): I have a supplementary question. Given the minister's answer, can the Treasurer confirm that minister O'Brien was wrong when he told the people in the South-East at the meeting that the decision was already made to sell the forests?

An honourable member interjecting:

The SPEAKER: Order! Treasurer, do you choose to answer that question?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (14:27): Look, I stand by my statement. I have made myself personally clear.

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: I have made myself clear.

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: Cabinet has not signed off—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —on this proposal. We will not do so until we receive the regional impact statement, hopefully by the end of the month or early next month.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Finished?

Mr Williams interjecting:

The SPEAKER: Order, the member for MacKillop, behave yourself! If you want to have a conversation, go outside the chamber and have it, not across the floor.

An honourable member interjecting:

The SPEAKER: Order, and the member on my right will also be quiet! Stop responding.

ROYAL ADELAIDE HOSPITAL

Mrs REDMOND (Heysen—Leader of the Opposition) (14:27): My question is to the Premier. Will the Premier and the government release all details of the periodic PPP payments to the consortia associated with the new Royal Adelaide Hospital, including separate details of the payments for capital, the payments for the ongoing operation and maintenance and the payments for the consortia's risk margin?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (14:28): The preferred proponent, SA Health Partnership consortium, was announced on 11 December last year. Members of the SA Health Partnership consortium included Leighton Contractors, Macquarie Capital Group, Hansen Yuncken and Spotless. The SA Health Partnership consortium is to design, build, maintain and finance the new hospital and also to provide nonclinical support services over a 35-year period: 5½ years for construction, 29½ years operating. As has already been stated, it will be handed back to the government after 35 years and must be to contemporary health standards at that time. Final negotiations are currently underway, with financial closure expected in the first quarter of this year, and commissioning of the new RAH is expected in late 2015.

Financial details of the project are confidential until the contract negotiations with the SA Health Partnership consortium are completed and a contract is signed. Consistent with other PPP projects in South Australia, the government will release—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —details of the new RAH PPP contract 60 days after the contract is signed, including the total value of the signed contract. There are some exemptions that may apply, mainly the release of genuinely confidential business information that the proponent may not want to be shared with its competitors. I understand that the state project team is currently negotiating with the proponent about what information the state may agree is confidential.

INVERBRACKIE DETENTION FACILITY

Ms THOMPSON (Reynell) (14:30): My question is to the Minister for Education. Can the minister advise the house about how the children from the Inverbrackie Detention Facility are being received in their new schools?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development, Minister for Science and Information Economy) (14:30): I thank the honourable member for her question and acknowledge her interest in public schooling, but also, in particular, in relation to young people who come from other countries.

These particular young people come from countries that have suffered through some terrible hardships. Last week I had the opportunity to visit Woodside Primary School, Uraidla Primary School and Oakbank Area School. These three schools, together with Heathfield primary, Bridgewater primary and Heathfield high schools, and with the support of the education department and the commonwealth, are now taking on the responsibility of educating more than 70 children of detainees housed at the Inverbrackie Detention Facility.

Today, I am very pleased to advise the house that the principals, the governing council representatives, and the staff at each of the schools I have visited have universally confirmed that all of the young people are settling in very well. In fact, the comments to me were that not only were the students fitting in very well in the school community but also their enthusiasm for learning is adding something to the schools they are now part of.

Much of this can be traced to the preparation by these school communities that has occurred. I think the department made a sensible decision to involve a number of the school communities. Also, on behalf of schools in the region, Woodside Primary School coordinated over 200 'shoeboxes of welcome' containing small gifts to help the Inverbrackie families to settle into their new surroundings. These gifts were delivered by Woodside Primary School principal, John Balnaves, and students on Christmas Eve.

I also distinctly remember the spirit of generosity with which the teaching staff at Oakbank Area School welcomed these young people. Back in November, they passed a unanimous resolution saying they are welcome here and made sure that I had that last year before they came into the school.

I went to Uraidla Primary School where 78 parents and children of detainees, and the existing school community, recently attended a very successful familiarisation meeting that allowed detainee parents to visit the child's school. I was also pleased to conduct that visit together with the member for Bragg, who showed her warm side at the—

Members interjecting:

The Hon. J.W. WEATHERILL: I know she goes to great lengths to conceal it, but there is a warm side, and I saw it on display.

An honourable member: She is full of love.

The Hon. J.W. WEATHERILL: She is, and I must say that she made a real connection with the students there and it was a lovely visit. The work of the principal, James Parkin, and the governing council led by chair, Ben Hopkins, couldn't have been more pleased and, indeed, their school community had been asking their principal if he could find ways of connecting with the world because, the truth is, Uraidla, a lovely place it is, is a very white bread school. So, the school community was looking at ways in which they could internationalise themselves and, so, they feel the world has come to them in a way that they've welcomed and see great value in.

The Inverbrackie students are now participating in the daily life of their new schools, giving presentations to their class and assemblies, and they are enriching the learning experience for all students. I was particularly moved at the Oakbank Area School where we had two primary school aged Inverbrackie students who rehearsed, for me, their speech for the school assembly, and their accounts of growing up amidst bombing, shelling and shooting made a deep impression on me. It was done in such a matter of fact way, but the resilience of these young children, to be able to overcome that, is something wonderful to watch.

I think it says something about our public schools as institutions with a capacity for fostering goodwill, understanding, compassion, social responsibility and respect for others, that they were amongst the first in our community to respond so constructively to the news regarding the Inverbrackie facility. It has been a difficult period of uncertainty and apprehension for the community, but it is great to see the way in which the community has reached out and made these students so welcome.

I want to acknowledge all of those teachers who have taken steps to make the environment a welcoming one and, in particular, I would like to thank the principals and governing council representatives of the schools I visited: John Balnaves and Vaughn Farmilo of Woodside; Steve Adams and Andrew Sinnott at Oakbank; James Parkin and Ben Hopkins at Uraidla; and all the other members of the schools who are contributing to supporting the Inverbrackie children.

ROYAL ADELAIDE HOSPITAL

The Hon. I.F. EVANS (Davenport) (14:35): Will the Treasurer guarantee that the total cost of the new Royal Adelaide Hospital PPP, including capital, operational and risk, will be less than if the project was to be delivered by the public sector? It was revealed that the $323 million super schools PPP project was $9 million more expensive than if the project was to be delivered by the public sector.

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (14:35): An assessment was done by Treasury about what is the best way to deliver this project—whether it be done by self-funded, or whether it be done by PPP. There is a range of criteria that they look at in determining which way the project would be financed, one of which obviously is cost, but cost is not the only consideration that they take into account. What I can guarantee is that what has been examined and looked at is delivering the project via PPP or delivering it through a self-funded mechanism, and the PPP came out ahead as the best way to get value for money for South Australians in delivering this project.

ROYAL ADELAIDE HOSPITAL

The Hon. I.F. EVANS (Davenport) (14:37): Given the Treasurer's answer, has the Treasurer read Treasury's summary, and does he agree with that if he has read it? The Treasurer just said that Treasury had done the summary analysis of the comparison. Have you read it and do you agree with it?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (14:37): Whether I have or whether I have not is irrelevant. I act on the advice of Treasury—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: Big deal. The decision—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: The decision to deliver it in this way was made before I was Treasurer. In fact, before I think I was even in cabinet the decision was made to deliver it via a PPP. I was not a party to that decision, but I have no reason not to have confidence that the decision to deliver it via a PPP was the best way to get the best value for money for South Australians. But let's be quite honest about this. The opposition hate the new Royal Adelaide Hospital. They do not want to see it delivered. They don't want—

Members interjecting:

Mr PENGILLY: Point of order.

The SPEAKER: Order! Point of order. Member for Finniss

Mr PENGILLY: The question was quite deliberate: had he read the report—not entering into a debate such as he is.

The SPEAKER: Order! There is no point of order. The member for Florey.

VULNERABLE SPECIES, MURRAY-DARLING BASIN

Ms BEDFORD (Florey) (14:38): Thank you, ma'am. My question is to the Minister for Environment and Conservation—

Members interjecting:

The SPEAKER: Order!

Ms BEDFORD: They are such a rabble. My question is to the Minister for Environment and Conservation. What initiative is being undertaken to strengthen the protection of nationally vulnerable species in South Australia's Murray-Darling Basin region?

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (14:39): I thank the member for Florey for her question and acknowledge her commitment to the preservation and the protection of vulnerable species wherever they might be.

Today I am pleased to announce that the South Australian and commonwealth governments have combined resources to acquire approximately 286 hectares of land at Hogwash Bend near Waikerie. This area is of particular importance because it contains the largest known South Australian breeding colony of the eastern regent parrot.

An honourable member interjecting:

The Hon. P. CAICA: Yes, it is. The eastern regent parrot is listed as vulnerable under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. This parrot has suffered a decline in range and abundance over the last 100 years.

An honourable member interjecting:

The Hon. P. CAICA: No, we are going to prevent it from ever becoming a deceased parrot. You are dead right. The eastern regent parrots are in decline due to a range of threats. In the past, the regent parrot was destroyed as an agricultural pest and many nesting and foraging areas were cleared. Today, their continued survival may be threatened by other birds forcing them from their nest hollows, the clearing of small areas of mallee that link to nesting and foraging sites, long periods of drought, and illegal destruction and human disturbance around nests. Currently, there are thought to be only 300 breeding pairs in the South Australian River Murray corridor.

The recently acquired Hogwash Bend site supports mature river red gums, nesting sites for regent parrots, and a large area of mallee woodland in close proximity, providing the essential feeding requirements for the breeding parrots. Eastern regent parrots require feeding grounds to be located within 20 kilometres of their nesting colonies.

In addition to the eastern regent parrot, I can inform members that the property protects habitat supporting other threatened species, including the brush-tailed possum, darter, little friarbird, Gilbert's Whistler, Australian bustard and the carpet python.

I am pleased that the purchase of this land was assisted through a commonwealth Caring for our Country National Reserve System grant, which contributed approximately two-thirds of the purchase price, with the state government contributing the remaining funds. I am also pleased to report that there is a high level of community interest in conserving and increasing the available habitat for the regent parrots. In particular, I would like to acknowledge the previous landowners for maintaining the area in good condition, including the retention of mallee and river red gums with hollows.

Members interjecting:

The Hon. P. CAICA: There is squawking. We can't save you. I'm not suggesting you're a parrot but you're squawking like one.

An honourable member interjecting:

The Hon. P. CAICA: An eastern suburbs squawking parrot. The addition of this land to the reserve system contributes to our state Strategic Plan biodiversity targets relating to no known native species loss and the establishment of biodiversity corridors.

Ms Chapman interjecting:

The Hon. P. CAICA: A squawking parrot, ma'am.

The SPEAKER: Order!

The Hon. P. CAICA: The South Australian government remains committed, as do the majority of South Australians, to protecting our nationally vulnerable species and conserving our state's unique biodiversity. The Hogwash Bend site will become a new conservation park under the National Parks and Wildlife Act 1972, and it is anticipated that it will be formally proclaimed as such later this year.

ROYAL ADELAIDE HOSPITAL

Dr McFETRIDGE (Morphett) (14:42): My question is to the Treasurer. Will the government release all of the details of the public sector comparator for the new Royal Adelaide Hospital project—

An honourable member interjecting:

Dr McFETRIDGE: Listen, listen. I will start again. Will the government release all of the details of the public sector comparator for the new Royal Adelaide Hospital project and, in particular, the capital, operational and risk costs of the project if delivered by public sector comparator compared to the total cost if delivered by the private sector under a PPP? Do you get it? Are you listening?

Members interjecting:

The SPEAKER: Order!

Dr McFETRIDGE: I think he is much smarter than the rest of you.

The SPEAKER: Treasurer, I hope you understood that question.

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (14:43): I am not quite sure, but if he has to repeat it then members opposite might not get their 10 questions in. The government is confident that it made the right decision in choosing the PPP way of delivering this project and delivering value for South Australians. As to the nub of what we will release, or otherwise, I will get some advice and I am happy to come back to the parliament on whether that information can or cannot be released and made public. The government has a position of being as transparent and open as possible in this project. We have nothing to hide.

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: I can tell you, Madam Speaker, that when the new Royal Adelaide Hospital is built to the acclaim of South Australia because it has a world-class hospital, a first-class hospital, where people can be treated, the opposition will read the words that they have used in criticising this project and weep, because South Australians will be holding them to account for their opposition to this great proposal which will deliver world-class, first-class health facilities to the people of South Australia. I know they do not like that. I know that they have difficulty with the fact that ordinary South Australians might be able to access first-class, world quality health care.

Members interjecting:

The SPEAKER: Order! The member for Mawson.

SMALL BUSINESS COMMISSIONER

Mr BIGNELL (Mawson) (14:45): Thank you, Madam Speaker. My question is—

Members interjecting:

The SPEAKER: Order! Member for Mawson, be quiet for just a moment. We will have order on my left, please. Member for Mawson.

Mr BIGNELL: My question is to the Minister for Small Business. Can the minister update the house on the government's small business commissioner reforms.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Mineral Resources Development, Minister for Industry and Trade, Minister for Small Business, Minister for Correctional Services) (14:46): I am very pleased to be here and I thank the honourable member for his question. On 1 October last year I announced plans to draft legislation to establish a small business commissioner, and I am pleased to inform the house that the bill has now been drafted and I have subsequently released it for public consultation. I look forward to submissions from the opposition.

Mrs Redmond interjecting:

The Hon. A. KOUTSANTONIS: I look forward to your support, Leader of the Opposition. The release of the draft bill and its explanatory paper is aimed at encouraging community, industry and business to provide feedback to facilitate a constructive and interactive discussion of the bill's proposals. The Department of Trade and Economic Development has held, and is continuing to hold, numerous information sessions—

An honourable member: Is there anybody left in that department?

The SPEAKER: Order! Minister, continue with your answer. Do not respond to their interjections.

The Hon. A. KOUTSANTONIS: —across the metropolitan area and in many country areas. I am advised that, to date, the consultation is going exceptionally well, and was held recently in Norwood. Did you attend?

Mr Marshall: What's that?

The Hon. A. KOUTSANTONIS: The consultation in Norwood.

Mr Marshall interjecting:

The Hon. A. KOUTSANTONIS: There you go!

The SPEAKER: Order! The minister will continue with his answer.

The Hon. A. KOUTSANTONIS: The consultation is going exceptionally well, with very good attendance from a wide variety of small businesses. I would have thought the party that purports to represent small business may have shown some interest in the consultation on a small business commissioner, but I suppose they are too vain to turn up.

There were representatives from many local chambers of commerce and industry associations. There has been a wide range of support from industries and chambers, yet I am still waiting for the party of small business to tell me their views on the small business commissioner. As I have previously stated, the proposed South Australian small business commissioner is modelled closely—

The Hon. I.F. Evans interjecting:

The SPEAKER: Order, member for Davenport!

The Hon. A. KOUTSANTONIS: —yet not identically, on the well-established and very successful Victorian small business commissioner.

Mr Marshall: We had one.

The Hon. A. KOUTSANTONIS: Sorry?

Mr Marshall interjecting:

The SPEAKER: Order! The member for Norwood will behave.

The Hon. A. KOUTSANTONIS: All feathers. He's an all feathers man.

The SPEAKER: Minister, will you stop responding to them?

The Hon. A. KOUTSANTONIS: Peacock's a very hard one to notice.

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. Rankine: Are they a protected species?

The Hon. A. KOUTSANTONIS: Peacocks? All feathers, no meat. It is proposed that, as an independent officer, the small business commissioner would be responsible for performing the functions set out in the legislation and to do so in a manner that promotes business relationships that are conducted fairly and in good faith. The question about good faith dealings is something that the opposition are finding very hard to deal with.

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

Mr WILLIAMS: I know it is disorderly for ministers to read answers to questions but, at least when the minister reads his answer, he doesn't debate.

The SPEAKER: I am not really sure what your point of order is. I do not uphold that point of order. Minister.

The Hon. A. KOUTSANTONIS: I don't know how you draw your salary and are not embarrassed.

The SPEAKER: Minister, you will finish your answer.

Members interjecting:

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

Ms CHAPMAN: The minister has just directly reflected on you in saying he doesn't know how you draw your salary and have good character.

The SPEAKER: Order! I think it is terminology. Minister, get back to your answer—and stop this nonsense from both sides.

The Hon. A. KOUTSANTONIS: Madam Speaker, that was in no way a reflection on you.

The SPEAKER: Thank you.

The Hon. A. KOUTSANTONIS: She got 24 votes. She earned her position. Included in the role will also be the powers to investigate and resolve disputes and complaints between small businesses, larger businesses and government departments. The commission will also be responsible for maintaining a range of information resources—including a website—with information to assist small businesses in understanding retail leases and franchise agreements—and I am looking forward to seeing what opposition members have to say about franchising agreements. I am looking forward very soon to your views on franchising. Madam Speaker, this is very important reform, and I look forward to seeing what members opposite have to say about this, because of this—

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: —it is important that we garner the views of the business community. Initially, the shadow minister for small business has been very supportive, although I understand that, as yet, he has not made a decision—but in private he has been very supportive. I am looking forward to seeing how supportive the rest of the Liberal Party is with respect to small businesses.

Members interjecting:

The Hon. A. KOUTSANTONIS: You have seen the bill. I encourage all members on both sides and on the crossbenches to look at this bill.

Mr Marshall interjecting:

The SPEAKER: Order! Member for Norwood, be quiet! I warn the member for Norwood.

The Hon. A. KOUTSANTONIS: I encourage all members on both sides and on the crossbenches to tell their small business constituents—even those they want to open on Sundays—to come and look at this bill, see what they think and whether they think they can add value to a small business commissioner. The deadline for submissions closes on 15 March, and I look forward to having many conversations and briefings with any member who would like to have a briefing on this important reform.

ROYAL ADELAIDE HOSPITAL

Ms CHAPMAN (Bragg) (14:51): My question is to the Minister for Health. Will the confidentiality clause, referred to by the Treasurer in an answer earlier, be included in contracts to be signed in the coming weeks and will they be sufficiently broad to prevent public scrutiny of any part of the contract for the operation and maintenance of the new Royal Adelaide Hospital?

The confidentiality clause that the South Australian Ombudsman has described as 'extremely broad' was included in the contract for the operation and maintenance of the Adelaide desalination plant. On 8 February 2011 the Ombudsman found 'there is a public interest in release of the contract', that is, the O&M contract for the desal plant. He further stated that it was 'with some disquiet that I consider the agency is able to withhold the contract from disclosure'.

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) (14:52): It is extraordinary that the opposition would talk about confidentiality issues in relation to contracts. I seem to remember a water contract which was completely secret from the public of South Australia. I seem to recall the sale of ETSA—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —by the opposition.

Members interjecting:

Mr WILLIAMS: Point of order, Madam Speaker.

Members interjecting:

The SPEAKER: Order! The member for MacKillop

Mr WILLIAMS: The minister is debating the answer to the question. The question was quite straightforward.

The SPEAKER: Yes. I think that you need to get back to the question, minister. Are you responding to the question or have you finished your answer?

The Hon. J.D. HILL: Well, Madam Speaker, I am happy to give some more information to the house. I was really trying to put the issue of confidentiality issues in contracts in context, and the context I was making was that there is a long history in this state of having confidentiality provisions within contracts. I will get some further advice for the member as to precisely what will happen, but can I say that it is the government's view that as much of the information as is practicable should be put in the public domain, because we think that this is a good deal for the taxpayers and they should understand how and why it is a good deal.

SOUTH AUSTRALIAN RESEARCH AND DEVELOPMENT INSTITUTE

Mrs VLAHOS (Taylor) (14:53): My question is to the Minister for Agriculture and Fisheries. We have heard about merger discussions between the Adelaide University and the state government's research institute, SARDI. Can the minister please explain what the benefits of the potential new relationship will be?

Ms CHAPMAN: This is hypothetical, Madam Speaker.

The SPEAKER: Is this a point of order?

Ms CHAPMAN: This is a proposal. So, it is a hypothetical; it has not happened yet.

The Hon. M.F. O'BRIEN: Madam Speaker, I did not hear the point of order. Sorry. Could it be repeated?

The SPEAKER: At this stage I will give the minister the opportunity to respond as he chooses, and I will listen very carefully to the minister's answer.

The Hon. M.F. O'BRIEN (Napier—Minister for Agriculture and Fisheries, Minister for Forests, Minister for Energy, Minister for the Northern Suburbs) (14:55): Thank you.

Members interjecting:

The SPEAKER: Order!

The Hon. M.F. O'BRIEN: All will be revealed, Iain.

Members interjecting:

The SPEAKER: Order!

The Hon. M.F. O'BRIEN: I thank the member for Taylor for the question. I am pleased to confirm that discussions about the possibility of a merger between the University of Adelaide and SARDI, which began last year, are progressing well. To date a memorandum of understanding has been signed, and the discussions taking place by the joint working party are focused on achieving a strong outcome for both parties.

Both SARDI and the university have now progressed to the stage of undertaking due diligence. The merit of the merger relates to the benefits that will accrue to South Australia. SARDI, as members are well aware, is a highly respected organisation with significant research and development capability and a reputation for applied research that delivers innovation to industry. An alignment with the university would build on SARDI's strengths and its brand. For the university, this arrangement would enhance learning opportunities for postgraduate and undergraduate students.

The collective capacity of both organisations would position South Australia as the go-to state for primary industry tertiary education. It would position the University of Adelaide nationally as the premier agriculture, fishing and aquaculture education provider. Vice-Chancellor James McWha has a vision that the University of Adelaide would be the pre-eminent primary industry education facility in the southern hemisphere. I believe that that particular vision will be realised with this merger.

The merger would ensure ongoing access by the South Australian government to a high quality technical capacity to provide independent evidence-based advice to inform government

legislation, policy, strategy and program development. It would provide greater confidence in the retention of SARDI's key capacities within South Australia.

The University of Adelaide would also significantly benefit in its overall ranking in the group of eight universities. This is the top elite group, and the university currently sits at No. 8. The advice that I have received is that this merger will move the University of Adelaide potentially to No. 5 in the group of eight ranking, which means that this state then has a highly regarded university, one that sits in the middle rankings as opposed to the current situation where it is sitting at No. 8, and that positioning on occasions is rather tenuous. If we are serious about the university city proposition, this certainly will cement South Australia and Adelaide as a pre-eminent university city in Australia.

The benefits in large part accrue from SARDI's significant portfolio of research grant funds, ensuring that South Australia would continue to be positioned nationally as a leader in tertiary education and research and development. Potential benefits to be gained for South Australian primary industries will be leveraged off the strong alignment that SARDI applied research capability has with the university's fundamental research and education capability.

The union will strengthen the ability of the collective research and development to deliver innovation of our agricultural, fishing, aquaculture, food and environmental industries, build on SARDI's strong research capability and the University of Adelaide's recent high performance in the 2011 ERA report and position South Australia as the undergraduate and postgraduate, agricultural and fisheries education and training centre for Australia. I believe that this has the potential to bring even more international students into this city.

We are currently undertaking significant stakeholder consultation, and the feedback we have received is extremely positive, and I think most members on the opposition benches are picking up on that as well. Industry are highly engaged in this proposition and see great merit. As it stands today, the due diligence process and the stakeholder consultation will continue, and depending on how this progresses it is quite possible we will see a stronger alliance between the University of Adelaide and SARDI in the future, an alliance which will significantly enhance South Australia's research and education capabilities.

I assure both sides of the house that these discussions aim to secure SARDI's capability and funding and its ability to continue to deliver brilliant practical outcomes for South Australia's food and primary industries into the future.

SOUTH AUSTRALIAN RESEARCH AND DEVELOPMENT INSTITUTE

Ms CHAPMAN (Bragg) (15:00): I have a supplementary question to the Minister for Agriculture and Fisheries. Under the heads of agreement, minister, do you rule out the sell-off of the West Beach property, which are the headquarters of SARDI?

The SPEAKER: I am not sure that that is a supplementary, member for Bragg.

The Hon. M.F. O'BRIEN (Napier—Minister for Agriculture and Fisheries, Minister for Forests, Minister for Energy, Minister for the Northern Suburbs) (15:00): The member for Bragg has taken quite an interest in this process and I have welcomed her interest, and she has had some concerns as to the actions of the University of Adelaide in relation to Martindale Hall. The disposal of property is under consideration and I will keep the member informed.

The SPEAKER: I think that question, perhaps, was just worded a little bit awkwardly. I think your explanation covered the point of order there.

SCHOOL AMALGAMATIONS

Mr PISONI (Unley) (15:01): My question is to the Minister for Education. Will the minister confirm that Modbury High School will no longer be forced to amalgamate with Modbury South Primary School, and will he advise whether any other of the 67 schools earmarked for amalgamation in the budget will no longer be forced to amalgamate?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development, Minister for Science and Information Economy) (15:01): Let me be absolutely clear about what this particular strategy is about. I know that the member for Unley has been running around the state talking about forced amalgamations and closures. These are schools that are collocated; so they are already sitting next to one another on the same school site, and the lion's share of them are actually junior primary schools and primary schools. In fact, most primary schools within the South Australian education system already have dissolved that

distinction between junior primary and primary schools. So, it is bringing together a range of amalgamations in what has become an anomalous structure in our education system.

There are some sound educational reasons why there should be seamless structures between the whole of the primary school, and of course there are some savings, and that is why we sought to make them, because it was an obvious candidate for savings to bring it into line with the arrangements in other schools.

What we have said consistently is that we will comply with the Education Act, which requires a consultation process. While that Education Act was, I think, mainly directed at school closures, it does, it seems, as a matter of law, capture these amalgamations, and it does have the effect of meaning we have to run through quite a lengthy process. I am not going to pre-empt that process because there are certain structures—

An honourable member interjecting:

The Hon. J.W. WEATHERILL: But I am not going to pre-empt the obligations that exist under the Education Act. I have to form a bona fide view about these things. We do want to make those savings if we can and we will be trying to do that.

We have said, as we have moved around the schools, that some of the amalgamations, especially the ones concerning high schools, do fall into a different category. They are a much more complicated proposition, bringing together a high school and a primary school, albeit being on one site. I have been out to the Modbury primary school/high school site, and even there there is a difference of opinion. The member for Unley would appreciate that the Modbury South Primary School is open to the amalgamation, whereas the high school is strongly opposed to it.

The truth is that the high school amalgamations do not actually provide much by way of savings. In some cases they do not provide any savings in relation to the amalgamation process, but there are still some high schools and primary schools that are interested in pursuing that process because they do see the educational benefit. What I have said to those schools, especially the more complex ones concerning the high schools, is that we will not be forcing them to amalgamate and we are prepared to listen to their point of view about that. I have met with the chair and prominent members of the governing council. I have spoken to the school's staff and I think they are satisfied with my assurances.

An honourable member interjecting:

The SPEAKER: Order!

DESALINATION PLANT

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:05): My question is to the Minister for Water. Has the government yet signed the agreement for the $228 million in federal funding towards the desalination plant? If not, why not, and if not, when will the agreement be signed?

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (15:05): We have yet to sign the agreement; it will be signed soon. Part of the problems that were associated with the progression of this matter included, amongst other things, a federal election and a change in the ministry, then the appointment of a parliamentary secretary. I can say that the signing of the agreement is imminent, the position is agreed and the money has always been safe.

ROAD SAFETY

The Hon. M.J. ATKINSON (Croydon) (15:06): Can the Minister for Road Safety tell the house about Thinker in Residence Professor Fred Wegman's visit to our state?

An honourable member: Have you changed your tie?

The SPEAKER: Order!

Mr KENYON (Newland—Minister for Recreation, Sport and Racing, Minister for Road Safety, Minister for Veterans' Affairs, Minister Assisting the Premier with South Australia's Strategic Plan) (15:06): Do you like it?

The SPEAKER: Order!

Mr Pengilly interjecting:

The SPEAKER: Order, member for Finniss, behave yourself!

Mr KENYON: That's very mean. I would firstly like to make mention of the work of the previous minister for road safety for his dedication to the portfolio over the last 11 months—he left it in a very good state. On a personal note, I am honoured to have been given responsibility for such an important portfolio, a portfolio that affects any one and every one of us in so many different ways.

There were 105 fatal crashes in our state last year, resulting in 118 fatalities. It is interesting to note that of these crashes only three did not involve one or more of the killer five. They are: speed; drink and or drug driving; fatigue; driver inattention; or not wearing a seatbelt. The heart-wrenching aspect for the families, friends and relatives of people involved in these crashes is that they were preventable. As a community, we can do better. We need to do better.

That is just one of the reasons why we appointed a Thinker in Residence dedicated to the area of road safety, Professor Fred Wegman of the Netherlands, who delivered his final lecture on the Tuesday evening of last week. I note that the member for Kavel, the member for Norwood and the member for Adelaide also attended. I hope they found the lecture as interesting and informative as I did. During the lecture, Professor Wegman said his aim was to broaden the ownership of road safety. It is a collective community responsibility. We all have a part to play in bringing down the road toll.

Members may already be aware that Professor Wegman is one of the leading international figures in road safety. He is currently the Managing Director of the Institute for Road Safety Research in the Netherlands and the Chair of Road Safety at the Delft University of Technology. He is also involved with a number of international committees and organisations and has advised on road safety across a number of European and developing countries.

Ms Chapman interjecting:

The SPEAKER: Order!

Mr KENYON: Professor Wegman's home country is one of the best performing countries in terms of road safety, with the fatality rate considerably lower than here in South Australia. During his time with us, Professor Wegman contributed to the development of new road safety strategies at both the state and federal levels. As part of his residency, he engaged with the Road Safety Advisory Council in the development of a new South Australian Road Safety Strategy 2011-20. He also met extensively with government departments, local councils, industry and researchers.

While in South Australia, Professor Wegman spent many hours observing both metropolitan and regional traffic and roads to gain an in-depth picture of the key issues we are facing. Professor Wegman's approach to road safety takes into account interactions between road users, the road network and vehicles. It is this approach that has been adopted in the best performing road safety nations around the world.

Professor Wegman's overall message is clear: injury and death on the road are not inevitable and crashes, to a large extent, are preventable. I agree with Professor Wegman when he says that road safety is an extremely complex area where there are no quick fixes. Solutions must, by nature, be multifaceted and will need a bipartisan approach.

I look forward to seeing Professor Wegman's final report due by late May/early June. I also look forward to receiving the new South Australian Road Safety Strategy which will draw on his observations and expertise. This strategy is expected to be completed later this year, and I look forward to coming back to the house with details at that time.

I would also like to take this opportunity to thank Professor Wegman, on behalf of the South Australian government and the state, for his valuable contribution during this time as a thinker in residence here in South Australia.

FRUIT FLY ROADBLOCKS

Mr WHETSTONE (Chaffey) (15:10): My question is to the Minister for Agriculture and Fisheries. In the event that South Australia's fruit, vegetable and livestock industries are not able to pay for the continued operation of night shifts at Yamba and Ceduna quarantine stations, will the government guarantee to continue funding the night shifts?

The 24-hour operation of the Yamba and Ceduna roadblocks is an essential cornerstone of South Australia's quarantine regime and has been fully funded by state governments for decades.

The threat of the potentially devastating fruit fly outbreak in the Riverland has never been greater, and I quote the Victorian agriculture minister:

> With the amount of rain and high humidity we effectively have almost a Queensland climate this year so it is conducive to the survival of fruit fly...this could be one of the worst outbreaks for Victoria [and South Australia] in 15 years.

The Hon. M.F. O'BRIEN (Napier—Minister for Agriculture and Fisheries, Minister for Forests, Minister for Energy, Minister for the Northern Suburbs) (15:11): I thank the member for Chaffey for the question and I am very much aware of his concern on this particular issue. I have had a series of discussions with industry over the last two to three months on the issue of apportioning private benefit and public benefit, and I think industry is now of the view that there is an obligation on industry to pay a component of the cost of maintaining this regime, which is serving the Riverland, in particular, extremely well. The most recent discussion that I had with industry a matter of two or three days ago indicates that the deadline that I set of the last day of March will be met, and that industry will come to me with a funding proposition to keep the roadblocks open.

FORESTRYSA

The Hon. I.F. EVANS (Davenport) (15:12): My question is to the Treasurer. As the revenue for the sale of the harvesting rights of SA forests is already built into the budget, can the Treasurer advise if the revenue from the sale of one, two or three rotations is the figure in the budget?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (15:12): I would have to check the figure for the proceeds from the sale figured into net debt. I imagine it would be three rotations but I would have to check with my department to find out exactly how they've arrived at that figure. The government doesn't want to disclose the figure because that might cause problems when, and if, we decide to sell those forward rotations.

Members interjecting:

The SPEAKER: Order! We appear to have run out of questions: member for Davenport.

FORESTRYSA

The Hon. I.F. EVANS (Davenport) (15:13): Thank you, I was waiting for the call. My question is, again, to the Treasurer. Does the Treasurer believe the AAA credit rating is at risk if the sale of the harvesting rights for South Australian forests does not proceed, as the Treasurer alluded to in a previous answer, and the debt is not restricted to the budgeted figure of $7.5 billion?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (15:14): Well, we will have to examine what our options are if the sale doesn't proceed, but certainly it is important to reducing the state's debt. The most important thing in protecting our AAA credit rating, at the moment, is making sure that our debt levels are kept to appropriate levels consistent with the AAA credit rating and, certainly, the proceeds from the sale will assist us in doing that. If it doesn't go ahead, then we might have to look at what our alternatives are, but we will do that at the time.

FORESTRYSA

The Hon. I.F. EVANS (Davenport) (15:14): My question is again to the Treasurer. How will state debt not increase above the budgeted levels, if the forestry sale does not proceed?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (15:14): We will have to have a look at what our options are at the time. Having said that, there is absolutely nothing new in this. If the sale does not proceed then we will have to look at what our options are. We will have to examine what the financial circumstances are at the time. We may be able to not proceed with the sale and have our AAA credit rating remain intact. I point out that the purpose of the sale, I think, potentially has tremendous benefits for the South-East, if it goes ahead. There is the potential there for enormous benefit, and for benefits for the future of the South-East timber industry. It is not purely a financial consideration when determining this policy.

The SPEAKER: I point out to honourable members that the teal ribbons today are for Ovarian Cancer Day, a very good cause and a very significant issue for women. The house will now note grievances. Member for Bragg.

HOME AND COMMUNITY CARE PROGRAM

Ms CHAPMAN (Bragg) (15:16): I rise to make a personal explanation.

Members interjecting:

The SPEAKER: Order!

Ms CHAPMAN: Yesterday, the Minister for Families and Communities made a statement in respect of Home and Community Care programs in response to a question. During that answer she said:

> Do you want me to read your letter to the house so they know the tone of your correspondence?

I have the letter, Madam Speaker, and I seek to—I do not need your permission, I am making a personal explanation. The date of the letter is 17 February 2011. It reads:

> The Honourable Jennifer Rankine MP
>
> Minister for Families and Communities
>
> GPO Box 1563
>
> Adelaide SA 5001
>
> Dear Minister
>
> Re: HACC program—Uraidla Seniors Group.
>
> As the local member and shadow minister for ageing, I write to you about the withdrawal—

Mr PENGILLY: I rise on a point of order. I cannot hear the member, even sitting alongside her.

The SPEAKER: Order! We need to get some clarification. Is this a grievance or a personal explanation? It is a grievance, was my understanding.

Ms CHAPMAN: This is a personal explanation.

The SPEAKER: Personal explanation.

Ms CHAPMAN: That is correct.

The Hon. J.M. RANKINE: I rise on a point of order. A personal explanation is about correcting facts. She is not correcting facts.

Ms Chapman: That's your facts.

The Hon. J.M. RANKINE: No, not my facts. I didn't read your letter.

The SPEAKER: Order! I would ask the member to seek leave. Leave is sought. Is leave granted?

Leave granted.

Ms CHAPMAN: Yesterday, the Minister for Families and Communities, during her answer to a question in respect to Home and Community Care programs, said:

> Do you want me to read your letter to the house so they know the tone of your correspondence?

The letter reads:

> 17 February—

The Hon. J.M. RANKINE: I rise on a point of order. I posed a rhetorical question. I did not put anything that was incorrect. I did not make a statement to this house that was incorrect and I would like to know what the member opposite is correcting.

Mr Pengilly interjecting:

The DEPUTY SPEAKER: Order! Member for Finniss, you just complained that you could not hear anything and now you are making the noise. I do not have the *Hansard* in front of me. I am not completely conversant with what occurred yesterday. I understand that there was a—

The Hon. J.M. Rankine interjecting:

The DEPUTY SPEAKER: I have not finished yet. I understand that there was a discussion about a personal letter that was exchanged with the minister and the member for Bragg and that the minister had said at some point—please correct me if I am wrong—that you were happy for the member for Bragg to read that letter out. Is that correct?

Members interjecting:

The DEPUTY SPEAKER: I would like to hear the minister's answer, so members on my left can be quiet. It is very easy.

The Hon. J.M. RANKINE: Madam Deputy Speaker, I think I actually said, 'If you think she's bad in here, have you had letters from her, you should read her correspondence,' and then I said, 'Would you like me to?'

Members interjecting:

The Hon. J.M. RANKINE: You mightn't like it but it is—

Members interjecting:

The DEPUTY SPEAKER: Order! There is no point of order at this point, member for MacKillop, because I have not heard this point of order. So, when the minister has finished her point of order—

Mr Williams interjecting:

The DEPUTY SPEAKER: When she has finished making her point of order you may speak, and now you can sit down.

The Hon. J.M. RANKINE: I made the comments I have just alluded to. I did not read the member's letter to the house, although—

Mr Williams interjecting:

The Hon. J.M. RANKINE: No.

Mr Williams interjecting:

The DEPUTY SPEAKER: I would like to hear the answer.

The Hon. J.M. RANKINE: I posed a rhetorical question about whether I should read the letter to the house, which I didn't do. She is now standing up here wanting me to read the letter to the house.

Mr WILLIAMS: Because you made an insinuation, you clown!

The DEPUTY SPEAKER: Member for MacKillop, you will withdraw those words and you will apologise or—

Mr WILLIAMS: I withdraw and apologise for calling the minister a clown.

The DEPUTY SPEAKER: Frankly, I do not find that apology particularly gracious, but it can be accepted, because you really repeated the insult, which is kind of embarrassing for you.

The Hon. A. Koutsantonis: How do you draw a salary and not get embarrassed?

The DEPUTY SPEAKER: Excuse me. Minister for mining, let's all just calm down slightly. I am going to consult with the Clerk.

The Hon. M.J. ATKINSON: I have a point of order.

The DEPUTY SPEAKER: No, excuse me one moment, member for Croydon.

Members interjecting:

The DEPUTY SPEAKER: Order! I have consulted with the clerks and I would ask one question of the member for Bragg, and it is a yes or no answer: do you feel that you have been misrepresented?

Ms CHAPMAN: Yes, I do.

The DEPUTY SPEAKER: You may discuss, according to the standing orders, how you feel you have been misrepresented. However, I do urge you to move away from any emotional language and perhaps to just point out precisely how you feel you have been misrepresented.

Ms CHAPMAN: Thank you, Madam Deputy Speaker.

The Hon. M.J. ATKINSON: I have a point of order.

The DEPUTY SPEAKER: Member for Croydon.

The Hon. M.J. ATKINSON: My point of order is that the statement yesterday in question time—

Members interjecting:

The DEPUTY SPEAKER: Order! Excuse me, member for Croydon. I would like to point out that not one member on my left during this particular debate has pointed at any number at all, so I don't think there is any point in demanding numbers, members on my left.

Mr PENGILLY: Point of order No. 141, Madam Deputy Speaker.

The DEPUTY SPEAKER: Well done, member for Finniss!

Mr PENGILLY: It relates to quarrels in the house.

The DEPUTY SPEAKER: Sit down, please, member for Finniss. I think we will listen to the member for Croydon's point of order and then we can come back to your point of order.

The Hon. M.J. ATKINSON: My point of order is that the minister, in question time yesterday, as I heard it, did not make reference to any particular item of correspondence, and it appears to me that the member for Bragg is now going to choose one of her polite letters from her broad corpus of correspondence to try to contradict the minister. What is necessary, of course, is for the member for Bragg in her personal explanation to read out all her correspondence to the Minister for Families and Communities.

The DEPUTY SPEAKER: Thank you for your point of order, member for Croydon. In relation to that point of order, I would like to say again that I have consulted with the clerks. From what I understand, because the member feels she has been misrepresented—and I understand that the Minister for Families and Communities did pose a rhetorical question—she does have the right under this particular standing order to make these points. We will see how that occurs.

The Hon. J.M. RANKINE: I have a point of order, Madam Deputy Speaker.

The DEPUTY SPEAKER: Actually, you can have a point of order, Minister for Families and Communities, but, first—

Mr PENGILLY: No, I had one.

The DEPUTY SPEAKER: I am well aware of that, and well done for putting your hand up. We just have the point of order of the member for Finniss.

Mr PENGILLY: Thank you, Madam Deputy Speaker. In respect to your position as the current chair of the house, I seek your guidance on this matter of 141 through your officers in front of you. The member for Bragg has a personal explanation and she chose to deliver some of the *Hansard* from yesterday and to read a letter into the record. It seems to me that the minister is quarrelling across the chamber when the member for Bragg simply wants to read that letter in as a response.

The DEPUTY SPEAKER: Thank you, member for Finniss. I do not uphold the point of order, and let me explain to you why. The point of order with respect to standing order 141, I believe you referred to, member for Finniss—is that correct?

Mr PENGILLY: That's correct.

The DEPUTY SPEAKER: That standing order states that 'the house does not permit quarrels'. During this brief moment, shall we say, I have heard a number of inflammatory comments from both sides of the house. My suggestion is that, at this point, we move beyond that and we allow the member for Bragg to make the personal explanation she wishes to make, although I personally have some doubts about this, but I am assured by the Clerk that this is absolutely within the standing orders. Let us just carry on with that. The member for Bragg.

Ms CHAPMAN: Thank you, Madam Deputy Speaker.

The Hon. J.M. RANKINE: Point of order, ma'am.

The DEPUTY SPEAKER: We have a point of order. Member for Bragg, could you sit down. The minister.

The Hon. J.M. RANKINE: The purpose of a personal explanation is to correct the record. I did not—

Ms CHAPMAN: Point of order, Madam Deputy Speaker.

The Hon. J.M. RANKINE: I have not finished speaking.

Ms Chapman interjecting:

The Hon. J.M. RANKINE: I am speaking.

The DEPUTY SPEAKER: Ladies!

Ms CHAPMAN: Point of order. The member must—

The DEPUTY SPEAKER: Order!

Ms Chapman interjecting:

The Hon. J.M. RANKINE: I am speaking. She hasn't ruled at all yet.

Members interjecting:

The DEPUTY SPEAKER: Order! When I, or indeed anyone else in the chair, is on their feet you will be quiet. All members will cease speaking at that point in time. There has been so much quarrelling in this chamber that I am now confused as to who is quarrelling with whom. It has become very difficult to distinguish. I am going to ask you a question: who was the last person who made a point of order? It was the Minister for Families and Communities, excellent. Thank you.

The Hon. J.M. RANKINE: The purpose, as I understand it, of a personal explanation is to correct something that is wrong.

The DEPUTY SPEAKER: Or?

The Hon. J.M. RANKINE: What I said yesterday, as the member for Bragg said, is—

Ms CHAPMAN: Point of order.

The DEPUTY SPEAKER: We will just let the minister finish her point of order.

The Hon. J.M. RANKINE: —'Do you want me to read your letter to the house so that they know the tone of your correspondence?'

Ms Chapman interjecting:

The DEPUTY SPEAKER: Order!

Ms Chapman interjecting:

The DEPUTY SPEAKER: Order!

Ms Chapman interjecting:

The Hon. J.M. RANKINE: I have not finished making my point.

The DEPUTY SPEAKER: I understand that the Minister for Families and Communities is making a point of order in relation to the validity of the member for Bragg making a personal explanation. The Minister for Families and Communities, if I may so presume, is pointing out, or saying, or claiming, or alleging that a personal statement has to correct something which indeed is perceived to be incorrect. That is true.

However, a personal explanation may be made if that person feels they have been misrepresented. It is under that particular umbrella that I am allowing the member for Bragg to give this personal explanation, thus, I am afraid there is no point of order at this point in relation to the minister's point.

The Hon. J.M. RANKINE: Sorry, ma'am, but I made reference to the fact that I had a letter from the member for Bragg. That is the only thing that I have said.

The DEPUTY SPEAKER: Excuse me—

The Hon. J.M. RANKINE: If she is arguing that she did not send me a letter, well, then—

The DEPUTY SPEAKER: There is actually no point of order there. Thank you. There is no point of order. I do not accept that point of order. It would be—

Members interjecting:

The DEPUTY SPEAKER: This is astonishing. If I was not in the chair I would be really enjoying this, but I am not. It is appalling. This is appalling. All right, let's get back on the road of the personal explanation. I am sure that the member for Bragg will stick to it. The minister for mining will enjoy quiet times. It is the time of the member for Bragg.

Members interjecting:

The DEPUTY SPEAKER: That includes everybody being silent. The members on my left and the members on my right. That includes you, member for MacKillop.

Ms CHAPMAN: As I said, in the course of the Minister for Families and Communities yesterday answering a question on the Home and Community Care program, she said, and I quote: 'Do you want me to read your letter to the house so they know the tone of your correspondence?' My claim is that I have been misrepresented in that assertion.

I can say to the house that I have written to the Minister for Families and Communities on many occasions, and only on one occasion, to my recollection, writing to her on the Home and Community Care program, and that is this letter, dated 17 February 2011:

The Hon. Jennifer Rankine MP

Minister for Families and Communities

GPO Box 1563 ADELAIDE SA 5001

Dear Minister,

RE: HACC Program—Uraidla Seniors Group

As the local Member and Shadow Minister for Ageing I write to you about the withdrawal of HACC funding—

The Hon. M.J. Atkinson: Uraidla?

Ms CHAPMAN: It is in my electorate. Wakey wakey, your boundaries are behind.

The Hon. M.J. Atkinson interjecting:

Ms CHAPMAN: You're so slow.

Members interjecting:

Mr PENGILLY: Point of order, Madam.

The DEPUTY SPEAKER: Point of order. Which one would you like to be? Sorry, there are three people on their feet. Member for MacKillop, can you sit down because the member for Finniss is making a point of order.

Mr PENGILLY: Point of order 131 against the Member for Croydon, ma'am—interruption.

The DEPUTY SPEAKER: If I uphold that point of order, does that mean that you, member for Finniss, commit to not interjecting any more?

Mr PENGILLY: Ma'am, I have been sitting here very quietly, listening to the member for Bragg, and the member for Croydon was interrupting most loudly. No-one else was saying a word apart from the member for Bragg and the member for Croydon, and I have been very good.

The DEPUTY SPEAKER: And I am sure the member for Croydon will desist from here on in. Let's not interrupt the member for Bragg anymore.

Ms CHAPMAN: I will resume the letter:

Essentially I am advised by my local constituent the history of the group is as follows:

(a) The group of 24 older people who are living independently and often alone, meet monthly.

(b) Over the last four years they have been funded by HACC via Adelaide Hills Council (AHC). The group was originally set up on their recommendation.

(c) They meet at the Uraidla Football Club at the rental cost of $50.00 and more recently at $100.00 since the upgrade of the clubrooms. Additionally they have the use of the bus once a month for a day excursion.

(d) The members usually walk to the Club. This provides an important social interaction for the members.

On the 12th January 2011, an AHC representative advised the group that the funding would be withdrawn allegedly because:

(a) They no longer qualify for funding (unless they were a day program for the frail), under new HACC guidelines.

(b) The football club rooms are no longer viable, plus there were Occupational Health and Safety issues.

(c) Further, that the twenty seater bus would be sold are not replaced.

As a former Chair of the HACC Advisory Council I would be very concerned if there has been a change in the *"Charter"* for HACC funding, that in any way diminished support for keeping people independent, active and healthy as they aged. If there has been a change in the guidelines, and of course the State Government is a near equal funder of this program, I would be appalled if your Government have signed off on this. If programs are only going to be available for those affected by a health or care issue, then this is in direct contradiction of its original purpose. Furthermore, given all the published material of your Government and the Federal Government in supporting preventative measures in the areas of health and care, this would make a laughing stock of those statements.

As the local Member I confirm that I have visited Uraidla Football Clubrooms, both before and since substantial upgrade. The new kitchen, toilet and amenities are superb and provide a venue for all the community supporting fantastic events. This club has been established and maintained by the local community. Not surprisingly the rent has increased, but has remained modest, given the amenities. As to the concern that the Club members were carrying in food boxes (which they had taken to their meetings as the fridge and cupboards are locked) this excuse is utterly ridiculous. Logically people could carry smaller containers, use a trolley, or simply keep a cupboard in that facility.

I will bring this to the attention of the Mayor of the AHC as I consider it an insult to our mutual constituents. These members of our community may be senior—

Members interjecting:

Ms CHAPMAN: I will just repeat that:

These members of our community may be senior but they are competent, intelligent people and deserve some respect.

Ms CHAPMAN: It continues:

Offers by [Adelaide Hills Council] to transport members to another town to use the cheaper hall is equally absurd.

The Hon. M.J. Atkinson interjecting:

The DEPUTY SPEAKER: Member for Croydon, you are your own worst enemy.

Ms CHAPMAN: The letter continues:

As the Shadow Minister for Ageing, I advise you Minister that there are no other senior services in Uraidla. There is a private nursing home, but of course their services are not readily available to local independent-living seniors.

In my experience the Uraidla and Summertown community have provided for themselves in many areas without welfare support. They are a proud and independent community and have always shown compassion to others. Right at this moment, a number of children from the Inverbrackie settlement are attending the Uraidla Primary School. The local community have welcomed these children and are keen for them to participate in events outside of the education services, i.e. local sport. Regrettably that is not available under the current security arrangements.

I simply raise this as an example of the support they are willing to give others.

It is surely reasonable that they have a little support from your Government.

I await the advice on any change of guidelines and will keep you informed on any revision of approach in the AHC on the safety issue.

Yours sincerely

Vickie A. Chapman

The DEPUTY SPEAKER: The question is that the house—

Members interjecting:

The DEPUTY SPEAKER: Members on my left! I believe that you, like the members on my right, have grievance debates that you would like to engage in; so let us do that.

GRIEVANCE DEBATE

FREEDOM OF INFORMATION

Ms CHAPMAN (Bragg) (15:37): I rise today to report to the house a matter of considerable concern arising out of the application of the freedom of information laws in this state. The Freedom of Information Act is now 20 years old, having passed in 1991, and serves to try to keep governments accountable but essentially to give individual people in the community access to public information. It has another role, but that is its principal role, which I wish to refer to today.

I was concerned to read in this month's publication of the government news that, in relation to federal government activities, South Australia is now the only state to remain outside the new model for freedom of information, according to that periodical. It is true that in the last few years other states around the country have modernised their freedom of information, including the commonwealth, which has also passed its legislation. All that is left is Victoria and us.

The Victorian government, however, has confirmed that it is introducing an information commissioner to oversee the application of their act. So, all around the country we have had reform, but not in South Australia. We have this ridiculous situation where ministers keep applications on the desk for weeks before they are released.

The government introduced regulations, members will recall, to prevent the release of any documents concerning the investigation of the Burnside council. It shut down all FOI applications to the department of primary industry, the department of local government, minister for local government's office, etc., just a blanket refusal to allow any of those documents. We will want those repealed, of course, if ever that report is released on the ruling of the Supreme Court.

On 8 February this year the Ombudsman ruled that he could not overturn an SA Water department decision to keep secret the contract for the operation and maintenance of the desalination plant, including any correspondence concerning the signing of that contract. The Ombudsman said in his determination of 8 February 2001, 'I consider there is a public interest in the release of the contract.' That is the first thing. Secondly, he stated:

...it is again with some disquiet that I consider the agency is able to withhold the contract from disclosure under clause 13(1)(a) of Schedule 1 of the FOI Act. The provisions of clause 54(2) of the contract—

which I interject to explain are the confidentiality clauses—

are extremely broad, and cover the entirety of the contract.

This, of course, produces a rather interesting scenario. We heard today the Minister for Health tell us, in respect of the up-and-coming Royal Adelaide Hospital contract, that his government wants to be open and transparent and make available as much as possible. Well, the Adelaide desalination contract is the last contract they signed. It is one of the biggest, financially, in the history of this state, which is to be kept wholly and completely secret forever.

We have other recent examples of the absurdity of excuses that have been used under the Freedom of Information Act. One was the planning department. Again, I had to almost laugh when I heard the new minister for planning announce all the advances of the 30-year plan. Let me say that when I, a very long time ago now, made an application for the submissions on the 30-year plan—this is what the people have had to say about it—the planning department have refused to release those documents or submissions on the 30-year plan because (wait for it!) it could lead to domestic violence. That is their latest excuse. Now, hopefully with the assistance of the Ombudsman, we will be receiving those documents.

Another absurd example just recently was the health department. When they were asked to produce the funding proposals submitted by the Nganampa Health Council, they declined on the grounds that, in doing so, it would breach Aboriginal tradition; that in some way this would be secret women's business that would be interfered with. We had to review that; that is, take an appeal into the department. Ultimately, that was overturned to enable the publication of those documents.

The government do not want to change the freedom of information law in this state. They will not even consent to us giving a three-hour free time for journalists on their applications for freedom of information. They refuse to consider any reform in this area. They have failed to deliver

this. They keep saying to us that they are great advancers and pioneers in reform in this country; they are dead, dead last on this issue, and it is a shame on them when they pretend to be an open and accountable government.

HOME AND COMMUNITY CARE PROGRAM

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Housing, Minister for Ageing, Minister for Disability) (15:42): I thank the member for Bragg for reinforcing the comment that I made in question time yesterday. If people listened very closely to her reading out her letter, they would have picked up on the tone of her correspondence, even if they did not get it from her voice, which was delivered so softly and beautifully today—a sound we do not normally hear from the member for Bragg.

I made the point that Adelaide Hills Council is funded by Home and Community Care for three projects, in excess of $533,000 per annum. They receive $343,200 recurrent for home assist programs. That provides assessment, client care, coordination, domestic assistance, home maintenance, home modification and, importantly, social support and transport. I will come back to that in a moment. They receive $61,500 recurrent for a collaborative project that funds a project officer to fund collaboration, networking and training between service providers across the region. Also, the Hills seniors community program receives $128,500 for centre-based day care.

Adelaide Hills Council undertook, as I understand, an assessment of the service to the Uraidla seniors program and, in correspondence sent to the federal member for Mayo, of which I have a copy—

Ms Chapman: Which I sent to you.

The Hon. J.M. RANKINE: Which I received elsewhere, thank you very much.

Ms Chapman: I sent you a copy.

The Hon. J.M. RANKINE: Well, you did, but I already had a copy. Thank you very much. They described Uraidla's senior citizens as being 'very able-bodied, including a majority of people able to drive themselves'. They said the location of the program at the Uraidla football clubrooms, which the member for member for Bragg points out she has visited both before and after. So, congratulations for the upgrades.

Ms Chapman interjecting:

The Hon. J.M. RANKINE: Have I been to Uraidla football club? You have probably been there once before and once after. Well, good on you as the local member. Their concern was occupational health and safety issues at that particular location. They also then offered the senior citizens some assessments to ensure that they fitted into the centre-based day care program. The seniors, as I understood it, were not accepting of that. They were offered a different location, and they were not accepting of that.

One of the clients proposed the Summertown Uniting Church to the council, and I understand they are currently liaising in relation to that, but they make the very strong point that a social support program, which they deem these people fit into and where the majority of funding goes, fits the Uraidla senior citizens much better than taking the precious dollars from the centre-based day care, which would be for much frailer aged people.

Let me make the point that this is a decision that is made by the Adelaide Hills Council. We provide them with home and community care funding and they are making the determination of which programs sit within which funding guideline, not the state government.

MARINE PARKS

Mr PEDERICK (Hammond) (15:46): I rise today to talk about the sham of the marine parks process in this state that this government is imposing on its citizens. I just want to go through some of the information about how fisheries are managed in this state, and I do this as the shadow fisheries spokesman.

Fisheries are managed under the Fisheries Management Act 2007, and part of the process is to conserve and manage aquatic resources, protect aquatic habitat and ecosystems, share access so that the whole community gains the maximum possible benefit, and foster recreational and commercial fishing activities. Some of the management principles of fisheries are to protect juveniles to ensure future recruitment to the fishable biomass, to protect from growth overfishing, to protect adequate fraction of the adult biomass to ensure sufficient reproduction of new recruits, to

protect from recruitment overfishing, to protect nursery grounds and critical habitat to ensure long-term fish stock health, and to protect against economic overfishing and overcapitalisation.

In the fisheries management tools that are used for this process, the input controls are limited entry, gear and boat restrictions, closures, time, area (including aquatic reserves) and zoning. There are also output controls that are put in place: size limits, bag and boat limits, protection of spawning females, and quotas. With recreational fishing, we also have size limits, bag and boat limits, gear restrictions, area, and seasonal closures.

Yet what we have here is the minister for environment and a department (and I fear the department is driving this) driving a process of marine parks with absolutely no science. It was admitted at the local area group meeting that I attended at Victor Harbor the other day that they drew some lines on the map. We have been told we need 10 per cent of the state's shoreline to be sanctuary zones, which equates to 25 per cent of the marine park area, and the marine parks cover 44 per cent of our coastline.

There is no science or peer review being put into this process. There is no money available for displaced effort for fishers, and I am pretty sure that the minister has disbanded the displaced effort working group because there is no money in the budget. We have aquatic reserves already in place along the coastlines that are not policed properly now. People are being forced to make submissions on sanctuary zones on a false premise.

The best quote I heard at the LAG meeting came from someone (whose identity I will keep to myself) who knows damn well how to manage fish and who is a very good operator. He put a submission in because he would 'rather have a broken arm than get shot in the head'. That is what he is talking about: he would rather try to do what he can with the false premise information he has than be completely bowled over by the process.

There are no regional impact statements being completed. Some of these zoning plans are just absolutely ridiculous, especially in relation to the proposed fishing of cockles or pipis, especially along the beaches near Goolwa, where there is discussion about whether there is a four-kilometre fishing zone and then a four-kilometre non-fishing zone.

I think the government wants to be very, very careful about what is going on here, and I can detect division between the minister for fisheries and the minister for environment. What we are seeing here is the environment department and the minister taking over control of fisheries, which is effectively managed under the Fisheries Management Act and the Aquaculture Act. We have some of the best managed fisheries in the world and it is time that the government took notice of that instead of putting fanciful lines on maps with absolutely no science and forcing people to come up with submissions on an absolutely false premise.

The government has no idea what it is doing. It has admitted that it has just put these lines on maps and then it wants consultation, but it says, 'We have to have 25 per cent of the marine parks and sanctuary zones.' Where does that number come from? There is absolutely no science. It is going to destroy the fishing sectors in this state. It is going to destroy the tourism sectors. It is going to destroy regional economies. Not that this government cares, because it is intent on destroying the economy of the South-East over the forward sale of forests. I have heard that the morale in Mount Gambier is just terrible. The government needs to stand up and listen and the minister for fisheries needs to regain control of the situation.

Time expired.

DEAF CANDO

Ms BEDFORD (Florey) (15:51): On Tuesday 15 February, I had the honour of representing the Premier at the 120th anniversary of Deaf CanDo at its premises on South Terrace. Our colleague, the member for Adelaide, was also present. Attended by its patron, His Excellency the Governor Rear Admiral Kevin Scarce, accompanied by Mrs Liz Scarce, who both do so much for this state, it was a very happy occasion.

Because of CanDo4Kids, which has a site at Modbury, I have a special interest in the wellbeing and affairs of those with this sensory deprivation and many in the hall were delighted to see the guests excitedly communicating via signing, a skill we have all noticed in the press conferences updating us during the recent Queensland floods, where a signer was always present.

The CanDo Group board chair, Christine Molitor, and the CE, Judy Curran, greeted the Governor. I spoke with them and Mrs Alex Crawford, the community services manager, Karl

Zander, the general manager for income development, and Kelly Meier, marking and communication coordinator, among other special guests, many of whom work tirelessly to raise funds for the Deaf CanDo community.

During Christine's speech on behalf of Mr Jolly, who could not be there, we learnt of some of the special people associated with the group: Bruce Miller, who had been on the board for 50 years, and the SA Deaf Women's Friends Society member Cecily Elston, who is now 92 and has been involved since she was 17.

Among the guests seated close to me was a Mr Michael Martin, Business Development Consultant with Pro Paint 'n Panel. While there are many philanthropic businesses in Adelaide, I would like to record my thanks on behalf of CanDo especially to this particular business. Michael told me that the managing director of the Rightway Automotive Services Group (the RAS Group) is Kon Skothos, who commenced business in his own right in 1989.

Kon is a qualified mechanic, panel beater, automotive spray painter, qualified ABS (air bag systems) technician, who in 2003, together with his younger brother Tom, became the first tradesmen to receive the TAFE Diploma in Frontline Management.

Kon's business developed and in February 2000 he formed Rightway Automotive Services with the merger of Rightway Crash Repairs and Adelaide Fleet Maintenance. The business outgrew its premises in Beverley, South Australia, and in September 2003 he purchased the business of Pro Paint 'n Panel into which he integrated his collision repair operations and relocated his mechanical services division.

I provide this information because they service several major corporations in South Australia as well as Fleet SA. They are also a fantastic example of small business best practice and hold several awards, including a national Prime Minister's Small Business of the Year Award.

For the past nine years, Rightway Automotive Services has supported an enormous list of charities, and I would like to put them on the record because I know how much they thank this company for its support. They are:

- Cardiovascular Research Centre at the Royal Adelaide Hospital;
- South Australian National Football League;
- Port Adelaide Football Club;
- Port Adelaide Magpies Football Club;
- West Torrens Baseball Club;
- Moana Surf Life Saving Club;
- various participants of the annual Variety Club Bash and Variety Club fundraising events;
- Phoenix Society (especially during their golden jubilee promotion in 2008);
- various other community clubs and events conducted by Lions and Rotary clubs;
- CARA, including their 2007 family day event;
- Westfield Golf Day (Helen Scanlan who runs fundraising and the Westfield Golf Day was present);
- SCOSA's various fund raisers (and SCOSA has a day options unit in Florey at Gilles Plains and I am particularly interested in them);
- Boys Day Out in aid of SCOSA and the Epilepsy Centre;
- St Andrew's School;
- Pooraka Cricket Club;
- Para Hills Football Club;
- City of Charles Sturt Young Business Leader;
- Taxi Driver of the Year;

- SAAFL clubs;
- various schools; and
- the Zoo.

It is an impressive list and worthy of acknowledgment. It is a great example of people giving back to their community, especially communities with such special needs. I commend everybody involved at Pro Paint 'n Panel and thank them for their support of South Australian charities

ROAD SAFETY EDUCATION

Mr GOLDSWORTHY (Kavel) (15:55): I rise this afternoon to speak about the tragedy that occurred on our roads on the weekend where an Italian man, a tourist to South Australia, has been charged with causing death by dangerous driving in a head-on collision which killed a lady who lived in Strathalbyn. We know that any and every fatality that occurs on our roads in this state and right around our country causes tremendous grief and anguish to the respective families. I want to take the next few minutes to reinforce what is a fundamental road safety measure, that is, obviously, driving on the left-hand side of the road.

The road rule in this state, and all around this nation, is that you position the vehicle as near as is practical to the left-hand side of the road. The allegations that have been made in relation to the Italian gentleman concerning the head-on collision was that that person had positioned the vehicle on the wrong side of the road, on the right-hand—

The Hon. A. KOUTSANTONIS: I have a point of order.

The DEPUTY SPEAKER: Excuse me, member for Kavel. Minister for Mineral Resources Development.

The Hon. A. KOUTSANTONIS: The member for Kavel said in his opening remarks that this person has been charged and is before the courts. I think he is now straying very close—

The DEPUTY SPEAKER: Sub judice?

The Hon. A. KOUTSANTONIS: Yes.

The DEPUTY SPEAKER: Member for Kavel, I am prepared to uphold that particular concern but perhaps you can couch it in different language.

Mr GOLDSWORTHY: I understand the points being raised and I will be very careful. They are the only remarks I will make in relation to that particular issue. I do want to reinforce the fundamental road safety measure in terms of adhering to that specific road rule that you drive on the left-hand side of the road.

I refer to a statement of a spokesperson from the RAA in a radio interview on Monday of this week. I quote from the transcript—and I am only quoting from the transcript, I will say that. He said:

> I'm not aware of exactly the amount of information that's given out from each hire company, but certainly there's a case to say that if you are picking up a hire car then you should be given basic information about the road conditions and the road rules as well.

In a statement made by the Director of Road Safety in another interview on Monday, he said that the department is talking with the tourism industry about how to raise awareness of the road rules.

As we all know, we welcome tourists to this state and our country and we want to expand the tourism industry because we know it has a significantly positive effect on our economy in South Australia, but it is very important that overseas visitors who hire cars and drive on our roads are aware of our basic road rules. Again, I want to quote from a media transcript from the Minister for Road Safety, the member for Newland. The road safety minister said:

> ...it's certainly an issue that we're going to have a look at...I think the department are putting together a briefing for me on those circumstances...we'll go from there, but it's certainly something that needs to have a look at...

I can tell the house that I am here to help in a bipartisan gesture. There is a fairly uncomplicated way, I think, that we can look to improving road safety when people do hire cars, particularly overseas visitors, and that is just the preparation of a small sticker which highlights the fact that you do have to drive on the left hand side of the road. It could be placed in each and every hire vehicle,

whether it be on the steering wheel, on the dashboard or on the windscreen. It is a fairly simple solution, Madam Deputy Speaker.

Time expired.

STOCKPORT

Mr BROCK (Frome) (16:01): I rise today to talk about the effect of rains in December last year on Stockport, a small community in the Clare and Gilbert valleys area. On 7 and 8 December last year that community suffered both physically and emotionally. There were rains all over the state. The rain started early on 7 December and continued over the next 24 hours, with this small community copping all the run-off waters from the surrounding locations within the Clare and Gilbert valleys.

The lives of the people living in this community of approximately 240 were turned upside down during this period. The large amounts of floodwater came down mainly during the night, and the flooding and the overflowing from the Gilbert River (which runs right through the middle of this small community) resulted in approximately 45 of the 60 homes becoming uninhabitable.

In effect, some of these homes may never be repaired and may have to be demolished. This is going to be a great cost not only financially but also emotionally because these people have been living there for a long time. The rains came through these homes with such force that many of the residents had little or no opportunity to save many or any of their precious items, including family heirlooms, photographs of weddings and christenings, and many other irreplaceable items.

We can always replace some things, but other things we cannot replace, such as photographs of christenings and the personal effects of your ancestors, deceased relatives or, maybe, your own family. The levels of water going through some of these homes were in excess of four to five feet in depth. The majority of the community had to be evacuated to the town's recreation centre after the river broke its banks during the night.

An emergency recovery centre was established for these affected people, and I congratulate government agencies on their quick response in providing some financial assistance and food, as well as emotional consideration. Lots of clothing and food came in, and a lot of emotional support was given to these people.

I toured the location with minister Rankine, the federal member Nick Champion, and Brian Koch, who is—

Mr Griffiths: He's a good man.

Mr BROCK: —he is a good man—the Chairman of the Stockport Community Association. The effect on these people was heartbreaking—to see them shovelling mud which was throughout their homes, plus the overbearing stench coming from the rotting mattresses and associated issues. Cars were washed away and ended up in trees vast distances from their original destinations, plus other large items of equipment.

The many volunteers from all walks of life need to be congratulated on their dedication, as well as risking their lives to assist others, even when there own homes were greatly affected. The Clare and Gilbert Valleys Council needs to put steps immediately in place to provide equipment and people to help move the debris which is accumulating. The damage bill will be very high. However, the effects will be in the minds of these people for many years, and, in some cases, many people may never emotionally get over the effects both financially and emotionally.

Many of these people may not have adequate insurance cover or in many cases may have no insurance cover at all. The other issue I have is the wording of insurance policies regarding claims, especially with respect to flood damage. During all this trauma, these people assisted each other and continued to assist others even though their own treasures and homes may have been lost.

As mentioned earlier, there was one person who maintained leadership throughout the whole situation, and that was Brian Koch. He kept people's enthusiasm and morale right up, and he continued this for many days following the initial effect. The Premier returned from overseas and immediately was driven directly to Stockport to inspect the damage. Touring and speaking to residents together with myself, Mayor Allan Aughey, CEO Roy Blight and federal member, Nick Champion. The media coverage of the damage to this region was overshadowed by the tragic flooding in Queensland, and our thoughts and prayers are also with these people. I congratulate

the community of Stockport for their resilience and their dedication to each other, and I congratulate them again.

Motion carried.

MOTOR VEHICLES (THIRD PARTY INSURANCE) AMENDMENT BILL

In committee (resumed on motion.)

Clause 4.

The Hon. I.F. EVANS (Davenport) (16:06): Prior to question time I had dealt with clause 4, subclauses (1), (2), (3) and (4), so I will now deal with, specifically, subclauses (5) and (6) of clause 4. The opposition has had the most vehement opposition to clauses 5 and 6 of No. 4 in this particular bill, and every industry group we have spoken to thinks they are totally unworkable. I want to walk the committee through why the industry groups think they are totally unworkable.

Clause 4(5) adds in the word 'direct' into the Motors Vehicles Act, section 99(3), before the word 'consequence'. The intention, therefore, is to try and bring clarity, the MAC would say—those opposing it would say to further narrow—the level of claim that is possible under that particular provision. That provision says:

> ...for the purposes of this Part and Schedule 4, death or bodily injury will be regarded as being caused by or arising out of the use of a motor vehicle only if it is a consequence of—

That is the current wording and we are putting the word 'direct' in, so it will read 'arising out of the use of a motor vehicle only if it is a direct consequence of...', and then there are three or four provisions, that is, the driving of a vehicle, or the vehicle running out of control, or a person travelling on a road colliding with a vehicle when the vehicle is stationery, or action taken to avoid such a collision.

So unclear is this provision that the government has had to put some examples in to try and illustrate what it thinks should not be included. That is the first cause of concern—that it is so bad that it has to put some examples in to give some clarity to those who are meant to be reading this. Let me read this to you, minister. Your bill says, in the examples, 'Examples of situations that would not be expected to fall within the ambit of this claim.' So, I make the point 'not to be expected'. It does not say that they are not going to be in. It just says they may not be in. So, immediately there is nothing clear about the examples—they may be in, they may not be in. If the examples themselves are unclear and they are not defined as being definitely in or definitely out, how does it bring any clarity to what can be claimed or not claimed? That is the first issue, that the examples they give are of situations that would 'not be expected to fall within the ambit of subsection (3)'.

It then goes on to give two examples of what would not be expected to fall, but they may be in, but they are not expected to be in. You can understand why the legal fraternity say this will be a lawyers' picnic. They will be arguing about, 'Your Honour, the parliament did not expect this to be in, but, Your Honour, the parliament said it could be in.' I can just see the legal costs racking up as we speak. The bill then goes on to give two examples:

> (a) death or bodily injury caused by or arising out of the displacement of goods while a motor vehicle is being loaded or unloaded;

That is the first example. The second example is:

> (b) death or bodily injury caused by or arising out of the unintended movement of a motor vehicle while the vehicle is being displayed, serviced, repaired, restored or equipped.

I am going to go through this at some length. I think this is one of the most vague clauses I have ever seen in my 17 years in this place. I think it is one clause that will attract the most legal argument of any clause I have seen in my 17 years in this place. I will walk you through it.

I have already worked through the example that it is not to be expected to fall within, but it could well fall within. So, let's assume that the court decides it does fall within the ambit. Then we get to this clause: 'death or bodily injury caused by or arising out of the displacement'. Displacement. It does not say deliberate displacement, it does not say accidental displacement; it just says displacement. It is clear that it is not accidental displacement, so it is clear that it is any displacement—any displacement of goods. I am assuming that a good is anything that is not human.

If it is livestock, I would suggest that would be interpreted as a good. If it is a box, a parcel delivery guy, that is a good, but I am assuming that if it is mum dropping her child off at school, and an injury occurs, the child is not a good, or a taxi unloading three children, through families and community welfare, that is not a good, or a bus unloading children is not a good. The minister can confirm that the word 'good' does not include humans—people—although the Funeral Directors Association would like it clarified, given that profession, as to how it relates to contents of coffins.

It then goes on to say: 'displacement of goods while a motor vehicle is being loaded or unloaded'. I will give some examples to the minister. That is why I think this clause is so unclear. You are not going to be covered under this scheme if you are unloading a box out of a taxi and you stumble into the path of another vehicle. Are you covered or not covered? You are displacing the goods, and, as a result of overbalancing, you walk in front of another vehicle. It is open to interpretation whether you are covered by this scheme. Clearly, the injury has been caused arising out of the displacement of goods while the motor vehicle is being loaded or unloaded—loaded or unloaded of goods.

A child taking out school bags—is that a good? I think it is. I think anything but people is a good. I suspect what the minister will end up saying is, 'Well, this will all be left to the courts.' That is the issue. This bill is trying to narrow the level of claims and then, by narrowing the level of claims, they are trying to give some clarity as to what is covered. However, the examples they give are so unclear that the legal fraternity are saying it will be a lawyer's picnic.

The examples I have given are taxis unloading goods, the transport industry and the parcel delivery companies that are in and out of their vehicles all the time. At what point is someone displacing goods? At what point am I displacing goods? At what point of displacing the goods does the injury occur? It is not clear. What the government is trying to do is narrow down the claims available against the MAC scheme by saying those sorts of claims will not be available. There are a wide range of people (taxi drivers, mums dropping kids at school or kindy) and issues that make this unclear.

The minister can also clarify this for me: what happens if the goods are a registered insured vehicle and the goods you are unloading that lead to the injury are a registered vehicle? This happens. There was a good example down at Morphett Vale where, tragically, a person was killed because a car fell off a trailer and crushed the person. That can easily happen in the unloading of the vehicle. The vehicle was a trailer; the trailer is registered and is covered by the scheme. So, the vehicle is being unloaded off the vehicle, it is being displaced as a good, and it falls off and kills someone. Under your scheme, they are not covered.

The sad part about this is that the Motor Accident Commission, by the former treasurer's own admission, has been negotiating this for over eight years, and we still have this lack of clarity in relation to these issues. The other issue in relation to this is that this first clause deals with:

> (a) death or bodily injury caused by or arising out of the displacement of goods while a motor vehicle is being loaded or unloaded;

Not 'the motor vehicle'; it says 'a motor vehicle'. It does not narrow it down to the injury being caused by or arising out of the displacement of goods of the motor vehicle being unloaded. It is very broad; it is of any motor vehicle. So, if goods are being unloaded and the injury is caused by any motor vehicle then, technically, they may not be covered by this particular provision.

This is not necessarily Iain Evans shadow treasurer mounting all of these arguments, this is the industry group saying, 'We have had a look at this and it is simply unworkable.' The current scheme appears to work relatively well and all MAC are trying to do is narrow down the field so there are less claims. So the minister can tell me why my examples are not part of this particular clause.

I have raised the issue about whether it is only an 'unintended displacement' or whether it is 'any displacement'. I think the fair interpretation is 'any at all'. A good example of this is Australia Post. Australia Post deliver many parcels, so they are displacing thousands of goods every day. At what point are they displacing the good and at what point are they not? How would anyone make that judgement? However, if an injury occurs while they are displacing goods, they are not covered.

The consultation on this with other industry groups, such as Australia Post, obviously has not occurred. There has been no consultation with the parcel delivery industry about how it is going to impact on them, and these people are live to a claim and they will lose their house. MAC will

claim back against them, and if they do not have enough asset base, they lose their house, simple as that.

That is in relation to subclause (5), subclause (6) and particularly subclause (6)(a). Now I can go on to subclause (6)(b) if the minister wants me to. If he wants to respond to subclause (6)(a) I am happy to sit down and let him respond to those. That might be easier, so I will let the minister respond that.

The Hon. J.J. SNELLING: At the heart of this debate is the question of what constitutes use of a motor vehicle, and the circumstances in which MAC might be liable for a claim. The member for Davenport was talking about MAC making claims against people and, therefore, taking their houses off them. That is not covered in this section. This only deals with how MAC might be exposed by a claim by others. We are not talking about MAC making claims against other people. That comes under, I think, the chain of responsibility provisions of the bill. This provision is not about MAC making claims.

The Hon. I.F. Evans: The injured person makes the claim.

The Hon. J.J. SNELLING: The injured person. But you were talking about MAC suing people and taking their homes off them.

The Hon. I.F. Evans: Yes.

The Hon. J.J. SNELLING: That is not what this provision is about. It is purely about the circumstances in which MAC is exposed to a claim. I think we are all agreed here that the purpose of MAC is to provide compensation in circumstances where there is an accident or crash in the use of a motor vehicle. There have been a couple of court cases recently which have extended what constitutes use of a motor vehicle, and that is what this provision is trying to address.

The first example is the case of Ugly Dog Transport, where a worker was working on a car and another worker came in and started the car while the worker was still doing work on it. The car was in gear and lurched forward, and I am not sure whether this resulted in the death or the injury of the worker. In those circumstances, no-one doubts that the worker who was injured is entitled to compensation, but it seems pretty clear to me that it should be WorkCover that should be liable for compensation to the person who was injured, not MAC. The injury did not happen in the sort of circumstances which were envisaged when we decided, as a state, to have compulsory third-party insurance.

Clearly, what was envisaged by parliament in having compulsory third-party insurance is that people in road accidents should be able to have access to compensation in the event of there being an accident in the use of a car. So the question is the definition of what constitutes use of a motor vehicle for the purposes of where MAC is liable.

The second example is the one of Reiter—and we get to the displacement of goods example—where I think a worker was injured because a hay bale fell on his head as the hay bales were being unloaded. Again, in that case the court allowed a claim against the third-party insurer. So, WorkCover made a recovery against MAC as if this was a road accident, which it clearly was not.

The purpose of this provision is to tighten the definition of what constitutes use of a motor vehicle. That does not mean that people who are injured in these circumstances will not be entitled to compensation, it is a matter of where that compensation should come from, and it should come from the appropriate source.

In the event of it being a workplace injury, clearly WorkCover should be liable for compensation, and everything else that goes along with it, rather than MAC. The government believes that claims against MAC should be because of crashes, accidents and essentially injuries resulting from car crashes, and there should be a reasonably tight definition of what constitutes the use of a motor vehicle.

The examples are there to give the court guidance. As he was reading, the member for Davenport inserted the word 'may', and 'may' does not appear in the examples. It says 'Examples of situations that would not be expected to fall within the ambit'. It does not say 'may not be expected', it says 'would not be expected'. So these are examples and the purpose of this is to give some guidance to the court of what the parliament envisages by this clause and the sort of circumstances where there would not be a claim against MAC.

With regard to the specific example I think the member for Davenport gave, regarding if you are unloading goods, stumble and fall in the path of a motor vehicle, the injuries would be sustained because you got hit by the motor vehicle, not because you are unloading goods. It seems pretty clear to me that, in such a circumstance, a claim would not be made impossible by the operation of these examples. It is quite clear that the injuries did not occur because you were unloading goods and one fell on you, which is what we are trying to pick up by way of these examples. The injuries, in the case of the member for Davenport, were caused as a direct consequence of you being hit by the car, not by the unloading of the articles. I think that covers the points made by the member for Davenport but I am quite happy to return to the point if I have not covered the points he has raised.

The Hon. I.F. EVANS: The minister gave two examples: the Ugly Dog and Reiter. The minister gives those examples because they occurred in workplaces, but your law, minister, applies to everyday citizens who are not in workplaces, and your adviser next to you nods in confirmation. So, it is one thing to say that the workplace person might be covered by WorkCover, but the person who is doing this as a private citizen may have no insurance and the person injured, or the person doing it, with the narrowing of the definition, may well be a private citizen without insurance or without enough assets to cover the claim. So, all of the examples you have given were in relation to workplaces, but these apply just as strongly outside of the workplace and it is those people who are also exposed. I go onto example (b) of clause 4(6). This example says:

> death or bodily injury caused by or arising out of the unintended movement of a motor vehicle while the vehicle is being displayed, serviced, repaired...or equipped.

Now this, I think, is quite extraordinary as an example. In the existing act, one of the areas where you are allowed to claim is where a bodily injury is caused by or arising out of the use of a motor vehicle only if it is a direct consequence, if you get your way, of 'a vehicle running out of control'. The example you give as to what is not going to be included is: if it is an injury caused by an unintended movement of a vehicle. How is a vehicle running out of control not an unintended movement of a vehicle? Those two statements are in direct conflict. I park my car at the cricket. The car runs down the hill. It is out of control. So, technically a vehicle running out of—

The Hon. J.J. Snelling: It's not being displayed.

The Hon. I.F. EVANS: We will come to that in a second. This is why it is so confusing. The minister says, 'Don't worry, it's not being displayed.' I actually have a for sale sign in the window. You see them everywhere. It is being displayed for sale. It runs out of control. It should be covered under the act proper, but the minister's example is that if it is being displayed then any injury caused by the unintended movement is not covered. That is a quagmire. Those two provisions—the act proper and the example—are in direct conflict. So, I raise that point.

I will go through each word, minister, and tell you why I have a problem with each word. The issue of 'unintended movement', I assume that is any movement that the driver did not want to happen. I am taking a car on a trial drive. I want to buy a car. It is on display for sale at Claridge Holden, and they say, 'You can take it for a trial drive.' So, it is on display for sale. I take it for the trial drive, it gets a flat tyre, it veers to the left. I did not want it to veer to the left: unintended movement of the vehicle. It hits two cyclists and breaks their necks: unintended movement of a vehicle on display. I am not covered. There are thousands of these examples that are absolutely live.

The unintended movement of a vehicle while the vehicle is being displayed. Being displayed for what? Being displayed for sale? Being displayed for lease? Being displayed because it is an old vintage car? Being displayed for its manoeuvrability? You can go out to the old Virginia Speedway or Tailem Bend and you can show off your car, you can display your car, its speed, its manoeuvrability, its handling, you can display all of that and injure someone.

If it is being displayed it is not covered. Displayed for what? So, any unintended movement of the motor vehicle while the vehicle is being displayed. 'Displayed' could mean anything. It could be a real estate sign on the side of the car, so it is a display for business; election signs displayed for politicians; there are a whole range of things. The Bay to Birdwood is a display of vehicles, the Birdwood Mill is a display of vehicles. So, if at the Birdwood Mill a car loses its handbrake, rolls out of control and injures someone, they are not covered because it was being displayed.

The word 'displayed' is so vague as to be uninterpretable by the parliament as to what is actually meant by the word 'displayed'. It is fanciful that we are trying to narrow down the claims in relation to this clause by putting in the word 'displayed'. Go onto the website and read about the

Bay to Birdwood, it talks about being one of the great exhibitions of vintage and veteran cars. If it is an exhibition, it is a display. Classic Adelaide is a display of veteran cars. It is so open to interpretation that I think it is unworkable as an example in the clause.

Let us take the unintended movement of the semitrailer driver coming down the freeway. There was an unfortunate circumstance recently, the minister might recall, when a semi-driver ran down the freeway and a person was killed. Let us say that accident was happening as part of a service on the truck. The truck driver had dropped it off, it was being serviced and they were taking it out for a test run to check whether the service worked. At that point the brakes failed and it ran down the freeway and crashed into that bus stop and killed someone.

Under the government's provision that is not covered because that was being serviced—there is an argument to say that that truck was being serviced. It was an unintended movement to run into the bus stop, so that person is then not covered. So the unintended movement is bizarre. This whole clause is bizarre. There is absolutely no definition of 'displayed', 'serviced', 'repaired', 'restored' or 'equipped'.

What happens if you are driving along and the wheel falls off? The car is on display for sale, or being serviced or repaired and they take the car for a test drive and the wheel falls off—as wheels do—and it veers and hits someone. You are not covered. You hit a pothole—you simply hit a pothole—and it veers. You are not covered if it is being displayed, serviced repaired or equipped.

I am not clear under this provision, and no-one can explain to me what would happen under this provision, if I am crashed into by a vehicle. If my vehicle is being displayed and I am crashed into by another vehicle being displayed and I hit pedestrians—given that both vehicles are being displayed and given that my vehicle had an unintended movement that hit the pedestrians—am I covered or not? Who would know? If someone taking a car on a trial run gets a flat tyre, jacks it up on a public road, it falls off the jack and hits the pedestrian next door (a child, or someone), are they covered?

These words and this example are so vague it is simply unworkable. This is why the Motor Trade Association is so opposed to this provision, because it goes absolutely directly to their profession and its workability.

Let us go through display. We have covered whether it is for sale; that is a display. If it is being test driven, that would be a display. If they were driving around with trade plates on it, which means it is for sale, that would be covered. For all the P platers and all the private citizens out there with the 'for sale' sign in the window, it is up for display. If you park it on the side of the road, as we do every Saturday and Sunday, selling the vehicle, that is clearly on display. The Bay to Birdwood I have covered. The motorbike owners who have the business sign on the back—the registered trailer with the display sign—that is for display. Their business is in the business of display, so how are they not covered? The 'free Keogh' truck is a big display and is clearly not covered. The 'Howard debt' bus is clearly not covered; that is for display.

The point I make is that no-one can define what the word 'display' means, so you are opening up a can of worms as to what is in and what is out. That is why the lawyers say this is going to be a lawyers' picnic and a very high cost.

Let us leave display for a minute and go to a simpler one. Let us go to the word 'serviced'. Under this provision you are not going to be covered if the injury is caused or arising out of the unintended movement of a vehicle while the vehicle is being serviced. So, when does the service start? If I go into Claridge Holden and drop off my car at 8 o'clock in the morning in their car park, has the service started; or is it only when they put a tool on it? At what point does the liability transfer from me to them?

Mr Pegler interjecting:

The Hon. I.F. EVANS: Absolutely. Who would know. Some person is going to have to try to interpret at what point the car is being serviced. If they are taking it for a test run after the service, is that still part of the service? Does the service finish only at the point I pick up the car? If that is the case, and I go back to the original point, the service must therefore start only when I drop the car off, but I can tell the minister right now that the Motor Trade Association does not know when the service starts and when it finishes, and members of that association are the profession in the industry. They absolutely do not know when it starts and when it finishes.

What about the home service? Ultra Tune comes to your home. If the vehicle runs away there you are not covered, obviously, because you, the landholder, would then become liable, one

would assume, for the problem. At what point does the service start? CMI Toyota on West Terrace is three storeys high. The vehicle is in any one of those three storeys. When you drop it off for a service is it covered under this provision as being serviced any time it is in those three storeys? If they ring me and say, 'We've finished the service. The car's in the car park,' and an incident happens then, who is liable, me or them?

The reality is that it is absolutely so confusing as to when the service starts and when the service finishes, and that is why the motor traders are totally opposed to this. With respect to the word 'repaired', you are not going to be covered if the injury is as a result of the movement of the vehicle while the vehicle is being repaired. Well, what is 'repaired'? Is replacing a tyre being repaired?

The people who get killed when the car falls off the jack in their driveway are not covered, though the claim comes back against them ultimately. What happens if it happens on a public road? You are driving to Melbourne, you pull over with a flat tyre in the middle of a public road and you change the tyre. One assumes under this that you are not particularly covered.

The other issue is what happens—as I mentioned earlier—about the test drive. Is that part of the repair or not part of the repair? What about restoring? When is a vehicle restored? To restore a vintage car can take you years. You can be restoring a vintage car for years. At what point are you restoring it becomes a real question as to when the restoration starts and finishes.

The other issue is 'equipped'. You are not going to be covered if injury or death occurs while the car is being equipped. What does that mean? If you put a magnetic election sign on a car, is that equipping it? I think it is. Putting a trailer on the back of the car, is that equipping it? I think it is. Putting a caravan on the back of a car, I think that is fitting it as well. Putting a trailer cover on—all these issues are now far more open to interpretation than the original clause, because, while you have put the word 'direct' in, the examples are so vague as to make the word 'direct' irrelevant.

The minister mentioned earlier about how I said the word 'may', and the minister is quite right, in fairness to the minister. The clause provides 'examples of the situations that would not be expected'. The point I make is that if they would not be expected that leaves it open for the court to say they may be included, because we have not said they are not. We have not just said they are not. We have said it is expected that they will not be, but we have not said they are not; so, it is obviously open for interpretation.

To me and to the Motor Trade Association that particular provision is just so vague as to make those particular clauses worse—worse for the taxpayer and, I suspect, worse for MAC long term because it will have far more legal costs arguing the issue about what is serviced, what is displayed, what is repaired, what is restored and what is equipped. Because of the vagaries of all that, everyone is actually going to be worse off.

The other issue is, how does the provision—in the act proper, clause 3, where it talks about action taken to avoid such a collision—relate to the unintended movement provisions of being displayed etc.? So, if I am selling a vehicle, and I have someone displaying it, they are taking it for a trial drive, and I have to swerve to avoid a collision, and I clean up two pedestrians, am I covered or not covered? Because, yes, it was a deliberate attempt to miss the vehicle, so I should be covered under 'action taken to avoid such a collision', but a lawyer might ask me, 'Did you deliberately steer that way into the pedestrians? Was it your intention to hit the pedestrians?' Oh, no, no-one is going to admit that, so, the obvious answer is, 'No, it was not my intention to hit the pedestrian.' 'So, it was unintended movement to hit the pedestrians, was it?' 'Oh no, Your Honour, I intended to make the movement, I just didn't intend to hit the pedestrians.'

This example is madness: to me it is absolute madness. This bill has been, by the former treasurer's own admission, consulted for eight years and, after eight years, there is not one industry group that supports that provision. Now, that tells you something. It says it may not work; it may actually be worth—I accept the fact that the Motor Accident Commission has lost two cases—it is not broke yet.

So, I think, in fairness to the minister, I have made my point in relation to clauses 5 and 6, and will certainly be opposing clauses 5 and 6 because we think those particular provisions actually make the situation worse for everyone, and that we see no benefit long term for those provisions in the bill.

The Hon. J.J. SNELLING: The member for Davenport flippantly says that MAC 'ain't broke yet' arising from these two decisions. Well, that may be the case, but the fact is that MAC

and the payout that MAC makes are funded by South Australian road users. South Australian road users pay their compulsory third party insurance so that they know that in the event of there being an accident, and someone being injured or killed, they have recourse to funds, to make sure that it is not the case that a person is killed or injured in the course of a car accident and there is no-one they can claim against, or no-one with sufficient funds to make a claim against that is worthwhile.

These payments are made by ordinary South Australian road users and those road users who pay in their hard earned money as part of their compulsory third party have a right to expect that the payouts are going to be made, and are going to be made in circumstances that were originally envisaged when the compulsory third-party scheme was adopted here in South Australia, and they have a right to know that, in other circumstances, where an accident occurs—in circumstances which were not in the use of a motor vehicle—that they are not going to be caught up having to pay out their hard earned money to MAC so that MAC can cover other claims—claims where there has been an injury or an accident which has not arisen from the use of a motor vehicle. It makes good policy sense for us to have a good tight definition of what constitutes the use of a motor vehicle.

I do not think that anyone in South Australia expects that their compulsory third-party insurance—which they have to pay—is going to be used to pay out injuries in other circumstances and in circumstances where, really, the claim should be made against another insurer and a different insurer should be picking up that payment.

In the case of an accident happening on private property, normally that would be picked up by the person who is insured—their public liability insurance. Where it happens in a workplace, it would be picked up by WorkCover, but they should not be picked up by MAC. MAC's role is to make payouts where there is an accident and an injury is sustained, or death is sustained, in the course of the use of a motor vehicle. We need to have a good, tight definition.

The member for Davenport I think is a little bit confused about the role that examples play in legislation. Examples are covered under the Acts (Miscellaneous) Interpretation Act. I will cite it. Clause 19A provides:

> If an example forms part of an Act, the example—
>
> (a) is not exhaustive; and
>
> (b) may extend, but does not limit, the meaning of the Act or the provision to which it relates.

These examples in no way override the provisions of the act which are already there. It is quite clear that, arising out of the use of the motor vehicle only if it is a direct—'direct' we are inserting—consequence of (a) the driving of a vehicle. So, put aside the examples. If you are driving a vehicle and you are involved in an accident you are covered; (b) the vehicle is running out of control. If the vehicle is running down the hill out of control and someone is injured, part (b) applies. Any court is going to see that. Or, '(c) a person travelling on a road colliding with a vehicle when the vehicle is stationary, or action is taken to avoid such a collision'. Again, it is quite clear about the sort of circumstances where MAC would become involved in covering the person.

The role of the examples in no way overrides those original provisions. They are simply there to provide guidance to the court of the sort of circumstances in which this parliament does not expect MAC to become liable. They are there for the court's guidance, they no way override the existing provisions of the act, and they do not tie the court's hands into the sorts of circumstances the court will decide where MAC is liable and where it is not.

They are there for the court's guidance in the same way that the court might refer to the second reading speeches made by the minister about what the intentions are of the act. It is a slightly stronger way of doing it, rather than just inserting it in the second reading speech by having it in the act; but, it does not have, as member for Davenport seems to think, the effect of overriding those provisions which exist in the act, which spell out quite clearly the sorts of circumstances where MAC has a liability because it has to cover.

The member for the Davenport talked about what would happen in the circumstances where car fell off a jack and someone was injured. That has never been covered under the third party insurance scheme under this act. If you are injured because you have a car jacked up, it falls off the jack and falls on you, you have never been able to access the compulsory third party insurance scheme to make a recovery.

The Hon. I.F. Evans: What about a car out of control?

The Hon. J.J. SNELLING: Car out of control? There is a provision there: the vehicle running out of control. It is quite clear that if the vehicle is running out of control in the sort of circumstances the member for Davenport talked about, they would be covered by subsection (3)(b) of the existing act. The examples in no way override those provisions. They are entirely there for the guidance of the court, so the court has some idea about what the parliament's intentions are and the sort of circumstances where the parliament would not envisage MAC having a responsibility to cover the insured person.

The Hon. I.F. EVANS: I will ask some questions of the minister so that the parliament can be clear about what the minister's intention is in relation to the examples he gives. The minister makes great play about this provision—subsection (3)—that provides that if it is a direct consequence of driving a vehicle or the vehicle running out of control, then you are covered. If my vehicle is being displayed as per the example in the bill you are proposing, minister, and it runs out of control, can you guarantee to the house that that is not an unintended movement?

The Hon. J.J. SNELLING: Yes, I can guarantee that, because, if the court finds that the vehicle has run out of control, it is picked up by that provision in paragraph (b).

The Hon. I.F. EVANS: That is fine. I think the example then is fallacious. I think it is a disgraceful example, if that is the case, because the example is quite clear: death or bodily injury caused by or arising out of an unintended movement.

The Hon. J.J. Snelling interjecting:

The Hon. I.F. EVANS: Just for the record, the minister interjects 'not all unintended movement'.

The Hon. J.J. Snelling interjecting:

The Hon. I.F. EVANS: Okay. Can the minister confirm for me then that, if my vehicle is on display and being driven, gets a flat tyre and veers to the left and hits a pedestrian, that is going to be considered an unintended movement?

The Hon. J.J. SNELLING: No, because you are driving. If you are driving the car you are covered and in no way does this example override that provision. It is quite clear: if you are driving the vehicle you are covered. With regard to 'unintended movement' and 'out of control', not all unintended movement is the car running out of control. If I go back to the Ugly Dog Transport example, in that example the car lurched forward as a result of being started while the vehicle was in gear. So, that was an unintended movement of the vehicle but the vehicle was not running out of control. So not all unintended movement involves the car running out of control.

The Hon. I.F. EVANS: Just on the jack example, minister, I assume that if another vehicle hits the vehicle on the jack then the person injured is covered.

The Hon. J.J. SNELLING: If you are hit by another car?

The Hon. I.F. EVANS: If the car being jacked up is hit by a second car, yes.

The Hon. J.J. SNELLING: Yes. As long as the car is being driven and the injury or the death is sustained as a result of a car being driven then, yes, you would be covered. What would not be covered is if you had the car jacked up, you are underneath it and the jack slipped or you did not put it up properly or whatever, and the car came down on top of you. As long as a car is being driven and that results in the injury then, yes, you are covered.

Clause passed.

Clause 5.

The Hon. J.J. SNELLING: I move:

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Line 26 [clause 5(3), inserted paragraph (c)]—After 'uninsured vehicle' insert:

is guilty of

Line 27 [clause 5(3), inserted paragraph (c)(i)]—Delete 'committed'

Line 29 [clause 5(3), inserted paragraph (c)(ii)]—Delete 'committed'

Lines 34 to 40 [clause 5(5), inserted subsection (7ab)]—Delete subsection (7ab) and substitute:

(7ab) For the purposes of this section, a person will be taken to have committed—

(a) an offence against section 43 of the *Road Traffic Act* 1961; or

(b) a relevant offence against a heavy vehicle driver fatigue scheme,

if, and only if, the person has been found guilty of the offence.

The purpose of clause 5 is to create an ability for MAC to make a claim in a number of circumstances: first, where the person who caused the accident did so by reason of having a certain blood alcohol level; secondly, where the accident occurred as a breach of the heavy vehicle driver fatigue regulations; or, thirdly, the injuries happening in the event of a hit-and-run. This original clause (unamended) is to enable MAC, having paid out the injured parties, to then seek to recover funds from the person who contributed to the accident for being in breach of one of those three things.

The original bill (unamended) allows MAC to make a recovery in these circumstances where they can prove that, on the balance of probability, an offence, or a breach of one of these provisions, was commissioned. There has been consultation and, as a result of that consultation, the decision has been made to change that so it would only be if the party has been found guilty of an offence under these provisions. So, in the example of a hit-and-run, MAC would only be able to seek recovery in the event that the person who caused the accident was found guilty in a court of law of that offence, or likewise, if they are found guilty of having a blood alcohol level of over 0.1 gram. So, the purpose of the amendment is to change it from being a lighter burden of proof to a heavier burden of proof where MAC can make a claim against the person who caused the accident.

The Hon. I.F. EVANS: Madam Chair, we are only debating those four amendments at this stage, yes?

The ACTING CHAIR (Ms Thompson): And any other part of clause 5, other than subclause 6.

The Hon. I.F. EVANS: Okay. Well we will take a bit longer then. The minister has just moved four amendments. The minister is quite right, that after eight years of consultation the government caved in in the last two weeks to finally accept the industry's position that the original bill has introduced was way too broad in relation to the claim back by MAC. These particular amendments go some way to improve the government's own bill, and the opposition supports these four amendments.

These four amendments, essentially, ensure that the claim back by MAC is only after someone has been found guilty of committing an offence, rather than being just charged with the offence, and also that they, having been found guilty of offences under section 43 of the Road Traffic Act—in broad terms, the hit-run offence or the Heavy Vehicle Fatigue Scheme—if they have been found guilty under certain offences there, then they can be subject to a claim back, if you like, from MAC, but only to the extent that they were liable. And that is actually in the next amendment, that the Treasurer and I both have slightly different amendments for, so I will not go into that point now, because you have instructed us not to, Madam Acting Chair.

Clause 5 essentially deals with the claims against nominal defendants where the vehicle is uninsured. In fairness to the minister, I will put this right up front now. The opposition actually had some sympathy for some of the government's suggestions in part, right up until the point where MAC cannot tell us any premium impact or any financial impact of any of these changes. The opposition has been in government and we have had people in charge of MAC and we know that the general practice is that MAC can usually say, 'Look, this change will have this effect.' That is not before the house. We have no information before the house on the premium impact.

Normally the government would come and say, 'Look, we desperately need to do this because this will affect premiums by X.' The house is denied that information. The government may be able to provide that information between this house and the other house, but if they have not been able to provide it to anyone in eight years, why would they not provided to the house now? So we asked MAC a few questions. I have to say that, in political terms, hit-run drivers and people who break the fatigue scheme laws are cheap, easy targets in the media, but they are all people. We need to scrutinise what we are doing to these people in this bill, so we asked MAC some questions. In fairness to the minister, the department got back to us quite promptly, and we thank them for that.

We asked these simple questions: how many people have been found guilty of the current hit-run offence each year for the last five years? This relates to section 43 of the Road Traffic Act under 5(3). The answer is, and I quote:

> MAC does not have this information as it does not prosecute any offences under the Road Traffic Act. However, SAPOL were able to assist with the number of charges it has laid—

that is different to people who have been found guilty of course—

> for hit-run offences causing injury or death. The final determination of such charges is not retained by SAPOL.

So SAPOL keep no record as to how many people get proven guilty of hit-run offences. How the Minister for Road Safety ever makes a judgment on these issues is another question.

> MAC is advised by SAPOL that such statistics would need to be requested direct from the courts.

Well, apparently in eight years MAC has not requested this information from the courts. So in costing these proposals, MAC could not find enough energy to get that information from the courts and that is unfortunate. However, the following information has been provided: In 2006, there were four offences recorded on the apprehension report for failing to stop and render assistance after a crash. I will come back to this in a minute, but in 2006 there were four offences, in 2007 there were 10 offences, in 2008 there were nine offences, in 2009 there were five offences and in 2010 there were seven offences. They are offences recorded on the apprehension report. An apprehension report is nothing more than the police report to the DPP, or the prosecution section, as to whether they think they might proceed with the prosecution.

Some of those will be traded away: 'If you plead guilty to this we won't proceed with that', and they drop off the list. Others, of course, will go to court and be found not guilty, and others will not be proceeded with because there is simply not the evidence, or the case will not stack up. The parliament does not know, in making the changes proposed under clause 5, whether we are dealing with an epidemic of hit-run drivers being proven guilty, whether we are dealing with one, or whether we are dealing with none.

We are all aware of one high profile case of hit-run in recent years. I think we should put that in a box because I think even the government would admit that was not the typical case that we are talking about here. We are talking about other issues. When the opposition asked, 'What is the financial impact?', we could not be told. When we asked, 'How many hit-run drivers?', we could not be told.

We then asked, 'What was the cost to MAC of the hit-run drivers?' Answer, 'That information is not available.' Apparently MAC does not keep a record of how much hit-run drivers cost, but it is such a terrible cost that we have to change the law. So, how they have made that judgement, I am not sure. It goes on:

> The statistical data captured in relation to CTP claims does not, at this time, distinguish between injuries sustained in a motor vehicle accident where the driver has committed a hit and run offence as compared to any other circumstances. However, the majority of hit and run offenders are not identified and therefore cannot be charged by the police for commission of this offence.

So, they are not even under this scheme, in that sense. It continues:

> MAC can advise that unidentified hit and run drivers have resulted in 1,010 notified accidents, resulting in 1,147 CTP claims, with a total cost to MAC (via the nominal defendant scheme) estimated at over $65 million...

Does it strike you as unusual, minister, that the Motor Accident Commission keeps statistics of unidentified hit-run drivers, and it can tell us the cost of the unidentified hit-run drivers, who are never caught, of course, because they are unidentified, but it cannot tell us the cost to the scheme of hit-run drivers who have been found guilty. To me, that is bizarre. It has a figure for the unidentified drivers but when we ask, 'Okay, the drivers you have identified who have been charged and found guilty', it has no records of that. No-one keeps the records. I find that unusual. MAC can explain how that works.

MAC states that the unidentified hit-run drivers are just over 1,000, it comes to a cost of $65 million, an average cost of $64,000, but parliament should understand that they are never covered by this legislation because they are never charged because they are unidentified. So, the information is useful but useless. It is interesting but not relevant to this particular bill in that sense.

We then asked the question, 'How many people have been found guilty of offences covered by the bill under section 43 of the Road Traffic Act?', and in relation to the Heavy Vehicle

Drivers Scheme, we asked, 'How many people have been found guilty of the offences covered by the bill for the last five years?' Answer, and this will be a surprise to the house, Madam Chair:

> MAC does not have this information as it does not prosecute any offences under the Heavy Vehicle Driver Fatigue Scheme. The scheme itself has only been in operation since 2008.
>
> SAPOL have again provided information as to the number of offences that have been recorded on apprehension reports under [those particular regulations].

We are told that in 2008 there were 28 offences recorded on apprehension reports, in 2009 there were 177 offences and in 2010 there were 175 offences. Importantly, it goes on to state:

> The information provided by SAPOL does not identify the nature of the offences for which charges were laid but such offences do not include any breaches for which an expiation notice or caution only were given.

The reason the offence is important is that, under this particular provision, there are three offences that are dragged into the new bill—exceeding the driver's time, not having the rest periods, etc. There are three of them and they are called the relevant offences under the definition.

Let us consider the impact on the poor ordinary South Australians who are paying their premium into this scheme. When we asked for the premium impact or the financial information or the number of cases, we did not get one piece of information that we could make a judgment on. So I am saying to the minister—and we only got this two days ago and the party room had already taken a decision on certain elements of the bill—that we had some sympathy for some provisions in this bill and it would be wrong for the minister to run out and say that the opposition is somehow opposed to everything in this bill.

However, we are not prepared, as yet, to sign off on particular elements of the bill until we can get better information, because: are we jumping at shadows? After eight years of consultation, I think MAC could have done a little bit better preparation in its argument as to the financial impact of this bill; and all the opposition has done is ask the relevant questions.

To come back to clause 5—and this is all to do with clause 5—the issue comes down to lack of information. We support the Treasurer's amendments because they narrow down the information well, and that is a direct response to the consultation. In relation to clause 5, the opposition does not support it at this stage. We are happy to consider it between the houses, having listened to the minister's argument, and, if the minister wants to forward us more information that has not been available for eight years, then we are happy to relook at that particular issue.

We still have the amendment to deal with in relation to clause 5 by the Treasurer and I have a slightly different amendment in relation to that. This provision now, in the amended form as we are about to vote on it, very much narrows down the provision that MAC can claim back. This deals with two particular provisions. Section 43 of the Road Traffic Act is what is loosely defined as the hit-run driver—

The Hon. J.J. Snelling: Can I respond to what you said a minute ago?

The Hon. I.F. EVANS: Yes, sure, but I want to attack hit-run drivers and the fatigue scheme yet.

The Hon. J.J. SNELLING: Firstly, ma'am, I need to quickly correct something that I said, and that was regarding the blood alcohol level and the ability of MAC to recover. MAC has always been able to recover in the event of a person having over a .15 blood alcohol level. The effect of this clause is merely to reduce it from .15 to .1. That would not necessarily have to be proved in a court. Someone would not have to necessarily be guilty of an offence in a court to enable MAC to recover, but that has always been the case. There is nothing new. The effect of this clause is merely to reduce it from .15 to .1.

The member for Davenport is hung up about how much money MAC is likely to be able to recover under these provisions.

The Hon. I.F. Evans: And the premiums.

The Hon. J.J. SNELLING: And, indeed, what might be the flow-on premium effects. I will be honest with him. It is unlikely that, under this provision, MAC is going to be able to recover very much. I suspect it will be very little and this provision will have almost no effect on premiums. The reason we are doing it is not in order to save money for MAC or reduce premiums. The reason we are inserting this provision is a question of justice. It is unjust that someone who causes an accident and is found guilty of an offence causing injury or death should essentially be able to get

off financially scot-free from the consequences of their actions. That person should have to incur or be liable to some financial penalty. It is an injustice that every South Australian road user should have to carry the financial burden of injuries arising from accidents that have occurred because of one of these offences.

There should be some financial penalty to the person who has been found guilty in a court of having committed an offence that has caused the accident. MAC should have some ability to recover. Chances are that it will never recover much, because chances are the people it is going to be seeking to recover against will not have much in terms of assets from which it can sue. Part of the problem in terms of trying to identify how much they are likely to recover will depend on the individual circumstances of the people who are found guilty of the offence, and that could have an infinite number of variations.

Essentially, it is a question of justice. Why should ordinary South Australian road users have to carry the entire financial burden as a result of injuries caused in an accident where one of these offences has been committed? MAC should have some ability, or at least there should be the potential for MAC to make a recovery against people who commit these offences, and that is why this clause is there. It really does not have much to do with any expectation that there will be a dramatic lowering—or, indeed, any lowering—of premiums. It is essentially being done for reasons of justice.

The Hon. I.F. EVANS: Earlier in the debate the minister was telling me that he had to bring in these provisions to make sure that the costs are kept under control and the poor old South Australian road user does not pay any more. In that debate the minister tells me that we are not bringing it in to try to reduce the costs.

The Hon. J.J. Snelling interjecting:

The Hon. I.F. EVANS: So, the other provisions are about costs and these are not?

The Hon. J.J. Snelling: Indeed.

The Hon. I.F. EVANS: The minister interjects 'Indeed'. We will have that on the record. I was just about to look at section 43 of the Road Traffic Act, which is the hit-run offence and the heavy vehicles scheme. Let us talk particularly about the hit-run offence. It certainly came as a surprise to me that people now have only 90 minutes to report an accident. When I asked my family, when I go to the RSL, when I ask even the parliament and even when I spoke to some of the officers of the parliament who assisted in preparation, they were very surprised that the old 24-hour rule had at some point been changed by the parliament.

I must have missed that debate. A hit-run driver, just for the information of the parliament, is someone who is a driver of a vehicle involved in an accident in which a person is killed or injured. Immediately after the accident you have to stop the vehicle and give all possible assistance and then report it within 90 minutes to a police station. There are a couple of out clauses—if you have reasonable excuse, or whatever. Of course, that is always open to interpretation. A lot of people are going to breach the 90-minute rule.

The Hon. J.J. Snelling: If someone is killed or injured?

The Hon. I.F. EVANS: Yes.

The Hon. J.J. Snelling: You are not talking about running over a dog or a little bingle.

The Hon. I.F. EVANS: No, that is right.

The Hon. J.J. Snelling interjecting:

The Hon. I.F. EVANS: No, that is right.

The Hon. J.J. Snelling: Do you really reckon people will leave it for an hour and a half before they call the cops?

The Hon. I.F. EVANS: If someone is killed, I expect that they will ring straightaway. If someone is injured—it does not say 'seriously injured', minister. I could have an accident, my daughter could break her arm, and I could decide just to take her to hospital. Why would I call the police for a broken arm? It is my own daughter. I will just take her to the hospital.

The Hon. J.J. Snelling: You're involved in an accident in which your daughter's arm has been broken. You're not going to call the police?

The Hon. I.F. EVANS: I may call straightaway. I may want to—

The Hon. J.J. Snelling: You are going to leave it for an hour and a half?

The Hon. I.F. EVANS: I am just saying that I may want to get her attended to by the hospital first because that might be my priority—and some people on your side, Madam Acting Chair, are nodding their head, but I will not name them. I am saying that I think a lot of people are going to get caught by the 90-minute rule. These people are going to be called hit-run drivers. It sounds very nasty when you go on radio saying the opposition spoke in favour of hit-run drivers. I am not speaking in favour of hit-run drivers, but I am speaking in favour of people in pretty ordinary circumstances who are going to get caught by this provision. I can understand if you deliberately seek to hide, but I think there are going to be lots of people getting caught.

I follow legislation reasonably carefully, but I did not know, no-one in my family knew that it was 90 minutes, and they have all got licences. I have four kids, and all of them in the last five years have got licences and none of them knew. All of them are exposed to being hit-run drivers in the event that the injury is not serious. It does not say serious injury; it just says injury.

I was in Melbourne in the back of a taxi that got cleaned up from behind. My leg went under the front seat of the taxi and it ripped all the skin off the shin. At the end of the day, I did not report it because I wanted to watch a footy match, but that guy was not a hit-run driver. If he had reported it at 4 o'clock that afternoon instead of in the 90 minutes, I do not think he is a hit-run driver in the true sense of the expression 'hit-run driver'. I just bring to the attention of the house this particular provision. My advice is to speak to your family members about the 90-minute rule; speak to them so they are aware of it, because there is a danger.

The minister says it is all about justice, and I accept that. I understand that, but what he does not say to the house is that, under section 43 of the Road Traffic Act, the person charged and found guilty of a hit-run offence can get five years' gaol. I am telling you, if I am a hit-run driver and I do four years' gaol, is that enough justice for the taxpayer? Apparently not.

What we are going to do under this provision is then come back and claim against me, and it could be a huge claim, for all we know. I could have broken the lad's neck at 18 and had some quadriplegic claim of loss of income and all those things; it could be a huge claim. So, having spent four years in gaol, I then lose my house. That is because the taxpayer wants even more justice than three or four years gaol.

The minister forgets to advise the house that it is not just the claim back of the hit-run driver. The claim back only occurs once you have been found guilty. The claim back now only occurs once you have been found guilty, and once you have been found guilty you get up to five years in gaol. That's fine; that's the government's bill. The reason the opposition supports the amendments is that it narrows it right down, thank goodness, to a far narrower claim back than MAC was originally proposing. There is a 90-minute provision; there is a five-year sentence.

The other issue, of course, is that it is possible under section 43 to be found guilty of an offence that is trifling, but the claim back still exists. Even though the hit-run driver has been found guilty of a trifling offence, which is under section 43(2), where a court convicts a person of an offence against subsection (1), which is the hit-and-run offence, you can say that in the case of the first offence the court is satisfied the offence is trifling. Even though the offence is trifling as far as the court is concerned, you are still able to be a hit-run driver under the provision, and then you will be open to a claim back.

If it is a trifling offence in relation to the court for the first offence, do they really want to seek, then, a claim back against the driver, given that it was a trifling offence? Unfortunately, even under the amendment, he or she is still found guilty of a trifling offence, and you can still have a claim back. I wonder whether that is really necessary.

The other issue is dealt with by my amendment, so I will not deal with it yet. With those few comments, I will just say to the minister that we are not going to support any of the bill in this house, but that should not be interpreted or used as the opposition not necessarily supporting some of the principles. We want to try and get some more information out of MAC in relation to the financial issues and then we can make a judgment between the houses. We actually have some sympathy for some of the amended provisions but we are not moving there yet today, and we may not move there if we cannot get some satisfaction in relation to some of the costs. So, on those few comments, we can vote on those amendments at least.

The Hon. J.J. SNELLING: I can assure the member for Davenport that it is not my intention to emerge from the chamber this evening and hop on the radio and start criticising the opposition for its position on this bill. I acknowledge it is a very complicated piece of legislation and the opposition is quite entitled to subject it to rigorous scrutiny. It is not my intention to, in any way, be critical of the opposition for that. I am quite happy for them to reserve their right with regard to the legislation and how it is dealt with in another place.

I want to pick up on the member for Davenport's remarks about having 90 minutes to call the police in the event of an injury or someone being killed. In the event of a hit-run and someone not making a report in the event of someone being injured in a minor way—a skinned shin, for example—and the accident that caused that injury not being reported, I find it very hard to imagine the circumstances where the police would bother to prosecute, and a court would bother to convict someone for failing to report in such circumstances. But, in any case, in the event of it being such a minor injury, I cannot imagine that there would be a claim made against MAC for compensation for such a minor injury.

So, there would be no original claim from which MAC would seek to recover. But the sort of circumstances in which someone is injured in a reasonably serious way—and I think you could say any injury in which there would be a claim for third party insurance would be considered to be serious—should be reported to police within 90 minutes. If I was driving a car and one of my children had an arm broken as a result of an accident, I think the first thing I would do is call the ambulance, and the second thing I would do is call the police.

I would be very quick on the phone, and I think most other people in this place would be pretty quick on the phone to report that accident to the police. I cannot really imagine the circumstances where such an injury would occur and a reasonable person would not report such a matter to the police within 90 minutes. I think I will have to differ with the member for Davenport on that matter. I think that 90 minutes is a reasonable amount of time to expect someone to report something to the police in the event of an injury, particularly the sort of injury which would bring about a claim for third party insurance.

So, I think that was all I needed to respond to for the member for Davenport. I think I have explained what our amendments seek to do.

Amendments carried.

The Hon. J.J. SNELLING: I move:

Page 5, after line 37—After subclause (6) insert:

(7) Section 116—after subsection (7d) insert:

(7e) A court before which an action is brought for recovery from a person of a sum paid by the nominal defendant to satisfy a claim made or judgment obtained must, if the court is to determine the amount that it is just and reasonable in the circumstances for the nominal defendant to recover from the person, take into account—

(a) the extent to which the person contributed to or is otherwise responsible for the liability to which the claim or judgment relates; and

(b) any other matter that the court considers relevant.

The purpose of this amendment—which I think the member for Davenport's amendment is seeking to do in a slightly different way—is to more tightly define what constitutes just and reasonable. The concept of just and reasonable is in the original bill, and one of the issues that emerged in the consultation is what constitutes just and reasonable. The purpose of this amendment is to give it a reasonably tight definition.

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

Page 5, after line 37—After subclause (6) insert:

(7) Section 116—after subsection (7d) insert:

(7e) A court before which an action is brought for recovery from a person of the sum paid by the nominal defendant to satisfy a claim made or judgment obtained must, if the court is to determine the amount that it is just and reasonable in the circumstances for the nominal defendant to recover from the person, take into account only the extent to which the person contributed to the liability to which the claim or judgment relates.

I seek to explain the amendment. The difference between the minister's amendment and my amendment is very simple. The minister is quite right: his amendment and my amendment both go to the same principle, and that is that a court would look at simply what is just and reasonable in the circumstances for the nominal defendant (MAC or Allianz) to recover from the person, taking into account the extent to which the person contributed to the liability. The minister goes on a little bit further and says that they can recover:

(a) the extent to which the person contributed to or is otherwise responsible for the liability to which the claim or judgment relates; and

(b) any other matter...

The opposition's amendment restricts it to just that they can:

...take into account only the extent to which the person contributed to the liability to which the claim or judgment relates.

So, the opposition is trying to narrow it further than the government. We take out the words 'or is otherwise responsible for' and we take out the words 'and any other matter the court considers relevant'. We narrow it down simply to having been found guilty of a hit-run offence or having been found guilty of a heavy vehicle driver fatigue offence—the three related offences in the interpretation—then they can take into account one aspect only, and that is, 'the extent to which the person contributed to the liability to which the claim or judgement relates'.

We accept the principle that they should be able to recover in line with their contribution to the liability, but we do not see what 'or is otherwise responsible for' actually adds. If the court can already award or look at recovery to the extent to which the person contributed to the liability, then we do not see how putting in the words 'or is otherwise responsible for' does anything other than broaden the scope of the claim back, as do the words 'any other matter that the court considers relevant', which broadens it another step again.

So, we are trying to narrow it down to exactly what the industry groups suggest; that is, it should take into account only the extent to which the person contributed to the liability to which the claim or judgement relates. At that point, the court can then make a judgement. So, we go for a narrower reform of the same principle.

The Hon. J.J. SNELLING: I will just quickly respond. The government's amendment essentially leaves the court's discretion intact. The court has that discretion in the existing act, even putting aside this bill. The effect of the member for Davenport's amendment would be to completely remove the court's discretion on this matter. The government thinks that the court should have some discretion in deciding what constitutes 'just and reasonable'. It should not be entirely confined, as the member for Davenport would seek us have it.

The Hon. I.F. Evans' amendment negatived; the Hon. J.J. Snelling's amendment carried.

The ACTING CHAIR (Ms Thompson): Do you have anything else to say on clause 5?

The Hon. I.F. EVANS: Yes, I do. I have concentrated mainly on section 43, which is the hit-run driving offence. The other aspect to all this, of course, is the heavy vehicle driver fatigue scheme. The various industry groups that we consulted do not support the issue of the heavy vehicle scheme. Again, I just make the point that the chain of responsibility in the heavy vehicle scheme is so broad in its coverage that people are going to get unwittingly caught up in it.

The point I also wish to make is that subclause (5)(7ac) of the bill talks about a party in the chain of responsibility, which is the very issue the industry groups say is so broad as to be a catch-all, or catching more than intended, anyway. It states:

a party in the chain of responsibility in relation to the regulated heavy vehicle aided, abetted, counselled, procured or induced, or was knowingly concerned in, or a party to, the commission of the offence.

They are the three offences under the definition. The point I make to the government is that—and I assume it is deliberate—this provision, (7ac)(c), talks about 'aided, abetted, counselled, procured or induced', but then it says, 'or was knowingly concerned in'. The only way the court can interpret that is, if you inadvertently aided, abetted, counselled, procured or induced, that is different, because you had to be knowingly concerned in, with the word 'knowingly' before 'concerned in'.

So the parliament must mean something different. 'Knowingly concerned in', as distinct from 'concerned in', the parliament must mean something different for 'concerned in' because we have put the word 'knowingly' there, but we haven't put the word in 'knowingly aided', 'knowingly

abetted', 'knowingly counselled', 'knowingly procured' or 'knowingly induced'. We have only put it in 'knowingly concerned'.

I think it is fair for the court to read down that the parliament interpreted that if you were 'knowingly concerned in', then you are caught, but on aided, abetted, counselled, procured or induced, you do not have to be 'knowingly'. That is even a broader catch, because if the parliament intended it to be 'knowingly aided'—so if you knowingly went out and helped a driver of a heavy vehicle to commit those three offences—then you are caught, but because we are not putting the word 'knowingly' in front of 'aided', 'abetted', 'counselled', 'procured' or 'induced' and are only doing it in front of the words 'concerned in', I think the court will interpret that as meaning something different.

I just want the minister to confirm that that was intended, and that the minister does not want to consider putting the word 'knowingly' in front of all of those descriptions to protect the inadvertent catching of people, rather than the deliberate acting of people.

The Hon. J.J. SNELLING: You cannot unknowingly aid, abet, counsel, procure or induce. 'Knowingly' is not required under any of those provisions because it is impossible to unknowingly aid, abet, counsel or induce. The 'knowingly' is implied in the commission of the act. If you aide or abet someone, you have to do it knowingly. You cannot accidentally aide or abet.

Members interjecting:

The ACTING CHAIR: Order! Come on, this has been a long debate.

The Hon. J.J. SNELLING: However, you can unknowingly be concerned in or a party to the commission of the offence. It is possible to be 'unknowingly concerned in'. That is something that can happen without it being your intent. So that is why 'knowingly' is being inserted in front of 'concerned in', because that is something which can happen. You can be concerned in the commission of or a party to the commission of an offence unknowingly. That is possible and that is why 'knowingly' is put there.

Clause as amended passed.

Clause 6.

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

Page 6, line 2 [clause 6(2)]—Delete 'and 127AB' and substitute:

, 127AB and 127AC

As the minister quite rightly points out, amendment 2 and amendment 4, which I cannot move yet, are linked, so I will explain both of them, and if we knock out amendment 2 then we knock out amendment 4. The principle here is very simple. The industry groups that we consulted tell us that it would assist and speed up the process greatly if when MAC receives the police reports about the accident that they be forwarded on to the person who has had the accident, or the driver's representative.

That does not happen very quickly now, if at all, and it causes great grief. We see no issue with it and so the two amendments, together, in essence, simply state that the insurer, as soon as reasonably practicable following receipt of the initial accident report, needs to forward that through to the driver, or their representative. What we are trying to do is to get the police report to the person who has had the accident, or their representative, as quickly as we can.

If we lose this here then we may move it in a slightly amended form and put a number of days on, like 14 days or 21 days, or whatever, but at this stage the amendment essentially states that the police report should go to the driver who has had the accident as soon as possible and we see no problem with that. That is the intent of the amendment.

The Hon. J.J. SNELLING: The government opposes the amendment. At the moment there is an agreement between South Australia Police and MAC about what happens to a report when it is passed on to MAC. The report that is given to MAC is given in its entirety. It potentially includes the names of witnesses and so on. It would be inappropriate for MAC to be obliged to then pass that report on in its entirety to another party, given the potential there for the intimidation of witnesses and so on. There is a written agreement between MAC and South Australia Police over who gets to see that report and what is done with that report.

In the circumstances in which the member for Davenport is saying that another insurer should have access to the report, they are able to get that report but they have to do it through a freedom of information request directly to the police and then—

The Hon. I.F. Evans interjecting:

The Hon. J.J. SNELLING: Well, you have been having some luck with them lately. The police then have control over what is in the report and the contents of the report that is passed on to the insurer. So, that is the reason for us opposing this amendment. We think that if a police report is to be passed on to a claimant then South Australia Police should have the ultimate control over what gets passed on so that it can ensure that things which do not concern the claimant—witnesses, personal details and so on—can be removed from the report.

Amendment negatived; clause passed.

Progress reported; committee to sit again.

At 17:56 the house adjourned until Thursday 24 February 2011 at 10:30.