HOUSE OF ASSEMBLY

Thursday 10 March 2011

The SPEAKER (Hon. L.R. Breuer) took the chair at 10:31 and read prayers.

CRIMINAL LAW CONSOLIDATION (MEDICAL DEFENCES—END OF LIFE ARRANGEMENTS) AMENDMENT BILL

The Hon. S.W. KEY (Ashford) (10:32): Obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935. Read a first time.

The Hon. S.W. KEY (Ashford) (10:33): I move:

That this bill be now read a second time.

This bill, the Criminal Law Consolidation (Medical Defences—End of Life Arrangements) Amendment Bill, seeks to amend the Criminal Law Consolidation Act 1935. The aim is to insert a new section in the act that addresses criminal liability in relation to end-of-life arrangements; this is when a treating doctor, at a patient's request, ends that person's life. The new section provides a defence for that doctor if they are charged with criminal offences arising out of the ending, or intended ending, of the life of that patient. The patient, or 'prescribed person', is an adult person of sound mind who is suffering from an illness, injury or medical condition that irreversibly impairs that person's quality of life so that the life has become intolerable to that person.

In this bill, 'medical practitioner' means a person, other than a medical student, registered under the Health Practitioner Regulation National Law to practise in the medical profession. A 'treating practitioner' of a prescribed person is the medical practitioner treating that person for their irreversible illness, injury or medical condition, or a medical practitioner currently responsible for the primary care of the prescribed person. As part of their defence, a doctor, if charged, would need to provide proof that the person asked the doctor to end their life and that, in those exceptional circumstances, that was a reasonable response to the suffering of the person. Here it will be expected that the palliative care measures had not effectively reduced the person's suffering to an acceptable level to that person.

A similar defence is conferred to the charge of aiding, abetting or counselling suicide, or attempted suicide, of a prescribed person by the treating doctor. The bill also provides a defence for those persons—for example, nurses—who provide support and assistance to the medical practitioner or the treating doctor who ends, or intends to end, the person's life. I believe it is important that these workers also have a defence. There is also a provision for an assistant to have a defence, even if the doctor is convicted of an offence. This is because the assistant, acting in good faith and in the ordinary course of their duties, is not expected to be responsible for the doctor's conduct.

I need to clarify what I mean by the intention of ending one's life. The intention of ending the prescribed person's life in this context provides a defence to the fact that, for some reason, the death does not ensue from the administration of drugs by the treating doctor or the primary medical practitioner. I believe that this bill is relevant to the Australian Medical Association's (AMA) statement of values, where it states:

- Promote and advance ethical behaviour by the medical profession and protect the integrity and independence of the doctor/patient relationship

Further, I am advised that the AMA Position Statement on the Role of the Medical Practitioner in End of Life Care—2007 states:

10.3 All patients have a right to receive relief from pain and suffering, even where that may shorten their life.

10.4 While for most patients in the terminal stage of an illness, pain and other causes of suffering can be alleviated, there are some instances where satisfactory relief of suffering cannot be achieved.

It is important to note that this bill does not decriminalise murder, manslaughter or assisting someone to commit suicide, nor is it a bill that supports voluntary euthanasia. Voluntary euthanasia, as we know, is not allowed under the Criminal Law Consolidation Act, and we do not have laws in this state that support voluntary euthanasia.

What this bill does is provide a defence for persons—treating doctors and medical practitioners and their assistants—providing primary care to a prescribed person should they be charged with hastening or bringing about the death, or intending to do so, of a patient suffering at the end of their life. I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The Bill inserts new section 13B into Part 3 Division 1 of the Criminal Law Consolidation Act 1935 (that being the Division dealing with homicide). In short the new section recognises that the ending of a patient's life by a doctor is, in certain limited circumstances, a course of conduct acceptable to the community.

The new section does this by providing defences for certain persons charged with criminal offences arising out of the ending, or intended ending, of the life of an adult person of sound mind who is suffering from an illness, injury or medical condition that irreversibly impaired the person's quality of life so that life had become intolerable to that person (in the Bill called a 'qualifying illness'). It is worth noting that the proposed section does not exempt voluntary euthanasia from the operation of the CLCA, rather it provides a defence to offences against the homicide Division and associated offences, requiring a defendant to prove certain matters in a court before he or she is acquitted of the offence. In making out a defence under the section, the defendant is required to prove matters on the balance of probabilities; this is consistent with the evidentiary standards applying to such defences generally.

In other words, new section 13B is not a scheme that provides for a positive right to access voluntary euthanasia, nor does it otherwise legalise or decriminalise voluntary euthanasia.

Subsection (1) deals with a defendant who was the doctor who actually administered drugs to a person so as to end their life. To make out the defence conferred under the subsection, the defendant must first prove that he or she was the person's treating practitioner (a term defined in subsection (7)). This requirement ensures that the doctor patient relationship exists outside of the voluntary euthanasia context; ie, the person cannot just approach any doctor and request that the doctor administer euthanasia to them. The doctor must be treating the person for the qualifying illness etc. Second, the defendant must prove that the patient was in fact an adult person of sound mind who is suffering from a qualifying illness. Third, the defendant must prove to the court that the person expressly requested that the doctor administer the drugs bringing about his or her death. To meet their obligation, the doctor will need to produce evidence of that fact, which will necessitate good record keeping practices on the doctor's part; however, the section does not prescribe what form such evidence must take. Finally, the defendant must prove to the court that ending the patient's life was, in the circumstances, a reasonable response to the suffering of the person.

Whilst what is a reasonable response is ultimately a question of fact for the court to determine on the particular facts of the case, the Bill (in subsection (5)) offers some assistance with a statement that Parliament intends that bringing about the end of a person's life who is suffering from a qualifying illness is, in exceptional circumstances (and in particular where palliative care measures have not effectively reduced the person's suffering to an acceptable level) a reasonable response to their suffering. Having made out the elements of the defence, the court would be entitled to acquit the defendant.

Subsection (2) confers a similar defence to charge of aiding, abetting or counselling suicide or attempted suicide of a person. The main difference between the two subsections is that aiding etc. covers an indeterminate range of conduct, and hence is cast in more general terms. However, the defendant (who again is the treating practitioner of the prescribed person) will still need to prove the specified elements before he or she can make out their defence.

Subsection (3) operates to provide a defence to those persons (e.g. nurses and hospital administration staff) who could be charged with an offence that consists of assisting the doctor to end a person's life. That is, it is generally an offence to help someone else to commit an offence, and because this section provides defences, rather than exemptions, it is still possible to charge such an assistant with an offence. That would result in an obvious injustice if the doctor who ends the life of a person suffering from a qualifying illness can avail themselves of a defence, but the nurse who hands him or her the syringe could not. So, paragraph (a) provides that if the doctor is acquitted of an offence, so the assistant will be. However, paragraph (b) allows an assistant a defence even where the doctor is convicted of an offence. This is because the assistant, acting in good faith in the ordinary course of his or her duties, should not be expected to be responsible for the doctor's conduct. If the defendant wishes to use the defence in paragraph (b), however, he or she must prove that his or her conduct was in fact done in good faith and in the ordinary course of his or her duties, and that ending the patient's life was a reasonable response to his or her suffering.

Subsection (6) extends the effect of the defence: if a person is acquitted (having made out a defence under the section) then he or she incurs no civil liability, including in disciplinary proceedings, in relation to the conduct forming the basis of the offence with which they were charged provided the conduct was done in good faith and without negligence. However, should the conduct have been negligent, an injured party will still be able to bring proceedings to recover their loss, even if the defendant was acquitted. The subsection also allows a court that acquits a defendant to make ancillary orders if necessary to cover unforeseen effects of the defendant having been charged.

Debate adjourned on motion of Dr McFetridge.

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (PARENTAL GUIDANCE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 September 2010.)

Mr MARSHALL (Norwood) (10:38): I rise today to speak to the amendments to the Classification (Publications, Films and Computer Games) Act 1995 which were introduced by a bill in the other place by the Hon. Michelle Lensink. The Hon. Michelle Lensink has a real and very genuine interest in the protection of vulnerable and highly impressionable young teen and tween girls.

I would also like to commend our lead speaker in this house, the member for Adelaide, who has a good knowledge of that age group through her business which caters to that age group. I commend her for the points that she has made in this house. I, myself, have a tween daughter. Tweens are between nine and 13 and teens are 13 onwards. So I have been informed that I have a tween daughter, and I must say that it is a very good bill and something that we should be considering to protect this age group.

It is very difficult, as a parent, to be able to look at every single piece of reading material, every single DVD and every single piece of music that this age group listens to, and vet it for its appropriateness. So it is a real opportunity for us in South Australia to be a pathfinder and have this legislation introduced in parliament here, and to be the first in Australia to introduce this to protect this vulnerable and impressionable age group.

As I said, it is difficult as a parent, to be able to look at every piece of literature that children read, so having a classification makes that a lot easier for a parent, just as we have with DVDs, where we can see the classification they are choosing. Is it a PG rating? Is it an M or an MA15+ rating? The parent can easily see, without sitting through the whole movie prior to the child watching it, what sort of content that there is going to be. This is essentially the same format for the classification of magazines. There is a lot of concern in the public about the increasing access that children have to material which may be inappropriate, so this classification system makes it a lot easier for parents to ensure that their children are always looking at information or literature which is appropriate.

I was disappointed with the government's reaction to the bill in the other place. I understand that the guts of their objection is that they think there should be a national classification system. I do note that the federal government has considered this in the past and, in fact, in 2008 the Senate standing committee on environment, communication and the arts held an inquiry into the sexualisation of children in contemporary media. The committee's findings outlined a number of recommendations to the Rudd Labor government at the time in relation to the inappropriate sexualisation of our children through electronic and print media.

The committee recommended that publishers consider providing parental reading advice based on the Office of Film and Literature Classification systems of classification and consumer advice on magazine covers indicating the presence of material that may be inappropriate to children of certain ages. I think this is good advice. Unfortunately the federal government has not done anything in response to this at this stage.

I do not think it is appropriate for our government here in South Australia to simply pass the buck. I think this gives us a perfect opportunity in South Australia to lead the way. South Australia has historically been a parliament with a reformist agenda and with a history of being at the forefront. We have done this in so many areas in the past, and I do not see why we cannot do this with this important bill. For that reason, I will certainly be supporting this bill, and I would hope that the government would reconsider its position in this house. I think it is a most worthy case not to delay. I cannot think of any more worthy causes than protecting our next generation here in South Australia, and I call upon the government to support this bill.

Mr WHETSTONE (Chaffey) (10:43): I, too, rise to speak on the classification amendment bill. I commend the Hon. Michelle Lensink in another place and the member for Adelaide in addressing this very important issue. I, too, have daughters—Charlotte, who is 13, and Eliza, who is eight—and they are classified as 'tweens', as I have just learned from the member for Norwood. I also have nieces who are 15 and 17, who are obviously classified as teenagers.

I am stepping into the realms of fatherhood learning that my daughters are able to walk into shops and newsagencies and purchase freely some of these magazines. It really horrifies me to

think that my eight-year-old daughter can actually pick up a book off the stand that has expletives about young 'tweenage' behaviour. I have the magazine here in front of me: it is accessible to my daughters, and it is talking about oral sex and contraception, and it is available to an eight year old and a 13 year old. I think it is absolutely outrageous that young, up-and-coming girls, vulnerable young girls, are able to access this kind of information. I really do think that the classification guides show children and parents and, even to a further extent, their peers, just what visual content is within the covers or beyond the door of a movie or in an advertisement.

In today's world our young are experiencing the hard sell from both big and small business, and it really does beggar belief that our young, vulnerable children are able to access information. Essentially, they are almost under pressure to accept what they are seeing between covers, at the movies, on DVDs and the like. It really does put pressure on them to conform to that standard of today's hard sell. The thing that I guess really gets under my skin is that in today's world we hear and see things that are becoming more and more acceptable to the general public, but when I was that age it was totally unacceptable—absolutely unacceptable.

It really is about an educated choice. To have this classification bill supported is a vital step in the right direction. I really do think that this state government has led the way with a lot of reform, for instance, the deposit scheme, the recycling initiatives. That was reform that happened, and it is a credit to South Australia that we have led the way. Again, I think this is another example of just how this bill needs to be supported by both sides of the house.

The Hon. M.J. Atkinson interjecting:

Mr WHETSTONE: Without listening too much to the member for Croydon, I commend the bill and look for support from the house.

The Hon. R.B. SUCH (Fisher) (10:48): I believe this bill does have merit, but I can see why the government would want a national approach. If you take the area of Mount Gambier, represented by my colleague here, where a lot of their material comes in across the border, it would make it more difficult for publishers to be dealing with different jurisdictions and different approaches. I think there is a sound logic in the government saying that it should be a national scheme, and I support that.

In terms of the sexualisation of children, I think you can say it applies to girls and boys, although the approach is different, obviously. I have two granddaughters, one four and one six, and they are already into make-up and all this stuff that I have stopped using myself. What I find with a lot of people pushing for censorship or guidelines—and I think there is a special case for children—is that there is more emphasis on the threat, the dangers, as perceived in relation to sexual behaviour rather than violence.

In my view, the portrayal of violence is more damaging—and the research shows that—than, for example, having a magazine where people are running around without their clothes on.

The Hon. M.J. Atkinson: Isobel is very keen on violent video games.

The Hon. R.B. SUCH: Well, I'm not keen on violence anywhere. If members look at the research, as I said, they will see that there is clear evidence that continual exposure to violence and violent activities will affect some people in the community; it will, in effect, rub off on them. In terms of the sexualisation of young girls, it is a quandary because we need to protect children. At a later stage in their life, we see women who are continually tortured by how they look. I have yet to come across any woman who is happy with how she looks or her body shape. So, we have a bigger issue than simply the sexualisation of young girls. What we have is a torture campaign against women that afflicts them throughout their whole life so that they always question themselves and ask, 'Am I too big? Have I got the right shape?' I think the bigger issue is the portrayal of women generally by not just magazines, of course, but other avenues as well.

I am sympathetic to the thrust of this bill, but on balance I believe the government is adopting the correct approach in advocating a national scheme. I do not know what the relevant minister or the person speaking on behalf of the government will have to say, but we could have a national scheme. It is really about guidelines.

Anyone is naive if they think that they will always control what their daughter or son looks at. It is not going to happen. Kids go to other people's places and see material that you may not want them to see. The best approach is, as far as possible, to make children aware of and alert to what these magazines and other media are trying to do so that they can at least protect themselves and others from the worst aspects of the sexualisation.

In essence, I commend the people who have raised this, as I think it is an important issue, and I will be interested to hear whether the government is going to pursue at the national level some better form of guidance for parents and young people themselves in terms of what may be in the material they wish to buy and read.

Ms SANDERSON (Adelaide) (10:52): I rise today as the final speaker on this very important bill. The concept for this bill came from the YWCA, which believes that there is an urgent need to create a classification format for magazines marketed to tweens (who are defined as children aged between 10 and 13) and, in particular, girls' magazines are of interest. The concern within the community on the issue of sexualisation of our children is gaining momentum.

There are now a number of websites and interest groups, such as 'Kids Free 2B Kids', calling for action from government to protect this vulnerable age group. I am disappointed that the only member who spoke on behalf of the government in relation to this bill was the member for Reynell, who indicated that the government will not be supporting this legislation that has been passed in another place.

Despite the government's position, I was pleased to see that the member did recognise and commend the efforts of the YWCA to address the issue of the sexualisation of children, stating that it is time we made a stand on this issue. I find it puzzling that the government, on one hand, recognises the issue that this bill tries to address but does not believe that this house is the place to rectify the issue through the passing of legislation to amend the Classifications (Publications, Films and Computer Games) Act 1995. This argument appears to me to be nonsensical. Why have a Classification (Publications, Films and Computer Games) Act 1995 if we refuse to use the act as a basis to legislate on such publications, films and computer games?

This legislation is unique in South Australia and allows us the ability to easily take steps to protect children by ensuring that some publications that have sexualised content display a rating system so that parents and children are able to quickly identify this issue. The former attorney-general had no issue with the South Australian government having a unique stance compared with the rest of the state governments in our nation in relation to the classification of the R18+ video games. I therefore argue that if this place where laws are made is not the right place, where is? Is this government content to wait for the federal government to pass necessary legislation on this issue?

In 2008, the federal Senate standing committees on environment, communications, information technology and the arts held an inquiry into the sexualisation of children in the contemporary media. The committees' findings outlined a number of recommendations to the then Rudd Labor government in relation to the inappropriate sexualisation of our children through our electronic and print media. So far, the former Rudd government and now the Gillard/Green alliance have failed to appropriately act on such findings. That was three years ago. How long should the community wait for the federal government when we as a state government can lead the way?

In South Australia we have shown great initiative in other areas of social and environmental reform. We were the first state to allow women the right to vote. We were the first state to introduce recycling deposit refunds on cans and bottles, and we were the first state—

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order!

Ms SANDERSON: —to ban plastic bags, to name just a few parliamentary firsts. Did we worry about the cans crossing the border to Mount Gambier when we put that through? Did we worry about plastic bags used by shoppers in Victoria that might come across the border when we put that through? I believe that this parliament can and should take the initiative and be the first in Australia to provide this protection and information to parents and children.

We know there is strong evidence to suggest that continual projection and exposure to children of highly-sexualised images has a detrimental effect on children's psychology and physical wellbeing. Magazines such as *Girlfriend* regularly include sealed sections which contain highly-sexualised content in the guise of providing information to the readers.

Such sealed sections often include question and answer formats on issues of a sexual nature. While this may be considered appropriate information for girls over 16, reader surveys indicate that approximately 20 per cent of readers are girls aged 11 or 12 years old. Such magazines are not required to meet any classification requirements and, as a rule, are not observed by the Classification Board until a complaint is made.

South Australia is in a unique position to make decisions in relation to publications, films and computer games. Again, I emphasise that this is not about banning such publications. It is simply about government supporting and assisting parents and caregivers to make informed decisions. Again, I call on this government to support (in a bipartisan approach) and acknowledge that governments, whether state or federal, have a moral responsibility to assist parents and children to make an informed decision about the content of print media in the same manner as they are informed regarding films and video games.

The house divided on the second reading:

AYES (14)

Chapman, V.A.	Evans, I.F.	Gardner, J.A.W.
Goldsworthy, M.R.	Hamilton-Smith, M.L.J.	Marshall, S.S.
McFetridge, D.	Pederick, A.S.	Pegler, D.W.
Pengilly, M.	Sanderson, R. (teller)	Venning, I.H.
Whetstone, T.J.	Williams, M.R.	

NOES (22)

Atkinson, M.J.	Bedford, F.E.	Bignell, L.W.
Brock, G.G.	Conlon, P.F.	Foley, K.O.
Fox, C.C.	Geraghty, R.K.	Hill, J.D.
Kenyon, T.R.	Key, S.W.	O'Brien, M.F.
Odenwalder, L.K.	Piccolo, T.	Rau, J.R.
Sibbons, A.L. (teller)	Snelling, J.J.	Such, R.B.
Thompson, M.G.	Vlahos, L.A.	Weatherill, J.W.
Wright, M.J.		

PAIRS (10)

Redmond, I.M.	Rann, M.D.
Treloar, P.A.	Koutsantonis, A.
Griffiths, S.P.	Rankine, J.M.
van Holst Pellekaan, D.C.	Caica, P.
Pisoni, D.G.	Portolesi, G.

Majority of 8 for the noes.

Second reading thus negatived.

CORONERS (REPORTABLE DEATH) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 June 2010.)

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice, Minister for Urban Development and Planning, Minister for Tourism, Minister for Food Marketing) (11:04): I am pleased to say that with an amendment, which I believe has been placed on the file, I am happy to agree to this. I would also like to thank the member for Davenport for the cooperative way he has approached bringing this matter before the parliament. He and I have been involved in consultation with, amongst other people, the Coroner, and I think it is fair to say that the Coroner was comfortable with all of this. I believe the amendment we have on file is one that was brought to our attention after speaking with the Coroner. I think it improves the Coroners Act. It deals with an obvious administrative shortcoming that was there and I think all members should be very comfortable in supporting the amendment bill.

The Hon. I.F. EVANS (Davenport) (11:05): I will not hold the house because other members want to speak on other bills. I thank the government for its support of this measure. There is an amendment, so we need to go into committee, and I will make some further comments then.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. I.F. EVANS: I move the amendment standing my name:

Page 3, lines 5 to 6 [clause 3(3), inserted subsection (2)]—Delete

who is, at the time of death, ordinarily a resident of the state

For the information of the house, as the Attorney said, and I thank him for the cooperative way in which he has dealt with this bill, we have met a number of times on this matter. We wrote to the Coroner, and the Coroner agrees with the bill but has requested these amendments. Essentially, these amendments deal with the issue as put by the Coroner in his letter to us, which states:

The position from our point of view and that would accommodate the wishes of the funeral directors would be that the death remains one over which SA coroner can assume jurisdiction if he or she decides to do so. However, there would be no need to report the death to the SA coroner. Thus there would be no need to do any South Australian coronial paperwork at the time of repatriation to South Australia. Without wanting to take over the role of the drafter, the amendment might say that the death is not reportable to the South Australian coroner if it was reported to an interstate coroner, but that the South Australian coroner may, if the death occurred in circumstances that would have made it reportable had the death occurred in South Australia the coroner can decide to assume jurisdiction and in that event, the Act will apply as if the death were a reportable death.

That is the purpose of the amendment. I thank the government for its support, and I recommend the amendment bill to the house.

Amendment carried; clause as amended passed.

New clause 4.

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

Page 3, after line 10—After clause 3 insert:

4—Amendment of section 21—Holding of inquests

Section 21(1)(b)(i)—after 'reportable death' insert:

or a death that would, but for section 3(2), have been a reportable death

New clause inserted.

Title passed.

Bill reported with amendment.

The Hon. I.F. EVANS (Davenport) (11:09): I move:

That this bill be now read a third time.

Again, I thank the Attorney and the government for their support.

Bill read a third time and passed.

CRIMINAL LAW CONSOLIDATION (CHILD PORNOGRAPHY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 May 2010.)

The Hon. R.B. SUCH (Fisher) (11:10): I do not have any problem with the general intent of this bill. What does concern me, though, is the continual use of the term 'child pornography', because I do not think it adequately or appropriately reflects what happens to children who are featured in this so-called child pornography. To me, it is sexual assault. Without going into the graphic details, as one former member used to do, penetration of a baby and so on is not pornography: it is just an evil act of sexual assault.

By using the term pornography, or linking it in, I believe it lowers the seriousness of what we are talking about, because we use the term pornography generally to convey a sense of promoting sexual interest, arousal, awareness and so on, and I do not think that what falls into this category—not that I look at the stuff, but from my understanding—such as photographs of babies being raped, is what I would classify as pornography.

I would like to see, over time, that maybe the Attorney moves to change that description to something that more accurately reflects the evil nature of what happens, because when you say 'pornography' a lot of people are thinking of *Playboy* and *Penthouse* and, to some people, anything involving nudity is pornography. I certainly do not support that view.

Sadly, the original meaning of paedophile was someone who loved children. Once again, that is now a term that has been bastardised. People who do these things support an industry, because we know the courts take the view that, whether you were the person who was involved in sexual activity with a baby, an infant or a teenager, whether or not you were actually directly involved, by buying or supporting the images, you are supporting that industry. I think it is fair to say that is generally the position the courts take.

Years ago in my previous life, the term paedophile did not have the same connotation it has now. In fact, criminologists generally referred to paedophiles as insecure people who could not make social interaction at a normal adult level. Nowadays, of course, paedophiles have become hated, basically, and people want very serious penalties directed at them. As I say, it is a term that has now been turned right on its head and, instead of meaning 'a lover of a child', it really means 'an abuser of a child'. I just make that point.

I do not have an issue with the general intent of the bill. For the life of me, I cannot understand how anyone can find sexual activity involving a child or children worthy of any consideration or support, or to view it and certainly to participate in it—it just fails me. I just do not understand it. I support this bill. However, as I say, I would be encouraged if the Attorney would, over time, have a look to see whether we can get a better terminology. I know this bill is from the member for Davenport. Rather than call it 'child pornography', let us call it what it really is, which is 'child sexual assault'.

Debate adjourned on motion of Mr Pederick.

FREEDOM OF INFORMATION (FEES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 September 2010.)

Ms CHAPMAN (Bragg) (11:16): As there are no other speakers, I will seek to put this to the vote today, and I will speak now and close the debate. This was a bill introduced, consistent with a commitment from the opposition at the 2010 election, essentially to allow journalists to have access to public documents under freedom of information applications for free and to cover up to the first three hours of the work that is necessary to undertake to provide that documentation.

I have spoken on this matter some months ago. The support for this from those in the media world would be obvious. We received a number of concerns from journalists who would seek information from government. Sometimes it was a simple document, taking only a few minutes to be able to identify, retrieve and provide, but nevertheless the fees that applied would sometimes make that prohibitive, especially if they were advised that it was going to take a considerable time. So, we say that a fair compromise in this regard is that the media—our voice piece to ensure that freedom of speech is a reality in this state and not just something we enjoy on a piece of paper—should also have access, but to a reasonable period.

If the government said that most of these could be provided within half an hour or an hour and suggested some amendment, I would have been happy to look at it because I think some of them would take a very short time. On the other hand, it is reasonable that, if government is put to the expense of very substantial hours of work by a freedom of information officer within a department to locate material, that is something for which the taxpayers need some recompense. So, the purpose of this legislation is to make a reality of freedom of speech, to make a reality of transparency of government and to stop the mockery of the use and abuse of the freedom of information defences that the government repeatedly uses.

I myself have been fortunate to have had the support of the Ombudsman in a number of decisions now in which transparency, the core of the legislation, has been enforced. We have had directions from the Ombudsman that, first of all, the freedom of information officer decisions and/or reviews of government department heads should be overturned and that we should have the documents produced. I thank the Ombudsman for the extraordinary amount of work that he and his staff need to undertake to ensure that we have transparency of government with these documents.

So, the hurdle is not only one of cost, but it is also one of the process of having to appeal up the ladder, that is to the departmental head, then to the Ombudsman, then to the District Court if necessary. But it is an expensive and time consuming process. So, we have had some wins and, at least, in this small way, this bill is only narrowly dealing with a question of fee relief for those in the media to be able to have access to this information.

So, I am well aware that the government is going to oppose this. It is consistent with their cone of silence around the information that they are prepared to release about their government. It is totally consistent with the condemning by them of anyone who is a critic, so their way of dealing with it, is to try and keep that blanket of silence on the people of South Australia and, in this instance, to even close off their ears so that they cannot even hear about things by virtue of keeping the press suffocated and alienated from this information. So, I urge members to support this bill and let us open up and have a transparent government in reality.

The house divided on the second reading:

AYES (16)

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

NOES (20)

Atkinson, M.J.	Bedford, F.E.	Bignell, L.W.
Conlon, P.F.	Foley, K.O.	Fox, C.C.
Geraghty, R.K.	Hill, J.D.	Kenyon, T.R.
Key, S.W.	O'Brien, M.F.	Odenwalder, L.K.
Piccolo, T.	Rau, J.R.	Sibbons, A.L. (teller)
Snelling, J.J.	Thompson, M.G.	Vlahos, L.A.
Weatherill, J.W.	Wright, M.J.	

PAIRS (10)

Redmond, I.M.	Rann, M.D.
van Holst Pellekaan, D.C.	Caica, P.
Pisoni, D.G.	Koutsantonis, A.
Treloar, P.A.	Portolesi, G.
Evans, I.F.	Rankine, J.M.

Majority of 4 for the noes.

Second read thus negatived.

STATUTES AMENDMENT (PUBLIC INTEREST DISCLOSURE) BILL

Adjourned debate on second reading.

(Continued from 27 May 2010.)

Mrs GERAGHTY (Torrens) (11:26): I move:

That the debate be adjourned.

Ms CHAPMAN: Divide!

The house divided on the motion:

AYES (22)

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

AYES (22)

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

NOES (14)

Chapman, V.A. (teller)	Gardner, J.A.W.	Goldsworthy, M.R.
Griffiths, S.P.	Hamilton-Smith, M.L.J.	Marshall, S.S.
McFetridge, D.	Pederick, A.S.	Pengilly, M.
Sanderson, R.	Such, R.B.	Venning, I.H.
Whetstone, T.J.	Williams, M.R.	

PAIRS (10)

Rann, M.D.	Redmond, I.M.
Caica, P.	van Holst Pellekaan, D.C.
Koutsantonis, A.	Pisoni, D.G.
Rankine, J.M.	Treloar, P.A.
Portolesi, G.	Evans, I.F.

Majority of 8 for the ayes.

Motion thus carried.

STANDING ORDERS, MEMBERS' CONDUCT

The Hon. R.B. SUCH (Fisher) (11:32): I move:

That standing orders be and remain so far suspended as to provide that if, during the periods for asking questions without notice and debate on the question proposed by the Speaker 'That the house note grievances', any member—

(a) persistently or wilfully obstructs the business of the house; or

(b) refuses to conform to the standing orders of the house,

the Speaker, Deputy Speaker or Acting Speaker may direct the member to immediately withdraw from the chamber for a period of five minutes. The member may enter the chamber to vote in any division called for during the period in which they have withdrawn.

I am aware, as others are, that the—

The SPEAKER: Order! There is too much background noise.

The Hon. R.B. SUCH: Maybe we should send some out, Madam Speaker. I am aware that the Standing Orders Committee is deliberating on some reforms to the house, but I think it is important that we canvass this issue in general terms today as part of, I guess, an agenda for more substantial reform of the way in which we conduct ourselves in this place.

Contrary to what a lot of people believe, both in here and outside, the Speaker has very limited power in terms of controlling behaviour in this house. The media and others will say that the Speaker can have someone suspended for a day and longer periods but, in effect, that is with the approval of the house. The reality is that the Speaker cannot currently send someone out for a short period of time. I have nominated five minutes here. I believe that you, Madam Speaker, might believe that it should be 10 minutes; I am not going to quibble about that.

However, currently the Speaker cannot send someone out as is the case in many, if not most, other parliaments. I have seen this provision at work in Queensland. The Speaker just says, 'The member for X will leave the chamber for a period of five minutes' (or 10 minutes) and after they have calmed down, they come back in. I have the provision in here that a member would not

lose their voting rights if a vote was taken during their suspension or the time they were sent out, and I think that is fair enough. I do not believe you should take away voting rights.

What we see in here day after day is continual inappropriate behaviour where the Speaker has to call for order. We have breaches of standing orders all the time with people interjecting. They used to be tolerated because often they were funny. Now they are not funny. We have ministers in their responses stopping and starting and also breaching standing orders by responding to interjections. I believe all that nonsense would come to an end if the Speaker could say that any member who is wilfully obstructing the house or refusing to conform to standing orders is sent out for a period of time. They would get a bit more oxygen and come back and, hopefully, act a bit more sensibly.

I think it is a reasonable measure. In fact, the Premier was a great advocate of this more than 10 years ago. He used the term 'sin bin', I think. It is a very simple measure. It does not require a person being suspended for a whole day or three days, or whatever. It is a short period of time. They go out, realise that they have been hindering the operation of the house, obstructing it, and not conforming to the direction of the Speaker, and therefore when they come back, hopefully, they will behave themselves.

The beauty of this measure is that it does not have a bias in it. We would be naive to believe that the system of punishment in this place for inappropriate behaviour is the same for both sides of the house. It is not. The Speaker is not going to be able to discipline a minister in the same way that someone else is treated for a breach. The reality is that, if a minister is defying the chair or being in any other way obstructionist, currently the party that has the majority in the house is not going to support their minister being ejected. I have never seen it happen and I do not think it will ever happen. But, if a minister was wilfully obstructing, the Speaker could say, 'The minister for X will leave the chamber' for five or 10 minutes.

So, this measure is patently fair. It allows the Speaker to have instant and immediate control and, if a person persists, they can be sent out again. As I say, it is part of a wider agenda for reform. Our parliament has been very slow in reforming itself. Other parliaments have brought in a whole lot of other measures, and I will not canvass them now, but we really need to get our act together here. I am sure my colleagues sitting next to me on the crossbenches would know from their experience in local government that the sort of behaviour that goes on here would not be accepted or tolerated in a local government setting—or in most other settings—for even a second. So we need to improve the way we behave.

I believe, Madam Speaker, that you are doing a great job in the chair, but you are being hamstrung. I saw a negative comment in the paper today, and I think your hands are tied because you do not have recourse to immediate disciplinary action which is simple, fair and appropriate. So I commend this motion to the house and I ask members and the Standing Orders Committee to seriously look at this. As I say, I am relaxed about whether the time span is five minutes or 10 minutes, but I think we need this change, as has happened, as I say, in Queensland and most other parliaments that I am aware of. I commend the motion to the house.

Mr PEGLER (Mount Gambier) (11:39): I certainly support this motion. Having been in local government for 17 years, I was quite horrified at the behaviour I saw when I came into this place during question time. Every visitor I have had to this parliament since I have been here has commented on question time and how unproductive and disorderly it is and how so little can be achieved during question time. I believe that the Speaker needs more power to be able to bring people to order so that this place can run much more smoothly.

Some people may be bemused that new members often want to make changes to make parliament run more efficiently, but I believe that we as elected members should ensure that questions are asked in a proper manner and answered in a proper manner without obstruction. That way, the people who visit this place and the people who are asking their questions can obtain succinct answers and can actually hear those answers without interruption from either side of the house. I certainly support this motion.

Mr BROCK (Frome) (11:40): Along with my fellow Independents, I stand to support the motion by the member for Fisher. As the member for Mount Gambier has just indicated, he was appalled and surprised at the behaviour and the noise factor that is in this chamber during question time and in other periods of debate and discussion of the house.

I have had 20 years' experience in local government. When I came here I was very, very surprised at the interaction and what I call the disrespect for somebody who may be speaking; the

disinclination to listen in silence and to actually hear exactly what that person, whether they be a member of the government or a member of the opposition, is trying to get across. We are here to represent the people of our electorate and we need to ensure that we hear all of the arguments put forward by any member of the house.

I feel for you, Madam Speaker. I think you are doing an excellent job up there. As the member for Fisher has indicated, I think we need to have a point at which the Speaker can act without having to get permission of the whole house, because, as the member for Fisher has indicated, whoever is in government has the numbers and they certainly would not expel one of their own members.

I certainly believe that you as the Speaker, or any Speaker, should be able to expel from this house an unruly person who does not adhere to the Speaker's instructions for a period of time. I believe five minutes is inadequate, but the member for Fisher has put 'for five minutes' there, and I will support that at this particular point.

He also says there that the member may enter the chamber to vote in any division called during the period in which they have been withdrawn. If this goes through I will be talking about that because, again, if that member is expelled or withdrawn from the house it is not damaging to the party or the person putting that motion up. In actual fact, that person should not be able to be paired, nor should they be able to participate in any of the divisions.

Again, I am talking about respect for each other, I am talking about respect for our constituents and I am talking about respect for the chair. So, I commend this motion to the house.

Debate adjourned on motion of Mrs Geraghty.

BANGKA DAY

Mrs GERAGHTY (Torrens) (11:43): By leave, I move my motion in an amended form:

That this house honours the memory of Australian nurses killed in the Bangka Strait massacre on 16 February 1942, and commends the Australian Women's Memorial Playing Fields Trust for its ongoing commitment to commemorating Bangka Day, and congratulates the government on investigating the most appropriate option for securing the site of the Women's Memorial Playing Fields as a site of recognition of the sacrifices of women.

On Sunday 13 February I was quite honoured to again be able to attend the Bangka Day memorial services conducted by the South Australian Women's Memorial Playing Fields Trust, along with a number of other parliamentary colleagues, including the Hons Bernard Finnigan and Gail Gago, the Leader of the Opposition, the members for Mitchell and Waite, Amanda Rishworth (member for Kingston), and Senators Anne McEwen and Annette Hurley. I apologise if I have left anyone else out. It was a very impressive list of people there.

I would like to acknowledge other members of this house who over the last decade or so have also spoken in the house about Bangka Day, including the members for Florey, Bragg and Waite—yes, indeed—the member for Schubert and the Hon. Joan Hall, who was the former member for Morialta. It is timely to speak again in this house of Bangka Day, as the government is investigating the most appropriate option to secure the site of the memorial playing fields as a site of recognition for the sacrifices that women made in war.

We will soon celebrate ANZAC Day and remember Australians who fought for their country in war. We particularly remember and mourn those who did not return home from their theatres of war and remember the courage and sacrifice of all our military forces. Although women are not forgotten in our memorialisation, they were not combatants in most of the conflicts in which Australia has fought and therefore commemoration, unsurprisingly, concentrates largely on male soldiers. Bangka Day is an opportunity to specifically acknowledge the courage and sacrifice of Australian women in war.

The Bangka Strait massacre is a familiar story to many of us, especially here in South Australia because the sole survivor of the massacre was the famous South Australian nurse Vivian Bullwinkel. As I mentioned, other members of the house have related the events of that day in February 1942, but they bear repeating, particularly as we have a few new members since this was last addressed in the house.

Early in 1942, when the Japanese captured Singapore, 140 Australian nurses were stationed in Singapore. On 6 February the nurses were ordered to evacuate. Civilians, wounded soldiers and the nurses were evacuated hastily on three ships, two of which suffered attacks.

Death and injury resulted, but some made it home to Australia. The third and final ship, which left on 12 February was the *Vyner Brooke*, carrying 65 of the nurses. When the ship reached the Bangka Strait near Sumatra, it was attacked by Japanese aircraft and quickly sank.

Some survivors managed to reach Bangka Island in lifeboats. In this group were 66 civilians and 22 nurses. They were joined by a group of British soldiers who had escaped another sunken vessel. I must say, it is quite emotional when you hear it at the site and just repeating it brings that emotion back. The group decided their best survival option was to surrender, and a group left the beach to find Japanese forces to whom they could surrender. Those who remained on the beach, however, were discovered by Japanese soldiers, who separated the nurses from the British soldiers.

The British soldiers were shot or bayoneted and then the nurses were forced towards the water and machine-gunned. This is where Vivian Bullwinkel's remarkable story began. She was hit by a bullet that pushed her into the water, but it went straight through her body. She then floated in the water pretending to be dead until she was able to scramble to the shore. All her companion nurses died.

Once ashore in the jungle she came across Patrick Kingsley, a wounded British soldier, with whom she hid in the jungle for some 12 days—which I think must have been a dreadful experience. Some accounts of the story say that the two decided to surrender; others suggest that they were captured. In any event, the two were taken to prisoner of war camps on 28 February. Patrick Kingsley unfortunately died as a result of his wounds, but on arriving at the prison camp Sister Bullwinkel found 31 other nurses who had survived the sinking of the *Vyner Brooke*. She and her fellow nurses remained prisoners of Japan until the end of the war, enduring unthinkable hardship. By the end of the war, in 1945, 24 of the 65 nurses on the *Vyner Brooke* had survived.

It is these types of acts of sacrifice and courage by women in the Australian armed services that the Australian Women's Memorial Playing Fields Trust honour and remember, and there are many examples. For instance, some nurses fleeing Singapore were luckier than those killed on Bangka Island and luckier than those who lived and died in a prison camp but whose courage was still tested during their escape. Two such nurses were Vera Torney and Margaret Anderson, who stayed on deck while the ship was under enemy fire so they could nurse wounded soldiers. It has been reported that they tried to protect the wounded with their own bodies. Vera Torney was to receive an MBE and Margaret Anderson the George Medal for 'conspicuous gallantry under danger'. Vera and Margaret were not from our state, but their story is well known, and they certainly exemplify the servicewomen honoured by the women's memorial trust.

I now turn to the work of the trust. The Women's Memorial Playing Fields, located at the corner of Shepherds Hill and Ayliffes roads, St Marys, were established in 1953, following a grant by the then premier, Tom Playford, of 20 acres of reserve land to the South Australian Women's Amateur Sports Council. In 1956, the grounds were dedicated to South Australian servicewomen of the two world wars. The annual Bangka Day memorial ceremony is conducted each year to commemorate the heroism of South Australia's servicewomen.

The Women's Memorial Playing Fields Trust is to be congratulated on the vital role it has played in promoting women's sport and encouraging participation in sport. Organisations that use the playing field include the Cumberland United women's soccer club, Sturt Lacrosse Club, South Australian Women's cricket, southern districts tennis and several primary schools. Some of the amenities available are the three ovals and eight tennis courts, along with the clubroom facilities.

Management of the playing fields now rests with the Minister for Recreation, Sport and Racing. The trust is anxious to secure the future of the site, and Veterans SA has been working with the Office for Recreation and Sport, the playing fields trust and the Crown Solicitor's Office to work out the most appropriate option for securing the long-term future of the site. I congratulate our government on its endeavours to meet the aspirations of the trust to secure the site for its current purposes.

In closing, I congratulate the trust for its wonderful work in honouring the bravery and altruistic actions of all South Australian women in military service in the two world wars and for its long-standing promotion of women's sports. I commend the motion to the house.

Mr PENGILLY (Finniss) (11:53): I have pleasure in supporting the member for Torrens' motion. I recognise that it was extremely difficult for her during her speech, and I commend her for getting through it in the manner she did. I also commend her for bringing to the attention of the

house the Australian Women's Memorial Playing Fields Trust, and I am sure that the member for Waite will pick up on that shortly.

The issue about Bangka Strait has been ingrained time and time again in the minds of our generation, as indeed is the case with the fall of Singapore. The very fact that one of our divisions was sent to Singapore and the other division (the one in which my father served) came back to Australia, and the fact that the British government at that time basically abandoned Australia for various reasons, not the least being that they were being hammered in Europe, makes it an enormous tragedy.

Picking up on this issue of the Bangka Strait massacre and the ship *Vyner Brooke*, I noted the member for Torrens' comments in relation to Vivian Bullwinkel. I was reading about it only the day. The reason she did not get killed outright is because of her height. She was a tall woman and the bullets did not hit her where they hit other people. So, she was wounded, as the member for Torrens said, and collapsed in the water. That was the only thing that saved her at the time.

I just want to pick up on a local issue. In that massacre there was a nurse called Lilla Lashmar from Antechamber Bay on Kangaroo Island. The Lashmars are an extremely well-known family over there. It is only a few years since Lilla's brother, Tom, passed away. I was actually talking about it with my mother-in-law this morning.

The story of Lilla Lashmar's contribution in the services is well known and it is well known that she sacrificed her life when she was murdered by the Japanese on the *Vyner Brooke*. I thought it was worthy of bringing this to the attention of the house after all these years. The Lashmar family still live at Antechamber Bay and they will never, ever forget the sacrifice of Lilla. I commend the member for bringing the matter to the attention of the house and, as I indicated earlier, I am very happy to support the motion.

Mr HAMILTON-SMITH (Waite) (11:56): I commend the member for bringing this excellent motion forward and I commend it to the house. I am not the local member for this particular precinct, but my electorate does come quite close to it. A lot of the women and sporting families who use the precinct come from within the seat of Waite.

I have had the pleasure of being to all but one, I think, of the Bangka Day celebrations since I have been the member for Waite, beginning, I think, in 1997. I was as moved as the honourable member when I first heard the story. I was loosely aware of it as a military historian, but I had not heard the full detail of what had occurred in those terrible days until I attended the first Bangka Day celebration.

It is a worthy memorial not only to veterans but to female veterans in particular. In that respect, it is virtually unique and warrants a special place in our hearts. I worked with a few nurses in the 24 years that I served in the Army, and they are a special breed. What they have to endure during war, and in peace time, too, is quite extraordinary. Their service was simply quite remarkable, and the many brave stories that have emerged from this entire tragedy of their experiences in the Pacific and Southeast Asia during World War II are a testament to their bravery and their courage.

I have a particular interest in seeing this site protected. I must say that I share the member's concerns that, if it is possible, then it may occur. If it is possible to sell the site, a future government of any political persuasion may, for reasons unknown to us, choose to do so. When making laws, I think we need to realise that, if it can occur, it may occur. If we do not want this site to be sold, we need to do something about it in the form of legislation. That is my personal view, and I have expressed that view to others in this place in recent years. I would be very keen to see something come forward to the house that seeks to protect this site so that, if a future government gets itself into a financial pickle, it is not tempted to dispose of this very worthwhile memorial to our courageous women nurses and their fantastic efforts on our behalf.

I would also say as part of this debate that the playing fields themselves are a very valuable asset to this state, thanks to the vision of those who set up this wonderful memorial and the playing fields in the first place. There is plenty of land there, and I think it is probably under-utilised. I know it is used exhaustively by the women's groups and others who use it at present, but it does seem to me that there might be scope to broaden it even further.

I have been approached by at least two sporting groups in my electorate who have expressed an interest in the site: one, I believe, was a women's hockey team which has some issues with its site at Forestville and is looking for a new home; another was one of the local

baseball clubs in my electorate, which I think was being encouraged by Mitcham council to look for alternative lodgings. That is a matter for the council, but in both instances this particular site—the Women's Memorial Playing Fields—has come up in debate as a possible venue for their relocation.

It may be that, quite apart from protecting the site, the government could look at ways to further utilise it so that more people get to go there and use it as a sporting venue. For instance, maybe the boundary needs to be expanded a little. I am not sure what the relationship is, or where the exact boundary is around the site, with what seems to be the adjacent parkland or tree space, but maybe there is scope, for example, for an additional playing field or for the relocation there of one or two other sporting groups within the community who might be under pressure where they are but who might comfortably fit at this particular site.

There is car parking there and it is centrally located at a crossroads of major routes. It is on the boundary of the seats of Waite, Davenport, Mitchell, Elder (which is not far away), and Fisher, and it sits within the seat of Boothby. There are lots of active sporting groups around this area, and here is a fantastic site that could perhaps be better utilised, but that is something for the relevant ministers to consider as they develop a strategic plan for the site.

In so far as it is a memorial to our brave women nurses, it deserves a long future in our hearts, and I think it would be very worthwhile making sure that it is protected for future generations to enjoy and to respect. I commend the member for bringing the motion to the house, and I look forward to supporting it.

The Hon. T.R. 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) (12:02): I am very pleased to support this motion moved by the member for Torrens. It would be very difficult for me to add to the debate in any better way than the member for Torrens already has, so I will refrain from doing so. I will, however, give a commitment to the house to resolve the issue of the memorial. It is one of the very few memorials dedicated to women who have served over the course of conflict, and it is one that needs to be protected.

By happy circumstance, I am both the Minister for Veterans' Affairs and the Minister for Recreation, Sport and Racing—the two portfolios at hand in this matter—so I can give a commitment to the house that I will resolve the matter, and I am very, very pleased to support the member for Torrens in this important motion.

The Hon. I.F. EVANS (Davenport) (12:03): As the member who represents the Women's Memorial Playing Fields, and has done so for 17 years, I am pleased to support this motion. The members in their debate have raised the issue of the protection of the lands. I am happy to talk to the minister for sport about that. Having been a former minister for recreation and sport, I know a little bit about the lands.

My view is that no government in its right mind would be so stupid as to propose the sale of the lands. The honour that is bestowed upon the lands by the very nature of their purpose to my mind guarantees them from sale. Even the government's Sustainable Budget Commission, which looked at things like subdividing the Wittunga Botanic Garden in Blackwood and selling it off for housing, never contemplated touching the Women's Memorial Playing Fields. My view is that they are well protected simply through the fact that they are a memorial, and no government would ever contemplate the sale.

I am supportive of the view that other sporting groups could go there. I know the Woods Panthers netball club in my electorate wish to go there, but the land is currently leased to the South Australia Cricket Association and therefore it is a little more complicated than it probably needed to be. In terms of the memorial that is attached to the land, I have been in communication with the federal minister on a regular basis about the maintenance of it and maybe contributing to the upgrading of it. There is a two-storey clubroom there, which a lot of the elderly find very difficult to navigate; so I have done work with the federal minister in regards to that issue.

There is a fantastic book on the Bangka Strait issue that led to this memorial, on the Fall of Singapore, the terrible treatment by the Japanese, the survival of Vivian Bullwinkel, and how she survived. It is a magnificent book. I am pleased that there is this memorial and I am pleased that the member has moved the motion, and I am happy to support it as the local member.

Ms CHAPMAN (Bragg) (12:06): I indicate that I will be supporting this motion, and thank the member for moving it. Although she indicates it has been recognised by previous speakers in this house, each year a new wave of South Australians have the honour of attending the

Bangka Strait ceremony. New members of this house are invited and attend, and I think are moved for life by the story, the celebration and recognition of this important day. So I think it is important that the member has brought forward this motion.

I will say that the foreshadowed amendment that is also moved with it to congratulate the government for investigating appropriate ways of securing the site I think is a little premature, and I do want to say something about that because of conduct that has occurred in the last four of five years.

In relation to the memorial itself, under Sir Thomas Playford, the then premier of South Australia, it is in recognition of an event during World War II, which not only is one of bravery, of Vivian Bullwinkel, who is the surviving nurse in the sad story that is being recounted by the mover of this motion, but also the brutality and cowardice of those who inflicted this, a story which confirms to us not only the idiocy of war but also the recognition of the courage of those women who walked into the ocean no doubt in the full knowledge that they were going to be slaughtered and the bravery of the surviving nurse, and it should remind us of why it is important that we have these memorials, and we give new generations of South Australians the opportunity for that to be recognised.

Under the leadership of Sir Thomas Playford, the SA Women's Memorial Playing Fields Trust was established. The current Vice President of that trust, Eve Balfour-Ogilvy, has a personal link to this. Her aunt, Elaine Balfour-Ogilvy, was one of the 22 military nurses who were machine-gunned by the Japanese troops after the nurses had surrendered at Bangka Island off Sumatra in 1942. So there are living links to these very brave women.

The story of Vivian Bullwinkel has been reported and celebrated on many occasions, of course, in literature as well as the book about her part in all of this. Being a South Australian, who has now passed away, it gives all South Australians a link to this. The importance of the event, the significance of it being recognised in a memorial, and the value to South Australians now and in the future in maintaining the memorial ought to be obvious to everyone.

What concerns me is that some four years ago, as has been highlighted by the current President of the trust, Mr Bruce Parker, there was a threat to the continuation of this memorial as a result of the direct indication that the land may be available for sale. Everyone knows that this land is owned by the government and that it is sublet. Since that threat, the trust has been calling for legislation to protect it. So, even though the member for Davenport pointed out that any sensible government would not even consider threatening the continued occupation of the memorial at this site, it has occurred; the threat is there.

It is a real and present danger for this site, and the trust has called for the government to act. It is not just a possibility any more. The threat was there; it was imminent and it needed to be dealt with in light of that to ensure that the current minister could not be persuaded or directed by his own cabinet to act in a manner that was contrary to the interests of the preservation of this site and to listen to the words of the trust. That needed to be secured.

I indicate that if a bill comes to this house supporting the preservation by this legislature of this site then I will support it, and I am sure many others here on both sides of the house will support it. However, it is at risk and that is what is important. That is why I say to the mover of the motion that I cannot yet congratulate the government. Only in the history of this government has this site, to the best of my knowledge, actually been under threat. So, it is up to this government now to act honourably and for the minister to bring in a piece of legislation to protect it. Whilst I do appreciate the minister's indication that he is now looking at the matter and will review the options and all the other palaver—I say 'palaver' respectfully because if the trust is not strong enough, when the people have spoken and established a trust and been given that opportunity by previous governments, and it has come under threat then he must act.

I endorse the sentiments expressed by the mover of the motion. I thank her for bringing this important institution, a memory which should never die in this state, to the attention of the parliament so that the people of South Australia and new generations will have that on record. I congratulate her sincerely but I cannot be persuaded that the foreshadowed amendment has merit at this point. However, I will be the first to congratulate the government if they bring in legislation to protect it.

Dr McFETRIDGE (Morphett) (12:12): I rise to support the motion by the member for Torrens. As the shadow minister for veterans affairs, I have been to a number of memorial services at the women's playing fields; unfortunately, I did not attend this year. There are two things we

should really be focusing on here: first, that these are memorial playing fields and should be maintained and preserved for the people of South Australia as a memorial; and, secondly, they are also a good recreational facility.

This is an issue which we hope the government supports. I hope the member for Bragg's comments do not come to fruition and that the fields are not in any way under threat because that should never be the case. This is an important memorial that offers opportunities for people to play sport there and to remember what their forebears (and relatives, in some cases) went through. This is a memorial to those people, and we should never forget what they went through.

I have never experienced the horror and terror of war or anything close to it, and I certainly would never wish that upon any Australian in the future. However, we still have brave Australians serving overseas in many areas of the world, and there was a very poignant ceremony on Kangaroo Island last Friday for a fallen young sapper. The need to remember war is not through memorials, through ANZAC Day or through Bangka Day. It is not glorifying war in any way, shape or form, and nor should it be because, as I say, the horrors of war must be beyond description.

You try to imagine what was going through Vivian Bullwinkel's mind when the Japanese opened up with their machine guns, and the courage and fortitude of Vivian, the nurses and the soldiers who were in that position. What went through their minds? What did they feel? I had a very dear friend (who was a member of the Liberal Party branch at Glenelg, at Morphett) who was in Changi Prison for many years, Max Venables. Max died in 2009. Max used to tell me about some of the things that he had been through. Until his dying day he had a hatred for the Japanese.

It was interesting to see the apologies the other day to people who had been Japanese prisoners of war during World War II. For Max, unfortunately, when he did die in 2009, that hatred was just as strong as it was during the war. It was unfortunate, but, when you read what happened to Max, you can understand that. I will just read a little of what Max wrote in a letter to the *Sunday Mail* back in 2007. He said:

> At the age of 18 years and a few weeks, in July 1940, I joined the AIF at Wayville, where on October 20 the 9th Division Ammunition Sub Park was formed and with 64 soldiers moved to Woodside to train. In 1941 we left for Sydney to go overseas and eventually to Singapore. We fought the good fight until we were taken prisoners of war and moved to Changi Barracks on February 18, 1942.
>
> We worked on Singapore Island at various jobs—lime carting, wharf work, stripping businesses and cars to ship to Japan until April 1943 when we were sent to the Siam-Burma railway on F Force with 7,000 troops. I nearly died. I was 21. After nine months on the railway, 3,500 men were returned to Changi, all near death, in December 1943. After three months of feeding us, we were sent to build the Changi airfield until June 1945, when many troops were sent to Singapore to build defences in preparation for an English invasion.
>
> We were starved, bashed and very sick on the working parties at Bukatima, digging foxholes. As the soil was brought out from the foxholes it was put around the hill to make slit tranches to fight off intruders. About August 10, 1945, while I was carrying the soil past a Japanese soldier, he said to me: 'If Singapore is invaded, you will carry the ammunition to the foxhole and we will shoot you in the slit trench.'
>
> Peace came in August 15, but we did not know it. On August 17 we stopped working and, while resting, the locals would pass, giving us the V for Victory sign.

That is a very short piece. Max has actually written a very good book about his experiences during World War II. I think that the motion today urges us to remember the Australian nurses who were killed in the Bangka Strait and the massacre on 16 February 1942. It is just so important that, come 25 April, ANZAC Day, we remember people such as Vivian Bullwinkel, Max Venables and all those young soldiers alive and fighting overseas for us today.

It is just so important. This sort of motion always receives bipartisan support. There may be issues raised around some of the concerns and priorities about the way in which things are organised for memorials and to protect memorials, but the bottom line is that it is the memory that we should always hold precious. I support this motion very strongly.

Mrs GERAGHTY (Torrens) (12:18): I thank members for their contributions. I know it is something that members speak on each year in this place, and we do so because we do have a genuine interest. Obviously, we feel for the families of those women, and, of course, we are very proud of them.

In closing, I just say that I was a little concerned to hear the member for Bragg's comments, because, in all my discussions around the site, I found no evidence of any threat to it. Maybe that could have been a little bit of scuttlebutt that runs around (as it does) from time to time. When I approached him about it, the minister was more than keen to look at ways to protect the site. There

is a difficulty around it, and I appreciate that. I know the former minister understands the way in which the community holds that site close to its heart. I am sorry to hear the comments made by the member for Bragg, but I am very confident the minister will be able to find a way of resolving the issue to everyone's satisfaction.

Motion carried.

UNITED KINGDOM GENERAL ELECTION

Ms CHAPMAN (Bragg) (12:20): It is with pleasure that I move:

That this house congratulates:

(a) the Hon. David Cameron on becoming Prime Minister of the United Kingdom; and

(b) the Conservative Party on winning an additional 97 seats in the recent United Kingdom general election, while the other two major parties suffered heavy losses.

It is some time since I gave notice that this motion would be moved—in fact, I think nearly a year has passed since the British election—but I think it is still opportune that we place on the record our congratulations to David Cameron.

Members will probably know that in that election the Conservative Party won 307 seats, the Labour Party won 258 seats, and the Liberal Democrats 57 seats. Since then, the Conservative government has moved into coalition with the Liberal Democrats (Nick Clegg), and they have proceeded to provide the stewardship of the United Kingdom.

The challenge for the Cameron government would be evident to many. The economic circumstances of both the United Kingdom and neighbouring countries in Europe is well known, and any members who read *The Economist* regularly (which I do) would be familiar with the plight of a number of those countries in the European Union. The challenge is enormous for the new Prime Minister and, joined with him, Mr Clegg.

However, I note from Mr Cameron's history that he has a lot of things on his side. In recognition of his achievement, I would like to place on the record that whilst Mr Cameron might be seen to have come from a wealthy and aristocratic pedigree—being a descendant of King William IV and having attended Eton College and Brasenose College, Oxford, from which he graduated in 1998 with a first-class degree in philosophy, politics and economics—he is unquestionably a man of intellect and academic learning. That should be recognised because of the economic plight that the United Kingdom now finds itself in and the enormous task that the Cameron government has to restore that.

I do not doubt for one minute that it is those attributes that have helped him be able to deal with the introduction of a budget for Britain within 50 days of being elected; yet our former treasurer could not introduce a new budget within months, after his government had been in power for over eight years. Mr Cameron, completely away from the levers of the financial operation, was able to do that, so unquestionably his intellect is there.

His refreshing approach to politics was, I think, something that quickly attracted attention and ensured that he was a leading member of a new generation of Conservatives—young, moderate and charismatic—and he set about modernising the party and shedding its right-wing image. He announced that economic stability and a strong Public Service were to be a priority over tax cuts in the next Conservative government. Although there has been necessary financial restraint as a result of the collapse of a number of financial aspects of the economy, clearly his intent on ensuring a strong and well-functioning Public Service, one that is supported to ensure that occurs, ensures that his intellect shines through.

Apart from those attributes, I also wish to recognise that, as a number of you will have no doubt read, he is the father of young children, and that, very sadly, his eldest child, Ivan, then aged 6, passed away on 25 February 2009 from cerebral palsy and severe epilepsy. So, while he is there representing the country, fighting to win an election, his family are suffering a tragedy of the personal loss of that child.

I want to say that here is a man who has an understanding of the importance of how politics affects people's lives, how the values instilled to support the beliefs in politics are important, that the family tradition that he has enjoyed and the support in having the education that I have referred to are all important things, but that having experienced parenthood and the tragic loss of a child, I think, makes him well-rounded to undertake that very difficult role.

I also wish to acknowledge the election of Paul Maynard MP, who became the member for Blackpool North and Cleveleys. Mr Maynard is someone who has suffered from disability from a young age, in fact he went to a special school. He suffers from cerebral palsy and he was diagnosed with epilepsy at age 22. We have enjoyed in this parliament at our last election the election of someone with a significant disability, the Hon. Ms Kelly Vincent in another place.

The important thing is that, coming into the government in London, England, at the houses of parliament, to represent all of the United Kingdom, are people with high intellect; they may have a lot of political pedigree, but they are being supplemented by, and I think positively, people who have had not only real life experience but also the vicissitudes and hardship that are faced by those who come with a disability. So, it is not only a magnificent thing that we see the achievement of those with a disability coming into parliaments, wherever they may be in the world, but when they come in at that high level then I think it is important that we recognise that, and applaud it and welcome it, to ensure that we have that diversity of representation in our parliaments.

I also note that, after the election there was a bit of a dust-up between David and Ed Miliband, who are brothers, close in age and both very senior in Labour Party ranks, and they, of course, fought it out for the leadership of the party. The younger brother, Ed, became the new leader of Britain's Labour Party. I understand that his brother maintained his absolute commitment to the regeneration of his party and I note with interest the promises of the new leader of the Labour Party that he would learn from the election loss and that they would be out there listening.

It seems to be something that the Labour Party is good at doing. Whenever it gets a big whack at an election, or even loses one, it says, 'Well, we've learned our lesson. We are going to go out and listen to the people of South Australia'—in this instance–and that it will make sure that it understands what the people it represents follow, and follow it. We saw a great example of that when we saw The Parks being slashed in the first budget after that election. The Parks facility was to be sold off, which enraged the public, and the government has now backed off. Not completely, but it has said, 'We will send Monsignor Cappo in to have a look at that to make sure that we might get any reform right and that if we are going to sell bits off that we get it right.'

I was very interested to read that Monsignor Cappo was the very person who sat on the Sustainable Budget Commission that put in recommendations, which included the sell-off of The Parks Community Centre. The government is sending in the architect of its demise as the architect of its remedy. Amazingly, yesterday, I came across a 2005 newsletter, which gets sent out to people who use services at The Parks, and it has a beautiful photograph of two members, who are now ministers, ministers Weatherill and Rau, who are saying that they represent the area around The Parks, that they want to be supportive of it and that they would be the voice of the people who use the services of The Parks. They, of course, sat in the cabinet that proposed it being axed in the last budget. Next to them is a third person, and guess who that is? Monsignor Cappo. He is standing there, saying how important it is to have The Parks. In the December 2005 issue, I think, for members who want to go and have a look at it—

The DEPUTY SPEAKER: Order! Member for Bragg, while this is no doubt interesting, may I just point out that I am not quite sure how this relates to David Cameron.

Ms CHAPMAN: I will tell you.

The DEPUTY SPEAKER: Good, please do.

Ms CHAPMAN: Just like in England, after the glorious victory of the now Prime Minister Cameron and the promises of the Labour Party that they were going to listen, we see a direct example here of where they do not listen. If you want an example in the United Kingdom, has the Labour Party changed their view on the national health system? No; they centralised that. They completely mucked up the health system over there, and what do we get? We get the leftovers from the Labour administration in the health department.

They have come over here and they are now employed by our health department. I could list a few, if you like. I have referred to them in the past. They have come over: 'Our government is on the way out, so we will rush over there and premier Rann will give us a job.' So, of course, they line up and they are there. I tell you, they have their list of apparatchiks who have rushed over here with their great ideas. One of them, of course, came over and said, 'Look, we can't rebuild on the site,' even though he was there at the time that St Bartholomew's Hospital was rebuilt for a cost of £3 million in England. Then he comes over here and says, 'On behalf of the department of health'—

The Hon. J.D. HILL: Madam Deputy Speaker, I listened to your interjection before in relation to the commentary made by the member. I think she has strayed well away from the initial motion. She is now debating the health portfolio in South Australia and making egregious comments about fine public servants in this state.

The DEPUTY SPEAKER: Yes, member for Bragg, I wrote something down which I think might be relevant to what you were saying. It is in my special book.

Mr Bignell: Is that your detention book?

The DEPUTY SPEAKER: No, it is not my detention book, but it could be if you keep on talking. Yes, here we are.

Mr Pengilly: Even though he is with your mob?

The DEPUTY SPEAKER: Indeed. 'Relevance of an argument may not always be perceptible.' However, in this case it does seem to be slightly imperceptible, to me at least—tenuous, some might say. So, perhaps you could wrap up these comments in the three minutes remaining to you, in relation perhaps to the Hon. David Cameron.

Ms CHAPMAN: So what has occurred is that, by virtue of his election and us having the leftovers from England—

The DEPUTY SPEAKER: Member for Bragg, I don't see—

Ms CHAPMAN: The very policies—

The DEPUTY SPEAKER: Order! I don't see how going back to the—as you call it—'leftovers' is really congratulating Mr Cameron.

Ms CHAPMAN: So I congratulate him for ensuring that we do not have to put up with the leftovers out of England, because that is an absolute benefit to him but, unfortunately, a legacy that we have to put up with. Let me give you another example: targets. Tony Blair, beloved boy of the Labour Party in England. Of course, the cover boy; the magnificent person who won the election for the Labour Party 18 years ago.

The DEPUTY SPEAKER: Excuse me, member for Bragg, a point of order.

The Hon. J.D. HILL: I do not recall that the—

Mr Pengilly interjecting:

The Hon. J.D. HILL: I would say to the member that, if the member for Bragg wants to move a motion condemning Tony Blair, that is fine; if she wants to move a motion condemning the health department, that is fine. This motion is not about those matters; it is about congratulating the Hon. David Cameron.

The DEPUTY SPEAKER: Indeed. It should be a positive congratulatory message.

Ms CHAPMAN: I absolutely congratulate Mr David Cameron for getting rid of the Blair-Brown Labour government, because it is of great benefit to the people of the United Kingdom. One of the things that has been swept aside as a result—

The DEPUTY SPEAKER: Member for Bragg, order! Please sit down. Member for Bragg, I think we all know what you are trying to say. I think you have made it very clear what your views are in relation to Mr Cameron's rather stunning win, and we congratulate him on that, obviously. If you would like to say anything positive about Mr Cameron in the time that is left to you, as opposed to other things, that would be much appreciated from the chair. Otherwise, you can just stop talking.

An honourable member interjecting:

The DEPUTY SPEAKER: You, member for Bragg, could just stop. Yes, indeed, the member for MacKillop.

Mr WILLIAMS: Point of clarification, Madam Deputy Speaker: are you telling the house that you are going to rule that we have to stick strictly to the words in the motion and not canvass a broader range of issues around that motion?

The DEPUTY SPEAKER: No.

Mr WILLIAMS: Because, if—

The DEPUTY SPEAKER: No, I have just given you the answer. Member for MacKillop, the answer is no. Thank you. Member for Bragg.

Ms CHAPMAN: One of the great positive advantages of the election of Mr David Cameron is the abolition of what I call the aspirational targets that provide a press release story and no delivery of policy. The previous administration had ruled by press release and by targets.

Interestingly, in South Australia, we have strategic plans with targets. Again, we have all of these targets and what happens with them, both there and here, is that we are still stuck with them, of course. The reason we are stuck with them is because we have an administration that insists on saying, 'I am going to have this magnificent target. I am going to increase the literacy of children. I am going to reduce the occupation of'—

The DEPUTY SPEAKER: Point of order, minister Hill.

The Hon. J.D. HILL: Once again, the member for Bragg is talking about politics in South Australia which is not the subject of this matter.

Mr Williams: It is so.

The Hon. J.D. HILL: It is not.

The DEPUTY SPEAKER: Well, I am sure that—

Ms Chapman interjecting:

The DEPUTY SPEAKER: Excuse me, I have not finished speaking, member for Bragg. I am sure that the honourable Prime Minister David Cameron will be fascinated to read this particular contribution. The member for Bragg has one minute left.

Ms CHAPMAN: What is important is that I am confident that the Cameron administration, as they have already demonstrated in the year that has passed, is absolutely committed to getting on with the job of restoring their country and the people in it to a level of respect—within the European Union particularly, but the world more generally—having had an association with Australia as well.

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (12:37): I rise to support the motion moved by the member for Bragg. I am somewhat concerned that the Minister for Health takes exception to some of the things that have been said. The Minister for Health uses question time to canvass all sorts of issues when asked a specific question, yet would say that the opposition cannot wander away from the specific wording of the motion before the house.

The DEPUTY SPEAKER: Member for MacKillop, I think a broad canvassing of things is all very well. Let us not fall off the canvas.

Mr WILLIAMS: Absolutely.

The DEPUTY SPEAKER: Let us stay within the parameters of the canvas. I believe that you were going to do some congratulating.

Mr WILLIAMS: I am indeed, and I want to put into context my congratulatory remarks because I think it is very important that we address this motion in the context of South Australia. Why otherwise would we seek to address the issues raised in the motion, if it had no bearing on South Australia? We are here, of course, for the benefit of good governance of this state and we are taking the opportunity to compare and take note of what has happened in other parts of the world and to learn from some of the lessons, and more particularly, to learn from some of the mistakes.

Unfortunately, the Minister for Health in this state does not see that and that is why he keeps repeating mistakes that have been made in other parts of the world. Unfortunately, the Minister for Health chooses not to learn.

The Hon. J.D. HILL: Point of order, Madam Speaker. The Deputy Leader of the Opposition has started using this topic, which relates to the election of the Cameron government, to make reflections on me. He is entitled to move motions about me and my performance, if he chooses, but he ought not use a motion about the election of David Cameron in England to stray in debate about my performance as health minister in South Australia. This is completely off the subject.

The SPEAKER: It is a question of relevance. I have only just come in on this debate, so, member for MacKillop, I will be listening very carefully. If I think you are using this for the wrong purposes, you will be told to sit down.

Mr WILLIAMS: Thank you, Madam Speaker. I am sure that, having the opportunity to listen to my comments, you will appreciate that I am not using the debate for the wrong purpose. One of the things that has caused me to rise to contribute to this debate is, at Christmas last, my children, amongst other things, presented me with two books. One was Tony Blair's latest book called *A Journey* and the other was John Howard's latest book, *Lazarus Rising*.

An honourable member: I am sure I know which one you read first.

Mr WILLIAMS: As a matter of fact, I am sure you have got it wrong because I actually—

The Hon. J.D. Hill: One is more readable than the other, I can assure you.

Mr WILLIAMS: You have read them both, have you John?

The Hon. J.D. Hill: I have read Blair; I have not finished the other one yet.

Mr WILLIAMS: I picked up the Blair book first and I have not finished it, but I have done a fair bit of reading through it. My children were rather amazed that I would take the highlighter to the book and, very regularly, I highlighted passages out of the book because I thought it was quite instructive. That is why I think it is important that we read and we discuss this motion in the context of South Australia.

I thought it was quite instructive that Tony Blair talked about his days in opposition, his transition into government and some of the things he did. We have a government here in South Australia that calls itself 'New Labor', a phrase coined by Tony Blair in England—

The Hon. J.D. Hill: That is just not true. We do not call ourselves 'New Labor'.

The SPEAKER: Order!

Mr WILLIAMS: You have a real problem this morning, haven't you minister, a real problem? I spend far too much of my life listening to people like this minister rabbit on about things which are totally irrelevant, and the minister might actually learn something if he would only be quiet. I accept in Tony Blair's case that he did undertake reforms in England, but most of the reforms he undertook and had great success with were reforms within the Labour Party. He changed the way the Labour Party worked in England, and one of the things he did was he buried that group within the Labour Party, the old socialist part of the Labour Party, and got rid of it.

The relevancy of South Australia is that the Labor Party in South Australia has copied Tony Blair almost to the word, and would have us believe that it has buried the old socialist left of the Labor Party. Notwithstanding that, I would contend that the reason David Cameron came to power in England is because the Blair governments, and then later the Brown government, continued to act on those deep ingrained socialist ideologies. Even know they were able to sell a different message, the way they managed the country was steeped in the long held socialist ideology, just like we have here in South Australia.

We have this mentality of centralist control. For instance, we have seen in South Australia a huge growth in the public sector: some 18,000 more public servants employed today than were employed prior to this government coming to power, a phenomenal growth in the public sector, and it is all about centralist control. For example, the portfolio of the Minister for Health—and I am sure he will take the opportunity to contribute to this debate because he seems to be very interested in it—no more have we seen that centralisation of control than in his portfolio, where he got rid of local hospital management—

The SPEAKER: Order! Point of order, Minister for Health.

The Hon. J.D. HILL: Once again I refer you to the issue of relevance in relation to the member's contribution. He is once again referring to my running of the health department. I am happy to have a debate about it but this is not the place to have a debate about the health portfolio in South Australia.

An honourable member interjecting:

The SPEAKER: Order! Yes, I cannot see the relevance of that in the standard motion of this debate. I think you need to be very careful and get back to the substance of the debate,

member for MacKillop. I am sure you have some very good things to say about the Hon. David Cameron.

Mr WILLIAMS: Thank you for your guidance, Madam Speaker. I have just invited the minister to contribute to the debate if he has got something worthwhile to contribute, rather than just trying to stop me from speaking.

The Hon. J.D. Hill: I am not trying to stop you from speaking at all.

Mr WILLIAMS: You are, John. You are very sensitive about the mess you are making of the health system in this state.

The SPEAKER: Order! Back to the debate, please, member for MacKillop.

Mr WILLIAMS: We congratulate David Cameron on his win in the recent polls in Great Britain—he and his party—and we would not take the time of the parliament to congratulate David Cameron and the Conservatives on coming to power in England if we did not reflect on why they came to power, if we did not learn the lessons of what went wrong in great Britain.

It is very relevant that we take note of what went wrong in Great Britain under the previous administration and why the people of Great Britain got tired of them, got sick of them, actually turfed them out and said, 'We want to change direction.' In South Australia, I contend that we are heading in the wrong direction. In fact, we are heading in the same direction that Tony Blair and Gordon Brown were heading. We are indeed picking up some of the flotsam from that previous British administration and heading in that direction.

We should not only congratulate David Cameron and the Conservatives in Britain for their win but also learn the lessons of what happened in Great Britain and adopt the policies and principles. The member for Bragg, who brought this motion to the house, pointed out that a new government in Britain with a massive financial problem in front of it could bring down a budget within 50 days of coming to power and contrasted that with an old, tired government that was returned, unfortunately, here in South Australia and could not bring down a budget for three or four months. It is that sort of comparison that makes it worth us—

Mrs Geraghty: They just went in and slashed spending.

Mr WILLIAMS: And what did your most recent Treasurer do? He did the same thing. Go down to Keith in my electorate and talk to the people down there and tell them that nothing has been slashed. That is why I am saying that it is important that we learn the lessons that brought David Cameron to power in Great Britain because we are making the same mistakes the previous administration made in Britain. It is fantastic to see that the people of Great Britain have come to their senses and have changed their government.

Mr PENGILLY (Finniss) (12:48): I also rise to support the member for Bragg's motion. It has been interesting here this morning because we have seen an attempt to block private members' time, and that says something about where we are going in this state. The Hon. David Cameron won, along with his coalition partner, an incredible victory in Great Britain. Great Britain and the United Kingdom voters were fed up to the back teeth with spin, lack of substance and a presidential style of running their country. We are seeing it personified in South Australia.

What is happening at the moment is also happening federally, and Mr Cameron has got in there and, as other members have said, within 50 days delivered a budget. We have this ridiculous situation at the moment in this nation where we have the Prime Minister on the nose and the state government on the nose. The only thing they are in front of is the Redbacks, as far as I know, and we are heading the same way.

That is why it is so important to recognise what a magnificent win Mr Cameron had. It was a magnificent win. How often do you pick up the papers now and see him plastered all over the Australian papers, whether it be *The Australian*, *The Age*, which circulates here, or *The Advertiser*? You do not. You do not see him. Why do you not see him? Because he is not concentrating on presidential-style politics.

Mrs Geraghty: Look at the chat line.

Mr PENGILLY: What are you, opening the batting for the Redbacks? The reality is that he is concentrating on running the United Kingdom as he should be. He is not out there like Tony Blair and, to a lesser extent, Gordon Brown, trying to get his photo on every second page of the newspapers around the world. He is trying to fix up an almighty mess that was left by the former

British Labour government that had been there for a long time, and he is doing an outstanding job in extremely difficult circumstances.

It is also interesting to note that his coalition partner appears to have decided that being in government is somewhat superior to being in opposition and they are working together well in the best interests of the United Kingdom. It is just a pity that we were not seeing the same thing in Australia because even this week we have seen Tony Windsor—who got into bed, so to speak, with prime minister Gillard—rejecting the carbon tax, and I think it is very interesting to watch what is happening in Canberra as opposed to what is happening in the United Kingdom.

The member for Bragg, in moving this motion, has done this place a favour because it does allow us to expose what a sham the former Labour government in Britain was and what a disaster it turned into, and the fact that we ended up having a pair of brothers fight it out for leader of the Labour Party. Heavens to Betsy! We do not have that in South Australia. I do not think we have any brothers who are going to fight it out, but there are a few scraps going on about that. The reality is that the Hon. David Cameron, since being elected prime minister, has acted extremely honourably and in the best interests of the nation. I commend the motion to the house.

Mr PEGLER (Mount Gambier) (12:51): I speak against this motion. I think it is a nonsense that this motion even comes before this place, and I would be speaking against this motion if it were the Labor Party moving the same motion had the Labour Party won in the United Kingdom. I believe that we set a precedent once we start congratulating any country on winning an election.

We have many people in this country from many different countries in the world and we would set a precedent where we should be expressing congratulations in relation to all elections right throughout the world whenever they happen, and I certainly do not support that. I speak against the motion. I do not speak against Mr Cameron winning the election. I congratulate him, but I do not believe that this house should be dealing with motions like this. I will be voting against the motion.

Debate adjourned on motion of Mrs Geraghty.

POPULATION POLICY

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

That this house—

(a) acknowledges the impact of population growth in Australia on climate change, infrastructure and our resources; and

(b) calls on the state and federal governments to develop an appropriate population policy as a matter or urgency.

It is not my intention to spell out what should be in the appropriate policy because there is no point calling for one to be developed if you already have the answers. What I am suggesting is that with a matter as important as the population of this state and this nation, the policy needs to be continually revised and changed in the light of changing circumstances.

We are well aware of the debate over the carbon issue and I will not go into that because that is coming up at a later date, but environmental issues are certainly part of concern about population growth. The impact on infrastructure was a very topical matter some months ago before we had the very generous rainfall, certainly in the eastern part of Australia. In addition, there are issues about impact on farmland such as, to use one example, the Mount Barker area, and pressures on areas like the Southern Vales, the Barossa and so on. There are those particular aspects.

The state government does have a population policy. In fact, the Premier released a publication back in 2004 called *Prosperity through People* in which, in part, in his foreword he said it is a policy that will see the state 'maintain its current national population share, effectively double its current population growth rate and achieve a population of two million by mid century'. Realistically, that means most of those people would be living in Adelaide, and there are many people who now question the wisdom of having two million people in Adelaide.

There has been a lot of debate about the urban growth boundary and I see, pleasingly, that the government and councils are taking on board the issue that I have been promoting for a long time, and that is to go up in terms of housing development along transport corridors—not just the

TOD concept but also above shopping centres. Even allowing for that innovation, which is welcome, we still have significant issues in terms of population pressure.

Likewise, in Australia, where our population is now approximately 22.5 million, we have a major debate going on about what the ultimate population size should be. You cannot suddenly turn on or off the tap for population—it does not work that way—but you can make changes using immigration policies as well as policies that encourage more births in the country.

What I would like to see in terms of a revision of policy is an emphasis more on the quality of life rather than the quantity of life. Sometimes it is called the steady state economy. It does not mean you have no growth. It means you have growth which is focused on improving the quality of life and, for example, you try to have fewer people in prisons, better hospitals, better schools, and so on, rather than simply having more people.

You need a certain number, a critical mass, in order to defend yourself and have economies of scale, but I do not see any virtue in simply pursuing numbers for the sake of numbers. For what purpose? I do not see any value in that at all. Australia is not going to get close to the population of the United States or China in the near future so there is no point trying to gain world status by just having a larger population.

So I am not saying that state and federal governments should not have a population policy, but I am saying that at both a state and federal level it is time the policies and practices were revised and reviewed in the light of, as I said earlier, environmental issues, infrastructure pressures and demands on our resources. That is the purpose of raising this issue. It does get canvassed from time to time, but it is a fundamental issue.

Australia has an impact in the rest of the world because we supply a lot of food to others, we consume a lot of energy, and so on, and I would like to see that our population policies are compatible with not only a productive and constructive lifestyle for all Australians but also that, as a world citizen, we make a contribution in that respect. So I commend this motion to the house.

Debate adjourned on motion of Mrs Geraghty.

[Sitting suspended from 12:59 to 14:00]

EDUCATION, ADULT RE-ENTRY

Mr PISONI: Presented a petition signed by 619 residents of South Australia requesting the house to urge the government to take immediate action to restore funding for adult re-entry programs in public schools.

VISITORS

The SPEAKER: I advise members of the presence in the gallery today of students from years 6 and 7 at Gilles Street Primary School, who are guests of the member for Adelaide. Welcome. We hope you enjoy your time here. A year 9 group from Emmaus College, guests of the member for Ashford, have also been present today.

TREVORROW, MR G.

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) (14:01): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: As Premier I wish to make a statement relating to the passing of Mr George Trevorrow, a senior Aboriginal elder of the Ngarrindjeri nation, who was well-known and respected by many people in South Australia and throughout our nation. I acknowledge the family, close friends of Mr Trevorrow, the Ngarrindjeri people, and all those who hold memories of him. On behalf of the South Australian government I would like to express our sadness at Mr Trevorrow's passing on Saturday 26 February at the age of 59.

I also want to extend my personal respect and gratitude for a man whose contribution to South Australia is significant in so many ways. He was a statesman, a leader and a man of vision. He was also a dedicated family man, who passionately sought to advance the rights of Aboriginal people, and to reach a better understanding between Aboriginal and non-Aboriginal people.

Mr Trevorrow was committed and courageous, but he also believed in consensus above conflict, and humility rather than hubris. He is survived by his wife, Shirley, and five children.

He was deeply committed to progressing the interests of Ngarrindjeri and his vision was far reaching. Mr Trevorrow was an integral part of a negotiation team to secure the first-ever repatriation of Ngarrindjeri ancestral remains back to country. To him, these were 'old people' who belonged to country, and needed to be brought home. He not only helped ensure that happened, but he also began talking to other institutions in the United Kingdom that held ancestral remains. Mr Trevorrow regarded this as extremely important for Ngarrindjeri people 'to have the return of the old people back to their traditional burial grounds'.

Mr Trevorrow showed great respect and understanding for his 'old people', and he cared deeply about their spirit—to ensure they were granted spiritual peace—as well as their physical remains. In the same way, he showed respect to his elders, his brothers and his sisters. He also cared for future generations through the practices of his Ngarrindjeri culture. As custodian of the land and waters, he worked throughout his life to ensure the health and preservation of country for future generations to enjoy and to continue in practising their Ngarrindjeri culture.

Mr Trevorrow was also able to construct a new and positive relationship with all levels of government. He was able to speak openly and forthrightly about his views and to call for unity and consensus to build a strategic way forward for the Ngarrindjeri. Mr Trevorrow was always prepared to explain, patiently and with insight, the reasons why Ngarrindjeri culture is important and why it must be protected. He was, along with other Ngarrindjeri elders, acknowledged for his work as South Australian of the Year in 2010, in the category of environment. Even at times of disagreement, Mr Trevorrow maintained dignity and respect, through his thoughtful and insightful approach and his ability to speak plainly.

George Trevorrow was a man of grace and vision. He had the strength and humility to seek a new relationship with government and was instrumental in forging a new relationship, which was demonstrated in the signing of the Kungun Ngarrindjeri Yunnan (Listening to Ngarrindjeri People Talking) Agreement in June 2009. This agreement was reached between the Ngarrindjeri Regional Authority and the Minister for Environment and Conservation, the Minister for Aboriginal Affairs and Reconciliation, the Minister for the River Murray and the Minister for Agriculture, Food and Fisheries.

Mr Trevorrow was also the inaugural chairperson of the Ngarrindjeri Regional Authority and was involved in the signing of the Ngarrindjeri Regional Partnership Agreement between the Ngarrindjeri Regional Authority and the Australian and South Australian governments on 18 July 2008 at Camp Coorong. These agreements are comprehensive and far-reaching. They contain a focus on economic sustainability and environment as well as cultural protection. These are vital areas that Mr Trevorrow saw as enabling the Ngarrindjeri to care for country and sea areas, as traditional owners, in collaboration with government.

When the state government became aware that Uncle George was gravely ill, the Minister for Environment and Conservation visited him in hospital and spent some time with him during that difficult period. I understand the minister advised Mr Trevorrow of this government's commitment to co-management of the Coorong National Park with the Ngarrindjeri, with a view to eventual hand-back. I am told that this news brightened Mr Trevorrow's spirits considerably.

George Trevorrow has left an enormous legacy for all of us in South Australia. His effort and dedication to build understanding and positive relationships will be remembered in many ways by many people in the years and decades to come. He devoted his life to ensuring that all Aboriginal South Australians could benefit from building positive relationships with one another and with governments—to learn from one another, share knowledge and build unity, to maintain a mutual respect for old people, family, kinships, nations, the land and waterways, as well as further nurture cultural knowledge, local and future Aboriginal leadership. This is a vital legacy for us all. He has left a lasting impression on our state and on our nation. On behalf of members, I extend my sincere condolences to Mr Trevorrow's family and friends. He will be sadly missed.

PSEUDOEPHEDRINE SALES

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) (14:08): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: Today, I announced that new regulations will be drafted under the Controlled Substances Act 1984 to mandate real-time recording and reporting of sales by pharmacists of products containing pseudoephedrine, and they will come into effect on 1 July this year. The government is committed to reducing the abuse of amphetamine-type stimulants, of which the precursor chemicals continue to be sourced from pharmacies and diverted for the manufacture of illicit drugs.

The pharmacy profession has done a great deal to reduce the sale of pseudoephedrine to only genuine customers in order to minimise diversion activities. The South Australian branch of the Pharmacy Guild of Australia advocated for real-time recording and reporting in South Australia. In fact, they came to me and very strongly put to me that the government should adopt on a mandatory basis what many of them were already doing on a voluntary basis. As a result of that lobbying, the government is introducing this scheme. The South Australian police is also supportive of the scheme as it will enable them to monitor and act more responsibly in relation to suspected diversion activities. Real-time recording and reporting have already been adopted in both Queensland and Western Australia.

Under the real-time recording and reporting system, recognised photographic identification will be required for the supply of medicines containing pseudoephedrine, in addition to information presently required under the regulations, such as name, address and date of supply. In many pharmacies, as I have said, request for identification is already commonplace. We want to make sure that pseudoephedrine, which is a very effective drug used in cold and flu tablets, is still available to consumers in our community who need those drugs in order to continue doing what they want to do but, of course, their need has to be balanced with the use of these drugs by those who want to access them to make illegal drugs.

Information will be entered into an electronic system which will alert select people within SA Police and the Department of Health to people pharmacy-hopping to obtain multiple supplies of pseudoephedrine medications. More crucially, pharmacists will also be able to see how many times a particular person has purchased pseudoephedrine and, if concerned, alert authorities. In fact, the pharmacists gave me anecdotal evidence when they put to me the case of a Victorian, I think, who travelled across the border and up through the towns of South Australia, going right up into the northern part of our state, collecting small packets of cold and flu tablets which contain pseudoephedrine, to take back to Victoria. I am also told that a handful of tablets—something like 24 tablets—can be converted into about $2,000 worth (street value) of amphetamine-style product.

The benefits of real-time recording are a reduction in public health harms associated with the manufacture and abuse of amphetamine-type stimulants, reduced drug-related crimes through the provision of more superior and timely online intelligence to law enforcement officers, and improved business efficiencies for pharmacies, health authorities and law enforcement agencies as reporting moves from paper-based to online.

The Pharmacy Guild of Australia advises that 80 per cent of South Australian pharmacies currently have the ability to undertake real-time reporting and recording and many are actually already participating. The social cost of amphetamines and other illicit drugs, I am told, is significant. The average total social cost in terms of health, crime and road accidents associated with amphetamine use each year—and I believe this is an Australian statistic—is an estimated $3.731 billion. The measures I have announced today are examples of the steps the government is taking to reduce illicit drug use in our community.

SOUTH AUSTRALIAN AQUATIC AND LEISURE CENTRE

The Hon. T.R. 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) (14:11): I seek leave to make a ministerial statement.

Leave granted.

The Hon. T.R. KENYON: I am pleased to announce today that following a public tender process the state government has selected the YMCA as the preferred operator of the new South Australian Aquatic and Leisure Centre at Marion. The YMCA is well suited to operate this important addition to the South Australian sporting landscape.

The not-for-profit organisation already has considerable experience as an operator of aquatic and community facilities across the nation. As a not-for-profit entity, the YMCA's values align well with the state government's objectives for the centre to be a facility that is used by a

broad cross-section of the South Australian community. As operators, the YMCA will ensure that the centre meets the needs of people of all ages, from families with young children learning to swim right through to elite athletes in training and competition.

The selection of the YMCA to operate and maintain the South Australian Aquatic and Leisure Centre marks the final step in a long journey to bring this project to fruition—and I apologise for not wearing my Indian outfit that I have at home. As a government, we are delighted to be delivering to the people of this state a world-class destination for all South Australians to play, train and perform in.

The SA Aquatic and Leisure Centre will be Australia's premier aquatic and leisure facility, supporting and preserving the future of the aquatic sports of swimming, diving and water polo at the elite level in a FINA-compliant, world-class facility.

The increase in the quality of the training and competition environment for our athletes, including our SASI swimmers and divers, will help keep our South Australian talent here in South Australia. The development will offer benefits to not only elite sport but also the wider community.

As well as the main 50-metre competition pool and the diving and water polo pool, the design has ensured that the centre includes about 1,000 square metres of leisure and recreational water, including a 25-metre community program pool, a dedicated learn-to-swim pool and community leisure water with a wet deck, play equipment and toddler pool. This space ensures that all members of the community will be able to enjoy the new centre.

The new facility also means that South Australia is now in an extremely strong position to bid for national and international swimming, diving and water polo events. Already the centre has resulted in South Australia securing a number of national and international events, including the 2011 Australian Short Course Swimming Championships, the 2012 World Lifesaving Championships and the 2012 World Junior Diving Championships.

South Australian sports fans will have their first opportunity to see an event with Australia's future swimming stars competing at the Australian Age Swimming Championships from 18 to 23 April. The venue will be open to the public in the week following this event, and I am sure we are all looking forward to that day. The state government will now work closely with the YMCA to ensure the new centre delivers on its potential to be one of the jewels in our sporting crown.

QUESTION TIME

OPINION POLLS

Mrs REDMOND (Heysen—Leader of the Opposition) (14:15): My question is to the Premier. Does the Premier stand by his comments on radio this morning that he does not pay much attention to opinion polls, given that on the wall of his office he has a framed headline which reads: 'Newspoll Exclusive: Our Number 1 Premier'?

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) (14:15): Can I just say that I really want to talk about polls today, because there was a poll at the last election, and a poll at the election before, and a poll at the election before that. In the time that I have been leader of the Labor Party there have been 16 Liberal leaders and—

Members interjecting:

The SPEAKER: Order! Premier, there is a point of order.

Mr VAN HOLST PELLEKAAN: Madam Speaker, the Premier shows you great disrespect by not following standing order 104. He should direct his comments to and through you, and I ask that you correct that.

The SPEAKER: Yes, I am sure that the Premier understands that. I uphold that point of order.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: I just mention, Madam Speaker, that there have been 16 leaders and deputy leaders of the Liberal Party since I have been the leader of the Labor Party, and the next one just stood up.

Members interjecting:

The SPEAKER: Order!

ADELAIDE CASINO

Mrs GERAGHTY (Torrens) (14:16): My question is also to the Premier. Can the Premier advise the house what action has been taken to ensure that poker machines at the Casino are not available in the smoking areas?

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) (14:16): In recent days it has become apparent that SkyCity Adelaide, the licensee of the Adelaide—

Members interjecting:

The SPEAKER: Order! You will listen to the Premier in silence. Premier.

The Hon. M.D. RANN: In recent days it has become apparent that SkyCity—

The SPEAKER: Order! I told you to be quiet! Premier.

The Hon. M.D. RANN: In recent days—

Members interjecting:

The SPEAKER: Order! There will be no comments from my right, either. The member for Croydon will behave.

Members interjecting:

The SPEAKER: Order! We're not going to turn this question time into a fiasco again. Premier.

The Hon. M.D. RANN: In recent days, it has become apparent that SkyCity Adelaide, the licensee of the Adelaide Casino, have been operating poker machines in the Southern Atrium or 'Oasis', an open area located within the licensed casino area. I understand that the Southern Atrium is primarily used as a bar area. The Casino allows smoking on the basis that the area complies with the requirements of the Tobacco Products Regulation Act 1997.

The Minister for Gambling asked the Liquor and Gambling Commissioner, Mr Paul White, to investigate this matter after it was raised on Wednesday 9 March 2011. I am advised that, following a visit from the commissioner's inspectors, the gaming machines in the outdoor area at the Adelaide Casino have now been turned off. The commissioner's inspectorate will continue to monitor the area to ensure that the machines remain turned off.

As members would be aware, a full smoking ban in enclosed areas in clubs, hotels and the casino commenced on 1 November 2007. The government has had a policy of smoke-free gaming areas since 2008. Last year, the Gaming Machines Act 1992 was amended to reflect this policy position, and these amendments will take effect as of 1 July 2011.

The Gaming Machines Act 1992 does not apply to the Casino. Nevertheless, the Casino was required to have approval from the commission to install poker machines outdoors. I am advised by the Office of the Liquor and Gambling Commissioner that this approval has not been formally sought, and will not be granted if requested.

Neither the Minister for Gambling nor I are aware of any other gaming venues where a patron can smoke next to, or while playing, a gaming machine. I am disappointed that the Casino has taken this action, given the clear smoke-free gaming policy of the government, a policy that is broadly supported by the community. The Casino was well aware of our policy, and I think it is extremely disappointing that it decided to flout the policy in this state.

The Minister for Gambling is seeking further advice on the steps necessary to ensure casino pokie areas remain non-smoking. If this requires an amendment to the Casino Act 1997, then that is exactly what we will do. Quite frankly, I think the Casino knew what it was doing, and I find the practice reprehensible.

Members interjecting:

The SPEAKER: Order!

Mr Pisoni interjecting:

The SPEAKER: Order, the member for Unley will behave!

LABOR PARTY LEADERSHIP

Mrs REDMOND (Heysen—Leader of the Opposition) (14:21): My question is to the Minister for Education. Does the minister stand by his public comments made about the Labor leadership on 8 February 2011: 'As things presently stand I would be a candidate, but only if the top job becomes vacant first'?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development, Minister for Science and Information Economy) (14:21): I do not know what this has particularly got to do with my portfolio of education. Can I say this: we have a Premier of South Australia who has—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: For those—

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: For those opposite, he has the unfortunate habit of winning elections time after time after time. I suspect that if he chooses to stand for another election—

Mr Marshall interjecting:

The SPEAKER: Order, the member for Norwood!

The Hon. J.W. WEATHERILL: —he will indeed win that.

ADELAIDE OVAL

Mr PICCOLO (Light) (14:22): My question is to the Minister for Infrastructure. Can the minister advise the house about the comments and attitudes of various bodies about the prospect of AFL football being played at Adelaide Oval?

The Hon. I.F. EVANS: Point of order: that question is hypothetical.

The Hon. P.F. Conlon: No, it's not.

The Hon. I.F. EVANS: It is, because he talked about the possibility of having football at Adelaide Oval. It is hypothetical.

An honourable member interjecting:

The Hon. I.F. EVANS: Of course it is.

Members interjecting:

The SPEAKER: Order! It is bordering, but I think we will see how the minister responds to the question.

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure) (14:22): The first thing I would say—

Mr WILLIAMS: Point of order, Madam Speaker—

An honourable member interjecting:

The SPEAKER: Order!

Mr WILLIAMS: I am wondering what responsibility the minister has to the house for comments other people have made about football.

The SPEAKER: The question was addressed to him, and he has played a significant role—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: Madam Speaker, isn't it extraordinary on these two points—can I tell the member for Davenport, as he is about to find out—that the attitudes and comments are not hypothetical; they are entirely real, and they are out there, and they do not like them. Isn't it extraordinary that just a short while ago they could not get enough of asking questions on Adelaide Oval, and now they don't want one and they will do anything to stop one. Now, why would that be?

Those extremely non-hypothetical attitudes—let me run through them for you. Firstly, very recently we saw that great South Australian, Ian McLachlan, former Liberal federal minister, welcoming the prospect of—

Members interjecting:

The Hon. P.F. CONLON: Doesn't it hurt them, Madam Speaker, doesn't it hurt them? Welcoming the prospect of AFL football—

Mr Marshall interjecting:

The SPEAKER: Order, the member for Norwood! You are very vocal today—again.

The Hon. P.F. CONLON: —at Adelaide Oval. He was joined on that day by former Liberal premier John Olsen, celebrating the arrival at a memorandum of understanding with cricket to get Australian football back at Adelaide Oval. How was that arrived at? A unanimous vote of the SACA board, of course, that notorious Labor hotbed—a unanimous vote of the SACA board. That unanimous vote of the SANFL—

Members interjecting:

The Hon. P.F. CONLON: Madam Speaker, they may not want to hear this; I know that they do not want to hear it because they refuse to ask a question about it. It is quite extraordinary given their enthusiasm just a while ago for it.

Mr Gardner: Have you finished drinking lunch today?

The Hon. P.F. CONLON: I beg your pardon?

An honourable member: Get on with it.

The SPEAKER: Order!

The Hon. P.F. CONLON: Madam Speaker, that is offensive.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: If they don't have a position, can they at least not be offensive?

The Hon. M.J. Atkinson: Have some integrity.

The Hon. P.F. CONLON: Yes. My goodness me! I actually restrain from comments about you, Sunshine. Perhaps you should—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: —show a little restraint yourself.

The SPEAKER: Order! I didn't hear exactly what the member for Morialta said, but I am a bit concerned about what I did hear. I advise him to be very careful about what he says in this place.

The Hon. P.F. CONLON: So, Madam Speaker, the SANFL commission unanimously has endorsed a memorandum of understanding to have AFL football played there. Of course, the league directors unanimously—and, of course, one of those league directors is another former Liberal premier, Rob Kerin; so, you would think that we have a degree of bipartisanship for something that is so good for South Australia.

Mrs Redmond interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: The Adelaide City Council, on whom some Liberals place so much hope—

Mrs Redmond interjecting:

The SPEAKER: Order! The Leader of the Opposition will be quiet.

The Hon. P.F. CONLON: —moved unanimously to welcome—

Mrs Redmond interjecting:

The SPEAKER: Order! Leader of the Opposition, I warn you.

The Hon. P.F. CONLON: —AFL football back to Adelaide Oval. We have even seen commentators who had opposed this move—and I pay them tribute—swing 180°. Stephen Rowe, a sworn critic of the project, having seen what is going on over there in the Stadium Management Authority building (which I now refer to as the 'oval office'), has had the courage and the decency to come around and say, 'This is a great thing for South Australia, a great thing for football.' I had a meeting with the Adelaide City Council on Monday evening—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: —and it has agreed to a memorandum of understanding with the government to cooperatively, collaboratively, get football back to Adelaide Oval. There are very few people left, it seems, who are opposed to this. But given the deafening silence from the opposition in the last few weeks about Adelaide Oval (something they were very keen on before), I thought that I had better do some research and find out what they think of it. I was buoyed up, Madam Speaker—

Mr PENGILLY: Point of order, Madam Speaker.

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

Mr PENGILLY: Standing order 98: the minister is entering into debate.

The SPEAKER: No. I have been looking very carefully at the question since it was asked. The minister can choose to answer it as he chooses, but I will listen carefully to what he says.

The Hon. P.F. CONLON: This was produced by the hand, I assume, of Isobel Redmond, Leader of the Opposition. I am not referring to her incorrectly; that is what it says on the document. Her state Liberals' plan for a new stadium at Riverside West—

Mr Pisoni: Where did the document come from?

The Hon. P.F. CONLON: I didn't get it from you, Sunshine. I didn't get it from you. I wouldn't take it from you. I'd check its provenance if I got it from you, I can tell you that.

Mr Pisoni: Where did it come from?

The Hon. P.F. CONLON: It came from you. The Liberal Party produced it. It says this:

> Our vision for Riverside West involves a cultural and entertainment precinct that would transform the city. This must include a world-class stadium either by renewing Adelaide Oval or, if this proves untenable, by creating a new purpose-built facility. Both of these options will deliver a world-class stadium beside a new and exciting city pulse. Every other mainland state has created such a place. Why can't we?

Indeed, why can't we? And so—

Members interjecting:

The SPEAKER: Order!

Mr Williams interjecting:

The Hon. P.F. Conlon: Why are you protesting so much, Switch?

Mr Williams interjecting:

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

The Hon. P.F. CONLON: There is nothing so pleasant as a bellowing three-vote opposition deputy leader in pain, is there?

Mrs Redmond interjecting:

The Hon. P.F. CONLON: The Leader of the Opposition says, 'Yes; had to ask your own question.' Yes, we did. We have plenty of them. What is the current attitude of the Liberal Party, given that they said, in 2009, 'Why can't we have a world-class stadium at Adelaide Oval? Why can't we have that precinct?', because what this involves is the most significant change—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: What we are going to see is not just a world-class stadium welcomed by the Adelaide City Council, but the greatest change in the city precinct on the riverfront that we have ever seen, a vitalisation of the city that we have never seen before. So, what is the attitude of the Liberal Party now? Possibly the most asinine comment I have ever heard from a leader of the opposition. Her attitude to this, 'Why can't we?' is: well, she is not going to weep into her Weet-Bix if it occurs. I have to say that I do not believe that. I think they will be very salty, soggy Weet-Bix if it does get up. That is her great contribution to this public debate.

What did Iain Evans say? Iain Evans, the member for Davenport, in February was still saying, 'We need two stadiums', and then in March he is saying, 'We can't afford one.' These are his comments. He says, 'Why are we paying about $700 million to get those extra 12,000 seats?' It is an invention. What $700 million? It is a complete invention. The opposition will not even tell the truth about the matter. They are incapable of telling the truth.

Members interjecting:

The Hon. P.F. CONLON: He says it is true. Okay—

Mr WILLIAMS: I rise on a point of order. I know it was not quite a hypothetical question but the minister is debating.

Members interjecting:

The SPEAKER: Order! The question was: comments and attitudes of various bodies, so I do not think we can say that he is debating. I am a bit concerned about the wording of the question.

Members interjecting:

The SPEAKER: Order! I hope the minister is about to round up his answer.

The Hon. P.F. CONLON: I have a few more things that need to be put on the record. Members opposite say it is debate for me to say that it is not true, that the $700 million is not true. The Leader of the Opposition was on the radio this morning saying, 'The question is why should we spend $600 million of taxpayers' money to put an extra 12,000 seats there?' One of them has not got it right. The truth is that they do not care; they are going to be as loose as they can about it. The truth is—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: The other person, I might add, is Andrew Demetriou, who has recently made it clear that the AFL is committing to put funds into the stadium. So, what is the Liberals' attitude? You cannot find it. We know they have asked for a briefing from the sports about Adelaide Oval and before they get it the member for Adelaide is out there canvassing SACA members to vote against the oval. They know they cannot win the public debate so they are going to try to win the 25 per cent of SACA members to destroy a project valued by South Australians. The truth is that I have one thing that I want to know. Will the Liberal Party support the return of football to Adelaide Oval? Will they? We ask the question. The truth is that you cannot now find the Liberal Party position on this without a sniffer dog and a rescue helicopter.

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: I rise on a point of order. The minister is continuing to debate his answer.

The SPEAKER: Yes, the minister is getting very close to debate now. I think he is about to finish his answer.

The Hon. P.F. CONLON: I must admit that last bit was a bit of debate.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: The opposition leader needs to answer this to the public—

Members interjecting:

The Hon. P.F. CONLON: Yes, she does. Anyone who holds themself up as an alternative premier needs to answer this.

Members interjecting:

Ms CHAPMAN: I rise on a point of order.

The SPEAKER: Order! Member for Bragg.

Ms CHAPMAN: That is a threat, followed up by: he is a health hazard, and clearly debate. He has crossed the line from quotes to threats and is now debating this matter, demanding that an opposition member actually give an answer to this house. He forgets that he is sitting on that side.

Members interjecting:

The SPEAKER: Order! I think that is a fairly hypothetical point of order also, but, minister, have you finished?

The Hon. P.F. CONLON: I want to make one thing very clear, and I want to do something I have not done very often. I want to pay tribute to the member—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: —for Waite because I believe that the member for Waite did believe in football at Adelaide Oval. He has never changed his view and he should be given credit for that. It is a shame he wasn't allowed to win a democratic vote in his party. We might have got a different outcome.

Let me say this: I believe that the people of South Australia deserve to know what the Leader of the Opposition's attitude is in this and why she believes something that was good for South Australia—why can't we in 2009? Why can't we in 2011?

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: South Australians deserve to know that.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: Let me just close by saying this. You might be feeling good about a poll today, but let me assure you of this: every good poll they get is a death knell for her because the accidental opposition leader will not survive if they think they are going to win.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The member for Davenport and the member for MacKillop, behave yourselves or you will go out. You have had your chance now. You have let some of your energy go, now behave. The Leader of the Opposition.

STATE ELECTION

Mrs REDMOND (Heysen—Leader of the Opposition) (14:36): My question is to the Deputy Premier. Does the Deputy Premier now understand the reasons behind the voter backlash

received by his government at the 2010 state election? On 16 February 2011, the Deputy Premier responded to a question in the media about the reasons for the voter backlash by saying:

> The message I got was that for whatever reason, people were not happy in my electorate and others...I don't think anybody knows the answer to that question...Obviously they weren't happy...This is like asking me to be a mind-reader.

Members interjecting:

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

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) (14:36): I think the answer to that question requires a similar answer. I actually don't know what the question is, and it is certainly a matter for which I am not responsible to the house.

The SPEAKER: The member for Little Para.

An honourable member interjecting:

SOCIAL INCLUSION IN MINING AND ENERGY AWARD

Mr ODENWALDER (Little Para) (14:37): Yes, thank you.

Members interjecting:

The SPEAKER: Order!

An honourable member: Don't ask Foley.

Mr ODENWALDER: Who?

The SPEAKER: Order!

An honourable member: He doesn't like you.

Mr ODENWALDER: My question is to the Premier.

An honourable member: No-one likes you.

Mr ODENWALDER: Yes, that's right. Can the Premier please update the house on the inaugural Social Inclusion in Mining and Energy Award?

Members interjecting:

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) (14:37): You don't support this? You don't support giving Aboriginal people jobs in the mining industry? Okay. Nominations—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: Nominations open today for the inaugural Premier's Social Inclusion in Mining and Energy Award. The award, the first of its kind in Australia, will recognise the mining or energy resources company that demonstrates excellence and innovation in delivering social benefits to South Australian communities. Our resources sector is growing rapidly. We have just seen the number of mines in this state increase from 4 to 16, with three approved—

Mr Pisoni: And the unemployment figure—the unemployment figure is up.

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

The Hon. M.D. RANN: —on Christmas Eve, I think, since we came to office. It is great to hear that OZ Minerals, which operates Prominent Hill, has purchased Carrapateena, which will be a giant copper and goldmine for the future. That was announced to the Australian Stock Exchange yesterday.

Mr Pisoni: There were 4,100 unemployed in one month.

The SPEAKER: Order!

The Hon. M.D. RANN: Well, I think you know all about how you turn a big business into a small business. A very central part of our policy with the mining boom is that we want to see a social dividend as well as an economic dividend, so we don't have a situation—

Members interjecting:

The SPEAKER: Order! The member for Unley, I warn you for the second time.

The Hon. M.D. RANN: —so that we don't have a situation that has occurred elsewhere in Australia and elsewhere in the world where you see a mining boom that people, particularly Indigenous people or those with generational unemployment, miss out on job opportunities.

The pipeline of projects will continue to grow, underpinned by strong exploration spending. Yesterday's ABS figures show continued growth in exploration in South Australia, up 25.5 per cent on the previous quarter. Mining is now our state's largest export industry and a significant regional employer. We want to see the growth of this industry benefit South Australians to the—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —greatest extent possible. I have seen first-hand some of the great community initiatives that mining companies across the state are implementing for local communities. Mining and energy companies have created hundreds of jobs for South Australians who were doing it tough. In many cases, there has been a real commitment to employment of Aboriginal people from remote communities, helping them to break the cycle of disadvantage. In fact, there was one particular company that briefed me recently about how 20 per cent of their workforce were Indigenous people.

We need to see more of this as our mining and energy resources industries expand. That is why I will be presenting this award to the company that has gone the extra mile in engaging with communities and creating better outcomes for South Australians.

The Social Inclusion in Mining and Energy Award builds upon the Social Inclusion Board's work of ensuring a social dividend from the state's current period of economic growth. Nominations for the Social Inclusion in Mining and Energy Award are open until Friday 8 April. The winner will be selected by an adjudicating panel comprised of community organisations, industry representatives, government and Aboriginal stakeholders.

The award will be presented at the South Australian Chamber of Mines and Energy (SACOME) Gala Dinner on 4 May at the Hilton Adelaide. I hope this award appeals to the industry's spirit of competition, encouraging more innovation and greater social benefits for South Australia from these growth industries of the future.

MINISTER FOR RECREATION, SPORT AND RACING

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (14:41): My question is to the Minister for Recreation, Sport and Racing. Why did the minister claim that he may be looking for a new job after the next election during his speech to graduates at the South Australian Sports Awards last week?

Members interjecting:

The SPEAKER: Order!

The Hon. T.R. 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) (14:41): Quite simply because there will be an election in three years' time and one never knows the result of a ballot.

CANCER TREATMENT

Mrs VLAHOS (Taylor) (14:42): My question is to the Minister for Health. How is the state government increasing support for South Australians with cancer?

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) (14:42): I thank the member for her question. I thank her for her interest in health, and I recognise that she represents me many times at various events that I am invited to but cannot attend.

Tomorrow, members would be aware, perhaps, that the Leukaemia Foundation's World's Greatest Shave will have a small ceremony at the Royal Adelaide Hospital. Right around our state many South Australians will be shaving, colouring and waxing their hair to raise funds for services to support patients and families living with leukaemia, lymphoma, myeloma and related blood disorders—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —as well as research into better treatments and cures. I, too, will be participating to a minor extent.

Mr Williams: What colour are you going?

The Hon. J.D. HILL: I thought grey was very fashionable but I am going to get rid of it. So, I, too, will be shaving. I am pleased to say that I have received—

Members interjecting:

The Hon. J.D. HILL: There is still time to contribute, gentlemen on the other side. So far, I have received $2,500 in sponsorship and I would like to thank everyone who has made a contribution including the Premier and others in this place who have given financial support—and anybody who would like to contribute, I would be happy to get even more.

On a serious note, cancer does remain a major cause of morbidity and mortality in our community, and it is the second highest cause of death after cardiovascular disease. One in three South Australians will be diagnosed with cancer at some time during their lives. During 2007, there were 8,989 new cases of cancer diagnosed in our state and 3,466 deaths from cancer.

In fact, as our population ages, and we all live longer, the chance of getting a cancer, of course, increases and, as we become better at stopping people dying from other things, the chances of developing cancer increases as well. It is clear that we have a major battle on our hands when it comes to cancer. However, the state government, and I am sure members on the other side, remain committed to tackling this issue on all fronts, including prevention, early diagnosis, treatment and, of course, research.

I am pleased that we have been able to commit $5.9 million to introduce a new electronic oncology prescribing system and the necessary staff to ensure the delivery of more chemotherapy in country parts of South Australia. This includes providing training for doctors and nurses in country areas to be able to safely provide chemotherapy, and to support patients following chemotherapy. I think it has been terrible that many people have had to come to Adelaide for relatively simple chemotherapy treatments which could easily be provided in their own communities. This change will help that occur.

This funding is already part supporting the appointment of cancer care coordinators and the services of visiting oncologists at Mount Gambier to provide care for cancer patients in the South-East. They are part of Mount Gambier's cancer multidisciplinary team—the first of its kind in South Australia—and I am sure the local member is aware of them. The team was recently recognised for its success at the Cancer Expo held at Royal Adelaide Hospital, and I congratulate the team on the award that they won.

The state government's investment will also provide services and staff to support 10 new chemotherapy units across South Australia being established through a $5.4 million commonwealth investment. These units will allow regional South Australians to receive treatment for more complex cancers closer to their home. The designated chemotherapy sites are within hospitals at Port Lincoln, Mount Gambier, Port Augusta, Mount Barker, Victor Harbor, Murray Bridge, Gawler, Wallaroo, Naracoorte and Clare. As members would know, Port Pirie is already providing chemotherapy services.

The state government's $42 million redevelopment of the hospital at Berri will provide similar services there, and they will also be provided as part of Whyalla's regional cancer centre, so we will see a huge increase in services right across country South Australia. The Whyalla centre, which is in its final stages of planning for site works to commence later this year, is part of the commonwealth's total $69.3 million commitment in country cancer service, and I want to thank the commonwealth government for its contribution. It is part of the coordination of funding between the state and the commonwealth and is a really good example of that cooperation in practice.

This funding is also developing and improving the communication links between country health services and specialist cancer centres in Adelaide, allowing country-based doctors to consult with specialists by telecommunication links, and we will see more of that in the future as well. The radiation therapy unit at Lyell McEwin Hospital will also be expanded to broaden services available in the northern suburbs of Adelaide and the surrounding country area. In February, I unveiled the Statewide Cancer Control Plan for the next five years (2011-15). This plan lays out a comprehensive and long-term strategy to guide the resources of our health system and to continue to lead improvements in cancer control by reducing the incidence of cancer, improving the cancer journey and increasing survivorship.

Our first plan had some remarkable achievements, including the development of a statewide delivery model and significant improvements in cancer data and information systems, supported by a $4.4 million investment over two years from the state government and Cancer Council of our state. Under this plan, we have also established the South Australian Cancer Research Collaborative, an innovative partnership between our three major universities to build a united and competitive cancer research sector. This collaboration is supported by $20 million in funds from the state government and the Cancer Council of South Australia. This is a great initiative, and I really congratulate the Cancer Council on approaching us in relation to this.

Research into cancer will also be a major focus of the new South Australian Health and Medical Research Institute, which is now under construction on North Terrace, and the new Flinders Centre for Innovation in Cancer incorporating a Livestrong cancer research centre, which will have a focus on cancer prevention. Earlier this year the Premier joined cancer survivor and Livestrong founder, Lance Armstrong, to launch the Youth Cancer Networks Program. This program will advance the way cancer treatment and support is delivered to adolescents and young people. The program's key strength is that it unites governments in partnership with Canteen, harnessing collective resources, knowledge and the will to fight cancer.

It is thanks to these initiatives that I have referred to that cancer survival is on the increase. However, the battle, as I said before, is far from over. Extended life expectancy, our ageing population and effective screening and early detection programs mean that the number of South Australians with newly diagnosed cancer is also increasing. Our new Statewide Cancer Control Plan sets the path for our continuing efforts to strive for improvement across the whole spectrum. I know that probably everybody in this house has somebody in their family, or someone they are close to, who has had cancer, who has cancer or who has succumbed to cancer. I know it touches every family in our state. It is really important, I think, that we give priority to expanding services and integrating the service delivery with research and teaching. That is what this strategy is all about. If any members, particularly those in rural South Australia, whom I have referred to, would like a more detailed briefing, I will be happy to provide it if they contact my office.

EATING DISORDER UNIT

Dr McFETRIDGE (Morphett) (14:49): My question is to the Minister for Health. Why has Flinders Medical Centre psychiatrist Dr Randall Long, who works with the eating disorder unit at Ward 4G, been sent a disciplinary letter and threatened with the sack after he spoke out against the government's proposal to close Ward 4G eating disorder unit?

Members interjecting:

The SPEAKER: Order! The Minister for Health.

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) (14:50): That is an interesting question from the member for Morphett. I was advised about this just before question time.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Can I say that I have not instructed anybody in relation to this, so it is not an initiative by me, but I can tell the house a little bit about it. There is a flyer going around, which has been attached to various places in the Flinders Medical Centre, which says 'Save Flinders' Eating Disorders Unit'—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: The member has asked a serious question, and I am trying to give him an answer, but the house needs to understand the background so that the information I give makes some sense. He has placed a flyer saying:

Save Flinders' Eating Disorders Unit. Only public action can stop this disaster. Contact the minister—

and there is a photograph of me in my pre-beard stage, so it is probably not recognisable to most people. It goes on to say:

Help stop the Eating Disorder Unit at Flinders from closing down. Eating Disorder Unit closure puts lives in danger.

He has at the top 'Eating Disorder Unit: Eating Disorder Unit closure puts life in danger', and then Adelaide *Advertiser*, 20 November 2010. Of course, he is the one who gave that quote to the Adelaide *Advertiser*, so he is quoting himself but distancing himself from it by referring to *The Advertiser*.

In relation to the issue the member raised, I am advised that, on 14 December 2010, the General Manager of the Flinders Medical Centre sent the following memo to her staff. The memo is entitled 'Flinders Medical Centre Notice Boards', and it states:

I would like to remind staff that most notice boards at Flinders Medical Centre should only be used to display corporate information. Noticeboards located outside the lift areas are restricted to official Flinders Medical Centre and Flinders University business.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Madam Speaker, they always have these wonderful interjections. They can ask whatever questions they like. I would be happy to answer any of the things they raise, but it is difficult to concentrate on the topic at hand when other topics are being thrown across the chamber. The memo goes on:

When thinking about displaying a notice at Flinders Medical Centre, please consider the following guidelines:

- Notices should not be placed on walls, inside lifts or anywhere in the hospital other than on the provided noticeboards.
- Notices should not contain inappropriate, inciteful or offensive information. Notices of this nature will be removed immediately.
- Notices should use the appropriate corporate branding. Templates are available on the intranet [site].

Media and Communications are responsible for maintaining the noticeboards and regularly update the information on them.

There are general noticeboards on level 4 (near to the receiving stores...) which can be used to display notices which are not of a corporate nature, such as the selling of goods.

Guidelines are currently being developed for the display of information in and around the hospital. Staff will be advised when these guidelines are—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: I am also advised that a note was sent from the general manager to a range of people, which states:

Dear All,

Please find enclosed a copy of a flyer that has been placed across level 4 at FMC. I don't know who has produced and distributed it, but please could you advise all mental health personnel at FMC that, whilst there is a degree of tolerance for the nature of the concerns being raised, the choice of wording on the literature being circulated at this public hospital is inappropriate, as were the flyers depicting the health minister before Christmas.

I do not know what they did, but they were in the same category.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: The note goes on:

Unfortunately, choosing to use phrases within the material that relate directly to the Department of Health and its decision-making in an inflammatory manner is not acceptable and, if the author and distributor are identified

then the appropriate HR investigation action will be followed and this action is likely to constitute bringing the organisation into disrepute.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Just a second, Madam Speaker. I'm almost finished. It goes on:

Thank you for your support in this matter. Ross and the corp comms team that removed the flyers this morning...as further guidance provided to all staff in FMC.

Mrs Redmond interjecting:

The Hon. J.D. HILL: The Leader of the Opposition interjects 'Mr Hill said.' Well, I didn't say anything of the sort. I wasn't even aware they were up until after this matter was brought—

Members interjecting:

The Hon. J.D. HILL: Let me put it to the opposition: if the opposition is of the view that the walls of our health system should be used like the Great Wall of China for every political campaign that anybody wants to promote—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —how would she feel if I were to go down there and arrange for big posters attacking her position on health to be placed all over the hospital? Can you imagine—

Mr PENGILLY: Point of order. I presume the minister, in referring to 'she' or 'her', is referring to the opposition leader.

The SPEAKER: You have not really explained your point of order but, yes, the minister is aware of that.

The Hon. J.D. HILL: I said: how would the Leader of the Opposition feel if I went down there to say etc., etc. How would she feel—

Members interjecting:

The Hon. J.D. HILL: I am allowed to say that because I was referring to—

Members interjecting:

The SPEAKER: Order! The minister has been answering this very carefully. Can we hear the rest of his answer?

The Hon. J.D. HILL: I am sure that the member for Croydon and the Deputy Speaker would be pleased to conduct a seminar on the proper use of pronouns at some stage and would happily take the member for Finniss through why what I said was perfectly correct. I know—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —that the Leader of the Opposition would understand that I was referring to her in that context. So, what I am saying to members on the other side is: how would they feel if I were to go down there and stick up a whole lot of posters attacking the Liberal Party? They would object. The hospital—

Members interjecting:

The SPEAKER: Order!

Mr Marshall interjecting:

The SPEAKER: Order! Member for Norwood, I warn you!

The Hon. J.D. HILL: The hospital management is applying standard protocols which would apply in all agencies under both Labor and Liberal about how material which has a political content should be displayed—or whether it be religious content or a whole range of other content. There is nothing exceptional about this, as I am sure all of you properly understand.

LITERACY EDUCATION

Ms FOX (Bright) (14:57): Can the Minister for Education update the house on steps the government is taking to support school leaders to provide a strong focus on literacy education in schools?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development, Minister for Science and Information Economy) (14:57): I thank the honourable member for her question, which was beautifully asked, as usual—obviously the product of a fine literary upbringing.

There are a number of programs that the government has in place to support children develop their reading and writing skills, but the key way in which we are going to be able to do this is through building the skills of teachers and school leaders to ensure that they can provide high quality instruction to their students.

Yesterday I had the pleasure of being able to launch the second round of a program called Principals as Literacy Leaders, which is designed to equip primary school leaders with the skills and confidence to drive whole-of-school approaches to literacy improvement. It involves five days of professional development spread over 14 months, and the program helps principals examine what works in practice, tailoring their approach to their particular school. It also provides them with mentoring support that helps to bring the efforts of all staff to bear on the task of improving literacy outcomes.

There is a growing body of evidence which suggests that leadership is second only to classroom instruction by teachers to affect students' learning in this particular area. It is no surprise that, since the Principals as Literacy Leaders program was first trialled in 2009, it has grown in stature and credibility amongst educators. One principal remarked, 'This program has changed my life. I was feeling jaded and lacked confidence. This has given me a whole new perspective on my role as principal.' Another said, 'It has brought a whole new awareness of the nature of explicit teaching required in the school.' Yet another stated, 'This is the best professional development I have done in my entire career.'

Last year, 155 principals participated in the program, and I am pleased to be able to advise the house that a further 182 primary school principals will be supported to participate in the second round of the program, which was launched yesterday.

The success of the program in South Australia is in no small part due to the support that it has received from two of its strongest advocates: Leonie Trimper, the former national President of the South Australian Primary Principals Association, and the current President of the South Australian Primary Principals Association, Steve Portlock. I thank them for the leadership role that they have played in this regard.

The Principals as Literacy Leaders program is just one of a range of literacy education initiatives that we have introduced. There is also an accelerated literacy program to target students needing the most help. There are literacy coaches working with classroom students to tailor teaching approaches to the specific learning needs of their students, and new teaching guides have been provided to schools to help them improve students' understanding of phonics, spelling and writing.

The government takes its responsibility to ensure all students receive a solid grounding in the fundamentals in education very seriously. In addition to the literacy programs, we are upskilling primary school teachers through our $51.1 million Primary Maths and Science Strategy, and we are the first state in the commonwealth to have mandated minimum lesson times for maths, science and literacy in year 3 to year 7 classrooms. By focusing on these fundamentals in the early years, we are helping our young people be better prepared for high school and later life.

SALMONELLA OUTBREAK

Dr McFETRIDGE (Morphett) (15:01): My question is again to the Minister for Health. Have any companies named by the minister's department as being the source of the salmonella outbreaks lodged complaints with the government about their naming, and has the government taken legal advice about any potential consequences of naming these companies?

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) (15:01): It is interesting that the member should raise this. I remember when this issue first

came up. I think the member for Morphett was in the media saying how I had been so slow in getting the information and that I should have named the companies, and, once the companies were actually named, he said how outrageous that I had destroyed their business.

Members interjecting:

The Hon. J.D. HILL: Well, you can't warn people about what not to eat unless you name the company that produces the food that's causing the problems.

Dr McFetridge interjecting:

The Hon. J.D. HILL: Okay, we will wait for you. I am not aware of the issue he raises, but if there are legal matters afoot then it would probably be improper for me to discuss it anyway. I am happy to get a report, and if I can find anything to help him, I will let him know.

CHILD PROTECTION

Ms CHAPMAN (Bragg) (15:01): My question is to the Minister for Families and Communities. Why does the government prevent people from assisting to keep vulnerable children safe by refusing to allow them to make legitimate child abuse notifications via email?

The opposition has been informed that the 131 478 child abuse hotline is often engaged for very lengthy periods; sometimes hours. In some circumstances this results in teachers and other employees having to take time away from work in order to wait on the end of the phone line to make a report. I am further informed that, instead of allowing people to make a notification via email, which would be convenient and is available in Western Australia, people are told to either wait or call back.

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Housing, Minister for Ageing, Minister for Disability) (15:02): This issue has been raised with me on a couple of occasions, particularly by teachers. The child abuse report line does have periods during the day in which the volume of calls coming in is increased significantly, and that often is at the end of the school day. My understanding is that we do in fact have a process whereby both police officers and teachers can make lodgements with the department via an email system.

Let's be clear. These are not two-minute conversations that people are required to have. They are very often lengthy and complex conversations. I am very happy to get some—

Ms Chapman interjecting:

The SPEAKER: Member for Bragg, you have asked a question. Listen to the answer.

The Hon. J.M. RANKINE: I am very happy to get some clear detail for the member for Bragg in relation to waiting times. We also know that you can't always take on face value the things that are brought up in this place. Let me just make reference perhaps to some quotes that were made in this house yesterday.

Now, I am not going to say that the house was misled, because that would take a vote of the house, and I am happy to let people make their own judgements about that. Yesterday, the Leader of the Opposition read a quote from a media release in 2007, and said:

> ...a transitional accommodation project, for which the government has earmarked $9 million in resources—

Members interjecting:

The SPEAKER: Order! Point of order, the member for MacKillop.

Mr WILLIAMS: I am struggling—

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: I am struggling to understand the relevance of this to the question that was asked.

The SPEAKER: Order! We really haven't got into that yet. We are waiting to hear what the minister has got to say, then I can judge.

Mr WILLIAMS: I think we know what the minister's doing.

The SPEAKER: You can't have a point of order—

Mr Williams interjecting:

The SPEAKER: Order! You can't have a point of order until we know what it is about. You cannot raise that when we do not know what she is going to say.

Mr WILLIAMS: The question is about the reporting of children who have been abused and the minister—

The SPEAKER: Order, sit down! I will listen very carefully to what the minister has to say, and I am sure it will be relevant to the debate; if not, she will sit down.

The Hon. J.M. RANKINE: Thank you, Madam Speaker. It is about trust, it is about whether you can believe what people say or not. It is about whether you can believe what they say.

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: The Leader of the Opposition said:

...a transitional accommodation project, for which the state government—

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: —has earmarked $9 million in resources [comma]—

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: The bit she left off after the comma was:

...and is calling on the commonwealth to contribute a further $9 million to complete the plan.

Members interjecting:

The SPEAKER: Order! I think the minister—

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: She left that bit off.

Members interjecting:

The SPEAKER: Order!

Mr Williams interjecting:

The SPEAKER: Order, sit down, member for MacKillop!

Members interjecting:

The SPEAKER: Order! The minister has strayed from the point of the question. We will go onto the next question.

CHILD PROTECTION

Ms CHAPMAN (Bragg) (15:06): Supplementary question, Madam Speaker, to the Minister for Families and Communities. So, for the other near 48 different professions, who are mandatorily required to report child abuse, will you make email services available to them?

Mr Pederick: Good question.

The SPEAKER: Order! Minister.

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Housing, Minister for Ageing, Minister for Disability) (15:07): As I said, I will get a report from the department about its capacity to be able to do that and get back to the house.

Members interjecting:

The SPEAKER: Order! The member for Unley.

NATIONAL LITERACY AND NUMERACY TESTS

Mr PISONI (Unley) (15:07): My question is for the Minister for Education. Why did it take a six-month investigation to conclude that an Elizabeth Vale Primary School teacher was guilty of interfering with NAPLAN testing, and will the minister advise of any disciplinary action taken and if this teacher is now being paid a full-time salary while working part time at the same school?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development, Minister for Science and Information Economy) (15:08): I thank the honourable member for the question. I am not entirely sure what matter he is talking about. I assume it is the—

Mr Pisoni interjecting:

The Hon. J.W. WEATHERILL: The member has clarified it. This is the matter that concerned, I think, some allegations that were made about a teacher in relation to irregularities around the NAPLAN testing. It received a little bit of media this week about the publication of a broad range of allegations which ultimately were not proven, so the teacher was then subject to a lesser form of discipline than termination.

I must say I share the member for Unley's concern about the length of time it takes to investigate these matters. I think the delays are unacceptably long, and I think it makes things difficult for the department and also difficult for the teachers, but let's remember why these delays are put in place. They are processes insisted upon by those representing the relevant teachers. The lengthy process in natural justice is something that is insisted upon by those representing teachers. So, there is a bit of crunchy and smooth here.

If you want lengthy processes that test everything, they are going to go on for some time, and that places a burden on departments, like the education department that wants to get on with quickly resolving these things and get on with the business of teaching, and I think it also places unnecessary burden on the teacher who is subject to these allegations before they are being tested.

I do agree that we need to do something about speeding up that process. We are at the moment consulting on a set of arrangements for the way in which we actually deal with disciplinary matters; so, the employment arrangements concerning teachers are the subject of a paper that will be the subject of consultation, and I hope that we can get to a speedier process. It is worth bearing in mind that, in respect of these matters, members also have rights of appeal that they can insist on, and that extends the matter even further.

What I can tell members about this matter—and because this is a teacher who continues in the system, I do not think it appropriate to go chapter and verse into the details of these matters—is that the school community has been made aware of the nature of the findings that have been made. I do not think it is appropriate for me to publicly canvass these matters here, except to say that there were some inappropriate dealings with the ACARA test.

In light of this particular matter, there are some very clear guidelines for principals that deal with the way in which these tests are meant to be dealt with; for instance, how early teachers get the test before the actual test is administered and the sort of level of assistance that can be provided within the classroom when the children are taking the test.

Those clear guidelines I am now insisting that all principals sign off on and warrant that they have explained them to the teachers who are carrying out the tests so that we will not have any further instances of these breaches of protocol—and certainly the suggestion that was asserted in this case that the teacher was unaware of the rules.

NATIONAL LITERACY AND NUMERACY TESTS

Mr PISONI (Unley) (15:11): My question is, again, to the Minister for Education. Why was one public school teacher at St Leonard's who interfered with last year's NAPLAN test sacked while another public school teacher who interfered at Elizabeth Vale was reappointed in a leadership position? The memo that went out to principals and staff at Elizabeth Vale Primary School states:

> The teacher was found to have been negligent with regards to one of the allegations and to have behaved inappropriately in regards to two others.

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development, Minister for Science and Information Economy) (15:12): The simple

answer for the member for Unley is that in one case the circumstances of the misconduct was more egregious. It is quite clear. In one case where the teacher was dismissed, there were deliberate and extensive changes to a number of the answers that were given by the students to the NAPLAN test.

Of course, it was offered by way of exculpation that somehow that was caused by some pressure that the teacher was under, but members need to remember that thousands of other teachers must have been experiencing the same pressure and they did not choose to transgress what are obviously matters of professional conduct. In this particular case, the teacher admitted to carrying out this cheating—

Members interjecting:

The SPEAKER: Order!

An honourable member interjecting:

The Hon. J.W. WEATHERILL: Well, it is as simple as that. That's right. It is as simple as that, that the—

Mr Pisoni interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: No. We made findings. We investigated both cases. One made an admission, and we made findings about the other matter. The allegations, in fact, were not as serious in nature in relation to the second case concerning NAPLAN tests. Even the allegations were not as serious in nature. We carried out a proper investigation and found that they were proven in one case and not in another case. They were simply different cases which, of course, attracted different penalties.

RESIDENTIAL AGED CARE

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:13): My question is to the Minister for Health. Does the minister believe that funds held in trust, such as bonds paid by residents of aged-care facilities, can legitimately be used to pay day-to-day operating expenses, and is the minister aware that a federal Department of Health and Ageing report into residential aged care warns against the use of such bonds for day-to-day operational expenses?

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) (15:14): I assume that the member is alluding to matters which were in the media just recently about Keith hospital and allegations made that advice to the board of that hospital was somehow illegal, immoral. That is a proposition that is rejected strongly by the person who is alleged to have made those statements. All the evidence that I have looked at supports her position. What was suggested to the hospital board, which was looking—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Madam Speaker, it is interesting that the opposition asked the question. I am trying to give an answer which is reasonably uninflammatory but I get this kind of political interjection.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: I would have thought, given that we have been sitting for three days, that members on the other side would have had plenty of opportunities to ask me questions about Keith. They choose to ask the last question, with one minute to go—

The Hon. P.F. Conlon interjecting:

The Hon. J.D. HILL: That is right; they had to address the important issues of the day, such as what people thought about different things. I am more than happy to give a lot of information about Keith, and I will answer this question. The question was a leading question. It did not refer to Keith directly but, of course, that is what the member was referring to. The answer is:

no, as I understand it, bond money cannot be used for the purposes which the member described. I am informed that it was not suggested by my advisers that that should be the case.

In fact, what they said in relation to Keith is that they had $1 million plus in cash spread across seven accounts, they had a fixed asset of two and a bit million dollars, which they owned. So, they had something like $4 million worth of assets, which was more than enough for them to go to a bank to seek cash flow, because one of the issues they raised with us when we suggested a business plan that would reform the way they ran the hospital and make them sustainable was that they needed some cash flow. I am also informed that subsequent to that, a charitable organisation has offered them at least $300,000 to help cash flow the operation, so this becomes somewhat moot if that is the case.

While we are talking about Keith, I am absolutely convinced that the Keith hospital will stay open. I am absolutely convinced that if the board does the things that we have suggested, which is to make sure that they get the right sort of money from the commonwealth through aged care beds, and we believe that is north of $200,000, and put in place the efficiencies that we have suggested, then they will survive and, in fact, flourish. There will be no need to reduce any of the range of services that they have and they will be able to go on and become a highly viable and sustainable hospital.

We gave similar advice to them that we have given to both the Ardrossan and Moonta hospitals. The local member for that area would know that both of those hospital boards are more than happy with the arrangements that have been put in place and both of them will be in a better position financially as a result of the advice that we gave them, without the government subsidy. In fact they will be better organisations because they will not be relying on government subsidies, they will be highly viable and operating in the black into the future. I know that the management from both of those hospitals have told us how happy they are with the arrangements that we have put in place. The same arrangements have been offered to Keith, but they have not yet accepted them. I will say to them again that we are happy to work with them. If they adopt—

Mr Williams interjecting:

The SPEAKER: Order! Member for MacKillop, be quiet.

The Hon. J.D. HILL: —a business plan with the reforms that we have suggested, then they will be viable. We are happy to pay for the business plan and we are happy to assist them through the transition. We have said all of this to them—they know that. I think it is important that the community in Keith understands that the hospital will not close. All of the services can be maintained if the board makes some tough decisions.

ADELAIDE CASINO

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice, Minister for Urban Development and Planning, Minister for Tourism, Minister for Food Marketing) (15:18): I table a copy of a ministerial statement relating to smoking around pokies at the Casino made earlier today in another place by my colleague the Hon. Bernard Finnigan.

GRIEVANCE DEBATE

SALMONELLA OUTBREAK

Dr McFETRIDGE (Morphett) (15:19): Today, the minister stated, and I will paraphrase: if you want to raise an issue you have to name the source. I certainly raised the issue of his delay in notifying the South Australian public of an outbreak of salmonella poisoning amongst the population. What I am very concerned about is the way that whole investigation has been handled; the way the companies involved (Vili's and St George) have been named as the culprits. The way this whole investigation has been handled is a disgrace. I will quote from the whole epidemiology of what has been going on, the whole sorry saga of the way this has been handled by this government's health department.

On Tuesday 1 February, SA Health contacted Vili's Bakery stating that they believe Vili's to be the source of an outbreak of salmonella. On 4 February, they let Vili's know that all the initial swab tests had come back negative for salmonella. They retested again on 8 February and all the results came back negative for salmonella.

What did they do? They spoke to Vili's and said that they were going to put out a press statement about this incident. That was on 4 February, and in that press statement, not only did

they notify the South Australian public of an outbreak of salmonella, they said that SA Health's investigation had associated Vili's custard-filled Berliners and St George Cakes and Gelati with the salmonella infection. They had associated them with it.

Let me just read from an email I received this morning from a very well-credentialled epidemiologist who has worked all over the world:

> Epidemiology only gives you associations, and doesn't prove causality, so the next step is to try and prove that the products and the premises are contaminated.

I will read that again:

> Epidemiology only gives you associations, and doesn't prove causality, so the next step is to try and prove that the products and the premises are contaminated.

Every test at Vili's Bakery has come back negative and I will read some of those tests here. The swabs are done by Medvet, a world and NATA accredited laboratory. Vili's cakes at Mile End: door handle, salmonella not detected; custard cooking bowl, salmonella not detected; custard cooking bowl vent, salmonella not detected.

I could keep going through the 28 or 30 tests here. In every one of them, salmonella was not detected. In independent testing by Vili's through their own laboratories, salmonella was not detected. I will read again that epidemiology only proves an association, it does not prove causality, 'so the next step is to try and prove that the products and the premises are contaminated'. That has not been proven by this government in this case.

Sure, the government should alert the populace that there is an incidence of salmonella poisoning, but to then go out and try to name and shame companies like St George and Vili's—Vili's employs 300 people, is exporting all over the world, has AQIS accreditation—is a disgrace. The way this has been handled is a disgrace.

The fact that the officers of the public health department talk to Vili's and try to explain what is going on, and Vili's has the understanding that they will get back to them before any more media statements are made, does not work. It does not happen. What happens is the health department goes out and makes more pronouncements, more associations, more press statements and they keep the implication out there that there is an ongoing issue at Vili's. There was never an ongoing issue at Vili's and if anybody in this place wants to go—

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order!

Dr McFETRIDGE: —and look at—

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order, the member for Croydon!

Dr McFETRIDGE: —the epidemiology of the spread of infections, the spread of reports, then they will see that there is a point source of an epidemic of salmonella outbreak in South Australia, but it has never, ever been proven where the source of that outbreak is. It is very important that this government does not keep handling this issue this way. The association with extremely good industries in South Australia, and discrediting them the way it has, is a disgrace.

Members interjecting:

The SPEAKER: Order!

Dr McFETRIDGE: Even just recently, the last press release that came out on 25 February announced 10 more salmonella outbreaks. I understand that not one of them had eaten a bakery product but they are still perpetuating this impression out there that it is a result of Vili's and St George bakeries. It has never been shown and the government needs to go back and look at its epidemiology. I have forgotten more epidemiology than this minister has ever known—

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order, the member for Croydon!

Dr McFETRIDGE: —but he wants to go back and talk to the people who know what they are talking about and talk to world experts on how you do this and do it properly.

ROYAL FLYING DOCTOR SERVICE

Mrs VLAHOS (Taylor) (15:24): I would like to speak today about the Royal Flying Doctor Service, particularly the Port Augusta base which I had cause to visit in December 2010, on behalf of the Minister for Health, as part of the naming ceremony for part of its new aircraft fleet. The Royal Flying Doctor Service is a particularly valuable part of our state and nation's history and I would like to speak briefly about that.

At the ceremony, I was fortunate to meet John Lynch, the Chief Executive Officer of the Royal Flying Doctor Service Central Operations, many of its board and committee members, and people who have worked in the community of Port Augusta with the service for many, many years. Their love and support of the service were truly inspiring. The ceremony particularly marked an important milestone for the Royal Flying Doctor Service in South Australia when we welcomed and named an important new addition to the Royal Flying Doctor Service family. The aircraft is the third of five new additions to the fleet in 2010 and part of five new Pilatus PC-12 NG (New Generation) aircraft, each costing $6 million, which replace five that have served the South Australian community for the past 15 years.

The South Australian government was delighted to contribute $6 million to support the RFDS in acquiring its fleet of five new aircraft. Our contribution represents 20 per cent of the total cost of the five aircraft, with the commonwealth government providing half and a significant portion—30 per cent—donated generously by community members through the RFDS capital raising campaign, and many of the people who contributed to that were indeed at the hangar service I attended.

Supporters of the RFDS know that nobody understands the health needs of the bush and provides such a dedicated, professional service, apart from the Royal Flying Doctor Service. Since 1928, the RFDS has brought the finest care to the most remote corners of our nation. It is a lifeline to people who live, work and travel in rural and remote areas, and it is an integral part of our state's healthcare systems. Australians have a great respect and trust in this service. As this government recognises, we are proud of what the RFDS does, and its comprehensive aero-medical emergency and primary healthcare services are specialised and well known for their skill throughout the world.

The RFDS is our preferred provider of fixed-wing aero-medical services and recognised to be a high quality service in partnership with SA Ambulance and MedSTAR services. They have recently undergone integration of their coordination services, and I witnessed this in action on the day I was there when I arrived early in Port Augusta. Every 20 minutes, somewhere in South Australia, someone is in need and is being treated by the Royal Flying Doctor Service. I commend this institution to the house.

SMALL BUSINESS

Mr MARSHALL (Norwood) (15:27): Today I rise to talk about the importance of the small business sector here in South Australia. This is a sector which I personally feel very passionately about. The small business sector in South Australia is a crucial part of our economy and one which is being completely neglected by our current government. While many states in Australia are very reliant on large business, South Australia has a particular focus on the small business sector, with 96 per cent of all private sector businesses in South Australia falling into this category.

Of course, it is no small wonder that fewer of the larger firms in Australia choose to domicile themselves here in South Australia. Why would that be? Because we actually have the harshest taxation regime for businesses in the entire country. It is an absolute disgrace, and this is one of the reasons why we are falling behind in South Australia.

The Premier earlier in the day wanted to talk about ABS statistics—well, I have some statistics for the Premier. What about the statistics that came out today on employment in South Australia? It is an absolute shame. He does not want to talk about that. He should hang his head in shame. He went on the radio this morning, and what did he talk about on the radio? About all the jobs that he has created. He has never created a job in his entire life, except maybe for Rowan Roberts the other day.

Anyway, I digress, Madam Speaker. He has never created a job for business in South Australia; it is the businesses which actually create employment in South Australia. Let us have a look at those statistics. Whilst the rest of Australia's unemployment rate stayed steady for the month of February at 5 per cent, South Australia's unemployment blew out. It blew out to 5.8 per cent. It is 15 per cent higher than the national average, and it is an absolute disgrace—

4,100 fewer employees in South Australia for the month of February. In fact, in South Australia at the moment, we have 4,400 fewer employees than when the Premier made his hollow promise to the people of South Australia that he would create—he would magically create—an additional 100,000 jobs here.

What a hollow piece of spin the Premier gave leading up to the last election! Now we can see the evidence of it and, of course, that is why the people of South Australia are rejecting him, as evidenced by the article on the front page of today's *Australian*. If any of you have not read it, it is a very good read by a great South Australian journalist, Michael Owen.

It is no wonder that we have falling employment and it is no wonder that South Australia's export performance is falling. Why is this? Because in the nine long and poorly performing years of this government, they have not given two hoots about this important sector, the small business sector. I just want to outline a couple of the decisions that this government has made for this sector in recent years.

First of all, the closure of the Business Centre, a fine institution on South Terrace; the closure of the South Australian Centre for Manufacturing; the removal of the Office of Small Business Advocate (if I get more time I would like to talk extensively about that); in the last budget it announced the removal of funding for the business enterprise centres; they actually also announced removal of funding for the Council for International Trade and Commerce. These are vital organisations that support the small business, support the family business sector here in South Australia.

Then we look at the Department of Trade and Economic Development. Can it even be called a department any more? I think it should be called the 'office': 'the Office of Economic Trade and Development'; because there is nobody left. A whole pile of people in that department have already been offered voluntary separation packages. There is not going to be anybody left. There are no programs; it is an absolute disgrace. So what does the new minister actually do with his crumbling department? He decides to put out some more spin announcing that he is going to be looking at the establishment of a small business commissioner for South Australia.

We had a small business advocate in South Australia, when we had a government that cared about economic growth in this state. We had one. There was a small business person who operated and advocated on behalf of small business, on behalf of family business, on behalf of those people who create wealth, create employment and create innovation for South Australia. We had one. They were there fighting for those people, reducing red tape and advocating for them on behalf of their constituents. What do we have now? We have a bureaucrat. It is a vital sector for our South Australian economy and it is one that should be protected by this government.

GAWLER RACECOURSE

Mr PICCOLO (Light) (15:32): On 25 February the Supreme Court of South Australia handed down its decision in the case of The Town of Gawler v the Minister for Urban Development and Planning and Others. It was a judicial review proceeding instigated by the Town of Gawler to seek a review of the ministerial DPA to rezone a small portion of racecourse land in Gawler for a neighbourhood shopping centre and also some land to create an education zone for the adjacent school.

The application for judicial review was dismissed by the court. It was held on the grounds that the council raised in its legal arguments, that the minister had complied with the requirements of the act, counter to the council's argument that it was developer run. The council also argued that the minister had been improperly influenced by the actions of a lobbyist acting on behalf of the racecourse.

The court found there was no apprehension of bias at all and, in fact, it is interesting to note on this point that the very lobbyist whom the council criticised in this case was actually approached by the council to act on their behalf; so on the one hand this lobbyist was improperly influencing the process, but on the other the council was quite happy to engage him if he was available.

The council also argued that there was improper process and that there was a denial of procedural fairness. Again, the court held there was no denial of procedural fairness and the process was proper. The last argument was that the gazettal of the actual DPA by the minister was ineffective. Again, the court held that was not the case. Every ground the council raised on this matter was knocked out by the court. I think it is very important to know that.

While mounting this case in the court, the council, in collaboration with the local Liberal Party branch and also the Greens, ran a political campaign locally—as is its right—but interestingly, the Liberals have gone very quiet now that the issue has been resolved by the courts. The Greens are not happy with the court outcome and have now asked that the law be changed. So I think it is also important to note in this matter that the Liberal Party and the Greens, in collaboration with the council, have actually attacked this DPA which has been upheld by the Supreme Court and also supported the community; but I will come to that in the second.

The political campaign waged by the council and its political supporters, namely the Liberal Party and the Greens, was about the merits of the DPA. On the one hand, in the courts they were arguing one case and in the community they were arguing another. Well, you can understand that. This council was prepared to waste hundreds of thousands of dollars of ratepayers' money on this case when it became clear from the outcome that it had no case at all.

In terms of the political argument run by the council in the community, the council argued that the DPA would significantly impact the Murray Street precinct as a business zone and significantly impact negatively on local traffic and would be bad for development in the area. The council also said that it had community support.

It is interesting that, when you talk to business people in the town, as I do on many occasions, the biggest negative potential impact on businesses that people talk about is the council itself. The council is raised time and time again as the one institution in the town holding up the growth of small business in the town. In fact, I was at a public forum recently when that comment was made. So, to suggest that blame should be shifted to the government is just a nonsense.

In terms of traffic management, the DPA has a traffic management solution for what is a traffic management problem at the moment. In terms of bad development, it is interesting that, when I surveyed the people in that locality, of the 500 responses I received from my survey 447 (over 80 per cent) said that this development was a good idea and opposed the council action.

Additionally, when it mounted its action in the courts, the council told the community that it would cost only between $20,000 to $30,000. In fact, when I suggested that, should the council lose the case and costs were awarded against the council, the cost could blow out to $300,000, the council derided that suggestion. The council's costs are now over $130,000. Did the council lie or is it just incompetent?

This matter also raises some other issues in relation to an associated DPA managed by the council itself. Having set the standard of performance for buyers, etc., the council has not adhered to its own standards of performance. The handling of this case raises questions about the competence of this council. That said, this legal decision does give the council the opportunity for a fresh start.

Time expired.

SMALL BUSINESS

Mr TRELOAR (Flinders) (15:38): I rise today to continue a theme that was begun by the member for Norwood in his grieve. I would like to speak about this government's regulatory framework and the impacts on South Australian businesses, which I am sure members would agree are issues of critical importance to the economic future of this state.

Throughout the life of this Labor government, small to medium businesses have been stifled by red tape and regulatory confusion. Many small to medium business owners tell me that nowhere near enough has been done by this government to cut bureaucratic red tape or to reduce the administrative burden on their businesses. These are businesses that drive the state's economy and employ so many people across the state. Unfortunately for these businesses, Rann Labor government members are more concerned with their own political future than the future of businesses and employees in South Australia.

Unfortunately, the competitiveness of South Australian businesses has suffered as a result of this government's policies. Not only are we the highest taxed state in Australia but the increase in tax revenue over the life of this government is a staggering 75 per cent. This means that businesses have been hit by a huge increase in payroll tax of around 59 per cent since 2002, which really does compound the regulatory and administrative burden they face. The payroll tax regime is holding back business in this state.

This relates to the national tax burden, which was highlighted by *The Advertiser* on Monday of this week, in an article by Steve Lewis. This article pointed to the fact that 'record levels of tax debt are crippling small businesses'. The Australian Taxation Office estimates that 260,000 small business owners will default on tax repayments, which is indeed a dire situation for South Australian businesses.

Our exports and share of the national economy have declined during the life of this government. A failure to adequately cut red tape has played a part in this decline. Labor also has a problem with unnecessary programs which are hindering small businesses, not helping them. The problem is based on a model of cost recovery for government services that I do not necessarily have a difficulty with; the problem is that often people do not want the services in the first place and often do not require them. It is typical of Labor's approach to economic matters. Waste and mismanagement will be its legacy.

It comes to mind that money does not come from government funding streams: it actually comes from businesses that work hard and do things. It is also typical of the government's city-centric approach to governing, with Shared Services just one example of the centralisation of government services going horribly wrong. The examples of this are many and varied.

The regulatory framework for heavy vehicle transport is another example of processes that urgently need streamlining. This has been a particular problem in various parts of Flinders, with many landholders and heavy vehicle operators reporting to me on the frustration, unnecessary delays and the crippling costs caused by regulations.

There is a widely-held perception that the tentacles of government are spreading further and further into the community at the expense of individual businesses. This must be addressed. Not only is it centralist policy, but the ever-expanding influence of government is impinging negatively on the way people live their lives.

The government tendering process is also related to this area of red tape reduction and a streamlining of processes for South Australian businesses. The feedback from small business is that they are not satisfied with the government tendering process. Is the government listening to these concerns? Of course not. It is a hallmark of this government that it has great difficulty consulting with and listening to the business community. This shows a lack of leadership on the government's part. It all comes back to businesses being worse off under Labor governments. It will once again be left to the Liberal Party to come in and fix the mess of a bad government whose legacy will be one of waste and mismanagement.

I would like to congratulate the Tumby Bay community on winning the right to host triple j's One Night Stand on Saturday 2 April. It is a fantastic concert and event put on by the national youth broadcaster, triple j, in a regional or remote town every year.

The Hon. T.R. Kenyon: It sounds like you've never even heard of it before.

Mr TRELOAR: I am an avid listener, I assure you.

Time expired.

Mr PISONI: I draw your attention to the state of the house, Mr Acting Speaker.

A quorum having been formed:

NEWS LIMITED

The Hon. M.J. ATKINSON (Croydon) (15:44): News Limited, publisher of Adelaidenow, *The Advertiser* and the *Sunday Mail* runs the Right to Know coalition, a pressure group that says it is in favour of more freedom in the media. So far as letters to the editor are concerned, unless one is patronised by the Letters to the Editor compiler, and unless your name is Nancy Fay of Woodville, it can be most difficult to be published in the Letters to the Editor column of News Limited publications. In fact, here is one from me that News Limited refused to publish in July last year:

> Megan Lloyd, the editor of this newspaper, told an A.B.C. Radio audience recently the discussion about the Adelaide Oval re-development: 'It's, you know, a bunch of M.Ps, you know, in a party caucus, that gets to dictate what the capital expenditure is actually going to be, and the extent of the development.' Her comment was in response to my moving a party-room motion, from the backbench, to cap the cost to taxpayers at $535m.
>
> Later in the radio discussion, a second News Limited employee canvasses throwing 'a billion dollars' at the redevelopment.

My role as an M.P., elected as recently as March, is to scrutinize public expenditure to try to ensure that spending is in the public interest and to protect taxpayers from News Limited's attempt to have them stump up about $1000m for a city stadium.

News Limited is the publisher of The Sunday Mail, Adelaide Now and The Advertiser.

I represent the people of the Croydon electorate, not News Limited, and I do not want the people I represent paying for a News Limited corporate box in a city stadium from which its management can in sybaritic comfort look down on us, in the manner of their interstate counterparts, satisfied that, yet again, they have had their corporate interest prevail over the common good.

Another letter of mine that has not been published reads:

Greg Kelton...uses 400 returns from a newsletter issued by an M.P. in one of the 47 State electoral districts to conclude that the public wants to 'Get rid of Rann and (the) Labor Government.' The electorate, Fisher, has elected an independent M.P. since 2001, sometimes with a majority on the primary vote, so one can presume that they haven't much liked Labor or Liberal for the past 14 years, especially those self-selected 400 who responded to the same Independent M.P. Mr Kelton, who has more than 30 years experience on the State politics round, also reveals that the people want more taxpayers' money spent in nearly all areas of government and lower taxes. Strike me pink!

Mr Kelton also tells us '63 p.c. said same-sex parents should not be able to have children, even by adoption.' Pray tell, how are they going to have them other than by adoption and if they are already 'same-sex parents' what's the problem?

Another letter of mine that was not published is about *The Advertiser*'s polling on the leadership of the Australian Labor Party, especially after the current Premier. This letter was not published either:

As News Limited continues its campaign to remove Mike Rann as Premier, essentially because he took at face value its editorial criticism of government advertising and transferred some from News Limited to the web, it's timely to consider some polling on the Labor leadership from the past.

In 1945, as Labor Prime Minister John Curtin fell ill, a media poll found that 20 p.c. wanted Bert Evatt, 5 p.c. Ben Chifley, 4 p.c. Eddie Ward and 3 p.c. Frank Forde. When John Curtin's name was taken out of the next poll, 50 p.c. wanted Evatt, 17 p.c. Chifley, 11 p.c. Forde and 8 p.c. Ward.

When the Labor Caucus assembled to elect a new Prime Minister on Mr Curtin's death, 45 voted for Chifley, 15 for Forde, eight for Norman Makin and one for Evatt.

The rest is history.

CONTROLLED SUBSTANCES (OFFENCES RELATING TO INSTRUCTIONS) AMENDMENT BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice, Minister for Urban Development and Planning, Minister for Tourism, Minister for Food Marketing) (15:49): Obtained leave and introduced a bill for an act to amend the Controlled Substances Act 1984. Read a first time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice, Minister for Urban Development and Planning, Minister for Tourism, Minister for Food Marketing) (15:50): I move:

That this bill be now read a second time.

The Labor Party community safety policy at the 2010 election pledged the making of a law banning the sale or supply of a document containing instructions on how to make illicit drugs. It is obviously undesirable for people to encourage the manufacture of illegal drugs or the cultivation of illegal plants by selling, supplying or circulating instructions on how to break the law. This behaviour is already criminalised to a certain extent. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Section 33LA of the Controlled Substances Act 1984 now says:

33LA—Possession of prescribed equipment

(1) A person who, without reasonable excuse (proof of which lies on the person), has possession of any prescribed equipment is guilty of an offence.

Maximum penalty: $10,000 or imprisonment for two years, or both.

(2) In this section—

prescribed equipment means—

(a) a document containing instructions for the manufacture of a controlled drug or the cultivation of a controlled plant; or

(b) equipment of a kind prescribed by regulation.

Therefore the existing offence dealing with instructions to make or cultivate illicit drugs covers any possession of these instructions. It is proposed to implement the pledge by creating separate sale and supply offences that would logically have a higher penalty, making the offences minor indictable.

The general structure of the offences in the *Controlled Substances Act 1984* is to have separate offences in relation to (a) commercial activity; (b) commercial activity conducted in relation to children; and (c) non-commercial activity.

Therefore, in the offences dealing with commercial activity, it is proposed to enact an offence of selling a document containing instructions for the manufacture of a controlled drug or the cultivation of a controlled plant; possessing a document containing instructions for the manufacture of a controlled drug or the cultivation of a controlled plant with intent to sell it.

In the offences dealing with commercial activity conducted in relation to children it is proposed to enact the same offences but conducted in relation to a child.

In the non-commercial offences, it is proposed to enact offences dealing with possessing a document containing instructions for the manufacture of a controlled drug or the cultivation of a controlled plant; and supplying a document containing instructions for the manufacture of a controlled drug or the cultivation of a controlled plant.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Controlled Substances Act 1984*

4—Substitution of heading to Part 5 Division 2 Subdivision 4

This clause makes a consequential amendment to a heading.

5—Insertion of section 33DA

This clause creates a new offence of selling, or possessing for sale, a document containing instructions for the manufacture of a controlled drug or the cultivation of a controlled plant. It is a defence to have a reasonable excuse. The penalty is $10,000 or imprisonment for three years, or both.

6—Insertion of section 33GB

This clause creates a new offence of selling to a child, or possessing for sale to a child, a document containing instructions for the manufacture of a controlled drug or the cultivation of a controlled plant. It is a defence to have a reasonable excuse. The penalty is $20,000 or imprisonment for three years, or both.

7—Amendment of section 33LA—Possession of prescribed equipment

This clause makes a consequential amendment to a definition in section 33LA.

8—Insertion of section 33LAB

This clause creates a new offence of possession or supply of a document containing instructions for the manufacture of a controlled drug or the cultivation of a controlled plant. It is a defence to have a reasonable excuse. The penalty is $10,000 or imprisonment for two years, or both.

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

STATUTES AMENDMENT (TRANSPORT PORTFOLIO—PENALTIES) BILL

The Hon. T.R. 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) (15:51): Obtained leave and introduced a bill for an act to amend the Harbors and Navigation Act 1993, the Motor Vehicles Act 1959 and the Road Traffic Act 1961. Read a first time.

The Hon. T.R. 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) (15:52): I move:

That this bill be now read a second time.

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

Leave granted.

The purpose of this Bill is to increase the maximum penalties that can be imposed for a number of offences in the *Road Traffic Act 1961*, *Motor Vehicles Act 1959* and *Harbors and Navigation Act 1993* and the maximum level at which the Governor may set expiation fees for offences in the Acts and regulations in order to restore the deterrent effect of monetary penalties.

This Bill is further evidence of this Governments commitment to reducing death and injuries on our roads.

The *Road Traffic Act*, *Motor Vehicles Act* and *Harbors and Navigation Act* all contain penalties for offences and set out the level of expiation fees that might be imposed.

With the passage of time and inflation, the levels of many of the monetary penalties have lost their deterrent value and reduced the impact of the penalty on the offender. This creates complacency towards compliance with the road laws which ultimately adds to unacceptable and at times, dangerous behaviour on our roads.

Many offences under the *Road Traffic Act* and the *Motor Vehicles Act* may be satisfied by the payment of an expiation fee which represents a proportion of the fine laid down in the Acts or their regulations. In order to vary the fines set out in the Acts it is necessary that Parliament amend the Acts.

The expiation fee system is intended to provide alleged offenders with an option to accept responsibility for an offence without admitting guilt and to avoid the time and cost of having the matter dealt with before a court. It also reduces the time the courts spend dealing with minor matters and frees them to deal with more important cases. The alleged offender retains the right to elect to be prosecuted for an offence in order to have the matter determined by a court.

It has long been the practice of successive governments to increase expiation fees on an annual basis to ensure they keep pace with the cost of living. These fees increase while the fines remain static. Ultimately, the difference between the fine and the expiation fee is reduced to a level that makes having a matter determined before a court a viable option in anticipation that the court will impose a lower penalty than the expiation fee.

The present level of fines within *Road Traffic Act* and *Motor Vehicles Act* therefore no longer act as a deterrent and the diminishing difference between the fines and expiation fees encourages people to have relatively minor matters dealt with by the courts.

The election for prosecution leads to more people appearing before the courts and results in an increase in costs for the Courts Administration Authority, police, councils and other prosecuting authorities. It will also lead to extensive delays in matters being dealt with by the courts as the lists are increased to deal with the additional relatively minor matters.

Drink and drug driving continues to be a major concern to all involved with road safety. Despite on-going education campaigns and increasing enforcement, there are many drivers who do not heed the message and continue to put lives at risk. However, it is felt that the present penalty levels do not adequately represent the seriousness of these offences.

The present drink/drive penalties were set in 1991 and have not been adjusted since that time. The maximum penalty for driving with a lower range prescribed concentration of alcohol, which is an offence involving less than 0.08 per cent blood alcohol concentration, is only $700.

The maximum fine for drink/driving offences is $2,500 and applies to a third or subsequent offence with a concentration of alcohol in excess of 0.15 per cent. Current penalties for these offences are not seen as an effective deterrent, particularly with regard to the lower range penalty. Increasing the penalty for the lower range offence will necessitate a corresponding increase to the penalties for other drink/drive offences.

Drink and drug driving offence penalties in the *Harbors and Navigation Act* correspond with those for the same offences under the Road Traffic Act. Consequential amendments are required to this Act to keep the penalties aligned in both Acts.

The opportunity is also being taken to increase lower level penalties in the *Motor Vehicles Act*, which have not been increased for some time, from $125 and $250 to $250 and $750 respectively. This change will restore parity with penalties for other offences which have been increased and will provide a greater deterrent than the low levels currently provide.

Both the *Road Traffic Act* and the *Motor Vehicles Act* contain provisions which enable the Governor to set penalties under the regulations to a maximum of $2,500. The Bill amends these provisions to enable the Governor to increase penalties for offences in the regulations to a maximum of $5,000 to ensure, where necessary, consistency with those under the Act. It also increases the maximum level to which he may increase expiation fees from $750 to $1,250.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Harbors and Navigation Act 1993*

4—Amendment of section 70—Alcohol and other drugs

This clause increases the monetary penalties for alcohol and drug offences in section 70 by $400 each.

5—Amendment of section 71—Authorised person may require alcotest or breath analysis

This clause increases the monetary penalties in section 71 by $400 each.

6—Amendment of section 72—Authorised person may require drug screening test, oral fluid analysis and blood test

This clause increases the monetary penalties in section 72 by $400 each.

7—Amendment of section 74—Compulsory blood tests of injured persons including water skiers

This clause increases the monetary penalties relating to compulsory blood tests in section 74(18) by $400.

Part 3—Amendment of *Motor Vehicles Act 1959*

8—Amendment of section 12—Exemption for certain trailers, agricultural implements and agricultural machines

This clause increases a $250 penalty to $750.

9—Amendment of section 12B—Exemption of certain vehicles from requirements of registration and insurance

This clause increases a $250 penalty to $750.

10—Amendment of section 16—Permits to drive vehicles without registration

This clause increases a $125 penalty (relating to carrying a permit) and a $250 penalty (relating to contravening a permit) to $750 each.

11—Amendment of section 43A—Temporary configuration certificate for heavy vehicle

This clause increases a $125 penalty to $250.

12—Amendment of section 48—Certificate of registration and registration label

This clause increases a $125 penalty in section 48(1b) to $250 and the other penalties in the section to $750.

13—Amendment of section 52—Return or destruction of registration labels

This clause increases a $250 penalty to $750.

14—Amendment of section 53—Offences in connection with registration labels and permits

This clause increases two $250 penalties to $750 each.

15—Amendment of section 70—Return of trade plates and refunds

This clause increases a $250 penalty to $750.

16—Amendment of section 71—Transfer of trade plates

This clause increases a $250 penalty to $750.

17—Amendment of section 71B—Replacement of plates, certificates or labels

This clause increases a $250 penalty to $750.

18—Amendment of section 81B—Consequences of holder of learner's permit, provisional licence or probationary licence contravening conditions etc

This clause increases a $125 penalty (for failing to comply with a requirement of the Registrar) to $750.

19—Amendment of section 96—Duty to produce licence or permit

This clause increases a $250 penalty to $750.

20—Amendment of section 98A—Instructors' licences

This clause increases a $250 penalty to $750.

21—Amendment of section 98V—Cancellation of permit

This clause increases a $250 penalty to $750.

22—Amendment of section 99A—Insurance premium to be paid on applications for registration

This clause increases a $250 penalty to $750.

23—Amendment of section 110—Liability of insurer to pay for emergency treatment

This clause increases a $125 penalty to $250.

24—Amendment of section 124—Duty to cooperate with insurer

This clause increases three $250 penalties to $750 each.

25—Amendment of section 137—Duty to answer certain questions

This clause increases a $250 penalty to $750.

26—Amendment of section 137A—Obligation to provide evidence of design etc of motor vehicle

This clause increases a $250 penalty to $750.

27—Amendment of section 138—Obligation to provide information

This clause increases a $250 penalty to $750.

28—Amendment of section 138B—Effect of dishonoured cheques etc on transactions under the Act

This clause increases a $250 penalty to $750.

29—Amendment of section 145—Regulations

This clause increases the maximum penalties and expiation fees that may be imposed by the regulations.

Part 4—Amendment of *Road Traffic Act 1961*

30—Amendment of section 45A—Excessive speed

This clause increases each penalty for excessive speed offences by $500.

31—Amendment of section 47—Driving under the influence

This clause increases each penalty for DUI offences by $400 (unless the relevant vehicle was not a motor vehicle, which increases by $200).

32—Amendment of section 47B—Driving while having prescribed concentration of alcohol in blood

This clause increases each penalty for driving while having the prescribed concentration of alcohol in blood offences by $400.

33—Amendment of section 47BA—Driving with prescribed drug in oral fluid or blood

This clause increases each penalty for driving while having a prescribed drug in oral fluid or blood offences by $400.

34—Amendment of section 47E—Police may require alcotest or breath analysis

This clause increases each penalty for refusing to submit to an alcotest or breath analysis by $400.

35—Amendment of section 47EAA—Police may require drug screening test, oral fluid analysis and blood test

This clause increases each penalty for refusing to submit to a drug screening test, oral fluid analysis or blood test by $400.

36—Amendment of section 47I—Compulsory blood tests

This clause increases each penalty for refusing to submit to the taking of a blood sample by $400 (other than where the person was not a driver of a motor vehicle, which increases by $200).

37—Amendment of section 47IA—Certain offenders to attend lectures

This clause increases the penalty for failing to comply with an order of the court by $150.

38—Amendment of section 79B—Provisions applying where certain offences are detected by photographic detection devices

This clause increases maximum penalties for owner offences as follows:

(a) if the vehicle appears to have been involved in a red light offence and a speeding offence arising out of the same incident and the owner is a body corporate—an increase of $1,000;

(b) if the vehicle appears to have been involved in a red light offence and a speeding offence arising out of the same incident and the owner is a natural person—an increase of $1,500;

(c) in any other case where the owner is a body corporate—an increase of $2,000;

(d) in any other case where the owner is a natural person—an increase of $1,750.

39—Amendment of section 110AA—Fatigue

This clause increases the maximum expiation fee that may be imposed for certain offences under the regulations to $1,250.

40—Amendment of section 110AB—Speed

This clause increases the maximum expiation fee that may be imposed for certain offences under the regulations to $1,250.

41—Amendment of section 110AC—Intelligent Access Program

This clause increases the maximum expiation fee that may be imposed for certain offences under the regulations to $1,250.

42—Amendment of section 176—Regulations and rules

This clause increases the penalty that may be imposed for an offence against the regulations to $5,000. It also increases the maximum expiation fees that may be imposed under the regulations to $1,250.

Debate adjourned on motion of Mr Pederick.

STAMP DUTIES (INSURANCE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 November 2010.)

The Hon. I.F. EVANS (Davenport) (15:53): I rise as the opposition's lead speaker on the Stamp Duties (Insurance) Amendment Bill 2010. I suspect I will be the opposition's only speaker. I say that we have no amendments on this bill, the Treasurer will be pleased to know. With the Treasurer's agreement, rather than go into committee, I suggest that, at the end of the second reading debate, we ask some questions at that stage; it will save the house some time. There are only three or four.

Essentially, this bill has three principal components. The government asserts that the provisions in this bill, amending the Stamp Duties Act 1923, will bring our legislation into line with other states so no doubt is cast over whether the commonwealth legislation is effective to prevent GST being charged on stamp duty, inclusive of premiums, and that life insurance only attracts a lesser 1.5 per cent stamp duty premium and the riders that are attached to life insurance attract the stamp duty premium of general insurance.

The third aspect relates to the way in which the stamp duty rate is charged, and I will just quickly walk through those three principles. The government advised that, at the time of the introduction of the goods and services tax—something which the Labor Party opposed, but, of course, the state would be broke without GST. The Treasurer is very grateful that there is a thing called the GST. So, it is another flawed economic policy by the Labor Party, but I digress, Mr Acting Speaker.

At the time of the introduction of the goods and services tax, explicit provisions were inserted into the relevant legislation enabling the GST on general insurance premiums to be calculated on premiums exclusive of stamp duty. As the insurer's duty provisions in our act are drafted differently to interstate provisions, doubt has been recently cast as to whether the legislation is effective in preventing the GST being charged on both stamp duty and the premium.

Without these proposed amendments the stamp duty could be charged, then GST, then stamp duty again, then GST again, etc.—a cascading effect. This is really a tidy up. The new insurance provisions in the bill have been amended to be cohesive with other states—I think that means the same, or similar, or the same intent.

To avoid a cascading of stamp duty and GST, the amendments in this bill will ensure that the legislation is effective in preventing GST being charged on stamp duty. Stamp duty under the stamp duty law will be calculated on GST exclusive of premium amounts, not the other way around, stopping the cascading effect.

Amendments in this bill will see the stamp duty rate for general insurance change from being charged at $11 per $100, or a fraction thereof, of $100 of premiums received to a full proportional rate of 11 per cent of the premium revenue received. The current general stamp duty rate of $11 per $100 has been in effect since June 1998; before that it was 8 per cent of premium revenue raised.

The amendment is to avoid an extra $11 being charged on the fraction parts of the $100. For example, if a premium rate received was $101, then $22 stamp duty is paid currently instead of just over $11 as would be as proposed in this bill. Similarly, the stamp duty rate for life insurance will change from being charged at $1.50 per $100, or a fraction thereof of, of $100 of premium revenue received to 1.5 per cent of premium revenue received.

This will result in a minor revenue loss due to the introduction of these specific refund provisions and the change of the flat percentage rate for general insurance, life insurance and insurance effected outside of South Australia.

The bill also amends the insurance provisions of the act to make it clear that riders attached to life insurance policies are dutiable at the general insurance rate and not at the cheaper life insurance rate. I can only assume that, when the policy was adopted, life insurance should be dutiable at the 1.5 per cent rather than the 11 per cent.

There was a conscious decision by the parliament that it wanted to actively encourage people to take out life insurance because there was a social good in that. It protected families and kept them off the system. If they had properly insured themselves and then had the unfortunate experience of dying, there families would be better protected. It is an interesting policy question.

Australia is just going through a debate about a national insurance scheme, and, if Julia Gillard gets her way, we will have yet another Medicare-style levy on our incomes. At the same time, the state will make no differential under this proposal between disability insurance and general insurance.

If the policy is that life insurance is rated at 1.5 per cent duty because there is a social good, it seems to me that there is a logical extension to that, that is, why not let people take out disability insurance, TPD, etc., at a lower rate of duty, because, surely, if they are properly insured for disability and then they unfortunately suffer a disability through accident they are actually better protected and therefore off the system.

However, that is not the policy that we have before us. I just make the observation that at one end of government we are talking about making disability insurance easier and at the other end of government we are making sure it is harder. It seems that there is a conflict in the debate as to why we are doing this.

Life insurers have traditionally offered other insurance products, known as life riders, which cover such risk as trauma, disability or incapacitating injury, sickness condition or disease. So, you would go to your insurance agent and buy a life insurance policy and then you would attach one of these riders to them.

According to the government, RevenueSA has always been of the view that life riders are properly characterised as general insurance under the act and, therefore, dutiable at the higher general rate of insurance of 11 per cent. RevenueSA advises that has always been the view. Whilst a proportion of the insurance industry has complied with this view, in recent times some sections of the industry have disputed this interpretation and asserted that life riders should be chargeable at the lower life insurance rate of duty of 1½ per cent.

In 2007, objections were lodged, as I understand it, by four insurance companies against assessments of the Commissioner of Taxation. The Supreme Court found in favour of the Commissioner of State Taxation and dismissed all four appeals, finding the general rate of 11 per cent, then $11 per $100, should apply to all life riders. I understand that the insurance companies are currently appealing to the Full Court, or are about to appeal to the Full Court.

The amendment of this bill specifically reiterates that life insurance riders, such as, trauma, disabling or incapacitating injury insurance, are to be treated as general insurance and be charged at the higher rate; that is, the 11 per cent rate, rather than the lower life insurance rate, which has been the state's position for some time.

The impact on revenue would be significant if all of the life rider stamp duty could be charged at the lower rate. We were advised by RevenueSA in our briefing that this amendment, as outlined in the bill, operates to prevent what would be a revenue loss of about $18½ million per annum if the lower rate applied to life riders. The amendments relating to life riders seek to confirm RevenueSA's longstanding interpretation of the act that there is no increase in stamp duty as a result of these particular amendments because they argue that it has always been the case.

We asked some questions of RevenueSA relating to the levels of stamp duty collected, and we did get responses via the then treasurer's office. I will read the questions and answers into the *Hansard* for completeness of debate. We asked: if the 1½ per cent stamp duty rate, which we understand is charged on only life insurance premiums only, was charged across the board for all insurance, instead of the 11 per cent general stamp duty rate, what would be the estimated loss of revenue? The answer we were given was that the full year budget impact is estimated to be about $260 million in 2011-12, rising to about $300 million in 2013-14. The current general stamp duty rate has been in effect since June 1998, and before that it was 8 per cent.

The next question we asked was: what is the amount of stamp duty collected from life insurance premiums, and the number of premiums written each year for the last three years? We

were advised that stamp duty collected from life insurance premiums in the last three years was: in 2007-08, $4.9 million; in 2008-09, $5.1 million; and in 2009-10, $7.8 million. RevenueSA advises that it does not collect data on the number of premiums. The value of life insurance premiums as it relates to the above stamp duty payments would be: in 2007-08, $330 million; in 2008-09, $345 million; and in 2009-10, $520 million.

The next question was about the amount of stamp duty collected from TPD, disability and trauma and the number of premiums written each year for the last three years. The answer we received was that one of the arguments put before the Full Court of the Supreme Court is that TPD, disability and trauma insurance are, in fact, life insurance, whether provided as a rider of or on a stand-alone basis. Insurance companies have largely been seeing stand-alone policies as general insurance; however, one of the appellants disagrees. RevenueSA does not receive information that identifies the type of insurance on which stamp duty is being paid by life insurance companies, so the amount of general insurance duty collected from the life insurers does not only include duty paid on TPD, disability and trauma policies, but also includes income protection insurance issued by life companies.

The amount of stamp duty paid relating to the general insurance by life insurers in the last three years was: 2007-08, $17 million; 2008-09, $17.8 million; and 2009-10, $19.6 million. RevenueSA does not collect data in relation to the number of premiums. The value of general insurance premiums that relates to the above stamp duty amounts would be around: 2007-08, $158 million; 2008-09, $165 million; and 2009-10, $183 million.

The four life insurers who are challenging RevenueSA's view on life writers in the Full Court of the Supreme Court have not been paying duty on life writers at the general rate, and further revenue will be collected from this source from January 2006 onwards if the government is successful in its legal action.

I interpret that to mean you are actually going to go back and charge them four years' worth of stamp duty at the highest rate, if you are going to collect it from this source, since January 2006. So, the government has four years of stamp duty collections. The Treasurer might want to advise, in his response, what the estimated windfall gain to the government is as a result of that.

The last question was: what is the estimated increase in the stamp duty revenue resulting from these amendments? The answer to that is that the amendments relating to life writers seek to confirm RevenueSA's longstanding interpretation act, so there will be no increase in stamp duties as a result.

It was originally estimated, based on the available 2008-09 figures, that if RevenueSA lost the Supreme Court appeals, revenue loss would be around $70 million a year, but they now have new figures and, based on the new figures, the revenue loss would be around $18.5 million a year. The other amendments in the bill will result in a very small revenue loss, so the net effect is around $18.5 million. I thank RevenueSA and the Treasurer for those responses.

As an enthusiastic opposition, we went out and consulted on this particular bill, and we got some interesting responses. We consulted with the National Institute of Accountants, who gave a response to us, which was essentially that they hold the view that federal, state and territory governments should continue efforts to reform state taxes, especially in terms of removing these indirect taxes, such as stamp duty on insurance premiums and business and real property transfers, and to achieve harmonisation of taxes across the states.

The review of the future tax system, the Henry review, confirms the view that state-based stamp duties are inefficient and should be replaced with broad-based efficient taxes. It goes on to say, in relation to stamp duty taxes on insurance premiums in particular, that the National Institute of Accountants' view of stamp duty on insurance premiums is that they should be abolished. Insurance products should be treated like most other services consumed within Australia and be subject to only one broad-based tax on consumption. The Henry review also recommends that all specific taxes on insurance products, including the fire service levy, should be abolished.

I am pleased to say that, in my younger days, I saw this coming and moved to abolish the fire service levy on insurance. This was a radical reform at the time, but the Liberal Party was very pleased to be the forerunner of states abolishing the fire service levy on insurance. We did so for the reasons broadly outlined in the letter from the National Institute of Accountants and the fact that, of course, only the insured were paying the levy, not the uninsured. It was a popular reform and I remember it well. We also—

The Hon. J.J. Snelling: With enthusiasm.

The Hon. I.F. EVANS: With enthusiasm, yes. The National Institute of Accountants loved it and the insurance industry enjoyed it. It started to struggle a bit after that. It is a vague memory I have.

The other people we consulted with were from the Investment and Financial Services Association. They, very generously, sent me a copy of the submission they sent to RevenueSA, so I am sure the minister is right across the submission. He has read it, which is good, because there are some questions in it that I seek the minister to answer.

Essentially, the Investment and Financial Services Association says that this bill should not be debated and passed by the house currently because there is a tax summit under the federal government coming up in May or June (I assume the Treasurer is going), and the Henry tax review and the tax summit are going to deal with the issue of stamp duties on insurance as part of that debate. This particular group argues that we should halt the debate and see what comes out of that tax summit because then we can deal with it on a national basis in a more uniform way. That is put up at the very start.

It also argues that if this bill proceeds, South Australia's taxation of life insurance will be fundamentally different to that of other jurisdictions. I would like the Treasurer to explain how life insurance taxation will be different in South Australia under this bill compared to other states because the Investment and Financial Services Association, which deals with this matter, says that if this bill proceeds we will be:

> ...fundamentally different to other jurisdictions, and it will add to business complexity and inefficiency. We, therefore, urge the South Australian government to reconsider the introduction of the legislation.

The association argues that the legislation should not be introduced at all. I know that is not a surprise to the Treasurer because he has just indicated that he has read the submission.

In relation to the bill, varying rates of taxation and compliance regimes increase the administrative cost of providing life insurance. The association argues that, under section 32 of this bill, the definition of life insurance specifically excludes life riders such as trauma or TPD insurance and would make them dutiable at the general rate of 11 per cent rather than the life insurance rate.

The assertion by RevenueSA in its Circular No. 213 of 17 April 2001, which is apparently being reiterated by the bill, is that life insurance riders, including TPD and trauma insurance, are to be treated as per general insurance not life insurance from a stamp duty perspective. In this regard, it should be noted that the GST legislation, which raises revenue exclusively for the states, treats all elements of life insurance on a consistent basis without attempting to isolate riders.

The association is saying that because the GST federally is uniform on insurance and life insurance riders at the equal rate, a similar thing should happen at the state level with stamp duty, and it argues it should be rated at the lower level of 1.5 per cent. The Investment and Financial Services Association believes:

> The administrative cost of complying with this change may, in fact, exceed the additional revenue collected.

I have asked the Treasurer to confirm that RevenueSA has actually done that calculation. When Western Australia adjusted its life insurance taxation method several years ago, the additional revenue raised statewide was in the order of $30,000 per annum, but the IT and compliance systems changes required to accommodate the change of one of the three biggest life insurers cost in the order of $1 million.

The association raises specific concerns with the drafting of the bill, and I will read them. I do not know whether the minister has been given the submission by this group in the house. If his advisers happen to have the submission here, there are two pages of concerns on the drafting and, just to give the minister forewarning, I will go through each of those concerns one by one. Given that the advisors are indicating that they have the submission—there are two pages of concerns—maybe I will stop now and, with the Treasurer's agreement, we can walk through each of the concerns one by one, and that will be the end of the debate as far as the opposition is concerned, rather than go into committee, because we have no amendments.

The DEPUTY SPEAKER: Certainly, if the Treasurer is willing.

The Hon. I.F. EVANS: I should clarify for the sake of the record that the opposition will not be opposing this measure, unless there is some surprising answer that the Treasury gives us. We recognise that, if we did oppose the bill and knock this measure out, it may put an $18 million to

$19 million per annum hole in our budget and we are not prepared to do that on this particular issue. Even though there are industry concerns about this, these figures have been built into the budget for some many years and we are not about to knock them out today. Do we need to go into committee for the adviser?

The Hon. J.J. Snelling: No.

The DEPUTY SPEAKER: Obviously, the member for Davenport is aware of the fact that once the Treasurer speaks he closes that debate.

The Hon. I.F. EVANS: Yes.

The DEPUTY SPEAKER: Are you happy to work within those parameters?

The Hon. I.F. EVANS: I will do it this way: I will read in the concerns and the Treasurer can give me the answers. The specific drafting concerns are these. Commencement: the proposed commencement date is stated to be 'on the day fixed by proclamation'. From an administrative perspective, the relevant association members have indicated that a reasonable implementation period will be required to enable life insurance companies to comply. The association would be pleased to provide more detail with respect to an appropriate transition period.

The second issue is the apportionment of premiums. The association notes the introduction of an apportionment provision by new section 32(2) in the bill. The provision states that if there is a reference in the provisions to:

> …a premium paid, payable, received, charged or credited in relation to life insurance, or in relation to insurance of another kind, the reference is to be taken to be a reference to the premium to the extent that—

and 'to the extent that' is bolded—

> it was or is paid, payable, received, charged or credited in relation to the insurance of the kind referred to in the provision.

The question raised by the association is that it is unclear how the apportionment of a single premium should be determined practically. The association suggests a ruling should be issued by RevenueSA in consultation with the association in relation to this apportionment issue. The nexus to the State of South Australia: the bill has unclear and differing provisions in relation to what is the required nexus to the State of South Australia. In particular:

- the registration provision (new section 33) has an unclear nexus to the State of South Australia;
- the lodgement of statement provisions (which are new sections 34 and 35) have no nexus provisions at all; and
- there are references to 'effecting' insurance either in or out of South Australia, but no definition or explanation of what that means.

The association suggests that it be made clear that the nexus is, for general insurance—insurance of property, or risks or contingencies that occur in South Australia, and for life insurance—insurance for a person whose principal place of residence is in South Australia (at the time the policy that effected the insurance was issued), and then it provides more detail. In relation to registration, which is new section 33(1), it states, 'An insurer who carries on insurance business in the state' and 'carries on insurance business in the state' is bolded, 'must be registered under this division'.

The association raises the issue that the definition of 'insurance business' refers to the provision of insurance in paragraphs (a) and (b). Therefore, an insurer who provides insurance in the state is required to be registered. Does 'provision' refer to the location of the insurer who is providing the insurance, or does it refer to the insured or the insured's risk? The association suggests an approach similar to that which is used in New South Wales. The relevant nexus for life insurance would be 'of a person whose principal place of residence is, or persons whose principal places of residence are, in South Australia' at the time the policy that effected the insurance is issued.

The relevant nexus for general insurance would be property in South Australia, or a risk, contingency or event concerning an act or omission that, in the normal course of events, may occur within, or partly within, South Australia, or both. The association also raises some issues about lodgement of the statement.

New sections 34(1) and 35(1) simply refer to the payment of duty 'in respect of each premium relating to…insurance paid to the insurer'. The definition of 'premium' does not have any nexus to South Australia. As presently drafted, the bill requires all premiums, whether having the relevant nexus to the State of South Australia or not, to be included in the statement upon which the duty is charged. The association suggests that provisions be amended so that premiums to be included in the relevant statements need to be limited to those premiums having the relevant nexus to the State of South Australia, and they refer to the earlier comments that I have just read.

Other references to nexus: paragraph (d) of the definitions of 'insurance businesses' refers to 'the carrying out, by means of insurance effected out of this state of a contract or undertaking to effect insurance'. No other paragraph of the definition of 'insurance business' contains a nexus provision, that is, effected in this state. There is no definition or meaning given to 'effected out of this state'. New section 38(1) contains additional and differing nexus concepts. It provides:

> A company...that obtains, effects or renews, outside the state, a policy of insurance wholly or partly in respect of property in the state, or a risk, contingency or event occurring in the state...

Again, I refer to the earlier comments I made about general insurance in relation to registration.

In regard to exempt insurance, as currently drafted the bill would seem to require the inclusion of premiums that are exempt from the duty in the statement as there appears to be nothing to so exclude them. In regard to refunds, we note that the term 'dutiable premium' is not defined in the bill. They are the issues raised by the Investment and Financial Services Association. If the minister can address those issues for us, we will not need to go into the committee stage.

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (16:21): I will do my best to answer those questions and, if there are any other issues the member for Davenport would like me to clear up, I would be happy to do so on another occasion. I thank the member for indicating his support for the bill.

With regard to the issues the member has raised, I will go through them one by one. The first issue the IFSA raises is that it does not support the imposition of state duties on life insurance. The IFSA states:

> These duties have the effect of discouraging Australians from taking out and continuing their life insurance, which will, in turn, lead to a higher level of underinsurance and a greater reliance on all levels of government for the provisions of welfare-related services.

My response is that these duties have been payable for many years and are an integral part of the revenue base. Only four insurance companies have disputed the stamp duty applying to riders. The rest of the insurance industry has been paying stamp duty on the riders. Legislation would represent absolutely no change for the majority of insurance policies with these riders.

The second issue it raises is that South Australia's taxation of life insurance would be fundamentally different from that of other jurisdictions, adding to business complexity and inefficiency. My response is that this is not the case. While there are some differences between the states in their insurance provisions, in no jurisdiction are riders chargeable on the same basis as life insurance. This bill does not change anything fundamentally compared with what other states are doing with regard to the charging of stamp duty on riders. The third issue raised is that:

> Under section 32 (Interpretation) of the bill, the definition of life insurance specifically excludes life insurance riders, such as trauma or TPD insurance, and would make them dutiable at the general rate of 11 per cent rather than the life insurance rate of 1½ per cent. The assertion by RevenueSA, in its Circular No. 213 of 17 April 2001, which is apparently being reiterated by the bill, is that life insurance riders, including TPD and trauma insurance, are to be treated as per general insurance, not life insurance, from a stamp duty perspective. In this regard, it should be noted that the GST legislation, which raises revenue exclusively for the states, treats all elements of life insurance on a consistent basis without attempting to isolate riders. We consider that the same public policy considerations that warrant recognition of term life insurance as entitled to a lesser rate of duty should apply equally to trauma and TPD life policies.

My response is that life insurance has historically attracted a concessional rate of duty. This treatment finds its origin in the United Kingdom upon which Australian stamp duty policy was originally modelled. The principle of applying a lower rate of duty to life insurance was first established in 1902 and all states and territories have followed this practice.

Notwithstanding this longstanding practice, the policy rationale for this concessional treatment is not clearly articulated but seems to rely on arguments that life insurance is a form of investment and/or saving and that life insurance relates to a certain event (that is, death; we are all

going to die) and other insurance provides cover against other uncertain events. So, there are other events the riders cover—things of which we cannot be sure and we pray will not happen to us. Riders provide insurance against uncertain events and therefore should be treated in the same manner as other forms of insurance. Next, the IFSA states:

> Apart from not being consistent with other jurisdictions, this policy will result in a more onerous compliance arrangement being imposed on issuers of these life insurance riders in South Australia. IFSA believes that the administration cost of complying with this change may in fact exceed the additional revenue collected when Western Australia adjusted their life insurance taxation method several years ago, the additional revenue raised statewide was in the order of $30,000 per annum. The IT and compliance system changes required to accommodate the change at one of the three largest life insurers cost in the order of $1 million.

My response to that is that it should be stressed that this is not a change. RevenueSA has always maintained riders are general insurance and the majority of insurers have been paying duty on riders at the general rate. The revenue comment is untrue as it is estimated that if all riders were chargeable at life rates the loss to revenue would be up to $17 million. So, there would be a risk of loss of revenue of up to $17 million. It should be pointed out that, as I said before, the majority of insurers are currently applying the general rate to riders; only a very small minority of insurers are not. The next issue of the IFSA is:

> In addition, under clause 41 (refunds) of the bill, in the case of life insurance, a refund only applies in circumstances where the insured cancels their life policy within 30 days of its issue. This distinction between the cancellation policy provisions for life insurance and riders generally treated as life insurance, such as trauma or TPD (which insurers often sell in concert), is a concern. The discord between cancellation policies is administratively complex, inefficient and serves as a disincentive to many customers considering purchasing both types of insurance together.

The response to that is that the bill was changed to remove this requirement. The next issue raised by the IFSA relates to the proposed commencement date. It states:

> The proposed 'commencement' date is stated to be 'on a day to be fixed by proclamation'. From an administrative perspective, relevant IFSA members have indicated that a reasonable implementation period will be required to enable life insurance companies to comply.

My response is that it is intended for the amendments to operate as soon as possible. Given that the riders change is to protect the revenue base and to merely clarify a longstanding revenue office position, it is not intended to provide additional time for insurers to comply. Most insurers have been complying for some time and, should the Supreme Court cases be lost, there may be significant revenue leakage if the amendments are not proclaimed into operation as soon as possible. The other changes made by the bill should not require significant system changes.

Next, the IFSA notes the introduction of an apportionment provision by clause 32(2) of the bill, which provides:

> If a provision of this division refers to a premium paid, payable, received, charged or credited in relation to life insurance, or in relation to insurance of another kind, the reference is to be taken to be a reference to the premium to the extent that it was or is paid, payable, received, charged or credited in relation to insurance of the kind referred to in the provision.

It is unclear how the apportionment of the single premium should be determined practically. IFSA suggests a ruling should be issued by RevenueSA in consultation with the IFSA in relation to this apportionment issue.

I respond that RevenueSA adopts the approach expressed in Circular 213 that, where a life policy is issued with riders of a general nature attached and a separate premium component in respect of the rider can be decided with certainty, stamp duty is payable at the general rate on that proportion of the premium attributable to the rider benefit. The majority of insurance companies have been complying with this requirement and are able to separate the premium component for life insurance and the premium paid for riders.

Next, the IFSA states that the bill has unclear and differing provisions in relation to what is the required nexus to the state of South Australia. I respond by saying that the nexus provisions reflect what has been the longstanding position and what has been proven to be effective. Next, the IFSA states that clause 33(1) provides:

> An insurer who carries on insurance business in the state must be registered under this division.

> The definition of 'insurance business' refers to the 'provision' of insurance, (paragraphs (a) and (b)). Therefore, an insurer who provides insurance in the state is required to be registered. Does 'provision' refer to the location of the insurer who is providing the insurance or does it refer to the insured or the insured's risk?

I respond: in the context of the act, the registration provisions relate to the location of the insurer (or its agents). South Australian risks insured with persons who do not carry on business in the state are dealt with under section 38. These provisions are consistent with the current provisions and are well understood within the industry.

Next, IFSA has suggested an approach which is similar to that which is used in New South Wales. The relevant nexus for life insurance would be:

> ...of a person whose principal place of residence is, or persons whose principal places or residences are, in South Australia at the time of the policy that affected the insurance is issued.

I respond: life insurance duty is only payable in relation to those persons whose principal place of residence is in South Australia—section 35(5)(b). Next, IFSA states the relevant nexus for general insurance would be:

> ...property in South Australia or, a risk, contingency or agent concerning an act or omission that, in the normal course of events, may occur within, or partly within, South Australia, or, both.

I respond: general insurance is only payable in relation to insurance risks inside the state other than that in relation to personal accident which depends on the principal place of residence of the insured being in the state. The next nexus that IFSA raises is:

> ...as currently drafted, the bill would seem to require the inclusion of premiums that are exempt from duty in the Statement, as there appears to be nothing to so exclude them.

My response is that that is correct and that has always been the case. Finally:

> Refunds—we note that the term 'dutiable premium' is not defined in the Bill.

My response to that is the term 'dutiable premium' is no longer used in the bill.

Bill read a second time.

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (16:32): I move:

That this bill be now read a third time.

Bill read a third time and passed.

ADJOURNMENT DEBATE

DINGOES

Mr VAN HOLST PELLEKAAN (Stuart) (16:33): I am grateful for this opportunity to talk about a very important and very topical problem in outback South Australia, which I hope does not become a problem in closer country South Australia, and that is of dingoes breeding up inside the dog fence.

As I am sure most members of this house would know, we have a dog-proof fence, affectionately known as the dog fence, in South Australia. It runs about 5,500 kilometres and it is actually a pretty good barrier. It is not perfect, and I have no doubt that a few dogs do get through every now and again, but certainly pastoralists and people who work in this area tell me that generally they are satisfied with the quality of the fence.

The problem we have with regard to dingoes, specifically inside the dog fence, is that they are breeding up very rapidly in number, and have been doing so for many years—and this has been a problem for probably the last 10 or 15 years—but the difficulty is that, inside the fence, they are breeding up and there are very, very, few resources going to the problem of trying to stop it.

Let me make it very clear. Dingoes are beautiful animals and are tremendous native animals but, inside the dog fence, they are a prescribed pest. Landowners are legally bound to cull dingoes, by whatever legal means are available to them, inside the dog fence. It is not a choice, it is not an option, they are legally meant to do this. So, make no mistake, while they are a wonderful native animals inside the dog fence, they are just not meant to be there.

Dingoes can kill hundreds of sheep in a night. They do it obviously for food, but when they are not hungry they do not stop. People who are not in country or outback areas may not realise that a dingo just does not go and grab sheep, work on that sheep, eat that sheep and say, 'Good, there's my meal for the next few days.' They do unfortunately kill for sport, and a few dingoes can get through 100 or more sheep in a night if they are in the mood, which is absolutely devastating.

The very sad fact of it is that they will just often maim and injure sheep, and then move onto the next one; whether they just rip out their throats, hindquarters, or sometimes just a tongue, and then move on, for them, when they are not hungry, it is still sport. That is their natural instinct, but it is incredibly devastating for the owners of that stock.

We have this problem at the moment for a few reasons, and I will work through them. The number one reason is funding. As people would understand, this is a problem that has built up over many years, so it requires a solution over many years. I estimate that it would probably take up to five years to get on top of this problem; so, understandably, we need about five years worth of funding.

Five years worth of funding is what is required to sort this problem out. The difficulty is that not only is the government not providing any funding for this problem but it is leaving it up to the industry, and the sheep industry and NRM board (the South Australian Arid Lands NRM Board) are contributing money. If the people who work in this area—and they do the very best they can, I have to say, and do very good work—only have funding for a year or two or three at a time, and it is scant funding and they are not sure how long it is going to go for, then they can only put a program in place in line with their funding.

So, if you have only a year's funding, you put a one-year program into place. Even if you get funding again the next year, you can only get one more year's funding and you get one more year's worth of program, as opposed to putting together a good three, four, five, six-year program in place to do the job.

Another big contributing factor, in my opinion and in that of most pastoralists, is the use of pastoral leases (again inside the dog fence) for non-pastoral purposes. Those non-pastoral purposes include things like mining companies having them so that they can access the water rights. They include people taking on leases so that the land in the area can be used for cultural pursuits and people who use of the tourism businesses, and they certainly include people who acquire the leases for environmental use and conservation. There are other uses as well.

I am happy to say on record that I do not object to any of those uses. I do not mind if any group, company or person wants to purchase a pastoral lease—with their own money, not with taxpayers' money, as often happens—and use it for non-pastoral purposes like the ones I have listed; I am quite comfortable with that. Where the problem arises, though, is if they are not running stock, if they are not running sheep, they do not have a strong personal interest in culling dingoes on their property.

If they do not have a strong personal interest and if they are not doing it (even if they are not running sheep) as they are still legally obliged to do, all their neighbours suffer. You can imagine a situation where you have a pastoral lease where they are not culling for dingoes—every surrounding neighbours suffers. It is very easy for the dingoes to just sit there, breed up, enjoy themselves, have a great old time, jump the fence, eat the neighbour's sheep and then come back, lie under a tree all day long and do the same again the next night. Strongly enforcing everyone's obligation to cull dingoes, whether or not they really have a personal interest for their own stock, is a very important part of this problem.

Another issue is aerial baiting. Pastoralists are allowed to distribute poison baits on their stations by land-based vehicles (typically, throwing them out the back of the ute as you go down your station tracks), but they are not allowed to distribute them by planes. Quite obviously, then, people can only get to the sections of their property by the roads. Understandably, the dingoes do not necessarily live by the roads. The ability for pastoralists to distribute bait from their aeroplanes would be a very important help to this.

With respect to seasonal impacts, we have had great seasons. I have to say that wonderful seasons cause difficulties for roads, as well as all sorts of other difficulties, but there is far more good than bad. In the last 18 months in outback South Australia we have had very good rains. That is terrific, but it causes a great deal of problems with the No. 1 issue, namely, the dingoes breed up. It is a good time to breed up.

Everything is growing, whether it is rabbits, sheep, lizards or whatever it happens to be, everything is going strongly in our outback environment at the moment. The dingoes are breeding up. Over the last 18 months they have had a whole 12 months of their breeding season. Typically, dingoes pair up around March-April, and around the following March-April is when they are kicking out their pups and they are on their own to fend for themselves. Over the last 18 months we have had that complete 12-month cycle of wonderful breeding.

The other thing is that baits do not work when times are good. Members can imagine the old dingo running along down the road in drought times, nearly starving to death. It finds a poison bait, he gobbles it straight up. In good times they are just not interested. In good times a lump of meat on the side of the road or out in the scrub somewhere is not nearly as attractive as chasing that sheep. In good times they are not hungry. In good times the dingo thinks, 'Eat this piece of dead meat here or chase that sheep?' For a dingo, it is a very, very easy choice. Unfortunately, baiting does not work nearly as well in the good times that we have at the moment.

Madam Deputy Speaker, 60 per cent of pastoral leases within the dog fence in South Australia in the last few years have seen dingoes or proven signs of dingoes, such as mauled sheep or dog tracks. It is conservatively estimated that we have in the low hundreds of dingoes in South Australia below the dog fence at the moment.

Just last week I came across a dingo only 50 kilometres from Port Augusta. I managed to take a photo of it. To many in this house, 50 kilometres from Port Augusta may not seem that close. That is an astounding 300 kilometres inside the dog fence. Fifty kilometres from Port Augusta is one night's travel for a dingo into the country areas, into freehold farming land.

I urge the government for support and to do whatever it can to rectify this problem before it gets worse. It will not be long before we have dingoes mauling sheep in our normal country areas. People think that this is a pastoral problem, but, if left unchecked, it will be a problem for all of South Australia.

DISCOUNT AIRLINES

Mrs GERAGHTY (Torrens) (16:43): One of the issues that really concerns me is the discrimination and considerable embarrassment that people with disabilities have suffered when flying on discount airlines, and I am sure that a number of members have had complaints to our electorate offices. I would like to relate two instances that have been brought to my attention. They are each with different discount airlines, but it certainly appears to be a common theme.

There appears to be a reluctance from the discount airlines to provide for the needs of the disabled and to give them a reasonable service. From my investigations, it seems that it is being driven by the argument that it would impose an additional cost on the price structure for the discount airline.

The first instance relates to a woman who is in her late 50s and wheelchair bound. She flew from Adelaide to Brisbane for a holiday, and, on her return from holiday (which she thoroughly enjoyed, I might say), she was approached after disembarking from the flight by some of the flight attendants who advised her that, in future, she would need to have a carer fly with her. She is an intelligent woman and that caused her considerable anguish and embarrassment. When I raised the issue initially, the airline was not prepared to discuss the incident. However, I was later able to see that my constituent received a formal apology from the airline. She just needed some assistance getting on and off. She certainly did not need anyone to care for her, in that sense, during the flight.

The second incident involves another airline and an elderly woman, who is 82 years of age, who was flying to Alice Springs and was in need of wheelchair assistance. That was not readily forthcoming from airline staff at check-in, but the family were able to source a wheelchair and escorted her to the departure gate. When the flight was called the family approached airline staff asking for assistance for the elderly woman to board the plane and they were told that it could not be provided as there were no staff available to assist her. The family even offered to take the lady onto the plane but, understandably, that was rejected.

Eventually, a very understanding passenger overheard the discussion between the airline staff and the family and offered to assist the lady onto the plane so that she was able to board the aircraft. Interestingly, the family advised me that when the plane landed in Alice Springs the lady was assisted by airline staff to disembark from the aircraft. Naturally, the woman and her family were, and still are, very upset and embarrassed by the incident which occurred at Adelaide Airport and the family has subsequently made a formal complaint to the Australian Human Rights Commission. Unfortunately, the complaint was not able to be resolved through conciliation and, regrettably, that process has now been terminated.

The incidents indicate to me that there is a need for some very clear guidelines to the airline industry, detailing their obligations to service all sectors of our community, including, and particularly, those with disabilities. It is an obligation for our society to ensure that those who are

disabled are not denied assistance on the basis of an additional cost to the provider. Quite frankly, I would think that would be a very small cost. Sadly, what I am relating is particularly true of low cost airlines. They should not be able to argue that the cost structure prohibits people with a disability from using their airlines.

I understand that the airline industry is involved in the Aviation Access Working Group which is in the final stages of establishing a disability access facilitation plan. It is my view that such a plan needs to have some very clear guidelines for the protection of the rights of the disabled. There also needs to be some very clear provisions, when service failures occur, for these individuals to have their grievances dealt with without the need to take on costly legal action to address the matter because, obviously, people with a disability have a lot of ongoing costs, which means that they just cannot afford to seek redress in the courts.

I have spoken to minister Rankine about the issue and, recently, I have written directly to the federal minister, the Hon. Anthony Albanese, Minister for Infrastructure and Transport, and also to Senator McLucas, who is the parliamentary secretary for disabilities and carers, to express my concerns on the matter. As I said, I am sure that other members have had people come into their offices and complain. It is something that is occurring quite regularly in my electorate office. Whether people have a disability or not, people with a disability like to travel and do the normal things that everyone else does, and I think that some of the very embarrassing situations that have occurred are not a credit to some of these discount airlines.

We do not seem to see this on the major airlines, but we are certainly seeing it more regularly on discount airlines. I think it also affects their patronage by able-bodied people because they feel either insulted or distressed on behalf of their family member or friend where these unfortunate things have happened and they choose not to fly with them.

WOODEN BOAT FESTIVAL

Mr PEDERICK (Hammond) (16:49): I rise today to talk about the Wooden Boat Festival, which was recently held at Goolwa on the last weekend of February. It was a fantastic weekend of events and I managed to get to quite a few of them. I also want to talk about the relationship that Goolwa has had with the naval 817 Squadron. This involves a squadron of Sea King helicopters and all the support services that go with them.

On the Friday night of the weekend, my family and I went to Goolwa. We were happy to be at a book launch of the history of the 25-year relationship, I think it is, of the squadron and the township of Goolwa. I must say that it was good to have some very insightful conversations with the Navy personnel. My two young lads, who are only nine and six, had a good education as well. The men certainly took their time to talk to the young boys as they had beforehand, during the day, at the Strathalbyn school and a couple of the schools in Goolwa as well.

On Saturday, we had the ceremonial march past through the town. Our leader, Isobel Redmond, was present as well. The Navy were given the keys or basically given access to the town. It is an old practice that goes back many centuries, where they are allowed leave to get into the city or town that they are visiting.

It was a great weekend. It is great to see water back in the river. It has really put the shine back on the town of Goolwa after the last four or five years of drought and the threat of acid sulphate soils and soil blowing around the town and the surrounding areas off Lake Alexandrina. It is certainly a great sight to see. It is dirty water, but nonetheless, it is water and it is there.

There were many, many boats on display. There must have been hundreds of boats on display. There were all sorts of wooden boats: rowing boats, canoes and sailing boats. Many hundreds of people visited Goolwa over the weekend and really enjoyed themselves.

The opening involved the paddle steamer, the *Oscar W*, which is over 100 years old and has served this state and the river trade very well in its former glory. It is well preserved by a team of volunteers at Goolwa. Then there was the launch of the new boat wharf, just along from the *Oscar W* wharf, which is more of an extension of a new recreational wharf. All of these events on the Saturday were attended by the Governor, Kevin Scarce, and it was very good to see him down there.

Goolwa has managed to survive the drought and is really moving ahead. It was another great weekend, visited by hundreds of people, and it is certainly really putting life back into the town.

In closing, I would just like to commend the relationship with the 817 Squadron. I believe it is being disbanded. It has had a great relationship with the town, and I hope that in the future there is potential for Goolwa to team up with the naval 808 Squadron. It would be great to have another relationship with another section of the Navy.

At 16:53 the house adjourned until Tuesday 22 March 2011 at 11:00.