HOUSE OF ASSEMBLY

Thursday 24 March 2011

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

VISITORS

The SPEAKER: I advise members of the presence in the gallery today of a group of year 6/7 students from Black Forest Primary School. It is lovely to see you, and I hope you enjoy your morning here.

SHOP TRADING HOURS (RUNDLE MALL TOURIST PRECINCT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 February 2011.)

Mr PEDERICK (Hammond) (10:32): I rise to support this bill on opening up—

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order!

Mr PEDERICK: —shop trading hours in the Rundle Mall precinct. The precinct the member for Adelaide talks about is more than just a shopping precinct; it is a tourism precinct, and I just wonder whether the government, on the other side of this place, recognises the value of tourism to this state. You can certainly see the value of tourism when you go into a tourism precinct such as Glenelg, in the member for Morphett's electorate. It is very vibrant over weekends, with shops, restaurants and businesses open for trade, and people who come into this state know that they can go down there and participate in social activities and dining, as well as browsing through the shops if they like. It is a great setting.

I think it would really open up the city if we opened up the central business area as a tourism and shopping precinct. Only recently, with the visit of two cruise ships to Adelaide, we had to go through the scenario of getting special exemption so that shops could open longer hours. That certainly does seem ridiculous in the 24-hour world we now live in; people do not work nine to five in many occupations. Health and mining are two major examples in this state: the mining industry operates for 24 hours a day as a matter of need, and the health sector does as well.

However, we are not talking about 24 hours as far as opening in the tourism precinct is concerned; we are talking about people having the right to go into that precinct on weekends, generally in daylight hours on a Saturday or Sunday, to conduct business, go to restaurants and just enjoy the benefits of being out in Adelaide and this state. It just seems ridiculous that we seem to have this closed-door policy to our central business district in this state, when we could make it so much better and so much more inviting, and make Adelaide open for business and much more attractive not just to tourists but also to country people like myself.

Sometimes, the only opportunity to get to the city is on weekends for many country people, especially from the seat of Hammond, which stretches out to Pinnaroo on the Victorian border. Those people want the opportunity, when they do get the time to come to the city to do their business, to do a bit of shopping and have a bit of leisure time, knowing that places are open. I believe that the centre of Adelaide misses out on a lot of finance not just from people outside the state but from people who live in this state and who come into the city to do business. I fully commend the bill introduced by the member for Adelaide. I think it is an excellent bill to be before this house, and I think the parliament should definitely get behind it.

The Hon. R.B. SUCH (Fisher) (10:36): I support this motion although, as a free-trader, I do not believe there should be any restriction on when shops open.

The Hon. M.J. Atkinson: It is a bill, rather than a motion.

The Hon. R.B. SUCH: Well, I think the former attorney has passed a lot of motions in his time, but he can call it a bill or a motion; whatever he likes.

Mr Marshall interjecting:

The Hon. R.B. SUCH: I won't add to the tone of the debate. I believe in free trade. I do not believe it should be a crime in South Australia to shop. It is, and it should not be. We have

anomalies in terms of who can open when and so on, and it is quite bizarre. I fully support this, but I would like to see it go further.

I had quite a bit to do with the changes a few years ago when the shopping hours were expanded, and I commend the member for Lee, who was the minister at the time, and the government of the day for bringing about those changes. I am meeting shortly with Mr Malinauskas from the shop, distributive and allied union to talk about a proposal which I am keen to see happen and which particularly affects people in my area; that is, they want to be able to shop on a Sunday morning, earlier than the 11am start for supermarkets.

I believe it is not unreasonable for supermarkets to open at 9am on a Sunday morning, because a lot of people want to go to church later, people want to have family picnics and they want to be able to get fresh produce, and I believe the current 11am opening is inappropriate. In fact, in my electorate on a Sunday morning—I know members might be surprised that I am often in the office on a Sunday morning—people are queuing up to get into the supermarket at 11am.

The Hon. M.J. Atkinson: I would have thought they were queuing up to see you.

The Hon. R.B. SUCH: No, that's my fan club; they are out there with banners. These are people who want to buy fresh produce. I do not know whether members realise, but I do our grocery shopping. My wife would, but I am happy to do it, and have always done it. Peoples' shopping patterns have now changed; they shop more frequently. They stock less at home and they go to the supermarkets more frequently. The traditional Thursday night, which was the big shopping night, is no longer the case. People have spread their shopping time throughout the week, and I think you will find that the SDA, Coles, Woolworths and Foodland will agree with that.

So, I support this bill, but I believe there should not be any restriction on when people operate. The market will determine when it operates. I do have regard for the shop assistants. They need to be treated appropriately and they need to be paid appropriately. I have never suggested that they be required to work extra time or on weekends if they do not want, but there are plenty of people who are happy to do that—often students—and I am surprised that the SDA in particular does not want to recruit those people as members. It is hard to recruit them if they are not in the workforce working at some of those times when there is a great demand. I talk to these young people (they are often young people) at the checkouts—they are often students working their way through university—and, even though some people treat them inappropriately and with some disdain, they are often very smart young people who are trying to earn enough money to get through university or TAFE.

There are employment opportunities we are denying people because of our restrictive trading, and we will have another example coming up at Easter time. If you look at America—and I am not advocating Good Friday shopping—they have shopping on Good Friday. We keep hearing that we are multicultural and all this sort of stuff, but you are not allowed to shop here in any way comparable with what happens in the United States.

Last week, I went to Brisbane, and one of the many good things they are doing up there is that they have a farmers' market on a Wednesday only at the top of the mall, just across the road from the Queen Street Mall in front of the casino. They have things like Greek cakes (some of which we tested just to make sure they were okay), German breads, home-produced macadamia oils, limited meat and fish, nuts and some artwork. That would be a great thing to see at the end of or near the mall one day a week when it does not clash with the Central Market. It will not take business away from Rundle Street traders because I am not aware of any of them selling large quantities of Greek cakes, German bread, and so on.

So, there is an opportunity to revitalise and make the mall more attractive not only for tourists, as this bill focuses on, but for locals as well. If we are not careful, the city heart will gradually atrophy and become totally dead. I commend the bill and support free trade and not making shopping a crime.

Dr McFETRIDGE (Morphett) (10:42): Madam Speaker, I was distracted by wishing you happy birthday—congratulations. Now that the whole house knows, you will be in strife. I support this very important bill. As the member for Morphett, I have the privilege of representing Glenelg, which is the only gazetted tourist area in South Australia at the moment. There are benefits—and we will see them over Easter—to the people of South Australia. The secular society in which we live nowadays wants the time off, wants to be able to do what they want to do and be able to shop, but, at the same time, we should respect the sacred days put forward in our shopping hours legislation, in our Liberal policy and in this bill.

Not to recognise the benefits of this bill and to continue to ignore its benefits would be a travesty. The member for Adelaide has done a lot of work on this. It will not bring down the rest of the retail industry in South Australia, and it will give a huge boost not only to the CBD and the area outlined by the member for Adelaide but it is also a very positive move. For the government not to support this would be a very disappointing thing to do. The need to recognise—

The Hon. M.J. Atkinson interjecting:

Dr McFETRIDGE: As the member for Croydon said, I am continually disappointed by this government, under which so many opportunities are lost. What could have been and should have been done: we saw it yesterday with three storeys going on the Women's and Children's. How embarrassed was the minister at not rebuilding the Royal Adelaide on site? The same thing: do not ignore what could and should be done.

This bill is one of these pieces of legislation where the government should hold its head high and say, 'We are in a position of power, power has responsibilities. We are responsible for the future of South Australia, we need to make sure that legislation is going to benefit South Australia,' and this piece of legislation will be one of those pieces of legislation that will benefit the whole of South Australia, the whole of the tourism industry and the whole of the retail industry, not just the Adelaide CBD.

If the pie gets bigger, well, there are more people who want to come and eat off that pie, or you could feed more people off that pie. It is an important piece of legislation. It is an important piece of work that the member for Adelaide has done, and I ask the government, for once in its life, to look at this, to recognise that the quality is there and to support the legislation. To not do so would be betraying the people of South Australia whom it is supposed to be governing in a responsible way.

Mr VENNING (Schubert) (10:45): I am delighted to be able to join the debate and support this motion. How refreshing it is to see a new member come into this place and bring in a common-sense bill like this. A new member, a younger member, a refreshing member, and, most important of all, a lady member, and certainly with a very good outlook. A lot of us in this place have travelled. We move around, not that we talk about that very much but we do move around the place. How often do you go to a capital city where—

Members interjecting:

Mr VENNING: Same place, wrong member. You go to a capital city and you find that on weekends the hours are extended. As a member who comes from the Barossa Valley, we rely on flexible trading hours to enable the people who come to the Barossa to be able to shop. There is nothing worse—

Mr Goldsworthy: How's your phone bill?

Mr VENNING: Who, mine?

Mr Goldsworthy: No, Atko.

Mr VENNING: Atko. Phone bill.

Mr Goldsworthy: International roaming Atko.

Mr VENNING: I was on the same list as the member for—

Members interjecting:

Mr VENNING: Anyway, if I can have some quiet here. I do think it is common sense—

The SPEAKER: Order! The member for Schubert will stop responding to interjections from both sides of the house and say what he has to say.

Mr VENNING: I am all confused now, Madam Speaker—

The SPEAKER: So am I.

Mr VENNING: —when they are in front and behind. It is confusing. Back to the nub of this important bill: I do commend the member for Adelaide for bringing in a bill that I think has widespread support in her electorate of Adelaide.

The Hon. M.J. Atkinson: She hasn't asked Ovingham.

Mr VENNING: I am sure that a lot of the people of Ovingham would love to have the shops open on the weekends and longer hours because—

Members interjecting:

The SPEAKER: Order!

Mr VENNING: Seriously, this is a day when people are working longer, particularly the people in this place, and I, like most of you, love to shop. It is great to be able to shop with my wife. It does not happen very often at all because when I am able to shop, the shops are closed. I would support anything that enables the shopping hours to be freed up. I am very pleased that my party has chosen to support the member for Adelaide in this matter, because we know that over the years shopping hours has been a pretty contentious issue, as it is on both sides of the parliament, particularly on the Labor Party's side.

An honourable member: No, not really.

Mr VENNING: Not really. Well, Madam Speaker, people are trying to reinvent the wheel over there. I do note that the member for Adelaide has even asked to extend this trading area. I did see a map yesterday and, yes, certainly I would support that also and enable it to be moved further to the north. I think the member for Adelaide has not taken very long at all to get a good feel of what her electorate wants and I know her electorate is responding very positively to what people want.

This would be one of a tranche of issues that I am sure the member for Adelaide is going to bring to this house, because she is listening to the people in Adelaide—and not just Adelaide, can I say. I do not live in the electorate of Adelaide, but I certainly want to shop there, and I think that we need to try to bring life back to the CBD. We need to enable the traders who are operating in the CBD to compete against the larger suburban shopping centres who have very good access and cheap car parking.

This is the first step, I think, to enable the CBD, because, after all, it is the most important shopping precinct in South Australia. It is where the tourism hub is, it is where people want to be able to move about and do their shopping, whether it be souvenirs, bric-a-brac or whatever. So, can I, again, commend the member for Adelaide for bringing this to the house. I hope the government will look upon this favourably because it is a common-sense move. If the government opposes it, it will be on its head. I commend the member for Adelaide, and I certainly join in the support for this very timely and common-sense bill.

The SPEAKER: Member for Schubert, you must be the only man who likes shopping with his wife!

VISITORS

The SPEAKER: I welcome to the chamber a group of year 10 students from Wirreanda High School, who are here as guests of the member for Reynell. I hope you enjoy your time here. We also have in the gallery a group of students from TAFE, who are guests of the member for Adelaide. It is very nice to see you, and I hope you enjoy your time here.

SHOP TRADING HOURS (RUNDLE MALL TOURIST PRECINCT) AMENDMENT BILL

Second reading debate resumed.

Mr PENGILLY (Finniss) (10:51): Madam Speaker, may I join the rest of the house in wishing you a very happy birthday. I rise also to indicate my support for the member for Adelaide's bill. My concern is, really, that people who want to go shopping cannot go shopping. I am actually with the member for Fisher on this. I am a free-trader, and I think that things should be opened up and that we should just let it go.

Where this has all come from, I think, is from a series of curves. This particular bill is in opposition to the M-curve, the M-curve being the Malinauskas curve (and we need to think about that one), but it probably has more to do with Paul Keating's J-curve. This is really all about the J-curve that is taking place in the Labor Party—the J-curve being Jay, John or—

The Hon. M.J. Atkinson: Jack.

Mr PENGILLY: —Jack; that's it. Well done; you've got it! Currently, a huge argument is going on in the Labor Party over just where the J-curve is going to lead them. I do not think we can expect any sense whatsoever about shopping hours in South Australia until Jay actually wins the

J-curve and we can move forward. The member for Adelaide is quite correct and most appropriate in bringing this bill to the attention of the parliament. She is clearly listening to her constituents and businesspeople. I know the member for Adelaide respects shop workers; there is no question about that. However, if you pick up on the—

The Hon. M.J. Atkinson interjecting:

Mr PENGILLY: The member for Croydon can have a crack in a minute; it is my turn. He can get up and speak in a minute. I will wait for his pearls of wisdom. The member for Fisher is quite right: it should all be about free trade. If a shop wants to open, it should be able to do so and, if it does not want to open, for whatever reason, that is fine. We need to move forward from where we are. The member for Adelaide has done a good job on this, and I will be interested in the comments made, and I will be really interested in hearing what the member for Croydon has to say. However, the J-curve is the thing that is stopping everything at the moment—Jay, John or Jack. I reckon Jay will win.

Mr VAN HOLST PELLEKAAN (Stuart) (10:53): I am very enthusiastically supporting the member for Adelaide in this. As a country person, I have for many, many years come down to Adelaide for all sorts of reasons. I do everything I can to do, as much shopping as I can, in my local area but, as we all know, there are things you have to come to Adelaide for. I think I can speak quite comfortably for the vast majority of rural and outback-based South Australians in saying that as much flexibility as possible with regard to the times you are able to shop in Adelaide is very, very important. When you are travelling anywhere from a couple of hours to potentially 12 hours to get to Adelaide for all sorts of various reasons, it is important that you can do your shopping with as much flexibility as possible.

The member for Adelaide has been very respectful in regard to religious holidays and also, very importantly, ANZAC Day. I think that attending an ANZAC Day dawn service, if you are physically able, is something that every single South Australian and Australian should do. I believe very firmly that, when you have done that—paid your respects and actively participated in the ANZAC Day ceremony in some way—how you choose to spend your afternoon should be entirely up to you. If you choose to spend it with your family or you choose to spend the afternoon in some other public holiday fashion, you should be able to do so. If you choose to go to the RSL and enjoy a few or many drinks with your mates at the RSL, that is terrific and, if you choose to go shopping, you should be able to do that as well.

The member for Adelaide, in many ways, represents a very difficult electorate and I think it is a huge credit to her that she has won that seat so resoundingly. She is always balancing the needs of people who live in the electorate, people who live outside the electorate but work in the electorate, and people who own and operate businesses in the electorate. To her credit, she works extremely hard and she is doing a wonderful job.

The way she has put this bill together covers all of those different groups that she tries to represent, while clearly her focus is the people on the electoral roll who actually reside in the electorate. But she has a very important responsibility to the other people who have a strong connection with the City of Adelaide as well. I wholeheartedly support her in this.

Ms SANDERSON (Adelaide) (10:55): The reason I decided to put my hat into the ring to become a member of parliament was because I wanted to make changes, changes that are for the good of Adelaide and for the good of the state as a whole. For too long the government has been run by minority groups and unions and it is about time we actually started listening to the people who voted for us.

I have ideas on how we can improve our city and on how to help business and stimulate tourism, which will lead to jobs, and I will put forward the views of those whom I represent. I have consulted widely, and even whilst I was a candidate it was quite obvious that something needed to be done to invigorate the centre of our city, including the Rundle Mall tourist precinct. It seems ironic and ridiculous that Glenelg would be deemed a tourist precinct on the basis of the number of beds, the number of tourism facilities and the number of festivals, when Rundle Mall and the City of Adelaide win by far on every single criteria that you can look at on how you determine a tourism precinct.

I have consulted widely. I have doorknocked all of Rundle Mall. I have thousands of signatures of support. I have spoken to workers, to the Tourism Commission, to the Tourism Institute, to the Australian National Retailers Association, to Business SA, to shoppers, to residents

and to general businesses and people throughout the state and, overwhelmingly, there is great support for this bill.

I have even spent a great deal of time with the SDA union in person and on the phone, and have rectified any of their issues. The only issue that has ever come up as to why the Labor Party would be against this is concern for the workers. As a former retail worker of six years in Rundle Mall at Myer, I am very aware of what it is to be a retail worker. Had it not been for the ability to work at Myer, I would not have been able to pay for my university degree. So I strongly suggest that there are people who want the extra hours, at double time, who do want to work. Why are we discriminating against people who actually want to work and pay for university degrees, or to have the choice?

I have met with all the store owners of the larger stores—Myer, David Jones and Harris Scarfe—the ones that the unions are particularly concerned with, albeit that the union specifically negotiates their EBA, so if they are concerned why don't they put it into the EBA? In my bill I have specifically stated, 'No worker can be forced to work.' I have specifically stated, 'No shop can be forced to open.' Undeniably, I am here to protect the rights of the worker. When Malinauskas said that the EBAs—

The Hon. M.J. Atkinson: That's Mr Malinauskas?

Ms SANDERSON: When Mr Malinauskas said that the EBAs are federal law so therefore are not protected by my state law, I suggested to him a sunset clause to prove that if, as he suspects, the heads of these stores are going to force workers with children at home who do not want to work on public holidays to work, I will withdraw this bill, because this is not about forcing people to work who do not want to work. This is about invigorating our city and opening up our doors on the days most likely to have tourists in the area.

Long weekends are when the country people come down for all their sporting carnivals, their shopping trips and to do all their jobs and chores in the city. Why would you shut the centre of your city on the very day when you can make the most money? Do we actually want the jobs to exist in the future or do we want the shops to shut down and everyone just shop on the internet? That is where we are heading if we do not open when the people are here to do the shopping—we will not have an industry. I ask that members opposite listen to the people they represent—the 30,000 in each of your 26 electorates, not the 26,500 members of the SDA union who are currently controlling your decisions. I am appalled that I am part of a parliament where people are not being represented.

Every group, including probably the group in the gallery now, and every age group of people I have toured through this house (which is a substantial amount) are 100 per cent in support of this bill, from young people to the elderly. Opening the shops creates not only a safer environment but also energy and invigoration. It links Rundle Mall to the very important North Terrace boulevard, where we have the Botanic Gardens, Ayers House Museum, the State Library, the State Museum, the Art Gallery, the Festival Centre, and all the different festivals in the area. This should go ahead and it is, to quote the Hon. Terry Stephens, 'commonsensical'.

The house divided on the second reading:

AYES (19)

Brock, G.G.	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.	Redmond, I.M.
Sanderson, R. (teller)	Such, R.B.	Treloar, P.A.
van Holst Pellekaan, D.C.	Venning, I.H.	Whetstone, T.J.
Williams, M.R.		

NOES (24)

Atkinson, M.J.	Bedford, F.E.	Bignell, L.W.
Caica, P.	Conlon, P.F.	Foley, K.O.
Fox, C.C.	Geraghty, R.K.	Hill, J.D.
Kenyon, T.R.	Key, S.W.	Koutsantonis, A.

NOES (24)

O'Brien, M.F.	Odenwalder, L.K.	Piccolo, T.
Portolesi, G.	Rankine, J.M.	Rau, J.R.
Sibbons, A.L. (teller)	Snelling, J.J.	Thompson, M.G.
Vlahos, L.A.	Weatherill, J.W.	Wright, M.J.

PAIRS (2)

Pisoni, D.G.	Rann, M.D.

Majority of 5 for the noes.

Second reading thus negatived.

ELECTRICITY (RENEWABLE ENERGY PRICE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 February 2011.)

Mr PEDERICK (Hammond) (11:07): I rise to support this bill which was introduced by the deputy leader, Mitch Williams. I will go through some history of what has happened with feed-in scheme legislation in this place. On 14 February 2008, the parliament passed the Electricity (Feed-In Scheme—Solar Systems) Amendment Bill 2008, which enabled the state's solar feed-in tariff scheme to come into effect on 1 July of that year.

This scheme provides householders with a 44 per cent rebate on electricity that they feed back into the grid from photovoltaic electricity systems installed on their roofs. This is a net rebate and is only paid on electricity that is fed back into the grid; that is, at any time during which electricity is being consumed at the site where the photovoltaic cell is installed, only electricity generated in excess of that instantaneous consumption is fed back into the grid.

For example, if a refrigerator thermostat switches that refrigerator on, it is most likely that while it is running, there will be a net draw from the grid but, most likely, when it goes into standby, there may be a net input of energy into the grid. This is metered independently of consumption from the grid and is used to calculate the rebate. The rebate is funded directly on an additional electricity charge approved by ESCOSA and impacts on the electricity bill of every electricity consumer.

Prior to this bill being passed, retailers were buying solar electricity from householders at a one-for-one rate, but after this bill was passed many retailers stopped paying for solar electricity themselves and, instead, allowed ETSA to pay the 44¢ per kilowatt to householders for their solar electricity, with the 44¢ collected as an additional charge on all electricity consumers.

Retailers are now profiting from the scheme by onselling electricity so generated back to consumers. AGL and Origin were paying something in the region of 16¢ to 24¢ per kilowatt hour for electricity fed into the grid prior to the feed-in bill being passed; if they continued to pay this, retailers would now be receiving up to 68¢ per kilowatt hour for their solar electricity with the 44¢ legislated premium.

As part of the original legislation, it was deemed that a review of the scheme would be triggered at 10 megawatts of solar energy capacity being installed. This level was reached in May 2009, and on 31 October 2009 the government announced the terms of reference for a review of the scheme. The report of the review was eventually released in August 2010—well after the March election of that year—making nine recommendations.

It is interesting to note that industry is currently trying to work under the recommendations, but they have not been formally approved by the government. These range from recommendations involving the government considering an approach similar to the ACT model, and include a provision in the legislation for the minister to recommend other technologies into the scheme, and recommendations about implementing a cap similar to the Victorian scheme. It was suggested that the cap be about 100 megawatts capacity, and there are some suggestions that the South Australian cap would possibly be 60 megawatts, and I believe we are very close to that number.

The third recommendation is that the government instruct ESCOSA to conduct an annual analysis into the value of small-scale renewable exports and provide a determination to the minister of a minimum benchmark rate for small electricity customers. There is also a recommendation about the government publishing a minimum benchmark rate for small customers and obligating retailers to also publish rates for comparison purposes. The fifth recommendation is that the government reduce the eligible system capacity size of the qualifying generator from 30 kilowatts to 10 kilowatts to ensure the integrity of the scheme.

It also recommended that the legislation be amended to include a specific reference to the scheme as a 'net' scheme. The seventh recommendation is that the government sponsors a centralised website and other information channels so that customers can access accurate information on the scheme about connecting small-scale renewables across South Australia. It is also recommended as part of these nine recommendations that the government amend the legislation to prescribe the scheme parameters into subordinate legislation. The ninth recommendation is that a second review into the scheme be conducted in 2012.

After the release of the report, the state government announced that it would be making the following changes to the scheme, and I believe that none of these changes has happened: to increase the bonus from 44¢ to 54¢ per kilowatt hour; to obligate retailers who choose to contract with solar customers to pay a minimum rate for the power that they receive from the owners of solar panels; to limit eligibility for payment of the bonus to the first 45 kilowatt hours exported to the grid per day; and to limit eligibility to one generator per customer or entity.

On this side of the house we believe that, instead of getting this power for nothing, retailers should pay something around 20¢ per kilowatt hour, and we are wondering where the government is on this legislation. Constituents have written to me in regard to the feed-in price of 54¢, asking where it is. They know it has been reported on, and they know it is a government recommendation, but it still has not happened. There are many questions about the review, which was supposed to be triggered at installed capacity of 10 megawatts under the legislation—which happened in May 2009—but the minister did not establish a review until October 2009.

When the response to that review went to government at the end of 2009, there was not a formal response from the government until August 2010, well after the election in March 2010. Also, the government indicated it would move a bill (as I indicated earlier) about the legislation reflecting its response, and this has not seen the light of day.

This brings no certainty for industry. Industry is working under the supposition that these recommendations will happen, according to the government. Minister Conlon has been left wanting on this. It has left the solar voltaic industry and electricity feed-in schemes in doubt. People do not know where they are. It will leave retailers and suppliers in doubt and, certainly, it does not give surety to householders who install these feed-in schemes or solar power. These systems are quite expensive to install and people need to know the exact legislative framework that they are working around so everyone has surety into the future.

It is especially important at this time, as we see the current incentives for installing solar capacity finishing at the end of this financial year. So people are making decisions on whether to install this power source but they are not sure how it will be regulated or the appropriate legislation around it. The feed-in bill was supposed to be upgraded and amended legislation brought to this place, but it has not seen the light of day.

On this side of the house, and supporting the member for MacKillop, we want to see a fair outcome for householders who want to supply to these feed-in schemes. There should be a reduction in the capacity that you need to have. There should be an appropriate capacity that you can feed into the scheme, and people just need surety so that they can install photovoltaic cells and do the right thing for themselves and also receive the benefit of the appropriate return. With those few words, I fully support the member for MacKillop's bill and hope it has a speedy passage through the house.

Debate adjourned on motion of Dr McFetridge.

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

Adjourned debate on second reading.

(Continued from 10 March 2011.)

Dr McFETRIDGE (Morphett) (11:18): I rise to support this bill introduced by the member for Ashford (Hon. Stephanie Key) The member for Ashford has been a very strong supporter of voluntary euthanasia in South Australia, but I should point out from the very start that this bill is not about voluntary euthanasia per se, as in the other bills before the house or what people would perceive to be a voluntary euthanasia piece of legislation.

The bill before us is the Criminal Law Consolidation (Medical Defences—End of Life Arrangements) Amendment Bill 2011. The bill amends the criminal law to insert a defence for bringing about the death of a person if it is requested by that person. The prescribed person, who will be a medical practitioner in all cases, as I understand this legislation, will be a doctor who is the regular treating practitioner of the person involved. They will have as a defence for their actions this legislation. It would be a shame if people who want to die with dignity are not able to do so. We have seen a number of pieces of voluntary euthanasia legislation come to this and the other place only to be either continually adjourned or voted down, in many cases, by the narrowest of margins.

As the Liberal member for Morphett, can I say that, when we survey my constituents on the issue of voluntary euthanasia, over 75 per cent of the respondents of all backgrounds (some professing to be extremely strong Christians, others have secular backgrounds, atheists) are pro-choice, and that is what this legislation is supporting—people's right to make a choice about their future.

If part of that decision about their future involves their medical practitioner giving them treatment that results in their life being ended, that medical practitioner will have a defence within the criminal law. It is an interesting piece of legislation. Some issues have been raised by a number of organisations about words such as 'intended' and about the numbers of people who are 'prescribed persons' in the legislation who can use this as a defence.

It is a piece of very important legislation. I think that, anecdotally, the evidence is there that medical practitioners have been doing what I see as a compassionate act, that is, ending people's lives in a way that enables those people to die with dignity, and it is just so important that that happens. As a veterinarian, I have had access to gallons and gallons of drugs that can end the lives of not only animals but people.

I have had requests from people who have been dying of cancer: 'Can I have a bottle of nembutal,' because nembutal is the one that is always talked about. I have had requests for other drugs that I have had in my possession, and I have never done that. Look, I will be honest, I have been very tempted. When my father died of bowel cancer, fortunately, dad did have very good palliative care and he was able to have a death that was peaceful and dignified and we were able to be with him at that time.

However, had he been a case where palliative care was not working, I would have been in a very difficult position because I would not have wanted my dad to die in agony, in pain and in suffering—a prolonged death, an undignified death—because I knew what sort of person he was. He was a man of dignity. He had great pride. I knew that, even at the end, having to be cared for the way he was had a deep effect on him; it had a deep effect on us as his family.

I have very close friends who have had severe cancers, and they have been cancers that have rapidly progressed. They have been extremely debilitating and, in many cases, extremely painful. I have had those people ask me for drugs and I have had to refuse. It has been hurtful, because I do know—and I do not want anyone even to think for a moment that I am in any way comparing the death of a human with the death of an animal—that, in my veterinary practice over many years, and having to euthanise many, many animals, it is a good thing that we do.

It is a good thing when you make that decision, although animals do not have that choice. As an experienced vet, you know that animals do recognise, they do know when their time is up, and we are able to assist them to die swiftly and, I should say, with dignity, because animals do not like being mistreated. To be able to do this with humans (and I am not comparing the same event; please do not draw that at all from what I am saying), to be able to enable people to die with dignity, is just something that I strongly am committed to. This piece of legislation goes a long way towards that being able to happen.

For doctors around Australia, and internationally, who are assisting their patients—and it has to be long-term patients; it cannot be somebody you have just been acquainted with—to die with dignity and not have to suffer the repercussions and accusations of having committed a criminal offence, this legislation will go a long way towards solving the issue.

The legislation was put together with the assistance of the Minister for Health, the Hon. John Hill, and I thank him and his staff for that. Certainly, the parliamentary counsel, Mr Mark Herbst, has given us a lot of good advice on this legislation.

I have consulted a number of lawyers, friends of mine, about this. The only issue that was raised with me by one of my legal friends, who is a very experienced lawyer and has numbers of case law on his record, was that if there was a charge proceeded with against a doctor, who would pay the cost? Under normal criminal law, the costs are not covered by the Crown. The intent here is to provide a defence. If there is ever a case where a doctor does have to defend his actions under this piece of legislation, that could be costly. I would like to see this issue addressed at some stage.

Other than that, I do not have any issues with this piece of legislation. I think it is a good move. We do know that there are many doctors at the moment who are assisting their patients to have a dignified death. I hope this does give them some comfort, and other doctors who would like to be able to act in this way, to give them some courage to be able to act in this way.

It is such an important thing that we allow people to have dignity throughout their lives, but particularly when they are at their most vulnerable and when they are on their deathbed. I commend the bill to the house, and I look forward to the support of members. I should say that, while I am the shadow minister for health, the Liberal member for Morphett, this is a conscience vote. It is a conscience vote for the Liberal Party, and I know that some of my colleagues may not agree with my views. I am yet to convince them of the merits of this, but I will not give up, because I know without any doubt whatsoever that this is the correct thing to do. With that, I commend the bill to the house.

The Hon. J.D. HILL (Kaurna—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs, Minister Assisting the Premier in the Arts) (11:27): To pick up a point made by the member for Morphett, this is a conscience vote, and what I say today, of course, is my personal view, not that of the health department or the government, so I make that plain. I do congratulate the members for Ashford and Morphett for sponsoring this piece of legislation.

What I want to do today is three things: first, explain my own view about end of life and my personal view about the questions around euthanasia; secondly, say why I did not support the previous legislation that was brought before the house in relation to euthanasia; and, thirdly, why I do support this. Personally, in an abstract sense, I support the notion of euthanasia. Without thinking about it deeply, that used to be my position, and I would have probably supported any legislation along those lines.

Ten or 11 years ago my sister died of cancer, and I saw the progress of her death over a period of time. I know all of us have these anecdotes and I do not want to be weepy or sentimental about it; it just instructed me about end of life stuff. She was only relatively young; she was 47, and she fought the whole disease all the way through. She was convinced she was going to survive, but it was clear to her medical team that she was not. She just did not do the things that she ought to have done in anticipation of death, and I think it was because of her age. At 47 she did not want to die so she did not properly embrace the palliative care.

When I arrived in Sydney (where she lived) a week before she died, she had been admitted to hospital and she was in awful pain and agony, and they were giving her shots of morphine on a regular basis. I stayed with her pretty well the whole time. You could see the morphine kick in and relax her, and at the end of the period the morphine would wear off and you could see the agony. I thought this was dreadful, somebody should get in there and shoot her—that was my feeling; I thought it was cruel, inhumane, horrible—and I would have done it myself.

However, after a day or two a palliative care doctor came along and properly provided the drugs that she required. As a result of that, she went into, over a period of time, a deep coma. There was a pump on, there was no up-and-down change in the pain that she was feeling, and she went into this slow decline. I knew exactly what was happening and how long it would take, virtually, and the doctor was very good at comforting those around her and explaining what was happening; so, we saw her dying.

One of the advantages of this, I think, was that family and friends were able to spend time with her, at her bedside, in the last few days of her life and were able to say their goodbyes. Her children were able to be with her and say their goodbyes; my mother was able to say her goodbyes. A bit of a party atmosphere actually developed around her bedside over the course of

the four or five days, and I thought that was pretty good. I thought it was actually a really good thing.

So, I have different views now about euthanasia as a result of that because, if we had applied that principle early on, that last four or five days of saying farewell and kind of getting used to the idea would not have occurred. So, I do have very mixed views about it.

The Hon. R.B. SUCH: I move:

That the house extend the time by 10 minutes to allow the minister to complete his remarks.

Motion carried.

The Hon. J.D. HILL: Thank you very much. I recognise this is private members' time, so I appreciate the courtesy you have shown me. I had different views. I no longer had that sort of black-and-white view that I had in the abstract before I experienced somebody dying and the process of palliative care. That is what I want to say: my views are complicated; they are not simple. It is not black and white for me any longer. However, I recognise that many people do want to be able to exercise some sort of right to terminate their lives under certain circumstances.

Every time a member of parliament or a community group has tried to codify euthanasia, I think they have come up with the same problems. It becomes overly complex and very bureaucratic, and it creates a state apparatus which, to me, is the opposite of what you really want at the end of your life.

I have a number of objections to the proposals that have been put forward. It is a very complicated bureaucratic process; it would take a couple of doctors to agree, and they would do that over a long period of time, so the benefits that might accrue to a quick decision would be lost. You would always find, I think, a couple of doctors who would be prepared to rubber-stamp any applications, so the safety checks would not really apply. I was concerned about it being made part of the palliative care legislation because I think palliative care is really important, and to pollute the notion of palliative care with a reference to euthanasia, I think, would make people fearful of palliative care.

My third objection is to the establishment of a state mechanism which would be appointed by the health minister and which would be responsible to the health minister. I thought that created complications as well. However, I think the proposition that is now being put forward addresses all of those central issues.

What is being proposed does not establish a right to euthanasia. What it does is establish the right for the doctor-patient relationship to be used to decide what is in the best interests of the patient in particular circumstances, and that includes the use of medication to produce death in the circumstances which the bill outlines. I think that is the right way to go. I think we should make the doctor-patient relationship the heart of what we are doing in this area, because I think in that relationship, where the doctor knows the patient and the patient knows the doctor, we will get, in nearly all of the circumstances, good decisions. You cannot go shopping around for a doctor who might be a bit gung ho or maverick in their attitudes or in their practices; it has to be in the relationship that pre-exists, and I think that is a really important thing.

The second point about this is that it does not provide a set of rules and guidelines and boxes that you have to tick before you can access this—it is not a right—kind of care. It is about what is in the best interests of the patient according to what is reasonable in the circumstances, and what is reasonable in the circumstances can be tested by the courts.

The test of reasonableness, as lawyers would know, is not a subjective test. It is not what the doctor or the patient thinks is reasonable, it is what the man in the Clapham bus (to use that British legal cliché) thinks. It is an objective test: what an outsider looking in would say was reasonable in the circumstances, so the law would be able to determine whether the use of this power was done appropriately. We do not codify it in a detailed way; we allow the law to supervise it. I think that is a very strong safeguard against abuse. The fact that both the doctor-patient relationship and the legal processes oversee it creates a sufficient number of safeguards.

My final point is that I did consult with the AMA over this legislation and received some advice, some of which was incorporated into the provision. The AMA has told me in writing that it does not object to this legislation. I think it is a very good thing to have the doctors' organisation onside, because we know that, if that conservative organisation supports it, it is not a dangerous or radical provision. This is one very small step forward. I am sure the Euthanasia Society and many

other organisations will be bitterly disappointed that it does not go to where they want to go which is to give people an absolute right. I think that would be going too far and the means of achieving what they want would not be supported by the medical profession nor many in the community.

This takes the provisions one step, which allows the doctor-patient relationship to determine what should happen in the circumstances that the legislation provides within a legal framework, with the common law really settling over time what essentially can happen. I commend this to the house and I thank the member for Ashford and the member for Morphett for bravely moving and seconding it and speaking in favour of it in this chamber.

Mrs GERAGHTY: I move:

Private Members Business, Orders of the Day, No. 3, have priority over Private Members Business, Other Motions.

Motion carried.

The Hon. R.B. SUCH (Fisher) (11:37): I will be brief because I want to see this matter progressed. I support this measure. As members know, I have standing in my name a bill which I obviously intend to put if the situation arises. This measure deserves support because, as we now know, doctors essentially are ending the lives of patients, so it is already happening, and I think it is important that we address what can be a grey area in relation to ending someone's life. I do not believe that doctors will inappropriately seek to end a life. Doctors commit themselves (in their work as doctors) to upholding the sanctity of life so I do not believe that this measure would be used inappropriately.

The reality is that there is a deficiency at the moment for a number of people who cannot get adequate pain relief. I think of people like the late president of the upper house (Gordon Bruce), a lovely man, who died a shocking, agonising death from motor neurone. He used to ask people visiting him, I am told, to basically help end his life. We should not have people in that situation.

This bill will allow a medical practitioner, using their normal standards of medical care, to ensure that a person does not suffer and that their life is ended with dignity. I agree with what the Minister for Health said: the other options are more complex and more complicated but this is a very simple proposal which basically allows a medical practitioner to end a life with dignity. It is already happening every day in Adelaide at the moment, so let us move to clarify it and provide some clear direction in relation to what should be a dignified end of life for a person. I support this measure.

The Hon. S.W. KEY (Ashford) (11:39): I would like to thank the house for allowing us time to deal with this bill. In addition, I would like to thank the speakers who have supported the bill, which is a medical defence for end of life arrangements and amends the Criminal Law Consolidation Act. In amending that act, this does not say that euthanasia is legal. It does not say that murder, manslaughter or assisting someone to suicide is legal. What it does do is provide a defence should a medical practitioner or treating doctor (as defined in the bill) be charged with any of those crimes. It does not take away from the fact—

Members interjecting:

The SPEAKER: Order! This is quite an emotional thing for some members. Could we show some respect, please, in the debate?

The Hon. S.W. KEY: It is important to stress that this bill does not take away from the very good work that happens in South Australia with regard to palliative care. I have the highest respect, and I know all the speakers who have contributed to this bill also have that respect for the palliative care provisions that are available. What we are talking about is providing a defence to a medical practitioner or treating doctor should they be charged with any of those offences that I have mentioned.

The focus for me in the voluntary euthanasia debate has been very similar to the member for Fisher and the member for Morphett. We have argued a number of times that people should have the choice of how they end their days. They should be able to die in dignity. I will continue to campaign on that basis, as I am sure other members in here who support that choice will do. It is also important, I think, to take up minister Hill's suggestion that we need this first step that provides a legal defence for medical practitioners.

My main focus in this campaign has been to make sure that people have access to information for a whole lot of end of life decisions. Part of my campaign, as with other members in

this house, has been that advance directives are available and made more simple. So, another part of the campaign that I think will continue is that we bring in legislation that looks at making it easier. Members here will particularly know what it is like for family, friends and constituents to try to get through the maze of not so much wills—that is an issue in itself—but certainly the medical power of attorney, decisions on organ and tissue donation and so on.

So, this bill is very specifically directed at providing a legal defence to doctors should they and their patient decide that their end of life needs to be triggered. It is a very simple piece of legislation but also very sensitive and important. I ask members to consider the fact that this does not decriminalise euthanasia. It does not change the Criminal Law Consolidation Act to say that murder, manslaughter or assisting someone with suicide is not a crime. It is just that, if a doctor and their patient do come to that arrangement, there is a legal defence for that medical practitioner and treating doctor should they be charged.

Bill read a second time.

In committee.

Clause 1.

Ms CHAPMAN: Point of order, Madam Acting Chair. The time for dealing with—

The ACTING CHAIR (Mrs Geraghty): That is all right. If you would like to take your seat, we will be one second.

Progress reported; committee to sit again.

Ms CHAPMAN: Madam Speaker, I now make a further point of order. The motion to extend time has now expired according to the clock and the house may receive a further motion to extend time, bearing in mind that we are now into the second part of private members' business for which speakers are here ready to deal with their items of business. If a further motion is to be put, I think the house needs to make a decision about whether we are going to deal with this issue.

An honourable member interjecting:

Ms CHAPMAN: I keep hearing that, but we have—

The SPEAKER: Member for Bragg, I think you probably were not present, but the time that expired was actually time for the member to speak, not the time allowed for the bill. We had already agreed to extend the time to get to that stage that we have just got to with the bill. I think we are now ready to move on.

Ms CHAPMAN: If the motion was put that we simply speak to continue the bill for whatever anticipated time without a time limit—that is not what I heard—but my understanding is, just so that we have it clear—

An honourable member interjecting:

The SPEAKER: Order!

Ms CHAPMAN: Just so that we have it clear, the minister was given the opportunity by motion to conclude his remarks. A second motion was then received for 10 minutes to enable the member for Fisher to speak and, as I understand it, conclude the debate. The 10 minutes has expired, and I simply raise the point that we are now past that motion period. If my understanding is that, having got to the committee stage, the debate is now going to be adjourned, I will not take the matter further. However, I want that on the record.

The SPEAKER: You have made your point of order, member for Bragg, but there actually was no time limit on the extension of time that we agreed. We agreed to extend the time until the business was finished, which is what we did.

MOUNT BARKER DEVELOPMENT PLAN AMENDMENT

Mr GOLDSWORTHY (Kavel) (11:49): I move:

That this house condemns the government's Mount Barker Development Plan Amendment.

The Mount Barker DPA has significantly extended the town boundaries of Mount Barker and Nairne, resulting in a massive area of land being rezoned for residential development and allowing the opportunity to cover this valued and valuable agricultural and horticultural land with housing.

The sheer scale of the potential for urban sprawl is enormous, with 1,225 hectares of farmland in Mount Barker and 45 hectares in Nairne converted from rural to residential zoning; a further 40 hectares has been approved for light industrial uses, making it a total of 1,310 hectares of land lost to the rural sector. It is evident that the government does not value the farming land around Mount Barker, as the government ministers have stated that the area of land around that town that has been rezoned is not part of the high-value agricultural land identified in its 30-year plan.

The land in question is, in fact, very valuable farming land in a high rainfall area close to the city of Adelaide. The Adelaide Hills is one of the most valuable food producing regions in the state. I have said this before, and I will keep on saying it, because it is the truth. It has a cool climate, fertile soils, wet winters and, in addition to being close to a capital city, it is also close to major port facilities. It makes little sense, if any, to continue to build on this type of land.

The government's consultation period for written submissions on this DPA ran from early June until early August 2010. Public meetings were then scheduled for members of the Development Policy Advisory Committee to hear verbal submissions from interested parties. The outrage of the local community concerning this DPA was evident, with five meetings scheduled in order to hear the verbal submissions from the public. I believe that the five meetings held by the DPAC is the largest public meeting schedule ever held in relation to a DPA.

The government's arrogance in ignoring the District Council of Mount Barker and the community on this issue has been astonishing. There were over 539 submissions from members of the public and 91 verbal submissions presented during the five consultation meetings, with hundreds of local people attending the meetings—all of them strongly against the plan. Not one verbal submission was made in support of this ministerial development plan amendment.

I have been personally contacted by many, many, constituents vehemently opposing the plan. There was also a high level of community angst, given the initial decision by the minister not to release that DPAC report prior to the final determinations on the ministerial DPA. The issue of trust and transparency was raised repeatedly by concerned members of the public. I can say that I have lodged an FOI application to access some information that the government, I believe, is not wanting to release publicly.

It is abundantly clear to anybody who has looked at this issue that the community is strongly opposed to the DPA. A strong message was sent to the government, which is evident by that number of submissions received and the attendance at the DPAC public meetings. Once again, the Labor government completely failed to listen to the people of the district. Despite overwhelming opposition to the plan, the state government decided to push ahead instead of listening to the needs of the people who live in the area. Labor has forced a plan on the community against their wishes, ignoring the concerns of local residents.

There are a number of concerning aspects to the government's plan to allow urban sprawl to surround Mount Barker's southern boundary, many of which were raised by the local council and concerned members of the public in their submissions and with me, through contact in my office. The main concerns in relation to the DPA relate to the significant impact that will result from the large-scale expansion. Issues that were frequently raised include concerns over the loss of prime agricultural land, the loss of character and amenity of the area, the lack of infrastructure, and the inability of current infrastructure to meet current demand.

In relation to the issue of infrastructure, in announcing the approval of the expansion the government has identified $550 million in new infrastructure, including the long lobbied for second freeway interchange off Bald Hills Road. Other plans include the upgrade of the current freeway interchange, a ring route, other local upgrades, additional park-and-rides, new sewer and water infrastructure, and new energy infrastructure.

It is all very well for the government to roll out that figure, but there is no plan in place in relation to the DPA, in relation to the rollout of residential development in the form of new development applications lodged the council, to put any of that infrastructure and any of that money in place. From my understanding, there is no actual commitment in the budget or the forward estimates to be able to fund any of that money, so again it is empty rhetoric from the government.

Also, people are saying (and these are not necessarily my words) that the government is arguably blackmailing the community, saying, 'We won't provide the money for infrastructure required unless you accept the DPA.' Well, that is totally abhorrent. The government should never

put the community in that position. On the release of the approved DPA, minister Conlon, the Minister for Infrastructure, stated:

> Without having undertaken such a comprehensive rezoning process, the negotiations of such infrastructure would have been near impossible.

That statement by the Minister for Transport is questionable, given that much of the infrastructure is required right now. Mount Barker is already bursting at the seams. The local road infrastructure is not coping with the already significant numbers of people who have moved into the area. Parking and traffic movement is a huge issue within central Mount Barker and the park-and-ride transport facility was at capacity from the day it opened.

What about the impact on the South-Eastern Freeway and Glen Osmond Road? You can expect enormous additional pressure on our road infrastructure and the resulting problems that will come from that. Currently the majority of residents in the Mount Barker area travel outside the district for employment and on the clogged roads into Adelaide. This expansion will entrench the need to travel for work outside the district, and hence the additional pressure on our road network. There are no plans provided by the government to enhance and improve employment opportunities in the local area within those townships.

With regard to the freeway interchange, many concerns were raised in relation to bushfire and the risks associated with escape routes. Specifically there is only one single South-Eastern Freeway interchange at Mount Barker. One only has to travel through the interchange at peak times to witness how potentially dangerous and congested the area would become given an emergency situation, such as a bushfire. That also leads to concerns with water supply and continued reliance on the River Murray, given that, on my understanding, desalinated water cannot be delivered to Mount Barker.

The District Council of Mount Barker made extensive submissions on the DPA in communication with the minister and DPAC. The council opposed the DPA as the result is unacceptable loss of substantial agricultural land and lack of effective infrastructure planning. The council considered that the DPA was not based on a detailed structure plan, was unclear of the delivery of major physical infrastructure and was unclear on the delivery of community and recreational infrastructure. The council developed an alternative plan which would have seen a significant reduction in the area required to accommodate future growth.

The council proposed to reduce the area from 1,310 hectares to a very reduced amount of 400 hectares. This alternative proposal would have saved much of the valuable agricultural land from housing. In the DPA approved plan, the government's concession amounted to a mere 29 hectares being removed from the original plan, whereas the local council argued for a maximum of 400 hectares to be rezoned.

This DPA has been done in haste and no-one really understands why the government has been in such a hurry, except that it was working closely with the developers. From the media release issued by ministers Conlon and Snelling on 16 December 2010, announcing the approval of the development plan, several references were made to the government's discussions and agreements with the developers, confirming that this plan has been instigated in conjunction with the developers.

I have been advised that the District Council of Mount Barker has recently met with the newly appointed Minister for Urban Planning and Development, minister Rau, in relation to the implications of the DPA. Council has now been left to deal with the fallout of this ill-conceived and ill-thought-out plan. The council needs the government to commit to ensuring there is a detailed plan for infrastructure and a staged development of the subject land.

I am aware that development applications have already been lodged to divide land contained within the ministerial DPA area. I also understand that the council has been advised by other developers that they are also preparing their development applications for land division. I attended the Environment, Resources and Development Committee's meeting when it took evidence from the District Council of Mount Barker in relation to the DPA and the witnesses gave clear examples of how problematic development applications are when lodged in conjunction with a DPA. I congratulated the CEO and the mayor of the council on their first-rate presentation and evidence that they provided to the committee.

The Mount Barker council commenced work on a structure plan that really should have been completed before the former minister for planning approved the expansion. In meeting the

new minister, council is hoping that its structure plan will be taken into consideration. Council still opposes the idea of significant growth without the necessary infrastructure. However, it now has to attempt to secure the best outcome for the community through this unwanted and unwelcome situation. The DPA has been forced on the District Council of Mount Barker and the community, and now it has to undertake considerable work to ensure that the community is provided for during future growth.

I have a copy of a letter dated 11 March 2011 written by the mayor of the Mount Barker council to minister Rau, which states that the council has attempted to correspond with the government in relation to the DPA over an extended period of time, with much of that correspondence unanswered by the government. The letter states, 'This has been frustrating, unhelpful and not respectful, with many unanswered questions restricting important work.' I understand some of this outstanding correspondence dates back to October 2010 and seeks copies of legal agreements struck by the state government with developers.

Throughout the state election campaign, early in 2010—I want to put this on the record—the state Liberals' stated position was that a Redmond Liberal government would deliver infrastructure and services to meet current community needs. We supported sensible, structured and sustainable planning development in full consultation with the council and the community. We would preserve and enhance our unique Hills environment and our primary production land. We stand by that position. The state Liberals do not support any expansion of township boundaries in Mount Barker, Littlehampton or Nairne until the necessary services and infrastructure are provided to meet the current demand. Once that is achieved, then modest growth can be considered in full consultation with the council and the community.

We know that Mount Barker has changed over the last 15 to 20 years and, unfortunately, the face of it will change again in light of this potential for significant expansion. From once a small rural town, it will develop into a major regional centre supporting a population of upwards of 45,000 people. We can only hope that the government will now give the District Council of Mount Barker the assistance and resources it will need to manage this large-scale growth and provide for the people of Mount Barker and the surrounding district. For those reasons, and the issues raised and the examples provided, the majority of the community I represent and I believe that the government stands condemned for the Mount Barker DPA.

Debate adjourned on motion of Mrs Geraghty.

FEMALE PRACTITIONERS ACT

Ms CHAPMAN (Bragg) (12:04): I move:

That this house notes the centenary of the passage of the Female Practitioners Act 1911, the contribution of female practitioners in the 100 years since, and the ongoing contribution of women to the state through the legal profession.

It is also of note that this year, 2011, we celebrate the state's 175th birthday. It is also of note that it is the centenary of the year we handed over the Northern Territory to the commonwealth—more is the pity, in my view. I think that, once it has established its statehood (and I note there is further discussion about this), we should also open up the invitation to re-amalgamate and undo some of the sins of 100 years ago.

However, with this particular motion, it was my pleasure to move it and to have it seconded by our leader, Isobel Redmond, the member for Heysen. She shares with me the fact that we have been admitted to the bar and, by virtue of this legislation, are lawfully able to act as legal practitioners in the state of South Australia—and it was the passing of the Female Practitioners Act in 1911 that facilitated the same.

The first of the Australasian jurisdictions to allow women to become legal practitioners was New Zealand, in 1896. South Australia, whilst it had pioneered recognition of women's right to stand for parliament and, indeed, to vote (we were the first jurisdiction in the world to facilitate the former and the second jurisdiction to recognise women's right to vote), it did take 65 years for us to get a female member into the parliament, and today we have the Hon. Joyce Steele featured in the House of Assembly in recognition of that. Not to be overlooked, of course, is Mrs Jessie Cooper, who, in 1959, also became a member of the Legislative Council.

As I have said, New Zealand pioneered the way for women to become legal practitioners. In some ways, this is a little disappointing because we also followed Victoria, Tasmania and Queensland. Only New South Wales and Western Australia followed us in passing similar

legislation. It is also disappointing because South Australia, which I am sure is well known to members, pioneered education for girls during the 19th century. We were one of the first jurisdictions to also ensure that it was compulsory for girls to go to school and that public education be provided to them. Our own University of Adelaide, which provided the pioneering Law School in South Australia, was, I think, the third university in Australia. It was also a strong advocate for women to undertake tertiary studies; in fact, that opportunity has been available since 1880.

It is fair to say that the debates to pass this bill were fast and furious and extended across the spectrum. At the time of the bill's introduction, an opponent of the bill expressed the view that 'a woman's place is in the home' and further that 'women would be far better looking after a home than agitating and pleading in courts of law'. On the other hand, a supporter of the bill expressed the view that he did not think the legal fraternity felt much alarm over the passage of the bill. His assessment is supported by the fact that the act did not even get a mention in the Law Society's annual report at the time.

In response to the concern that it would be 'inconsistent with the modesty of women that they should be mixed up with objectionable cases', it was pointed out that it 'would not be necessary for women to have anything to do with such matters'. A further supporter of the bill's passage observed that he 'had no belief that the passage of the bill would cause a rush of ladies to qualify as legal practitioners and that, if he thought there was any possibility of that, he would seriously consider whether he would vote against it at the second reading'.

The bill did facilitate Mary Kitson's graduation from the University of Adelaide in 1916 and, more specifically, her admission to the bar on 20 October 1917. She has the honour of being South Australia's first female lawyer. Although a number of girls had enrolled in the study of law and other disciplines at the university, the enrolment in law was low for the obvious reason that there was no opportunity for them to be able to practise the law at that time. Mary Kitson practised as a barrister with the firm Poole and Johnstone, and the firm was reconstituted as Johnstone, Ronald and Kitson in 1919 when she became a partner. Much of her early practice was in the Children's Court and laid the basis for her later involvement in child welfare reform.

Mary Kitson's role was pioneering in a number of areas. Rather than traverse all those that have been covered in another place, I would like to highlight that in 1950 she was appointed chief of the Office of the Status of Women, in the division of human rights, at the United Nations Secretariat in New York when two major conventions were adopted: the Convention on the Political Rights of Women in 1952, the first international law aimed at granting and protecting women's political rights; and the Convention on the Nationality of Married Women in 1957, which decreed that marriage should not affect the nationality of the wife. Mary Kitson left the United Nations in 1958 and died in Sydney in 1971, having received a CBE.

Many members are familiar with the extraordinary and spectacular contribution that the late Dame Roma Mitchell made to many facets of South Australian life and, in particular, to the law. For the record, today I wish to recognise that she was the first female Queen's Counsel—we now, of course, refer to them as Senior Counsel—in 1962. She later became the country's first female judge when appointed to the Supreme Court of South Australia in 1965. Later, post her life at the bench, she went on to represent South Australians as the Chancellor of the University of Adelaide, and in 1981 she became the founding chairperson of the Australian Human Rights Commission, which was a position she held until 1986.

I had the pleasure of working with Dame Roma in her twilight years, after being fearful of appearing before her when she was a judge in the Supreme Court—and I might say she was a pretty tough judge. In her twilight years, she was the chair of the Advisory Council on the Ageing and I was the chair of the Advisory Council on Home and Community Care, and there was some overlap in that both provided service to senior members of our community. She used to laugh that, of course, by that stage in her life she was actually a consumer and she needed to be considered.

She was a great lady, and I recall one story of hers of note when she was elevated to the Supreme Court—the first female appointment in Australia. She was interviewed by a rather brash young female journalist who observed a number of things in the interview and questioned Dame Roma on them. She said, 'Your Honour, you're not married,' and Her Honour Justice Roma (as she was at that time) responded, 'No, I'm not.' The journalist observed, 'Well, neither is the Chief Justice,' and then asked Dame Roma, 'You don't drive?' Dame Roma said no. 'Perhaps you and the Chief Justice could get together,' was the brash presentation from this journalist, to which Dame Roma responded, 'No, that wouldn't do at all. He doesn't drive either.'

She was a remarkable lady, and it is proper that we recognise her today when we consider the significant contribution of women serving as legal practitioners after the passing of this act. In the last 100 years we have seen the advancement of women in the law, not just the profession. In 1966 we saw women sworn into jury service for the first time. Justice Tom Gray highlighted the significance of this development in an address to the South Australian Law Students Council in August 2010, when he said:

> It is to be reflected that a female complainant in a sexual case prior to that time was faced with a court which was almost always an exclusively male environment, complete with a male judge, male associate, male counsel, male court attendants and an all-male jury That constitution is to be contrasted with a sexual case being heard today, on 6 August 2010, before Justice Nyland, the most senior female judge in this state. The court today involved a female judge, female associate, female counsel for both the defence and the prosecution, a majority female jury and a male complainant. This reflection demonstrates clearly the degree of change which has occurred in the profession over the course of the past 50 years.

We have also seen many outstanding women emerge. In the 1950s, regrettably only 5 per cent of law school graduates were female; by the time we got to 1978 the proportion of graduates grew to almost half. Today we see a significant increase to that, graduating some 500 students a year from our law schools (which now extend beyond the University of Adelaide) with some 60 per cent of those graduates being women. Of course not all graduates, men or women, go into legal practice but, by virtue of the act that we celebrate today, they have the opportunity to do so.

The emergence of women's organisations has also been significant. The first, the Womens Lawyers Association of New South Wales, was formed in 1952, and in South Australia we established such a body in 1989. I am proud to be a member of the organisation, and continue to support the events it celebrates.

During the course of the 20 years I was in practice, we have seen a considerable expansion of practitioners who establish their own legal practices and their own chambers. I had the honour of setting up a legal practice with members of my family as well as others, many of whom were women. The establishment of the Anthony Mason Chambers—which, I am proud to say, continues still in Victoria Square today—was in a building in which I had previously operated my legal practice.

It is important that women now take up representation in the Law Society, the Law Council of Australia, and other notable organisations which are very important to stakeholders in the development and review of legislation to assist us and other parliaments, and we thank them for that. The representation of women on those bodies, by the ascension of women through the ranks as counsel, senior counsel and on the bench, heightened the opportunity for women to take on those roles.

I am proud to move this motion in this house. I thank the Hon. Stephen Wade in another place for moving the motion on International Women's Day, which was also important to celebrate at that time. I commend the motion to members and look forward to its passage as soon as practicable.

The Hon. S.W. KEY (Ashford) (12:18): First, I would like to commend the member for Bragg for this motion. It is a very important motion. Most of us had an opportunity to be involved in some of the International Women's Day celebrations recently, and I understand that the member for Reynell has one on 12 April, so she is continuing the celebration of 100 years of International Women's Day further into the year.

The reason this motion is particularly important is that one of the problems we have always had in South Australia—and, in fact, in Australia—has been the sex segmentation of the paid workforce, despite the grand campaigns that a number of us have been involved in. These include, for example, trying to encourage women, particularly young women, to get into non-traditional trades, and having women's skills taken seriously so they do get promoted and recognised for jobs of responsibility in the paid workforce. There has also been quite a long campaign to recognise that women are able to do anything that men can do—and some would say can do it easily, much better. Not being a radical in that area, I will not be going any further down that track.

Ms Thompson: Backwards and in high heels.

The Hon. S.W. KEY: Backwards and in high heels, as the member for Reynell says. That is a very interesting quote about Ginger Rogers: how she was a fabulous dancer (as was Fred Astaire, of course) but she did everything backwards and in high heels, and did it with great aplomb.

It is particularly important that, when we look at the history of International Women's Day, which many of us discussed on the centenary of the march, we look at all the areas in the paid workforce. I keep on mentioning the words 'paid workforce', because all of us, but particularly women, have responsibilities and work that we do that is unpaid, which we either volunteer to do or we end up being made responsible for. There have been a number of PhD theses written on the contribution that women make to the unpaid workforce and all the responsibilities that entails, and that the majority of their time is still taken up with doing work in our community.

As I said, I commend the member for Bragg for bringing this to our attention. It is really important that there was legislation that not only encouraged but enabled women to become practitioners. I urge the house to support this motion.

Ms Thompson: Hear, hear!

Ms CHAPMAN (Bragg) (12:22): In response, I welcome the contribution that has been made by our one and only other speaker. I know that her views on this are shared by a number of people in the house, and I thank her very much for making that contribution. Without further ado, I ask that the motion be put and that it be passed without dissent.

Motion carried.

MELANOMA

The Hon. R.B. SUCH (Fisher) (12:23): I move:

That this house acknowledges the seriousness of melanoma as a health issue and commends the Australian Melanoma Research Foundation for its work to tackle this disease.

There are a lot of cancers that afflict the community; melanoma is but one. The most devastating cancer in Australia is prostate cancer, followed in numbers by breast cancer. We also have that very insidious cancer, ovarian cancer, and there are others, of course. I am not trying to suggest that melanoma is more important or significant than the other cancers, but simply bring to the attention of the house and the wider community what is a very serious issue that does not get the recognition it should in our community.

Melanoma is a skin cancer that arises in the pigment cells of the skin. It is the most dangerous form of the three common skin cancer types that humans develop. Australia has the highest rate of melanoma in the world and it has been dubbed 'the Australian cancer' for that reason. It is closely related to sun exposure, ultraviolet light, outdoor activity in the middle of the day, and particularly with episodes of sunburn. One in two Australians get a skin cancer of some type, and one in 20 will develop a melanoma.

Just on that point, in respect of what has happened to many of us, when we were children we have probably got sunburnt. We have now learned, I think, as a community and as parents, not to expose children to excessive sunlight, although we do now have a bit of a paradox that people have been covering up their children so effectively that some children are facing a deficiency in vitamin D, which you get through sunlight.

In terms of occupations affected by skin cancers, this is where I want to see organisations like the South Australian Farmers Federation, the AWU and other unions that cover outdoor workers really focusing on this issue too, because it afflicts their members in a very severe way. In fact, sadly, I know of people in their 40s who have been outdoor workers with councils, and farmers, who have developed a melanoma.

It can affect people of various ages, although it is the cancer most likely to affect young adults from 15 to 39 years of age. Just to show you—and this is, I guess, an unusual case—a woman in her 20s who I know of recently died from having a melanoma on the sole of her foot. You can get them internally. One of the insidious things about them is that you might have a little indication on the surface of your skin but, like trees and their roots, the melanoma may well penetrate further into the body.

Melanoma is the fourth most common cancer occurring in Australian men and women. A new melanoma is diagnosed every hour in Australia, on average, and one Australian dies from melanoma every six hours, on average. If diagnosed early enough and removed with surgery, melanoma is an almost completely curable disease. If it spreads, it becomes more difficult to treat effectively, and when it spreads to internal organs, the cure rate is very low because our current treatments are often poorly effective.

Survival from advanced melanoma is about 1 per cent overall at two years after diagnosis regardless of any form of treatment. I will talk about the Australian Melanoma Research Foundation in a moment—and I indicate that I am a member of it; they are all unpaid on it—but one of the drivers behind founding that organisation, Jon Flaherty, will not mind me mentioning that he is one of the 1 per cent who has survived advanced melanoma. That is a very low statistic—1 per cent survival, where the melanoma has spread.

Despite melanoma being so common in our country and such a significant problem for Australians, the amount of funding for research into improving the treatments for melanoma is, surprisingly, extremely poor. A brief calculation shows that less than 1 per cent of the National Health and Medical Research Council grant allocations are spent directly on melanoma research. This is despite about $400 million being spent annually on skin cancer treatment and care, with a significant part of this amount being spent on melanoma. The cost saving for the Australian public and governments, apart from the human aspect, will be substantial if prevention strategies, early treatment and effective therapies are implemented.

I will just indicate briefly the charter of the Australian Melanoma Research Foundation. The foundation was formed to spearhead research efforts into melanoma and to improve the amount of funding for this research as rapidly as possible, given the significance of this problem for the Australian community.

The foundation was formed out of this necessity and by a group of concerned citizens and businesspeople who have been increasingly alarmed at the lack of research and financial support towards rapidly improving progress in this area. Some of the research findings have been unable to be progressed sufficiently through conventional avenues and means, so the foundation aims to support such efforts as effectively as it can. As I indicated, I am on that board, but it is an unpaid position.

I will give you a brief overview of the people who are involved: Jonathon Flaherty is the ex-managing director of Clements; Jeff Carr is a lawyer at Strachan Carr; Elizabeth McGrice was advertising manager of the *Sunday Mail* and *The Advertiser* for many, many years but has recently resigned; Kevin McGuinness is the chair of the Adelaide Zoo and the chief financial officer of Exact Mining Services; and Associate Professor Brendon Coventry is the research director and, in my view, an outstanding medical specialist who is committed to patient welfare in a way that I find very impressive.

Dr Coventry is a surgical oncologist, a general cancer surgeon, and a PhD immunologist with many years' experience in cancer research, vaccine therapies and the role of the immune system in cancer control. His work as a clinical oncologist has emphasised that, while melanoma can often be dealt with successfully using surgery, when it spreads the available treatments are a long way from successful. His commitment, and that of the rest of us, is to try to get in early and reduce the number of people who end up having melanoma.

In his work as an associate professor at University of Adelaide, Dr Coventry has been involved in some interesting research, and one area relates to the development of more effective treatments for melanoma. In particular, he says that evidence is emerging worldwide that patients undergoing chemotherapy might realistically be treated just as effectively with less toxic doses and without producing the pain and suffering from the side effects we currently see in people undergoing higher dose chemotherapy.

That leads to something I have found particularly interesting. Dr Coventry is working with John Hopkins University in the US, as well as locally, and they are seeking to work more harmoniously with the body's immune system. Rather than using blanket chemotherapy, they are targeting what they call 'a window of opportunity', that is, targeting with the chemotherapy when the body itself is not trying to fight back with the immune system. What often happens with the blanket treatment of chemotherapy is that you are actually fighting the body, which in turn is trying to fight the cancer itself. So, that is a very interesting development. Part of that program is also trying to develop more effective melanoma vaccines and reduce the cost of treatments.

One area of research that has recently come to our attention in terms of funding is an awareness that curry powder has long been suspected as an anti-cancer agent, although if you ingest it, it does not have a great impact on the cancer. Through local research, we are looking to see whether direct application of curry powders can tackle cancer cells. We know that generally they do not hurt normal cells but are very effective in targeting cancer cells. The foundation is

committed to trying to reduce the incidence of melanoma. I do not have time to go into all aspects of it, but I ask members to support an awareness program.

Dr McFETRIDGE (Morphett) (12:33): I rise to support this motion. As the member for Fisher has said, the incidence of melanoma is far too high in Australia and around the world. According to my information, 160,000 new cases of melanoma are diagnosed worldwide each year and, as the member for Fisher has said, melanoma is the cause of many deaths and, unfortunately, many of those deaths are avoidable. The early detection of melanoma is so important, and the ability to treat it is equally as important because there will be melanomas which, for some reason or another, are not diagnosed or detected.

A number of years ago in my vet practice I was called to do some work on a dairy. The farmer's teenage daughter was helping me. She had on a sleeveless shirt and I noticed there was a little mark, a little melanoma, on her forearm, and I said to her, 'You need to get that checked out. It doesn't look quite right.' In veterinary practice we see lots of melanomas, particularly in light-skinned dogs, and you get pretty good at picking those that are a bit off, so I told young Samantha to get off to the doctor. When her mother saw me two weeks later, she came up to me and gave me a big hug and a kiss and said 'Duncan, you've saved my daughter's life.' It was an extremely malignant melanoma and it was good that Sam went to the doctor and got it excised completely, and she has had no problems since.

I encourage everybody—none of us is too old or too young to protect ourselves in the first place—to have the melanomas checked when you have your health check-ups. Make sure you go to the doctor and have a check-up because there is nothing more important than your health. You cannot look after your family if you do not have your health, and you cannot do what you want to do for the community as a member of parliament if you do not have your health. Unfortunately, melanoma is one of those cancers that we are seeing far more frequently.

The use of sun beds (tanning beds) is a real issue for me as the shadow minister for health. We are seeing a lot of cancers being initiated and stimulated by the use of tanning beds. Of course, like many people of my age, I have to be very careful about watching the little moles and dark areas on my skin because I had many misspent hours on the beach as a youth, surfing and having a great time—and getting sunburnt, unfortunately. We thought in those days that the oils and such things would protect our skin, but it was far more dangerous than we recognised. We are starting to recognise it now.

There are huge issues around this. It is a very expensive issue. There is some fantastic research that is being done. I understand that some of the monoclonal antibody research that is being done to develop individual specific anti-cancer vaccines is progressing rapidly, and I hope one day that we do get a cure for cancer and particularly melanoma. It is a cancer—like colon cancer, in many ways—that needs early detection. I encourage both the blokes and ladies to do your faecal occult blood tests and have colonoscopies as you get older, because it is treatable, preventable and curable in the early stages.

Melanoma is really nasty. It can start from just a tiny nodule. In some cases you have what is known as amelanotic melanomas. So, if you have a little lesion that you are not sure about, go and get it checked, because it could be a melanoma but not a dark one. It is so important. Do not just take it for granted, because you are a long time dead. There are no pockets in shrouds, as a lady said to me, and it might cost you a bit to go to the doctor in some cases, but go and get it checked out. Do not spend any time worrying about what should have been and could have been. Prevention is the way to go.

I support the motion that the member for Fisher has brought. Melanoma is one of the many cancers we are still battling. I hope that the research foundations such as the Australian Melanoma Research Foundation are able to get sufficient funding and support to do the great work they undertake, and I hope they are able to develop a treatment. It may be one of the monoclonal vaccines or some other treatment—some chemotherapy of some sort—that will solve this problem for those unfortunate people who do get melanomas. It is a very important issue and I commend the motion to the house.

Mr SIBBONS (Mitchell) (12:38): I also rise to support the motion. Many in the house will know that melanoma research and support is very important to me. My daughter was born with a very rare congenital condition—congenital melanocytic naevus. Her body is covered with large to small moles that are very susceptible to melanoma.

Melanoma is the most serious form of skin cancer. It can be fast-growing, has a tendency to spread to other parts of the body and, importantly, is more common in Australia than any country in the world. Melanoma is the fifth most common cancer among people in South Australia. In South Australia melanoma comprises 7 per cent of all new cancer cases, equating to 617 people being diagnosed in 2007. Melanoma accounted for 2.6 per cent of all cancer-related deaths in 2007. The mortality rate among men is considerably higher than the rate among women. The incidence of this form of cancer is also much higher in younger people (those aged between 15 and 44), being the second most common cancer and accounting for approximately 15 per cent of all cancers in this age group. Of all skin cancers, melanoma accounts for the largest percentage of deaths, despite contributing to only a small percentage of the overall incidence of total skin cancers diagnosed.

Melanoma is one of the cancers that is potentially curable. The risk factors for melanoma include excessive exposure to sunlight (including artificial sunlight in solariums), having a fair complexion, having multiple moles and atypical moles and having a personal or family history of melanoma. Most significantly, though, over 90 per cent of skin cancers such as melanoma are considered preventable through reducing exposure to harmful UV rays.

The Cancer Council advises that reducing the level of skin cancer in the population is best achieved by the following:

- increasing sun protection within the population, especially higher-risk populations such as those who work outside;
- banning solariums or at least advising people about their dangers. Solariums can emit much higher concentrations of UV radiation than the summer midday sun.

South Australia and Victoria are the first states in Australia to regulate solarium operators through the Radiation Protection and Control (Cosmetic Tanning Units) Regulations 2008. These regulations cover:

- minimum age of 18 for solariums or sun-bed use;
- health warnings that solariums can cause skin cancer also must be displayed;
- people with fair skin cannot use solariums:
- solarium operators must have training, including in skin-type assessment;
- clients must be supervised by a trained operator;
- informed consent sought from all clients; and
- restrictions on frequency and duration of tanning sessions.

There are a number of actions to reduce risk of melanoma that can be taken. These include continuing to promote the SunSmart message, including the 'Slip, Slop, Slap, Seek and Slide (on glasses)' program. The daily UV reading also helps remind people of the importance of this issue.

Many of our schools also have sun-smart policies, such as shade areas, mandatory hats, minimising events outside in the middle of the day, sunscreen availability and protective uniforms. This also applies to sporting events. One of the most simple forms of prevention is to regularly self-examine our skin and then act early on any unusual findings or concerns (such as changes in colour, size and borders) by seeking advice from a general practitioner.

We are very fortunate in South Australia to have an active program of cancer prevention and early detection strategies of relevance to controlling melanoma. I would particularly like to recognise the long-term commitment of the Cancer Council to the SunSmart program and the changes implemented in a number of schools, workplaces and our communities.

I also note that, in the newly-released South Australian Cancer Plan 2011-15, melanoma is clearly identified as a cancer of significant concern, and that the importance of minimising risk is well promoted. I am also aware that the Cancer Clinical Network has melanoma as one of its priority areas for action in 2011, and that the development of a melanoma pathway—an evidence-based care guide to treating melanoma—is the next tumour stream pathway to be developed. While prevention, detection and treatment are essential aspects of cancer care, research is essential in the effort to control cancer. The Australian Melanoma Research Foundation funds research that will provide direct benefits to people with melanoma and their families.

On a national level, the Australian Melanoma Research Foundation is providing funding for research into the causes, preventions and cure for melanoma and skin cancers. The Australian Melanoma Research Foundation is committed to spending at least 75 per cent of donations towards research, with the current focus of the foundation to develop simple, low-cost treatments focused around vaccines and the immune system.

It is a not-for-profit charity organisation established by a group of volunteers. The Australian Melanoma Research Foundation research programs are funded through the support and donations of the public. The state government, in partnership with the Cancer Council, is supporting the South Australian Cancer Research Collaborative, which will benefit from $20 million over the next five years to focus on research across all cancers.

The South Australian Cancer Research Collaborative will be a very important part of the new $200 million South Australian Health and Medical Research Institute, currently under construction next to the site of the new Royal Adelaide Hospital. In conclusion, I would like to commend the work around melanoma within the state of South Australia, which shares the common goal of improvement of patient care and outcomes.

Mrs GERAGHTY (Torrens) (12:47): I will be very brief. Just to reinforce the comments that have been made, people who do believe that they may have a melanoma or something that looks a little bit suspect on their skin should immediately seek medical attention. I say that from my husband's situation, where he had a melanoma on his back—he had several on his body over the years and had them removed—that grew, and then disappeared, and came back again. He underwent quite severe surgery to remove the melanoma. Over the years he had constant chest x-rays and a whole series of tests to ensure that the melanoma had not spread.

The most serious problem with melanoma is that they metastasise in other organs in the body, particularly the lungs and the brain. He continued to have testing of his lungs to ensure that it had not gone into his lungs. Unfortunately, in his case, I do not believe that they undertook proper testing to ensure that it had not gone into his brain, which it had. Of course, by the time we found it, it was far too late to do anything.

So, I would suggest to people that, when you are looking at family, as we do now constantly—our children and grandchildren—if we see a little bubble that looks even mildly suspicious that you get it checked, and if you have any concerns do take a second opinion about it. Once they have metastasised too far in the body sometimes there is nothing you can do. If you take that one little step, get it checked, you can save a life. So, I do endorse the sentiments of the members who have spoken and commend the member for Fisher in bringing it to the house.

The DEPUTY SPEAKER: Thank you very much, member for Torrens. I would advise all members that, while I understand that sometimes they have to take calls, spending a significant amount of time on a telephone chatting is probably deeply inappropriate. Member for Fisher.

The Hon. R.B. SUCH (Fisher) (12:49): I thank members who have contributed. We are talking about human beings here, and I am very much committed—as I am sure other members are—to try to ensure that people in our community do not suffer unnecessarily from whatever illness or disease.

I will just make some quick points. The minister and the shadow minister indicated that it was hard to find the Australian Melanoma Research Foundation on the web. I am not a technical person, but I have discovered that if you want to be high up on the notice list on the web, as it were, you have to pay extra money, and a research group like the Australian Melanoma Research Foundation does not have the money to do that. So, I apologise if members have had trouble finding it on the web. It is there, but it is just that we cannot afford to put it up to the top.

The advice is very sensible: get a skin check—and I appreciate the sadness in the member for Torrens' situation—and make sure you get one done by a properly qualified professional. Like the member for Morphett, I saw what looked like a mole on my niece's (who is about 25) leg and said, 'You better get that checked out.' Her doctor said to her recently, 'You better give your uncle a big thank you because that's got to come out; that's heading towards cancer.'

One of the issues that the foundation has looked at and is particularly concerned about is that we do not know what is in a lot of the sunscreens that are sold. We do not know what effect they have on the body. It is not just the nano-type particles but, as Professor Coventry points out, 'What goes on your skin goes into your body,' and people need to be aware of that. The foundation

is trying to develop a totally natural skin protection cream, unlike some of those on the market now, which are questionable in terms of their long-term impact.

When people are driving they often get the sun on their hands and arms. The Cancer Council, to its credit, sells protective gloves and arm shields—cloth that you can wear to minimise that risk. People who travel frequently by air are at risk because of the UV, pilots in particular. Someone who travels a lot more than I do said that these new screening devices at airports have increased the risk of radiation for people, so you get a double dose: you get it when you go through the check-screen at the airport and you also get it when you are sitting on the aircraft. So, people need to be aware of that.

Just finally, people who have a Celtic background are highly susceptible to skin cancer, and they should be very well aware of the high risk of melanoma. I commend the motion to the house and thank members for their support.

Motion carried.

CARBON MANAGEMENT STRATEGY

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

That this house calls on the state and federal governments to implement a fair and equitable carbon management strategy that will deliver real benefits for the community and the environment.

It is not my intention to get into all of the technical details—partly because I am not qualified to do so—but I think it is important that this issue be considered not only at the federal level but at the state level as well. What we seem to be heading towards now is a carbon tax—some people would call it a levy—which is going to be the initial approach of the federal government to help tackle carbon emissions. That is to be followed by a cap-and-trade system based on the market. I think that was initially indicated to be in operation in the middle of next year, but I am not sure whether that deadline will be reached.

Some people in the community deny there is a problem. I am not in that category. I look at scientists who have the necessary credentials, and I think one would be unwise to disregard their view that humans, in particular, are contributing a lot to carbon emissions and potentially causing problems down the track, including a rise in the sea level, affecting nations in the area of the Pacific in particular.

I am not going to be prescriptive here, but I really want to raise awareness and focus attention on this issue. What we need to do is to look at this issue hopefully in a bipartisan way, because I do not believe you can have an approach to something like carbon that is supported on the one hand by a government and opposed by an opposition, or vice versa. We have to develop a bipartisan approach to this.

If you look in the media you will find that there is a suggestion that everyone is going to be a winner and that there is going to be compensation. There will be some compensation under the so-called carbon tax, but you cannot have any sort of gain in terms of the environment or anything else without some pain, and not everyone is going to be compensated. What we have now are polluters wanting to be compensated and then there are people in their daily expenditure wanting to be compensated. You do not have to be Einstein to work out that not everyone can be compensated.

We need to ensure that people who pollute are not simply allowed to continue polluting but are directed to change their ways. It would be a nonsense if you had a system where people pollute—it would be like saying, 'Look you can rob banks as long as you give us a share of the proceeds of your activities.' That would be a nonsense. You do not want to create a situation where there is a licence to pollute, where people continue to pollute and just throw some money in the collection box and continue on their merry way.

I notice that in most of the discussions farms are exempt from some of these proposals in terms of carbon taxes or cap and trade. I think we have misread that situation in the sense that people focus on what cows do (I was going to say on the quiet) generating gases and so on. However, if you are going to look at agriculture you have to look at the total picture, not simply what might be seen as the negatives in terms of contributing to carbon emissions and so on, but also at the positives.

I am not an expert but I am told that there is far more carbon held in the soil—and that means, obviously, on farms—than is within our trees. If you are going to have a system which, at

any time, looks at bringing the farm sector into a carbon management model, you have to, in fairness apart from anything, make sure you look at both sides of the equation. On farms it is not just trees, it is the grass and soil, and they do sequester a lot of carbon. Yet, what we hear is a focus only on what is on the other side of the ledger—that farms and the animals on them and so on produce or contribute to problems with greenhouse gases and so on.

As I say, it is not my intention to get into the detailed mechanics of this and there would not be enough time anyway. However, I am keen to see this issue considered here at the state level through the parliament. We do not have all the details yet from the federal scheme in terms of a carbon tax or the cap and trade. We are hearing some figures from Professor Garnaut and others about possible tax cut offsets.

What I am suggesting is that we move to a situation which, hopefully, as I said, has bipartisan support, where we can look at dealing with this issue—which I believe is real; I do not support the climate change deniers. We have to deal with it, and it would be best if we could deal with it with total community support, rather than what we seem to have at the moment, which is a slanging match between the federal government and the opposition. I do not think that is appropriate. If we have a system put in place I think it would be very damaging if the opposition should get into government and they try to unwind that system. I seek leave to continue my remarks.

Leave granted; debate adjourned.

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

EATING DISORDER UNIT

Dr McFETRIDGE (Morphett): Presented a petition signed by 503 residents of South Australia requesting the house to urge the government to provide a dedicated medical team and facilities at Flinders Medical Centre to deal with eating disorders that is separate from general psychiatric facilities.

PAPERS

The following papers were laid on the table:

By the Minister for The Arts (Hon. M.D. Rann)—

South Australian Film Corporation—Annual Report 2009-10

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

Podiatry Board—Annual Report 2009-10
SA Health—Progress Report 2 on the Social Development Committee's Report on the Inquiry into Obesity and the Eat Well Be Active Healthy Weight Strategy for South Australia 2006-10—Report

CHRISTCHURCH EARTHQUAKE

The Hon. K.O. FOLEY (Port Adelaide—Minister for Defence Industries, Minister for Police, Minister for Emergency Services, Minister for Motor Sport, Minister Assisting the Premier with the Olympic Dam Expansion Project) (14:01): I seek leave to make a brief ministerial statement.

Leave granted.

The Hon. K.O. FOLEY: I simply want to read into *Hansard*, if I may, a letter that I received recently from the Hon. Judith Collins, Minister for Police for New Zealand:

Dear Minister

I write to acknowledge and thank you for the outstanding contribution made by South Australia Police following the devastating earthquake that struck Christchurch on 22 February 2011.

South Australia's readiness to prepare and send a contingent of police officers to Christchurch immediately after the disaster is greatly appreciated by the Government, Police and public of New Zealand.

Under the leadership of Superintendent Anthony Fioravanti—

who is also the LSA Commander for Port Adelaide—

South Australia Police members have worked tirelessly in very difficult circumstances that include extensively damaged buildings, distressed citizens, and frequent aftershocks.

South Australia Police's collaboration with their New Zealand counterparts in maintaining law and order and their assistance to local emergency services have been outstanding. I understand the South Australia Police team has been involved in rescue and recovery efforts, patrols and cordons, and in working to restore confidence and security to the residents of Christchurch.

I also want to acknowledge the contribution of the team members who are involved in the challenging and essential task of disaster victim identification.

On behalf of the New Zealand Government, the public of New Zealand and especially the people of Christchurch, I would like to sincerely thank you for South Australia Police's response in the aftermath of this disaster.

Yours sincerely

Hon. Judith Collins

Minister of Police [New Zealand]

SPOONER, MR NEIL

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) (14:03): I seek leave to make a ministerial statement.

Leave granted.

The Hon. T.R. KENYON: I rise today to update the house on the matter of Mr Neil Spooner. Members will be aware of the circumstances in which Mr Daniel Raphael was tragically killed in a motor vehicle collision involving Mr Spooner on 1 June 2006. The unusual circumstances of this case understandably attracted considerable public interest and reaction, and, accordingly, I believe it appropriate to inform the house of further developments in this matter.

Following the incident, the Deputy Registrar of Motor Vehicles assessed Mr Spooner's fitness to drive and advised that he continued to meet all legal requirements to hold a conditional car class driver's licence. However, the Deputy Registrar of Motor Vehicles subsequently reviewed Mr Spooner's medical condition under the commercial standard, as empowered in the revised medical standards contained in the *Gazette* dated September 2010, and also considered Mr Spooner's driving and crash records.

As a result of that review, the Deputy Registrar imposed additional conditions on Mr Spooner's conditional licence, prohibiting him from driving between sunset and sunrise and restricting him from incurring any more than one demerit point. Mr Spooner applied for a review of the decision to impose these conditions on his licence, and the application was referred to the review committee as provided for in part 3E of the Motor Vehicles Act 1959.

I can advise the house that the review committee has set aside the decision of the Deputy Registrar to issue Mr Spooner a conditional driver's licence and has made the decision to permanently cancel his driver's licence under section 82 of the Motor Vehicles Act 1959.

Last night I spoke to Daniel Raphael's family to inform them of the review committee's decision which will take effect on 6 April 2011. Under section 98ZA of the Motor Vehicles Act 1959, Mr Spooner has the right to appeal the decision of the review committee to the District Court. On 8 February 2011, the State Coroner commenced an inquiry into the death of Mr Raphael. The Coroner has not yet reported on this matter. I do not intend to comment further on this in light of Mr Spooner's right to appeal this decision.

FAMILIES AND COMMUNITIES REPORT

Ms CHAPMAN: Point of order, Madam Speaker. I have a point of order pursuant to standing order 198, in particular subclause 1, which is for the production of accounts and papers that may be ordered to be laid before the house. I seek a direction (an order, as required) that the Minister for Families and Communities do lay before the house the addendum report to the Department for Families and Communities annual report 2009-10.

I do so by advising you, Madam Speaker, that shortly prior to the luncheon period and during the morning we have confirmed from the officers here in the parliament that no such addendum has been received or filed or tabled in parliament. I tell you, Madam Speaker, that the

original annual report was filed and tabled here in November last year without the addendum required contribution as to child protection statistics. An addendum has been prepared and appeared on the website, and I ask that you direct the minister to table it in this house.

Members interjecting:

The SPEAKER: Order! Thank you, member for Bragg. Minister, I think if you can take that on notice and provide the necessary documents.

QUESTION TIME

ROYAL ADELAIDE HOSPITAL

Mrs REDMOND (Heysen—Leader of the Opposition) (14:08): My question is to the Treasurer. Can the Treasurer confirm that the capital cost of the new Royal Adelaide Hospital has blown out to $2 billion as claimed by former treasurer Foley on radio on 18 March?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (14:08): As I have said repeatedly in this house, once financial closure has happened, all the costs will be laid before the public for appropriate scrutiny.

Members interjecting:

The SPEAKER: Order!

ADELAIDE FESTIVALS

The Hon. S.W. KEY (Ashford) (14:08): My question is directed to the Minister for the Arts.

Members interjecting:

The SPEAKER: Order! Member for Ashford, would you like to start your question?

The Hon. S.W. KEY: Could the minister outline the highlights of our recent exciting array of festival activities in Adelaide? As I understand it, he probably participated in a number of them as well.

Mr WILLIAMS: Point of order, Madam Speaker. Might I suggest that that question is out of order as it contains comment.

The SPEAKER: I think most questions nowadays do contain comments. I think the member may have embellished on her original question that she wrote earlier. The Minister for the Arts.

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) (14:09): I must say, the question took me somewhat by surprise—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —but I am pleased to answer it. Also, just to comment on those interjections before, I understand the succession is being arranged—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —for the member for Norwood, the 'Marshall Plan', or the member for Stuart, 'The Pellekaan Brief'. Apparently, it is one of the two. Now, like many thousands—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: And, hearing from the deputy leader, who only managed to get three votes and wasn't sure how he himself voted, raises important questions, but anyway. Like many thousands of others over the long weekend in mid-March, I visited Adelaide's world music, arts and dance festival, WOMADelaide, where our Parklands hosted magical music, arts and dance from around the world.

In just under two decades, WOMADelaide has created a unique must-experience event on Australia's cultural calendar. It has galvanised Adelaide's reputation as a leader in arts festival presentation, combining the special qualities of our very liveable city with the diversity of cultures and performances from around the world. WOMADelaide featured an extraordinary installation theatre of *Le Phun* from France, and they worked for the week leading up to WOMAD on constructing a massive, surreal, vegetable world that was an off-stage highlight of the festival. In fact, the Deputy Leader of the Opposition could well have been part of it.

WOMADelaide has also continued to enrich the cultural life of young South Australians through an annual schools dance and music workshop. This year it was again held at the Gilles Street Primary School, with the *Rango,* a spectacular act playing ancient spiritual music with instruments from Sudan and Egypt. WOMADelaide Foundation also continued to expand its commission of original Aboriginal artworks of *Sacred Stories of Australia* on massive flags, created in association with Better World Arts.

Strong ticket sales (locally and interstate) vindicated the bold move to continue the new four-day festival format. The move to a four-day schedule last year, in addition to it having been made an annual event, has resulted in a surge of attendances, estimated at more than 89,000, with over 50 per cent, I am told—over 50 per cent of these attendees—being visitors to our state. Now that would mean that, in terms of all of the events we have, the proportion of people coming in from interstate or overseas is higher for WOMADelaide than any other event that the state government stages in this state. And so the 89,000 attendance, with 50 per cent coming from visitors, is impressive by any measure, but even more so when compared to last year's attendances of over 80,000, which was an all-time record.

I am not going to go through the entire program, because the last thing I would ever want to be accused of is delaying question time, but I recently announced that a new annual complementary event to WOMADelaide, Earth Station, will be held in the Adelaide Hills from 21 to 23 October this year. This event, which is both a forum and a festival, will build on WOMAD's environmental sensitivity by exploring and celebrating ideas for sustainable life.

Set in Belair National Park's Long Gully precinct, it is expected to become a national and international focus for environmental science and art. So that is a new annual festival—not exactly a second WOMAD as it has a different theme. There will be forums, guest speakers (international and of national standing) on environmental issues, workshops, plus amazing world music again.

Of course, March included the BigPond Adelaide Film Festival, which, once again, demonstrated that it is now a world-class event, thanks to director Katrina Sedgwick, of course backed by a great board. Again, from its opening night, with the screening of the insightful *Mrs Carey's Concert* to the difficult subject matter in *Snowtown* and the closing night screening of *Mad Bastards* and all the film-related activities in between, the festival was a huge success. I can inform the house that box office takings were up on the 2009 festival by 16 per cent, and the overall attendances across the festival program were up by 22 per cent.

I can also update parliament on the huge success of the Adelaide Fringe. Preliminary figures indicate that the Adelaide Fringe sold more than 334,000 tickets through FringeTIX. This is an 11 per cent increase on the record-breaking 2010 figures. More than 60,000 people are estimated to have attended the combined events of the reprogrammed Fringe Parade.

Also, on a final festival note, I am delighted that David Sefton has been appointed by the Adelaide Festival Board to be the Artistic Director of the 2013 Adelaide Festival (which will be the first annual festival) and continuing with the 2014 and 2015 events. Mr Sefton brings an impressive breadth of experience and dynamism to this important role. He has been Head of Contemporary Culture at the Royal Festival Hall on London's South Bank and, most recently, Executive and Artistic Director of UCLA Live, the performing arts program of the University of California in Los Angeles. David Sefton is no stranger to the major international festival scene and he takes up his new role in May 2011, an exciting time of change and growth in the Adelaide Festival's history. I am delighted at this appointment and look forward to welcoming Mr Sefton and his family to Adelaide.

Again going back, I want to commend the Minister Assisting in the Arts on his recommendation that we go annual with the Fringe. People said, the critics said, the naysayers said, that it would not work, and in fact it has gone on to be a bigger and better event. With my decision to make WOMADelaide annual, people also said it will not work, people will not want to come here if it is an annual festival; it is annual, it is an extra day and a night, now it is going to be

twice a year, and it is getting bigger and bigger. I am sure that the minister and I will find that going annual for the Adelaide Festival after more than 50 years will also be an outstanding step forward for the arts in South Australia.

ROYAL ADELAIDE HOSPITAL

The Hon. I.F. EVANS (Davenport) (14:16): My question is to the Treasurer. What is the cost saving of not proceeding with the train stop adjacent to the new Royal Adelaide Hospital?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (14:16): I'm not sure there is a cost saving. I will need to check with my department and get back to my—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: You can cluck away all you want, but the simple fact is I don't have that information with me and I will get back to the house with a report.

VICTOR HARBOR TAFE CAMPUS

Mr PICCOLO (Light) (14:17): My question is to the Minister for Employment, Training and Further Education. Can the minister tell the house about the new TAFE SA campus at Victor Harbor?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (14:17): I would like to thank the honourable member for the question. Earlier this month, I had the great opportunity to officially open the new TAFE campus at Victor Harbor—and it was great to see the member for Finniss at that opening.

An honourable member interjecting:

The Hon. J.J. SNELLING: He did.

An honourable member: It was great, was it?

The Hon. J.J. SNELLING: It was great. It might have been an initiative of the now Minister for Water, was it?

The Hon. P. Caica: Yes.

The Hon. J.J. SNELLING: Yes, he is claiming credit for it. The campus will provide an education hub for 550 students in courses that include enrolled nursing, aged care, disability services, business administration and community services. The new campus at Victor Harbor has state-of-the-art training equipment for the current and future educational needs of the region. The development will enhance partnership arrangements with industry, schools, local government and the local hospital while helping to deliver the training needs of the Fleurieu Peninsula.

The TAFE SA campus, adjacent to Victor Harbor High School, Victor Harbor council library and Encounter Centre, helps to complete what will be an educational precinct. Young people can move straight from school into vocational education and training in the same surrounds. The new facility will also attract adult learners by connecting the library and TAFE in the same precinct.

Demand for vocational education and training in the region is growing and so too is the population. The new campus will support that growth and the new site fulfils a long-term community need to better serve the Fleurieu Peninsula with state-of-the-art training. Sustainability principles have been embedded in the design of the new campus, including energy efficient lighting, solar panels, stormwater run-off, rainwater tanks plumbed into toilets and external garden irrigation.

This new campus will help TAFE SA better meet regional needs by increasing training in areas of local demand. An example of this is in aged care, which is predicted to experience local skills shortages due to a changing demographic. Extra courses offered in hospitality, nursing and garden design will amount to an extra 75,000 hours of education, a 100 per cent increase on levels provided by the previous campus.

As some members may be aware, an article was published in *The Advertiser* on 12 March alleging that the new TAFE campus at Victor Harbor is unsafe. The allegations were made to *The Advertiser* by a former staff member of the construction company contracted to work on the project from 28 September 2009 to 3 December 2009. On-site works carried out at this time were

restricted to the commencement of site preparation and earthworks such as trenching, not to the buildings and to the finishings.

Each of the allegations made have been investigated, and I happily inform the house that they are without substance. The new TAFE SA Victor Harbor building has been assessed by registered private certifier Davis Langdon as being compliant with essential safety provisions under the Development Regulations 2008, regulation 76(3).

The Hon. T.R. Kenyon interjecting:

The Hon. J.J. SNELLING: The Minister for Road Safety says that is his favourite regulation. This includes means of egress, signage, emergency lighting, firefighting services and equipment, and automatic fire detection and alarm systems. SA Water Corporation has also provided a fire service certificate and certificate of compliance covering sanitary plumbing, heated water, cold water, rainwater and temperature control. An electrical certificate of compliance has been issued as required by the Electricity Act 1996, section 61, and administered by the Office of the Technical Regulator.

It is perplexing that such a story was produced, let alone published. However, at least a correction followed some days later. I am sure that the community of Victor Harbor will not let it dampen a good initiative and investment by this government. The new TAFE SA Victor Harbor campus is another example of the state government investing in regional communities and providing state-of-the art education and training for staff, students and the public.

The $9.4 million investment in building a new Victor Harbor campus was part of a $70 million state and Australian government pledge to upgrade and maintain TAFE SA campuses. The $70 million investment is the largest capital program in TAFE SA's history and is being used for a major refurbishment of campuses all over the state. The funding included $6.6 million for TAFE SA at Tea Tree Gully, a $5 million upgrade for hospitality at Regency, $8.7 million for the upgrade of the Noarlunga campus and $12.6 million for the Mount Gambier and Whyalla regional campuses.

We are investing in TAFE, as well as providing $194 million to help create an extra 100,000 training places to keep driving the state's economic prosperity. This increased investment in vocational education and training will help meet this target over six years. Furthermore, the sustainable industries training centre, to be built at Tonsley Park, will build on our commitment to modernise and renew our vocational education and training sector, in conjunction with the release of our Skills For All reform program, ensuring South Australians have the skills for future growth in existing, new and emerging industries.

Ms Chapman interjecting:

The Hon. J.J. SNELLING: I am glad to hear the member for Bragg agrees so strongly with me. This is an exciting time for our state. We are in a strong economic position and set for further growth over the coming years.

Mr Marshall interjecting:

The Hon. J.J. SNELLING: It is good to hear the member for Norwood cheering on; he agrees with me. I am confident that we will—

Mr Marshall: I don't agree with one single solitary thing you have ever said.

The Hon. J.J. SNELLING: It is great to hear the member for Norwood cheering me on. He agrees with me so strongly; can't help himself. But, member for Norwood, you might upset members on your own side.

Members interjecting:

The SPEAKER: Order!

Mr MARSHALL: Point of order.

Members interjecting:

The SPEAKER: Order!

Mr MARSHALL: I ask the Treasurer to withdraw that comment. I don't support one single thing he has done. I think he is completely hopeless and he should resign.

Members interjecting:

The SPEAKER: Order! If the member feels he has been misrepresented he can make a personal explanation after. Minister, have you finished your response?

The Hon. J.J. SNELLING: I am sorry to hear the member for Norwood so distressed that we should be building a new TAFE at Victor Harbor, but perhaps he might have some words with his colleague the member for Finniss if he is so upset.

Members interjecting:

The SPEAKER: Order! The minister will finish his reply.

The Hon. J.J. SNELLING: I am confident that we will be ready for the economic prosperity that is to come.

Members interjecting:

The SPEAKER: Order! Good job it's Thursday. The Leader of the Opposition.

ROYAL ADELAIDE HOSPITAL

Mrs REDMOND (Heysen—Leader of the Opposition) (14:25): My question is to the Minister for Health. Will the minister confirm that, since the new Royal Adelaide Hospital was announced in 2007, the government is now paying far more than originally proposed for the hospital and getting far less than originally proposed?

When the hospital was first announced, there were to be 800 beds. Now 84 of these beds are, instead, reclining chairs. All rooms were to be single rooms with ensuites, and that has now been changed to most rooms are single rooms. Opening windows have been replaced with sealed windows. Furthermore, the new hospital will no longer have full catering, pathology, pharmacy, equipment sterilisation and outpatient services at the site, nor a train stop.

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) (14:25): I thank the Leader of the Opposition for this question because it demonstrates once again that the opposition is still trying to fight the last election campaign—which they lost. One of the critical issues at that election—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —was the proposition of whether or not we needed a new Royal Adelaide Hospital in South Australia. Well, the voters have decided, we have been re-elected and we are getting on with the job of building a new Royal Adelaide Hospital.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: If you stopped interjecting, I would get on with the answer. The clinical services in that hospital are being worked through with the medical profession and we are making sure that we have more services in the hospital. There will be more beds in that hospital. There will be more operating theatres in hospital. The operating theatres will be bigger operating theatres than at the existing hospital.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: There will be more emergency department space than in the existing hospital. The scope has not been reduced, if that is the import of the question from members opposite. There will be 800 beds in that hospital. Some of those beds—

Members interjecting:

The SPEAKER: Order! The minister will answer the question.

The Hon. J.D. HILL: There will be 800 beds in the hospital. Just as there are day beds and overnight beds in the existing Royal Adelaide Hospital, there will be day beds and overnight beds in the new Royal Adelaide Hospital.

Members interjecting:

The Hon. J.D. HILL: I am sorry if the people in the opposition do not understand the way a hospital works. More and more patients get services on a day basis and they need beds. That is what they need: beds. They do not need an overnight bed, they need a day bed. That is the same in the private sector and it is the same in the public sector. We have not—I repeat—we have not changed the scope.

Mr Williams interjecting:

The SPEAKER: Order, member for MacKillop! Allow the minister to answer your question.

The Hon. J.D. HILL: The scope has been defined over the course of the project, but 800 beds is what we said and that is the number that, as I understand it, will be in the new hospital. In addition to the day beds, of course—

Mrs Redmond interjecting:

The SPEAKER: Order, Leader of the Opposition!

The Hon. J.D. HILL: Look, there are 40 minutes of question time. I am happy to answer all the questions that the leader might ask me, but I wish she would do me the courtesy of giving me the question and then listening to the answer. What she wants to do is ask the question and, when I start providing the answer, she asks another question. It is very difficult to be logical.

I was reading the rules the other day and it is incumbent on all of us to be polite and try to make this system of parliament work, to be courteous to each other, to listen, to be respectful, to call each other 'honourable', and that is what I am trying to do. I am trying to go through, for the honourable Leader of the Opposition, the material that she—

Mrs Redmond interjecting:

The SPEAKER: Order!

The Hon. K.O. Foley: Oh, come on, that's a reflection.

The Hon. J.D. HILL: Madam Speaker, I do think the Leader of the Opposition just reflected on my answer. She said I had to tell the truth and of course I have to tell the truth. That is my responsibility and my duty, and I am attempting to do just that, Madam Speaker. The hospital will be a bigger, better hospital. It will have beds that are day beds but it will also have recovery chairs and it may be that the opposition does not understand this. It will have recovery chairs as well so, after somebody has been through a procedure, they sit in the recovery chair.

But it will have 800 beds in that hospital. All of the overnight rooms will be single rooms and they will have, as I understood it, opening windows. I am surprised if that has changed, but I will get detail on that. In relation to the railway station, the original thinking in the very preliminary architectural design that was done before we went through the recruitment process—the original planning—was to have a railway station associated with the hospital. I understand, on advice from transport, that that would create problems for the transport system. However, of course there is now a tram stop outside the hospital site and that is something that the opposition has also objected to.

Members interjecting:

The SPEAKER: Order!

The Hon. I.F. Evans interjecting:

The SPEAKER: Order, the member for Davenport!

An honourable member interjecting:

The Hon. J.D. HILL: I said you objected to it, I didn't say it was new. I said you objected to the tram extension, you objected to the new hospital. They know how to be oppositionist; they are very good at being in opposition. They oppose every single thing we do as a government. Every single positive thing that is done in this state, they oppose. They are so good at opposition.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The minister will sit down. Point of order.

The Hon. I.F. Evans interjecting:

The SPEAKER: Order, the member for Davenport.

Mr PENGILLY: I rise on a point of order: standing order 98.

The SPEAKER: Yes, I will uphold that. Have you finished your answer, minister? You are going to go straight back to your answer if you get on your feet again. You have finished your answer. Thank you.

ROAD SAFETY EDUCATION

Mrs VLAHOS (Taylor) (14:31): My question is to the Minister for Road Safety. Can the minister advise the house on what the government is doing to convey road safety messages to young South Australians?

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) (14:31): I thank the member for Taylor for her question. She has a keen interest in young people and their road safety and works very hard at it. It is a sad fact that road crashes are the leading cause of death of people under the age of 25. Each year some 8,700 drivers aged between 16 and 24 are involved in a crash often caused by one of the killer five. The killer five are, of course, inattention, speeding, fatigue, drink and/or drug driving, and not wearing a seat belt.

An honourable member: That's six.

The Hon. T.R. KENYON: Drink and/or drug, you can combine it to one.

Ms Bedford interjecting:

The Hon. T.R. KENYON: Not in any order, that's correct member for Florey. Earlier this month, the RAA Street Smart event was held in the Entertainment Centre for students from years 10 to 12. This brought together 3,500 students from more than 30 high schools to participate in South Australia's largest road safety event. Students witnessed a simulated crash scene, took part in interactive displays from more than 20 government and non-government agencies, and viewed a braking distance demonstration. This event, narrated by leading trauma surgeon Dr Bill Griggs, illustrated how easy it is for a car crash to occur, the response of the emergency services and the long-term shockwaves that affect family and friends, and can last for weeks, months and years afterwards.

The event was presented in a hard-hitting way and was certainly not intended to be a fun experience. The students took home a serious message. This message was intensified by listening to stories from two young people, in particular, who have had their lives torn apart by road trauma. Eli Murn was one of South Australia's best volleyball players who was being groomed to be a potential Olympian when he was involved in a crash that left him with a brain injury. The other speaker was Tegan Lloyd, who was a 15-year-old passenger at the time of her crash. She was in a car being driven by her friend who was on her P plates.

Pre and post-event polling showed that 90 per cent of students felt that Street Smart had impacted their attitude to drink-driving and speeding, and 83 per cent also said that attending Street Smart impacted their attitude to texting whilst driving. This event builds on this government's commitment to increasing education for young drivers. I commend the organisers of the event for giving students an opportunity to experience the harsh reality of the responsibilities and consequences of the actions of all drivers on our roads.

ROYAL ADELAIDE HOSPITAL

Dr McFETRIDGE (Morphett) (14:33): My question is to the Minister for Health. What is the cost saving to government of now not having at the new Royal Adelaide Hospital full catering, pathology, pharmacy, equipment sterilisation and outpatient services?

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) (14:34): I thank the member for the question. In answer to the previous question, I have checked with my office and the windows will open at the Royal Adelaide Hospital. I do not know where the information is coming from.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: You can open double-glazed windows. The Leader of the Opposition's question to me was based on a false premise, just as the honourable member for Morphett's question, no matter how he likes to phrase it, was based on a false premise. Of course there will be pathology services at the hospital, there will be sterilisation—

Dr McFetridge: Full.

The Hon. J.D. HILL: Well, what does 'full' mean? Define 'full' to me. Let me explain how pathology services work.

The Hon. P.F. Conlon: Define 'fool'—Duncan McFetridge.

The Hon. J.D. HILL: No, that was 'full'. It's a posh accent. Let me explain it to you. We have a pathology service in South Australia called SA Pathology which provides pathology right across the state, both to the public and private sector. The headquarters is on Frome Road and each of the hospitals has some service, depending on the size and scale of their needs, and that will continue to be the case.

If you say not every hospital has a full service, that is probably true: not every hospital has the headquarters of SA Pathology, but that is true of Lyell McEwin, Flinders and all the hospitals. There is an integrated service that provides the appropriate range of pathology services so that, at the hospital, there will be a pathology service which is the service that is required for immediate short-term needs and then a longer diagnostic range of services will be provided from headquarters. Whether that is the Royal Adelaide or elsewhere is really irrelevant.

Mr Marshall: Most of them have got a kitchen.

The Hon. J.D. HILL: Is that right?

The SPEAKER: Order!

The Hon. J.D. HILL: It is good, isn't it? We are also looking at how we can better provide services across the whole of our system (and that includes catering, imaging and sterilisation) so that we have the best possible standard of service right across the system.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: It is remarkable, Madam Speaker, how they are not interested in facts.

Members interjecting:

The SPEAKER: Order! The minister should be allowed to answer in silence.

The Hon. J.D. HILL: They are just interested in hearing their own voices, competing with each other like so many hungry birds in a nest.

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

Mr PENGILLY: 128.

The SPEAKER: Order! I think the minister is about to wind up his question, is he?

The Hon. J.D. HILL: I was making the point, Madam Speaker, that we are developing the very best services across the state which will be available to all our hospitals so, whichever hospital you are in, you will get the absolute best service that we can provide.

GRAFFITI VANDALISM

Ms FOX (Bright) (14:37): My question is to the Attorney-General. Can the Attorney-General inform the house about the progress of community consultation on graffiti reforms and the benefits of thorough consultation?

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) (14:37): I thank the honourable member very much and I note that she has been very

interested and engaged in discussions about many matters of interest to her community, including of course this important issue of graffiti.

On 9 February this year we released the graffiti discussion paper, and the discussion paper, as I am sure those members who have read it would know, raised a number of matters for discussion: increasing penalties for graffiti offences; introducing expiation notices for graffiti offences; the introduction of aggravated graffiti offences (for graffiti marked on memorials, in cemeteries or places of worship); restricting the supply of spray paint cans and graffiti implements to minors; introducing a ban on advertising graffiti implements that promote unlawful graffiti; defining a spray can and spray can paint; allowing courts to order offenders to take part in graffiti removal programs; and giving police greater powers to seize graffiti tools from minors without resorting to an arrest and possible charges.

I advise parliament that, as of yesterday when submissions closed, there had been received 27 submissions, and we will be having public meetings to further discuss these matters with members of the community. I know the member for Taylor has also been involved in this and we will have a meeting out there shortly.

I anticipate that a final bill will be completed and introduced shortly. I also note that, recently, I have been subjected to quite savage criticism on the basis that I have been charged as an offender against the principle that one should not consult. I plead guilty to that. I am a serial consulter. I am afraid that, as a result of consulting, I believe that we get a better product. The Hon. Mr Wade, in another place, has said, 'It is a terrible thing. Here is the Attorney out consulting about things.' He said I am consulting about 12 things, but it is actually more than that: it is 14—although now this one is closed, so the consulting bid is over and he can take it off his list.

This government is actually interested in getting good quality consultation and good quality bills before the parliament, even though it does not really matter because when they get here things happen in another place which mean that they never move anywhere. The other interesting thing—

Members interjecting:

The SPEAKER: Order!

The Hon. J.R. RAU: —I would like to draw to members' attention is that the same person who has been criticising the government for consultation wrote to me as recently as 21 March demanding that I undergo extensive consultation on issues relating to the legal profession reform. So, I am actually a bit puzzled as to whether I am supposed to be consulting or not consulting.

Members interjecting:

The Hon. J.R. RAU: I hadn't either until I got this missive. I hope he will work out where he stands on these things in due course. We are very clear where we stand. We are going to consult. We think it is important to get things right. The sentencing bill, which will be introduced today, has been the subject of extensive consultation.

Ms Chapman: Is that photographic line-ups?

The Hon. J.R. RAU: Photographic line-ups is the question. I think the consultation in relation to that one was called the 2010 election.

Members interjecting:

The Hon. J.R. RAU: You are either interested in the answer or not. If you care to have a look at the excellent policy document that accompanied the government's program at the last election you would find that in it. The government's program was not just consulted on, there was an election about it and, as the Minister for Health has mentioned, we won.

Members interjecting:

The SPEAKER: Order!

ROYAL ADELAIDE HOSPITAL

The Hon. I.F. EVANS (Davenport) (14:42): My question is to the Treasurer. Will he rule out an up-front capital contribution from the government toward the new Royal Adelaide Hospital to reduce the total cost of the PPP contract?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (14:42): I am not going to rule anything in or out. As I have said repeatedly to the house, all the financial details of the PPP with regard to the hospital project will be made public after financial closure. The Liberal Party is still fighting the election of 2010. What are the seven stages of grief?

The Hon. T.R. Kenyon: Denial.

The Hon. J.J. SNELLING: Denial, anger.

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: I rise on a point of order. This is both debate and irrelevant.

The SPEAKER: Treasurer, I think you need to complete your answer.

The Hon. J.J. SNELLING: Of course, ma'am. Far be it from me to in any way ask the chair's indulgence, but acceptance is in there somewhere. I think it might be the final one; I hope that they get to it soon.

ROYAL ADELAIDE HOSPITAL

Dr McFETRIDGE (Morphett) (14:43): My question is, again, to the Minister for Health. When the new Royal Adelaide Hospital is fully operational—

Members interjecting:

The SPEAKER: Order! I cannot hear the member's question. Member for Morphett, who was your question to?

Dr McFETRIDGE: The Minister for Health. When the new Royal Adelaide Hospital is fully operational what services will remain at the existing Royal Adelaide Hospital site?

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) (14:44): When the new RAH is fully operational there will not be an existing RAH, there will be buildings on that site. We will go through a process with the three universities, which have all expressed an interest in some of the buildings, as to what might happen.

Mrs Redmond interjecting:

The SPEAKER: Order, Leader of the Opposition!

The Hon. J.D. HILL: The dental school, if you take a broader sense of what the site is. SA Pathology may or may not stay there, depending on what it wants to do in the future. I am not aware of any particular health services. If you are getting to the point, 'Will we still run clinics on that site?', I very much doubt it, but I am not aware of any suggestions that we would do that. If the member has something in particular he wants to ask me, I am happy to try to address it, but I don't believe they would be running any of the services from there.

COUNTRY HOSPITALS

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (14:45): My question is to the Minister for Health. Now that the federal Labor government has supported a motion in the federal parliament to directly fund the Keith, Ardrossan and Moonta hospitals and reduce the state's commonwealth health payments by the same amount, is the minister embarrassed by his decision to withdraw state support for those hospitals and will he now review that decision?

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) (14:45): I love the way the honourable member constructs an argument out of a few facts that are placed in a particular way that creates an impression.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Let's deconstruct what he said. He said, 'now that the federal government has supported'. Well, that is not a fact. In fact, the—

Members interjecting:

The SPEAKER: Order!

Mr Marshall: It's humiliating.

The Hon. J.D. HILL: Humiliated? Me?

Mr Marshall: It is humiliating.

The SPEAKER: Order, member for Norwood!

The Hon. P.F. Conlon: Didn't you take your medication?

The SPEAKER: The Minister for Transport!

The Hon. J.D. HILL: As I understand it, the motion that was moved went through on the voices, so it is a bit hard to say who voted for it, because—

Mr Williams interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: That's different. See, you told an untruth then. You said the federal government supported it. Now you are saying there was no dissent; that is different. That is a difference. That is an example of what I mean. You have constructed an argument based on falsehoods.

Mr Williams interjecting:

The Hon. J.D. HILL: Absolutely, Madam Speaker.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: He has admitted it himself. He can't walk away from it.

The SPEAKER: Point of order, member for Bragg.

Ms CHAPMAN: Did I hear the minister accuse you of constructing an argument on falsehoods? He should withdraw that.

The SPEAKER: I am sure the minister did refer to me. He needs to be careful and refer to members by their title.

The Hon. J.D. HILL: If I am to be read explicitly, the Deputy Leader of the Opposition constructed an argument based on falsehoods. If that helps the member for Bragg clarify the situation, I am happy to do it. On his own admission, he agrees with the position I put.

The second point he made was that the parliament voted to fund various hospitals in country South Australia. They did not vote to do that: it was a motion saying the federal government should. So, that is a distinction. That was not what happened but—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —I would say to the people of Keith, who I think have been put through a very difficult time by a campaign by the Liberal Party, a fear campaign by the Liberal Party, they did not need a motion through the federal parliament to get extra money out of the federal government. All they need do is ask for it. There are hundreds of thousands of dollars that the Keith Hospital is entitled to receive if they ask for it properly. We told them that months ago. They have still to ask for it properly.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Hundreds of thousands of dollars.

Members interjecting:

The SPEAKER: Order, member for MacKillop!

The Hon. J.D. HILL: I have written to the chair of the Keith Hospital only yesterday, once again, to inform—

Mr Williams: About time too.

The SPEAKER: Order!

The Hon. J.D. HILL: No, I have written to him many times. I have written to him again yesterday to say we were happy to support, we would welcome cooperation, we wanted to support them, we would fund somebody to help them get that money out of the federal government, just as we did to the board of the Ardrossan Hospital some months ago, which has now got on with the job.

There is money there from the federal government which they are not getting because they have not properly calculated the acuity level of patients in their aged care beds. It is a complicated thing to do. We know how to do it. We are prepared to help them do it and they will get hundreds of thousands of extra dollars. I have had that confirmed from the federal minister, so they ought to get on with it.

CHILDREN WITH DISABILITIES

The Hon. M.J. ATKINSON (Croydon) (14:48): I ask the Minister for Education: how is the government helping to better support children with disabilities?

Mr Venning interjecting:

The SPEAKER: The member for Schubert, behave!

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development, Minister for Science and Information Economy) (14:49): We all know how important it is to help children get quality education, and in doing that we need to meet the needs of every individual child. That is why we are investing so heavily in young people with disabilities in our schools.

Just this morning we announced significant extra funding for the Cora Barclay Centre, a centre which is renowned internationally for its quality programs for children who are deaf or hearing impaired. This $2.05 million funding package over the next three years is a substantial boost to the centre's existing funding—

Ms Chapman interjecting:

The SPEAKER: Order, member for Bragg!

The Hon. J.W. WEATHERILL: An extra $928,000 this funding package amounts to over three years to bring it to a total of $2.05 million. It is in addition to a substantial boost they have received through some commonwealth funding that has been allocated in their favour and in addition to a rescue package that we organised some years ago when this organisation got itself into some financial difficulty.

There is no doubt that this particular service does a fantastic job through its successful early intervention programs. For children who are deaf and hearing impaired, the earliest stages of life are particularly important to ensure that these young people have the best possible opportunity to develop their language and communication skills. The combination of our early intervention screening, which is a great success run through the Department of Health, has created the early identification of the need for these services. The families have been approaching Cora Barclay in greater numbers, and this will provide them with the opportunity to put their funding on a more sustainable basis.

I must say I was very heartened to hear this morning about the fundamental difference that services of this sort make to children. I had a wonderful opportunity of holding a young 10-month-old baby in my hands who had only just three days before received her Cochlear implant and to see the look on that child's face as she was able to hear her mother's voice, obviously for the first time. She was off to the hospital that day to have her Cochlear implant turned up so that she can gradually take into her world these new sounds that she is experiencing. It is almost miraculous.

It is a wonderful thing to witness, and it is great that we have been able to support not only this wonderful service but also this young child and the rest of her family. She has a family where three of the four children are profoundly deaf. Three of them have had the opportunity to take

advantage of Cora Barclay services. For this family, Cora Barclay is very much at the centre of their lives. It really does convey to you the impact of these services and the effect they have on people in our community. So this support for the Cora Barclay service is just one of a series of initiatives that we have taken to support students with disabilities in our schools.

PRISONERS, SECURITY

Mr GOLDSWORTHY (Kavel) (14:53): My question is to the Minister for Correctional Services. Why has the minister refused to do any media to explain to the public how a violent prisoner, who has escaped twice before, can be left unattended in an unlocked vehicle and in an unlocked area?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Mineral Resources Development, Minister for Industry and Trade, Minister for Small Business, Minister for Correctional Services) (14:53): Yet again the member for Kavel, the big guns, has got it wrong. He got it wrong dramatically.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: I think to talk about this prisoner as having escaped twice from correctional services custody is not accurate. The advice I have received is that—

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: The advice I have received is quite different, but I will talk about that in conclusion. But the important thing to remember here is that any escape from correctional services custody is unacceptable, and I agree absolutely. It is a disgrace. But the opposition is free to ask me questions—and we are now into 45 minutes of question time—and they ask me now. So the premise of the question—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! Members on my left will be quiet.

The Hon. A. KOUTSANTONIS: One minute they tell me to face away from the cameras, next to face the cameras, so I think—

The SPEAKER: Point of order, member for Finniss. What's your point of order?

Mr PENGILLY: 128, ma'am.

The SPEAKER: No, I don't think that is a point of order at this stage; the minister is answering the question.

The Hon. A. KOUTSANTONIS: The most important priority, Madam Speaker, is to capture this prisoner and return him to custody. I am advised that both the intelligence and investigation units of DCS and SAPOL are investigating the incident. G4S, the contractors who are responsible for escorting prisoners to the Parole Board hearing, is also undertaking its own investigation. It is interesting that G4S were championed by members opposite when they won the contract, when they outsourced—

Members interjecting:

The Hon. A. KOUTSANTONIS: —when they outsourced—

Members interjecting:

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

The Hon. P.F. CONLON: Could I ask the member for Finniss, who seems to have a fascination with the standing orders, to acquaint himself with standing order 142; and maybe the rest of the opposition as well?

The SPEAKER: I think the look on the member's face accepted that. Minister, will you finish your answer?

The Hon. A. KOUTSANTONIS: Yes, thank you, Madam Speaker. It is important to note that the privatisation of this transport of prisoners occurred when members opposite were in government. They were the ones—

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: They were the ones—

Members interjecting:

The SPEAKER: Order!

Mr Pengilly interjecting:

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

Mr WILLIAMS: The minister is debating the answer and he is trying to blame the opposition for nine years of incompetence of his government. His government re-signed the contract and he's trying to blame us—

The SPEAKER: Order! You've made your point; sit down.

Mr Williams interjecting:

The SPEAKER: Order! The minister will return to the answer.

The Hon. A. KOUTSANTONIS: Madam Speaker, the incident is completely—

Mr Williams interjecting:

The SPEAKER: Order, Member for MacKillop!

The Hon. A. KOUTSANTONIS: The incident, Madam Speaker, is completely unacceptable. I am seeking advice from the department about a process of any disciplinary action we can take against G4S—your great mates—and the enforcement of accountability measures. However, like I said before, the number one priority right now is dealing with the current situation, and we will deal with the consequences in due course. However, what I won't do is get hysterical like members opposite.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: I won't get hysterical like the members opposite. This is a matter for the police. If members opposite were so outraged—

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: If members opposite were so outraged about private operators transporting our prisoners, then I would ask: why did you privatise it? Why did you sell it off—

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: And the member for Davenport says, 'No, we didn't,' well, yes, you did!

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order!

The Hon. A. Koutsantonis interjecting:

The SPEAKER: Order! Minister for Correctional Services, be quiet! Member for Chaffey.

MURRAY RIVER WATER ALLOCATIONS

Mr WHETSTONE (Chaffey) (14:58): My question is to the Minister for Water. Can the minister advise whether a full entitlement allocation of 1,850 gigalitres to South Australia will guarantee River Murray irrigators 100 per cent water allocation?

In recent days, the Murray Darling Basin Authority has indicated that South Australia will start the 2011-12 season with a guaranteed minimum allocation of 1,850 gigalitres. In the past, an allocation of 1,850 gigalitres has meant that irrigators received their full entitlement. Can the minister confirm that he will give River Murray irrigators 100 per cent of entitlement on 1 July 2011?

Members interjecting:

The SPEAKER: Order! Minister for Water.

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (14:58): I thank the honourable member for his question. He might have well been at meetings, because he does lob at many of the meetings that I have had in the Riverland, and I appreciate and welcome that. I have previously said—and I think the figure I was using is the 99 per cent chance. And I would remind the opposition—but I think the member for Chaffey is aware of this anyway—that we do have some agreements with other states about when announcements will be made.

An honourable member interjecting:

The Hon. P. CAICA: No, we abide by what those agreements are, and we will change agreements through negotiation when it is appropriate to do so.

An honourable member interjecting:

The Hon. P. CAICA: No, we will not go over there to a meeting in Canberra without making an appointment, and I will not go over there and give them headlocks. We will do that through the appropriate processes that we as a government will do. Quite frankly, I have already answered that question publicly and will continue to do so. Should we receive (which it is most likely that we will) 1,850 gigalitres, irrigators and, in fact, the users will get their entitlements.

BEELITZ, MR B.

The Hon. I.F. EVANS (Davenport) (15:00): My question is to the Minister for Transport. In July 2008, when the department withdrew an expiation notice that had been issued to Brian Beelitz, did it do so because the prosecution believed the department's evidence against Mr Beelitz had been fabricated?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure) (15:00): I will just run the files back in my memory for this. Can I say, firstly, my understanding is that it is not open to the department or otherwise to withdraw an expiation notice. My understanding is that it is for the police to do. I am absolutely unaware of any such suggestion. I do hope that it is true; it would be embarrassing for the member for Davenport if it were not. Certainly, I have no knowledge of such a thing. I would be happy to check, but I do not believe it is open to the department to withdraw expiations. I think that is a matter for the police.

RIVERINE RECOVERY PROJECT

Mr BIGNELL (Mawson) (15:01): My question is to the Minister for the River Murray. How will key environmental sites along the River Murray in South Australia benefit through the Riverine Recovery Project?

Ms Chapman interjecting:

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (15:01): I thank the honourable member for Mawson for his question. For the benefit of the member for Bragg, irrigators will, of course, benefit through what is the Riverine project. I am delighted to inform members that preliminary works are now underway at three key environmental sites in the River Murray in South Australia following the successful negotiation—of course, the way in which we reach agreements like this, as I mentioned earlier, is through proper negotiation—of a $9.2 million package in funding for the Riverine Recovery Early Works Project.

These commonwealth and state funded works will develop new infrastructure and support other programs that will deliver environmental flows and restore significant wetlands and flood

plains. The project will take approximately 12 months and is being carried out in areas where the environment has been degraded over time as a result of river regulation, over-allocation and extraction of water, as well as reduced flows during the drought.

These works are the forerunner of the $100 million Riverine Recovery Project, which is part of South Australia's Murray Futures program. The project will significantly improve the health of the riverine environment between the Victorian border and Wellington, including the South Australian river channel, priority wetlands, flood plains and backwaters. The early works are now being undertaken at three key environmental sites: Pike Floodplain, Katfish Reach and Yatco Lagoon.

The works being undertaken in the Pike Floodplain include upgrading inlet regulators and improving the bridge structure that crosses the Margaret Dowling Creek on Lock 5 Road. An overall assessment of irrigation infrastructure in the area will also be undertaken to identify future modification requirements.

Mr HAMILTON-SMITH: Point of order, Madam Speaker. I understand that the minister is telling the house that a project before the Public Works Committee, which has not yet been approved by the Public Works Committee because the government is not providing certain information essential for that committee to make its decision on the matter, is already underway and that moneys have been expended on the project.

My understanding, Madam Speaker—and I ask you to consider this and come back to the house—is that for the executive to go ahead and start work on a project and spend moneys on it before it has been approved by parliament's Public Works Committee is against the act. I ask you to consider the minister's statement, look at the facts of what has occurred in progressing the matter through Public Works and come back to the house.

The SPEAKER: Order! That was a very, very long point of order and I think you strayed from the point of order, but, minister, is that the case?

The Hon. P. CAICA: The case, as I understand it, is that the matter was before Public Works and, of course, there was, as I understand it—I will be corrected—a walkout by opposition members—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: —on a very important project that is impacting upon the constituents of the member for Chaffey.

Members interjecting:

The SPEAKER: Order! No, that was not a point of order. You would need to raise that as a matter of substantive motion. However, minister, are you prepared to accept what the member said?

The Hon. P. CAICA: Madam Speaker, I promised you that I would never get grumpy again, and I in no way am. I am finished, and the reason I am finished is because it is clear to me that the opposition—in particular, the member for Chaffey and others—are not interested in what is a very important project that is going to benefit—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: —the river and the communities of the Riverland.

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: I am finished.

Members interjecting:

The SPEAKER: Order! I think we will leave it at that and I can discuss it with the member for Waite afterwards if he wishes.

MURRAY RIVER WATER ALLOCATIONS

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:06): My question is to the Minister for Water. Why hasn't the 130 gigalitres of water, which was carried over to this water year specifically for South Australian private water licence carryover, been used to increase South Australian irrigators' allocations in this current water year, and for what purpose has this water been used?

Murray River irrigators are stuck on 67 per cent allocation this year, supposedly because of carryover, yet the Murray-Darling Basin Authority River Murray system financial operating plan for the 2010-11 year shows that at least 130 gigalitres of water was carried forward in storage specifically for South Australian private licence carryover.

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (15:07): You always have to be very cautious of how ever it is that the deputy leader constructs his questions. We saw that yesterday with respect to the information that he says he received about commonwealth funding being withdrawn, which was an absolute fabrication and nowhere near the truth.

Quite frankly—and I have dealt with this ad nauseam as well inside and outside the house—yes, we have some irrigators that are sitting on 67 per cent and others that have carried over water and that water has been used up to 100 per cent of their site entitlement. There are other irrigators that have been 67 per cent and, coupled with carryover, anything between 67 per cent and 100 per cent. As is well known, carryover water was a drought contingency measure and, as a result of the water that we are going to have next year, or are most likely going to have, I am not permitting carryover to occur next year.

Members interjecting:

The SPEAKER: Order!

ROYAL ADELAIDE HOSPITAL

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) (15:08): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: In question time today the member for Morphett asked me about services that might be staying on the old RAH site. I said the Dental Hospital was currently there. I omitted one other, and that is the sexually transmitted disease clinic, which is opposite the hospital on North Terrace. So, it is not strictly on that site, but we are not planning to move that, either.

MINISTER'S REMARKS

Mr HAMILTON-SMITH (Waite) (15:09): A few moments ago the Minister for Water Security asserted to the house that a project to do with riverine infrastructure was being held up because there had been a walkout in the Public Works Committee. That is completely untrue. To clarify the matter to the house, there was a walkout from the Public Works Committee to do with the Repatriation General Hospital. That was last year, I think, before Christmas. Since then, meeting after meeting, the Public Works Committee has been advised that the committee is awaiting advice from the government on key issues to do with the project before it can be approved by the committee.

Madam Speaker, I also draw your attention to standing orders 375 and 372, which deal with the fact that, before going forward with projects, resolutions reported from the committee must be presented to the house so that the house can agree or not agree with them. This matter has not been presented to the house and it has not been agreed to, and if, as the minister asserts, work is underway, I ask you to consider whether or not the act and the standing orders are being contravened and to advise the house accordingly.

The SPEAKER: I am not sure whether the member is requiring a response immediately, but I will come back to him with that response. Perhaps the member could come and talk to me afterwards, also.

GRIEVANCE DEBATE

MARINE PARKS

Mr GRIFFITHS (Goyder) (15:10): I wish to update the house on the continuing debate occurring around South Australia on marine parks. I do thank the minister for convening a briefing in the house this week. It was attended by a wide variety of members, certainly the majority being from our side of the house, who are just trying to find out some of the scientific background behind the preliminary determination of the lines for the sanctuary zones.

While Mr Chris Thomas from the department certainly has a very slick presentation, unfortunately all of us left that meeting even more frustrated—completely frustrated about the fact that the real concerns of communities are not being listened to. I understand from the scientific data provided that day that there is a level of varying areas in which they wish to achieve some level of coverage, and that is how they have put some lines on maps.

I am very confused, though, when I hear that you can put lines anywhere and make suggestions anywhere you like, and that there will be slippages on the date when the marine sanctuary zones and the marine parks need to be declared. These are the words of the minister himself as reported in the press last weekend. However, we on this side, representing people who are very frustrated indeed about marine parks, just want to continue to raise this within the chamber. All would be aware that it is out there in the media all the time. People are continually ringing talkback radio.

Mr Pengilly interjecting:

Mr GRIFFITHS: As the member for Finniss says, they will continue to do this, because this is something that is touching at the heartstrings, really, of thousands and thousands of South Australians. We know that there are probably about 270,000 recreational fishers in our state. We know that many of those people travel extensively for an opportunity to go fishing.

I confirm again that members on this side of the house certainly support the principle of marine parks, but our concerns are with the declaration of the sanctuary zones. The people across South Australia also support the principle of marine parks, but the great frustration that is shining through is that people who travel for recreational fishing feel as though opportunities are going to be taken away from them, and the people who live in the communities that are relatively close to the marine parks and the proposed sanctuary zones are going to suffer severe economic distress in coming years. That is the point that we want to enforce.

The briefing on Wednesday morning indicated that the state has seemingly set a policy that 10 per cent of marine waters be declared as sanctuary zones. To do that, given that the marine parks make up some 43 per cent of the marine waters, you have to target in the vicinity of 25 per cent of each of the marine parks to become a sanctuary zone. Around that, you have a habitat protection zone, so that is a different layer of protection again that will be in place. However, declaring that one quarter of each of these 19 marine parks has to be set aside as an area in which no fishing activity can take place, especially if you are a community that is close to that, is devastating.

As part of the presentation, we were told that there is a preference for large sanctuary zones to be declared and not to have a multitude of smaller zones. My immediate comment to that in the meeting was, 'Well, obviously, you don't live close to one of the communities that are actually close to these sanctuary zones.' It is those towns that are really very fearful of their future.

I will relate this back to the electorate of Goyder and the impact that that is potentially going to have. There is a group of people who have worked an amazing number of hours in the last six weeks or so to prepare an alternative solution for Marine Park 11, which is the Port Victoria, Balgowan and Chinaman Wells area. Those people have looked at the 14 key principles upon which the sanctuary zone declarations have been devised. They have come up with an alternative suggestion—a far reduced area—because for them it is the principles that are the key driver, not the policy that seemingly exists about a 10 per cent sanctuary zoned area. Those people want an answer to that and they want to know can the same principle flow through to every marine park so that we can get some positive outcomes, and so that there will be areas set aside but there will be an economic and social future in this.

The minister stated on Wednesday that the economic and social impact study will be done soon. It will become part of the draft marine parks plan that will go out for further public

consultation. I asked him what priority he will attach to that economic study because if that proves—and I am sure it will—that there will be significant economic detriment to the communities where the marine parks are planned, surely that has to flow through to a much smaller area being declared as part of the sanctuary zone.

I know members on the other side of the chamber are also being contacted on this. The recreational fishers will not give up on this fight. We know that there is a rally at Burnside on 5 April and that will be the start of it. I am confident that the Burnside Town Hall will be full that evening. It will make the voices become one, and it will only galvanise the community even more to fight the sanctuary zones.

SMALL BUSINESS

Mr PICCOLO (Light) (15:15): On Thursday 29 March 2007, I rose in this place and spoke for the first time on a matter regarding small business, particularly franchises. I am almost at the four-year anniversary mark of that initial speech in this place. At the time, I spoke about how small businesses are also consumers. Like ordinary consumers, they are sometimes subject to appalling and predatory behaviour by other businesses. Again, like ordinary consumers, they suffer injustice at the hands of corporate villains whose behaviour is both unethical and reprehensible.

Now that it is getting close to the fourth anniversary I would like to reflect on those four years and where we are today. I also mentioned in that speech how the Dunstan government pioneered consumer protection laws to protect ordinary consumers from shonky business practices, and how the Whitlam government pioneered trade practice legislation to promote fair competition in the marketplace. I said that I was not at all confident that current laws protected small business in their capacity as consumers. Unfortunately, four years on, I am still of that view. However, there is a light on the horizon—and I will come to that in a second—in proposed legislation by the Minister for Small Business.

As a result of that speech and other discussions—at the time I was a member of the Economic and Finance Committee, and that committee held an inquiry into franchises in this state, and the member for Goyder opposite was also a member of that inquiry. Unbeknown to that committee, there was a similar inquiry in Western Australia, as a result of issues arising from franchising there. On 6 May 2008, the report was tabled in this place, and on 28 June 2008 I spoke to that inquiry report.

At the time, I mentioned that the inquiry looked at three key areas of the franchise relationship, namely pre-contract, the contract period, and when the relationship breaks down, and we also looked at a whole lot of different matters. My view at the time, and continues to be now, was that people who invest in small business—in other words the mum and dad franchisees—should be treated no differently than those who invest in the sharemarket. Yet people who invest in small business, particularly in franchises, have a lot less protection than the person who invests their dollars in the sharemarket, and yet no-one has explained to me why that should be different.

There was a subsequent federal inquiry, which I think was partly motivated by the two state inquiries and, from memory, that inquiry reported in December 2008. Interestingly, the federal inquiry, which was again bipartisan like the state committee, came up with similar recommendations to our own state inquiry. They talked about four key areas: good faith dealing provisions; improved dispute resolution mechanisms; imposing financial penalties for breaches of the code; and compulsory requirement for termination clauses in franchise agreements.

Given that there was little action at the federal level, I must again state that I believe that franchising laws should be reformed at a national level. However, in the absence of any reform, I think it is appropriate for the state to act, and I introduced a private member's bill. That was in December 2009.

I can now report that some parts of the state inquiry are about to be implemented by our state government, and I commend the Minister for Small Business for doing that. He is now consulting on a bill to introduce a commissioner for small business. In fact, that commissioner will deal with two of the issues raised by our inquiry, namely, improved dispute resolution mechanisms and, also, the good faith dealing provisions. I am confident the minister will be able to deliver on those two major reforms in this parliament with the support of the opposition which, hopefully, will be forthcoming.

One matter that was dealt with by the federal government was the issue regarding the requirement for termination clauses in franchise agreements. That has been undertaken but the

other three have not, and I think now the time has come for us to move on that. As I said, the small business minister has acted on parts of those recommendations and I also understand that he intends to introduce a second bill dealing specifically with franchising which will deliver on the rest of the recommendations made by that inquiry. I am also aware that the Economic and Finance Committee is undertaking a subsequent inquiry at the moment which, hopefully, will support the cause.

SCHOOL OF THE AIR

Mr TRELOAR (Flinders) (15:21): Madam Speaker, I rise today to talk about a topic that is an Australian icon and one that you also, as the member for Giles, will be familiar with, that is, the School of the Air. The School of the Air, for many years, has provided distance education to those students and children who live in the remote and pastoral areas of this state and also some of the more distant agricultural areas. It has achieved iconic status and has been ably supported in recent years by the tireless work of the Isolated Children's Parents Association of Australia (often referred to as the ICPA). Generally, they are parents of children, both present and past, who work tirelessly, as I said, to support their children and the efforts made to get good quality education to remote areas.

I must stress today the importance of educational opportunities for students who are not able to attend mainstream schools due to distance practicalities. Equal opportunity is a term that is often bandied about but, in this instance, it is critically important that isolated students receive equal opportunity for education. In fact, in Australia in the 21st century it is considered a basic right to have good quality education.

In recent years the School of the Air has moved from a wireless communication system to the internet. It has become a virtual classroom and therefore the importance of modern technology to these students is paramount. The Centra program is used to provide this service. It is a virtual classroom that gives a wonderful interactive forum for distance learning. It is for remote and isolated students accessing School of the Air lessons. This virtual classroom offers audio, video, data sharing and online interaction which enables students to actively participate and interact with their teacher and classmates, despite the distance barrier.

However, there are significant problems with unreliable telecommunication technologies and also extraordinarily high prices for internet services for these isolated properties. School of the Air families are having difficulties with unreliable internet connection dropping out at the most inopportune times. Often children have to sit on the sidelines and sometimes elect just to listen to the teacher and the class without contributing because to speak may cause the system to drop out and, by the time the reconnection has taken place, the lesson is nearly over. That is hardly adequate.

There are not just isolated cases of this. In fact, many of the 40 families accessing School of the Air lessons have experienced some form of connectivity issues. There appears to be a grey area when ascertaining the reason for the multiple internet dropouts. Sometimes it is internet connection and, in more recent times, the Centra program has come into question. Centra is the program used by the School of the Air and also UniSA to deliver open access. Even within the city of Adelaide and UniSA some difficulties with access to technology have occurred. There is a program used in the Northern Territory known as REACT, which appears to be meeting all the requirements of open access education and also has the technological consistency that is required.

This is a cause of much frustration for parents and students and I ask today what the Minister for Education has done to address the concerns of the Isolated Children's Parents' Association, because time and time again they have asked the minister to resolve this issue, and even up to this year, the very latest information I have is that there is no improvement in the current situation.

It is clear to me that the minister and his department must try to fix this problem so that all South Australian students receive the education that they deserve. In fact, in this house on this very day (today) the Minister for Education stated that it was his commitment to provide a quality education to every child in this state. I ask the minister to consider those children who are accessing, under isolated circumstances, School of the Air technology, because it is not working at the moment and it is the cause of much frustration and disappointment.

TWO WELLS SERVICE CENTRE

Mrs VLAHOS (Taylor) (15:26): I rise today to speak about the opening of the Two Wells Service Centre that occurred yesterday in the township of Two Wells in the north of my electorate. The Two Wells Service Centre is an important part of an ongoing commitment to enhance the facilities of that township, and I am grateful to the District Council of Mallala for improving the facilities this year, considering the high levels of growth that are expected in the area in the coming years with the 30-year plan.

At the function yesterday, Marcus Strudwick, the mayor of the District Council of Mallala, officially opened the service centre, and with Eddie Stubing, the president of the Two Wells Regional Action Team, who is also a member of the Rotary Club in the area, who I know, together with members of the Two Wells Regional Action Team, Andrew Manuel, the manager of *The Plains Producer*, and many other Mallala council and local community representatives and other district mayors, unveiled a plaque in a very special building that is dear to the town.

The new centre is located in a building that was built as a school in 1865, initially with 32 students. The building continued to provide educational facilities for the area for approximately 114 years until 1979 when the new school on Gawler Road was built. During the mid-seventies, the school was involved in a pilot program aimed at promoting increased awareness of other cultures, which is typical of the Two Wells township. Newsletters started going out in Italian, Greek and English and an ethnic library was commenced. During this period, students numbered at around 182, with approximately 66 per cent coming from migrant families. Twelve temporary classrooms were added to house those students and provide different office areas.

Its life after being a school revolved around community service, and the building was referred to as the Community Access and Business Resource Information Centre, where local community groups delivered a range of services to residents. Most recently, locals saw the need for services to be provided not only to the community but also to visitors passing through the district, and this is where the Two Wells Regional Action Team, as it is now known, established a facility to provide the community with a place to access, to have meetings and to provide other services, including: admin, photocopying, tourist information, general district information, career support for relevant agencies, provision of basic council-related services, computer training classes, a home base for the production of the very important and well regarded *Echo*, the local newspaper (and newsletter, as it was previously), and many other important things to the township.

I would like to praise the Regional Action Team. Eddie Stubing, the current president, and the many people who have gone before him, have made this is a truly valuable part of the Two Wells community. Today, they continue to make sure that the community is enhanced in many ways. They work tirelessly on promoting the area from both an economic and community perspective, and I strongly believe that what you see in Two Wells today is often due to many people in that group. The group continues to provide the local community with much needed services and a forum to canvas ideas and lobby relevant agencies, including the council, on the key issues that are important to the people in the township. I would like to lay on the record my respect and admiration for the current and past members of this group in their efforts in making Two Wells a better place and wish them well in the future in their new renovated home, with the support of the District Council of Mallala.

MURRAY BRIDGE

Mr PEDERICK (Hammond) (15:30): I rise today to talk about the expansions and developments that are currently happening and some things that will be happening very shortly in the future in Murray Bridge, the centrepiece town of my electorate. We have recently seen, and I have recently been out to visit, the site of the new Murray Bridge Racing Club development. This will be a world-class development, and as part of this development, the racing track has been laid out. There were about 20 scrapers working there at one stage, and construction has just begun on a South Australian first for a racetrack: a $750,000 tunnel as part of the new racetrack and equine centre, now under construction at the recently announced location known as Gifford Hill.

This site will also incorporate 3,500 residential homes and a world-class equine development. So, apart from 3,500 homes that will go in there over time, there will be training facilities for horse trainers. We have seen the demise of racing tracks in Adelaide at Cheltenham and Victoria Park, and I certainly believe that, in the future, Murray Bridge will become not only renowned in South Australia but in Australia as a great racing facility. The proposal will include a

centre which will house up to 600 people in conference-style facilities and will be a great grandstand and viewing area for the races.

Not only will they have the main racetrack (which, of course, will be turf) but there will be an internal synthetic track, which will be the same size as the current Murray Bridge track and which will be able to be used in pretty well all weather conditions. So, it has the possibility of taking on meetings from other tracks. It is a great development.

Alongside that in Murray Bridge, an $80 million approximately 20,000 square metre retail centre is being built at the moment, incorporating a newer Woolworths, a Big W, 50 specialty shops and car parking for some 900 vehicles. As part of that building, there will be a new 1,800 square metre public library overlooking the river and that will be housed within the complex.

The Hon. M.J. Atkinson: The economy is going gangbusters under us.

Mr PEDERICK: No, it is under the local member, I think. In the very near future, there is going to be the redevelopment of $60 million to the existing Murray Bridge Green site, which is the current Woolworths site. The planning is already underway for the redevelopment of the existing racecourse and golf club, to expand the golf club and turn part of that racecourse into housing. Construction is soon to commence on a new regional police headquarters. The construction of a new waste water treatment plant to cater for the future expansion of Murray Bridge is on the go, as well. Planning is underway for the establishment of an educational precinct which will include the expansion of the current TAFE.

Sadly, the planning for the redevelopment of the railway precinct and the development of a new visitor information centre has gone on for too long. I would like to see the railway land developed sooner so we can get a world-class convention and conference centre built there, but that is taking some time because it will be a very expensive development. There is also the ongoing expansion of existing manufacturing industries that include Australian Portable Camps. There are also industries like the Schirripa family's Adelaide Mushrooms and Scott's Transport that have a depot not far from Murray Bridge, out at Monarto.

Certainly, at the forefront of these developments is the Murray Bridge Racing Club's development that is being completed in conjunction with Burke Urban. It is great work by a racing club that had the vision to go forward. A lot of people said it would not happen. They have had the vision to go forward and get partners on board, and it will be a fantastic project that is being built now. It is happening and will happen over time.

I also salute the other developments that are happening in Murray Bridge. They will provide a much-needed retail, shopping, restaurant and library precinct, for not only the community of Murray Bridge, but many Mallee families who travel to Murray Bridge as their main centre of business.

SAME-SEX MARRIAGE

The Hon. S.W. KEY (Ashford) (15:35): First of all I would like to raise my concerns about recent media reports that our beloved Sturt's desert pea may come under the category of a dangerous substance. As many people in this house would know and particularly you, Madam Speaker, we have a great admiration for the Sturt's desert pea. I notice on your electorate letterhead, Madam Speaker, that you depict our floral icon, and I certainly have had a lot of positive feedback from Ashford constituents with regard to my bookmarks which have a photo of Sturt's desert peas grown in my backyard. Ashford residents and others can get Sturt's desert pea seeds on request from the electorate office. We have done a great trade in giving out those seeds. I will have to review all of that if it becomes a banned substance or a banned floral item.

My other contribution today, though, is in regard to in article from an American publication that I read which is entitled '28 perfectly good reasons to oppose gay marriage' by *Outrage Magazine*. This was in November a couple of years ago. The author was Rick Chris. I do not intend to read out the 28 reasons but I thought that some of the points that were made fit in with the debate that we are currently having in Australia.

An honourable member interjecting:

The Hon. S.W. KEY: Yes, I probably should get the member for Morphett to read them out; he could probably do the 28 very quickly. I will just pick a few out as follows:

1. Homosexuality is not natural, much like eyeglasses, polyester, and birth control.

2. Marriage is valuable because it produces children, which is why we deny marriage rights to infertile couples and old people.

3. Obviously, gay parents will raise gay children, since straight parents only raise straight children.

4. Straight marriage, such as Britney Spears' 55-hour escapade, will be less meaningful if gay marriage is allowed.

8. There is no separation between religious marriage and legal marriage, because there is no separation of church and state.

9. Devout, faithful Anglicans should never accept same-sex marriage, because it is an affront to the traditional family values upheld by Henry VIII and his wife, Catherine of Aragon, and his wife, Anne Boleyn, and his wife, Jane Seymour, and his wife, Anne of Cleves, and his wife, Catherine Howard, and his wife, Catherine Parr. They all knew the meaning of marriage and none of them lost their heads over the matter.

10. Married gay people will encourage others to be gay, in a way that unmarried gay people do not.

12. Legalising gay marriage will open the door to legislative change in general, which could possibly include the legalisation of polygamy and incest. Because we don't know what comes next, we should never change our laws.

13. Children can never succeed without a male and a female role model at home. That's why single parents are forbidden to raise children.

15. Legal marriage will inspire gays to mimic the straight traditions of spiritual commitment ceremonies and celebratory parties, which is currently impermissible for them to do and which they have never done before.

16. Marriage is designed to protect the well-being of children. Gay people do not need marriage because they never have children from prior relationships, artificial insemination or surrogacy, or adoption.

17. Civil unions are a good option because 'separate but equal' institutions are always constitutional. In fact, compared with marriage, civil unions are so attractive that straight people are calling dibs on them.

19. If gays marry, some of straight people's tax dollars would end up going to families whose structure they may find morally objectionable. Clearly, it is more just to continue taking gay people's tax dollars to support straight families, who are going to heaven regardless of what anyone else thinks of them.

20. Gays should hold off on the marriage question until society is more accepting of them, because they are not part of society.

And one other that I will read into *Hansard*:

25. Those who support gay marriage aim to overthrow the dominant culture, as evidenced by their enthusiasm to participate in it.

CRIMINAL LAW (SENTENCING) (SENTENCING CONSIDERATIONS) 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) (15:40): Obtained leave and introduced a bill for an act to amend the Criminal Law (Sentencing) Act 1988. 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) (15:41): I move:

That this bill be now read a second time.

This bill regulates and makes transparent sentencing discounts given to offenders who plead guilty or offer assistance to the authorities. The bill has two primary objectives. Firstly, it is intended to improve the operation and effectiveness of the criminal justice system by reducing delays and backlogs in cases coming to trial. It encourages offenders who are minded to plead guilty, to do so in a timely way.

Secondly, it is intended to encourage offenders to assist the authorities in the administration of justice; for example, if they provide valuable assistance in the context of serious and organised crime.

The bill identifies three pivotal stages in major indictable cases, which are the core around which provision for discount for guilty pleas can be made. The bill provides for a modified and simplified two-stage process for matters dealt with summarily, to reflect the different nature of the typical summary case and the operational considerations in the Magistrates Court.

The bill provides for a graduated series of discounts for pleas of 'guilty,' and/or cooperation with the authorities. The quantum of the discounts are dependent upon the timing of the guilty plea

and the nature of the cooperation with authorities. The earlier the plea, the more significant the discount.

The bill restricts the conferral of discounts for late guilty pleas. Any perception that offenders will escape their 'just desserts' and appropriate punishment by pleading guilty, and/or cooperating with the authorities, is mistaken. The figures for discounts in the bill are not intended to be overly rigid or mechanically applied. They provide the upper limit at which a discount for a guilty plea and/or cooperation with the authorities can be set.

Although there may be a debate as to what should be the precise quantum of the upper limits, the figures in the bill are not overly generous. They are consistent with the existing and established judicial sentencing practices. What the bill achieves is the codification of the rule that the earlier the guilty plea, the greater the discount. It limits the freedom of the courts in providing discounts in sentencing.

The bill is a carefully thought out, comprehensive and balanced measure. The major effect of the bill is to make transparent, and regulate, what already happens in the state's criminal courts on a daily basis—in fact, the criminal courts of the entire nation.

I seek leave to have the remainder of the second reading explanation inserted into *Hansard* without reading it.

Leave granted.

Consultation

The Bill draws on recommendations made by His Honour Judge Rice of the District Court some years ago and later the Criminal Justice Ministerial Taskforce (CJMT). At the relevant time, the Criminal Justice Ministerial Taskforce was chaired by the then Solicitor-General (now Justice) Chris Kourakis QC and comprised the Commissioner for Victims' Rights and representatives from the Office of the Director of Public Prosecutions, the Office of the Commonwealth DPP (Adelaide), South Australian Police, the Law Society, the Bar Association, the Legal Services Commission, Aboriginal Legal Rights Movement, the Department of Treasury and Finance and the Attorney-General's Department. The Courts Administration Authority was represented in an observer capacity.

In its first report, the CJMT highlighted the need to reform and rationalise the recognition to be given to offenders for guilty pleas. Amongst its recommendations was the introduction of a graduated series of sentence discounts to offer incentives for accused persons to plead guilty at an early stage.

The Bill has been the subject of an exhaustive consultation process with many expert commentators. The draft Bill was placed on the Attorney-General's Department website and public comment was invited. The final version of the Bill has been the subject of further comment by the heads of the judiciary, and the Joint Courts Criminal Legislation Committee.

The original draft Bill was specifically sent for comment to a range of interested parties. Comment on the draft Bill was received from the Chief Justice, the Joint Courts Criminal Legislation Committee; the Chief Judge; the Chief Magistrate; the Senior Judge of the Industrial Court; the Senior Judge of the Environment, Resources and Development Court; the Senior Judge of the Youth Court, the Law Society, the State DPP, the Commonwealth DPP, the Legal Services Commission, the Victim Support Service, Prisoners Advocacy, the Commissioner for Victims' Rights, the Police Commissioner, the Bar Association and Volunteering SA. The Solicitor-General for South Australia, Mr Martin Hinton QC, a very experienced criminal lawyer, provided invaluable advice to the Government and officers of the Attorney-General's Department in finalising the Bill.

The result of the consultation process was inevitably mixed. Though there was near unanimous support for the Government's objectives to encourage early guilty pleas and to improve the effectiveness of the criminal justice process, there was an inevitable difference of emphasis in how this should be attained. On the one hand some parties considered that the figures for the discounts in the Bill are too generous while on the other hand some respondents considered that the figures are too low and that the Bill is too restrictive of judicial discretion, especially in relation to guilty pleas entered just before trial.

Certain issues regarding the practical operation of the Bill and its wording were raised, both in the initial and the follow up consultation processes. As far as possible without undermining the objectives of the Bill, these concerns (especially as raised by the judiciary) have been taken into account in the drafting of the final Bill.

The problem

The increasing backlogs and delays in cases coming up for trial in South Australian higher courts have been a major and longstanding concern. If allowed to continue, this trend will seriously erode public confidence in the criminal justice system and cause major problems in the administration of criminal justice. It is a well known and apt maxim that 'justice delayed is justice denied'. This applies equally to victims and witnesses as well as defendants.

The situation in the criminal trial list is not acceptable. In most years the number of new criminal cases received in higher courts has exceeded the number of cases finalised. The number of criminal cases still 'in the system' has therefore significantly increased. The 2009-10 Courts Administration Authority Annual Report confirmed that although the number of new cases received at the District Court had remained largely steady from the previous year, the number of criminal trials listed but not heard at both the Supreme Court and the District Court had actually

increased despite more cases being dealt with and concluded during the year in the District Court. The increased number of cases finalised in the District Court is insufficient to reduce the current lengthy backlog of cases pending in that court.

Efficiency in the system is the responsibility of all those that participate in it. No one participant can solve the problem acting alone, It is for this reason that the Government will continue to look at a range of measures designed to contribute to the efficient administration of the criminal justice system without compromising justice.

The impact of the problem

Some of the many aspects of the undesirable consequences of long delays include:

- Increased risk of offenders escaping justice through attrition of witnesses including deterioration of witnesses' recollection of key events over time.
- Compounding of the well known adverse psychological effects on victims of crime with delays inherently extending the period of anxiety for victims awaiting participation in trials and the giving of evidence.
- Increased legal aid and public prosecution costs as current protracted criminal procedure provides for many pre-trial hearings.
- Increased prisoner time spent on remand by people who either will not get a sentence of imprisonment at all or who will be sentenced to imprisonment for a period equal to or less than that spent on remand—at a well-known cost to the correctional system.
- Police and prosecution and defence (especially the Legal Services Commission) resources devoted to preparing and processing cases unnecessarily for trial, when those limited resources could be better devoted elsewhere.
- Unproductive use of limited judicial time and resources, especially reserving courts for trials that ultimately turn out to be non-effective.

A guilty plea just before trial is especially undesirable as it magnifies many of the adverse effects of delay. The longer a case remains in the courts' list, the greater the delay it causes in other cases being reached. Consequently, getting cases out of the list should contribute to a reduction in delay.

What causes the problem

The number and timing of not guilty pleas has been clearly identified as a major, though not the sole, contributor to delays and inefficiencies in the criminal trial process. At common law there may be a reduction in sentence for an early plea of guilty. In *R v Place* (2002) 81 SASR 395 at 412-413 the Court of Criminal Appeal endorsed an earlier statement by Chief Justice King about the importance of a discount for a plea of guilty and the rationale for such a discount:

> 'This Court of Criminal Appeal has stressed the importance of the discount for a plea of guilty in the administration of justice. It is intended to encourage guilty persons to admit their guilt, instead of putting the State to the cost and trouble of a criminal trial and thereby contributing to the congestion of the criminal lists. This is an important public policy consideration, and judges are to be encouraged to foster an awareness amongst people charged with criminal offences, and those who advise them, of the advantage to be gained by a guilty person by acknowledging his guilt at the first reasonable opportunity.'

The present practice in relation to reducing sentences by reason of a guilty plea is unsatisfactory. An offender who pleads guilty to an offence before trial will attract a sentence discount varying in quantum but generally up to a third where the defendant pleads guilty at the first opportunity and up to 50 per cent where the defendant pleads guilty at the first opportunity and gives evidence for the Crown.

Over recent years it appears that the requirement the plea be early is sometimes overlooked. Reductions of 20 per cent and 25 per cent are not uncommon for pleas entered within a few weeks of trial and defendants even receive significant discounts for a guilty plea literally entered at the doors of court on the day of trial. There does not appear to be sufficient difference between the reductions for early guilty pleas and those much closer to trial. The trend of belated guilty pleas is undesirable and should be actively discouraged. Late guilty pleas represent a wasteful use of limited public and judicial resources and are unhelpful to all the parties in the criminal justice process, including defendants.

A guilty plea is far swifter to progress and finalise than a criminal trial. Clearly, any defendant is entitled to plead not guilty and to insist that the State prove his or her guilt beyond reasonable doubt. But what is a source of considerable and particular concern is the continuing substantial number of defendants who plead not guilty initially and are committed for trial, only to plead later in the proceedings, often literally at the doors of court on the day of trial.

The State DPP has noted that in 2008-09 late guilty pleas were the cause of 188 of the 686 fixed higher court trial dates that had to be vacated. This represented over a quarter of the higher court trials that did not proceed. In 2009-10 late guilty pleas were the cause of 308 of the 883 fixed higher court trial dates that had to be vacated. This amounts to well over a third of the higher court trials that did not proceed to trial. Over half of the defendants who are sentenced in the District Court, only plead guilty at the District Court and not in the Magistrates' Court at committal. This all represents a considerable waste of limited court, prosecution, police, forensic science, Legal Services Commission and prison resources. The situation places major pressures on the operation of the District Court and other agencies, and contributes to South Australia's high rate of prisoners on remand. It is common for trials to take well over a year from committal to be heard.

The problem of court delays is acute and complex. There is no simple answer. It is clear that additional resources, (even if available), would not, of itself, solve the problem. The Government has already increased the number of District Court Judges and provided additional courtrooms in an attempt to alleviate the problems. It is timely and appropriate to consider other avenues such as encouraging early guilty pleas through this Bill and other linked measures to improve court effectiveness.

The Bill in detail

The Bill has a number of major features and, where appropriate, provides for a different application in matters heard summarily compared to those dealt with in higher courts, to reflect the different procedures for those matters.

The Bill provides, in all cases, a discount of up to 40 per cent for pleading guilty within four weeks of the defendant's first scheduled appearance, whether in person or through a legal or other representative, in a court in relation to the case. The accused will be admitting his or her guilt at the earliest opportunity. This discount applies to all offences. It is expressly contemplated on the basis that the prosecution will not have effected full disclosure of its case. There will be some offenders who will be willing to plead guilty without sight or consideration of the prosecution's detailed evidence. More often than not a summary of the alleged offence, an 'apprehension report', will be the only information available. The accused will be admitting his or her guilt at the earliest opportunity and the police or other investigative agency will be spared the time consuming task of compiling a brief of evidence that would otherwise be required. This higher discount is expressly confined to this class of case and can only be varied in narrow circumstances, namely that a court was not available within the four week period to take the plea.

For matters not dealt with summarily, the committal is another suitable focal point under existing legislation and practice for the accused to be properly expected to offer a meaningful and informed decision as to plea. At present it is clear that far too many offenders plead not guilty at committal, only to plead guilty later in the proceedings. The encouragement and expectation should be for those defendants, who are likely to plead guilty in respect of major indictable offences, to do so, before or at committal and not at some later date.

The Bill provides for a discount of up to 30 per cent for a guilty plea after four weeks from the defendant's first scheduled appearance but before the committal for trial. This will typically be after the prosecution has completed the bulk of its investigation and supplied the bulk of its evidence to the defence and defence lawyers are in an informed position to advise their client as to the strength of the prosecution case and to the appropriate pleas.

The Bill provides for a discount of up to 20 per cent for a guilty plea in the period after committal and up to 12 weeks from the arraignment date set at committal. This discount is not absolute and a limited exception is provided in the Bill. This third stage of 12 weeks after the arraignment date accords with the view expressed in the consultation process. This third stage is designed to maximise effective court listing and to tackle the all too common present practice of belated guilty pleas. For those offenders who are still likely to ultimately plead guilty but who have not already done so within four weeks of charge or at committal, then the third focal point is designed as a final 'filter' to catch such defendants and encourage them to plead guilty before the considerable inevitable final effort involved in preparing for trial.

Under the Bill, there will ordinarily be no discount in the higher courts if the guilty plea is entered in the period after 12 weeks of the first arraignment date and up to, and including, the first trial date. A limited exception is provided in the Bill where a court is satisfied that the only reason that the defendant did not plead guilty within the relevant period was because the court did not sit during that period; the court did not sit during that period at a place where the defendant could reasonably have been expected to attend; or the court was, because of reasons outside of the control of the defendant, unable to hear the defendant's matter during that period. The Bill aims to deter late guilty pleas by precluding any discount after the third stage unless the exception is satisfied.

There may be assertions in favour of retaining a small discount after the cut off date and it may be said there is still some utilitarian value in a guilty plea, no matter how late. This point was raised during the consultation process. However, after careful consideration this argument was not accepted. There is a need for a strict approach in this area. The firm policy of the Bill is to discourage the all too common present practice of defendants pleading guilty just before the trial. It is considered that in order to tackle this culture that a point in time long before a listed trial date should be the cut off for a discount in the ordinary course of events. This will facilitate the aim of the Bill in achieving cost savings and efficiencies through early guilty pleas. The retention of even a minimal discretion for a late guilty plea up to the trial date would undermine the policy behind the Bill.

The timing of the stages for pleading guilty in the higher courts will be capable of variation by Regulation. This is if, as is quite possible, working and listing practices and pressures in the higher courts should change in due course. It is more efficient that the periods can be changed to reflect these practices and pressures by Regulation as opposed to having to return to Parliament to change the periods. There is a need for the law to be responsive in this regard.

The Magistrates' Court is the workhorse of the criminal justice system and deals with over 90 per cent of criminal cases. The Bill provides for a simplified regime to reflect the differing practices and pressures applying where matters are dealt with summarily. The Bill provides for a discount of up to 30 per cent for a guilty plea after four weeks of the first scheduled appearance, whether in person and/or through a legal or other representative, but before four weeks of the first date set for trial for matters dealt with summarily. This will typically be after the prosecution has satisfied its pre-trial obligations of disclosure so that any defence lawyers are in a position to advise their client as to the strength of the prosecution case and the appropriate pleas.

The Bill provides that no discount is permitted for matters dealt with summarily if the guilty plea is entered in the four weeks before the first trial date. A limited exception is provided in the Bill.

As with the higher courts, the timing of these stages in the Magistrates Courts will be capable of variation by Regulation. This is if, as is quite possible, working and listing practices and pressures in the Magistrates Courts should change in due course. As with the higher courts, it is more efficient that the periods can be changed to reflect these practices and pressures by Regulation as opposed to having to return to Parliament to change the periods.

If the delay in any case in the accused pleading guilty is beyond his or her control and he or she has pleaded guilty at the earliest practicable opportunity, the court will still have a limited discretion to confer a discount up to 30 per cent. This exception cannot usefully be further defined. It may, for example, be due to the late service of important evidence that has a major bearing on the strength of the prosecution case. The plea of the accused may be accepted to a lesser or alternative offence. The accused may even have provided a firm and reliable offer to have pleaded guilty to a lesser offence to the court and the prosecution, but the prosecution rejected that proposal with the result that the case proceeded to trial but the accused was ultimately convicted of only the lesser offence to which he or she had previously offered to plead guilty to. The reason for the delay in pleading guilty may even be due to others such as the court. The reason for the delay may not lie with either the accused or his or her lawyers for the discount to be available. The onus is on the accused to satisfy the court that this exception is made out It is not contemplated that this will require lengthy hearings or the calling of witnesses to resolve. Indeed, it is contemplated that, in most cases, this will be capable of being achieved either 'on the papers' or on the basis of counsel's submissions without the calling of any evidence.

The Bill contains an overriding provision for the court to be able to decline to provide all or part of a discount for a guilty plea within the above ranges having regard to public interest considerations, namely where the gravity of the offence and/or the circumstances of the accused are such that the sentence that would arise from conferring the discount would be so inadequate as to 'shock the public conscience'. This expression is not new and is consistent with that already used in governing prosecution appeals against sentence. It is expected that the use of this provision will be rare but it is a necessary provision to make very clear that the courts discretion is to award up to the level of the discount – it need not award the level of discount, especially for the most repugnant offender or offences. In fact, it need not award a discount at all if the circumstances demand such a course.

The Bill also allows a discount of up to 40 per cent for pleading guilty and effective co-operation with the authorities, whether by providing helpful and significant information and/or testifying on behalf of the prosecution. This is consistent with existing judicial practice. The courts have long since recognised that the concept of 'honour amongst thieves' is one that should be actively discouraged (see *R v Golding* (1980) 24 SASR 161).

The Bill includes a provision for a discount of up to 20 per cent for effective co-operation with the authorities, whether by providing helpful and significant information and/or testifying on behalf of the prosecution, but where the accused pleads not guilty. This too accords with current practice.

The Bill includes the allowance of an overriding discount of over 40 per cent in 'exceptional' circumstances at the absolute discretion of the court for pleading guilty and co-operating where the nature of the case, the value of the co-operation and the testimony, the risk to the accused and his family and the potential consequences to him or her in prison are such as to justify departure in the public interest from the normal upper limit of 40 per cent. This clause has been the subject of much thought. This provision is particularly aimed at offenders who give information and testify in the prosecution of cases involving serious and organised crime. These will be persons who, at considerable risk to themselves and their families, have provided valuable assistance to the authorities, generally through testifying, that has enabled major criminals involved in offending of the utmost gravity to be brought to justice. It is likely that, without the assistance of these persons, these offenders would not have been able to be brought to justice.

Whilst the Bill aims to encourage co-operation by offenders, it is especially targeted to encourage exceptional co-operation from those involved in, or with knowledge of, serious and organised crime. Hence the distinction in the Bill between 'normal' co-operation where the maximum permissible discount is 40 per cent and 'exceptional' co-operation where the possible discount is at large.

There may be unease about the prospect of criminals receiving a lesser sentence for informing on their erstwhile criminal associates but the offer of a discount in sentence in return for assisting the authorities is a valuable weapon in law enforcement, especially in serious and organised crime where other witnesses may be unwilling to come forward for fear of retribution. The President of the Queen's Bench Division in England in *R v P* [2007] EWCA Crim 2290 at [22] explained in strong terms, which are equally applicable to Australia (see *R v Cartwright* (1989) 17 NSWLR 243 at 252), the strong public interest in favour of encouraging offenders to come forward and co-operate fully with the authorities, especially to the 'Mr Bigs' of the underworld:

> 'There has never been, and never will be, much enthusiasm about a process by which criminals receive lower sentences than they otherwise would deserve because they have informed on or given evidence against those who participated in the same or linked crimes, or in relation to crimes in which they had no personal involvement, but about which they had provided useful information to the investigating authorities. However, like the process which provides for a reduced sentence following a guilty plea, this is a longstanding and entirely pragmatic convention. The stark reality is that without it major criminals who should be convicted and sentenced for offences of the utmost seriousness might, and in many cases, certainly would escape justice. Moreover, the very existence of this process, and the risk that an individual for his own selfish motives may provide incriminating evidence, provides something of a check against the belief, deliberately fostered to increase their power, that gangs of criminals, and in particular the leaders of such gangs are untouchable and beyond the reach of justice. the greatest disincentive to the provision of assistance to the authorities is an understandable fear of consequent reprisals. Those who do assist the prosecution are liable to violent ill-treatment by fellow prisoners generally, but quite apart from the inevitable pressures on them while they are serving their sentences, the stark reality is that who betray

> major criminals face torture and execution. The solitary incentive to encourage co-operation is provided by a reduced sentence, and the common law and now statute, have accepted that this is a price worth paying to achieve the overwhelming and recurring public interest that major criminals, in particular, should be caught and prosecuted to conviction.'

The Bill includes a specific provision allowing an offender to be resentenced if he or she promises to co-operate with the authorities and is sentenced on that basis but later fails to satisfactorily honour his or her side of the arrangement. He or she should be resentenced but on the basis of the sentence that they would have received but for the original deduction for the promise of co-operation with the authorities.

The Bill, provides a means to prevent the disclosure of information relating to a sentence discounted under s 10A on the basis that the material is subject to public interest immunity. This concern was strongly raised in the consultation process, notably from the judiciary, and has been dealt with in the Bill through s 9AA. This is an important provision in practice. Clearly there will be a need to protect highly confidential material relating to persons who have provided assistance to the authorities, especially in the context of serious and organised crime, that is adduced at sentencing, whether in submissions from the parties or in any sentencing remarks from the judge or Magistrate from entering the public domain. The inappropriate release of such material could be highly damaging to the public interest and the administration of justice and prejudice major investigations or trials. Indeed, the inappropriate release of such material could endanger the individuals concerned and/or their families.

The Bill does not allow an aggregation of the combined discounts for a plea of guilty and co-operation with the authorities. If an accused should both plead guilty at an early stage and offer significant co-operation at an early stage, the maximum discount, in the absence of exceptional co-operation, remains at 40 per cent.

It is not intended that the Bill will affect the general way in which the criminal courts go about formulating the correct sentence applicable in any given case. The High Court, in cases like *R v Wong* (2001) 207 CLR 584 and *R v Makarian* (2005) 228 CLR 357, has said that the correct method for determining an appropriate sentence was by a process of 'instinctive syntheses' of all the relevant circumstances. The Bill is not intended to displace or overturn this approach to sentencing. The Bill only modifies this approach to the extent that it requires the court to state in its sentence the amount of any discount that it is providing to reflect the guilty plea and/or co-operation with the authorities. The Bill does not require the court to go beyond this and to state any discount for any other mitigating factor.

The Bill retains the existing requirement that the court in determining sentence may not have regard to the fact that a mandatory minimum sentence is prescribed for the offence, even though it may result in the court fixing a longer non-parole period than the court might think was otherwise appropriate in the circumstances. This especially arises with respect to the general 20 year non-parole period provided for offences of murder. The policy and content of this requirement has been discussed by the Court of Appeal in its recent decision in *R v A* [2011] SASCFC 5. The Government will carefully consider its position on this important issue and respond to the court's judgement in due course. The present Bill is not the appropriate vehicle to reconsider the issue of mandatory non-parole periods, especially in respect of murder.

The Bill finally includes some limited 'tidying up' of s 10 of the *Criminal Law (Sentencing) Act* and consequential amendment as a result of the consultation process to clarify the operation of two provisions. The Bill uses this opportunity to 'tidy up' the operation of that section. Though s 10 in its original form merely set out the established common law principles of sentencing, it is considered that s 10 has become progressively unwieldy over recent years with the addition of various, sometimes only loosely connected, provisions. Therefore, for ease of reference and practical application s 10(1) in the Bill lists the original factors as stated in the original 1988 version of the Act whereas the additional factors added since 1988 to s 10 have been included in a new separate s 10(2).

Two consequential issues that were raised in the consultation process are rectified in the Bill. First, the existing s 10 says that there is a 'paramount need' to protect children from 'sexual predators' by ensuring the need for deterrence. The State DPP says that this provision is undermined in practice by some judges insisting that the prosecution prove something more than sexual offending against children, namely that the offending was 'predatory' rather than 'opportunistic'. The State DPP suggested that the term 'sexual predator' be changed to 'an offence involving the sexual exploitation of a child'. This suggestion makes sense and has been accepted. The amended provision promotes the original intention of Parliament in inserting this provision. Secondly, problems were identified with the interpretation of the existing section dealing with the lighting of bushfires. This has been replaced by an amended provision which makes it absolutely clear the extreme gravity with which Parliament regards such offences.

Any perception that the Bill goes too far and unfairly restricts the conferral of discounts, notably in late guilty pleas, is mistaken. The Bill is both comprehensive and fair. It is necessary to restrict the conferral of discounts for belated guilty pleas in the manner as stated in the Bill so as to tackle the underlying culture of late guilty pleas and major problems and effects of late guilty pleas. It is acknowledged that not only must the underlying culture of late guilty pleas be addressed but there are other linked issues of the criminal justice process that also require reform.

The effectiveness of the committal process and the need for timely and effective prosecution disclosure and accurate and informed and early prosecution decisions on charging are significant. A prerequisite if the Bill is to achieve its stated objectives of reducing delays and encouraging early guilty pleas is sufficient and timely prosecution disclosure of its evidence. It is acknowledged that defendants and their lawyers are not to be solely blamed for the current delays arising from late guilty pleas. The Bill is not an isolated measure or a sole panacea. It is an integral part of a series of wider and ongoing series of linked reforms to improve the effectiveness of various aspects of the justice criminal process and to continue to address court delays and backlogs.

Several measures to address the problem have been implemented. These include measures designed to reduce the workload of Magistrates to make way for more cases moving down from the District Court, specifically

legislation making driving unregistered and uninsured offences expiable as well as amendments to the *Magistrates Court Act* in late 2009 to increase the jurisdiction of Special Justices in the Petty Sessions division of the Court to deal with other minor offences. In addition, case conferencing (also a recommendation of the CJMT) is operating in the Adelaide Magistrates' Court. This provides a forum for constructive early negotiations to facilitate the speedy and appropriate resolution of matters or identify issues and exchange information to expedite pre-trial and trial time frames. The 12 month pilot commenced in April 2009 and has been extended following positive initial reviews.

Other measures to improve the operation of the criminal courts have been recently announced. These include drafting changes to the *Bail Act* designed to simplify proceedings. Work has been shifted from the District Court to the Industrial Court—in particular dust diseases and liquor licensing cases and appeals from the Health Practitioner's Tribunal. This last change will free more District Court time to deal with criminal cases and help address the present backlog. The District Court has also commenced case conferencing.

This Bill is a major step forward in this Government's determination to address court delays. It sets a benchmark in Australian criminal justice reform.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Criminal Law (Sentencing) Act 1988*

4—Amendment of section 9—Court to inform defendant of reasons etc for sentence

This clause substitutes subsection 9(1) of the principal Act to require a court, when sentencing a person who is present in court (whether in person or by video or audio link) for an offence to state the sentence it is imposing and the reasons for the sentence.

5—Insertion of section 9AA

This clause inserts new section 9AA into the principal Act. The new section requires a court to record certain information in relation to sentences that have been reduced on account of the defendant cooperating with law enforcement agencies or pleading guilty.

The clause further allows a person prescribed by the regulations to request that a court not release information in the possession of the court that relates a reduction of sentence for cooperating with law enforcement agencies, or a review of such a sentence conducted under new section 10B, on the grounds that the information is subject to public interest immunity. Until that application is finally determined, the information cannot be inspected, nor a copy obtained, by a person.

6—Substitution of section 10

This clause substitutes the following provisions for section 10 of the principal Act:

9E—Purpose and application of Division

This section clarifies the relationship between Part 2 Division 2 of the principal Act and the common law. The provision also makes clear the fact that, unless a particular provision in the Division expressly provides otherwise, nothing in the Division affects mandatory sentences, mandatory non-parole periods and similar special provisions.

10—Sentencing considerations

This section sets out the matters a court must, or must not, have regard to when sentencing a person for an offence.

10A—Reduction of sentences for cooperation etc with law enforcement agency

This section provides that a court may reduce a sentence it would otherwise impose on a defendant on account of the fact the defendant has cooperated or undertaken to cooperate with a law enforcement agency.

The section contemplates 3 different circumstances in which a reduction may be given. First, subsection (2) allows a court to reduce the sentence of a person who has pleaded guilty and who a court has declared to be a person to whom subsection (1) applies by an amount the court thinks appropriate in the circumstances, including reductions of more than 40 per cent. However, a declaration can only be made, and hence a sentence reduced, under this subsection if the court is satisfied that the defendant has cooperated or undertaken to cooperate with a law enforcement agency and that the cooperation—

(a) relates directly to combating serious and organised criminal activity; and

(b) is provided in exceptional circumstances; and

(c) contributes significantly to the public interest.

Second, subsection (3) allows a court to reduce the sentence of a person who is not subject to a declaration but who nevertheless has pleaded guilty and has cooperated or undertaken to cooperate with a law enforcement agency. However, a reduction under that subsection cannot exceed 40 per cent.

Finally, subsection (4) allows a court to reduce the sentence of a person who has not pleaded guilty but who nevertheless has cooperated or undertaken to cooperate with a law enforcement agency. However, a reduction under that subsection cannot exceed 20 per cent.

The section also sets out matters a court must have regard to in determining the quantum of any reduction under the new section.

10B—Review of sentences reduced under section 10A

This section allows a court to review a person's sentence that has been reduced on account of the person undertaking to cooperate with a law enforcement agency but where such cooperation has not occurred, or only part of the undertaking honoured. A court may, after reviewing the matter—

(a) vary the sentence previously imposed on the defendant by increasing the sentence by such percentage as the court thinks fit, having regard to the extent to which the defendant failed to comply with his or her undertaking;

(b) confirm the sentence previously imposed on the defendant;

(c) make any consequential or ancillary orders the court thinks fit.

10C—Reduction of sentences for guilty plea in Magistrates Court etc

This section sets out a scheme whereby a sentence that a court would have imposed for an offence may be reduced on account of the defendant pleading guilty. This section (as opposed to section 10D) applies where the sentencing court is the Magistrates Court, some other court sentencing for a matter that was dealt with as a summary offence, or in the circumstances prescribed by the regulations.

The maximum amount a sentence can be reduced is dependant upon when the defendant pleads guilty; subsection (2) sets out the maximum discounts available in relation to pleas at various stages in the proceedings.

The section provides for a defendant to receive the maximum available reduction despite having pleaded guilty outside the relevant period if the reason he or she could not meet the deadline was one set out in subsection (3).

The section also sets out matters a court must have regard to in determining the quantum of any reduction under the new section.

10D—Reduction of sentences for guilty plea in other cases

This section provides a scheme of the same kind as in section 10C in circumstances where that section does not apply. For example, this new section applies to the District Court and Supreme Court sentencing indictable matters.

The scheme is essentially the same as in section 10C, modified to take account of the different stages of proceedings applicable in relation to indictable matters.

7—Repeal of section 20

This clause repeals section 20, the effect of which is now located in new section 9E.

Schedule 1—Transitional provision

1—Transitional provision

This clause makes clear that the *Criminal Law (Sentencing) Act 1988*, as amended by this measure, applies in relation to proceedings relating to an offence instituted after the commencement of this measure, regardless of when the offence occurred.

Debate adjourned on motion of Dr McFetridge.

SAFE DRINKING WATER BILL

In committee.

(Continued from 23 March 2011.)

Clause 3.

The Hon. J.D. HILL: I have some more information which might help the member. So if I may, I will start off with an answer. Just as a matter of record: yesterday I turned around and saw Dr Buckett in the counsel's area and I said I had a confirmation from the parliamentary counsel. It was actually from Dr Buckett, and for the record I just want to clarify that in case people think the counsel gave me advice; it wasn't.

The member for Stuart asked me a question yesterday about Copley water supply. I have more information for the member. During the committee yesterday, the member raised the example of Copley where water is supplied through a pipeline from the Leigh Creek drinking water supply, and I said I would seek further information.

Advice has been obtained that the Copley Progress Association takes delivery and responsibility from the edge of town, which I think was the point I was making as to who owns the pipeline water. In fact, the supplier owns the pipeline, as I understand it, and so Copley takes it from the edge of town. Hence a risk assessment undertaking by the Department of Health to determine whether the supply meets the requirements of clause 3(2)(c) of the bill, to the effect that the supply has not been altered to any material degree from the water supplied by another drinking water provider, would be restricted to a consideration of the infrastructure within the town.

I am advised that the future management of the water supply is currently subject to discussions between the Outback Communities Authority and the Copley Progress Association (I think the member mentioned this yesterday). These discussions will include classification of the water supply, that is whether it is classified as a drinking water supply or a domestic non-drinking supply. The operators of the Leigh Creek water supply and the Outback Communities Authority both indicated support, I understand, for the bill during consultation.

So I hope that gives the advice. I think it was a really good example, because it really does not matter how long the pipeline is, it depends who looks after the pipeline and the contents of that pipeline. So, the initial supplier does in this case, and so the association which then redistributes it to the community is only really subject to being responsible for the bits that they look after themselves.

The CHAIR: Member for Stuart, are you the lead speaker on this bill?

Mr VAN HOLST PELLEKAAN: No, Madam Chair, I am not.

The CHAIR: The member for Morphett is? Member for Morphett, can you instruct me as to what areas of interest you have here, because I understand we are on clause 3 out of some 53?

Dr McFETRIDGE: Yes, we are just dealing with clause 3. I am just getting clarification on the issues around who, what and where obligations for drinking water providers are, and then I believe once the member for Stuart is satisfied, we can move on to clause 9.

Mr VAN HOLST PELLEKAAN: Just to clarify, my areas of interest are all primarily about providers. I appreciate the fact that I have had more than three questions on this clause—

The CHAIR: But I am generous.

Mr VAN HOLST PELLEKAAN: —but I could have waited and got lots of other clauses that all talk about providers too and then just got my questions, so I appreciate the help. Minister, thanks for that clarification, and I agree that Copley is a good genuine example of that sort of thing.

When we finished yesterday afternoon, I was asking about the chain of supply with carriers and you mentioned the fact that, whether you are a volunteer or not, you still need to have a good driver's licence or a first aid certificate or whatever. I certainly accept that, but those are usually qualifications that are helpful for lots of other things in your life, and you might have them anyway. This is just people going out of their way to help.

I will be very quick. I was grateful to receive some advice after we adjourned yesterday which helped me with this query. I was advised that, while the requirement for a volunteer non-professional carter of safe drinking water, doing it essentially as a community service, cannot be let go, local councils would have the opportunity to provide that qualification at no cost if they chose to. They could do the inspection and the certification.

If a local council chose to do it out of its own generosity, it could do that work and get that volunteer certified so that the safe and secure carting of the water is underway for everybody's protection, and I am comfortable with that. I am comfortable that, if a local council would not undertake that quick inspection and give that certification, it probably should not happen anyway. I accept that that then is no great impost on the volunteer who is providing it. With that on the record, I am satisfied that country and outback communities are in good hands.

The Hon. J.D. HILL: For the member for Stuart's benefit, I am happy to confirm that that is the advice that has been given to me by my officials. I would also point out, to be really clear, that we are talking about volunteers who have vehicles that can carry water. That is not very different

from a volunteer who has a car who might carry passengers at certain times on a voluntary basis. That car has to be fit for carrying passengers and, thus, any container that carries water has to be fit for carrying water, even if it is only used once every five years. It cannot be used for carrying other things in between. I do not think it is that different but, I agree, we should make the burden on volunteers as light as we can.

I think the suggestion made by the officer, which the member has noted, that councils could do it is a very sensible one, and I am sure councils and other organisations (charitable organisations and communities) might be prepared to fund inspections in certain circumstances. That would be quite a good community sort of thing. I am happy about that.

Clause passed.

Clauses 4 to 8 passed.

Clause 9.

Dr McFETRIDGE: Clause 9—Suspension of registration. Subclauses (4), (5) and (6) provide that the minister must give the drinking water provider a reasonable opportunity to make submissions to the minister in relation to the suspension of licences. Whilst the registration is suspended and then there is an appeal, can the water provider still provide that water, even though they are under question?

The Hon. J.D. HILL: I am advised that registration would be suspended if there were failures to comply that lead to doubts about the safety of the drinking water supply. The intent is that supply could be continued while an objection was lodged and considered, subject to consumers being notified that the water was not suitable for drinking. This is considered a precautionary but prudent course of action.

Clause passed.

Clauses 10 to 14 passed.

Clause 15.

Dr McFETRIDGE: Clause 15—Approval of auditors and inspectors. This refers to qualifications. Can the minister give the committee some idea about what is going to be required in subclauses (2)(a) and (b), which refer to the person's technical skills and experience and any guidelines relating to competency criteria? Is that TAFE courses or university courses, and who are these inspectors and auditors likely to be?

The Hon. J.D. HILL: I am advised that in most cases qualifications for inspectors and auditors under the Food Act will be transferrable to this bill. It is proposed that inspections of small supplies could be undertaken by council environmental health officers—I think there is a course that they do through university—and others certified to undertake inspections under recognised schemes, such as the scheme operated by the South Australian Tourism Industry Council.

Audits of moderate-sized supplies could be undertaken by environmental health officers who have undertaken an auditing course coordinated by the Department of Health. Audits of large supplies (for example, SA Water) could be undertaken by auditors certified under the existing RABQSA Drinking Water Quality Management System Auditor Certification Scheme, which is coordinated by the Royal Melbourne Institute of Technology. The department will publish guidelines on appropriate qualifications following a similar approach to that that was used for the Food Act.

Clause passed.

Clauses 16 to 27 passed.

Clause 28.

Dr McFETRIDGE: Minister, under Approval of laboratories, can you just give me some idea who some of these laboratories are? I think you mentioned the Melbourne institute.

The Hon. J.D. HILL: This is the laboratory that does the testing: is that what you mean?

Dr McFETRIDGE: Yes, which laboratories do the testing? In particular, who tests SA Water? I have seen some information where you have both SA Water's header and I think the water quality testing people's header on there, whoever they are. I cannot remember the exact title. It seems that they are joined at the hip. We would need some independent testing authority for SA Water.

The Hon. J.D. HILL: Let me try to explain as best I can. I have been advised that SA Water is audited by the Australian Water Quality Centre, which, as I think the member suggested, is an independent entity associated with SA Water. I think that is a way of putting it. They, and their results, in turn, are audited by a body called NATA which has 'national' and 'testing' in there somewhere and probably 'authority', but I am not sure in which order.

For household tanks or hotel tanks, I think there is a range of bodies. Groups like SA Pathology or Gribbles, all those kinds of organisations can test rainwater tanks or bore water, I guess, for smaller organisations.

Dr McFETRIDGE: You must have seen my notes here because I have NATA accreditation. That is the National Association of Testing Authorities and it tests everything from water meters through to speed cameras. Actually, they do not test South Australian police speed cameras which is another issue, but anyway, we will leave that one and ask the member for Fisher—he might want to talk about that. I did not quite hear what you said about who tests SA Water, because I think you said they were associated but independent.

The Hon. J.D. HILL: There is a body called the Australian Water Quality Centre. It is the internal auditing or testing body that SA Water has, and it is accredited by NATA, so they do it themselves with this unit they have established within SA Water and then that is certified through NATA.

Dr McFETRIDGE: I will have a bit more of a look at that and we might come back to that in the other place, because I think we need to make sure that SA Water has a really independent testing authority, because NATA really just makes sure that the instruments are correct, not so much the results, or actually, the results are reflected by the instruments.

The Hon. J.D. HILL: The advice I have is that NATA is an independent body, as the member knows, which accredits the work done by the Australian Water Quality Centre which gives the health department assurance that the systems are working well. I think the track record would demonstrate that that has been the case. We have pretty clean water here, and there have been relatively few occasions when there have been big problems. I think it has actually been working. It is independently accredited and there is confidence in SA Health that it is working well.

Clause passed.

Clauses 29 to 35 passed.

Clause 36.

Dr McFETRIDGE: I spoke about this clause briefly, and it is a concern for a number of my colleagues. This is a requirement in this bill, and I also understand that it is in the EPA Act and the Food Act. Clause 36(1)(c) states:

> require any person to answer any question that may be relevant to the administration or enforcement of this Act.

Subclause (7) states:

> It is not an excuse for a person to refuse or fail to furnish information under this section on the ground that to do so might tend to incriminate the person or make the person liable to a penalty.

I know that a number of people have expressed concern to me that this is, in their opinion, a draconian requirement. I understand that, in cases of public health, you need to take immediate action, you need to make sure that the information is as accurate as you can possibly get, and you may need people to answer questions. However, the concern for some of my colleagues is that these people who are being questioned—while my reading of the bill is that they are not incriminating themselves—want to be sure that this is not, in their words, a draconian piece of legislation removing the right of silence, which I am not sure we have in Australia.

The Hon. J.D. HILL: I think the member understands what it is about and I am happy to put on the record the government's explanation. As he mentioned, this is a provision which already exists in relation to the Food Act, environmental acts and so on. There is always a balancing act between civil rights of an individual versus the broader rights of the community to be protected, and how you balance those two things is really what the democracy of Australia and other European-style civilisations is about. We have a strong framework of law, parliamentary democracy, media and so on, so that it really is rare when there are significant ongoing abuses of power. Whatever the fevered bloggers on websites might think, we actually do these things pretty well.

Officers of departments of health and environment need the power to get information quickly when lives or the health of individuals are threatened. For example, if an officer saw something coming out of a water supply that was foaming and looked poisonous—knowing that it was going into the water supply of a township and knowing who was responsible for it—that person ought to say what it is. They may have put something in there inadvertently, they may have put something in there deliberately but without any malicious intent, or they may have put something in there maliciously. If somebody had put a chemical into the water supply thinking it was going to clean it, and they put twice as much in or three times as much in, and it was causing it to be poisonous, you would want that information to be known so that some remedial action could happen.

There is another provision in here which says that, while they are obliged to do that, that fact can be used in a subsequent legal case, but it cannot be used to incriminate the person who gave that fact, as I understand it. I hope I am getting nods from those who advise us. I have a further bit of information here which I will go to in a minute. I have one example which the member might care to check. The provision of information, I am advised, can be crucial. In the case of Walkerton in Canada, the failure to disclose information in that case caused an additional 300 to 400 illnesses in the community. So, there are some practical reasons why this information is required.

Again, in relation to privilege and self-incrimination, that is obviously there to protect a person against the use of illegal processes to extract from a person an admission of guilt. The privilege is ousted by clause 36(7) and also later in the bill in clause 41(3). Clause 36(7) says that it is not an excuse for a person to refuse or fail to furnish information under this section on the ground that to do so might tend to incriminate the person or make the person liable to a penalty.

So, although clause 36 authorises a situation in which a person will potentially incriminate himself or herself, clause 36(8), as I think I have already mentioned, affords a measure of protection so that person can qualify the use to which the information can be put, namely (and I paraphrase), (a) where the person is required to produce a document—the fact of production of the documents, as distinct from the contents of a document—or (b) in any other case—any answer given in compliance with the requirement of this section—and it is not admissible in evidence against the person for an offence or for the imposition of a penalty other than in proceedings for providing false and misleading information. I think that is a really complicated and important way to balance the rights of the community to be protected against the rights of the individual to the right to silence, I suppose.

The contents of the documents or information are not included in that qualifying provision so they are not privileged or protected in any way under subclause (8). This formulation is not new. It exists in several instances in the statute book—and there is one here the member for Morphett will really like—namely, in the Environment Protection Act in section 91, the Veterinary Practice Act 2003 in section 71, and the Rail Safety Act 2007 in sections 116 and 122(5). In relation to documents, it reflects the fact that the privilege would normally operate to allow a person to resist production of a document but would not operate to prevent proof of facts disclosed in the document. It also represents a need to strike a balance, as I have said, between the protection of the health and safety of the public on the one hand and the rights of the individual on the other.

So I understand that these kinds of issues excite people but I think it is really about getting the right balance, and I think we have attempted, as best we can, to do that.

Dr McFETRIDGE: Thank you, minister, and I understand and appreciate that. One day, if I get the chance to be minister, I would like that power, quite honestly. I would like to think that my colleagues will read this and agree, but I cannot guarantee that.

Clause passed.

Clauses 37 to 44 passed.

Clause 45.

Dr McFETRIDGE: This relates to disclosure of certain confidential information. A person who has, in connection with the administration or execution of this act, obtained information in relation to manufacturing secrets, commercial secrets or working processes must not disclose that information unless a disclosure is made, and there is a series of things there. I see the penalty is $50,000 but, if I was investigating an illness that was suspected to come from the Coke or Red Bull factory, I think $50,000 is quite a small penalty. I make that point. Are the manufacturing

processes, say, for Coca-Cola, Red Bull or other secrets, given extra protection; or is this just a one-size-fits-all for commercial secrets?

The Hon. J.D. HILL: It is a maximum penalty, and I guess any court would determine what percentage of that penalty would apply in a particular set of circumstances. So, if a lot of people were being threatened and somebody maintained a secret, it would not matter how big the entity was that they were trying to protect: the penalty would tend to be larger depending on the outcome for people, not on the size of the corporation or body that is attempted to be protected. That is the advice I have. It is really a maximum penalty and in the circumstances it would be determined by a judge. It is not to do with the scope of the operation: it is about the effect of protecting that organisation in a set of circumstances.

Dr McFETRIDGE: I think that the recipes for Coke and Red Bull are probably worth more than $50,000. There is no gaol time; you pay the money and you start producing the clones.

Clause passed.

Clauses 46 to 49 passed.

Clause 50.

Dr McFETRIDGE: Clause 50—Agreement and consultation with local government sector, subclause (1) provides, 'The minister must take reasonable steps to consult with the LGA from time to time.' Minister, is there a time period or is it just if there are issues raised by either yourself or the LGA?

The Hon. J.D. HILL: The advice I have is that this is to allow us to establish an MOU with the LGA, as we have in relation to the food act. As it happens, I do not think I have a regular, that is, pre-determined, cycle of meetings with the LGA but I do, as a matter of course, meet with them on occasions. I think that is really all I can say. Clause 50(2) provides:

> If the minister and the LGA enter into an agreement with respect to the exercise of functions under this act by councils, then the minister must prepare a report on the matter and cause copies of the report to be laid before both houses of parliament.

So, I guess the 'from time to time' indicates that it should be when it is required, rather than an artificial sort of sequencing. I think that is right.

Clause passed.

Clauses 51 to 52 passed.

Clause 53.

Dr McFETRIDGE: When will the draft regulations be available for us to have a look at? The draft risk management plans that are covered by those regulations—and I am drawing a bit of a long bow here, I should have mentioned this earlier—for small rainwater supplies state, on page 11 of 14:

> Where there is mains water back-up to rainwater outlets, ensure cross-connections are controlled and comply with plumbing standards (AS/NZS 3500).

And with bore water:

> Where there is mains water back-up to bore water outlets, ensure cross-connections are controlled and comply with plumbing standards...

I might be wrong, and that is why I am asking the question: are household rainwater tanks able to be plumbed in in a similar sort of fashion to the bores and rainwater as in these risk management plans? That is in the metropolitan area and other places where there is reticulated SA Water supplies.

The Hon. J.D. HILL: Yes, it can be done, as I understand it, and there are mandatory rainwater tank provisions. As you would know, all new houses in South Australia, other than those that get an exemption because they are part of a bigger scheme, have to have rainwater tanks plumbed into the house, and there are guidelines which are provided, so, yes, that can occur.

There was another part to the question: when were the regulations going to be available? The normal process is that the draft regulations will be available after the legislation is through and we know what form it is in, because it is subject to debate, as you say, and the democracy which is known as the Legislative Council, and then we will know what regulations we need to make.

Dr McFETRIDGE: Those are all the questions I have. I thank the minister and Dr Cunliffe for his help on this matter. It has hopefully been clearly explained to this house and hopefully understood by those who read it in the other place.

The Hon. J.D. HILL: I thank the member for his support and his assistance in the passage of this legislation. I think it is a good bit of legislation. A number of other states have done similar things and I think it is sensible to put together in one place legislation relating to safe drinking water.

This is an issue which is of great interest to South Australians. I remember when I first came to this state in 1974 and ran a bath in a house I was living in at Hackney. I was kind of astonished by the dark brown quality of the water that was coming into the system. We have really improved a lot in the last 36 or so years.

Of course, we are seeing more suppliers of drinking water come into the market. As price signals change, more and more suppliers will want to come in and compete with SA Water. It is important that we have a structure in place so we can make sure all of those are bound by the same sorts of duties and responsibilities that SA Water and the other bigger suppliers have. I thank Dr Cunliffe and others from SA Health for their support and commend the bill to the house.

Clause passed.

Schedule and title passed.

Bill reported without amendment.

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) (16:17): I move:

That this bill be now read a third time.

Bill read a third time and passed.

TRAINING AND SKILLS DEVELOPMENT (MISCELLANEOUS) AMENDMENT BILL

Consideration in committee of the Legislative Council's amendments.

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

That the Legislative Council's amendments be agreed to.

Mr PISONI: These were amendments that were put to the house on behalf of the Liberal Party by the Hon. Mr Lucas and supported by both Family First and the Greens. The amendments themselves were tightening up the actual definition for the purpose of the act and addressing the problem of the examples where providers have not done the right thing, such as the APIC situation. They would no doubt assist the regulators to do their job more effectively. It has been provided by the parliamentary counsel and is based on the national precedent under the Education Services for Overseas Students Act.

It is only right that training providers are going to have to adhere to a definition of what a fit and proper person is and that they have a guideline to work from. It should not be a secret formula or a formula that is made up as it goes along. This was brought to the attention of the opposition after the initial amendments to the bill went between the houses. It was brought to the attention of the ACPET, which is a representative group representing about 100 private RTOs here in South Australia. We support the amendments.

Motion carried.

EVIDENCE (IDENTIFICATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 March 2011.)

Ms SANDERSON (Adelaide) (16:21): Although I will not be lead speaker on this bill—

Ms CHAPMAN: Point of order, Madam Deputy Speaker. It might assist if I raise a point of order which you might overrule but I think my colleague the member for Adelaide is going to indicate to you that she will not be the lead speaker on this bill, but she does wish to speak on it.

The DEPUTY SPEAKER: Absolutely. There is no point of order. She can definitely go ahead with that. Carry on, member for Adelaide.

Ms SANDERSON: I wish to speak on this bill, in part because of my experience in the acting and modelling industry, working a lot with photos and video footage and recognising the difference between that and seeing the person in real life. While I have never been in a line-up or seen one in person, there are a few things that I am interested in to see how they work at the moment.

For example, in the notes here it says that it can take up to 60 hours and 10 staff to organise the seven people, yet I know in the industry that I am in that we have a big database of people. We work with a lot of government departments that often require 20 or 30 people within three hours and we manage, as a small business, to pull that together. I realise that with criminals it may not be so easy, but certainly there would be ways of having a good database. I believe it is FileMaker Pro that has a database where you can pull up photos based on categories. So you could say, 'Males, dark hair, Caucasian' and get a full listing very quickly with photo references. I am looking into whether you could have video footage on there.

In the industry I have worked in for a long time, generally you go from photos first—so, you might have a series of photos—however, for anything important like a television commercial or something worth a significant amount of money, they will always request to see the person in real life because from a photo you cannot pick up mannerisms or any inherent characteristics of that person because they can really only be seen in 3-D and in person. If it is too difficult to organise a line-up, voice video recordings and 3-D might be possible.

For overseas engagements we often have to take a series of photos—profile both sides, close-up face, hair off face, from behind—and you need that full series in order to identify a person. Even with models, a lot of clients from a photo cannot determine their age and, as most men would know and anyone who goes to nightclubs, it is pretty hard to determine somebody's age unless you have seen them in real life or spoken to them and had a chance to pick that up. I am just concerned that, if seeing a person in real life is not given more weight than judging them from a photo, that that would be inappropriate. I also just question the amount of time that you are saying and the amount of staff it takes to do it; if there would not be a better database or some system of doing that. So they were pretty well my main points.

Mr PEGLER (Mount Gambier) (16:25): I would just like to speak against this bill, from the aspect that I look at my photos that were taken about six months ago, with about three months in between each one, for my firearms licence and my driver's licence. As the member for Bragg said to me, I appear quite ugly in one and very ugly in the other. What I am basically saying is that I could not condone just having photos for a line-up. I think that you actually need the person in place so that there is no doubt about the identification of that person. With photos, the photo itself is not always a true image of what the person actually looks like in real life, so I speak against this bill.

The DEPUTY SPEAKER: Thank you, member for Mount Gambier, and I am sure we do not all share the views of the member for Bragg. Does anybody else wish to speak? Member for Bragg.

Ms CHAPMAN (Bragg) (16:26): Madam Deputy Speaker, I indicate that I will be speaking on the Evidence (Identification) Amendment Bill 2011 as lead speaker for the opposition. I indicate that, notwithstanding all the promises of great reform and revision in the new era—the Rau era—of attorneys-general, and despite his great speeches during the parliament's question time today about how he is the great man of consultation, this bill demonstrates how inaccurate that assertion is.

How disappointing it is for the opposition, in the embryonic months of his appointment to the position of Deputy Premier and Attorney-General, to see all those promises evaporate. For some nine years in this state we had the Atkinson era of law reform and administration. We had that famous era, under the Atkinson administration in the Rann government, of law reform and announcement by press release. I can hardly remember, in that time, occasions when I came into this parliament to deal with legislation for law reform that was of a non-criminal nature. Almost exclusively—

The Hon. M.J. Atkinson: Same-sex relationships.

Ms CHAPMAN: I'll come to those. We are dealing with de facto relationships in a moment. That is actually a bill before the house, so I have to be a bit careful about what I say on that, but I will give you some credit for it. We had significant reform, mostly on the expansion of penalties. Who could forget that amazing piece of legislation that was introduced within months of the Rann government being elected in May 2002, when we had, I think post the first Christmas period, the announcement by the Premier that we were going have 20-year imprisonment for people who lit a bushfire. Everyone remember that?

The Hon. M.J. Atkinson: Yes, very well; that was a good one.

Ms CHAPMAN: That was a magnificent early announcement which was to hunt down those who would light bushfires. The whole of the parliament and the whole of the public know how dangerous, destructive and lethal they are—that is, the bushfires—and the people who light them, either deliberately or recklessly, should attract the most serious penalty of 20 years' imprisonment. Of course, at that time we already had a law which gave you life imprisonment for arson. So, all of the—

The Hon. M.J. Atkinson interjecting:

The DEPUTY SPEAKER: Order! Excuse me, member for Bragg. Member for Croydon, we were very peaceful, indeed some might say somnolent, before you arrived. It is lovely to hear your contribution to this debate but, as I said yesterday, what you can now contribute is silence.

Ms CHAPMAN: Thank you, Madam Deputy Speaker. We had these grand announcements about law reform that was going to be tough on law and order, that was going to crack down on these criminals and we were going to lock these people up for 20 years' imprisonment when we already had a life sentence. Of course, the answer from the government was, 'Yes, but arson is different to bushfire lighting.' Arson requires that you have to have caused, I think, more than $30,000 in property damage to actually be convicted. There was a financial amount, it might have been $50,000—

The Hon. M.J. Atkinson: That was the old law.

Ms CHAPMAN: —or $30,000 under the old law, and under arson laws at the time that was a precondition for conviction. So you had to light the fire, it had to be done, obviously, with the intent of causing damage or threat to life, or recklessly done. I think there was at least at that time some criminal negligence provision—I may be wrong on that—and you had to actually cause property damage over a certain threshold.

The Hon. M.J. Atkinson: You knocked it out.

Ms CHAPMAN: Well, it may not have applied at that time was what I was referring to. So, that was a threshold. I am sure other members of the house, as have I, have witnessed lots of bushfires and/or read reports about them in our lifetime, and let me say that one of the things that is painfully obvious about them is that unless they are arrested and put out straightaway—

The Hon. M.J. Atkinson: Which sometimes they are.

Ms CHAPMAN: Sometimes they are. We have lightning strikes, we have people who deliberately light fires, and so on; but when they are by lightning strikes there is a reasonable chance that the CFS and others are alert to the fact that we are in for a bit of stormy weather and that under certain conditions there are likely to be multiple strikes which could start bushfires, so people are on alert. With someone who goes to deliberately start a fire, one of the practical problems is always being able to detect them.

We were advised by people of the CFS at the time that they have a number of people out on alert during bushfire season to keep a monitor on the usual suspects, if I can put them in that category. Sometimes they go out and knock on the door of someone who is known to be an arsonist and say, 'Look, sir, we are letting you know, we are coming into the bushfire season and we are watching you. We are concerned about your history, so we just want to remind you that we are keeping an eye on you.'

Sometimes it is a little less obvious. In our briefing we were advised that sometimes they hide in a wheelie bin and presumably look through a hole and check the household to see whether the person is leaving the house at any one time, follow them, keep them under surveillance, make sure that they keep away from matches and generally any conduct that would indicate that they are about to light a fire.

The Hon. J.R. RAU: On a point of order: I am as interested as I am sure the rest of the members are in taking a trip down memory lane on the subject of arson, which is in itself a fascinating topic. I know many of us on this side are very keen to have that topic explored in some detail, at some point, but we are actually not here about arson. We are here about whether we should be able to use photographs to assist police with getting witnesses to help them identify who are suspects in criminal cases.

The DEPUTY SPEAKER: So, are you asking, Attorney, that perhaps the member for Bragg come back to her particular—

The Hon. J.R. RAU: There is nothing in here about relevance, as the member for Elder keeps telling me, but there is certainly something here about substance of the matter, and this seems not to be within any conceivable definition of that.

The DEPUTY SPEAKER: It is true, member for Bragg, that the relevance of your discussion does not seem to be continually perceptible to me. Maybe that says more about me than about you—who can say. Perhaps if you could come back to the issue, and I believe we are talking about photo identification. Is that correct, Attorney?

The Hon. J.R. RAU: As I understand it, the debate is whether one is to have the option of using photographs to assist a witness in identifying a potential felon or whether one is required to have a line-up. I have to say it is to the great credit of the member for Adelaide, who was much more succinct in her remarks, that all of them were directed specifically to the matter in issue.

The DEPUTY SPEAKER: I am sure the member for Bragg will now rein herself in.

The Hon. M.J. Atkinson interjecting:

Ms CHAPMAN: One of the—

The DEPUTY SPEAKER: Excuse me member for Bragg, I'm really sorry. I might point out, generally to the house, member for Croydon, that one of the reasons the member for Bragg has been drawn away slightly from her subject is that one of us (not me) keeps interjecting, and she responds to those interjections. So, perhaps if the member for Croydon did not interject so much the member for Bragg would be able to carry on doing what she wants to do, which is, of course, just to talk about photo identification.

Ms CHAPMAN: Thank you, Madam Deputy Speaker. Of the 50 or so people that are currently identified for the purposes of keeping them under surveillance as people who might potentially light fires and be in breach of an offence, they keep a record of these people. As I say, they keep them under surveillance and, if a new person is put forward, presumably they will keep a photographic record of that person, for the purpose of ensuring that, if there are further suspects, they will follow those up, and thus minimise the opportunity for the person to light a fire in the first place.

That is one aspect of criminal law reform that was brought to the parliament not only to be tough on law and order or demonstrate the importance of that under the previous regime but also to save costs. This is another aspect that is important, and I think a core issue relating to this bill, and I will be referring to a number of aspects of that.

Under other legislation, we have also looked at the question of saving costs. Some, of course, do not seem to have any financial value. I am not quite sure, for example, how we ever got to the legislation that said that we could not eat dog or cat meat, but that was a piece of legislation that came before the house. Before I get into photographs of dogs or cats, I will come back to it in a moment. However, there is a cost component here.

The Hon. M.J. Atkinson interjecting:

Ms CHAPMAN: That was a magnificent piece of legislation, which was rushed into the parliament after an announcement by the Premier on a morning radio show that he needed to crack down on this and he was going to introduce a bill. When it was identified as to why this was necessary, he had actually heard that somebody in Victoria had raised the possibility that someone could eat dog meat in a restaurant—or it could have been cat meat; I am not sure—and that we needed to crack down on that. I am not sure about the cost of that.

The Hon. M.J. Atkinson interjecting:

The DEPUTY SPEAKER: Order! Member for Bragg, I would not respond to his interjections. Member for Croydon, we have spoken about this now three times in this place and I

am minded almost—because I have never done it before—just to warn you a little bit, like a 0.5 warning.

An honourable member interjecting:

The DEPUTY SPEAKER: Shall I give him a whole warning? No, seriously, we are nearly near one of those.

The Hon. J.R. RAU: Deputy Speaker, I am grateful for your intervention. I know that you have been concentrating very hard on what has been going on, but the member for Bragg is now traversing one of the most successful legislative reforms ever undertaken by the member for Croydon in his former role. Such a success it was that it has completely stamped out the practice of companion animals being consumed. It is interesting, and one day will be a testament to the innovative reform zeal that the member for Croydon has, and continues to have, but it does not assist us in relation to photographs of criminals being used instead of line-ups.

The DEPUTY SPEAKER: I think the Attorney-General has a very valid point of order, so I think we will move away from the dead possum consuming and back to photo ID.

Ms CHAPMAN: We could talk on the parks and wildlife act in relation to dead possums if you like, but I was actually on dogs and cats.

The DEPUTY SPEAKER: Okay, dogs, cats, possums—any furry creatures. We are not talking about them: we are talking about photo ID.

Ms CHAPMAN: People who are actually charged with or convicted of offences often have to be identified and that relates to all offences whether or not they eat cat meat or dog meat under that new legislation, or whether they breach any other offence in the Criminal Law Consolidation Act, the Summary Offences Act or the Road Traffic Act. From time to time, the identification of the alleged offender is in dispute and they need to be identified.

I will finish by saying that, under the previous regime, one of the important aspects that was considered in a number of those bills that were brought before the house was the question of cost, not just of the identification and apprehension of the alleged offender but also of the penalties and fines he or she would pay and the revenue that would be generated from that.

I will foreshadow, so that the Attorney-General knows, a number of questions about who is going to pay for each of the stages of this procedure that would come into practice if this bill were to pass. The Attorney-General is right that he has introduced a bill to remove the judicial system's current practice and preference for line-ups—that is, in-person identification of suspects in criminal investigations—over identification by photo boards, videos or the like.

The member for Adelaide has pointed out, in her experience, which has been very extensive in dealing directly with people, the importance of seeing someone in person to present a much better, clearer, more accurate opportunity to identify and presumably assess whether that person is going to be good for her modelling or acting purposes. She wants them in person, her clients want them in person and it is for good reason.

We have heard from the member for Mount Gambier, and I can say to the house that I have viewed the photographs on his driver's licence and his gun licence. It is a bit of a worry that he has a gun licence, but, in any event, he tells me that they were taken within a very short time of each other. I would have described one of them as handsome and the other one as very handsome, but I have to say to the house, having viewed them, that they look like two different people entirely. The lighting alone in the photographs and the colour of the complexion (which is lovely in both) is very different, and it would mean that I would hardly recognise the two as being the same person.

In any event, I digress. I even acknowledge that myself. The important thing here is that the bill that has been introduced says to the judiciary, 'You are no longer to have this preference for this mode of identification,' and the way that the bill does that essentially is to instruct the jury (or in this case to not instruct the jury) that photographs or video evidence being used for identification are less reliable than a line-up. The way it happens at the moment is that, if evidence is used on a photographic basis, the judge advises the jury and cautions them as to the weight and reliability of that relative to line-up evidence. That will no longer be the case. That is the way that that is going to be affected.

What is interesting is that the second reading explanation and, indeed, statements made by the Attorney-General at and around the time of the introduction of this bill, suggest that a key

feature of this reform is that it would potentially free up police time and resources, that these line-ups are quite expensive procedures and that, relative to a photograph model and the opportunity to use those, they are quicker, cheaper and just as good.

I understand from some of the information collated today for the opposition that participants in the line-ups are paid up to $50 each, and I assume on the face of it that that cost would be avoided—provided of course they already had photographs and, provided of course, there were not any costs incurred in paying somebody to correct the photograph or to touch up or air brush. I am not quite sure. The member for Adelaide is here and she can tell us what you would call it other than doctoring or corrupting a document—that is what I see it as—she may have a different form of wording for how you make the photograph look a bit different, and sometimes that can be for good reason.

I am told the sort of situation in which you might doctor a photograph is if you have 10 suspects in line-up, all who have been found to look about the same, and the alleged offender, the person who has been arrested, has a tattoo on his right cheek. So, to try and make the assessment fair and reliable from the point of view of evidence, the photographs might have the same cross or the same tattoo on the right cheek superimposed onto the photographs of the others. That is what I am told. I have never seen that happen but that is what I am told. It may be that there is a bit of air brushing happening to these photographs already, or additions added for, on the face of it very good reason, and that that practice is already being undertaken.

The government through the Attorney-General has told us that the reason that it is bringing in this bill specifically is to honour a 2010 election promise. That was this time last year. It is 24 March today and I think it was 18 March in the election before, and 20 March last year. So, within a few days, it is the 12th month of the government's re-election, and we have the introduction of this bill.

It is reasonable that if a government says that it is going to do something—that it is going to announce a new policy, especially I think at an election—that they honour that promise, that is not an issue. Alternatively the government comes before the parliament, which is a representative body of the people, and explains why it is not going to proceed with it. Sometimes there is a very valid reason for not proceeding with it, that is, they find that in the full flight of an election campaign, and what seems like a brilliant idea at the time, that it needs to be buried down the track because it is impractical, it is very expensive, or it is simply not going to be a very good idea any more, and they explain to the parliament why they are not going to proceed, and if it falls into a category that has some substance, then of course, reasonably, it would be withdrawn.

I could highlight some absolute pearlers that have been announced by the previous attorney-general as to promises that have been made and then the delivery has been a bit deficient. One of them, of course, ended up in the High Court, which was an absolute winner.

The Hon. M.J. Atkinson: It was wrongly decided.

Ms CHAPMAN: Wrongly decided by the High Court! What, was there one dissenting judgement?

The Hon. M.J. Atkinson interjecting:

Ms CHAPMAN: Well, of course, there was an opportunity in that instance—and, in fact, an invitation to the then attorney-general to bring the matter back before the parliament, in December 2009, so that we might remedy it, if that was remediable legislatively, and that we could tidy it up. But oh no, no, the former attorney wanted to take it up to the High Court and have a big fight.

The Hon. J.R. RAU: I rise on a point of order. Again, the almost classroom reunion atmosphere that is developing here between the member for Bragg and the member for Croydon is both touching and extending a warm glow around the chamber but it is not really advancing this particular matter too far. If I am apprehending what the honourable member is saying correctly when she is actually on topic, I guess we will get a lot more done when we are in committee than we will by labouring the second reading explanation further.

The DEPUTY SPEAKER: I think, from what I can gather, that the member for Bragg has—

Ms Chapman: Are you trying to gag me?

The DEPUTY SPEAKER: Sorry, are you making an accusation? Did you want to make a point of order? No. So, have you nearly finished speaking, member for Bragg?

Ms CHAPMAN: I want to put it on the record, Madam Deputy Speaker. It does concern me, on the allegation of relevance, that, in the course of arguing that—which is a legitimate aspect to argue—the minister looks to instruct me as to whether I give my contribution in my second reading contribution or whether I wait until we get into committee. I might do it in both, at the rate we are going.

The DEPUTY SPEAKER: No, there is no point of order. I was actually listening to what the Attorney-General said—

The Hon. J.R. Rau interjecting:

The DEPUTY SPEAKER: Excuse me, Attorney-General, I am still speaking. I do not think that anyone was trying to gag you. In fact, I cannot imagine anybody being that daring. I suspect that we are just trying to move back to the substance of the debate, and I was quite convinced that you had almost finished, member for Bragg, is that correct, because you did use the word 'finally' at some point?

Ms CHAPMAN: I am a long way from being finished, but the point I was making is that, in the second reading explanation of the Attorney-General, he made it clear to the parliament—in fact, I think it was about the opening sentence—that this was being presented to the parliament to fulfil a 2010 election promise that was ALP policy. It was on the website at the time and announced with great fanfare during the election campaign, I think by the Premier and former attorney-general. But, in any event, that is exactly what this is, according to the assessment.

We have had a look at the changes. I think, specifically, the election policy said that the proposed changes that they would introduce would allow the use of PowerPoint presentations or mobile data terminals located within vehicles to present images to victims and witnesses. This was a big election announcement, and I was pointing out that was a year ago.

The DEPUTY SPEAKER: Yes, I understood that.

Ms CHAPMAN: The reason it is very important is not that we expect, when election promises are made, the successful party will rush in in the first week of the parliament to introduce everything they said they were going to do. We accept that, even with the best will in the world, that would be impossible, and it would be very difficult for our parliamentary draftsmen to achieve. The other reason is this: sometimes they need time to realise that some of the promises they have made are stupid ideas, are not achievable or should be dumped. So we accept that 12 months' delay.

What is important is that, having announced this election policy, on 9 March this year they introduced a bill, telling the parliament, as the Attorney-General has done, that this is to fulfil an election promise. The next day, 10 March 2011, they advised the Law Society of South Australia of their bill and I think, presumably, forwarded a copy of the second reading speech to them for their consideration. Then, according to the Attorney-General's office itself, they advised that they were contacting other stakeholders for feedback by Wednesday 16 March 2011. On that day, in fact, at 9.30am at the briefing in the Attorney-General's office, the government advised the Hon. Stephen Wade and me that it would not be progressing the bill—and there were other bills as well—in this week's sitting.

None of this would be surprising to members that, even though it had taken them 12 months to bring this into the parliament and even though they had sent out material to the stakeholders (indeed, especially the stakeholders) to get advice on it, at the briefing they would say, 'Well, of course, we won't be advancing that because we have only just sent it out to the stakeholders and we need to get their advice back.' We agree with that, as we need to consult, bearing in mind that our first notice of this is on 9 March. Sure, we heard all of these grand promises from the government at the election, but whether they come to fruition is another matter. Did you have something that you wanted to interrupt with?

The DEPUTY SPEAKER: Thank you for predicting that. I think the Attorney-General has mentioned standing order 128, and that is in relation to relevance. I do not wish to offend anyone but I am in the chair at this point in time and I feel that we are now going over and over the same ground, and that it is not relevant to the legislation in question that we are discussing. I would like the member for Bragg to take that into account, please.

Ms CHAPMAN: I am up to 9 March 2011, which is—

The DEPUTY SPEAKER: Not that long ago.

Ms CHAPMAN: Indeed. The advice is given at that point that these bills will not be progressed because it is going out for consultation. Later that day, in fact still in the morning, the Attorney-General's office then advised that we would be progressing this bill, amongst others, this week. Apart from the Law Society, which had notice from Mr Wade's office and with which I had some informal discussions in the immediate time after 9 March, suffice to say that not only have we not had responses back from those who we wish to consult with and commence that process, we have not had, even with a further briefing offered this morning by the assistant commissioner on answering some questions as to the process that currently occurs with photographic line-ups and personal line-ups, that information back.

Yet, early this afternoon we heard the Attorney-General say, to paraphrase him and to give him in a positive light of himself, what a pillar of consultation he was. Indeed, he listed off to the parliament, I think, that he had 14 reviews that were current and one was coming to conclusion, on tattooing, I think—

The Hon. J.R. Rau: Graffiti.

Ms CHAPMAN: Graffiti; that's right—and that this was something that was a trademark and/or feature of his administration, that he was going to be a man of consultation, and this is why it was so important. I went through that list, and it is a very impressive list: fines, payments, the law profession, practitioners acts, the security industry trainers, cyber bullying, food donor protection, strata title—graffiti has been fixed; I heard that this morning—discount for early pleas, tattoos, propensity evidence, the list goes on.

[Sitting extended beyond 17:00 on motion of Hon J.R. Rau]

Ms CHAPMAN: Anything that is too hard, too controversial or left over from the last administration—I will add that one in—what do you do? I did not see 18+ classifications, did I? That is one that was left off. Are we going to have a review on that? Who knows. Anything that is too hard, too difficult or a bit too testy, what do you do? You shove it out to review. Cyber bullying is too hard. It might sound like a great idea at the time, so we will whack out this great new national first of an initiative to make it an offence, I think, to transmit a photograph or video, of a line-up or anywhere, for that matter, but if it indicates some bullying, some offence, some assault, some intimidation, some behaviour that is unacceptable, that you might cause offence or humiliation to the victim on the screen, there will be some new offence that you will introduce for that.

I might remind the Attorney-General that that shocking case here in South Australia of the boy who had been brutally assaulted in one of our high schools was not even referred to the police by the school or department of education. That transmission, apparently by another child, exposed the cover-up of what was going on with that incident and it got to the police and the relevant authorities for it to be dealt with.

In a rather curious twist, this is the very example he uses to justify making offences to try and stop them. It would otherwise be an aspirational and perhaps very good objective; that is, to protect people from the humiliation of unfair and, in fact, quite extensive transmission and publication of pictures that are offensive to them. In that instance, the very case he uses was a great asset in being able to expose what the parents ultimately insisted should happen, and that is that there be some action.

I do not understand that review, except that, it seems to me, it was a good idea at the time. It was like a light bulb in the Attorney's mind that this would be happening. He announced it and there seemed to be a tirade of response from the general public and others to say that this could incur a whole lot of problems. The way to deflect that is to say, 'Well, I am just putting it out for review.'

We will see whether that ever sees the light of day, but I simply make the point that, after again saying here in the parliament that he is the epitome of consultation, he asks us here on 24 March to deal with a piece of legislation that we have had mere days to get advice on. I do not know why attorneys-general, even former attorneys-general, think that the opposition can deal with a bill by simply whacking some covering letters with copies of bills out for consultation, getting back their written consideration, which they might do quite promptly, and then we will suddenly all be ready to be able to deal with the matter.

He has taken a year to even introduce the bill, let alone expect that there would be any consultation on it. He has even admitted that it has not been out for consultation, other—I will come to the police in a minute—that this was an idea born somewhere in the police department and that this has come on their strong advice. It may be good advice; I will come to that in a moment.

Apart from the police department, there is a professor, Neil Brewer, of Flinders University, who apparently thinks that this is a great idea because, in his view, photographic evidence is as good as people in person for identification purposes. On the basis of some work that he has done and publications on his view on that, it is as though this is the leading and only authority, that the academic world is all at one on this, that there is no controversy, no dissent, no diversity of view. We cannot even have time to deal with that. That is the second aspect of consultation.

The DEPUTY SPEAKER: Excuse me, member for Bragg. Point of order from the member for Torrens.

Mrs GERAGHTY: I have heard on a number of occasions the member for Bragg insinuate that they have not had enough time to look at the bill. We had confirmation from your whip's office that you were ready to deal with the bill. You cannot have it both ways. You guys get mixed messages going on between you and you do not know what you are doing amongst yourselves. We operate on the information that we are given. We were told you were ready to deal with the bill. The bill is here and we are dealing with the bill. You are obviously doing your best not to deal with it and to deal with something else.

The DEPUTY SPEAKER: Thank you, member for Torrens. I have just been passing my time reading the 23rd edition of Erskine May. It says that you can have a general discussion of the bill but that debate should not be extended to a general criticism of the administration, and you have definitely been wandering down that—

Ms Chapman interjecting:

The DEPUTY SPEAKER: No, you have been wandering down that path, according to me. Now it would appear—and I actually understood this—that you feel that you were not given time to prepare for this bill, but I now hear that you were ready to do the bill. Would you like that not to be the case?

Ms CHAPMAN: It was a rather curious objection.

The DEPUTY SPEAKER: No, I am not saying that at all. I think it was quite relevant because I would like to know whether you are genuinely prepared to do this or not.

Ms CHAPMAN: Madam Deputy Speaker, the Government Whip has announced to you that, firstly, the opposition (in particular, myself) are ready to debate the bill this afternoon. May I remind the house that it is the government that sets the agenda of the bills that are to be dealt with. Several things have happened on this bill. Firstly, as I have explained, late last week a list of bills to be discussed was published; the government set that. We do not actually have a choice. We can indicate if there is an aspect of concern to us. The offer of a briefing this morning by the Assistant Commissioner came in between this because there had been a request last week. This bill was actually first identified for listing yesterday for reasons of other important business of the house that did not happen. So for the whip to come in and say, 'Are you ready to proceed with this bill this afternoon?' after we have dealt with the Safe Drinking Water Bill—

The Hon. J.R. RAU: Madam Deputy Speaker—

Ms CHAPMAN: I am dealing with an objection, Madam Deputy Speaker.

The DEPUTY SPEAKER: At this point I have to say that the member for Bragg is responding to a point of order which was made and when she has finished responding, you can respond to her response.

Ms CHAPMAN: So the point of order has been made that I should not be able to identify areas of criticism, of lack of consultation, afforded by the progress of this bill through the house on the basis, as the Government Whip identified, that there had been an indication from the opposition of the preparedness to proceed with this bill this afternoon. We do not have a choice on that. Let's make that absolutely clear. What we do is that we are invited to say that, if we are going to jumble around the terms of the legislation for the week or if we want to add in one because the government has run out of government business, we get invited to make a comment on that. I have to say in fairness often that is acknowledged, respected and listened to, but this is a situation

where the bill has already been listed from last week (from Tuesday), it has been held over until today, and I want to complete by saying that I am perfectly at liberty to deal with it.

The DEPUTY SPEAKER: Order! I do not think there is an actual point of order because I cannot find one in the standing orders. I think there is perhaps a misunderstanding here. The whip advises, and I have no reason not to believe her, that she understood you were ready to do this. You are telling me that the timetable is one that is imposed upon you and that the choices are few. I understand that. The reality is that we are here and we will just have to carry on doing it as we were before. I noticed that earlier on the Attorney-General had indicated that he wished to say something on this particular point. If he still does, he may do so; if he does not, perhaps we could just carry on listening to the member for Bragg. But it would appear that the Attorney has something to say.

The Hon. J.R. RAU: I just wanted to say that it is, for me, a little regrettable that this tangent has been taken because it would be useful, I think, for the parliament to have a discussion about the actual substance of the bill. However, given that I understand the member to have been suggesting that there was not an agreement between the parties that this matter be dealt with today—and, therefore, some form of unfairness had been visited upon the opposition and perhaps the member herself in particular—I would just like to read from an email from a lady called Helen Dwyer who in the email is described as the assistant to Mr Pederick who is the Opposition Whip.

The DEPUTY SPEAKER: Attorney, could I just stop you there for one moment? Were they your final comments on this matter? Is this a response to the point of order taken by the member for Torrens?

The Hon. J.R. RAU: I am concerned that we are going off in some bizarre direction—

The DEPUTY SPEAKER: We are.

The Hon. J.R. RAU: But, having said that; I think it is important. If what the honourable member is putting to the parliament is that there was no agreement between the parties for this matter to be debated this week or today, on the basis of the evidence I have in front of me, that is an inaccurate statement to the chamber, and should be dealt with accordingly.

The DEPUTY SPEAKER: Attorney-General, I am interested here in procedural matters, and the member for Torrens has made a point of order; I do not agree with that point of order. The member for Bragg responded to the point of order and, as far as I am concerned, there it rests. The reality is that, if you now speak, you close this debate, and I think that the member for Bragg was just finishing.

Ms Chapman: Just starting.

The DEPUTY SPEAKER: I see. Now, I must say, before you do begin again, member for Bragg, I do agree with the suggestion of the Attorney that we get back to the general point of this debate. It has been floating off in other directions. Perhaps we could return to the point? I think that would benefit the parliament, member for Bragg.

Ms CHAPMAN: Thank you for your advice on that, Madam Deputy Speaker. May I say that I do not anticipate that I will be speaking for 7½ hours, which I did on the affordability bill, but let me say that, even though that bill was pushed through the parliament by the then government (the Rann government but slightly differently constituted), I am here today as testament to the fact that what I said in that bill is still right, as it was then. In fact, it has proven what a hopeless piece of legislation it was. So, if it takes me 7½ or 10½ minutes or hours to debate a bill, I will put that on the record.

The DEPUTY SPEAKER: Member for Bragg, the issue here, as you well know, is not about the time. I am very well aware of how much time you are allowed, and that is indefinite. What I was asking you to respect was the nature of the legislation that we are discussing; that is all. If you wish to speak for 10½ hours, I am not going to stop you.

The Hon. J.R. Rau: As long as it is on the bill.

The DEPUTY SPEAKER: Yes, as long as it is on the bill.

Ms CHAPMAN: So as I said, I am just starting, and I will start with the information that came to hand upon the public announcement of the government—that is, apart from the election last year—of what it proposed to do in introducing this bill.

On 10 March 2011, which is the day after the bill was introduced, Lindy Powell QC was interviewed by ABC journalist Mr Ian Henschke. She may have done other interviews, but in this instance she was asked about the government's proposal which, for the purposes of what I am about to repeat, was described as the 'police line-up proposal'. That is essentially the same as in this bill—to identify suspects by photograph rather than in a police line-up.

Ms Powell is not only a Queen's Counsel but also experienced in criminal defence work (not specifically, but she has a broad area of experience), and when Mr Henschke asked about there being a police line-up, he described his own personal experience in some Costa Rican event which, for those who were listening at the time, was interesting, but I will not bore the house with it today. He identified that. He then went on to ask to Ms Powell about what she thought was the best way to identify a suspect and whether that should be through the traditional line-up. She said:

Yes, I do. I think looking at a real person in three dimensions is always preferable to looking at a photograph.

Mr Henschke asked why. She responded:

It makes the identification more reliable. I think that people looking at photos are more likely to look for someone who looks like the person they're trying to identify than actually look for the person whom they're seeking to identify.

Mr Henschke asked, 'Why do you think the government is changing this view then?' She responded:

I think the reason that they might be changing the view is just for efficiency and ease of investigative purposes.

Mr Henschke said:

Well, John Rau—

he was referring to the Attorney-General—

says that it would free up police resources and remove red tape. Do you think that is a good enough reason?

She responded:

I don't think it really is. The courts have recognised over decades that an identification in person by way of the line-up process is usually more reliable than the photo board because there's the temptation of a person looking at a photo board of 12 photos to simply look for the person who looks like the person they're trying to identify rather than actually being capable of saying 'That is the person'.

Mr Henschke said, 'It has been done before, though.' She responded:

It's always done where a suspect exercises their right to refuse to go into a line-up, then of course the police are obliged to resort to a photo board identification. It's also being done, for example, in the war crimes, where witnesses were looking at photographs from many years ago. I think there's also a difference, Ian, between recognition and identification. Where you're simply looking for someone you know then you are likely to be able to do that out of photographs—different when you're trying to identify a stranger whom you might only have seen for a split second.

Mr Henschke asked:

Well, that's an interesting point, because one of the reasons that John Rau says that he'd like to move to this is because 'suspects can often, and they do, sabotage the identification process by a number of methods, including changing their appearance'. Have you heard or seen that happen?

She responded:

No. I imagine it might happen, but I have not experienced that. I would have thought that if a suspect did that and there was evidence that they had looked different at the time of the alleged offending, it wouldn't look very good for them in court.

Mr Henschke asked:

But what about the case where someone has committed a crime and then they very quickly go and, for example, cut their hair or grow a moustache?

She responded:

Their next-door neighbour was called to say, 'As at 15 March 2011 he had blonde hair and was clean shaven and now I'm looking at him in the dock and he's dyed his hair and grown a moustache.' It could look a bit like you've had something to hide, couldn't it?

Mr Henschke asked:

Well, why do you think this is being done? Is it possible that this is a budgetary measure, a cost-saving measure?

She responded:

I can't think of any other reason...to assemble a line-up of people who look like suspects…takes some time and effort…it'd be much quicker to put 12 photographs on a board. There's another problem with photos. If police use photos which they have in their possession of the suspect, it will always be a danger that the jury will have a lingering doubt. 'Where did the police get the photographs from?' There might be an inference drawn by the jurors: 'Oh, he must have had a criminal history, because the police have a photograph of him.' That's another problem which has been associated with photo boards which the line-ups get rid of.

Mr Henschke then observed:

You were saying earlier, Lindy Powell, that a suspect can refuse to take part in a line-up and then it would go to photographic identification means, so surely if that's already happening at the moment it wouldn't be a great change.

She responded:

No...a lot of people refuse to participate in line-ups...they might do so for a whole range of reasons...they might consider that whoever has identified them might have been contaminated already. There'd be lots of reasons why they might do that...I'm not suggesting that a photo board identification is not an acceptable way of identification, obviously the courts accept them time and again, but I still maintain that a line-up is the best way.

Mr Henschke thanked Ms Powell and indicated that he was going to try to talk to Professor Neil Brewer, who was the academic expert referred to the day before in this parliament, when the Attorney-General introduced the bill, on the premise that personal line-ups are no longer to be viewed as inferior in their reliability to photographic identifications.

There were other issues raised in the media at that time, including by Mr George Mancini, who I think is fairly well known for his passionate protection of civil liberties and any laws or regulations that might transgress those. He is pretty ready to be out there like a shot to put the case as to why that proposed legislation or regulation should not be imposed and/or introduced.

I see that a very valuable contribution was made by the Hon. Stephen Wade, the opposition's shadow attorney-general and spokesperson on these issues. I noted that it was a very good contribution by him when I listened to it and re-read his transcript. It was succinct, straight to the point and deadly in its response. I am disappointed to note the Attorney-General has not taken a scrap of notice of it, because he is pressing ahead with this bill. Nevertheless, it was a magnificent contribution, which I am sure will be enhanced if and when this bill ever gets to the other house.

Of course, it may be that, as a result of my speaking on the bill, the Attorney might be persuaded to withdraw it or put it out for consultation, as he has done with all the other things he has put out for consultation and review. It might be wishful thinking, but one is ever hopeful that reason will prevail and a good approach to this—

Mr Gardner: To enhance his consulting credentials.

Ms CHAPMAN: To enhance those consulting credentials, as the member for Morialta points out.

The Hon. J.R. Rau: I feel a bit of enhancement coming on.

Ms CHAPMAN: Good. We might just ensure that you have plenty of time to do it. Lindy Powell QC raises a number of things, but what is very interesting is that there is no indication in here that she has had any advice of this, unless of course she listened attentively during the election campaign to what the government was announcing. She might have been reading with interest ideas about propensity evidence and following through on photographic line-ups, and any other ideas—some of them a bit hair-brained but, nevertheless, ideas that the government threw out at the time of the election campaign.

If she had been following that very carefully, she might have been alert to the fact that this was an idea that they were proposing. She might have been alerted if there had been a judgement in the Supreme Court in South Australia where the court, or particularly the Chief Justice, had either made a determination or overturned another judgement. She might have been alerted if the Chief Justice had made the observation that it is time that we drew the line in the sand and that we listened to the brilliant orations and read the in-depth academic contributions of Professor Brewer, and that he would suggest that that is commensurate with the body of world thought on this issue at the time, and to put it in a judgement. She might have been alerted by that.

If she or any other senior counsel had thought that this might be a good idea in the interesting and informative debates that they have at the South Australian Bar Association meetings, or any of the further education programs which are very good and which are offered by the Bar Association to provide further education for counsel in South Australia, particularly members of the association, she might have picked up there that this would be a good idea and she might be alert to the opportunity for it to be introduced, and if she had put her mind to any of those sources, she might have done one of a number of things.

She might have reported it to her own association, she might have written a letter to the attorney-general—either the former one or the new one—and say, 'I think that's a brilliant idea.' With the opportunity of this great body of academic weight that has come in via Prof. Brewer, this is something you should jump onto Mr Attorney, and this is something that needs to be implemented for the course of justice in South Australia and, of course, for the economic balancing of the finances and resources of the police department.

She may have made a public statement. She may have urged the chair of the Bar Association or The Law Society or The Law Council to make a statement to the effect that it is time that we got onto this, it is a great idea and we need to do something. But she called up the day after the Attorney-General made this announcement—cold case—and was asked her opinion about whether this was a good idea, even why, possibly, it has been raised, and she told South Australians a number of things—and I am sure that the Attorney-General either listened to or read what she had to say.

She said we already use photographs and there are certain circumstances where that is appropriate. She said that the traditional line-up is preferred, and for good reason, and she further made the point that the court has maintained that view.

The Attorney-General can say, well, for any other reason I am going to change that law. I am going to say to the judges, end of the line, I am on the right side here, I am the one who is going to be innovative and I am going to impose this on you by ensuring that you no longer give this direction to the juries. You are entitled to do that, but do not expect that people are going to run around to endorse this, whether they are counsel or the judiciary, or anyone else who might have an interest in this matter, especially organisations such as the Bar Association or The Law Society or The Law Council, when nothing has happened to justify it.

If a case had been presented as a reason why we needed to change the law on this, that is, there had been some event that had meant there had been some dreadful circumstance of someone failing to have received justice in this state—and sometimes that has happened. The Attorney-General knows, even under the previous regime, that the government has brought in legislation here for us to remedy something that had come to light by a certain lot of circumstances in a case that had come before the courts. Unintended by the legislators at the time, an injustice had been inflicted on a person or persons and we have needed to remedy it here in the legislature.

But where is that? Where is there a case that has happened here in South Australia that needs either the government to announce there is some need to remedy at the election campaign (and there are other instances where they have offered that in the past) or, indeed, to come in here to the parliament? There is nothing. I do not know of anything.

We have only had a week to go out there and find some of these things and see whether there might be something interstate. It is just like the dog and cat eating bill. The Premier might have picked up some caller to a radio station in Victoria and say, 'Aha, I hear that in Victoria some poor lady is worried she might go into a restaurant and eat dog or cat meat, so we will make sure that does not happen.' We have not even had an opportunity to check whether that has happened.

Members may remember—but may have their memories refreshed on this; and for the benefit of new members—that the Premier acknowledged at the time that there had never been any cases that he knew of in South Australia, or any complaint, threat of it, attempt to do it, attempt to eat it, or even the idea of it happening.

What was so peculiar at that time, was that, apart from it jumping out of the radio waves from Victoria that a lady suspected that might happen, we already had a law here that said you cannot sell it, serve it in a restaurant or kill it for the purpose of eating it, so he wanted to introduce a new law about eating it. We have not been able to check in this area whether, in fact, there are instances of events, or conduct of others or judges, that would alert us to the need to deal with this and to ensure that no longer would there be some act of injustice or potential injustice that should be remedied to make sure that does not happen again.

Not least, the Attorney-General has only been able to produce in support of his bringing of the case the High Court determination in Alexander's case (1981) 145 CLR 395 where he quotes Justice Gibbs at the time in relation to that legislation (which actually goes against the merits of this bill), who said:

> The safest and most satisfactory way of ensuring that a witness makes an accurate identification is by arranging for the witness to pick out from a group the person whom he saw on the occasion relevant to the crime.

That is from the High Court. The best that the Attorney-General can come up with in his contribution is to say that identification by means of a parade or line-up was traditionally preferred over photographs but, in the case of Deering (1986) 43 SASR 252, Chief Justice King (who would be well known to the Attorney and, of course, was a very good chief justice and former attorney-general of this parliament) said:

> Where there is a clear and definite suspect or where an arrest has been made, the proper procedure to be followed is for the police to arrange an identification parade if the suspect or arrested person is prepared to participate in such a parade. If that procedure is not followed, it gives rise to a discretion in the trial judge to exclude the evidence of identification by other means and that discretion will be exercised having regard to all relevant factors including, of course, the public interest in ensuring that persons who have committed crimes are convicted and punished for those crimes. It may be necessary to present photographs to an alleged victim of a crime at a stage of the investigation at which no person has been arrested or for which there is no definite suspect in order to provide an opportunity for the victim to pick out the offender.

Notwithstanding Alexander's case, the Attorney-General then says that a Western Australian Court of Appeal in 2007, in Western Australia v Winmar, considered the available research and 'firmly rejected' any suggestion that the identification from a photo board, which is typically used in South Australia, was inherently inferior to identification from a line-up. The court observed:

> The court should not, as some past authority may tend to suggest, attempt to discourage the use of the digiboard—

that is the Western Australian term for a photo board—

> for identification, either by requiring trial judges to warn juries specifically about the dangers of that process as compared to an identification parade, or by requiring trial judges to suggest...that the process is inherently flawed, or by suggesting that trial judges should be readier, in the exercise of their discretion, to exclude digiboard identification than they might be to exclude evidence of identification by other means.

I suggest to the parliament that the assertion that this Court of Appeal decision, which does not override the High Court, but nevertheless is a significant body of law, can be used to dismiss that there is any difference between these two would be a false assertion.

What they are saying is that, it is a question of not so much the weight or reliability, but that in identifying that the photograph identification option is being used, the fact that it is less strong in its reliability does not mean that it is inherently unsafe or that it should be excluded. I think they are in there to fight for the fact to say, 'Look, photographic evidence can be a useful tool and it shouldn't be excluded from evidence.' I have not read the full decision because we have not had a lot of time to, but nevertheless I am happy to go back and have a look at it.

What I will say is that it is one thing to say that one is better than the other or more reliable than the other, it is another thing to say that just because the photographic model is less than the personal line-up does not mean that you can then say that it is so unreliable that it should not be used at all, it should be excluded. That is a different argument.

I am sure there would be circumstances where even if the personal line-up was available and it had not been used, it is still reasonable, under the current High Court authority, to give the warning that this is not the strongest way of doing it but that we can use this other evidence, or if the trial judge, on a different set of parameters, was to take the view that the standard or quality of the photographs, or the opportunity of being able to have a number of people of similar presentation, there might be a number of reasons why it would be dangerous to allow the photographic model identification process result to be used.

Not the least of which is that—and I think the member for Adelaide would understand this—you can have a photograph which is very unclear and which may be too old. It may be, as I say, that you do not have 12 people who are of a similar view, or you cannot find a chap who has red hair with freckles who looks like the member for Morialta, and then find 11 others who look a bit like him.

An honourable member interjecting:

Ms CHAPMAN: Very handsome, so that would be a rare treat. Nevertheless, there are good reasons sometimes why that would be rejected. It may be that a judge takes the view that even personal line-up evidence has been corrupted in some way and that too is excluded from the evidence. That is what we have judges for, amongst other things. When they are doing jury trials, they make sure that the jury gets what is fair in assessing all the rules. If they are dealing with it themselves to make the determination of guilt or innocence, they take into account, in their minds, the evidence that is reliable and admissible.

Sometimes, I could see situations where even the personal line-up for some reason goes wrong and it is quite clear on the face of it that the other people used in the line-up, for example, did not fit the appropriate criteria and protocols and the whole thing gets thrown out. So, there are plenty of situations one can imagine, where judges hearing the case themselves or giving advice to a jury on the question of guilt or innocence, would reject the evidence, no matter which one they used.

All the superior courts have done to date is to say, on this question of identification—and, of course, it is usually relevant to the accused for the purposes of ensuring a critical element for their conviction in criminal cases—if you are going to use identification evidence, then the line-up is the safest. The line-up is the most reliable.

I have to say that, having reread the Attorney-General's second reading contribution, I am still at a loss as to why, apart from the fact that he is obliged to follow up an election promise, this has been proceeded with. It is possible that the Sustainable Budget Commission has picked up on this idea. I did not see that in the leaked report of the Sustainable Budget Commission. I did not see them jump to this. I did not see it as one of the areas of reform that they suggested would be a budget saving.

Perhaps it was not a high priority. Perhaps they thought it was not going to save much money, which, of course, raises another question: if it is going to save police resources and money—and, of course, time is money when it comes to professional people such as the police—why didn't they pick it up? Why wasn't it there as a very good item of efficiency that merited this bill, such as it is, being brought to the parliament and dealt with? It is a very good question. I don't know, perhaps there is another leaked budget report. I have the one that was leaked and it is a very interesting read, actually. Anyway, there was no mention of this in it.

Yet, I suppose what is equally puzzling about that is that this idea, apparently, has been around for four or five years, according to the information that has been given at the briefings we have had to date. This is not a new idea, this is not something that the assistant police commissioner dreamt up in the two weeks before the election campaign of 2010, it has actually been around for a number of years.

One might think that, whether or not it had come to the attention of the current Sustainable Budget Commission, it is possible that they missed out on it. Well, had it been to the previous budget committee that former treasurer Foley had after the 2009 budget, when we had gone through the GFC and all this financial crisis and had to cut the budget?

He had another committee, you might remember, I just cannot remember the name of it, but the chair of it, in fact, left that committee and came onto the sustainable budget committee which then operated during 2009-10. She actually came there, but she and her previous committee may have considered it. I do not know but, in all that time, it had not actually come up in previous budgets. Perhaps the previous attorney-general, the previous cabinet or the previous police minister had received it and rejected it as a good idea. I do not know. Who would know? How do we know? What we do know is that suddenly it turned up in the election campaign of 2010.

You read through the Attorney-General's contribution and think, 'There is no case law here to justify this,' so let's move on to what might be a staggering revelation that we had not understood before that would justify bringing this to the attention of the house and seeking this alternative position.

That is when we come to the justification being supported by the research. This is what they often call in the scientific world 'the body of knowledge'. It is an interesting concept but it is one which usually is not born overnight, especially when things are a little controversial. In this instance, we have had this preference notice given to juries for a long time, and it is purportedly on the basis of a very good position.

Academics have considered this in lots of law reforms over the years, but it seems that the Attorney-General has been dazzled by the work of Professor Neil Brewer at Flinders University. The Attorney-General said:

> There has also been research, notably by Professor Neil Brewer at Flinders University, that highlights that traditional line ups are not as reliable as was commonly supposed.

I interpose to highlight the fact that he does not say it is not more reliable than photographic evidence; the Attorney-General said that it is not as reliable as was commonly supposed. So the Attorney-General is now asserting that Professor Brewer tells us that it is a bit suspect, notwithstanding the fact that—as I have already outlined and I will not repeat, as you would be pleased to know—any piece of evidence can always be challenged to admissibility if it has been corrupted or contaminated in some way. So it can be knocked out for good reason, and we have already been through that, and I will not highlight all the reasons for doing it but there are good reasons for it.

The Attorney-General went on to say on this profound piece of academic literature and learned reading that:

> It has been found that witnesses have a tendency to compare the appearance of each person in the line up to each other.

That is a stunning revelation. He continued:

> They adopt this strategy as part of a strategy to find the person who most closely resembles the culprit. The process of comparison means that a witness is likely to make an identification, although not necessarily the correct one. A further problem that arises is that the 'simultaneous' format (where the witness views everyone at once) associated with traditional line ups has been found to increase the risk of false identification. Professor Brewer and others have found that a sequential form of identification (where the witness views the images one at a time) produces a substantially reduced rate of wrong identification.

That is the contribution of the Attorney-General; that is not Professor Brewer saying this. This is what the Attorney-General summarises as the position of Professor Brewer in those assessments.

Again, I make the point that this is not a question of saying whether a personal line up is a superior format for reliability for identification on a photograph board. What this says is quite different. This says there can be circumstances where the line-up can be defective, and there may be good reason, on the basis of that, again to knock out that evidence.

I am told that what can occur, for example, is that perhaps the victim or the witness who is brought in for identification purposes makes the presumption in their mind that, when they are shown the people in the line-up, the alleged person is present and therefore one of them must be the guilty party.

As I understand from reading Professor Brewer's assessment and the example that I was given, they believe they have to pick someone from that line-up. They might go back and forth in the line-up thinking, 'Well, he has to be here, so I have to find somebody; one of these must be the person,' because they have had the seed planted in their mind that the guilty person must be there, even if they are not, and, in fact, could be quite remote from the line-up at the time.

I say to the Attorney-General that the important aspect is to recognise that, even if the summary of what the Attorney-General has told us about Professor Brewer's concept is correct—and I have no reason to suggest otherwise, although I have not had the chance to read all of Professor Brewer's publications because we have only had this for a week, but, nevertheless, possibly during the adjournment of this debate, I will be able to get to them, not to mention all the other academics we will have to look at—unfortunately, the Attorney-General has not mentioned anyone else and, quite obviously, as I am sure will be obvious to everyone, he is not the only one out there. There is a body of knowledge out there that is as fat as you can imagine and I am sure, when I get to the website, there will be another tranche of ideas about this issue.

Nevertheless, I do not take issue with the summary of information that the Attorney-General has presented of Professor Neil Brewer's concept of looking at whether, in fact, there can be corruption of personal line-ups. I am sure there are instances where it is quite valid to say, 'Look, these aren't foolproof,' and that is why judges have the opportunity to reject that, even though it might be a format that is used for identification purposes that is usually more reliable than others.

The Attorney-General asserts that, in the case of Alexander (which was the decision of the High Court in 1981), that decision was made when black and white photographs were still routinely

used. Photographic identification has become more sophisticated and effective in replicating real life. Although photographic identification is not without its difficulties, it is now arguable that photographic evidence is as reliable, if not more so, than identification for a line-up.

Now, that is an assertion that we simply do not accept, for a number of reasons. It may be that photographic and digital enhancing and everything else is much more sophisticated. It may be that you can get a clearer and cleaner image, but I in no way accept that that makes it arguable that photographic evidence is as reliable. It is a quantum leap for that to be asserted.

I will go into the aspects of what the police, as I understand it, propose to do to avoid this issue of having a line-up; that is, it will be comparable, in some ways, to having 12 photographs all on the one page, so that, rather than flicking over the 12 photographs, you actually see all 12 at once. I understand what currently happens with a line-up is you can look back and forth. You do not just have one person move along—front, side, side and then move on—they are all there together, and that there is going to be a new process offered by the police for photographs. I seek leave to conclude my remarks.

Leave granted; debated adjourned.

ATTORNEY-GENERAL'S REMARKS

Mr PEDERICK (Hammond) (17:55): I seek leave to make a personal explanation.

Leave granted.

Mr PEDERICK: Thank you, Madam Speaker. In the course of this debate the Attorney-General sought to mention my office—and I am in charge of my office, so I do believe it qualifies as a personal explanation—and mentioned my staffer, Helen Dwyer. I myself will take all the hits in this house that I need to. It is a place of robust debate, but I think it is unfair to bring staffers' names into the debate.

It was about the substance of whether we were ready to debate bills or not in this place. The simple fact is, as a matter of courtesy in the correspondence it was indicated that we were in a state of readiness to debate the bill today, but that is a matter of courtesy, because very rarely if you ask for debate to be postponed, does it happen.

What I will indicate is that verbally it was indicated by my staffer to the government that we were not ready to debate bills and the simple fact is that three of these bills—the Evidence (Identification) Amendment Bill, the Electronic Transactions (Miscellaneous) Amendment Bill and the Controlled Substances (Offences Relating to Instructions) Amendment Bill—were all only introduced in the last sitting week, and it gives us very little time to prepare. I will say in my personal explanation that if the government wants to stoop to this level of bringing my office and my staffers into disrepute we will be very circumspect in our correspondence.

CONTROLLED SUBSTANCES (SIMPLE CANNABIS OFFENCES) AMENDMENT BILL

Received from the Legislative Council and read a first time.

CHILDREN'S PROTECTION (REPORTING OF SUSPECTED CRIMINAL OFFENCE) AMENDMENT BILL

Received from the Legislative Council and read a first time.

TERRORISM (SURFACE TRANSPORT SECURITY) BILL

The Legislative Council agreed to the bill without any amendment.

SUMMARY OFFENCES (PRESCRIBED MOTOR VEHICLES) AMENDMENT BILL

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

No. 1. Clause 5, page 3, after line 8 [clause 5, inserted section 55]—

After subsection (3) insert:

(3a) It is a defence to a charge of an offence against subsection (2) to prove that—

(a) the vehicle was not driven or left standing on the road by the defendant; and

(b) the defendant did not consent to the vehicle being driven, or left standing, in contravention of this section; and

(c) the defendant had taken reasonable steps to ensure that any person lawfully entitled to use the vehicle was aware that the defendant did not consent to the vehicle being driven, or left standing, in contravention of this section.

No. 2. Clause 5, page 3, lines 13 to 35 [clause 5, inserted section 55(5), (6) and (7)]—

Delete inserted subsections (5), (6) and (7) and substitute:

(5) If a person has been charged with an offence against this section relating to a motor vehicle, a police officer may seize and retain the motor vehicle until proceedings relating to the offence are finalised.

(6) Subject to this section, if a person is convicted by a court of an offence against this section, the court must, on the application of the prosecution, order that the motor vehicle the subject of the offence is forfeited to the Crown.

(6a) A motor vehicle forfeited to the Crown under subsection (6) may be dealt with in accordance with section 20 of the Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007 as if it had been forfeited by order of a court under that Act.

(6b) Notice of an application for an order under subsection (6) relating to a motor vehicle must be given to—

(a) if the prosecution is aware of any person (other than the defendant) who claims ownership of the motor vehicle—that person; and

(b) if the prosecution is aware that any other person is likely to suffer financial or physical hardship as a result of the making of an order under subsection (6)—that person; and

(c) each holder of a registered security interest in respect of the motor vehicle under the Goods Securities Act 1986.

(6c) A court hearing an application for an order under subsection (6) relating to a motor vehicle—

(a) must, if a person given notice of the application under subsection (6b) so requests, hear representations from the person in relation to the application; and

(b) may, at the request of any other person who is likely to be affected by the making of the order, hear representations from that person in relation to the application.

(6d) A court making an order under subsection (6) may make any consequential or ancillary order or direction that it considers necessary or expedient in the circumstances of the case.

(6e) A court may decline to make an order for forfeiture under subsection (6) if satisfied that—

(a) the making of the order would cause severe financial or physical hardship to a person; or

(b) the offence occurred without the knowledge or consent of any person who was an owner of the motor vehicle at the time of the offence; or

(c) the making of the order would significantly prejudice the rights of a credit provider; or

(d) the motor vehicle the subject of the application has, since the date of the offence, been sold to a genuine purchaser or otherwise disposed of to a person who did not, at the time of the sale or disposal, know or have reason to suspect that the motor vehicle might be the subject of proceedings under this section.

(6f) If—

(a) a court declines to make an order for forfeiture under subsection (6); and

(b) the court is satisfied that it would be reasonably practicable for the convicted person to instead perform community service,

the court must order the convicted person to perform not more than 240 hours of community service.

(6g) An order to perform community service under subsection (6f) must be dealt with and enforced as if it were a sentence of community service (and in any enforcement

proceedings the court may exercise any power that it could exercise in relation to a sentence of community service).

No. 3. Clause 5, page 4, lines 1 to 3 [clause 5, inserted section 55(8)(c)]—

Delete paragraph (c)

At 18:00 the house adjourned until Tuesday 5 April 2011 at 11:00.