HOUSE OF ASSEMBLY

Tuesday 3 May 2011

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

The SPEAKER: I respectfully acknowledge the traditional owners of this land upon which this parliament is assembled and the custodians of the sacred lands of our state.

NATURAL RESOURCES COMMITTEE

The Hon. S.W. KEY (Ashford) (11:02): I move:

That the committee have leave to sit during the sitting of the house today.

Motion carried.

SUMMARY OFFENCES (PRESCRIBED MOTOR VEHICLES) AMENDMENT BILL

Consideration in committee of the Legislative Council's amendments.

The Hon. J.R. RAU: I move:

The Legislative Council's amendments be disagreed to.

This legislation has returned to us from the other place with a number of amendments, and I wish to say a few words about them. In so doing, I think it is probably useful to give an overview again of what this legislation is about and why the legislation has been introduced.

The legislation is directed towards things which are known, I gather, in the vernacular, as monkey bikes. Monkey bikes are a small replica of a motorcycle. They are illegal to bring into Australia by virtue of rules governed by the commonwealth. They are illegal to sell in South Australia and therefore they represent a residual pool of these vehicles which were imported and purchased prior to their importation and legal sale being brought to an end.

The legislation is directed towards a particular mischief, and that mischief is that these vehicles, these monkey bikes, which, I am reliably informed, are extremely noisy and have a habit of being driven by people who do not appear to be particularly responsible in the way they drive them, are the scourge of, in particular, the northern and southern suburbs of Adelaide. I can assure members that I have spoken to members who represent electorates in both the north and the southern suburbs and they have said to me that they get a lot of complaints about these vehicles being ridden in public parks, on footpaths and on roads.

They are not only a nuisance in terms of the noise, but also they represent a hazard because, even though they are, some might think, a toy, if you are unlucky enough to be hit by somebody gliding along on one of these vehicles you would be very lucky to escape serious injury. So, there are good reasons, both from a public nuisance viewpoint and from the risk of people being hit by these things and injured, bearing in mind they are not registered and are not registrable (and therefore most likely not insured and insurable either), for the only legitimate, legal place that one should be able to ride one of these things being on one's own property.

So, if you are lucky enough to have a large farm or a huge backyard, and you wanted to ride around it on one of these bikes, good luck to you—that is fine. Good luck to you. But this legislation is directed towards people who take these vehicles out of their private property and into the public domain and thereby irritate their neighbours and place other members of the public at risk of injury, without any of the sort of framework of registration, insurance, etc., that attaches to a registrable motor vehicle.

So, that is the context, and the context is quite important. I want to go through a brief discussion of the amendments that were introduced in the other place. The first one was to insert a new section (3a), and this amendment extends an additional defence to an owner of a prescribed motor vehicle prosecuted under section 55(2), that is, the offence attaching to the owner of the vehicle where that vehicle is driven or found standing on a road.

Owners of these vehicles—I say 'prescribed vehicle'; I am talking here of monkey bikes, so maybe I should say 'monkey bike'—owners of a monkey bike already enjoy a limited defence against a section 55(2) prosecution via section 55(4), which says that an owner will be exculpated from criminal liability where, in the consequence of some lawful act, that owner's prescribed motor

vehicle was not in their possession or control at the time that it was driven or left standing on the road.

The subsection 55(4) defence was designed to afford protection to owners where their potential criminal liability arose as a consequence of an unlawful act, but not in other circumstances. In other words, if there is a theft of your vehicle and then something happens to your vehicle, you should hardly be held accountable for that—quite reasonable. A distinction was deliberately drawn between unlawful acts (for example, a theft of your vehicle) and those involving persons otherwise lawfully entitled to use the vehicle.

Most relevantly, this meant that, in circumstances where a parent's child drove or left standing on a road their parent's vehicle, the parent would be liable to prosecution under new section 55(2). This reflected a policy intent that parents should take active measures to ensure that their motor vehicles are not ridden or left standing on public roads; in other words, take responsibility for your own vehicle.

The inclusion of the proposed new subsection (3a) undermines that objective. It introduces an element that merely requires the defendant owner (that is, the parent in my example) to prove that they took 'reasonable steps' to ensure that a person lawfully entitled to use the vehicle (for example, their child) was aware that the parent did not consent to the vehicle being driven or left standing on the road.

All you have to do is to say, 'George, don't ride my monkey bike. Don't leave it standing on a road,' and that's it; you are off the hook. Now, this is obviously not an onerous element to discharge, and it is difficult to envisage a prosecution of a parent under new section 55(2) actually succeeding. More likely SAPOL will decline to charge parents under new section 55(2) due to the limitations brought about under proposed new subsection (3a), which I have just referred to.

To make it very clear, the amendment that has been introduced means that the penalty attaching to the owner of the prescribed vehicle (the monkey bike) has been increased to such an extent that it is difficult to imagine where there will ever be a prosecution of a parent who has allowed one of these vehicles to fall into the hands of a child, or whoever, and who goes off and then uses the vehicle inappropriately. That is the first of the amendments.

The second relates to the deletion of new subsections (5), (6) and (7), and the introduction of proposed new subsections (5), (6), (6a) (6b), (6c), (6d), (6e), (6f), and (6g). These amendments substantially alter SAPOL's powers to seize monkey bikes and subsequently to deal with them. First, they remove a number of the circumstances which previously triggered a seizure power. Under the bill as passed by the House of Assembly, a monkey bike could be seized in a variety of circumstances, for example, if a person was to be or had been reported for an offence against new section 55, or who had been issued with an expiation notice.

As a consequence of these amendments, a police officer can only seize and retain the vehicle where the person is charged with an offence. Secondly, the amendments import a number of provisions from the clamping and impounding legislation, which is the Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007.

As I mentioned in my second reading reply in this house, the provisions of the clamping and impounding legislation apply to registrable motor vehicles—in other words, vehicles which are able to be legally on the road; they are also vehicles which can be lawfully bought or sold. Prescribed motor vehicles the subject of this bill are fundamentally different things. They are unregistrable, banned from sale and illegal to ride on public roads.

Further, as I observed in the house, by introducing the role of a court into the forfeiture process, as is contemplated by new section 55(6), you introduce an element which is wholly inconsistent with the expiable nature of the offence. In other words, if you have an expiation notice issued it is completely inconsistent with that process then to have a court managing an aspect of the matter. Notwithstanding my urgings for members to reflect on these issues, unfortunately, in the other place the foreshadowed amendments were pursued.

The effect of the amendments made in the other place would be to frustrate SAPOL's ability to promptly address offending behaviour undertaken on monkey bikes. For example, notice must now be given to interested third parties of an application for a forfeiture order.

The Hon. M.J. Atkinson: The credit company has an interest in the monkey bike.

The Hon. J.R. RAU: Aunties and uncles, perhaps. Those parties must be given an audience at the hearing of the application should they desire it. Bear in mind, we are talking here about an illegal, unregisterable vehicle which is being driven on a public road or in a public place, and we are now having to give notice to the owner, if that owner is different to the driver and anybody else who happens to be interested, to have a court hearing about whether the thing is going to be taken out of the system.

Additionally, the court has the discretion to deny the application on a host of bases, including severe financial or physical hardship—difficult to imagine those, but there you are. Whilst such considerations are legitimate in the context of removing, for example, the family's sole mode of transport (a registerable motor vehicle, for example), they are entirely inappropriate in a bill which deals with an unregisterable monkey bike only capable of lawfully being used on private property.

For the sake of completeness, I also note that these amendments remove section 55(7), which was an amendment I moved in this house to appease concerns raised with me that the original wording left open the potential for an innocent owner to have their bikes seized and forfeited as a consequence of a third party's illegal use. That has been taken out. The bill as amended in the other place would no longer carry that express protection. Rather, the owner will be notified of any application for the vehicle to be forfeited and will then need to attend court on their time and at their cost to make representation as to why this seized vehicle ought not be forfeited to the Crown.

The next amendment related to clause 5, page 4, lines 1 to 3. Clause 5 inserted section 55(8)(c); the council deleted (c). This amendment omits from the ambit of the definition of 'finalised proceedings' offences dealt with under part 2 of the Young Offenders Act, where the offender has admitted the commission of the offence. The amendment arises as a consequence of the amendment to No. 2, which we have just talked about, which removed reference to provisions of the Young Offenders Act 1993.

Obviously, whilst that amendment is consistent with the earlier amendment (which we are opposed to), this particular amendment to which I am now referring is also opposed, as it is consequential and therefore we believe an inappropriate and unnecessary amendment. So, I have moved, for the reasons I have just outlined, that the particular amendments to which I have referred be disagreed to.

Ms CHAPMAN: Thank you, Madam Chair. I note that you are much more generous in allowing regurgitation of the original debate of this matter than was afforded to me in the last debate we had here before the close of the parliament—not by you, but another chair, of course. I can see that you are much more generous in allowing that to occur. I think I was soundly reminded that we could only discuss the amendments and the opening statements and 'revisiting the basis of the bill', I think, to use words of the minister, was certainly not allowed. I will no doubt keep that for a future precedent.

May I address the question of the amendments in the other house, which the opposition welcomes? I note that, during the course of the carriage of this matter in another place, the Hon. Bernard Finnigan (the then minister for industrial relations, minister for state/local government relations and minister for gambling) moved the third reading and, in fact, was the person who had the carriage of the matter on behalf of the government. He made a number of statements on 24 March 2011 about some of the merits and otherwise of the objections to the amendments that have been raised.

He did acknowledge, at that point, that the Hon. Ann Bressington, who moved the first of the amendments referred to by the Attorney (that is, the insertion of section 3a) was one which was conditional upon her support for the bill. In other words, had her amendments not been accepted, she would oppose the bill. Notwithstanding that, the honourable member indicated the government would oppose those reasons.

The minister again confirmed his commitment to reject this, on the basis that this defence should not be expanded, and that there should be some difference maintained between the consequences of a lawful act and an unlawful act, and then went on to give us a little lecture about how parents have to be responsible for their children. It assumes, of course, that it is only children who are actually on these monkey bikes in the first place.

What I put to the house is that the expansion of this defence, as presented by the Hon. Ann Bressington, is one which we support. There has been some debate on how that should be worded, but nevertheless, that is one for which we maintain our support.

The second matter, or raft of amendments, was introduced by the Hon. Stephen Wade and again, the Hon. Bernie Finnigan indicated that he took some objection to this. In fact, I just refer to one reference. He says:

> I wish to address a point raised by the Hon. Mr Wade with respect to announcements linking the vehicles that are the subject of this bill and fatalities. My short response is that the statistics referred to at the time of those announcements were understood to be correct, and I am advised that they still are. As the honourable member notes, inquiries were made last year about the number of fatalities attributed to monkey bikes.
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> A search was conducted with the Department for Transport, Energy and Infrastructure crash database, which revealed that there have been a number of serious injuries associated with the use of monkey bikes, but the search did not point to any fatalities that could be directly linked to their use. However, it should be noted that a search of this type is difficult as monkey bikes can be given a number of different descriptions by the reporting officer. It depends on the way in which the information is originally recorded into the system as to what a search will reveal. For example, if the officer refers to a 'motor bike' rather than a 'monkey bike', the statistic will not be recorded as a fatality attributable to a monkey bike.
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> As a result of the Hon. Mr Wade raising further inquiries in the second reading stage, further inquiries have been made through the Coroner's Office. Those inquiries suggest that there has been at least one fatality associated with monkey bikes. In 2006 a male died while riding a monkey bike in a car park at Parafield.

The minister then goes on to suggest, notwithstanding this information, that he considered that there needed to be a distinguishing between monkey bikes and motor vehicles, and therefore confirmed his opposition to the amendment, as indeed, the Attorney has again today.

The position of the opposition, as presented by the Hon. Stephen Wade, is one in which we do not accept that just because this particular vehicle is an unregistered vehicle, it is a vehicle that is being used in a public area. It is causing 'nuisance and risk,' to use the words of the Attorney, and it can cause damage. Indeed, we have had the evidence of a fatality. The opposition, through its amendment, was simply trying to put and provide a consistency between the two pieces of legislation dealing with the misuse of vehicles: the first being the Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007, and the Summary Offences (Prescribed Motor Vehicles) Amendment Bill 2010—the bill that is before the house now.

The amendments replicate the hoon legislation forfeiture provisions on the basis that the confiscation process should be no tougher on monkey bike riders than that which we are placing on hoons. The position is quite clear: the government has set the standard in relation to what is required and the opposition is quite simply seeking to apply that consistently.

The government proposal in the proposed sections 55(5) and (6), for which it has maintained its support, is that if a person is to be or has been reported for, charged with, or given an expiation notice in relation to an offence outlined in that proposed section, a police officer may seize the vehicle while proceedings relating to the offence are finalised.

One way that the proceedings may be finalised is through the payment of an expiation. If a person expiates or is found guilty of an offence, the vehicle is automatically forfeited to the Crown and may be dealt with under the disposal provisions of section 20 of the Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007. No appeal is available under the bill even if the owner of the vehicle did not know of the offence or consent to it being used by the offender.

As the Attorney has acknowledged, the amendment that is now before us substitutes the automatic forfeiture provisions with the relevant hoon driving forfeiture and penalty provisions which were introduced by the government in February 2010. So the government wants a standard for one group to be different from another, and yet both are vehicles, both are deadly in the wrong hands, they are dangerous and they are a risk and nuisance, as acknowledged by the Attorney himself.

Even though it is now illegal to bring them into the country and we are dealing with the tail of a number of these vehicles, the reality is—and the opposition maintains—that there should be consistency and that it is quite unacceptable to distinguish with a different procedure these vehicles purely on the basis that they are not registered and insured like other vehicles on the road. That is completely unacceptable to us.

Whilst I thank the minister (the Hon. Bernie Finnigan) in another place for having provided the information as was sought, that of course only confirms what the position should be which has merit and which the opposition suggests should be followed in this house. We cannot make the

Attorney-General see common sense in the recognition and acceptance of these amendments. That is unfortunate because there is clearly a demonstrable need to deal with monkey bikes in the community, particularly for those who are in the northern and southern regions as identified by the Attorney.

We need to have this matter resolved. This matter has been comprehensively considered in another place, and it is disappointing at best that the Attorney has not seen the light of the overall benefit of accepting those amendments. No doubt we will proceed down the usual course and this matter will be deadlocked.

Mr VENNING: I did note the minister's comments in relation to this bill and congratulate him on the good deliberation and detail of the exposé of those amendments. I just want to remind the house, as I did in my original second reading speech, that this is not only about monkey bikes. It can relate to other bikes, particularly farm motorcycles and vehicles, which do not comply and are therefore not registrable but are allowed to be conditionally registered. They are very similar vehicles to these monkey bikes in some cases, where on-farm registrations allow the vehicles only to be driven on the farm and on roads within the precinct of the farm.

I agree that any unregistered—or worse, unregistrable—vehicles or bikes being driven on public roads, using back roads, even by unlicensed, underage riders, is wrong and needs to be stamped out strongly. Are electric bikes included in this? The question was never quite answered. Where do gophers come into this, because some gophers are modified to the point where they come very close to this. In relation to public safety, how many accidents do we hear about? We know about the death in 2006—

Ms Chapman: He's preparing for retirement.

Mr VENNING: I did hear the interjection, Madam Chair. I have had a long experience in matters like this over the years. I was one of the first to buy the so-called Enduro-type motorcycle back in 1963 or 1964—the first Yamaha, the AT1 or 125. That was a big, powerful machine in those days. So, I have a history with motorcycles, and I still enjoy them, as other members would. When I have had a bad week in this place, the best recreation I could have is to go back to the farm, get on the bike and go down to the river. That is the recreation for a person who has been here for over 20 years. Do not tell me about bikes, because I certainly know a fair bit about them.

This bill has been brought to the house. I know that two or three ministers have had an infatuation with this problem, particularly the ex attorney-general, but I do not see it as being as serious a problem to take the time of this house like it has. Yes, we have accidents on monkey bikes. We probably have more on motorcycles because they have only two wheels. However, a lot of these monkey bikes that are around are driven only on private property. I think you are going to make it very difficult—

An honourable member: They're safe.

Mr VENNING: They are safe, but you are saying that to sell them is illegal. You say it is illegal to sell them, so how does a person buy a bike if they want to run around on their property? They cannot. Because of the government's heavy-handed attitude, those people who wish to buy one of these bikes and ride it around the bush property that they own are banned from doing so. I have no problem with it, as long as parents are competent enough to ensure that their children are able to handle the vehicle and not cause themselves injury.

Many years ago in this place, I made representations on behalf of country constituents who had purchased a very new product: a four-wheel motorcycle, an ATV, which they are now known as. They are now extremely popular. Back then, the minister for transport allowed concessional registration because they were not road registrable. There were a lot of things they did not have. They were classed as an agricultural vehicle—not like a Honda or Odyssey, for instance—an off-road racer. Many of the well-known makers now produce those too, but do not be confused, they are not the same.

I note the amendments and that the government will not support them. In that case, I hope that the bill lapses. However, in the same breath, I urge the government to use the existing powers that the police have against the illegal use of so-called monkey bikes, which really are only toys with petrol engines. Again, I will be interested to see whether the government will put this to the joint house committee. I presume it is going to. It will be interesting to see what comes out of that. I urge the parliament—if it is serious—to look at the amendments and, if it is really dinkum about the issue, support them.

The Hon. J.R. RAU: I thank both honourable members for their contribution. The member for Bragg is always erudite, but this time she was also concise.

Mr VENNING: She's always concise.

The Hon. J.R. RAU: Not really, no. She is many things but not always concise. I think we were here for quite a while talking about photographs and stuff a while ago, but I am not going to go down that track because it would not be on this topic. I say to the member for Schubert that I do take his advice to heart—and I have done so since I have been here. I have not always acted on it, but I can tell him that, having heard his contribution today, if I am ever so fortunate (if that is the right word) as to be here for 20 years, I will try to secure for myself a motorbike so that, when it has all become too much for me, I can go home and ride around the backyard because that does sound like a terrific idea.

Mr Venning: I am sure you will enjoy it!

The Hon. J.R. RAU: I probably will. It is probably more likely that I will find myself in a gopher—that is another form of locomotion to which the honourable member referred. The good news is that we are not here talking about gophers. The other thing is that (and I discovered this a while ago when I raised the question of the safety of gophers and some of their drivers) it caused a furore, at least for me, because every owner of a gopher rang me up and told me what they thought of me. Apparently gopher is only a trade name. It is like the word 'hoover' which is used in the vernacular for vacuum cleaner, as in, 'I'm going to do some hoovering', rather than 'vacuum cleaning'. Apparently, gopher is merely a name. It is like Chrysler or Ford or General Motors—I just thought I would throw that in. I cannot remember what the proper name is. I think 'scooter' might even be right—no, not 'scooter'. It is an interesting fact and, as you did raise the matter, I thought I would share it with you.

The member also mentioned the sale of these things. They are already illegal to sell, so we are not changing their marketability in any way by this proposal because it is already not legal to sell them. Another thing that I am sure will make the member feel a little more comfortable is that we are not proposing to have people enter your farm, seize your monkey bike and crush it. In order for your monkey bike to be at risk you need to take it out of your property, down the road, ride around in a public park, or through someone else's vineyard, or down the road, or wherever you might dangerously wish to take it, and then and only then is your monkey bike at risk—as, indeed, are you and all the people around you. So, as long as you keep your monkey bike—if you have one, I am not asking you to tell me—

Mr Venning: No, I don't.

The Hon. J.R. RAU: —but if you did, hypothetically, as long as you keep it on your own property you are going to be okay—that is the thing. This is not some sort of military thing, where we send people into the member for Schubert's property to search and destroy monkey bikes. That is not what we are trying to do. We are relying on the member for Schubert or somebody taking his bike off the property with his permission and then doing annoying things to other people before these things get triggered. So, the message from the government bill is very simple: if you want to keep your monkey bike, keep it in your backyard. It is really simple. I suspect, in light of the various contributions today, we are heading towards one of those conferences that have become such a familiar feature of life in this place.

Motion carried.

ELECTRONIC TRANSACTIONS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 March 2011.)

Ms CHAPMAN (Bragg) (11:40): I rise to speak on behalf of the opposition and to confirm that the opposition will be supporting this bill. The matter has come to the parliament, again, I suggest, without adequate consultation. The reason I place this on the record is that it seems that the Attorney-General is maintaining a position, with precedent already in his short term of delivering legislation this year, of there being little consultation.

After undertaking its own investigation, the opposition accepts the merits of proceeding with this matter. However, it is disappointing that the government's conduct leaves a trail of excluding those in the public arena who ought to be consulted, which consultation should be available to all of us here in the house before we ultimately debate these matters. The reason this

is particularly pertinent is that this matter has had a very long history and there has been demonstrably plenty of time for that consultation to have taken place.

The 2005 UN Convention on the Use of Electronic Communications in International Contracts was based on reforms of the 1996 UNCITRAL provisions. In May 2010, the Standing Committee of Attorneys-General (SCAG) agreed to implement those provisions—that, I remind members, was a year ago. Australia acceded to the convention and reflected it in its domestic law, and that is all a proper process. The model law had already been adopted by New South Wales, and other jurisdictions were expected to follow.

The government advised that there was no variation between the UN convention, the model law and the South Australian bill. So, everything is following suit; it is all the same. Then the bill was introduced on 9 March 2011. What happened in between in respect of the consultation is particularly interesting because a number of issues at the time of its introduction had clearly not been resolved and needed to be.

After the introduction of the bill, the opposition at least sought some clarification from the Law Society and the Australian Information Industry Association, among others, as to whether there were going to be problems, particularly in the conveyancing area, with this legislation. It became clear that some others had concerns about these matters and there was very little opportunity for us to then pursue this matter when we necessarily had to deal with it as an opposition. Our joint party indicated that, in the absence of there being problems that could not be overridden, we would support the general thrust of the bill.

I will come to the reasons for that in just a moment, but I just indicate that I am not entirely sure why the government is proceeding with this matter with such haste, but it may be that we are dragging the chain as so often happens in a number of these things where there has been a national agreement. We seem to be limping along and then get somewhat caught out when others have passed us. From the point of view of allowing for the contemporary use of equipment, of which the offering and accepting of contracts, for example, is now conveyed, it is important that we contemporise the legislation to support it, in particular when a contract will become effective if the approval process has been done through electronic transactions.

The signature provisions in the current act state that a signature will 'indicate the person's approval'. In this instance now, the bill provides that the signature indicate the party's intention. This is because documents often require a person to note, but not necessarily approve, the contents of the document, such as a witness to another person's signature. So, the purpose of this legislation is to expand the existing signature reliability test within the act from being reliable in the circumstances to requiring a person to identify the signatory and their intention in respect to the information contained in the electronic communication.

The bill also goes further in that it amends the definition of transaction in the act to clarify that it includes dealings in connection with the formation and performance of the contract; that is consistent with article IV of the UN convention.

Changes in the bill would also mean that proposals to enter into contracts electronically would be treated as an invitation to make offers rather than a contract offer. This used to be known, in the days of the Attorney-General's and my attendance at law school, as the invitation to treat.

Unless there is a clear indication by the trader to be bound by the contract, suppliers would not be bound to supply goods and services to any interested visitor, regardless of an organisation's capacity to provide the nominated goods or services, if for instance there is limited stock. Instead, the provider would only be bound to provide the nominated goods and services once the contract has been entered into and accepted by both parties.

Many electronic ordering systems issue an automated response once an order has been placed, even though no person actually approves the contract from the supplier. The bill, on our understanding, would ensure that the automatic responses are not invalid, simply as a result.

We also have a provision in the bill to allow parties to correct errors made during the creation of a contract, via automated messages, provided that there was no prior opportunity to correct the error, such as the review of purchase details with the opportunity to correct the errors before confirming the order. This is particularly more difficult when we are dealing with the electronic creation and amendment of documents because it is so easy to press the delete button and be able to restore the contract, consistent with the wishes of one of the parties or the person who is the author of the document or its amendment.

The bill also defines the place of business. This is deemed to be the location indicated by the party unless otherwise demonstrated. If a business operates in more than one place, the location which has the closest relation to the relevant contract is deemed to be the place of business. There is also a definition of the relevant time receipt determinants, such as when the dispatch leaves the originator's information system and the time the addressee receives the electronic dispatch.

There has certainly been an advance in the mechanisms by which we transmit documentation. We are clearly way past, of course, the era—a bit like the sort of dinosaur era that the member for Croydon was in—of pre-electronic transmissions. Now, they are not only used for contracts but for the giving and receiving of instructions and the like. We are way past the days of the early trade of ships, when we had bills to enforce the trade arrangements between countries. We have come a long way.

The opposition accepts that we need to modernise this process. We are very disappointed that the government took a year to action the SCAG arrangements. We would be very willing to accept that if there had been some comprehensive consultation on the draft bill at the time. During the time that has elapsed, we would have thought, 'Well, the Attorney-General is busily undertaking his post-election responsibilities. He is making sure that people know about it and they have been able to make a contribution to it.'

I cannot blame the member for Croydon for this, of course, because he was way out of the picture by then. He had already made enough faux pas during the election campaign to put the death knell on his continued contribution. So, he was way out of the picture.

It is disappointing that in the new enlightened era, the Rau era, we have not had this enhancement of consultation, or any at all, in respect of this bill. So, it was not surprising that we had to go out at short notice and have the Hon. Stephen Wade conduct inquiries on behalf of the opposition as to how this would be effected. Sure enough, as often happens with consultation, when you actually ask people who know what they are doing, they often have some good ideas about how you can fix things up or clarify whether there are any potential defects in the legislation.

I think it is reasonable for the government, particularly the Attorney-General who has the carriage of this bill, to explain to the parliament, not just to the opposition, why there has been the necessity to progress this bill prior to the feedback from the stakeholders being received. What is the urgency for progressing it and why is the government contacting stakeholders for feedback if it never intended to give them any time to provide a response? This is fundamental to the consultation process. We, as I have said, are disappointed at best and concerned that this practice will not be continued.

The other aspect, following comments made by the Attorney-General in his second reading explanation, is: can the minister explain to us how these amendments will, in fact, directly improve or increase the protection for consumers? I think it is fairly obvious for contracting parties. I am not sure then what the comments were in relation to consumer protection that is being enhanced in this way. I suppose the extension of that is what public information the government intends to provide to consumers to educate them about whatever these extra rights are.

Regarding the business impact, I think this is one which, sadly, the government either seems to completely ignore or does not think matters; it has simply not addressed any of those aspects. One of the ways you can avoid criticism or complaint is simply not to tell anyone what you are doing, but I think that the minister does need to explain what businesses have, to his knowledge, requested any of these changes—and they may be at a national level—and, more pertinently, what complaints, if any, he has received from industry regarding the current provisions of the act.

There are a number of aspects that relate to where this has gone at the international level. Perhaps that is not within the personal knowledge of the Attorney-General, but we would be interested to know whether any of our neighbouring jurisdictions have declined to progress this and, if so, why. I think that is reasonable.

The final matter I wish to address is the question of how this will affect South Australia; in particular, in the conveyancing world. My understanding is that some reassurances have been received regarding how we might deal with land transactions, for example—particularly whether the interest in land is to be excluded by regulation—and that, if this is implemented, when the regulations will be available and effective to coincide with the commencement of the amendments.

If there is a time-sensitive element to this legislation then I think we need to be clear about what that is, so that if those parties, albeit not having been consulted before, were to read what has happened in this house they would at least have some reassurance on the record to progress this matter, in the absence of receiving that information in writing. With those comments, I look forward to hearing from the Attorney-General on those matters, mostly for the reassurance of South Australians and those in the business world and to satisfy any concerns they may have.

Mr GRIFFITHS (Goyder) (11:58): I commend the member for Bragg for being concise in her contribution; I thought it was a very detailed one. It is not my intention to talk for a long time, but I do wish to make a brief contribution on the Electronic Transactions (Miscellaneous) Amendment Bill.

I am a very old-fashioned person in a way, but I respect the fact that in the modern age in which we all live the electronic transfer of information and data is increasingly becoming the way in which everything is done. So, it seems to me that this is a bit of an obvious step indeed, where legislative requirements are needed to improve that system to ensure that there is an understanding by all parties involved in the purchase or contract of goods about where their obligations and liabilities lie.

The fact that it stems from a 1996 United Nations international contract does mean that it is occurring around the world and within our own nation, on the understanding that New South Wales already has this legislation in place and that the other states will be pursuing it quite soon.

I know in my own life that everything we do involves some form of electronic contract, whether it be for credit card transactions or electronic banking, or using PayPal accounts to pay for things you wish to purchase or booking flights. In everything we do these days, some form of electronic contract is involved, so ensuring that a legislative process is in place which is consistent around the nation and which makes all parties involved actually understand their liabilities is a positive step.

The member for Bragg has certainly given a very detailed outline of the three key areas in which the changes are to occur. I have no concerns with any of those and only commend to the house the fact that the South Australian parliament considering and putting this legislation through will indeed provide some more surety for people out there, and that is what we all want to do.

I am sure that we all have, on a regular basis, constituents coming into our electorate offices to talk to our staff and ourselves about concerns they have whereby they feel aggrieved, in some way, at some form of electronic contract. If this legislation ensures that that concern can be removed, that there can be some surety in the process and that when the final offer of the provision of the product is there it will be delivered as expected and as based around the offer of purchase upon which the original person decided to purchase that good or service, it is a positive step.

I am not sure whether any other members intend to speak to the bill, but I know that the Attorney would like the debate to be finished soon. I look forward to its swift passage through the house.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice, Minister for Urban Development, Planning and the City of Adelaide, Minister for Tourism, Minister for Food Marketing) (12:01): I thank the member for Goyder for his contribution and also the member for Bragg, who was erudite and succinct. I want to say a few things that flow from the remarks that have been made.

I think the member for Goyder explored, in his brief remarks, a very important point—that is, we are now living, whether or not we want to, in a world where transactions occur at a global level. People are sitting in their lounge rooms interacting with people all over the world, and they may be entering into transactions where they buy things. For example, my son decided yesterday that he had saved enough money to buy a particular soccer shirt.

An honourable member interjecting:

The Hon. J.R. RAU: Chelsea, unfortunately. They have a new strip, apparently.

The Hon. M.J. Atkinson: They get a new strip every year so that you buy it!

The Hon. J.R. RAU: That is unfortunately the case, yes. It has cost me a lot of money. Apparently, the only place this shirt can be accessed is Hong Kong, so the simple act of buying a T-shirt or a soccer strip involves an international transaction. So whereas, as the honourable member for Bragg said, years ago you might have been dealing with large shipping lines,

international credit and those sorts of things, all that has gone and individuals are now in the global marketplace. That is very important, and we need to put some certainty around that.

From the point of view of Australia being regarded as a safe place to do business, there is much to be said for our having contemporary international commercial rules operating in our country so that people who wish to do business here have some confidence that the rules they are operating within, in Australia, are ones with which they are familiar and which have the overall general acceptance of the international commercial community. I think that is exactly what we are moving towards here.

I was somewhat wounded by the honourable member's criticism of me in relation to consultation on this matter, but I have recovered sufficiently to be able to respond. I think the answer to the honourable member's question about consultation is this: this matter was one that initially came to the attention of the commonwealth government by virtue of the commonwealth's accession to the UN Convention on the Use of Electronic Communications in International Contracts. From that international beginning with the commonwealth government, this then devolved down to SCAG, which was the relevant national body to be looking at this in some detail.

I am happy to advise the parliament, and in particular the member for Bragg, that SCAG then took it upon itself to conduct consultation in relation to this matter. Indeed, a consultation paper dated November 2008 was issued by SCAG and available for public consultation. A number of interested parties did respond to that—a number of federal government agencies responded—and I think it might be of some comfort for the honourable member to know that amongst those organisations that did respond was the Law Council of Australia.

Of course, the Law Council of Australia is a peak body, a constituent body—I think they call themselves 'conbods', which is interesting—of which is the Law Society of South Australia. I would have thought that the legal profession, to which the honourable member referred, would have had a significant interest in this matter, because, after all, most people who are engaged in commercial activity at some point have the privilege of working with a lawyer, and the lawyers who are involved in this from the Law Council point of view were, I believe, the lawyers on their e-commerce committee or such like.

In any event, there were also submissions received from the Australian Information Industry Association. So, the consultation was managed at that SCAG level. The input was then brought back into SCAG. A then draft legislation package for the whole country was put together at that level as a result of that consultation, an object of which was to have a uniform national arrangement, for obvious reasons.

So, the answer about the consultation is: the consultation occurred in relation to the national framework, and to then take the national framework out and consult on that framework in one jurisdiction, presumably with a view to making that jurisdiction different from other jurisdictions, would be quite contrary to the primary objective, which, of course, is to have this as a seamless national arrangement. I am not one who has been standing up here for years and years saying how wonderful it is to have uniformity for its own sake, but this is one instance where it does make sense. This is one instance where it does make a great deal of sense.

The other thing that the honourable member raised was the fact that it has taken a year to get here. Yes, it has. Good things sometimes take a while to emerge, but here it is, nevertheless, after a year, and we are all the happier for it.

In relation to the other questions that the honourable member raised, I am advised that we are not aware of any neighbouring jurisdiction having declined to address this matter. We are not aware of any individual businesses having requested any changes to this matter, but in saying that—and going back to my remarks earlier about the consultation having occurred at a national level and with peak bodies—I am not altogether surprised about that. Nonetheless, I come back to the point: if we are talking about a national scheme, one would have thought, for example, that we would be speaking to the Law Council rather than the individual conbods of the Law Council and so forth, because it is, after all, a national scheme.

The question about consumers: I am advised that the consumer element to this is that, unless the system provides them with an opportunity to correct an error, consumers who order or buy goods and services online can withdraw from the transaction. That is the element of consumer protection in there. The other matter the honourable member raised was the issue of conveyancing, and I am advised that land transactions are excluded from the application of the act already by regulation and there is no intention for that to change.

Ms Chapman: That is what they have asked you for; confirmation of that.

The Hon. J.R. RAU: I can confirm that there is no plan, there is no intention to do anything about changing the exclusion of land transactions from the application. I do not know if the honourable member for Bragg has any other matters, but I think they were the matters raised. I therefore do not have anything further to say at this point.

Bill read a second time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice, Minister for Urban Development, Planning and the City of Adelaide, Minister for Tourism, Minister for Food Marketing) (12:10): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (DE FACTO RELATIONSHIPS) BILL

Adjourned debate on second reading.

(Continued from 23 March 2011.)

Ms CHAPMAN (Bragg) (12:12): It is with pleasure that I rise to speak to indicate the opposition's support on the Statutes Amendment (De Facto Relationships) Bill 2011. Why is this a bill that gives me more pleasure than others to support? There are several reasons. One is that the need for consequential amendments to legislation in South Australia arises as a result of our leader, the member for Heysen, introducing a private member's bill, which was ultimately supported by this parliament, to transfer de facto relationship jurisdiction to the commonwealth. That was a matter that was very important for South Australia as we were the only jurisdiction I think at that point who had refused to deal with this matter.

The Hon. J.R. Rau: I think WA.

Ms CHAPMAN: The Attorney-General interjects 'WA'. I think by that stage they had indicated that they would have a state jurisdiction but, as with the Family Law Act, they have their own court. I am not quite sure what model ultimately transpired from Western Australia, but Western Australians have always been a little idiosyncratic—probably not quite to the extreme of Queensland but, nevertheless, they always like to have their own little models.

However, we in South Australia were, I think it is fair to say, in a completely stagnant state. Again, this was a matter which was directly under the jurisdiction of the former attorney-general, the member for Croydon, who for reasons best known to himself was unwilling or unable to even open a file on this issue and consider this legislation, notwithstanding letters and submissions from members of the profession, the public and the opposition.

The Hon. M.J. Atkinson: That's rubbish. Ask Greg Howe what my position on this was.

Ms CHAPMAN: I have read all that correspondence, member for Croydon, from the then chair—

The Hon. M.J. Atkinson: You just make it up as you go along.

The SPEAKER: Order!

Ms CHAPMAN: —of the Family Law Committee. Notwithstanding these submissions, desperate attempts to try and bring South Australia into line so that the people in South Australia who cohabited for a period of time on a domestic basis would enjoy some of the same protections and privileges of others. But no, the former attorney-general—

The Hon. M.J. Atkinson: Why didn't you move it as a private members' bill?

Ms CHAPMAN: I am getting to it.

The SPEAKER: Order!

Ms CHAPMAN: Ultimately, of course, that is exactly what happened. I do not know where the member for Croydon has been and why he is now interjecting, because notwithstanding all of these pleas from the profession, the public and the opposition, the attorney-general of the day refused to consider this matter at all. That is the first tranche of what happened. Then, as I indicated, the opposition, via our leader, the member for Heysen, introduced a private members' bill

to bring this matter to a head, because there was a compelling need for it. A very strong argument was presented but it fell on the completely deaf ears of the former attorney-general.

This is a man who had constantly made announcements about how he wanted to be the first in the nation, the best in the nation, the noisiest in the nation, whatever, and presented his profile as being the attorney-general supreme. Nevertheless, on this issue he had his hands over his ears, his head in the sand, and he refused to deal with it. So, having received submissions, including from Mr Greg Howe—

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order, the member for Croydon!

Ms CHAPMAN: —who is not only a personal friend but a colleague in the law for many years, and who presented correspondence to me expressing his concern, as had other members of the profession—

The Hon. M.J. Atkinson interjecting:

Ms CHAPMAN: You will have an opportunity to speak, member for Croydon. Mr David Burrell sent in a long submission, and I think copies of that went to the attorney-general. There were submissions from those who were concerned that South Australian citizens were continuing to miss out on the opportunity to be protected and to preserve the rights that they were completely alienated from as a result of the attorney-general's utter refusal to deal with this matter.

The private members' bill having been introduced, it placed the then attorney in a position where he had little option but to finally concede that it should be put through. After failing as the attorney-general of the day, with all of the resources of the Attorney-General's Department and the pleas from the community to deal with this matter, he was ultimately embarrassed into its acceptance.

Fortunately, many of his colleagues could see the light and this was a bill on which there was no division. There was support for this bill by all of those here in the parliament and, I suggest, begrudgingly by the member for Croydon. In any event, if he were genuine—as he now protests that in some way he was participatory in a voluntary and willing basis to join in this transfer of power—one would have thought that, while he was still the attorney-general, he would have activated a bill to attend to the consequential matters.

In 2009, the legislation passes, we went to the election in March 2010, and the introduction of the commonwealth powers became effective from 1 July 2010. So, for 10 months people who would be eligible in the categories of this matter would not be in a position to have that protection and enjoy the privileges that came with that legislation. Why? Because the attorney-general sat on his hands up until his demise after the election in March 2010. He sat on his hands month after month and failed to deal with this matter, and yet he could have. I think the member for Croydon speaks with forked tongue when it comes to his protests about being effusively supportive of the member for Heysen's private member's bill, because he had every opportunity to demonstrate that commitment—

Mrs Redmond: Because he's changed his mind about living in sin.

Ms CHAPMAN: Of course; that's another matter. In any event, he had that opportunity, and he has demonstrated by his failure to do that that, in fact, he was very resistant to this. He had seven years leading up to this to actually deal with it and he failed to do so. I will now briefly address the bill for the purposes of identifying the problem in the former attorney-general not dealing with this matter, and why we are here 10 months after with arising problems.

The acts that need to be consequently amended as a result of the Commonwealth Powers (De Facto Relationships) Act 2009 include, firstly, the Criminal Assets Confiscation Act 2005 and these amendments clarify what property is to be considered in the context of the proceeds of crime for the purposes of confiscation. For example, property that is ruled out of the scope of this bill includes property of former de facto couples that has been distributed between them at least six years previously under the Family Law Act 1975.

This is an important area of the law. It has been one which has been significantly enhanced—that is, the criminal asset confiscation powers—and, so, the potential for this to overlap and remove from the cake available for division between de facto couples increases and, therefore, it is important that it be looked at. We do not know in respect of that legislation whether any

de facto couples will have been caught in that category. We do not know of any attempt by the government to identify whether any couples would have been.

This is perhaps one area where there is more capacity to do that, because there is no registration of de facto couples who enter into these agreements. However, there is identification of whether assets have been confiscated under this act and, if they were confiscated against a person who had been in a de facto relationship, then there is a possibility, at least, of that being identified for the purposes of being able to revisit that issue if it were to have unfairly impinged on the available distribution of assets for that de facto couple.

The second area is in the Family Relationships Act 1975 to include in the criteria to be applied by a court in deciding whether a relationship of domestic partners existed between two people at a given time and whether the couple had made an agreement under the Family Law Act 1975. I do not think that it is likely that there was any exclusion of an opportunity during the lapse of 10 months that could be detrimental. I say that because I do not think in this instance there is any possible way of knowing whether a party had been excluded from access to that jurisdiction prior to that. It would be disappointing if that occurred but the government is probably not, in any capacity, able to hope to identify that.

The third area is under the Stamp Duties Act 1923. The Stamp Duties Act, particularly section 71(c)(a), makes provision already for certain agreements and instruments that relate to property that has been divided up between a married couple or a de facto couple to be exempt from stamp duty. The principle is that, if there is a necessary transaction to effect an agreement at the demise of a relationship, the government should not be able to line up for a second chop of the cherry.

We actually already have another provision under the Stamp Duties Act which enables the transfer of some interest in real estate (for example, between married couples in consideration for love and affection), where there can be a transfer without there being ad valorem stamp duty on it. This is very specific and follows the principle that the government has already had its hand out at the time that the, say, husband and wife acquired the piece of property: it has received its stamp duty and should not, on the dissolution of that relationship, have its hand out again for duty on the other half (if it is a half interest—one undivided moiety, for example—in a title) and recover revenue in those circumstances. That is a matter of public policy, it is a good policy and it is a matter which, under the legislation we are about to pass today, will ensure that amendments to the Stamp Duties Act would be effective for couples in this situation.

The bill also goes a little step further in asking that the exemption be retrospective to 1 July 2010—as it should be. Of course, we are only here and having to deal with this retrospectively because, as I have said, the former attorney-general failed to deal with this matter prior to the effecting of the act at the commonwealth level, although I am never one to rush into supporting retrospective legislation. It was necessary to do so to ensure there is no disadvantage to any individual on this matter.

When it came to identifying how many parties to agreements may have been required to pay stamp duty, I got some rather interesting responses at the briefing. I think we started by expecting that there would be some, and there was an estimate. On inquiry as to how many cases there would be, the answer was that no-one knew. The initial estimate of $1 million that might need to be repaid from Treasury back to parties was purely a figure that seems to have been plucked out of the air.

No-one has any idea how many cases this applies to or how they are going to be identified. Of course, if couples in this situation would have been eligible if this legislation had been passed, they would have tendered with their application for exemption of stamp duty a copy of the deed and there would be some record of the stamping being at zero, or the application having been granted or rejected pursuant to section 71CA.

The problem here is that, in the absence of this legislation, couples in those circumstances would not have been able to present their agreement to get exemption because they would not have been able to have it. So what would be the point in presenting it on the basis that the act did not provide for any exemption for them? How do we know? Is the registrar of stamp duty going to go through and check out all the names of parties that might have shown the same address on the documents, or might have owned a property jointly, or may have had the same surname? How on earth is the registrar going to identify, for the purposes of providing a refund, those who should have been eligible had this been dealt with over 10 months ago?

I think that that is something the member for Croydon should reflect on, because there is no easy answer to that. It may be that there will be some little notice in the paper, a story, to say that anybody who has entered into agreements from 1 July 2010 to date may be eligible for a refund and you may wish to inquire at the Attorney-General's office, which will promptly ensure that assistance is given to support a refund. I do not know how it is going to happen, but it seems to me that we did not even need to have this if the Attorney-General's predecessor had actually dealt with this matter, at least in a timely, let alone expeditious, manner.

It lists the criteria when they are domestic partners, but on our own inquiry we have covered that issue. With those comments, I wish the swift passage of the bill in the parliament now that the new age of Rau is with us and we have things being dealt with a little more expeditiously, rather than the dinosaur era.

Mrs REDMOND (Heysen—Leader of the Opposition) (12:32): I thought I would take a couple of minutes to come down and make a very brief contribution on this bill. As the member for Bragg pointed out, it was a matter I had been pursuing in my role as shadow attorney-general prior to becoming the leader, and it was a matter that was consistently thwarted by the now member of Croydon, former attorney-general, for no apparent reason other than his own strange ways of looking at the world, which may have changed—he may have had some blinding road to Damascus moment and suddenly changed his mind. The only thing I could think of was that the former attorney-general did not wish to give de facto relationships the recognition that the rest of the country seemed quite content to give them and allow people in de facto relationships to have the benefit of the Family Court jurisdiction in dividing their property.

I was aware, through a number of sources, particularly those practitioners specialising in family law, that it was a matter of considerable angst for them, simply because the costs that were imposed on de facto couples were so excessive compared with what those couples would otherwise have had to pay if they had had the benefit of this legislation somewhat sooner than has transpired in this place. The member for Bragg has already pointed out of course that other states had already fallen into line, although she did mention the quirkiness of both Western Australia and Queensland, I think, in her comments.

I would have to say that the former attorney-general is well known throughout the country for his quirkiness—amongst lawyers around the country and among politicians around the country. They certainly miss the quirkiness of the former attorney because his bizarre behaviour and bizarre attitudes on a number of things left them quite bewildered for most of the time he was attorney-general.

That said, I could reflect on the fact that that attorney-general, before he got into government, made numerous statements about how Barton Terrace West would be one of his major things to attend to. As soon as he was in government it was going to be the very first thing he did, I think, but obviously, 9½ years later, he still has not done anything about Barton Terrace West and, indeed, I doubt that he ever will do anything about Barton Terrace West.

However, that still does not explain what it was about the particular legislation that we tried to bring through from opposition to correct this anomaly in our legal system; what it was about this legislation that the previous attorney-general found so abhorrent that he would not allow it to go through. I am simply pleased that, finally, South Australia will fall into line and allow de facto couples this benefit, which, as I say, was something which was extremely costly for them and something which I believe should have been addressed sometime ago.

I look forward to the member for Croydon's contribution on this bill, because no doubt he has got some important things to say from the backbench about it. No doubt it is now government policy, so, obviously, the member for Croydon has had some sort of an epiphany that has persuaded him as to the entitlements of de facto couples to be treated as others.

I do not know what might have brought about that change in his view of what should constitute a marriage and what should constitute something that is recognised by the law, but I do at least welcome the fact that the Labor Party has at last come into line with what the rest of the country has been saying for a long time. I welcome this bill, and I wish it a speedy passage through the house.

The Hon. M.J. ATKINSON (Croydon) (12:43): The member for Heysen could have worked well in the history department of the Communist Party of the Soviet Union such is her falsification of the historical record. What you would not know, Madam Speaker, if you were listening to the contributions of the member for Bragg and the member for Heysen, is that the

member for Heysen moved a bill to refer constitutional power over the property details of de facto relationships such that it would be taken out of the South Australian District Court and adjudicated in the Family Court, which, of course, is a Federal Court.

The member for Heysen put forward a private member's bill. A friend of mine was at table with Greg Howe, who is a family lawyer and who advises the Law Society on family law matters, and he said, 'People tell me that the Attorney-General'—then me—'has a strong moral objection and personal objection to this power being referred from the state to the commonwealth.' My friend was able to say to Mr Howe, 'Well, that's not right. Mick has no objection to that, and I'll tee up a meeting.' So, she did, and that is the first time I met Greg Howe.

During my period as attorney-general (eight years) I had a record of supporting private members' bills, that is, supporting private members' bills from members of the opposition and members of minor parties, or, indeed, Independents. My predecessor, Trevor Griffin, absolutely refused to support any bill other than a government bill in his portfolio.

Indeed, on some occasions what he would do is that, if political circumstances had forced him to support the principle of a private member's bill, he would introduce a government duplicate bill, vote down the private member's bill—or discharge it from the *Notice Paper*—and put through the government bill.

So, it was an entirely fresh approach when I became attorney-general for the government to be supporting private members' bills. Indeed, I found it sometimes convenient to avoid the necessity to take up government time with matters that I thought required a legislative amendment to use private members' time to get that principle through using the device of a private member's bill. As the member for Fisher will tell you, I supported his private member's bill on hoon driving. I also supported the Hon. Ann Bressington's bill to ban the bong. The bill originated in another place. Indeed, if I recall correctly, the Cheech and Chong of the parliament, the member for Heysen and the former member for Mitchell, attempted to amend that private member's bill so that it would be of no effect. They were not successful.

It turned out that I supported the member for Heysen's private member's bill to refer power to the commonwealth, but just remember the history of this. This government, the Rann government, wanted to refer constitutional power over the property settlement of de facto couples to the commonwealth. We wanted to refer the property matters of both opposite sex and same-sex couples, but the Howard government would not accept a reference that included same-sex couples. That is why the referral could not be made. That is the fact of the matter.

The members for Bragg and Heysen, these new converts to gay rights, are now trying to claim that it was me who was stopping that reference of property settlement matters all the time. The record shows the opposite. I supported the member for Heysen's private member's bill. Crikey Moses, here is an attorney-general who is happy to support a private member's bill by the leader of the Liberal Party, and now I am being condemned—

Ms Chapman: Caught out.

The Hon. M.J. ATKINSON: 'Caught out,' the member for Bragg says; caught out for agreeing with her leader. Well, shame on me! And the criticism is: why didn't I do it before she introduced it? An amazing critique by the member for Bragg. It is a happy conjunction of circumstances that the member for Heysen's private member's bill was supported by me.

As I recall it—forgive me if I do not get all of the details—it became law, and now we have found there are some consequential amendments necessary on this and we are debating that. Well, fine, terrific, but it was not down to me that the principle was not enshrined in legislation earlier. All of this is for the Liberals to cover up their own division on same-sex rights.

We in the Labor Party have differences about same-sex marriage, but we do not have differences about same-sex rights in their capacity as de facto couples. However, the Liberal Party did have deep divisions about the rights of same-sex couples. Does the member for Bragg recall the lion of Hartley, Joe Scalzi, and the position he took? She shakes her head. Perhaps she knows not the man. Anyway, there were great divisions in the Liberal Party about the rights of same-sex couples.

Indeed, in order to accommodate that section of the Liberal Party and Family First and bring them on board, I had, as attorney-general, to agree to same-sex legislation that made no reference to sexual activity. 'No sex please, we're South Australian.' That was the principle we had to embrace in order to get sections of the Liberal Party on board to get the same-sex legislation—

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: The domestic co-dependents—exactly! So, all the criteria had to make no reference to sex in order to keep sections of the Liberal Party happy. I can recall one late afternoon here on a Thursday. We were trying to get the bill through before a recess. The now Leader of the Opposition was in the chair as the Liberal spokesperson on the Attorney-General's portfolio. I was doing my job as the attorney-general. Normally, the two of us would be alone in the chamber together for hours on end, but on this occasion we had quite an audience because of the controversial—perhaps they were just chaperoning us. I reminded the member for Heysen on that occasion of the divisions in the Liberal party about same-sex rights, and that the 'lion of Hartley' and others had necessitated this compromise that we were now trying to get through the parliament.

Well, the member for Heysen—the lady who tells talkback radio that she never swears—she lost her rag, and she shouted out to the chamber, 'We're going to be here all night because of that dick over there!', pointing to me. Fortunately—

Ms Chapman: That'd be right.

The Hon. M.J. ATKINSON: The member for Bragg says, 'That'd be right.' Exactly. That's what she said, but fortunately her colleagues calmed her down, and we got the legislation on same-sex equality through. That is the authentic and true history of this topic.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice, Minister for Urban Development, Planning and the City of Adelaide, Minister for Tourism, Minister for Food Marketing) (12:46): Where should I begin? I know roughly when I expect to end, but anyway—

Ms Chapman: We're doing this next.

The Hon. J.R. RAU: Are we? Oh, that relieves me somewhat. In that happy event, can I say that I have enjoyed all of the contributions. I thought, however, the member for Bragg (atypically today) was a little unfair on the member for Croydon. I thought it was only reasonable that the member for Croydon have the opportunity to set the record straight, which I thought he did, as far as I was concerned, completely convincingly. I am only distressed that the member for Heysen did not have the opportunity to hear all of it herself because, had she had that opportunity, I am sure she would have been much—

An honourable member: Uplifted?

The Hon. J.R. RAU: 'Uplifted' is not the word I had in mind. It was more like 'shamed', shamed, after having been so unkind to the honourable member in relation to his work in this important area. The one matter I would raise is that, for the member for Bragg and the member for Heysen to be overly critical of the member for Croydon on the basis that a bill, which was in fact the member for Heysen's bill, did not contain things that it should have contained at the relevant time, is a little bit odd. As generous as the member for Croydon was in allowing the member for Heysen to move, as a private member, this piece of legislation, it did not actually encumber him with the responsibility for making sure it contained all relevant provisions; which it clearly did not, which is why we are here today. And so—

The Hon. M.J. Atkinson: Voice of reason.

Ms Chapman interjecting:

The Hon. J.R. RAU: But I think it is good that this has been sorted out. It is a—

Ms Chapman interjecting:

The Hon. J.R. RAU: I am sorry, honourable member for Bragg, I had not got to the important bit, which was the questions that the honourable member asked. I am advised as follows. RevenueSA will attempt to contact people in the following ways. First of all, they will send out an information circular, and place on their website, and contact their subscribers, to the effect that this change has occurred. I think probably more significantly, from the point of view of contacting the correct people, there will be sent out what is called a RevNet (which I assume means 'Revenue Net') Alert, which goes to conveyancers and solicitors. I would expect that, inasmuch as we can try to communicate with the people who might be affected by these changes, that would appear to be the best way to do it, and I am advised that that is the intention of RevenueSA. If that satisfies the honourable member, then I think that covers all the matters.

Bill read a second time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice, Minister for Urban Development, Planning and the City of Adelaide, Minister for Tourism, Minister for Food Marketing) (12:50): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CORPORATIONS (COMMONWEALTH POWERS) (TERMINATION DAY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 March 2011.)

Ms CHAPMAN (Bragg) (12:52): I indicate that the opposition will be supporting the Corporations (Commonwealth Powers) (Termination Day) Amendment Bill, notwithstanding that personally I will express my own concern about what happened in May 1991, when there had been a transfer from that time by the commonwealth and each of the states and territories to uniform law to regulate corporations, generally referred to as the Corporations Law.

That was an era in South Australia that we of course all vividly remember as being in the wake of the State Bank. I think by that stage we had a very desperate treasurer (Frank Blevins), and an even more concerned premier (Lynn Arnold), contemplating how they might get the state out of the mess of that, and the introduction of poker machines was, of course, high on the agenda.

That was the era we remember, but it was also a time when South Australia had a number of national corporations based in Adelaide. Sadly, of course, during the post-eighties era and the demise of confidence in the banking sector, particularly with the State Bank collapse in South Australia, it was hardly surprising that we saw an exodus from South Australia of iconic and key industries and entities.

However, to facilitate the capacity for companies that operated across the boundaries of our states—that is, at a national level and an international level—it was considered at the time that having a national corporations scheme providing for consistency, in particular for those that were, as I say, operating, in a number of states, would greatly facilitate a regulatory framework to support their operations nationally and internationally, and it was that ideology that sat behind the need to sign up to a federal scheme.

Since that time there have been two High Court cases which, from memory, the Attorney-General referred to in his second reading explanation—that is, Wakim in 1999 and Hughes in 2000—which created uncertainty as to whether the commonwealth corporations law could be enforced. On 25 August 2000, the commonwealth state and territory ministers reached an in-principle agreement for the states to refer to the commonwealth parliament the power to enact the corporations law as a commonwealth law and to make amendments to that law subject to the terms of the corporations agreement.

The referral was certainly unusual, because it did not specify legislative powers but referred the state legislative power necessary to maintain a piece of legislation. I place that on the record because, although it is in a much more succinct form than what was presented by the Attorney-General in his second reading explanation, I think it is important that we demonstrate to the house the opposition's understanding of that.

The states and territories chose to make a time-limited referral rather than an ongoing one. In particular, the South Australian referral act said, 'We'll do this, but we are only going to do it for a five-year period.' So, the reference terminates on the fifth anniversary of its commencement. As it was renewed in 2006, it now lapses on 15 July 2011. So, within a few months this will lapse unless we do something about it. This bill essentially makes provision for another five-year term of the referral of power to expire on 15 July 2016.

I would have thought that we would have been able to undertake some assessment by now about whether in fact the corporations power at a national level has been successful, is workable, and is for the benefit of Australia and South Australia. It seems as though nobody has undertaken that exercise. That is disappointing but, nevertheless, on that basis, I think it is reasonable that we extend it. I think it is also important that the government in the next three years that it has left in office turns its mind to this to ensure that we properly conduct an assessment about whether this has been beneficial for South Australia and, if it has, that we identify the correct model upon which

we will provide a specific legislative power transfer; and, if not, that we review that matter for the benefit of South Australians.

Sadly, I can count on my two hands the number of national companies that are headquartered here in South Australia that would be directly affected by this. However, it is fair to say that there are a number of enterprises in Adelaide and South Australia which operate from headquarters in Melbourne and Sydney, and legal professions are included in that. So, there are service providers as well. Therefore, it is not just identified for those that are headquartered here in South Australia.

I am not a great signatory or supporter of something that is one size fits all and that uniformity is necessarily a good thing. In that regard I am a bit closer to the Western Australian school of thought. However, we can see the benefits in not having conducted any comprehensive review, particularly of this matter, to get the model correct. We do need to facilitate an extension of time and, accordingly, the opposition supports the bill.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice, Minister for Urban Development, Planning and the City of Adelaide, Minister for Tourism, Minister for Food Marketing) (12:59): I again appreciate and congratulate the member for Bragg on her contribution. It was very much to the point again, which is marvellous. It appears that we are in a sort of furious agreement about this matter, which is splendid, so I am very happy.

Bill read a second time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice, Minister for Urban Development, Planning and the City of Adelaide, Minister for Tourism, Minister for Food Marketing) (12:59): I move:

That this bill be now read a third time.

Bill read a third time and passed.

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

STATUTES AMENDMENT (COMMUNITY AND STRATA TITLES) BILL

His Excellency the Governor, by message, recommended to the house the appropriation of such amounts of money as might be required for the purposes mentioned in the bill.

STAMP DUTIES (INSURANCE) AMENDMENT BILL

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (PERSONAL PROPERTY SECURITIES) BILL

His Excellency the Governor assented to the bill.

POINT LOWLY DESALINATION PLANT

Mrs GERAGHTY (Torrens): Presented a petition signed by 240 residents of Port Lincoln, Whyalla, Port Augusta, Port Pirie and greater South Australia requesting the house to urge the state and commonwealth governments to place a condition on the approval of BHP's environment impact statement that the desalination plant be relocated to ensure effluent discharge is into an oceanic environment.

PALLIATIVE CARE RESOURCES

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education): Presented a petition signed by 182 residents of South Australia requesting the house to oppose the current euthanasia proposals and urge the government to assign more resources to palliative care and initiatives that enhance and/or improve the quality of life for people with disabilities and/or illness.

ANSWERS TO QUESTIONS

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

DISABILITY FUNDING

165 Ms CHAPMAN (Bragg) (30 November 2010). How many Disability SA clients have individual funding agreements in place?

The Hon. J.M. RANKINE (Wright—Minister for Families and Communities, Minister for Housing, Minister for Ageing, Minister for Disability): As at 10 January 2011, 44 people were actively engaged in the Phase One Self-Managed Funding Initiative. Of these: 32 currently have an individual funding agreement in place and have commenced self-managed funding; and 12 people are still finalising their plans.

FORBES PRIMARY SCHOOL

In reply to **Mr PISONI (Unley)** (24 February 2011).

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development, Minister for Science and Information Economy): I am advised that the Department of Education and Children's Services was told by the Environment Protection Authority about the possibility of contamination on the morning of Monday 21 February 2011. The school community was advised shortly thereafter and they ceased using the bore until tests could be undertaken.

These tests have been undertaken and confirm that the bore is not implicated in any contamination. I became aware of the possibility on that same Monday morning when cabinet was advised.

AUDITOR-GENERAL'S REPORT

In reply to **Mr PISONI (Unley)** (10 November 2010).

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development, Minister for Science and Information Economy): As reported in the Auditor-General's report, $12.9 million relates to project management expenditure by the Department of Education and Children's Services since 2006 on the Education Works project which includes the New Schools PPP project.

The $12.9 million covers costs relating to the total Education Works program that includes the Stage 1 New Schools project and the Stage 2 School buildings projects. The Stage 1 New Schools costs include costs directly attributable to the capital development of the New Schools PPP project as well as costs of transition relating to Stage 1. These costs also include Stage 2 costs relating to the Education Works school projects.

The $12.9 million figure was not included in the $323 million that is quoted as the value of the Pinnacle contract. The break-up of the $4.7 million consultant amounts between Stage 1 New Schools Project and Stage 2 (school amalgamations) is as follows:

Costs from 2007-08 to 2009-10	PPP costs	Transition costs	Stage 2	Total
Consultants—Aurecon	$2.590 m			$2.590 m
Consultants—other			$0.027 m	$0.027 m
Legal and probity costs	$2.110 m			$2.110 m
Total	$4.700 m		$0.027 m	$4.727 m

The $2.590 million in Aurecon fees relates to a contract for a lead project manager for the PPP process that was signed in 2007. As lead contractor fees include Walter Brooke as the architectural consultant, Rider Levett Bucknall as the cost consultant, and KPMG as the financial consultant.

Legal and probity costs of $2.110 million for the New Schools project included fees from the Crown Solicitor's Office, the Attorney-General's Department, the private sector legal adviser, Corrs Chambers Westgarth based in Victoria, and reimbursement of probity fees to the Department of Treasury and Finance. In 2007 and part of 2008, the Attorney-General's Department would pay the private sector legal fees and invoice the Department of Education and Children's Services for reimbursement.

Other consultants for Stage 2 include a fee of $13,196.00 to the Centre for Economic Studies in 2006-07 and $13,856.00 to PKF Consulting in 2009-10.

MEMBER OF PARLIAMENT, CRIMINAL CHARGES

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) (14:04): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: On Wednesday 20 April 2011, a member of this parliament was arrested and charged with serious criminal offences involving the alleged possession and procurement of child pornography. It must be said at the outset that these are allegations that are now the subject of court proceedings and it would be improper for me or for anyone else to comment on the specific allegations involving the member of parliament.

Like other citizens, members of parliament must be accorded the presumption of innocence and have proceedings against them dealt with fairly and not tainted by inappropriate or prejudicial commentary. I will therefore not, on legal advice, discuss the specific case against the member.

Of course, leaving aside this specific case and speaking generally, cases involving the sexual abuse of children, including child pornography, justifiably provoke strong community reactions, strong community condemnation, strong community repugnance. It is only natural that all decent people are shocked and offended by the sexual exploitation of children. In cases where allegations of sexual exploitation of children are proven, all of us are sickened by such repugnant and abhorrent criminal behaviour. In my view, any person convicted of a sexual offence against children is not fit for public office.

As a government, we acted quickly, strongly and decisively to strengthen South Australia's laws to protect children from sexual exploitation and to punish the individuals who offend against children. In our first term, the government completely overhauled the criminal law relating to child pornography. We wanted to make sure that the police had the power to deal with child pornography and we wanted to increase penalties.

This government increased the seriousness of child pornography offences, which means that the police now have broader powers to investigate these types of offences, including using covert surveillance. The maximum penalty for possession of child pornography was increased by this government from one year to five years for a basic offence and to seven years for an aggravated offence. We also changed the law so that those who continue to offend face even harsher terms of imprisonment of up to 10 years.

The definition of child pornography has been broadened to ensure that those who exploit and corrupt children through pornography do not escape the net of the criminal law. The government's tough stand on child pornography is part of our broader campaign to protect the public, especially children, from sexual predators. The government campaign against those who offend against children includes:

- Supporting the removal of the statutory limitation against the prosecution of child sexual offenders for offences that occurred before 1982. This measure alone has seen numerous offenders convicted and has brought justice for their victims. It seemed to us incredible that people who were involved in these practices before 1982 could get off scot-free while those after faced the law. We have changed that law for ever; anyone involved at any stage is liable for prosecution. Those offenders who lived in comfort because they believed they would never be prosecuted now fear the knock of the police on their front door.
- Introducing a child sex offender register to track offenders and safeguard children from known offenders, including those involved in child pornography.
- Enacting laws to protect runaway children from exploitation by predatory adults.
- Making serious repeat offenders liable to even harsher penalties through 'two strikes' legislation.
- Changing the law to make sure that those convicted and sentenced now for sex offences committed years ago are punished, by current tougher standards being applied by the courts, not the standards that applied in the past.
- Increasing the maximum penalty for offenders who have unlawful sex with a child under 14 from seven years to life imprisonment; previously, the maximum penalty of life

applied only in cases where the victim was under 12. I reiterate that the allegations against the member of parliament are not proven and the individual concerned, like all citizens, is entitled to the presumption of innocence. The presumption of innocence is one of the foundation stones of our criminal justice system and many of our democratic rights depend on that principle.

The matter is also sub judice and therefore subject to the law of contempt. Quite apart from the legitimate interests of the charged person to a fair trial, commentators, media and politicians alike should refrain from saying anything about the case that may prejudice the prosecution case and thereby risk a stay of proceedings.

As the charges against the member relate to sexual offences, it is unlawful at this stage of the proceedings to publish anything that reveals the identity of the person or anything from which the identity of the person may reasonably be inferred. That prohibition applies until the accused is committed for trial, in the case of an indictable offence, or when guilt is established, in the case of an offence heard before a magistrate. The accused may be identified if the case is dismissed or lapses for want of prosecution or any other reason.

Under section 71A of the Evidence Act, it is an offence to publish information in breach of this prohibition, carrying a penalty of a fine of up to $10,000 for a person or $120,000 for a body corporate. Comparable laws, automatically prohibiting the publishing of the accused's name in sexual cases, exist in other Australian jurisdictions, namely Queensland and the Northern Territory, but it does not apply in other Australian states.

Over the past week, I have read and heard much nonsense about the origin of this prohibition against identifying an alleged sexual offender at this early stage of criminal proceedings. One ill-informed and malevolent commentator suggested that the law was introduced over three decades ago by politicians to avoid the risk to themselves of being named. This is not only completely untrue but a malicious slur of the worst kind.

The law against the publication of anything tending to identify an accused person in a sexual case has its origin in the recommendations of a highly respected and eminent judge of the South Australian Supreme Court, who went on to become South Australia's first woman governor. I am, of course, referring to the Hon. Justice Dame Roma Mitchell AC, DBE, CVO, QC.

In March 1976, Justice Roma Mitchell QC (as she then was) delivered the special report into rape and other sexual offences of the Criminal Law and Penal Methods Reform Committee of South Australia, otherwise known as the Mitchell Committee. The current prohibition against identifying the accused arose out of the recommendations of the Mitchell Committee.

So far as I can establish, the legislation arising out of this recommendation of the Mitchell Committee received bipartisan support when introduced into parliament in 1976. So far as I am aware, the prohibition on publication operated with the support of subsequent governments, including the Liberal governments of David Tonkin, Dean Brown, John Olsen and Rob Kerin.

In fact, it is within my memory and experience, and, I am certain, within the memory and experience of others, that this is not the first occasion that a member of this parliament has had the protection of the law prohibiting his name from publication following charges involving sexual offences. In an earlier case, the law was respected by all political parties and the member, who was subsequently acquitted, had the benefit of that law.

So, as far as I am aware, the current Leader of the Opposition has not now or previously called for the prohibition to be removed; that is why I was somewhat surprised and alarmed by some of her public comments last week. Those comments were repeated by her colleague the member for Unley. But the Leader of the Opposition as a lawyer should know better than saying something that could lead to a breach of the law. She should not on the one hand purport to gag her colleagues from saying anything about the case and then herself make public statements which she knows cannot be responded to without breaking the law. In my view such an approach lacks sincerity—

Mr Williams interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —and is not befitting an officer of the court, a member of parliament or a person who seeks to lead the state. I accept that the—

Mr Williams: What did she say?

The SPEAKER: Order!

The Hon. M.D. RANN: You know exactly what she said. I accept that the inability to name the accused has caused public disquiet. It may well be that the rationale for not publishing an accused's name is no longer persuasive or does not have public support. The fact that the prohibition lapses when the case is dismissed or not proceeded with calls into question the rationale for such a prohibition.

The relatively recent development of the internet and especially social media has meant that the name of an accused is often published extensively within a very short time. Such publication is difficult to monitor and makes enforcement virtually impossible. In those circumstances the rationale of the prohibition is further called into question.

In view of the public disquiet, the significant time that has elapsed since the law was introduced, and that most other jurisdictions permit the identification of alleged sexual offenders, I have asked the Attorney-General to arrange an independent review of the law in this area.

I am particularly interested in hearing expert advice and community views about whether the prohibition should be abolished, or not, and, if so, whether other measures are required to protect or restore the reputation of those subsequently acquitted. I would also wish to hear advice and community views about what, if any, safeguards are needed to protect the public interest if the prohibition is continued.

I wish to make it clear that the review will not affect the law relating to the prohibition of publication of information that identifies, or tends to identify, the victims of sexual offences. The protection of victims will remain paramount and their privacy will continue to be protected. The Attorney-General will report on the outcome of the review to this house.

WOOMERA PROHIBITED AREA

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) (14:18): I seek leave to make a further ministerial statement.

Leave granted.

The Hon. M.D. RANN: Madam Speaker, this morning I had the pleasure of flying with the federal Minister for Defence, Stephen Smith, and the federal Minister for Mineral Resources, Martin Ferguson, and the state Minister for Mineral Resources Development to Woomera in our state's Far North, to release the final report of a review into the Woomera Prohibited Area and to announce the federal government's response to that review. The significance of this report cannot be overstated in terms of the future growth of two of our state's vital and burgeoning industries—defence and mining.

The federal government review, by the highly respected former public servant and diplomat Dr Allan Hawke AC, who was also the secretary for the Department of Defence between 1999 and 2002, has laid down a clear set of rules by which both industries can not only coexist within the Woomera Prohibited Area but can survive and grow long into the future.

Dr Hawke has produced an outstanding report and this government commends his excellent work, which included extensive consultation with all interested parties, including industry groups, pastoralists, indigenous groups, as well as the state government.

The review recognises that the WPA—the Woomera Prohibited Area—should 'be opened up to resources exploration to the maximum extent possible.' Apart from the proposed go-ahead for the giant Olympic Dam expansion, which I hope will be achieved early next year, there could not be in this state's history a single announcement with such economic benefits for our state's future.

The review and the report propose a new set of rules, which for the first time provide clear protocols for mining companies operating inside the Woomera Prohibited Area. The federal government announced this morning that it has accepted the review's findings and will now seek to implement the new rules for Woomera.

This government believes these new rules will lead to unlocking tens of billions of dollars in resources in gold, uranium, copper and iron ore that lie beneath the surface of the Woomera area. Indeed, the Hawke review finds that the development of multiple mineral deposits across the breadth of the Woomera Prohibited Area could transform the area into one of Australia's most

significant resource provinces. We are talking about a new frontier for mining that has previously been untapped; a new frontier that will generate billions and billions of dollars for this state.

The unique Woomera Prohibited Area stretches over 127,000 square kilometres of land—roughly equivalent to the area occupied by the whole of England. It was created in 1947 (over 60 years ago) by the commonwealth and is today the world's largest secure defence weapons testing zone, created over 13 per cent of South Australia's land mass.

Since its creation, the commonwealth government has maintained the integrity of the Woomera Prohibited Area and kept it intact as a weapons and testing zone. Its extraordinary natural assets and its continued highly protected, secure environment in a politically stable country, easily accessible to city populations, mean that the Woomera area has grown in strategic importance to governments and corporations across the globe as a testing ground for our defence and security industries.

The Woomera Prohibited Area is in an isolated part of our country and features a desert landscape; hot, clear, dry weather; a very low population; a permanently restricted airspace; little radio interference; and a well-maintained airfield. It has provided the best conditions and unimpeded airspace and land area for rocket testing; explosive testing; explosive demolition testing; unmanned aerial vehicle trials; an array of military exercises, including bombing; parachute training; GPS interference trials; and astronomical observation, to name just a few examples, by defence and global organisations, universities and government agencies.

Commercially, the Woomera Prohibited Area generates a huge amount of economic activity within our state. Beneath the surface of the WPA, however, there is a far greater potential for economic growth. It also happens to be an area of land through which runs some of the richest seams of resources in the world, such as gold, copper, uranium and iron ore.

Mining exploration companies have been hungry to explore more of the potential riches inside the WPA, which are estimated to be worth, I am told, in excess of $35 billion, and that is of the known resources contained within the area. To put that into perspective, 62 per cent of Australia's known copper resources are estimated by Geoscience Australia to be located in the area, as well as 78 per cent of Australia's known uranium reserves.

The Woomera Prohibited Area contains resource bodies similar to the nearby Olympic Dam mine, which sits just outside the WPA boundary. I am informed that there is significant potential for discovering further valuable mineral and petroleum deposits within the WPA.

The state government has actively encouraged and directly stimulated the growth of both our defence and mining industries, so in more recent years the WPA has come to represent a perfect storm of competing interests. That is why a year ago in May 2010 this government welcomed the federal government's decisions to undertake a review into the future use of the WPA in the context of national security, as well as its economic significance, to clarify rules for access and investment by mining companies and others. Like the SA government, the commonwealth has always favoured multiple land use, where this can be accommodated without compromising defence's strategically important activities.

Given that more than 100 active exploration leases, and three successfully operating mines at Challenger, Prominent Hill and Cairn Hill, operate within the WPA, this government has forcefully argued that it was in the national interest that the Department of Defence and the mining industry both work within a clear set of guidelines when operating within the area.

This final report released this morning establishes those guidelines. It is recommending the introduction of a permit system which will break the WPA into three zones according to Defence use: a red zone, where no new non-Defence users should be granted access, with the exception of the SA government sponsored geological survey; an amber zone, where new non-Defence users can be excluded for 20 weeks each in the south-east corner of the zone, and 10 weeks each in the centre line corridor each year, to be notified each March for the pending financial year, and a green zone, where Defence will be entitled to exclude new non-Defence users with permanent facilities established in the zone for up to eight weeks a year with six months' notice, and other permit holders with 14 days' notice.

The review is recommending that the defence minister should also have discretion to suspend all non-Defence users access to the area when there is an urgent national defence requirement, and this government believes that is entirely appropriate. The Hawke report is also

recommending a small adjustment to the south-eastern boundary, to allow resources companies to explore in this known region of high metallic mineral potential, similar to the Olympic Dam deposit. All of these recommended changes substantially increase the capacity for coexistence on the WPA.

I commend the federal government for accepting the report's recommendations. Legislative changes in federal parliament will be required to facilitate the introduction of this improved access regime. I hope that these legislative amendments will receive the bipartisan support they require and deserve, for the benefit for our state and nation. This is an extraordinary announcement that will have massive benefits. It is like discovering a new country for mining exploration development and, as I say, is a new frontier for our mining sector.

Mr Williams interjecting:

The SPEAKER: Order!

VISITORS

The SPEAKER: Honourable members, I acknowledge the presence in the gallery today of students from Magill Primary School, who are guests of the member for Morialta, and also a group of students from Mount Gambier. Welcome to you; it is nice to see you here. I also acknowledge the presence in the gallery of the former Speaker of the house, the Hon. Peter Lewis. Welcome.

PAPERS

The following papers were laid on the table:

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

- Community Visitors Scheme in South Australia—Report 6 April 2011
- Police Complaints Authority—Annual Compliance Audit Report for Period 1 February 2010 to 31 January 2011
- Professional Standards Councils—Annual Report 2009-10
- Regulations made under the following Act—
  - Spent Convictions—Definition of Justice Agency

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

- Regulations made under the following Acts—
  - Motor Vehicles—Registration
  - Road Traffic—Photographic Evidence

By the Minister for State/Local Government Relations (Hon. P.F. Conlon)—

- Regulations made under the following Act—
  - Local Government—Financial Management

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

- Regulations made under the following Act—
  - Fisheries Management—
    - Blue Crab Fishery
    - Demerit Points
    - General—Classes of Fishing Activities
    - Marine Scalefish Fisheries
    - Prawn Fisheries
    - Rock Lobster Fisheries

By the Minister for Employment, Training and Further Education (Hon. J.J. Snelling)—

- Further Education, Employment, Science and Technology, Department of—Annual Report 2010
- Training Advocate, Office of—Annual Report 2010
- Training and Skills Commission—Annual Report 2010

FORESTRYSA

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (14:30): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.J. SNELLING: Today, I announce to the house the government's intention to proceed to the proposed forward sale of ForestrySA plantations.

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: This is an important decision for South Australia—

Members interjecting:

The SPEAKER: Order, members on my left will be quiet!

The Hon. J.J. SNELLING: —and one that I have not agreed to without careful consideration of the wellbeing—

Members interjecting:

The SPEAKER: Order! Members will listen to the Treasurer's statement.

The Hon. J.J. SNELLING: —of families in the South-East. In December 2008, in response to the changed global economic circumstances, my colleague, the former treasurer—

Members interjecting:

The SPEAKER: Order, the member for Finniss!

The Hon. J.J. SNELLING: —foreshadowed the proposed sale of the forward sale of ForestrySA plantations as part of the 2008-09 Mid-Year Budget Review. Before the cabinet took this decision yesterday, we commissioned an independent external consulting firm, ACIL Tasman, to develop a regional impact statement. An extensive consultation process was carried out to identify any potential social and economic effects on the South-East from selling the forward harvest. ACIL Tasman consulted around 40 interested parties, including local councils, local community leaders, timber industry representatives—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —key unions and chambers of commerce. Since February this year, when I was appointed Treasurer, I have repeatedly assured the people of the South-East that I would need to be satisfied that the jobs and welfare of families were secure before I agreed to any proposal. The RIS found—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —that the proposed sale of forest rotations is unlikely to have a substantial economic impact on the region. On that basis—

Members interjecting:

The SPEAKER: Order, the member for Norwood!

Mr Marshall interjecting:

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

The Hon. J.J. SNELLING: —there are unlikely to be significant flow-on social impacts. Any major impact on the environment was also considered to be unlikely. The government proposes that a successful purchaser would take commercial control of up to—

Members interjecting:

The SPEAKER: Order, member for Davenport!

Mr Pederick: Giving up $1 billion in profit.

The SPEAKER: Order, member for Hammond!

The Hon. J.J. SNELLING: —three forward rotations of the softwood plantations in the Green Triangle. The purchaser would be subject to a replant obligation and be obliged to honour all existing log supply contracts with a complete retention of ForestrySA as manager for up to 10 years. The standards—

Mr Williams interjecting:

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

The Hon. J.J. SNELLING: The standards of community service functions, such as fire protection, will also continue. As a direct result of proceeding with a forward sale of forest rotations, I am taking these steps to ensure the interests of the South-East are protected. I will establish a South-East forest industry round table to be chaired by the prominent former Construction, Forestry, Mining and Energy Union national president, Trevor Smith, and comprising key interested parties.

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: This will give advice to government on the conditions of any forward sale before going to market. I will provide sawmill owners who have existing log supply contracts with FSA an option to extend their current contracts by up to a further five years. This will assist—

Members interjecting:

The Hon. J.J. SNELLING: I will repeat that, ma'am, because members might not have heard it over the rabble. I will provide sawmill owners who have existing log supply contracts with ForestrySA an option to extend their current contracts by up to a further five years. This will assist to protect job security. I will ensure any sale condition includes the new purchaser agreeing to target rotation length at ForestrySA's current or planned levels. This will assist in keeping the integrity of the standard of forestry product coming out of the region.

I will ensure that there is an obligation on the new purchaser to match ForestrySA's current level of planned viable domestic supply. This will guarantee a future for the local timber industry, and I will place a condition on the successful purchaser—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —to report yearly to the government. This will ensure that they are meeting the conditions of the lease. In addition, the South Australian government will retain ownership of the land, water allocations and carbon rights of the Green Triangle forests, with the successful purchaser of the forest rotations paying a lease fee to the state for the use of the land. If the successful purchaser does not replant, they will have to return the rights to use the land to the state as the landowner.

Importantly, the independently produced regional impact statement found that, irrespective of the proposed sale of forest rotations proceeding, there are many challenges facing the timber industry, such as increasing highly competitive imports of structural grade timber from Europe and, of course, the strength of the Australian dollar. The government—

Mr Marshall interjecting:

The SPEAKER: Order, the member for Norwood!

The Hon. J.J. SNELLING: The government recognises the importance of the forestry industry to the state and is absolutely committed to the sustainability of the industry. Based on all the information that has been provided to me, I am satisfied that the proposed sale structure—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —coupled with broader industry and community support measures, will deliver—

Mr Pederick interjecting:

The SPEAKER: Order, the member for Hammond!

The Hon. J.J. SNELLING: —a prosperous and sustainable forestry industry for many generations to come. I have also—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —released a full copy of the RIS report, which can be found at www.treasury.sa.gov.au.

Members interjecting:

The SPEAKER: Order!

Mr Pengilly interjecting:

The SPEAKER: Order! Member for Finniss, you are on a warning.

QUESTION TIME

ADELAIDE OVAL

Mrs REDMOND (Heysen—Leader of the Opposition) (14:40): My question, as it happens, is to the Treasurer. What is the latest estimate of the cost of the Adelaide Oval redevelopment?

Members interjecting:

The SPEAKER: Order! The Minister for Transport.

Mr Williams interjecting:

The SPEAKER: Order! Member for MacKillop, you are on your second warning.

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Industrial Relations, Minister for State/Local Government Relations) (14:40): How pleased I am to have a question on this subject. I note immediately the interjections from the member for MacKillop who actually led the no vote at SACA. He did better than three this time. As has been explained—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: Now the member for MacKillop is holding himself up against the person who has been a minister for nine years as a model of political success. I mean, for goodness sake!

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: What is happening here is that members of the opposition, having canvassed a no vote in SACA, and having failed, are now going to seek to undermine the project another way. They lack insight.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: Here we go, Madam Speaker.

Members interjecting:

The Hon. P.F. CONLON: If you want to talk about Adelaide Oval all day, all question time I am more than happy. We will extend question time for you, because let me tell you what happened last night. You nay-sayers were routed.

The SPEAKER: Order!

The Hon. P.F. CONLON: You were driven like leaves before the wind.

The SPEAKER: Order! Minister for Transport, sit down.

Members interjecting:

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

Mr VAN HOLST PELLEKAAN: Madam Speaker, standing order 98: he is debating; he is ranting; he is raving; he is carrying on like a lunatic.

Members interjecting:

The SPEAKER: Order! You have made your point of order. You are now debating also. Minister for Transport, I direct you back to the answer to the question.

The Hon. P.F. CONLON: I make the point, Madam Speaker—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: —if people want me not to debate perhaps they should not engage in such unruly behaviour.

Mr Marshall interjecting:

The Hon. P.F. CONLON: Ask the member for Norwood. He has finished being an expert on—

The SPEAKER: Order! Member for Norwood—

The Hon. P.F. CONLON: The polymath from Norwood.

The SPEAKER: Order! The minister will get back to the question.

Mr Williams interjecting:

The Hon. P.F. CONLON: The cost of the Adelaide Oval—why don't you take your three votes from your leadership and your 2,463 from SACA and shut up for a while?

Members interjecting:

The SPEAKER: Order! The minister is now going to answer the question.

Members interjecting:

The Hon. P.F. CONLON: Okay, you be silent and I will answer the question.

The Hon. K.O. Foley: But I bet you'll be there for the opening!

The Hon. P.F. CONLON: He will be there for the opening, don't you worry about that! Regarding the cost of Adelaide Oval: in our discussions with those people, and can I say we now have something like five expressions of interest in the process to build Adelaide Oval—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: —which will proceed to a short list in a more formal tender process and will finish with one or two people as early contractors, before we finally finish with a final early contractor and a finalised price. What we do know in the discussions with those people is that they believe that the money that the government has made available may well be, and they believe will be, sufficient to pay—

Members interjecting:

Mr Marshall: Such confidence.

The SPEAKER: Order! Member for Norwood, you are on your second warning—I would be very careful.

The Hon. P.F. CONLON: I liked you better in the Marx Brothers movies. Look at the haircut.

The SPEAKER: Order! The minister will get back to the question.

The Hon. P.F. CONLON: You're just like Chico Marx, except you're not funny.

Members interjecting:

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

Members interjecting:

The SPEAKER: Order! I want to hear the point of order.

Mr PENGILLY: Thank you—127, ma'am: personal reflection on the member.

The SPEAKER: Yes, I know what it is. It was questionable, but I will let him go this time. The minister will now answer the question and move on.

The Hon. P.F. CONLON: I will; I will. It is interesting that we have Mr Bean leaping to the defence.

The SPEAKER: Order, the minister!

The Hon. P.F. CONLON: The truth is that the final cost for the oval will not be determined until we get that process through with the contractors. What I can say is that the extent of the South Australian taxpayers' contribution is and will be $535 million—that is all.

Members interjecting:

The Hon. P.F. CONLON: I'm not really fussed if you don't like that answer, I have to say, because I am more than happy to talk about this all day—in fact, I might.

An honourable member: Bring it on!

The Hon. P.F. CONLON: Bring it on! The only political skills some of these people have are that they don't know when they're in pain. As I have said, the process to date indicates, in our discussions, that we are about the mark in terms of the cost. What we also know is that, through the good work—

Mr Venning interjecting:

The Hon. P.F. CONLON: Poor old Ivan. We will not know exactly until we go on. But, through the good work of this government, what we do know—

Members interjecting:

The Hon. P.F. CONLON: Then the fake laughter. All the great techniques of a quality opposition—the fake laughter! What we do know—

Mr Pengilly: Forty-four per cent was it, Patrick?

The Hon. P.F. CONLON: What's that?

Mr Pengilly: Forty-four per cent.

The Hon. P.F. CONLON: You want to talk about polls—80.3 per cent, mate. You were in the 19.7; we were in the 80.3. Led by great South Australians like John Olsen, Ian McLachlan, Rob Kerin. John Howard loved it; Alexander Downer loved it. What is the difference between them and the opposition? They had a career; they did something. So, who will I listen to? I will go with the Libs who did something, not these pathetic people. The final price will not be known. But, I repeat, because of the good work of this government, we know that the AFL will also be contributing to this stadium.

As I have said, our early indications are that we are very much about the mark to build this stadium. There will not be any further taxpayers' money go into this stadium. What this stadium will trigger is a massive redevelopment on our riverfront precinct, a bridge over the Torrens—a great big bridge—that will deliver people to public transport and car parking. Billions of dollars of development over the years there—a return of north of $100 million a year to the city. So, we are quite pleased that that $535 million investment by us will trigger what is the biggest game challenger—

The SPEAKER: Order!

The Hon. P.F. CONLON: —this city has ever seen.

Mr WILLIAMS: Point of order.

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

Mr WILLIAMS: Thank you, Madam Speaker. The point of order is standing order 98—relevance. The question was: what is the latest estimate of the cost of the project?

The Hon. P.F. CONLON: I'm done.

The SPEAKER: The minister is done. I think you are about a minute and a half too late with your point of order; I thought he was digressing a little earlier than that. The member for Florey.

Members interjecting:

The SPEAKER: Order!

ANZAC ACTIVITIES

Ms BEDFORD (Florey) (14:48): My question is to the Premier. Can the Premier update members of this house on ANZAC-related activities?

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) (14:49): I would like to acknowledge the role of the honourable member asking the question in supporting veterans in our state in so many ways over so many years, particularly Vietnam veterans.

I am pleased to be able to tell this house that the nine South Australian students who received this year's ANZAC Spirit School Prize returned home last week. For the prizewinners, it completed the research projects they undertook about South Australian soldiers, barely older than themselves, who served on the Western Front. The two-week study tour took in the Churchill War Rooms and cabinet rooms, underground, near St James in London, and also Paris and the World War I battlefields of Belgium and France, culminating in the ANZAC Day dawn service at Villers-Bretonneux.

The students represented us at the wreath laying at the service where they stood in the places where Australian soldiers so bravely fought and died for our country. They traced the very ground that, less than 100 years earlier, witnessed the battle that changed the world in the war that was supposed to end all wars.

Following the ANZAC dawn service, the march and the service of remembrance here in Adelaide, I had the great honour of unveiling a Sikh soldiers memorial plaque on the Pathway of Honour off Kintore Avenue. This plaque honours the Sikh soldiers who so bravely served alongside our ANZAC troops in both world wars and ensures that their contribution lives on in perpetuity.

Although Sikhs comprised barely 2 per cent of India's population, they accounted for nearly 20 per cent of the British Indian Army in World War I. They fought in the deserts of Egypt and Palestine and were there on the cliffs and beaches at Gallipoli, fighting as comrades in arms alongside our Diggers. In fact, there were Australians, New Zealanders—the ANZACs—and the Indians at Anzac Cove at Gallipoli. In many ways, the Indian soldiers are the forgotten ANZACs.

During the Second World War, Sikhs volunteered in even greater numbers. Despite the growing push for Indian independence from Britain at that time, around 300,000 Sikhs chose to fight with the British Indian Army. The Sikhs' exemplary bravery halted the Japanese advance in Burma and prevented their march into India. They suffered, with so many others, the inhumane conditions of the Burma-Thailand railway and also as prisoners of war in Malaya and Singapore. Sikh soldiers also won commendations from, and the admiration of, the international forces of which they were a part in Italy, in battles such as Monte Cassino. I take this opportunity to congratulate the Guru Nanak Society on their vision and their commitment to place the plaque on our Pathway of Honour.

The year 2015 marks the 100th anniversary of the landings at Gallipoli and South Australia has already begun preparing. I was pleased to announce on ANZAC Day this year that I have commissioned a major work from the Adelaide Symphony Orchestra as South Australia's enduring gift to the nation to commemorate not only the first ANZAC Day but a century of service since.

I believe we will be able to gift a truly remarkable and appropriate work that all Australians will listen to with great pride and affection. The piece will draw its inspiration from the men and women of our defence forces who, for almost 100 years, have stood and fought for the values we continue to share and cherish today.

Whether it is at dawn services across Adelaide, at sombre gatherings in our country and regional centres, the pilgrimage at Gallipoli's North Beach or the chill morning of a Flanders field, all of us remain honoured to walk in their light. On ANZAC Day every year we mark the everlasting companionship between the living and the dead—a handshake across the void. It is a day when we ponder the enormity of their sacrifice, and of our loss, and we offer up our heartfelt thanks.

ADELAIDE OVAL

Mrs REDMOND (Heysen—Leader of the Opposition) (14:53): My question is again to the Treasurer. When will the government make public the final cost of the Adelaide Oval redevelopment project?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Industrial Relations, Minister for State/Local Government Relations) (14:53): Again, what I would say to you is that the final cost of the Adelaide Oval project will be known when we have selected an early contractor who will become the builder of that and give us a final price. Now, when that will be is a very good question—

Mr Williams: That is why we asked it.

The Hon. P.F. CONLON: —yes, because when it will be will depend greatly upon the attitude of the Liberal opposition. I suspect I was going to get a question on this subject anyway, so I may as well make use of this one. We intend proceeding as quickly as possible to embrace that great enthusiasm and momentum that has been built up by the SACA vote last night. Can I pay tribute to the SACA members and the SACA board and Ian McLachlan for the job they have done in fending off the nay-sayers in bringing us to this great sense of momentum for this very important project for South Australia.

We will seek to take those registrations of interest, narrow them down to a short list, and get a final contractor and get a final price. We hope to do that by somewhere around the middle of this year. But, of course, we must bring to the parliament a piece of legislation which sets out the terms and conditions, rights of occupancy and use of the oval by cricket and football. If we have the support of the Liberal opposition on that we will turn this great dream of the reunification of the two codes in one place into a speedy reality. The opportunity to do that—and I guarantee as soon as we can draft that legislation we will have it here—

Ms Chapman interjecting:

The Hon. P.F. CONLON: Unlike you we did not take the SACA vote for granted. You took it for granted that you could go out there and tell them, and frighten them, and then they would say no, but the truth is that South Australia has moved on past you nay-sayers, it has moved on past you. It is going to a new level. It does not listen to your shallow scaremongering, 'We can't do this; it'll be the end of the world.' It is not listening to you any more, and what I would say to you is listen to the SACA voters—

Mrs REDMOND: I rise on a point of order: standing order 98, on relevance. I asked a simple question about when we could expect the public to be told what the final cost of the project is going to be.

The SPEAKER: I uphold that point of order. I think the minister is starting to ramble and I am sure it is time he brought his answer to a close.

The Hon. P.F. CONLON: I have said that we aim to do that in the most timely fashion possible. It is not a debating point to say that the speed with which we can do that will rely upon the opposition shifting ground and listening to the people of South Australia and the SACA voters. If you get out of the way, we will get the legislation through, and we will get you a final price at the earliest possible point. So, it is in your hands. But let me say this—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: —what concerns me about getting a final price is that the position of the Liberal Party shifts from day to day on this. A few months ago they wanted a bigger, better, stand-alone, more expensive stadium. This week they don't want any money spent on stadiums—it is not the right priority. So, what position will they take? You couldn't find them with a search crew. If the Liberal opposition can support our state instead of themselves, we will get them an early price. All they have to do is allow us a speedy passage of the legislation.

Members interjecting:

The SPEAKER: Order! There will be no quarrels across the floor. You will go outside if you want a quarrel.

SOUTH AUSTRALIAN AQUATIC AND LEISURE CENTRE

Mr SIBBONS (Mitchell) (14:58): My question is to the Premier. Can the Premier update the house on the magnificent new aquatic and leisure centre at Marion?

Mr WILLIAMS: Point of order, Madam Speaker: the question is clearly out of order, it is full of comment.

The SPEAKER: I would ask the member to withdraw the use of 'magnificent'.

Mr SIBBONS: I will lose the word 'magnificent', Madam Speaker.

The SPEAKER: Would you just like to ask the Premier to update us?

Mr SIBBONS: We will lose that, definitely.

An honourable member: But it is magnificent.

Mr SIBBONS: It is magnificent.

The SPEAKER: Have you finished asking your question?

Mr SIBBONS: I will repeat the question, Madam Speaker: can the Premier update the house on the new aquatic and leisure centre at Marion?

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) (14:59): There could not be a more appropriate question from the member for Mitchell, given his extraordinarily supportive—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order, minister for Transport!

The Hon. I.F. Evans interjecting:

The SPEAKER: Order! The Minister for Transport and the member for Davenport will be quiet.

The Hon. M.D. RANN: The member for Mitchell is an enthusiastic supporter of this project and I congratulate him for having this magnificent facility in the heart of his electorate. On 9 April I officially opened the nation's newest international standard aquatics centre at Marion. The centre, which is the largest single built aquatic hall in the Southern Hemisphere (some say the world), exceeds the strict international competition standards of FINA, the world aquatics governing body.

The centre contains a 50-metre competition swimming pool and a 55-metre diving and water polo pool. The centre also provides state-of-the-art training equipment for aquatic athletes, including dryland training facilities such as springboards, harnesses, trampolines, and strength and conditioning apparatus. The centre will allow South Australia to nurture future generations of swimmers and divers, and it will now allow us to host key national and international aquatics events and showcase Australia's best aquatics athletes. There is purpose-designed seating for 4,500 spectators, ensuring the best possible viewing experience for competition swimming, diving and water polo.

The first event held at the centre was the Australian Age Swimming Championships, held between 18 and 23 April. The event was an outstanding success, with our facility receiving glowing endorsements from all those present. Fifteen hundred competitors participated, with a number of longstanding records broken by our future stars of the pool.

The next event in the centre's calendar is the Australian Short Course Swimming Championships from 1 to 3 July this year, where South Australians will get to see the likes of Michael Klim, Stephanie Rice, Eamon Sullivan and Libby Trickett competing. I understand that the minister for recreation and sport has also swum at the complex. The construction of the new centre

has also allowed South Australia to secure the 2012 World Lifesaving Championships and the 2012 World Junior Diving Championships.

However, this is, importantly, also a community facility. The world-class swimming, diving and water polo facilities sit alongside 1,000 square metres of leisure and recreational water. The leisure water features a six-lane, 25-metre community program pool with disability access, a dedicated learn-to-swim pool, play equipment and a toddler's swimming pool. There are also the spectacular new water slides featuring South Australia's first 'space bowl', certain to be a very popular destination for young people and the minister for recreation and sport. There will be a health club, gymnasium, spa, sauna and steam room facilities. The site also includes a new purpose-built car park for 560 vehicles, as well as being conveniently located for public transport next to the Oaklands Park rail and bus terminus.

The YMCA has been appointed to operate the centre. The YMCA will ensure that the centre meets the needs of all users—young children, families and elite athletes. This $80 million project has delivered to South Australia the nation's premier aquatic facility. It provides the facilities to nurture our stars of the future and showcase the stars of today, as well as being a place for the community to learn to swim, get fit and enjoy a fabulous aquatics centre, alongside the minister for recreation and sport.

I am very pleased to acknowledge the funding support from the federal government, which provided $15 million, and the City of Marion, which provided the land on which the centre stands plus an additional $5 million. I commend all of those involved. I commend not just the member for Mitchell but also the Mayor of Marion, although neither of us fulfilled our pledge to be the first swimmers in the pool. In an act of extraordinary generosity, we made way for Michael Klim. I congratulate everyone, including the Minister for Infrastructure, on this outstanding addition to infrastructure in this state.

Members interjecting:

The SPEAKER: Order!

Mr Venning interjecting:

The SPEAKER: Order! The member for Schubert will be quiet.

Mr Williams interjecting:

The SPEAKER: Order, member for MacKillop!

ADELAIDE OVAL

Mrs REDMOND (Heysen—Leader of the Opposition) (15:05): My question is to the Minister for Infrastructure. Will the proposals for car parking, public transport, the Torrens footbridge and the plaza—

The Hon. K.O. Foley: Knock, knock, knock, knock, knock!

Mrs REDMOND: Yes, it's only $100 million or so, you know.

Members interjecting:

The SPEAKER: Order! Allow the member to ask the question.

The Hon. M.J. Atkinson: Don't let them park in North Adelaide!

The SPEAKER: Order, member for Croydon!

Mrs REDMOND: Will the proposals for car parking, public transport, the Torrens footbridge and the plaza that were presented to SACA members last night as part of the Adelaide Oval redevelopment be funded separately from, or in addition to, the government's $535 million contribution to the project?

Members interjecting:

The SPEAKER: Order! The Minister for Infrastructure.

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Industrial Relations, Minister for State/Local Government Relations) (15:05): Not only does the Leader of the Opposition seem incapable of remembering her own policies on this, she forgets things that we have already said.

Members interjecting:

An honourable member: Just answer the question.

The Hon. P.F. CONLON: I've got to say, either you people over there have the short-term memory of goldfish or you would remember some of the discussion of some of these items. Now, in terms of, for example, the footbridge: we made it absolutely plain that the footbridge is being funded out of the Convention Centre redevelopment.

An honourable member interjecting:

The Hon. P.F. CONLON: 'Oh.' They go, 'Oh.' They only knew that around nine months ago.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The Hon. P.F. CONLON: Because the precinct will have that footbridge. This may be a great surprise to you, but the fact that it's funded and part of something else doesn't mean it won't be part of the precinct. I think footy players will use it. The truth is, about the plaza, it is part of the project and always has been. The footbridge isn't.

Mr Marshall: So what's the total cost?

The SPEAKER: Order!

The Hon. K.O. Foley: Get over it, guys, you're on a loser with this one.

Mr Venning: Check the polls, Kevin.

The Hon. P.F. CONLON: I'd like to get a bet on in the next one, I can tell you.

An honourable member interjecting:

The Hon. P.F. CONLON: I'd want someone to hold them if it's you, son. The truth is, Madam Speaker, today we offered an opportunity to the opposition. The opportunity was to join that 80 per cent of SACA voters, John Howard, Alexander Downer, John Olsen, Rob Kerin, Ian McLachlan—a bunch, a bevy, a welter of luminary Liberals—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. Foley: Christopher Pyne.

The Hon. P.F. CONLON: Christopher Pyne! We invited them to join much better credentialed Liberals than them and they are refusing to, and still seeking to undermine the project. Still seeking to undermine it. There is—

The SPEAKER: Order! Point of order, Leader of the Opposition.

Mrs REDMOND: Point of order, Madam Speaker. The minister appears to be debating the issue. I asked about whether the cost was $535 million including all those things, or $535 million plus all the extras like the footbridge and the car parking.

The SPEAKER: I am listening carefully to the minister's answer. I am sure he is getting to his close.

The Hon. P.F. CONLON: It would be easier, Madam Speaker, if they weren't an interrupting rabble, but they are. They yell, they shriek, they want to prove their courage by asking a question about something they got a hiding on, but they don't want to hear the answer because they haven't got the courage for that. It is clear—if the Leader of the Opposition spent a little time remembering what has been said before—that some items are in that $535 million and some are not. That hasn't changed. That hasn't changed an iota—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: The genius from MacKillop says, 'Why didn't you tell SACA?' The truth is, there will be a footbridge there for people going to the oval to use. Why? Because it is

very important. They will go to our public transport, and will we run more public transport as a result of people using it? Yes, because that is what we have been doing for years. We've seen the greatest growth in public transport this state has seen. Is the plaza part of that project? Yes, but you don't need to come in here and prove that you have the courage to ask a question today by asking something that's already on the public record.

What I will return to say is this: the taxpayer is funding $535 million, and $535 million only, on the oval redevelopment. We are also funding a $400 million Convention Centre. The Casino, as a result of this very good vote, is very likely to spend a quarter of a billion dollars in the precinct. The Intercontinental will spend money in the precint. Many of those people are very interested in building car parking in the precinct. The Casino is already on the record as stating that it is quite happy to make a contribution to the precinct if it helps.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: The taxpayer is in for 535. We are in the Convention Centre for 400. They are all there in the books and have all been announced. There is a footbridge as part of—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: —the Convention Centre. I will stop with this: you can keep on going, keep on undermining, but you are riding in the wrong direction. South Australia is going in one direction and you are going in the opposite direction. You will be left behind and you will inherit the oblivion you deserve.

MARK OLIPHANT COLLEGE

Mr PICCOLO (Light) (15:10): My question is to the Minister for Education and Minister for Early Childhood Development. Can the minister update the house on the brand new Mark Oliphant College?

The Hon. J.W. WEATHERILL (Cheltenham—Minister for Education, Minister for Early Childhood Development, Minister for Science and Information Economy) (15:10): I would like to thank the honourable member for his question and acknowledge his role as a member of the governing council of this wonderful new school, the Mark Oliphant College. It is the fifth of the state government's $200 million program of Education Works, the initiative for new schools in the metropolitan area.

It is the next plank in our real commitment to address disadvantage and education in the northern and north-western suburbs and part of the biggest investment in school infrastructure in a generation. The new school opened its doors today. Sir Mark Oliphant, as many in this chamber would be aware, was an Adelaide boy. He studied physics.

The Hon. M.J. Atkinson: An Unley High School boy.

The Hon. J.W. WEATHERILL: Unley High School, indeed. He studied at the University of Adelaide. He formed the Australian Academy of Science and became Governor of South Australia in 1971, and he actively promoted science in South Australian schools and universities. Fittingly, this state-of-the-art school has a focus on science at all year levels. Science is taught by all teachers, beginning in reception up to year 7, with specialist teachers in years 8 to 12.

Mark Oliphant College is the first birth to 12 school purpose built to teach across all of the school years. It combines childcare, preschool, primary and high school all in the one location and provides a seamless transition between those various years of schooling. At the same time, its schooling components are divided into four subschools, or schools within schools: early years, primary years, middle years and senior years.

Each subschool has a dedicated head of school and leadership group which provides guidance and structure to that particular group of students. The subschools all come together in a village green and are connected by a number of covered walkways.

The school has been carefully designed to provide all of the benefits of having that whole-of-school approach on the one site, while at the same time retaining the focus on each individual

child because we know that every single child has unique needs and that the key to unlocking the creativity of each child is to focus on that sense of individuality.

The school is 21st century ready, with wireless networks throughout the school to support e-learning of students. The school has almost 500 MacBooks, personal computers, iPads and iPods being used by students from birth to year 12, and this will increase to a further 900 devices by the end of the year. I want to particularly acknowledge the school community and those students and parents who have taken this quite bold decision because it is the coming together of a number of schools. It was a decision that a number of parents approached with some trepidation, but now that they have seen the outcome, the benefits and what they have achieved with this school, I think everybody is incredibly excited and are fortified in the view that they took.

I want to thank and congratulate principal Lynne Symons and her staff and school community for the work they have done in making sure that this school is a success. They are all incredibly excited. I heard today from the new chief executive, Keith Bartley, who started this week. He went to the school today and was shown through the school. He was thrilled to see the looks on the faces of the young students, some of them pretty bewildered about their new environment, but all incredibly excited about the opportunities this new school will bring.

ADELAIDE OVAL

Mrs REDMOND (Heysen—Leader of the Opposition) (15:14): My question is again to the Minister for Infrastructure. Who will pay for any cost overruns for the Adelaide Oval redevelopment project? The government has overseen cost overruns for the Northern Expressway from $300 million to $564 million; the Port River Expressway from $138 million to $175 million; The Queen Elizabeth Hospital Stage 2 Redevelopment from $42 million—this is a ripper—to $127 million; the Royal Adelaide Hospital, of course, famously from $1.7 billion to $2.73 billion; the Port River Bridge from $136 million to $178 million; the Techport precinct—

Members interjecting:

The SPEAKER: Order!

Mrs REDMOND: —from $140 million to $257 million; the desalination plant from $1.1 billion to $1.8 billion; and, to join that up, the North-South Interconnector project from $304 million to $403 million—just got the figures around the wrong way.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Point of order. Madam Speaker, can I remind the Leader of the Opposition that the—

Mr Williams: What's your point of order?

The SPEAKER: Order!

An honourable member: He's forgotten the point of order.

The SPEAKER: Order!

Mr Williams: What do you remember?

The SPEAKER: Minister, do you have a point of order?

The Hon. K.O. FOLEY: I remember the way back to my ministerial office which I have been occupying for 9½ years, which you never will. Madam Speaker, the Leader of the Opposition has access to a grievance. She is clearly not providing a sensible question to the minister.

The SPEAKER: I understand. Your point of order will be—

An honourable member: What's the point of order?

The SPEAKER: Ninety-seven, relevance. Have you finished? You are starting to debate.

Mrs REDMOND: The question was simply: who will pay for any cost—

The SPEAKER: It was a very simple question that you took considerable time to explain.

Mrs REDMOND: Who will pay for any cost overruns? There is a vast history. I could go on for some time yet with the history of them.

The SPEAKER: I think you have answered your question, leader; you can sit down. The Minister for Infrastructure.

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Industrial Relations, Minister for State/Local Government Relations) (15:16): As it would be out of order to respond to that debate, I will therefore answer the question—not the taxpayer.

PUBLIC HOSPITAL STATISTICS

Mrs GERAGHTY (Torrens) (15:17): My question is to the Minister for Health. How have South Australian public hospitals performed in recent national data collections?

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) (15:17): I am delighted to report that South Australia reported some fantastic results in the 2009-10 Australian Hospital Statistics, which is a report of the Australian Institute of Health and Welfare. This is a reflection of the outstanding performance of South Australia's doctors, nurses and other health workers in our health system, and I am very proud of the work that they have done for the patients of our state. I thank them very sincerely for the hard work that they are doing in taking care of the sick and those in need in our institutions. Often under pressure, they work very hard.

The report shows that South Australia has more hospital beds per head of population in both city and rural areas and more doctors and nurses working in public hospitals per head of population than any other mainland state. Our health system is also Australia's most efficiently run, and there have been some fantastic improvements in important areas like the time patients wait for elective surgery or the time taken to be seen in emergency departments, and I would like to amplify those results.

The report shows that South Australia had a total of 80 public hospitals at 30 June 2010 which provided 4,859 available beds. Our state has the highest number of public hospital beds per 1,000 of population (three), which is 15.4 per cent above the national average. The bed rate of seven beds per 1,000—

Dr McFetridge interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: The bed rate of seven beds per 1,000 of population for remote areas in South Australia is 75 per cent higher than the national average of four beds per 1,000 in remote areas. For major cities, South Australia recorded a total of 2.7 public hospital beds per 1,000 of population, and that compares with a national average of 2.5 beds—so, 8 per cent higher in Adelaide as well.

The median waiting time for elective surgery in South Australian major public hospitals in 2009-10 was 36 days. That is the same as the national average. That, I must say, is the most favourable national comparison that we have ever achieved in this state. Only two years ago, the South Australian median waiting time was 23.5 per cent higher than the national average—42 days compared to 34 days. So, median waiting times in South Australia have trended downwards (while national averages have trended upwards) as a result of investment by this government supported by the federal government.

Ninety per cent of all patients in South Australia were admitted for elective surgery within 189 days in South Australia, the lowest result ever achieved since reporting began. That is 23.5 per cent below the national figure of 247 days. Ninety per cent are treated in South Australia in 189 days and nationally it is 90 per cent within 247 days; 1.1 per cent of patients admitted from waiting lists in South Australia waited more than a year and that is 2.5 per cent below the national figure. This is another record low for South Australia since reporting began. In addition, the state government has invested funds to support increased elective surgery activity and the $88.6 million every patient every service election commitment will fund 260,000 elective surgery procedures over the next four years.

In relation to waiting times in emergency departments, 67 per cent of our patients were seen in time compared with 70 per cent across Australia—so we are a bit below there—but that is a 3 per cent improvement on the previous year and, of course, our waiting times continue to improve, with the proportion seen in time increasing to 71 per cent in the year to March 2011,

which is higher than the national average and the highest result we have ever achieved. The median waiting time to service was 24 minutes for South Australia in 2009-10, an improvement compared with the previous year (11.1 per cent lower) and only one minute above the national average. The median waiting time has fallen to 20 minutes in 2010-11, year to date March 2011. So, there are improvements right across the board in those areas.

The total cost per casemix adjusted separation (excluding depreciation) for South Australia in 2009-10—casemix was a scheme introduced by the former Liberal government to measure how much it cost to perform an average operation in the system—was $4,374, and that is the lowest in Australia and 7.1 per cent below the national average of $4,706. So, we are performing better than every other state, we have more resources going into our health system than any other state and, in addition, we are doing it more efficiently than any other state. This is a selection of major data published in the report and shows that this government's investment in our hospitals (which has more than doubled since we have been elected) is resulting in better health care services for South Australians.

New information has also been uploaded onto the MyHospitals website, providing a more detailed level of data for individual hospitals. On the whole, the website reflects the better performance of our largely elective surgery sites—The Queen Elizabeth Hospital, the Noarlunga Health Service and the Repatriation General Hospital. Hospitals which have high demand emergency departments, such as the Royal Adelaide Hospital, the Lyell McEwin, Flinders and so on, will often report longer median waiting times for some elective surgery procedures due to the nature of the emergency requirement which will always take priority. This data helps us to pinpoint specific areas of underperformance for improvement in relation to elective surgery and emergency department wait times.

I do not want to give the impression that the system is perfect: it is not. There are areas for improvement and I want to give some examples of where we are working to improve our system. Like the opposition, there are plenty of areas there for improvement. This data helps us to identify those areas.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: For example, waits for some elective surgery at the Lyell McEwin Hospital is an area where we need to pay particular attention and that is why we are spending $339 million to virtually double the size of that hospital—more than 50 beds have now been delivered there, with a further 100 to come. It should be noted that there have been some improvements to the Lyell McEwin—and I pay tribute to the hardworking staff there—and, in particular, the waiting time for all ear, nose and throat surgery almost halved in 2010-11. It went from 104 to 53 days, which is below the national average of 63 days. The median waiting time for a total knee replacement fell by 63 per cent, from 329 to 122 days, well below the average of 181 days.

I am pleased to note that, across all elective surgery in metropolitan Adelaide, we are below the national average in the category of people waiting longer than a year, with only a small number of exceptions. But we want to focus on the exceptions, and they include myringoplasty, which is repairing holes in the eardrum, at the Women's and Children's Hospital, and all eye surgery at the Royal Adelaide Hospital. Both have median waiting times and people waiting more than a year for surgery at rates significantly higher than the national average, and that is not acceptable.

In relation to the emergency department care, waiting times for South Australia continue to improve. As I have mentioned, we are implementing a number of strategies at specific sites to drive further improvement, and we will get further improvement. We will continue to work with our public hospitals in this state to improve the level of care we provide to South Australians.

In relation to the question asked by the Leader of the Opposition, where she indicated that we had blown out the budget at QEH, I advise the house that $41 million at QEH was stage 1. Stage 2 was $127 million and was on time.

The Hon. I.F. Evans interjecting:

The SPEAKER: Order! I'm sorry, what was your point of order?

The Hon. I.F. EVANS: The use of phones in the chamber is unparliamentary. The minister is clearly reading from his phone.

The SPEAKER: I don't think it was a telephone call; I think it is a message.

Members interjecting:

The SPEAKER: Order! We don't allow telephone calls—

Members interjecting:

The SPEAKER: Order! If you want me to start stepping on people using telephones, I will ban them completely and nobody will be able to use Twitter or any other means that they are now using.

Members interjecting:

The SPEAKER: Order! Minister, have you finished your response?

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

The SPEAKER: I call the Deputy Leader of the Opposition.

ADELAIDE OVAL

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:26): My question is to the Minister for Infrastructure. Can the minister assure the house that the Adelaide Oval redevelopment project will be referred to the Public Works Committee for scrutiny, as required by the Parliamentary Committees Act?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Industrial Relations, Minister for State/Local Government Relations) (15:27): I can certainly guarantee that any project that is required to be referred to—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The Hon. P.F. CONLON: Can I finish? Any project that is required to be referred to the committee will be.

FORESTRYSA

The Hon. I.F. EVANS (Davenport) (15:27): My question is to the Treasurer. Will the Treasurer guarantee that there will be no job losses in the South-East arising from the selling of the harvesting rights of South Australian forests, as promised to the parliament by the previous treasurer on 24 November 2010? I quote the previous treasurer, as follows:

> There will be no decision by the government that will adversely impact on jobs and the timber industry in the South-East of this state.

The SPEAKER: The honourable Treasurer.

The Hon. K.O. Foley: It doesn't mean no job loss.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order!

Mr Williams interjecting:

The SPEAKER: Order, member for MacKillop! Treasurer.

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (15:28): As I have already indicated to the house, I would not have proceeded with this sale if I had any doubt in my mind that there would be any threat to the ongoing economic viability—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: I can't scream over the top of them.

The SPEAKER: Order!

The Hon. J.J. SNELLING: I would not have proceeded with this announcement today—I would not have proceeded with this sale—

Mr Pisoni interjecting:

The SPEAKER: Order, member for Unley!

The Hon. J.J. SNELLING: —if I had any doubt in my mind that this sale would have any adverse impact—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —on the regional economy of the South-East. But I can refer to one thing that has had an impact on the economy in the South-East and that is the ongoing scare campaign being whipped up by certain people.

Mr Pengilly interjecting:

The SPEAKER: Order, member for Finniss!

The Hon. J.J. SNELLING: This suggestion, this absolutely false suggestion, said in the full knowledge that there is no way it could possibly happen, that the result of this sale would result, overnight, in 3,000 jobs being lost is absolute balderdash.

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: Absolute balderdash.

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: Those people who make those sort of claims, trying to prey on the fears of families in the South-East, are quite happy to destroy businesses and to destroy jobs in the South-East, all to—

Members interjecting:

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

Mr VAN HOLST PELLEKAAN: Point of order: 98, debate.

The SPEAKER: No, I think the minister can answer that question accordingly, as he chooses.

The Hon. J.J. SNELLING: All for nothing other than base political interests—no other reasons. The government has undertaken—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —far-reaching consultation with all the interested parties in the South-East. I personally, at the invitation of the member for Mount Gambier, have gone down there and spoken to the mill owners. I have spoken to the unions. I have done that myself.

The only job that, as a result of this decision, anyone should be worried about is the member for MacKillop's because we all know what mayor Gandolfi wants to do. We all know where mayor Gandolfi sees his future. He sees his future as the member for MacKillop. I only hope, for the member for MacKillop's sake, he can do a little bit better than the three votes he managed in the leadership ballot.

Members interjecting:

The SPEAKER: Order!

The Hon. I.F. EVANS: Supplementary, Madam Speaker?

The SPEAKER: Supplementary.

FORESTRYSA

The Hon. I.F. EVANS (Davenport) (15:30): Can the Treasurer please advise the house who he claims made the claim that there will be 3,000 jobs lost overnight, as the Treasurer has just claimed to the house?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (15:31): Those claims have been well put about.

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: Those claims have been well put about. You people know very well that those claims have been well put about, trying to whip up completely unjustified fear to give people an unfounded fear for their jobs and their future.

ABILITIES FOR ALL

Mrs VLAHOS (Taylor) (15:32): Can the minister tell the house about the initiatives to provide accredited workplace training to—

The SPEAKER: Point of order.

The Hon. I.F. EVANS: Which minister, Madam Speaker?

The SPEAKER: Member for Taylor, could you ask—

Mrs VLAHOS: I was caught off guard. My apologies.

Members interjecting:

The SPEAKER: I am sorry, I can't hear. Would the members on my left be quiet; I can't hear the question. Who was the minister, member for Taylor?

Mrs VLAHOS: My question is to the Minister for Employment, Training and Further Education. Can the minister tell the house about initiatives provided to give accredited workplace training to people with disabilities and people with diverse needs in South Australia?

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (15:32): The Abilities for All program was first delivered back in 2004 and it has grown remarkably since that time. The past seven years have seen the Abilities for All program evolve from being Australia's first statewide program, providing nationally accredited workplace training to people with a disability, to now also addressing the training requirements of people with diverse needs in the community. It has seen about 900 people achieve certificates I and II in business, engineering, furnishing, horticulture and laundry operations.

Earlier in the year, I had the opportunity to attend and present certificates at the graduation ceremony for students who had participated in the program throughout 2010. The graduation celebrated the achievements of 126 participants. Most graduated with a Certificate I in Business, Certificate II in Business Customer Contact or Certificate II in Community Services.

In 2010, the Abilities for All program provided an important path between education and employment with specifically tailored training plans to suit individual needs. This coupled language, literacy and numeracy training with life skills. These now proven techniques are a good example of what can be achieved by people who face major barriers through government, industry and the disability and community sectors working together.

The Abilities for All program has helped the lives of the people who have participated in it and I would like to share a couple of examples. First, there is Lily, who had worked on and off in the gaming industry for over a decade when she found herself contemplating a career change. She knew she wanted to work within the community, so she enrolled in the Certificate II in Community Services at Taperoo Community Centre through the Abilities for All program.

Through the course, Lily made new friends and learnt new skills. The program helped her to see that she could not only make a change in her own life, but she could also help and encourage those most in need. She has now decided to pursue further studies within the community services area.

Secondly, there is Lucky, who acknowledged that he was not moving ahead but he did not quite know what to do with his life. Abilities for All gave Lucky the chance to pursue his dream of becoming a youth worker in a supportive welcoming environment. Lucky has now completed a Certificate II in Community Services and credits the program with helping him to be a better person and to care for others.

Through the Abilities for All program, participants have improved their numeracy and literacy skills as well as their life skills. They have increased their self-confidence and in many cases been able to secure and retain community-based employment. In the last couple of years, Abilities for All has expanded to deliver courses through TAFE SA to students from Barkuma, Barossa Enterprises, Minda and Orana, as well as Bedford, and now works in partnership with community centres across South Australia through Community Centres SA.

Importantly, in a new statewide strategy in 2011, Abilities for All will also be delivered in Port Pirie, which the member for Frome will be pleased to hear, and in Port Augusta, which the member for Stuart will be pleased to hear. Abilities for All is a great model of how an employment-based program can work well. It allows participants to re-engage at their own pace, in an environment where every success, whether it be large or small, is acknowledged. It is an absolute win-win for everyone involved. The program is just one more example of the government's commitment to training and up-skilling. It is of particular importance given that it reaches out to those who may not otherwise consider training linked to employment as a path which they could achieve in.

FORESTRYSA

The Hon. I.F. EVANS (Davenport) (15:36): My question is to the Treasurer. Will the government release the economic modelling in the case outlined in the regional impact statement on the sale of the harvest rights of SA forests where there is a large quantity of log exported? I quote from the report which states, 'If a large quantity of log was exported, the impact on the local processing industry would be significant.' Why hasn't the government released the economic modelling on that model?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Employment, Training and Further Education) (15:37): I have done what I promised to do and that is to release the regional impact statement and to make it public. If it is not on the internet now, it should be. So, we have certainly released the regional impact statement. I take it from the member for Davenport that he is asking about the economic modelling behind the regional impact statement. I will have to have a look at that. The regional impact statement makes quite clear that it would not be in the interests of a potential purchaser of the forward forest rotations to undertake large scale exporting above and beyond what already happens. Any potential purchaser operating in their own interest is going to have an interest in making sure that there is a viable local sawmilling industry. It makes a lot more sense to provide forest product to local sawmills to produce than to export it and to try and make a quick buck out of what is a highly—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —volatile market. The other thing to keep in mind with forest product is that a large amount of it goes to waste. It does not make economic sense to export it and to have costs associated with transport that cannot be recouped. So, for many reasons the RIS makes quite clear that it is highly unlikely that this will have any significant impact on the region, and on the viability of sawmills in the region. But just to make absolutely sure that that is the case, and to provide further reassurance for the people of the South-East, and the families in the South-East, who I know have legitimate concerns about this issue, and I acknowledge those legitimate concerns about those issues—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: To give those families reassurance about the future of forestry in the South-East, I have established an industry round table. That industry round table—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —will be chaired by someone who is acknowledged across the sector as having a very deep and ongoing understanding of the issues—

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: —facing forestry in the South-East. As the sale process proceeds, that industry round table will be providing me directly with advice on the conditions associated with the sale. On the round table, I will be inviting the owners of the two largest sawmills in the region, Carter Holt Harvey and Gunns. I will be inviting a representative of the small mill owners to participate on it. I will be inviting a representative of the union and a representative of the Regional Development Authority.

I will be inviting all those people to participate so they can have a direct line of access to me, to make sure that the interests of the forestry industry in the South-East and to make sure that the jobs and welfare of families in the South-East are absolutely protected. I give that my promise.

TRANSADELAIDE, DISCIPLINARY PROCEDURES

The Hon. I.F. EVANS (Davenport) (15:41): My question is to the Minister for Transport. What disciplinary action has been taken against passenger service assistant Brian Haynes and is he still a passenger service assistant? Passenger service attendant Brian Haynes was found jointly negligent by the court when he forcibly ejected a passenger from a train after a ticket dispute. The passenger's leg was cut off by the train when he fell trying to reboard the train. The court found Mr Haynes and TransAdelaide guilty of negligence. The incident occurred in 2001. The damages claim was heard in 2004. The judgement was handed down on Christmas Eve 2010. The damages claim was $84,000.

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Industrial Relations, Minister for State/Local Government Relations) (15:41): All such matters associated with disciplinary proceedings against officials are way beyond the purview of the minister; they are within the bounds of the chief executive. In fact, it would be improper for me to have a role. I will get a report from the chief executive, but I would point out before we go too far that I am sure one or two of the lawyers on that side knows that negligence is a civil wrong and not a criminal one. Therefore, being found guilty of negligence should not be considered to have been found guilty of doing anything other than a harm that was reasonably foreseeable. I am sure the chief executive is dealing with it in that light, and I am quite happy to get a report from the chief executive in that regard.

TRANSADELAIDE, DISCIPLINARY PROCEDURES

The Hon. I.F. EVANS (Davenport) (15:42): My question is again to the Minister for Transport. What action has been taken against Mr Brian Haynes following his alleged assault on Mr Brian Beelitz while issuing an expiation notice? On 15 August 2007, six years after the earlier incident, Mr Beelitz, my constituent, was issued an expiation notice by passenger service attendant Mr Brian Haynes. Mr Beelitz alleged Mr Haynes assaulted him. Mr Beelitz asked me to write to the minister. The minister responded saying the assault investigation was now complete.

Members interjecting:

The SPEAKER: Order! You have asked the question; you will listen to the answer.

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Industrial Relations, Minister for State/Local Government Relations) (15:43): Again, I assure you that such matters are dealt with by the chief executive and not by ministers. No minister has the power to deal with disciplinary matters for employees. In fact, I have only ever sacked—well, not sacked; replaced—two officers and they were both chief executives. They are the only ones that we have any authority over. While I take seriously the allegation—and I do not know what has been found in regard to it—it is a little cute to equate negligence with an assault; to try and use some sort of propensity reasoning that because someone has been negligent they therefore probably committed an assault. It would be completely—

An honourable member interjecting:

The Hon. P.F. CONLON: It is also very wrong to equate the outcome of negligence with some sort of intent. The nature of the injury sounds extremely regrettable and it would certainly be very disturbing to me, but again I say it is simply wrong in principle—and maybe you should talk to people on your side—to equate an act of negligence with an intentional act. They bear no relationship to each other.

KIDS TEACHING KIDS CONFERENCE

Ms THOMPSON (Reynell) (15:44): My question is to the Minister for Water. Can the minister advise the house about the initiative which the government is supporting to inspire future environmental leaders and increase the awareness of young South Australians about natural environments, river systems, resources and Indigenous cultures?

The Hon. P. CAICA (Colton—Minister for Environment and Conservation, Minister for the River Murray, Minister for Water) (15:45): I thank the member for Reynell for her question and certainly acknowledge her keen interest in all matters that relate to the education and advancement of young South Australians. I am delighted to announce that the government has been successful in its bid for Adelaide to host a major international youth water conference this year.

The international Kids Teaching Kids conference will help young South Australians to enhance their confidence and to connect better with the environment by providing them with the chance to learn more about sustainable uses of river, land, coastal and terrestrial environments. I anticipate that the conference will inspire our future environmental leaders.

The 2011 conference will be held in Adelaide at the Adelaide Convention Centre from 23 to 25 October, with the state government providing sponsorship support of $50,000. More than 650 students and teachers from across Australia and overseas will attend the conference, including 150 students from South Australia. An additional 1,500 free places will be made available to South Australian schools to attend the official opening session and expert panel 'game show', which will focus on river health and climate change.

The benefits of Adelaide hosting this conference are significant. Not only will it enable South Australian students to forge contacts with others from across the world but it will also offer opportunities for South Australia to showcase itself as an environmental leader. The conference also complements the government's work in ensuring that we maintain sufficient and sustainable water supplies in South Australia in order to meet our health, economic, environmental and lifestyle requirements.

The government's sponsorship of the conference aligns with objectives in our state's Strategic Plan relating to growing prosperity, attaining sustainability and expanding opportunity, as well as a number of actions identified in *Water for Good*, including increasing awareness of water issues, expanding water education and developing resources for primary and middle school students.

This conference is the flagship international version of the Australian Kids Teaching Kids program, which aims to inspire future environmental leaders by increasing awareness and knowledge about their natural environments, river systems, our resources and, indeed, our Indigenous cultures. The South Australian government was a major sponsor in the 2010 Kids Teaching Kids conference in Adelaide and has supported this event in various ways for more than a decade.

I am told that the Australian conference is rated very highly within the South Australian education sector, and I expect our state's reputation for smart water management will be boosted on a local, national and international scale by hosting this prestigious event.

TRANSADELAIDE, DISCIPLINARY PROCEDURES

The Hon. I.F. EVANS (Davenport) (15:48): My question is again to the Minister for Transport. Can the minister explain how the departmental investigation into the alleged assault of passenger Mr Beelitz was completed without Mr Beelitz being interviewed about the alleged assault?

The Hon. P.F. CONLON (Elder—Minister for Transport, Minister for Infrastructure, Minister for Industrial Relations, Minister for State/Local Government Relations) (15:48): No, I cannot explain that because again, I stress, I have had no role whatsoever in these inquiries, or in

any disciplinary matter. What I will say is that I will get a full report from the chief executive, in whom I have complete faith. And so, I am confident that the chief executive will have dealt with this properly.

Now, it may well be that the time you are talking about—it is in fact not the current chief executive, but the original complaint would have been under the former general manager of TransAdelaide, which, of course, is a structure we do not have anymore. Those people have all been brought back into the department. I can guarantee you that I cannot explain it because I have had no role in it, but I am very happy to get a report and what has been done about it. I will say this: we take customer service and these sorts of matters extremely seriously and I think we have very good public servants in the department. I am very happy to get a report from them.

COMPUTER GAMES CLASSIFICATIONS

Mr ODENWALDER (Little Para) (15:49): My question is for the Attorney-General. Can the Attorney-General inform the house of the position the government will take to the Standing Committee of Attorneys-General regarding the introduction of an R18 classification for computer games?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice, Minister for Urban Development, Planning and the City of Adelaide, Minister for Tourism, Minister for Food Marketing) (15:50): I thank the honourable member for the question. There has been widespread consultation occurring at a national level about the introduction of an R18+ classification for games. The SCAG ministers are due to meet in Adelaide in July of this year, at which time we are expecting that there will be some movement toward a national position.

In April of this year, the Hon. Brendan O'Connor, who is the responsible federal minister, made it clear that the commonwealth was examining options, which included proceeding to establish an R18 classification for games irrespective of what the states or territories chose to do. In that context, there has been a decision taken by the government that it will support a new R18 classification for computer games, but, importantly, on the basis that this will increase the protection for children and provide parents with clearer guidance.

It is important for members to understand that some of the MA15+ classification games at present in other countries are classified as R18. So, it will be the case that were there to continue to be an MA15+ classification here a number of games would move out of that classification and into R18.

To make things even clearer and safer for responsible parents, it is our intention, at a state level, to roll the MA15+ classification into R18 as well, so that there will be a clear boundary between what is appropriate for adults and what is appropriate for children. If, indeed, it is the case that the average gamer is a 30-something-year-old fellow sitting at home then they will be able to play these games unimpaired. There may be some additional games that come onto the market that presently are not there, but there will continue to be games which are refused classification altogether.

The member for Bragg asked: where is the bill? The answer is: as soon as the commonwealth has established the framework to make this classification available then we will have a bill, and we will be supporting it. I have to say that we have neither the expertise nor the time to have a whole bunch of people sitting in the Attorney-General's Department playing computer games to do our own classifications.

We are waiting for the commonwealth to move on the issue. We are supporting it in moving on the issue. We are looking forward to it. I would hope that we could have something before the end of the year. I would really like to see that. But I cannot make the commonwealth move at a speed faster than it is able to move.

GRIEVANCE DEBATE

ADELAIDE OVAL

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (15:52): I rise today with a very heavy heart. This is one of the darkest days for the people in the South-East who I represent, because those people, I am sure, today, when they hear the news that has emanated from the Treasurer, will feel betrayed and gutted.

Last evening I attended the vote at the Goyder Pavilion, Wayville. I indicated in the house recently that I was voting no to the SACA proposal. One of the reasons I chose to exercise my vote in that way, notwithstanding being a proud member of SACA and wanting to see all sorts of improvements to the cricket ground, was because I am also a representative of the taxpayers and, more particularly, the taxpayers of the South-East.

There is no way that I could have voted yes when I knew, and those of us on this side knew, that the proposal to spend almost $1 billion on the Adelaide Oval upgrade and the precincts surrounding the Adelaide Oval would be paid for by the sale of our forestry assets. I knew, and the people on this side of the house knew, that regional South Australia is expendable to this government. There is not one caring bone in this government for what happens outside of metropolitan Adelaide, not one caring bone.

Ms Fox interjecting:

Mr Williams: Oh, oh!

The SPEAKER: Order!

Mr WILLIAMS: Madam Speaker, the Treasurer today broke a number of promises and made some outrageous statements about claims that people were saying that 3,000 jobs would disappear overnight. He did not have the courage to say where he heard that because he never heard it. He made it up. He is playing base politics with the livelihoods of the people in the South-East. The very report that he used to underpin his decision actually said something very different to what he would have us believe. It does say that if there is any amount of logs exported out of the South-East, it will have a dramatic impact on jobs in the South-East, and that is the very fear of the people that I and the member for Mount Gambier represent. That is the very fear that those people have in their hearts and in their minds.

The report bases this assumption that there will not be job losses in the South-East on saying that there will not be an export of logs. It bases that on the assumption that the domestic price for log is, in fact, higher than the export price, and it comes to that conclusion by comparing the domestic price of log in South Australia with the export price of log out of New Zealand. It is very clear. It is all spelt out on pages 55 and 56 of the report, and I invite members to read it. There is a footnote at the bottom of page 56, and I will read that to the house:

> In addition, New Zealand sawlogs are typically grown under different conditions with different silvicultural practices. One result is that the timber is less dense and thus less useful for structural purposes. We understand that, as a rule, New Zealand timber is not suitable for producing machine grade pine MGP10; rather, it would typically be graded as MGP8, if such a grade existed in Australia.

The footnote puts the lie to the whole premise on which the minister bases his claim that there will be no jobs in the South-East. The sawlog that is exported out of New Zealand is apples, whereas the sawlog produced in the South-East of South Australia is oranges.

Football, cricket, the Crows, Port Adelaide and SACA are all big winners, and good on them. Who would not say yes if somebody knocked on their door and offered to buy their house, rebuild it and lease it back to them for 50 years for no rent. That is what they have done. They are the big winners. However, today, the big losers are the truth and the people of the South-East of this state.

PARINGA PARK PRIMARY SCHOOL

Ms FOX (Bright) (15:58): I rise to speak today about Paringa Park Primary School but, before I do, I would like to address something that the member for MacKillop mentioned in his deeply impassioned speech. I understand that he has particular views, and I respect him for having those views. However, I do not think that, in this particular instance, he should attribute feelings or motivations to members of government and, indeed, members of parliament, that he may or may not know occur. For example, he says that this government is an uncaring government. As a member of this government, I resent that deeply, bearing in mind also everything that this government has done about social justice, the homeless and all of those issues which, frankly, in the past the Liberal Party has been very happy to skate over.

Mr Marshall: I resent that.

Ms FOX: Well, break my heart. If you resent that, member for Norwood, then you have every right to stand up during your grievance and air your resentment as I am now.

Mr Marshall: I wouldn't waste the parliament's time.

Ms FOX: You wouldn't waste the parliament's time? So, the member for Norwood thinks that it is very unimportant to discuss issues of passion, issues of caring for people, issues of people's welfare, because that is unimportant to him. Instead, he chooses to make nasty jibes from the back of the room where he so rightly belongs and yet wishes to leave.

Mr MARSHALL: Point of order.

The ACTING SPEAKER: We have a point of order, which is pretty unusual in a grievance. Member for Norwood.

Mr MARSHALL: Madam Acting Speaker, I certainly ask the member for Bright to retract those statements which she is attributing to me—that I do not think social justice issues are important.

Ms FOX: But that is what you are saying—

Mr Marshall: No, sorry, that is a massive extrapolation from the point that I made, and it is completely and utterly unacceptable—

Ms FOX: Perhaps you should make your point more clearly.

Mr Marshall: —and I would ask you to ask the member to withdraw those remarks.

Ms FOX: Well, really, if you cannot explain yourself properly it is not my problem.

Mr Marshall: You are the one who is making a speech and you are making outrageous—

The ACTING SPEAKER: I ask that we stop the discussion across the chamber. I remind the member for Norwood that, although he may be aggrieved, he has a personal explanation in which he could exercise his grievance—or, in fact, a grievance. I understand you are down on the list so maybe you can address that issue there.

Mr Marshall: I would ask the member to retract those remarks.

Ms FOX: If, indeed, the member for Norwood is so distressed by being attacked by me—C. Fox, the member for Bright—some people have, in fact, likened to being attacked by me to being slapped in the face with a piece of wet lettuce. However, indeed, if that is so distressing to the member for Norwood I will, of course, withdraw any comment that I may have made which will cause him to go home and weep into his pillow.

Mr Marshall interjecting:

The ACTING SPEAKER: I ask the member for Norwood now to stop yelling across the chamber. Could you continue with your grievance, please.

Ms FOX: Indeed, I certainly will.

The ACTING SPEAKER: It's your time.

Ms FOX: Yes, I do have a short time but I like these little moments. I rise to speak today about Paringa Park Primary School, a primary school in my electorate.

Mr Whetstone: I went to Paringa.

Ms FOX: Did you? I would like to put on the record that the member for Chaffey went to Paringa Park Primary School and has done quite well—relatively well, comparatively well. Paringa Park Primary School is in my electorate. It was previously in the electorate of Morphett which, of course, is run by the member for—well, not run by—it is represented by the member for Morphett. In fact, before I finish what I have to say I would like to acknowledge the member for Morphett and the extraordinary efforts that he put into this school over the period of time he represented it because this school, completely separately from the Building the Education Revolution program, went through a massive rebuild funded by the state government (a Rann Labor government I might add) but with excellent representation from the member for Morphett.

The Minister for Education (Jay Weatherill) visited Paringa Park Primary School not long ago and I stand here today to thank him and also to thank the school.

Mr Venning interjecting:

Ms FOX: Sorry, what are you saying about numbers?

Mr Venning: Doing the numbers, is he?

Ms FOX: Doing numbers what?

Mr Venning: Is he doing the numbers for the leadership?

Ms FOX: You see, you may find this funny but he was actually there to talk to the governing council, to students and to teachers about the very important work that they are doing in the south-western suburbs.

Mr Venning: That's called doing the numbers.

Ms FOX: I am sorry about that, member for Schubert, but I am not going to listen to you any more because every time I do I get distracted. You are not here, as far as I am concerned.

There is some excellent work being done and it is a fantastic primary school. Thank you very much for having shown the minister around when you did. He was very impressed by what he saw there, particularly the art project involving their stobie poles. I cannot elucidate on that because I have been distracted by others. However, all in all, I would really like to express my thanks to Minister Weatherill for coming to that school, and also the principal, Mrs Di Atwa, who is a wonderful principal and in fact may have made me what I am today because she was my grade 2 teacher. So, thank you very much, and with that I conclude.

WINE EXPOS

Mr VENNING (Schubert) (16:04): Today I want to again raise the parlous position of the wine industry and seek to canvass some solutions that may assist. I would particularly like to speak about the lack of any incentive by the state government to assist or encourage South Australian wineries to participate in wine expos overseas in order to increase our wine exports. With the Australian dollar at a very high point at the moment of $US1.10 it is extremely difficult for our wines to maintain let alone increase market share.

In China there is an upcoming wine show to be held in Beijing from 24 to 26 May. The invitation-only buyers audience will be approximately 10,000, comprised of people who are interested in buying from the top end of the market, upwards of $40 per bottle. Unfortunately, due to the difficulties the wine industry is facing here, difficulties faced by both growers and wineries alike, many wineries simply cannot attend such expos, despite the huge export opportunity they present.

A month or so ago, I met with the minister to discuss this issue, which I appreciated, and I asked whether the government could provide some funds to subsidise wineries to attend the Top Wine China Expo. The minister was unable to assist due to the budget constraints—another opportunity lost because of the economic mismanagement of the Rann Labor government—even though the minister flew to China a few days later. No doubt it would have been discussed with Austrade and consular representatives when he arrived in Beijing.

China is a relatively untapped, huge market in relation to wine, and it would have taken only a little bit of funding to assist wineries to participate in the event. I am certain the return in exports would have been huge. If the government had put some money towards setting up a South Australian premium world wine stand, each participant would have had only to set up their own cubicle in that centre and the cost of getting there, etc. The North China market for premium wine has particular potential, and it is untapped and ripe for Australian premium wines.

I was also disappointed to learn recently that the Australian participation at Vinitaly, the world's largest wine expo, was also non-existent. Over 156,000 registered guests attended the 2011 Vinitaly wine expo, a substantial increase on the number of registered attendees in the previous two years. The expo was also open to the public for a weekend.

The Australian part of this wine expo event was entitled 'Great Australian wine regions and their iconic wines'. This comprised a tasting event and a display by *Winestate* magazine. The Australian tasting was supported by the Vinitaly staff and professional sommeliers. Vinitaly also supplied Italian-speaking staff to assist with translation during the presentations.

I was most disappointed to hear that there was no Australian participation in the Vinitaly expo, apart from *Winestate* magazine. All guests at the tasting event and those who visited the *Winestate* display reportedly expressed concern that they could not arrange business with Australian wine representatives in what is the world's biggest wine event. The lack of government support, either financial or expertise, to assist wineries to attend such wine events will cost the industry dearly and, in turn, our state's economy in the long run. International business will look to other wine-producing companies that are making an effort to attend such marketing opportunities.

New Zealand, Argentina, Israel and Turkey, among other more prominent wine regions, were represented at Vinitaly. Why was our participation so lacking? Surely, the Treasurer could find money in the budget to assist with marketing, coordinating and promoting our wines overseas. It would be absolutely fantastic if South Australia could have a stall at these expos, with wineries from all the iconic wine regions participating. We are renowned the world over—the wine state of international wine. Surely, we should protect this reputation.

As I have said previously, at a time when the industry is struggling, the government needs to step up and assist. If we do not market ourselves, nobody will do it for us and we will lose wine markets and buyers' interest we might be able to capture—markets we have built up and cultivated over many decades. I implore the Rann Labor government to review the support it provides to the wine industry and ensure that finances are expended in a manner that will provide maximum benefit to the industry.

TELECOMMUNICATIONS TOWERS

Mr PICCOLO (Light) (16:09): I rise today to talk about an issue regarding mobile telephone towers in my electorate. Mobile telephone services have become an integral part of everyday living, and telecommunications towers are a key part of this vital infrastructure. These towers vary in height from 15 to 50 metres and are dotted across the urban and rural landscapes. Telcos have been given widespread power and authority under planning laws to assist them to develop this network.

However, these towers do not exist in isolation and are often built in very close proximity to communities of people. My story today is an example of how a large Australian telecommunications company, namely Telstra, appears to have used its might and legal power to bludgeon a small community into submission rather than engage in a constructive dialogue with a community of responsible and reasonable residents.

Very recently, a 37-metre telecommunications tower has been built in the community of Hillier within my electorate. The community is characterised by a range of small rural allotments of two to four hectares on the flat plains west of Gawler. This is their story, and also mine, because I was very pleased and proud to support them.

In December 2008, Telstra put forward a planning proposal to Gawler council to build a tower at the corner of Winzor and Hillier roads. Telstra had chosen to build the tower in the most densely populated part of Hillier and the visual impact for several families was going to be very high, that is, dominating the nice skyline. After researching the planning laws, establishing what Telstra's technical needs were, working collaboratively with the Gawler council's development assessment panel and holding community information meetings, the residents identified more suitable sites in an area of between 200 and 400 metres to the north-east.

I need to just reinforce what the message of today's grievance is. At this stage, I need to emphasise an important fact. Not, at any stage, did the residents adopt a 'not in my backyard' stance. They went out of their way to achieve a workable solution which would meet the needs of the wider Australian community, the commercial needs of Telstra, and, importantly, reduce the visual impact of the tower for all the Hillier residents. Again, they did not take a 'nimby' stance at all. Delivered achievements included:

- the residents were actively surveyed and supported the change;
- it was established that Telstra's technical requirements for the tower would not be disadvantaged;
- the support of three landowners in the proposed area was gained, who were prepared to volunteer their land, guarantee access and make it available to Telstra at a significantly reduced price. Telstra was free to choose which site it wanted to use; and
- it worked closely with Gawler council's DAP who were very supportive of the residents' responsible and reasoned recommendations.

Repeated requests made separately and jointly by the residents, the Gawler DAP and myself for Telstra to work with the Hillier community were not only met with silence but occasionally with denial, legal threats and belligerence.

Telstra appears to have treated the residents of Hillier, the local planning authority and myself as the enemy, despite being given a wonderful opportunity to engage with the community

and build something that met the needs of all the parties involved. Small communities and councils do not have the financial resources to challenge a huge company like Telstra in the courts—a point emphasised to me by a Telstra lawyer.

I am very proud of the efforts of the Hillier residents and the Gawler council who attempted bravely and persistently, over a long period of time, to act with reason and responsibility in an imposed environment of hostility, belligerence and arrogance. Unfortunately, we lost the fight, despite all our endeavours. Telstra has never shown any willingness to significantly vary its initial proposed site and, in my opinion, used the legislated planning laws as an excuse to impose its will.

The 37-metre tower has now been erected and is operating. The wider community has improved access to mobile technologies and that is a good thing. Telstra has looked after its commercial interests and that is a good thing. The residents of Hillier have a piece of communication infrastructure that dominates their skyline and will do so for a lifetime and that is not a good thing, especially when there were viable alternatives on the table.

Despite the disappointment, there may just be a ray of light emerging for the future. Vodafone (who, I am aware, has other problems in its business at the moment) has recently expressed concern with the conflict created in various communities by the tower construction process. They are showing very strong interest in developing and implementing a panel approach which would see local residents, local councils and Vodafone attempting to work together whenever they plan to build a tower in the community.

I commend Vodafone's proposed approach. It is not necessarily an easy road. I congratulate them and indicate my willingness to work with them to improve the process of citing telecommunication towers.

TRINITY GARDENS PRIMARY SCHOOL

Mr MARSHALL (Norwood) (16:14): Today, I rise to speak to the house on the Trinity Gardens Primary School. Today must be the day for primary schools. The Trinity Gardens Primary School is, of course, based in my electorate in Trinity Gardens. It is a fantastic primary school on large expansive grounds, superb—

An honourable member: Super.

Mr MARSHALL: It is not quite super but it is a very good school. It has a very dedicated principal, great deputy principals and fantastic students. I have visited them many times. They have got a school ambassadors program and the ambassadors who have been elected this year by the student population are doing a fantastic job of representing the student population. As I said, it is located in Trinity Gardens—as the name would suggest—but that is not always the way, with the way schools are named. I really want to address today the issue of the bus service which was hitherto provided by DECS for wheelchair-bound students at that school. Up until the end of term 1 this year, DECS provided dedicated bus services to bring wheelchair-bound students to the school and, importantly, also to transport them to hydrotherapy sessions at Regency Park and other activities the school put in place for them. Unfortunately, towards the end of term 1, with very limited time to respond, DECS removed the funding for that important service.

Trinity Gardens Primary School has within its area, the St Morris unit, which integrates children with severe and multiple disabilities into the mainstream education program of the school. There are nine students currently in wheelchairs in this program. Parents of these children fight very hard to offer their children the best of services via the DECS system, and now unfortunately the only bus which actually caters for wheelchair-bound students in the eastern suburbs is being removed.

This bus is also shared with the Kensington Special School, also based in my electorate, and it has been removed and redeployed down to the Adelaide West school at Taperoo. I am not saying that this is not a valid use for the bus, and I am not wanting to play down the need for the students in the western suburbs to have a facility like this but, of course, as the member representing both the Trinity Gardens Primary School and also the Kensington Special School, it is particularly disappointing that this valuable service is being taken away.

Where does this leave the students at Trinity Gardens Primary School? They still have really no confirmation from the minister as to how they are going to be getting to school or hydrotherapy going forward. The minister has assured parents that important swimming lessons will continue. Unfortunately, this does not provide any clarity as to who is going to be paying for their transport services going forward. Our real concern is that this will become an increasing cost

which will be borne by the school and that, in turn, the school will have to cut other services to other students at the school.

It really highlights a major problem within DECS and that is the lack of sustainable transport planning from the government so that it does not have a negative impact upon these students. While the government has come up with this quick fix of hiring a private charter with an unfamiliar driver—and, of course, the familiarity of the permanent driver was a major benefit to the students—it really does not fix this central issue that there has not been robust planning for transport for students with disabilities, and now we are suffering in the eastern suburbs.

It is no good simply assuring people that transport to swimming classes will continue without actually providing real clarity as to what is going to happen from a funding position. I believe that the concerns of the parents and, of course, the school governing board, are very genuine concerns. I support their concerns and I call upon the minister to make it clear what is going to happen in terms of funding for this important service in the east, and, if it is to come out of the school's normal budget, what other services he would recommend be cut?

Time expired.

FUNERAL INDUSTRY

The Hon. S.W. KEY (Ashford) (16:19): Last year I received an excellent report from parliamentary intern, Katherine Portelli, from Flinders University. I asked Ms Portelli to inquire into consumer rights in regard to the funeral industry. Over the past year, I have received a number of enquiries and complaints from Ashford constituents in this area, and also people outside of the electorate I might add, as well as other issues to do with end of life arrangements. In line with other legislation that I am pursuing, I asked Ms Portelli to look into this area.

One of the first things that she found was that there are a number of pieces of legislation that could be relevant to the industry: Fair Trading Act 1987, Benefit Associations Act 1958, Cremation Act 2000, Local Government Act 1934, Adelaide Cemeteries Authority Act 2001 and Aboriginal Heritage Act 1988. The federal acts include the Competition and Consumer Act 2010, which was the old Trade Practices Act, and the Life Insurance Act, and then there are the associated regulations that go with that.

Recent data available in *CHOICE Magazine*, from Australia's leading consumer organisation, reveals that the average cost for a funeral in Australia is between $8,000 and $12,000, and between $4,000 and $7,000 for a cremation. These figures are quite often very difficult to meet by remaining members of family and friends. It seemed to me, judging from the complaints and inquiries that I had, that it really does mean that we need to look into this industry.

One of the areas that Ms Portelli looked at was an overview of the industry. I was concerned and also surprised to find that the Australian funeral industry has its foundations in the entry of two large US funeral corporations, Service Corporation International (SCI) and Stewart Enterprises. Apparently they entered Australia in the early 1990s and took up buying established funeral homes, cemeteries and crematoriums, particularly services situated in capital cities. Despite these businesses being bought up by SCI and Stewart Enterprises, the original business names and personnel were retained, having the effect of leaving customers unaware of the change of ownership.

In the next 10 years, these two US companies suddenly withdrew from the Australian market, I am told, and other multinationals decided to get into this industry in Australia. One of them is Bledisloe Holdings and the other is InvoCare. In particular, Bledisloe Holdings has built up a strong suite of well-known funeral homes across Australia and New Zealand and today is one of the top three operators in several of the key markets in the funeral industry. It is known that Bledisloe Holdings currently owns 52 funeral homes and three cemeteries and crematoria. InvoCare is now the largest provider of funeral services in Australia and Singapore and operates under the best known trading names in Australia, including White Lady Funerals, Blackwell Funerals and Simplicity Funerals. InvoCare apparently is the largest operator of private cemeteries and crematoria in Australia. Today, InvoCare holds a total of 178 funeral homes and 12 cemeteries and crematoria. There is a lot of evidence that Ms Portelli put together for me, but I found the ownership issue—something that I had heard about vaguely—to be of concern.

One of the things I would like to suggest is that at some stage the Social Development Committee look into this industry. The work that Ms Portelli has done is a good start but, judging

from the complaints and inquiries that I have received, it seems that this whole area does need some review.

SOUTH AUSTRALIAN PUBLIC HEALTH BILL

Consideration in committee of the Legislative Council's amendments.

The Hon. J.D. HILL: The other place has returned the Public Health Bill 2010 to this house with six amendments. I advise the house that we will accept most of these amendments, as we believe they either improve the bill or simply restate already existing provisions, but in a way that the other place considers clearer. However, we will oppose two amendments because we believe they will create significant difficulties during the critical period of responding to declared public health emergencies.

I indicate if the other place persists with those two amendments that I referred to, we will be seeking to create a deadlock conference, but I understand that procedures would mean that it would have to go to the other place and then be rejected again, and then come back here. I have not actually done this as a minister, so I am in interesting territory, but I am optimistic that the other place will see the light and all will be well. So I do indicate that we are accepting four of those.

Amendment No. 1:

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

That the Legislative Council's amendment No. 1 be agreed to.

I indicate that we will accept No. 1, and the explanation I have is that this inserts a further principle providing for the consideration of a person's conscientious objection to a medical treatment for themselves or a child for whom they are parent or a guardian. In accepting it, I indicate that this amendment inserts a further principle into clause 14 to offer additional guidance to those exercising powers and making decisions under parts 10 and 11 of the bill.

In particular, it offers guidance concerning the conscientious objections of persons where the possibility of compulsory treatment is judged to be necessary. Whilst the government's position is that this issue is covered by the principles already contained within clause 14, we are of course willing to support this amendment, if it is the will of the council, so as to put the matter beyond doubt.

Dr McFETRIDGE: This is an extremely important piece of legislation. It is important that we get it right, and if you want evidence of that, just ask Minister Portolesi about her experiences, and we wish her and her staff well. I understand they are extremely ill, Minister Portolesi in Singapore and her staff still in India. So, public health in South Australia is very important, and we need to get it right. I thank the government for supporting amendment No. 1.

Motion carried.

Amendment No. 2:

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

That the Legislative Council's amendment No. 2 be agreed to.

I indicate that we support this amendment, which seeks to describe a broad set of conditions that are meant to apply to those circumstances where individuals are detained or isolated under the provisions of parts 10 and 11 of the bill. We accept this amendment because it provides further clarity about what must be considered to be provided to a person or persons who are the subject of an order, direction or requirement under part 10 or part 11 of the bill.

In relation to subclause (f) of this amendment, it makes the particular requirement to ensure that needs such as food and medical treatment, amongst other things, are provided, especially where a person, who may be under some restriction, is unable to cater to their own needs.

Dr McFETRIDGE: On behalf of the Hon. Ms Bressington, who moved this amendment in the other place, with the cooperation of the shadow attorney-general in the other place, we thank the government for its support.

Motion carried.

Amendment No. 3:

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

That the Legislative Council's amendment No. 3 be agreed to.

Once again, I indicate the government's support for amendment No. 3. The amendment adds to the already wide-ranging set of principles that guide decision-making in the exercise of powers under part 10, which deals with controlled notifiable conditions, and under part 11, which deals with the management of significant emergencies.

Clause 14 already reflects a requirement to provide an appropriate balance between the protection of individual rights and the rights of the public at large to protection. This requirement flows from our obligation under the World Health Organisation's International Health Regulations 2005. This amendment restates these requirements in a slightly different way, but we believe it is sufficiently useful to help guide public health officials when they use these provisions.

Motion carried.

Amendment No. 4:

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

That the Legislative Council's amendment No. 4 be disagreed to.

I indicate that this clause is the first of the clauses which we are not supporting, and I will just go through the reasons for that, if I may, and explain what they are. First, this amendment imposes conditions on the use of emergency powers during an emergency and imposes appeal provisions within 24 hours on directions to isolate or segregate during an emergency.

We strongly oppose this amendment. I understand that public health officials, including the Local Government Association and senior police officials, have spent a considerable amount of time with members of the opposition and members in the other place to point out the risks to public health and safety that this amendment proposes.

Put simply, this amendment gets the balance wrong. We agree that it is important to ensure that the rights and liberty of the individual have limits when the community at large is threatened or may be exposed to harm by the actions of that individual. This is a basic assumption of any civil rights doctrine, that individual rights and liberties only apply to the extent that others are not harmed. Where an entire community is put at risk individual rights must be curtailed. This is recognised by the most ardent civil rights advocates, the fathers of small 'l' liberalism, John Locke in the 17th century and John Stuart Mill in the 19th century. The imposition of a restriction such as isolation and segregation or a direction to remain in a particular place during the time of a declared public health emergency is not done lightly. It would only be used for very serious public health risks; for example, the outbreak of a severe and highly contagious disease, with the potential for widespread infection and death.

I remind members in this place that only a few years ago we were very deeply worried about the potential of bird flu breaking out into the human community, and, of course, that risk has not abated, it still could do that. If that were to happen, hundreds and hundreds of thousands of Australians would be affected and we would need to exercise quite extraordinary powers to protect the majority.

Every year, I am advised, for the past 30 years, there have been new and potentially dangerous diseases emerging. Members may wish to consider the consequences of a school group from a country high school arriving back in our state from an excursion in Africa, for example. They clear customs and therefore leave the jurisdiction of the Australian Quarantine Service. It is only then identified that they had possibly been exposed to Ebola haemorrhagic fever, which has an incubation period of two to 21 days, so many of the students may be asymptomatic for up to three weeks. This is a highly virulent, highly contagious virus with high mortality. There is no treatment, there is no cure. It would be absolutely critical to isolate these students and all those in the community who came into contact with them to ensure that there was no risk of this highly dangerous condition breaking out into the wider community.

We must have the power to isolate them as well as to make sure that others do not try to have contact with them, except through safe and supervised means. In most circumstances, most people would be only too willing to comply with the strong advice of health workers, but we do not have the luxury of dealing with most circumstances. At times when our whole community is placed at risk, we have to have powers that deal with all circumstances. That is why we need clear and strong emergency powers.

We would try to manage this situation under part 10 (powers) in the first instance but, equally, it may be necessary, because of the high risk of spread, to invoke public health emergency powers under part 11. Given this scale, the possibility that the orders could be appealed will present a serious logistical problem for authorised officers who need to be deployed and totally focused on managing the outbreak and protecting the whole of the community.

It may be necessary in public health emergencies to restrict the movement of those who have been, or are likely to be, exposed to a disease to prevent the risk of infecting others. These are forms of quarantining which have been used by public health practitioners from the earliest of times. The emergency powers that were contained in the bill prior to the opposition's amendments are already in the current Public and Environmental Health Act of 1987, and they were inserted by this parliament as recently as 2009 in the face of deep concerns then about the swine flu epidemic.

I understand that the shadow attorney-general in another place has indicated that he is relying on the provisions in the Queensland Public Health Act of 2005 which in section 361 has appeal provisions during an emergency against detention orders imposed by an emergency officer (medical). The Queensland appeal provisions apply to detention only. Detention is a much higher level of restraint and restriction on a person's liberty where stronger measures of supervision and control are required. Queensland's emergency powers—which have similar effects to the provisions in this bill—relating to isolation, segregation and direction to remain in a certain place do not have appeal provisions. In fact, all other state and territories' equivalent legislation for dealing with emergencies and public health emergencies makes it very clear that these emergency powers do not have any specific appeal provisions. The reason for this is that they are dealing with emergency situations when the health and safety of wide sections of the community or, indeed, of the entire state may be at risk.

The powers of isolation, segregation and directions for people to remain in a certain place in a declared emergency may be applied to many persons or classes of persons which could run to hundreds—if not more—depending on the circumstances and severity of the emergency. The effect of this amendment opens the potential for courts to be inundated with a very large number of appeals. It would be at the court's discretion, of course, as to whether any appeal could be heard together. It would necessitate the diversion of vital public health resources to defend the orders at precisely the time when public health professionals and the health system generally may be stretched trying to manage and control the causes of the emergency.

The government's position is clear. In an emergency, it is vital that all of our resources are applied to containing, controlling and eliminating the threat to public health and safety. I do not want to see if we ever have one of these situations—and God help us that we do not—having public health officials trying to look after the public but being under risk at any time of having to go to court to defend decisions that they may have made, or second-guessing what a court might think of any particular action and then being hesitant about exercising their authority in a proper way. This would be an absolutely perilous situation in which to put them. They would be effectively having one arm tied behind their back.

As I say, the government's position is clear. In an emergency, it is vital that all of our resources are applied to containing, controlling and eliminating the threat to public health and safety. This is not just the government's view: it is common sense. The Local Government Association, whose members would be engaged in the management of an emergency as the local public health authority, has written to members expressing their strong concern and opposition to this amendment. I also have with me a letter dated 30 March this year from the acting commissioner of police at that time (Gary Burns) expressing in clear terms the dangers inherent in this amendment. I will seek permission later to table the letter. Acting commissioner Burns concludes his letter with these words:

> In my opinion the proposal is unworkable in a significant emergency and, in my opinion, the risk that review and appeal processes may adversely affect community safety outweighs the need for the proposed amendment in this circumstance. In short, lost time can mean lost lives when dealing in critical emergency situations.

At this stage I table copies of the letters from the LGA and Gary Burns, acting commissioner at the time. I am sorry but I only have one copy of each. Neither the government nor public health officials want to avoid scrutiny over the exercise of these powers. The issue is that, during an emergency, it is the wrong time for the type of provision contained in this amendment to be exercised.

We have offered several alternative suggestions to the opposition about how a level of scrutiny, transparency and accountability can be attained and those offers are still on the table. I say to the member for Morphett, who I think understands this issue well, that we are open to trying

to work this through because this is legislation which is not political: it is about trying to protect the citizens of our state. Who knows which party will be in government if and when it has to be used? I would not like to be the minister for health trying to deal with a significant emergency with these provisions in place. It would very much hamper our capacity to deal with it.

I suggest that, if they were in place, one of the first things we would do would be to call an emergency session of the parliament to ram through changes to allow us to get on with the job without these restrictions at a time when bringing people together to talk about things might be considered to be an unwise thing to do. I sincerely and seriously suggest to the members in the other place that they reconsider their support for this amendment and repeat again that we are very happy to try to seek a common ground so that civil rights protection can be given, but they have to be practical and in the context of what might be a very significant medical emergency.

Dr McFETRIDGE: I am not a lawyer, and by that I am certainly not apologising—I am boasting because I think lawyers can complicate many things, God bless them! I did train as a veterinarian and I did train in public health. At the Australian National Veterinary Association Conference later this month a full day is being put aside for emerging zoonotic diseases—in other words, diseases being transferred from animals to humans—and some of those diseases are catastrophic and highly virulent, with high morbidity and high mortality.

Under those circumstances, as the health minister, I would like to have the power to be able to control outbreaks of those sorts of diseases. However, my learned colleague the shadow attorney-general in the other place assures me that this amendment is not going to be too onerous and that the appeal process will not involve hundreds and hundreds of appeals. There will be one appeal test case and any other appeals would depend upon the outcome of that one test case.

I have listened carefully to what the minister has said. I certainly will pass on those comments to my colleague in the other place. He and I will be meeting in the next day or two to discuss the future of these amendments and any modifications because I know he wants this to be a very workable piece of legislation, with the intent that it will deliver the best outcome for all South Australians. As I have said, I will take note of what the minister has said, and I will show it to my colleague in another place. However, at this stage, the opposition is maintaining its support for amendment No. 4.

The Hon. J.D. HILL: I thank the member for the offer to consider this further; I appreciate that. Any assistance we can give him, we will. I will just say in relation to the notion of a test case, I am not sure that that would flow, but even if it were to flow, we know what people are like. Ninety-five to 99 per cent of people do the right thing always, but there will always be somebody who will want to challenge what the majority think is right and who will want to pursue a matter through the courts. There are all sorts of people who do this—sometimes vexatiously, sometimes not—in our community.

Even one test case could take up a considerable amount of time and, while it was ongoing, it would be difficult for officers to continue doing their work, I would have thought. However, let's suppose that, through some legal kind of means, that person was successful. What would we do then if swine flu or bird flu is out in the community and some magistrate or District Court officer or judge is sympathetic to a particular person's views and so the whole health system crashes to a halt and hundreds and hundreds of people end up catching the disease and dying? I know I am being perhaps a bit dramatic and a bit hypothetical, but all of this is about hypotheticals, and I think that is one hypothetical that needs to be considered because it could lead to a disastrous result.

We are mindful of civil liberties, and we are happy afterwards to have judges review the processes we all went through and publish reports in parliament about any excesses. I would even contemplate a compensation scheme if the process was misapplied, but not to have the power to act dramatically and quickly in an emergency would really constrain our public health officials at a time when we need them to be unconstrained. It is only a 14-day period, too. We are not talking about months or years; we are talking about 14 days. But I do thank the member for his comments.

Dr McFETRIDGE: Further to that and just to make sure the committee understands where I am coming from, my understanding is that, in the amendment that has been tabled, the making of an application does not suspend the operation of a direction. In other words, the person would be in isolation during the time it took the Magistrates Court or the District Court to look at that appeal. So, they would be isolated. The Magistrates Court must consider whether two or more applications by a separate individual may be joined or heard together. I understand exactly where the minister is coming from, and I am very sympathetic to his point of view. I will certainly talk to my colleagues in

the other place to make sure that we can come to a practical solution because in many cases there is no second chance with this sort of issue.

Motion carried.

Amendment No. 5:

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

That the Legislative Council's amendment No. 5 be agreed to.

This is an amendment moved by the Hon. Michelle Lensink in the other place. I indicate that the government supports this amendment. I am advised that this amendment has altered the review process from three to five years. The proposal to review is supported since it will be important to ensure that any legislation is operating as intended and that any unintended consequences are appropriately addressed. I thank the opposition for raising this issue; I certainly think it is a useful thing to do. I thank them for making it a five-year, rather than a three-year, review. I think that makes a lot of sense.

Dr McFETRIDGE: I think that the Public Health Act has been under review for 20 years, or something like that, and to have a review period set down in the legislation is a useful thing to do, particularly with the developments both in diseases and the ways in which those diseases are being spread. On behalf of the honourable member in the upper house, the Hon. Michelle Lensink, I thank the government for its support.

Motion carried.

Amendment No. 6:

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

That the Legislative Council's amendment No. 6 be disagreed to.

Amendment No. 6 amends the Emergency Management Act 2004 and imposes appeal provisions within 24 hours on directions to isolate or segregate during an emergency if such an emergency was declared under the Public Health Act. This is an even more horrific amendment to our bill in the other place than the previous one which we opposed.

We are opposing it generally for the reasons canvassed in the previous amendment to which I referred. This amendment presents significant dangers to the capacity to protect public health in this state during an emergency. The effect of this amendment is that it moves clause 90 appeal rights for isolation and segregation from the Public Health Act to the Emergency Management Act 2004 should the public health emergent become so widespread that it requires the wider powers of a full declaration under the Emergency Management Act 2004.

For example, if there is an example of a more virulent form of a viral haemorrhagic fever-like illness and we have attempted to control it under the public health emergency provisions but the scope of the outbreak has impacted the community even more profoundly—for example, in a bird flu scenario.

In this situation the outbreak is affecting the social and economic functioning of the wider community, so thousands of people would not be going to work, the train system would stop working, buses would stop working, taxis would not be on the roads and shops would not be open. All those kinds of things would have happened. This may require wholesale closures of shopping centres, schools, businesses and other venues and require the making of orders on a widespread scale restricting the movement of people. In these circumstances we would have to mobilise the full resources of the government and community to protect the social and economic fabric of our state.

In these circumstances it would be highly likely that we would have to move to a declaration under the Emergency Management Act 2004 itself (and, as I understand it, that means that the police commissioner would move that way), and this amendment—if it went through—would place an extraordinary restriction on the police commissioner's powers but only in this kind of medically-derived emergency not in any other situation which might be similar.

I think that, apart from being kind of illogical that we would do that, it would create incredible problems if a health emergency was amplified in this way. The amendment, as I say, will place an extraordinary additional burden on already stressed public health officers and officials should a person or persons appeal any orders with both SA Police and the Local Government Association (and I have already mentioned they are extremely concerned about it). These appeals

would be occurring at a time of maximum threat to the community. No other state or territory I am advised has appeal rights for similar orders made under the equivalent public health legislation let alone in the emergency management legislation. I have not sought advice from the police minister in relation to this, but I would have thought that, if the opposition and the other parties in the other place were to insist on this amendment, the whole bill would have to collapse because we cannot threaten the capacity of the police commissioner in a major social emergency with the provisions which are being proposed.

I sincerely appeal to the opposition between this and the other place to reconsider its position in relation to this in particular but also in relation to the other matter. As I say, we are happy to meet you halfway, we are happy to look at ways of ensuring that civil liberties are protected, but we also have to look out for the general public good at times of extreme emergency.

Dr McFETRIDGE: I will ensure that my colleagues in the other place are made aware of the minister's comments and views on this matter. I am sure that we will be able to come to a conclusion that will ensure that the bill does exactly what it is intended to do; that is, protect the health of South Australians.

The Hon. J.D. HILL: I thank the member very sincerely for those comments and indicate that that is the end of it. As I indicated before, we may have to have a deadlock conference if we cannot resolve the matters between houses, but I am hopeful that, with goodwill, we will be able to do that.

The CHAIR: Certainly. Thank you, minister.

Motion carried.

STATUTES AMENDMENT (TRANSPORT PORTFOLIO—PENALTIES) BILL

The Legislative Council agreed to the bill without any amendment.

RAIL SAFETY (SAFETY COORDINATION) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

ADJOURNMENT DEBATE

FORESTRYSA

Mr PEDERICK (Hammond) (16:58): As the shadow forestry minister, I rise to support the comments made today by the deputy leader, the member for MacKillop, on the devastation that will occur in the South-East with this Labor government's shortsightedness in forward selling up to 111 years of forestry and at least $1 billion on calculated net revenue to government coffers alone. It is interesting to note that this announcement comes the day after the SACA vote. As the deputy leader rightly said, good on the Crows, good on the Power, good on the SACA, they will get their Adelaide Oval upgrade, but at what cost? At what cost to this state? It will be a massive cost. It will see, I believe, the South-East becoming a shadow of its former self.

There has already been social disarray and unease in the South-East about what will happen with the potential of the forward sale of three rotations of the forest and this will just cause more unrest in that area. We note that the Mount Lofty Ranges and the Mid North forests are exempt from the forward sale.

The Hon. M.J. Atkinson: Don't tell me, it's a conspiracy.

Mr PEDERICK: Well, I believe it is a conspiracy against the regions of this state, which the member for Croydon would hardly recognise.

What we are seeing once again is that regional South Australia is paying the price for Labor's Colosseum in Adelaide, and that is essentially where the money will go from the forward sale. We do not even know how much we are getting from this forward sale yet. The Treasurer today even indicated that he needs to look at the economic modelling, yet here we are with a government coming out and making this announcement today. They put their own report on the Treasury website, which seems very much at odds with the local regional impact report that was commissioned by the three regional councils in the South-East, and it certainly is at odds with what everyone down in the South-East has been saying, including Rod Evins from Banner Hardware, timber sawmillers, and even Brad Coates who is one of the union leaders in the South-East.

I wonder how Brad Coates is feeling today about being dudded by the party that his union supports—or does his union support it? That is the good question, because it will be those union jobs in the South-East that will go with this decision. I certainly believe that it does directly put at risk 3,000 jobs, because what is there to guarantee that logs will not be exported? We see all sorts of clauses that are supposedly going to be put into a contract to safeguard the jobs with the sale of these forward rotations, but all it is talking about is an extra five years on top of the probable 10 years or so with the contracts that are in place.

I will go through some of the community's own concerns with the forward sale, and this is direct from the government's own report:

In summary, the Community expressed the following concerns during our consultations:

1. Export—the new purchaser will not have the same regard for facilitating the local industry and may export large quantities of logs.

2. Log quality—the purchaser may not adopt the same high standard of silvicultural and plantation management practices as ForestrySA and log quality may decline as a result.

3. Stability—the sale of the rotations may destabilise certain aspects of the industry and the harvesting, handling and processing industries may suffer as a result.

4. Water—the sale of the forward rotations may increase the estate's exposure to possible increases in future water costs, thus increasing the cost of logs. The harvesting, hauling and processing industries may suffer as a result.

5. Carbon—the sale of the Forestry estate would include selling a potentially lucrative carbon sink.

6. Fire protection—the purchaser may not give the same priority as ForestrySA to maintaining forest and regional fire fighting capacity.

And 7 is the cruncher, I think. These are the social impacts the community are talking about in regional South Australia—regional South Australia, I emphasise:

7. Social impacts—the community is concerned that other problems will flow from the above impacts. For example:

(a) The community is concerned that with reduced economic activity house prices will fall (some believe they have already fallen).

(b) With reductions in employment in the area that would follow if there was a substantial impact on the processing sector (in particular), the community is concerned that people would leave the area, with harmful effects on the social fabric through reduced demand for schooling, potential school closures, and closures of community sporting clubs. These concerns stem from the primary concern that log would be exported in large quantity and thus that job losses would occur.

(c) Further, the community regards ForestrySA as an important part of the fabric of local society through its sponsoring of community events and other forms of community support. The community is concerned that there will be a general decline in community welfare if the proposed sale proceeds.

In the government's own report it makes the note:

In respect of the process, the community feels that it is not well informed—

well, they would not be the first ones in South Australia to feel not well informed; in fact, I think you could put most of the population in that category—

about the detail of the Government's intentions. It is quite likely that this has given rise to at least some of the community's concerns.

But there are other concerns. The report indicates that some of the concerns are not in the scope of the regional impact assessment. I will just go through these:

1. The sale would not represent value for money, as the government would sell the asset at a lower value than the present value of the future earnings.

2. The alternative uses of the sale proceeds have a lower value than maintaining ownership.

3. There would be a transfer of wealth from the region to the metropolitan areas.

4. It is impossible to know what the timber price will be in 50 or 100 years, so therefore it would be impossible to establish a reasonable asking price for the rotations.

5. One of the most common issues raised during our consultations, was that the proposed sale, and in particular uncertainty surrounding the details, was already having an impact. Clearly, any level of uncertainty would cause the loss of confidence in the community generally.

Well, that is certainly happening. It continues:

The greater the speculation about the sale and its impacts, the more likely the local community will lose confidence. It is possible—

and this is an interesting line—

that speculation about the sale will have a greater impact on the region than the sale itself. This may be reversed once the situation becomes clearer.

In my mind, the situation has been clear for a very long time, and I could have saved the government a lot of that money on this impact statement. It is a very simple fact that anyone who picks up the forward rotation of forests in the South-East is most likely to be a Chinese investor or an American superannuation firm—that is two possibilities.

The government makes out it has all these things that it will put in place to ensure the jobs will stay in the South-East and to ensure that a minimal amount of logs will be exported. Guess what? Does it reckon that it will be able to tell a Chinese buyer to even sign on the dotted line, let alone respect the contract, when you could probably get a container to China for $500? If they can mill it over there and sell it back to us as finished product, I think there is a very high risk of that occurring. The same can be said for American superannuation firms picking up the forward rotation of forests. What thought have they got for the region of the South-East? What thought have they got for the saw millers who are already under the pump and who do not know whether or not to invest? They have no thought at all. This process will go on for another 12 months, put more uncertainty into the South-East, Mr Acting Deputy Speaker; and I know you have an affinity with the South-East. I just hope that the people in the Labor Party who are against this will push their position.

ECONOMICS

Ms THOMPSON (Reynell) (17:07): I know that it will be quite difficult to understand and to really comprehend this, but in 1969 I studied Economics 1. From there I proceeded to study Economics 2 and Economics 3, and I did reasonably well in all those subjects. We learnt about the tools of economic management. We learnt about the laws of supply and demand, the use of monetary policy and the use of fiscal policy.

We also learnt that one of the important tools of economic management was what was then called 'open-mouth operations'. I think, according to yesterday's *Australian*, it is now called 'jawboning'. I think it was Ms Heather Ridout who is very well recognised as a spokesperson for big business in this country. I cannot quite remember the name of the organisation for which she stands.

There are some famous examples of open-mouth operations, the most famous being Paul Keating's announcement about a banana republic, alerting Australians to the fact that we were not really going as well as we thought we were, that we were living on false hopes, and that we were going to have to develop a new economic regime.

As we know, the Hawke and Keating governments did realign Australia's economic credentials and set us up to survive the next turbulent years very well. Indeed, it was their reforms, complemented by some reforms of the Howard government, which put us in a position where the Rudd government was then able to develop measures to withstand the global financial crisis. The reason I leapt to my feet today was because I have just listened to a damning example of jawboning from the member opposite, and we have heard many examples of this from members opposite over the last couple of years. Indeed, the member did quote the report from which he was reading as saying words to the effect of, 'the possibility of the sale could have worse effects than the actuality of the sale', and that is because of jawboning, or open-mouth operations.

By talking about the fear of job losses, the fear of economic loss, the fear of overseas interests taking over Australian wellbeing, people are only too ready to believe it. Just as they got behind Paul Keating and took the necessary reforms, it is also possible to get behind this government and take reforms that are necessary to bring prosperity to South Australia and continue the record that we have.

We all know that the global financial crisis has made it difficult for governments everywhere, in many countries overseas—most countries overseas—far more difficult than it has in Australia. Treasurers everywhere have had to make difficult decisions but, in South Australia, we have also been aware of possible impacts that could be adverse, and the Treasurer has required there to be a regional impact statement and, in an unusual step, has allowed this to be open for public scrutiny by putting it on the website. But, what do we hear from members opposite?

Constant jawboning of fear and damnation. Every single initiative is going to bring damnation. There is no optimism whatsoever ever portrayed by members opposite.

Mr Pederick: Go down and talk to the community.

Ms THOMPSON: If one listens to them, the state is doomed. Members opposite interject that I should listen to the community. In fact, I think if you look at my track record at election time, you will see that I listen to the community pretty well, and I know that they are made fearful by the statements emanating from members opposite. They are made fearful by silly statements made about the new Adelaide hospital. They do not understand the complexity of the medical system—the world market in the medical system—and it is very easy to engender fear.

It is far easier to engender fear and temerity than it is to engender hope and optimism that we can deal with the difficult situations that the world and our state encounter. There is no doubt that we do encounter difficult times. As I have already said, the times we are encountering are not nearly as difficult as what is happening in the UK, where old people are having their entitlement to coal—to keep them warm and, often, alive in the winter—cut by the current Conservative government over there. We are not looking at anything like that. We are looking at putting very tight conditions on the sale of the forward rotations of the forests—not even the sale of the forests. We are not talking about the sale of the land, and the Treasurer today has made clear exactly what is involved and what is not involved.

The Treasurer has also made it clear that there will be protective conditions on this sale to ensure that the welfare and the wellbeing of the South-East is taken into consideration. Of course we want there to be a prosperous South-East. Of course we are aware that people who have worked in one industry all their lives want to continue working in that industry. Of course we are aware that often they want their sons and daughters to be able to look forward to a future in that industry as well but, coming from an area where so many families have not been able to have their sons and daughters look forward to the jobs that they hoped they would have, particularly in Mitsubishi, etc., this government is aware that things change and that we have to be prepared for things to change.

Just as when so many people lost their jobs at Mitsubishi through world circumstances, this government was prepared to assist those people to retrain and get new jobs, and to invest in a fund that would enable new industries to be developed, so too, if there are any consequences in the South-East, this government will look after those people because we have confidence in the future of this state, unlike members opposite, who seem to believe that the state is totally doomed and who want to make everybody as miserable and unhappy and fearful as they can.

Members of the opposition are in a privileged position. They have access to far more information and knowledge than do so many of our constituents. It is the job of members of parliament to explain initiatives to people, to provide leadership to their community and a sense of optimism, not a constant sense of fear and gloom and doom.

Many people in South Australia have lost their jobs through manufacturing restructure. It has been very sad, and not all the outcomes have been good. This government learnt from what happened during the first round of redundancies at Mitsubishi. It conducted a comprehensive study of what happened and tried to implement programs that would overcome some of those difficulties. Still all is not good, but all is not in the control of this government. What we try to do is to look forward, look at the threats that we face in the future as well as now and deal with them.

I particularly want to emphasise the building of the new Royal Adelaide Hospital. The scare campaign that has been run by members opposite on this is just disgusting. The way they have been attacking and engendering fear in the most vulnerable in our community is totally irresponsible. The new Royal Adelaide Hospital is required to ensure that there will be excellent health facilities not just today, but for the next 20 and 30 years. It is required to ensure that we can attract the best in the world health practitioners because no longer do we just train our doctors at the University of Adelaide and Flinders University: our doctors come from around the world. We are a small player in the world scene, and we need to be able to offer something attractive.

At 17:18 the house adjourned until Wednesday 4 May 2011 at 11:00.