HOUSE OF ASSEMBLY

Wednesday 23 November 2011

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

SUMMARY OFFENCES (PRESCRIBED MOTOR VEHICLES) AMENDMENT BILL

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (11:01): I move:

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

Motion carried.

PUBLIC WORKS COMMITTEE: RAIL REVITALISATION PROJECT—ELIZABETH TURNBACK FACILITY

Mr ODENWALDER (Little Para) (11:04): I move:

That the 418th report of the committee, Rail Revitalisation Project—Elizabeth Turnback Facility, be noted.

The Elizabeth turnback facility forms part of the overall rail revitalisation program and has been presented to the parliamentary Public Works Committee to enable construction to occur while the Gawler passenger railway line is closed for track upgrade works from Mawson Lakes to Gawler Central. The cost of the project is $12 million. The project is in addition to the $293.5 million for the upgrade of the Gawler line and reflects further work on future timetables and train frequency on the line. The scope of work to construct the new turnback facility includes the following elements:

- track construction, including new dual-gauge concrete sleepers and replacing rail that has reached the end of its useful life;
- remediation of rail which is to be retained;
- improvements to track drainage and formation to ensure ongoing track integrity;
- design and installation of railway signalling works associated with the turnback; and
- installation of eight additional turnouts and two new buffer stops. The expected outcomes of this project are to provide for an increase in future train service from Adelaide to Elizabeth to cater for projected patronage increases in line with SASP target (3.6), public transport to 10 per cent of metropolitan weekday passenger vehicle kilometres by 2018 and reduce road congestion and improve road safety through increased public transport use.

Final testing and commissioning of the signalling at the Elizabeth turnback facility is due in mid-2013. Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

The Hon. R.B. SUCH (Fisher) (11:07): I will be brief. This is part of the ongoing revitalisation project of the state government. I commend it for the investment in the electrification and rail revitalisation. If members look in *Hansard*, they will see that I have been banging on about this for a long, long time. I am delighted that we are seeing some real progress. I would like to see the line extended into some of the new subdivisions in the north. This is a positive move and a step forward in bringing South Australia into line with modern public transport.

Motion carried.

PUBLIC WORKS COMMITTEE: BOLIVAR WASTEWATER TREATMENT PLANT MAIN PUMP STATION UPGRADE

Mr ODENWALDER (Little Para) (11:07): I move:

That the 419th report on the committee, entitled Bolivar Wastewater Treatment Plant Main Pump Station Upgrade, be noted.

Motion carried.

PUBLIC WORKS COMMITTEE: COMMON GROUND—PORT AUGUSTA

Mr ODENWALDER (Little Para) (11:09): I move:

That the 420th report of the committee, entitled Common Ground—Port Augusta, be noted.

Mr VAN HOLST PELLEKAAN (Stuart) (11:09): I would like to say a few words about this project. Supporting low income, homeless people in Port Augusta is an exceptionally important task which does need to be addressed, and I do not shy away from that whatsoever. I also need to say, as forcefully as I can, that the people I represent, who live in the area where these Common Ground projects are proposed to go, overwhelmingly oppose it going there.

I did make some submissions on their behalf to the committee. I was, in fact, invited to present to the committee, which I was not able to do simply because in the middle of one week I was invited to come to Adelaide to present to the committee in the middle of the next week, and it just was not possible at that notice. But I did put in three written submissions, one for myself, and two from other local Port Augusta people.

The concerns that the people I represent have are really to do with the very great likelihood of antisocial behaviour in their neighbourhoods, and also the great likelihood that their property values will diminish significantly. Anybody who knows the geography around Port Augusta knows that where these projects are proposed to go is a fairly short walk from the CBD, and all of the people who live near Augusta Terrace and Boston Street are concerned about their property values, as are all the people who live between those two streets and the CBD, and they are very worried about foot traffic back and forth.

I have no doubt that the Common Ground people will do their best to administer this project as well as they possibly can. This is an issue that has been going on for a long time. I have met with Ms Sue Crafter, the previous executive director of Common Ground. I have met with Ms Maria Palumbo, the current Executive Director of Common Ground, and I have no doubt that they will do their very best to make sure that this project is run well, and it looks after the people it is intended to look after. The problem is, though, that there are many people and many dwellings in this part of Port Augusta, and they overwhelmingly oppose it. I went to a public meeting where, it is fair to say, there was one person who was strongly vocally in support of the project, but there were dozens of other people who were overwhelmingly opposed to it, for the types of reasons that I have already outlined.

I would also like to put on record here that I have made two suggestions consistently to the Common Ground people, in the likelihood that this project would go ahead regardless of local opposition. I would like them to adjust the criteria that they use for people who get to live in these properties. I have had a verbal undertaking that they will do their best to do that. One of them is the $42,000 income threshold, so that people who earn less than $42,000 per annum are considered low income and, therefore, eligible to live in these properties.

Now, $42,000 is not a low income by Port Augusta standards, and I know that many people in Port Augusta would consider that to be quite an insult. Many people in Port Augusta have lived there for a long time, they have raised families, they have been responsible citizens, and have done their best to contribute to the community on a lot less than $42,000 a year. So I have suggested that they should be targeting people who are in the realm of $30,000 a year or below for the Common Ground project.

I understand that, in terms of a statewide context, that is a very low income. I am not saying that they have to earn nothing. They do not have to be living on the streets eating breadcrumbs but I do not believe that an income in the vicinity of $40,000 should entitle people to this sort of housing when there are many people well below that level who should access it. I have asked that they set their own standard much lower than $42,000.

The other thing that I have asked them to do on the assumption that this project will go ahead, is that they confine the residents—the people who are eligible to access this housing—to local Port Augusta people. I do not mean people whose families have been there for generations but, perhaps, people who have been there for a couple of years, because another thing that people in Port Augusta are very concerned about, and think is unfair, is that they run the risk of importing other town's problems, and potentially Adelaide's problems, into their community, importing social problems from elsewhere.

If this project was only eligible to local Port Augusta people who need the help, then the other people already living in the area would find it far more palatable. I do not think that they will find it attractive, but they will certainly find it far more palatable to know that if there are homeless people in Port Augusta, that those homeless people will get to live in the Common Ground projects in Boston Street and Augusta Terrace, not homeless people from Adelaide, not homeless people

from any other part of the state. That then would be far more palatable for them because, number one, it is giving help to local people; and, number two, if there is, as they expect, antisocial behaviour coming out of this project by putting people all together in one area, then at least they know it is people who, potentially, are already causing the problems in Port Augusta anyway, so it is not importing more problems into the city.

Those are two suggestions I have made verbally and in writing for as long as I have been in this place to the Common Ground people. I hope that they will include those two suggestions when it comes to assessing who is eligible and actually handing out places to people. I think that supporting low income, homeless people is without a doubt a very important priority. I am sure every person in this house would agree with that. That can be done at taxpayers' expense; that could be done with support from the government broadly; but it should not be done with an added impost to local people who live in Port Augusta who have spent decades trying to pay off their mortgages, who have tried to upgrade their houses.

I am not talking about particularly well-off people. This is not an affluent part of Port Augusta, but this is a part of Port Augusta where people have done the right things on very normal incomes, worked very hard for all their lives. They have had real estate agents tell them that their houses might drop in value, potentially by $100,000, overnight once this project is up and running. I think that is far too high an impost for these people to have to pay over and above the tax impost to which of course we all contribute and understand that our taxes should be going to support low income people.

Thank you for the opportunity to say a few words. I would ask the chair of the committee, if possible, in future to give more notice for country members to come down and give evidence to committees. I understand lots of things happen at short notice, but I would be grateful for that, because I would very dearly have loved to come and present and perhaps even bring some people from Port Augusta with me. Thank you for taking note of the correspondence that I did send in.

Motion carried.

PUBLIC WORKS COMMITTEE: SUSTAINABLE INDUSTRIES EDUCATION CENTRE—TONSLEY PARK

Mr ODENWALDER (Little Para) (11:17): I move:

That the 421st report of the committee, Sustainable Industries Education Centre—Tonsley Park, be noted.

In November 2010 the master planners for the Tonsley Park redevelopment proposed that the SIEC be included in the adaptive reuse of the Mitsubishi vehicle assembly plant, rather than a new build in the north-west corner of the site. An adaptive reuse is a process whereby the primary function of an older structure is adapted for purposes other than those originally intended. The proposal to pursue an adaptive reuse of the Mitsubishi vehicle assembly plant was taken by the master planners to set an environmentally sustainable standard for the site and approved by government.

The current proposal is to build the Sustainable Industries Education Centre for $103,588,075. The Sustainable Industries Education Centre will transform education and training for the building and construction industry in South Australia through a new delivery model emphasising interaction between building and construction disciplines, sustainability practices and industry linkages. It will be an integral part of the proposed Tonsley Park redevelopment, contributing to the adaptation of the region's economy, the development of new industries and the diversification of the workforce.

It will provide a cornerstone investment on the redevelopment and a focus for sustainable industries and infrastructure development. It will co-locate and link industry and education providers to maximise student participation and pathways. It will comprise the first purpose-built facilities for the collocation of VET and higher education in metropolitan Adelaide. It will demonstrate and showcase sustainable technology to enhance the education experience and stimulate new opportunities for the uptake of new clean technologies.

It will consolidate five existing TAFE SA building and construction training sites into a single hub and reduce the metropolitan TAFE footprint by approximately 25,000 square metres. It will increase TAFE SA building and construction course numbers by 16 per cent, with new training in renewable energy and water operations offered, and it will increase places in construction management, planning and engineering by 21 per cent, including pathway programs to facilitate articulation between VET and university.

The Sustainable Industries Education Centre will ensure that core sustainability skills are embedded across tertiary building and construction qualifications and that specialised skills needed for industry to adopt leading-edge clean technologies and practices are readily available. The project is scheduled to be completed by late 2013, with training delivery in early 2014. The committee notes that the SIEC forms part of a wider master plan for the Tonsley Park site currently under development, and which the committee looks forward to viewing when finalised. Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr HAMILTON-SMITH (Waite) (11:20): Sadly, I must advise the house that the opposition members of the committee do not agree with this report and have submitted a minority report. I think this is unfortunate. It is always better if parliamentary committees are able to report unanimously, so that the subjects of those reports have credibility. It is not a decision taken lightly for opposition members to make a minority report, and we have done it very rarely in Public Works—very rarely indeed—but where government members, for one reason or another, will not include in the report concerns legitimately raised by the opposition, we have little choice.

Therefore, I must point out to the house that there was considerable concern within the committee, and certainly by members on this side, that the evidence given was given in the context that a master plan for the Tonsley precinct had not been signed off by cabinet at the time of that evidence being given, and the committee understands it still has not been signed off. So, in effect, we had a significant proposal for expenditure coming forward to the committee to start work on a component part of a project for which no master plan existed or had been approved. The committee also heard that the business case for the entire project had not been completed, and had therefore not been signed off by cabinet.

This is the sort of cart-before-the-horse investment by government that gets us into a pickle, and the current government would well understand, after the State Bank collapse, how you can spend hundreds of millions of dollars, and billions of dollars, on projects that have not been thought through and have not been properly scrutinised. I just remind the house that one of the reasons why this Public Works Committee (in its current form) was constituted in 1994 was as a result of an election, during which commitments had been given by members on this side that we would do what we could to prevent the State Bank type of farragoes from recurring. The Public Works Committee had been scrapped some years earlier by the then Labor government.

So, it is inappropriate, in our view, for the government to spend $103 million on a component public work when the master plan and broader project had not been resolved. I note that this is not the first time the government has done this. Members on this side have criticised the government for making similar decisions with regard to the Convention Centre, where the master plan for the Riverbank precinct remained incomplete but the project was brought forward.

We heard earlier of another project involving a turnaround on the Gawler line for rail, where, again, because the overall master plan for our rail redevelopment had not been worked through, the government had to come back to the committee and seek millions of dollars of more money to put in a turnaround point so that the trains could actually turn around in Gawler and come back into Adelaide. Well, that turnaround facility is very handy, and it would be nice, if you send trains out of town, to be able to bring them back. Why did we not think that through and include it in the original project? Because the master plan had not been complete.

You miss things, forget things and make mistakes when you do not have the master plan right, and you build the thing in component parts without having put the jigsaw together. This is part of a general concern for members on this side that master plans for the electrification of rail and the Riverbank precinct have not been complete—and this is the third example. The practice of bringing forward public works projects involving the expenditure of tens of millions of dollars in cases where master plans have not been completed is unprofessional. It lacks fiscal rigour and it is a recipe for waste and disorder.

If the government is unable to complete its broader master plans, subordinate projects should not advance until broader planning is adequate and the business case has established the viability of the project. It is to protect the taxpayer that this must be so. The current Labor government appears to have learnt nothing from its past mistakes, and this process being used to advance this project is simply a repeat of lessons that should have been learnt in the past.

We also note with concern revelations during evidence that a local manufacturer—in particular, Siemens Turbomachinery Services—appears to have expressed an interest in operating

their business at the site to be used for this Sustainable Industries Education Centre at Tonsley Park, because it contains a 50-tonne crane and other ideal facilities for their business. However, the committee heard that they had been turned away.

There is serious doubt about whether we have selected the right location within the site for this TAFE facility and whether it perhaps could have been built at another location on the site and the more suited industrial infrastructure that is being used now for the TAFE might have been made available for Siemens or another similar company. It makes no sense to build the TAFE at one of the best locations within the site, with important infrastructure that could be used by manufacturers and industry, where there appear to be numerous alternatives within the Tonsley precinct for the TAFE.

When this project was announced, the government's stated aim was to create smart jobs, a high-tech innovation park, etc. The refusal by the government to allow Siemens to utilise the facility demonstrates that the government has now put the hasty construction of a Tonsley TAFE ahead of attracting high-tech jobs to the location. One can only assume from that there is an indecent haste to cut a ribbon for a new TAFE before the next election so as to secure a favourable election outcome, rather than to ensure that taxpayers' money is wisely and properly invested.

Members on this side were also concerned that the government had made ironclad commitments at the time the project was announced not to rezone the site for residential purposes, yet it was revealed in evidence to the Public Works Committee that between one-third and one-quarter of the site is now to be used for residential high-rise apartments and commercial retail. The project is starting to look more like a money-making property development than a job-creating high-tech precinct. Governments have an obligation to deliver on the promises they make. In this case, that faith seems to have been breached.

We also note that what started as a project to be run by the minister for industry and trade and DTED, who have prime carriage, has now drawn in the Land Management Corporation and the Minister for Infrastructure, as well as the minister for employment, training and further education. Management and control arrangements are looking complex, with obvious overlap, risking poor cost control and overlapping layers of management.

The Liberal opposition supports the construction of the Sustainable Industries Education Centre at Tonsley and does not wish to block the project from proceeding, but we do express our concern in this minority report that the government risks bungling the project by proceeding with this component part without having completed either a master plan or a business case. We also point out, as I mentioned, that the proposed development of the former Mitsubishi site is not proceeding in accordance with the promises and assurances given by state Labor when the project was first announced. We are also concerned that the number and arrangement of ministers and departments involved in managing the project is convoluted and a recipe for mismanagement.

The Public Works Committee is, in my view, one of the most useful and functional committees in the parliament, for two reasons. First, by statute, certain projects over a dollar value must be referred to it. I think other committees would benefit from similar statutory support. That means that a project cannot proceed until the Public Works Committee has had a good look at it, to protect the taxpayers' money.

The second reason that the Public Works Committee works effectively is that, by statute again, a quorum cannot be present unless opposition members are sitting at the committee. That means that the government cannot shoot off on a frolic of its own, as it can on other committees, and make decisions that are clearly partisan, and that a level bipartisan involvement in approving projects is required, by statute. Both those things are very important.

Members on this side, my friend the member for Finniss, and I have done our very best to work in a bipartisan way on the committee in all of the projects we have had before us. We regret having to submit minority reports, but if we feel we are not being listened to, if we feel that reports are not including our concerns and if we feel that reports are not a fair and accurate reflection of all of the views of members of the committee, then we feel that the taxpayer is disadvantaged. It is their money, not ours. We must ensure it is protected. That is why my friend the member for Finniss and I have submitted this minority report. In this case, we do not agree with the committee's findings. I say to all stakeholders that they should view the report, as a result, with some scepticism, and read the minority report before they make judgements upon it.

The Hon. R.B. SUCH (Fisher) (11:30): I have heard what the member for Waite has said and I am not in a position to debate in detail what happened in the committee, but I think he did

provide some useful advice to the government in terms of projects and how they are funded and so on. Putting that aside, this is a good project. We as a state need to invest a lot more in trade training and technical training. I have heard the catchcry about a skills shortage for so long that I am sick of hearing it. It has been repeated ad infinitum for the last 20 or more years. We have to come to grips with this issue, and the consolidation of the TAFE campuses at Tonsley Park is an opportunity to ensure that we have the latest and best training facility, particularly for building and construction, but it will go beyond that, ultimately. We need to make sure that we are genuinely a highly-skilled and smart state.

We are only basically recovering from what happened more than 20 years ago when the technical high schools were closed down. Goodwood Tech was allowed to linger on before it was euthanased a bit later. Our state, in terms of its education, has not really got serious about technological training until comparatively recent times. It is good to see that high schools, including two in my electorate (Aberfoyle Park High and Reynella East College), have made significant improvements and provision for improved technical training, but we still have a long way to go.

The skills shortage that faces us is considerable. We still have many people who are not getting the opportunity to pick up a skill or a trade, and I will not elaborate in relation to SACE but SACE was meant to provide an encompassing education for those who go to university and the majority who do not. We may see, over time, a greater focus on people being able to get a technical or technologically-based education.

One of my wishes when I was minister for TAFE was that TAFE would have its own high schools, because I did not believe DECS was fair dinkum about providing the necessary technical training. Maybe the minister responsible for TAFE will consider creating a specialised TAFE high school focusing on technology as a feed-in not only to TAFE itself but to the universities as well at what will become, no doubt, the surplus campus at O'Halloran Hill.

I have mentioned before in this place that we used to have some very good facilities at Underdale for training people—training technical teachers, purpose-built workshops which cost millions of dollars and purpose-built facilities for training what were called home economics teachers but who do more than that. Sadly, the University of South Australia was allowed to destroy those purpose-built buildings. I heard the member for Morphett recently talking about one of his relatives who had to do the theory at university to become a technical teacher or a home economics teacher, but then had to do the practical at TAFE, when we already had the integrated facility at Underdale, but that has been destroyed.

I hope that we have learnt from that and that this Tonsley Park centre can and will go beyond building and construction—I am sure it will—as part of a TAFE focus. I commend the government for this commitment of $103 million. According to the member for Waite and the member for Finniss, the government may not have gone about it probably in the way they would like, but, nevertheless, I think that we should focus on the fact that it is going to happen, it will happen and it will make a significant contribution to skills training in this state. I strongly support this project.

Mr PENGILLY (Finniss) (11:35): Madam Speaker, I rise to make a few comments, and following on from my colleague the member for Waite on the fact that we put in a minority report, as well as the comments the member for Fisher made. I indicate that the member for Waite and I actually support the project. We think that the project will probably be a good project; however, there was much left out of the whole thing that should have been there in relation to the site, which is disappointing.

I reiterate the words of the member for Waite that our Public Works Committee needs to operate very much in a bipartisan manner, quite frankly. A lot of the time it does, but when you have things thrust down your throat and when you do not have the opportunity to make useful suggestions into the project, it gets a bit untidy. The fact is that government members have pushed in, we have these projects thrust upon us at committee and we just have to deal with them. Ultimately, we could have had a far better plan over the whole area and far better use could have been made of it.

The actual project will be a good project and it will be a benefit to South Australians, particularly to young South Australians and the more mature-age students as they come along. It has a number of issues (which I remember were discussed in the committee) about getting people from the other side of Adelaide to the facility (transport arrangements) and wherever they have to come from to go there. Ultimately the project will benefit South Australia. Let me just reiterate the

words of the member for Waite that it could have been a lot better if it had all been thought out better.

Mr BROCK (Frome) (11:37): I commend the member for Waite for making it obvious to the rest of the members in this place that this is a minority report from this committee. I just want to say that I support the proposal; however, as the member for Fisher indicated, I am also very concerned about the comments which have been made over many years and which continue to be made that we have a shortage of skilled tradespeople out there.

I think that we lost the opportunity when the GFC hit. I thought that we had an opportunity then to start training a lot more people for the time when we came back on track. Unfortunately, I think that we may have lost a bit of an opportunity there because we had two or three years to be able to consolidate ourselves, get the training into the existing locations and to ensure that, taking into account what is going to happen in the resource industry in the top end of South Australia and also interstate, we would have that skills availability.

As the member for Fisher has indicated, I am supporting this motion even though it is a minority report. One thing I want to say is that, whilst this facility is going to be fairly great and it is going to consolidate a lot of training opportunities in the Tonsley Park area, this government and all members in this house must ensure that we do not forget the regional areas. Lots of people require skills training and they are looking for the opportunities. I have a fear that, if we start to consolidate everything in the metropolitan area, people in the regional areas will suffer.

Facilitating training in the metropolitan area is a lot less expensive for people who live in the metropolitan area. However, if we do not increase and improve the facilities in the regional areas, people coming down from the country will have to pay for accommodation and travel, and some of those people just do not have that money. Whilst I agree that it is a great facility, we must not forget the regions. I want to reinforce that: please do not forget the regions. I commend this report to government, but, in future, please ensure that we do not forget the regions.

Motion carried.

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE: ANNUAL REPORT

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (11:40): I move:

That the annual report 2010-11 of the committee be noted.

This is the seventh annual report of the Aboriginal Lands Parliamentary Standing Committee. It provides a summary of the committee's activities for the financial year ending 30 June 2011. Over the last year, the committee has met with a wide range of Aboriginal people in their communities. These meetings have given the committee and the South Australian parliament a better understanding of the many and varied issues that are of importance to Aboriginal South Australians.

During the year, the committee spent significant time in the APY lands and Alice Springs. From that trip the committee gained insight and appreciation of the challenges faced by Aboriginal people living in the APY lands. The committee also visited Raukkan and Camp Coorong, the Devonport community and Aboriginal organisations in Port Augusta, as well as Yalata, Koonibba, Ceduna, Point Pearce and numerous Aboriginal organisations and support organisations within Adelaide.

During the year, the committee also heard evidence from witnesses from a number of state and commonwealth agencies and Aboriginal support organisations, and I thank the people who provided information to the committee. I am also thankful to all of the members of the committee, past and present, for their dedication and hard work. I would like to particularly thank the previous presiding member, the Hon. Grace Portolesi, for her contribution to the committee, as well as acknowledge the current members of the committee for their ongoing efforts: the Hon. John Gazzola, Mrs Leesa Vlahos, Ms Frances Bedford, the Hon. Terry Stephens, Mr Steven Marshall and the Hon. Tammy Franks. On behalf of the committee, I also want to thank the executive officers, Jason Caire and Terry Sparrow, for their work and support over that period of time.

On behalf of the entire committee, I would like to thank all of the Aboriginal people the committee has met over the past year. I appreciate their willingness to discuss their issues and

share their stories and knowledge. I would like to read into the *Hansard* the closing paragraph of the committee's comments provided in this report:

> The committee recognises that many issues remain and many challenges lie ahead. However, the committee believes that increased support for Aboriginal people through capacity building and governance training, support for community-based economic enterprises with training and employment outcomes as well as improved service delivery particularly in remote and rural communities will help overcome the disadvantage faced by Aboriginal South Australians as well as create a solid foundation for optimism and prosperity into the future.

I just want to finish off by saying that I feel very privileged that the Premier has provided me with the opportunity to be this state's Minister for Aboriginal Affairs and Reconciliation. On Friday, I will be chairing my first meeting as the Presiding Member of the Aboriginal Lands Parliamentary Standing Committee, and I look forward to discharging that responsibility and also working with other committee members in a non-partisan way to achieve the objectives that were set out in the last paragraph of the committee's report.

I look forward to doing that by working in a completely non-partisan way, contributing as best we possibly can to this parliament's understanding of Aboriginal matters and, by doing so, advancing the welfare and well-being of Aboriginal people in South Australia through a coherent, cohesive and non-partisan working relationship that I wish to develop with all members of the committee. The committee, and I, as presiding member, look forward to developing those relationships over this coming year.

Mr GARDNER (Morialta) (11:44): I am happy to support this motion and note the work that the Aboriginal Lands Parliamentary Standing Committee does and has done over the past year. In doing so, I would also like to congratulate the minister on his appointment. I trust that he will carry out that responsibility with the great level of dedication that the position demands, and I trust that he will work very hard in that role and that he will do well.

The Aboriginal Lands Parliamentary Standing Committee is an important standing committee of this parliament because we know the level of disadvantage and the level of pressure placed upon the people on those lands. Scott Kennedy, who works in my electorate office as my research assistant, recently came back from a week on the lands where he was assisting the Salvation Army in delivering furniture that will be made available for use in the housing that is on the lands.

It is disappointing that it falls upon volunteer work to do some of these things that one might have hoped the government would take responsibility for. I certainly commend Scott and I understand that he was joined by the member for Norwood's research assistant in joining that trip with the Salvation Army to attend and assist in that capacity.

When I got the call asking if Scott could have a week's leave, it was notable that they particularly wanted him to come along because all of the volunteers they had thus far were slightly built and Scott is a CFS volunteer with a somewhat slightly more muscular build than some of the others who were on that trip. I think that the volunteer work that all of the volunteers did was commendable. It is disappointing that so much of the work up there falls upon the work of volunteers rather than those government agencies that, we might hope, would deliver better outcomes.

I think that the members of the Aboriginal Lands Parliamentary Standing Committee in the past year have undertaken a number of trips up to the lands. I note that the minister is looking forward to his first meeting and I think it is good that the presiding member of the committee attend and be involved in the work of the committee.

The fundamental importance of the work that this committee does, I think, is important also in underlining the value of the committee system to the parliament. When a committee can act in a bipartisan fashion and recommend changes where they need to be made, then it reflects well on our Westminster system. I trust that the minister and the members will work well together in the year ahead to ensure that some of the challenges that face those lands receive an appropriate response.

Mr MARSHALL (Norwood) (11:47): It is my great pleasure to stand and speak to this annual report which was tabled in parliament some weeks ago now but is being noted this morning. It has been my great privilege, since being elected as the member for Norwood, to actually serve on the Aboriginal Lands Parliamentary Standing Committee. I think it is an extraordinarily important committee, established by this parliament back in 2002.

It serves a lot of useful purposes: one is to, of course, go out and visit people who are living on Aboriginal lands. As the report notes, there have been many trips over the past 12 months to the APY lands to many of the communities, especially on that eastern side of the APY lands, but also to Aboriginal lands at Raukkan, Camp Coorong, Davenport, Port Augusta, the Lakeview accommodation centre, Koonibba and Point Pearce. I hope I have not left anybody out, but we have certainly been to all of those places with the committee, just in that 12-month period. I have made several trips myself to other communities during that time and I would just like to thank all of those communities for making the Aboriginal Lands Parliamentary Standing Committee so welcome.

Another very important component of the work of the Aboriginal Lands Parliamentary Standing Committee is taking evidence from groups, and the committee has worked extremely hard in this area, having a large number of government departments, but also interested bodies, come and speak to the committee. All of that evidence is available on the parliamentary website. It is a hardworking committee which has met many times throughout the year.

I am particularly indebted to the two officers who work with the committee. The first one I worked with was Terry Sparrow—an Indigenous man who is now working, I believe, in the Premier's department. He has a huge knowledge and background in this area and he was an excellent executive officer. He has been recently replaced by Jason Caire, who also has a huge amount of experience, especially in the area of native title. We are very much looking forward to working with him.

I do note that the new minister, the Hon. Paul Caica, has indicated that he will take up the role of presiding officer on that committee. I strongly welcome that, and I look forward to working with him. I think as an indication of how he will serve in a bipartisan way, he has invited all of the members of the Aboriginal Lands Parliamentary Standing Committee to travel with him this weekend up to Nepabunna. I think that is a great opportunity for us to be able to work with the minister and provide input to him in the important decisions that he has to make in his time as the minister for this area.

I was particularly pleased that the annual report for last year came down in such a speedy way, unlike the previous year, which took almost a year longer than this one. So I am very pleased that the committee is working so effectively. I look forward to this current year that we are operating in at the moment.

The Hon. R.B. SUCH (Fisher) (11:51): The first point I make is that it is ironical that as Europeans or Caucasians we are focusing on the Aboriginal community. It is unfortunate that we do not have, as far as I know, a member of parliament who has Aboriginal heritage. We cannot change that immediately, but I look forward to the day when we will have in this parliament a person with Aboriginal heritage who can speak not necessarily more strongly, but certainly on the basis of that heritage, and communicate some of the concerns that affect Aboriginal people.

The title of this committee is not inappropriate, but I do not know whether it should not be expanded. The terms of reference allow it to look at things beyond Aboriginal lands. If you look at the functions of the committee under the Standing Committee Act 2003, in paragraph (d) it states:

> to enquire into matters concerning the health, housing, education, economic development, employment or training of Aboriginal people, or any other matter concerning the welfare of Aboriginal people.

It is really an opportunity to look at almost any issue. I think what would be useful—and I am not saying the committee should not look at the lands—is for the committee to zero in more specifically on the wider Aboriginal community. I am not critical of the staff—our committees here are generally under-resourced—but I think it would be useful if the annual report contained more benchmark data so that we could chart the progress that is happening in respect of Aboriginal people in terms of health and other matters like school attendance.

Otherwise, what you are dealing with is a general commentary—a sketch. I am not being critical of the staff. What you need is to be able to say that five years ago life expectancy of Aboriginal people was so-and-so and now it is at a higher level. That benchmarking is very important because otherwise we cannot really hold the government or ourselves accountable in terms of what is or is not being achieved. That also includes Aboriginal people, because they have a responsibility and, ultimately, it should be their responsibility to decide their future and what choices are made. I think that, in many ways, we have gone from the old sugar and flour welfare system to a more subtle welfare system, which is just as effective in damaging Aboriginal people.

I note here that the committee visited several schools in the APY lands, but there are no statistics about the percentage of children attending school—some of them are attending school. I have noticed that the commonwealth government has recently introduced, what some people are calling, a 'tough love' program, so that if your child does not go to school then you do not get any government benefits, and that has had a significant impact, particularly in New South Wales and Queensland. I think we have to stop pussyfooting around with issues like that. If an Aboriginal child does not go to school, then the chances of that child ending up with worthwhile employment and so on are fairly small.

I will not go into all of these, because I know other members may wish to speak, but we still have a very serious problem in the metropolitan area, particularly with young Aboriginal men, many of whom have lost their way. Our prisons and our youth detention centre have got a very high representation of Aboriginal people who have lost their way, and there needs to be a lot of effort put into trying to ensure that they do not see a life of crime as the only option. If you do not have an education, then you cannot get a job, and the choices for you are fairly limited.

I commend this committee. I make the suggestion not in any way being critical of it, but so that maybe in the future there will be a focus on data and benchmarking so that we can chart the progress of Aboriginal people and help reduce some of the gaps which still exist in relation to health, education and aspects such as the level of incarceration and so on. I commend this report. It is an important part of the process of ensuring that Aboriginal people can achieve their full potential in our society.

Dr McFETRIDGE (Morphett) (11:56): Thank you, Madam Speaker. As you know, you and I were on this committee for many years, and are no longer on the committee. It was a very hardworking committee, and the biggest problem we had—and I understand that it is still a problem—is that the minister is the presiding member and the minister very rarely comes to the meetings or very rarely goes on trips.

I congratulate the new minister on having been given this portfolio, and for taking the challenges on board, but if there is one thing I ask of this minister, it is that he remove himself as the presiding member of the committee. It interferes with the way in which the committee works, it hamstrings the committee, and it is a ridiculous situation with the minister writing to himself as the presiding member of the committee. It is an absolutely ridiculous situation and it has never worked under all the ministers. It is a terrific committee. It does a lot of good work but, if there is one thing—and I have not read the current report—that can enhance the way in which this committee works, then the minister should change the legislation and remove himself as the presiding member.

Debate adjourned on motion of Ms Chapman.

SELECT COMMITTEE ON THE GRAIN HANDLING INDUSTRY

Mr BROCK (Frome) (11:59): I move:

That the Select Committee on the Grain Handling Industry have the power to continue its sittings during the recess; and that the time for bringing up the report be extended until Wednesday 15 February 2012.

Motion carried.

PARLIAMENTARY REMUNERATION (BASIC SALARY) AMENDMENT BILL

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (12:00): Obtained leave and introduced a bill for an act to amend the Parliamentary Remuneration Act 1990. Read a first time.

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (12:01): I move:

That standing orders be so far suspended as to enable the bill to pass through its remaining stages without delay.

The SPEAKER: Quorum not present: ring the bells.

A quorum having been formed:

Motion carried.

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (12:02): I move:

That this bill be now read a second time.

The Parliamentary Remuneration Act 1990 provides that state parliamentarians have a base salary that is automatically linked to the base salary payable to a federal parliamentarian, less $2,000 per annum. Other entitlements payable to state parliamentarians, such as electoral allowances, are determined by the Remuneration Tribunal of South Australia.

It is understood that the commonwealth remuneration tribunal, which is responsible for setting federal parliamentarians' base salary, is considering whether electoral allowances should be regarded as salary, principally for reasons of clarity and transparency. If the commonwealth tribunal determines that electoral allowances are to be incorporated into commonwealth parliamentarians' base salary, there will be a direct flow-on effect to the base salary of South Australian parliamentarians, without an offsetting reduction in allowances.

This bill seeks to suspend until 30 June 2012 the existing arrangements, under which the basic salary paid to a member of parliament is automatically linked to the annual salary allowance paid to a member of the House of Representatives of the parliament of the commonwealth. It will ensure that any move to incorporate electoral allowances into commonwealth parliamentarians' base salary will not result in any unintended consequences to pay and other benefits from an automatic increase in the basic salary of South Australian parliamentarians.

A decision on whether any changes are required to the Parliamentary Remuneration Act 1990 can then be made, following the outcome of the commonwealth remuneration tribunal's review. Given the expected timing of the decision by the commonwealth tribunal later this year, this bill will need to pass parliament in this session. I commend the bill to the house.

The Hon. I.F. EVANS (Davenport) (12:04): The opposition is supporting this particular piece of legislation. It is no surprise that the government would need to suspend standing orders to do this. The opposition and government have had discussions about what might be coming out of the federal arena. It is publicly reported in the federal remuneration tribunal's annual report, which was released in the last two or three weeks, that it intends to make a decision and announce a determination this side of Christmas.

What is unclear to the government is the implementation date of any change and, indeed, the nature of any change. The federal remuneration tribunal has broadly outlined some of the changes it is looking at with regard to rolling in metropolitan allowances to salary and other changes that they are considering. Until the fine detail of that is announced and the implementation date is announced, the government is quite right to suggest that, without this bill, under our legislation there would be automatic flow-on if the implementation of any change—

The Hon. M.J. Atkinson: Thanks to a great legislator of the past.

The Hon. I.F. EVANS: There would be flow-on, automatically, if the implementation date was between when the federal remuneration tribunal makes its announcement and before the parliament resits. This is a piece of legislation that is a holding pattern until 30 June, and obviously the government and opposition will have to consider what changes will be necessary (if any) following the announcement of the federal government and the remuneration tribunal's decision. The opposition supports the bill and, as there are only two clauses, we have no need to go into committee.

The Hon. R.B. SUCH (Fisher) (12:06): The government has no choice, and the parliament has little choice, but to create this suspension of pay until the federal determination is announced. I think members need to remember that the federal allowances are not identical to ours, and I am sure the government is well aware of this. The other issue is that I think there will be taxation consequences, which I am sure the Treasurer would have his experts looking at. If you aggregate allowances, which, as I understand it, the tax commissioner generally regards an allowance as fully expended.

Mr Griffiths: No, they don't.

The Hon. R.B. SUCH: Well, they tend to look at it somewhat differently to your salary. That has been the traditional approach, I believe.

Mr Griffiths interjecting:

The Hon. R.B. SUCH: Yes, you justify it, but the commissioner assumes you receive an allowance because you have an extra justified commitment. As I say, I am not an accountant but that is my understanding. I believe there will be taxation consequences, and I am sure the

Treasurer will look at that. The point is that whatever we do with regard to salary—and I have been here long enough to know this—you will never win, because to people outside, when you are on $130,000 or a ministerial salary, it seems an enormous amount if you are a pensioner or someone on a low income. What a lot of people do not consider is that, if you look at comparable occupations—not just the hours put in, the skills and so on—MPs are generally not well paid. If you do your job as an MP properly, you are almost certainly underpaid.

That may not be a popular view out there, but that is my view. As the person who helped to bring about cars for members, I make no apology for that; that was long overdue. In most businesses, if you are carrying out a business activity, you have a car. I think members have to refrain from being apologetic. We have always had a couple of people in another place who have gone out on a limb to get the sympathy vote, but no matter what you do or what you say, you will never get support from the many people in the community who want MPs to work for nothing and go without any remuneration whatsoever.

In terms of this measure, I believe we should look at the whole lot of allowances for committees, and all those sorts of things, because there are a lot of anomalies. Unless you are the chair of a committee, I think the current rate for members who are on a select committee is about $12 a day—you would probably get more money if you were at Yatala. Some of those payments, and the way in which committee payments are dealt with, should be looked at.

I accept that this is an interim measure. As I said, I do not believe the government or the parliament has any choice, because we would be well and truly crucified if we accepted something automatically from the federal government which is put together on a different basis from the allowances that we currently receive. I support this measure, but I do not believe anyone will be re-elected in here on the platform of advocating an increase in salary for MPs.

Mr PEGLER (Mount Gambier) (12:10): I certainly support this amendment bill and the fact that there should be a review of the whole gambit of allowances that are paid to elected members. As far as I am concerned, we should be open and transparent with the electorate. It is those people who employ us through the election process and pay us through our taxation, so we should be as open and transparent as humanly possible on what we receive. I certainly support the fact that there will be a review and that there will be a freeze until the end of June so that that review can be done.

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (12:11): I thank honourable members for their contributions in support of the bill. I would particularly like to thank the house and the opposition for their cooperation in enabling standing orders to be suspended so as to expedite the passage of the bill. I commend the bill to the house.

Bill read a second time.

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (12:11): I move:

That this bill be now read a third time.

Bill read a third time and passed.

ARKAROOLA PROTECTION BILL

Adjourned debate on second reading.

(Continued from 19 October 2011.)

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (12:12): This bill is the culmination of a fairly tawdry set of events. Let me put on the record straightaway the opposition's position with regard to Arkaroola. I know it very well, because the opposition put a lot of work and effort into coming to a considered position on Arkaroola, and I was a part of that as the shadow minister for mineral resources. At least I can say that I think the opposition through that whole process was open and honest, not just with themselves but with the stakeholders involved, which is something I am not too sure that I could say of the government's position.

I am delighted that the minister is here. Before I go too far into this, I do wish to ask a question and possibly a point of clarification from you, Mr Deputy Speaker, as to this matter that is before the house today. I understand that Marathon Resources, which will be impacted significantly by this piece of legislation, has taken matters to court over this and other actions of the

government. I want an assurance from you, Mr Deputy Speaker, that it is okay for us to debate this matter, in view of the fact that there is some court action at foot, and that there are no restrictions on what we may indeed be able to debate and the matters that we might be able to bring—

The Hon. M.J. Atkinson: It's not a jury trial.

Mr WILLIAMS: The former attorney-general, although I understand he has never actually been in a court as a lawyer, but has been there as witness, I believe, or a defendant, or maybe both—

The Hon. M.J. Atkinson: I have never been a defendant, you liar.

Members interjecting:

The DEPUTY SPEAKER: What was the comment you made, member?

Mr WILLIAMS: Well, I am about to draw your attention to—

The DEPUTY SPEAKER: No, don't move on quite yet. What comment did you make?

Mr WILLIAMS: I am forced to because I have just been called a liar across the chamber, which I believe is unparliamentary. The member for Croydon was the culprit in calling me a liar. If the member for Croydon wants to point out that I have erred, I am quite happy to accept that he might point out the error of my ways; but I believe that calling a member a liar is unparliamentary and I call on him to apologise and withdraw.

The Hon. M.J. ATKINSON: I withdraw, sir. The member for MacKillop erred, and I would appreciate a correction.

Mr WILLIAMS: I am seeking clarification from yourself, Mr Deputy Speaker, as to whether it is fine for us to debate this matter and whether there are any restrictions on any material that we might bring to the attention of the house with regard to this bill, considering that there is a Supreme Court action afoot concerning the very matters that this bill canvasses.

The DEPUTY SPEAKER: I would ask the minister to provide some advice.

An honourable member interjecting:

The DEPUTY SPEAKER: It does not close the debate. As much as I would like that, no it does not.

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (12:17): I am happy to do so, Mr Deputy Speaker. My understanding is that my office sent through some information to both the shadow spokesperson and the shadow from the other place on this particular matter. Quite clearly, the action by Bonanza Gold Pty Ltd (a subsidiary of Marathon Resources) was recently filed against the state in the Supreme Court. It is a judicial review action which essentially seeks to challenge the proclamation made by the Governor under section 8 of the Mining Act 1971 (on 29 July 2011) which exempted the proposed Arkaroola protection area from the operation of certain parts of the Mining Act.

Quite simply, the action does not affect the proposed operation of the bill and there would not appear to be any legal impact on the operation of the bill even if this action were to succeed. However, I am also advised that the passage of the bill may affect the litigation in that commencement of the provisions of the bill would, to a large extent, eliminate any practical benefit that could be obtained by the action, so—

Ms Chapman: It is an embarrassment to the government.

The Hon. P. CAICA: —it would certainly—

The DEPUTY SPEAKER: Member for Bragg, I need to hear this, so I would appreciate if you could keep your comments to yourself.

The Hon. P. CAICA: The proposed act—I will reinforce this because of the rude interjections of the member for Bragg—does not affect the proposed operation of the bill, and there would not appear to be any legal impact on the operation of the bill even if this action were to succeed. What is currently being undertaken is a judicial review action which seeks to challenge the proclamation made by the Governor, and what we are doing today is the bill that brings effect to that proclamation.

The DEPUTY SPEAKER: Based on that, my assessment would be that the matter before the court is not the same matter that is a part of this bill, and I am happy for the debate to continue. You can resume your discussion, member.

Mr WILLIAMS: Thank you.

The DEPUTY SPEAKER: But should you stray into other areas which are not directly related to the bill—

Mr WILLIAMS: No, no; I—

The DEPUTY SPEAKER: —then you take it upon yourself—

Mr WILLIAMS: I have no intention of that. The closing remark that the minister just made was that he thought that this bill would, in fact, give effect to the proclamation.

Ms Chapman: No, it's protection—

The DEPUTY SPEAKER: No.

Mr WILLIAMS: Protection to the proclamation.

The Hon. P. CAICA: No; the bill will provide the proclamation—

Ms Chapman: It's the back-up to cover your backside!

The Hon. P. CAICA: No; not at all. Mr Deputy Speaker, I am not quite sure how at one the member for Bragg is with her community or with the views of the broader South Australian community, but a decision was made by this government to give the highest level of protection to Arkaroola. We do not shy away from that. We undertook a comprehensive consultation—

The DEPUTY SPEAKER: We are now debating the bill itself.

The Hon. P. CAICA: I apologise, sir.

The DEPUTY SPEAKER: I suggest that you just ignore the interruptions by the member for Bragg.

The Hon. P. CAICA: In essence, the action is to challenge the proclamation. This is a bill that in effect will provide the protection that this house is, I think, going to agree to provide.

The DEPUTY SPEAKER: Member for MacKillop, would you like to address the bill now?

Mr WILLIAMS: Thank you. Can I say, Mr Deputy Speaker, that I still have some concerns. We have got two parties here, at least, and the government is being sued by Marathon Resources on behalf of Bonanza—

The Hon. M.J. Atkinson: Oh, and that's our fault, is it?

Mr WILLIAMS: I am not saying that it is anyone's fault. The court will determine that. I just have some concerns—

The Hon. M.J. Atkinson interjecting:

The DEPUTY SPEAKER: Member for Croydon!

Mr WILLIAMS: He is not being helpful, sir.

The DEPUTY SPEAKER: Neither are you, member. Member for MacKillop, I have made my ruling. You can now debate this matter. If you do not wish to avail yourself of the opportunity, I am happy for you—

Mr WILLIAMS: No, I do want to debate the matter.

The DEPUTY SPEAKER: Okay, well, let's get to it, then.

Mr WILLIAMS: I want to make sure, sir, because the opposition does not want to be a party to increasing any costs that might befall the government over this matter. Let me put the opposition's position quite clearly. The opposition believes that the Arkaroola wilderness deserves to be protected. The opposition believes that the current protection under the Development Act did that, and we have reaffirmed our position with regard to that a number of times over the last year or two.

However, the government, through a set of tawdry processes, has exposed the taxpayer of South Australia, and the opposition is concerned that, if we are a party to supporting this legislation (as the government is asking us to), we might further expose the taxpayer of South Australia to further damages. I want to put that on the record because I am going to spend some time going through some of the history here which I think exposes this as a fairly tawdry exercise on behalf of the government. I believe that the government has been quite disingenuous on this whole matter, and I believe that the evidence suggests—

The Hon. P. Caica: Are you supporting the bill or not?

Mr WILLIAMS: You will hear all about that in due course, Paul.

The DEPUTY SPEAKER: Minister! Member for MacKillop, you will refer to him as 'minister'; and can you sort of move it along, please?

Mr WILLIAMS: I am trying not to—

The DEPUTY SPEAKER: Can you get to your point?

Mr WILLIAMS: —be baited by his interjections, sir. It is difficult but I am trying. Mr Deputy Speaker, there is obviously a level of concern within the community in South Australia. Just to give an insight into why I called the government's handling of this exercise disingenuous, the former premier on public radio in Adelaide only a couple of months ago made the claim that Marathon Resources wanted to develop an open pit mine in Arkaroola.

Now, I challenge any member of the government, including the former premier, to come forward with any skerrick of evidence that there was ever a proposal from Marathon Resources to develop an open pit mine at Arkaroola. In other words, there has been a beat-up by the former premier, and that is probably one of the reasons why he is no longer the premier. That was his modus operandi.

The Hon. P. CAICA: I will take a point of order, Mr Deputy Speaker.

The DEPUTY SPEAKER: Yes. I think that comment is actually a reflection on the member in the house. You will withdraw that comment.

Mr WILLIAMS: Which comment, sir?

The DEPUTY SPEAKER: Why the member is not in the chamber. I think that is a reflection on him. The member for Ramsay you were reflecting on?

Mr WILLIAMS: Yes. You want me to withdraw the comment that he said on public radio that Marathon—

The DEPUTY SPEAKER: No. The comment you made was that that was probably one of the reasons why he is no longer here, or as premier. That was the inference you made.

Mr WILLIAMS: And that is unparliamentary, is it, sir? For me to express an opinion that one of the reasons he is no longer the premier that—I must admit, I am somewhat at a loss as to where I have transgressed the standing orders or even the conventions of the parliament by suggesting that the former premier is no longer the premier for a particular reason. I would have thought that sort of comment is made quite regularly in this place. Indeed, the member for Croydon just suggested that this will be the last time I speak as the deputy leader. It is not a dissimilar comment.

The DEPUTY SPEAKER: I did not hear that; he should not have said it, anyway. Minister, do you wish to continue?

The Hon. P. CAICA: My point of order is one of relevance. The issue being debated by the deputy opposition leader is not relevant to the bill before the house.

The DEPUTY SPEAKER: Can the member for MacKillop return to the bill as soon as he can?

Mr WILLIAMS: Absolutely, Mr Deputy Speaker. I can understand the minister not wanting to talk about the background and the reasons why we are debating this bill: because he is ashamed of it. He is complicit—and I am going to put some things on the record which will show why he is complicit. Let me just explain.

The reality is that part of the justification for this particular bill and the proclamation that was made a few months ago—I think on 22 July—was that Marathon Resources was going to develop an open pit mine in Arkaroola. I have issued a challenge to any member of the government to bring forth some evidence to back up that claim. The claim was made on public radio. I have done a bit of trawling and I have failed to find any evidence. I would challenge any member of the government to come forward with any such evidence, because it might change the way some of us think about the process that has been undertaken by the government.

Notwithstanding that, there is a long history of a lot of things. There is a long history of mining exploration and mining activity in Arkaroola. In fact, I doubt that the Sprigg family, who are currently the holders of the pastoral lease over what we call Arkaroola, would even have an interest in the area if it were not for the late Reg Sprigg and the fact that he was a geologist. He went to that part of South Australia because he was a geologist and because he had an interest in the geology of the area and any potential mineralisation. As I said, there is a long history of exploration, going back well over 100 years, and of mining. I think all of us know that uranium was mined from the Mount Painter region—

Ms Chapman: Radium Hill.

Mr WILLIAMS: Radium Hill—in the 1950s. The tracks that allow tourists to go there and marvel at the uniqueness of the region would not be there—access would not be available to anyone—if it was not for the activities of mining exploration in the area. I think it is important for us to understand that. More recently, this government—notwithstanding the rhetoric that has been issuing forth from time to time, particularly from the former premier, from other members of the government—continues to encourage exploration in the area. In fact, the company, Bonanza—

The Hon. P. CAICA: Point of order, Mr Deputy Speaker. It is all well and good that from the deputy leader's perspective he is making a contribution of sorts—and I accept that—but, again, my point of order is on relevance. I do not know why he is blabbing on about mining; this bill is about conservation and protection of the environment, not about mining.

The DEPUTY SPEAKER: I will not uphold the point of order; however, I would ask the member to see if we can get an abridged version of the history, rather than the long version.

Mr WILLIAMS: Mr Deputy Speaker, for the information of the house, under clause 3 of the bill, in the definitions, it refers to the Mining Act:

mining Act means—

(a) the *Mining Act 1971*; or

(b) the *Opal Mining Act 1995*; or

(c) the *Petroleum and Geothermal Energy Act 2000*;

mining operations means mining operations within the meaning of the *Mining Act 1971* or the *Opal Mining Act 1995*, but does not include—

The DEPUTY SPEAKER: Member for MacKillop, I said I did not uphold the point of order, so I am not sure why you are going further.

Mr WILLIAMS: I apologise.

The DEPUTY SPEAKER: I am happy to rule the other way if you would like.

Mr WILLIAMS: I apologise, Mr Deputy Speaker. I just wanted to appraise the minister of what is actually in the bill that he has brought before the house, because I doubt whether he has read it.

The Hon. M.J. Atkinson: You mean apprise him not appraise him.

Mr WILLIAMS: No, I am going to appraise him.

The Hon. M.J. Atkinson: Are you going to appraise him?

Mr WILLIAMS: He will be appraised then.

The Hon. M.J. Atkinson: So, you are doing an evaluation on him? You are not telling him something?

The DEPUTY SPEAKER: Member for Croydon.

Mr WILLIAMS: He is still not helping.

The DEPUTY SPEAKER: Are we getting back to the bill now?

Mr WILLIAMS: We absolutely are.

The DEPUTY SPEAKER: Good.

Mr WILLIAMS: The bill is, indeed, about mining or, indeed, about being mined, and I think it is about protection.

The Hon. P. Caica: And conservation and heritage.

The DEPUTY SPEAKER: Minister, please. You will have your chance to rebut.

Mr WILLIAMS: From 1 August 1994 to 31 July 1999, Bonanza held exploration lease 1966 over the area of Arkaroola. In July 2004, Marathon Resources gained 100 per cent ownership of Bonanza and, at that stage, was granted a new exploration lease (lease number EL 3258) for a period of two years; that was in 2004, under the current government. On 22 September 2006, that exploration lease (3258) was renewed for a further five years, as of 11 October 2004, so giving an expiry date of 11 October 2009.

On 22 October 2009, a new lease was granted—exploration lease 4355. It was granted for a period of one year. On 2 February 2011—that was this year—that exploration lease (EL 4355) was renewed for a period of one year and four months, beginning 22 October last year, giving it a life until 22 February next year. I put that onto the record because it is obvious that, during the tenure of this government, they have granted at least two exploration leases to the current exploration leaseholders and continued to renew those leases over that period.

There was a mishap that occurred with regard to the operation of the lease. I understand that, on 4 January 2008, Marathon Resources advised PIRSA Minerals that they had an issue with the burial of material. Again, my understanding was that the licence did prohibit the burial of certain materials and that was the issue here. It was not the burial of materials per se but, to my understanding, where the contracting drilling company fell foul of the licence was the fact that the material, which was drilling cuttings, was actually buried in plastic bags.

The Hon. M.J. Atkinson: Correct.

Mr WILLIAMS: The member for Croydon says, 'Correct.' I am sure the member for Croydon is well aware of the true facts.

The Hon. M.J. Atkinson: I was the acting minister at the time.

Mr WILLIAMS: That's right. As he said, he was the acting minister at the time. My understanding is that, if those drill cuttings were indeed buried in a calico bag, there would not have been an issue. So, it was the plastic bag that was the issue. Again, I come back to my use of the word disingenuous. A lot of publicity was promulgated about the quantum of material that was buried. My understanding—

The Hon. M.J. Atkinson interjecting:

Mr WILLIAMS: Non genuine. My understanding is that the problem that the licensee had was the fact that the plastic bags were buried, not with any of the other material that was buried. Again, the problem was relatively minor, but it was blown up to be a much more serious problem than it was. In fact, there were many letters to the local press suggesting that it was outrageous that tailings from drill holes, which intersected with radioactive material, were being buried. That, in reality, was not the issue. The issue was that plastic bags were being buried.

It was a blowing up; I think the standard expression is 'making a mountain out of a mole hill'. Notwithstanding that, it became a serious issue. To be quite honest, I would like to congratulate former minister Holloway, who was minister for most of the time while this was going on, for the way he operated with regard to this. I think he was pretty genuine in his operations both in administering the act and in the way he worked with the company concerned. Indeed, he issued the company with instructions about how they were to undo the wrong that had occurred. PIRSA, I understand, on 28 April 2009 signed off on the rectification works.

Later on that year, in October 2009, the premier issued a ministerial statement and talked about a document that the government was about to release called Seeking a Balance. That document was released to the public on that particular day: 27 October 2009. It came as a surprise. As the shadow minister for mineral resources, I received a number of representations from the mining sector. I had a number of discussions with people who were very concerned.

Some of us are very keen to see the increase in mining in this particular state. Some of us genuinely believe that the state's future will, to a significant extent, be saddled to the success or otherwise of developing a viable mining sector in this state. It was expressed to me on a number of occasions that the government was playing, in a very serious field, hard and fast with the rules. There is a thing that miners all over the world talk about, and it is called 'sovereign risk'.

The Hon. M.J. Atkinson interjecting:

The DEPUTY SPEAKER: Member for Croydon!

Mr WILLIAMS: It is called sovereign risk. When mining companies go into the field to explore, the reality is that they generally spend a lot of money before they have any great level of success. The risks are high, the costs are high. What they do require is a set of rules which they know are going to stay in place. They require surety. The other place is debating this right at the moment with the Roxby Downs indenture. We debated it a couple of weeks ago in this place, about providing surety for a company to come in and invest large amounts of money over a long period of time. They want to be assured that the rules are not going to change on the way through.

That is exactly what mining houses assess with the jurisdiction as they are making boardroom-level decisions about investments. That is why a number of people in the sector spoke to me with grave concerns about the level of sovereign risk that seemed to be appearing here in South Australia. That is why I think it is important that we canvass all the issues behind this particular matter so that we get a good understanding of what is happening here, and we move ahead carefully, because it could have significant ramifications on the future of this state. I think that point has not been made, and I think that the government has failed to annunciate that, and I can understand why.

It is important to juxtapose the sort of things that the government has been saying over the last couple of years to what has occurred in the last couple of months because it highlights this problem of sovereign risk in South Australia. On 14 September 2010, when a bill was being debated in the other place, minister Holloway made some comments with regard to Arkaroola. Amongst other things, he said that the government's approach to protecting the environmental cultural and conservation values of the Northern Flinders ranges was through established conservation and heritage legislation.

Just over 12 months ago, the minister for mineral resources in the other place said that the government's approach to protecting the area was through established conservation and heritage legislation, the sort of legislation which I talked about and which the opposition reaffirmed its belief in with regard to the Development Act. He also went on to say that, in the government's view, 'conservation controls should be not affected by prescribing particular regions as exempt from mining under the Mining Act'. Again, just over 12 months ago, the minister for mines said that it was the government's view that 'conservation controls should be not affected by prescribing particular regions as exempt from mining under the Mining Act', which is the exact opposite to what this bill is doing.

I want to put on the record that the government has done (at least) a 180° turn on this particular matter in just over 12 months. On 27 October, minister Holloway in the other place said:

> ...we are working with the minister for environment in relation to getting a response to the 'Seeking a Balance' report. It was not just on radio that I made comments about it, but also in this parliament. If one goes back and looks at it, I am sure I indicated that there was, clearly, some dissatisfaction in relation to that report. That is not to say that it was a waste of time, because what it has done is brought in a whole lot of submissions that have been extremely helpful in relation to the way forward.

Again, on 10 November, in the other place, he reiterated, saying the government is still 'seeking' its response to Seeking a Balance and 'the future of Arkaroola really rests on the consideration of a number of other submissions, in particular those we have received in relation to Seeking a Balance'. The minister for mineral resources was saying that they were seeking a response just on 12 months ago. The Seeking a Balance report was basically a discussion paper but it did not seek to do what this bill is doing. It did not seek to ban mining activity from the whole of the Arkaroola area. It sought to break up the Arkaroola area into smaller subzones and apply different levels of environmental protection to those smaller subzones. It certainly was never proposed in that document that there be a blanket ban on exploration and mining activity.

The Hon. P. Caica interjecting:

Mr WILLIAMS: No, it wasn't.

The Hon. P. Caica interjecting:

Mr WILLIAMS: Yes.

The Hon. P. Caica interjecting:

Mr WILLIAMS: No, I think Seeking a Balance was seeking to provide proper protection. The point I am trying to make, minister, is that the government has changed its position significantly on what it believes is proper protection. Seeking a Balance recognised that there were many parts of what we call the Arkaroola area which were not as highly prized environmentally and were not as highly prized visually. I think most people accept that, particularly for the tourism industry, it is the visual amenity which is important to that area. I am not suggesting that is the only thing of import up there, but the visual amenity is something that I do not think anybody wishes to see despoilt.

The reality is that Seeking a Balance recognised that there were some parts within the whole of the Arkaroola which deserved the highest level of protection and other parts which did not deserve quite that level of protection. The government could not come to a landing on that. As I understand it, there was considerable tension between the agencies, particularly the mineral resources agency and the environment agency. Notwithstanding, I had discussions with people within the environment agency who were relatively relaxed about Marathon Resources' activities, as long as they met the appropriate environmental standards. I obviously will not mention names, but that was the result of discussions that I had with people in the agency.

To move the story on, on 22 February the then Premier, the member for Ramsay, made a ministerial statement in the house, saying, amongst other things, that the government had been legally obliged to renew Marathon's exploration licence under the Mining Act. He said that he was going to institute a new consultation. He said indeed that Marathon was advised prior to the renewal of that licence that the government was:

> …examining options for the future conservation management of the Arkaroola Sanctuary

and

> these options could include the exclusion or limiting of future mining in the environmentally sensitive areas of the Arkaroola Sanctuary, including areas that are the subject of the company's lease.

I do not think in the context of the Seeking a Balance document that the government had promulgated some months before that that you would read 'include the exclusion or limiting of future mining in the environmentally sensitive areas'. You would read that as meaning the whole of the Arkaroola area. I think any reasonable person reading that would read it in the context of the Seeking a Balance report and take from that that there were certainly areas within the Arkaroola sanctuary zone which deserve a very high level of environmental protection.

What the Premier also went on to say on 22 February this year was that it would be:

> …inappropriate for the Government to make a decision like this without consulting native title holders, pastoral lease holders and the holders of exploration licence. The Government will announce our intentions about how to best protect Arkaroola once the consultation period has been completed.

He went on to say:

> I have asked the Minister for Environment and Conservation and the Minister for Mineral Resource Development to lead the consultation process on the conservation management of Arkaroola. Following the consultation process, recommendations for the future management of Arkaroola will be brought to cabinet.

There were other statements in the house about this and about the consultation process going on. Indeed, on 8 June the house was told:

> ...discussion with key stakeholders, namely, the leaseholders of the Arkaroola, Mount Freeling and Wooltana Pastoral Leases, the Adnyamathanha Traditional Lands Association, who hold native title over the area, and several exploration and mining companies, including Marathon Resources, but also Heathgate Resources, Alliance Craton Explorer and Giralia Resources. Their views are being sought on the best options for conserving Arkaroola's unique values.

Mr Deputy Speaker, it is fact that on the day prior to the announcement that the proclamation was to be made that the Minister for Mineral Resources was in Perth at a mining conference. It is also fact that the Chairman of Marathon Resources was at the same conference, and it is a fact that they spoke.

I cannot claim that the alleged conversation they are claimed to have had is fact, but it has certainly been alleged that the Minister for Mineral Resources, who was supposedly taking a joint submission to cabinet about how to move forward, was unaware that he would be travelling to

Arkaroola the very next day to make a joint statement that there would be a proclamation basically banning mining and exploration activities in Arkaroola.

Again, I think it is very important that the house understands what has been happening, and that the house understands why this process is under question. I bring it back, sir, to the very important issue that this potentially exposes to the taxpayers of South Australia. I understand that the consultation process—there will be allegations made to the court, and I do not particularly want to canvas those—

The Hon. P. Caica interjecting:

Mr WILLIAMS: I understand that the traditional owners claim that they were not consulted, and I understand that there is certainly at least one mineral leaseholder who was to be consulted, and a meeting was cancelled and postponed to a date which, as it turned out, was beyond the date, namely, 22 July, when the proclamation was made. So, there is at least one mineral leaseholder who, according to their statement, was certainly never spoken to.

That is a potted history of what has gone on; we have the government expressing some concerns about environmental outcomes of mining activities in Arkaroola, which a part of South Australia which has been subject to mineral exploration for over 100 years, and I do not have any problems with those concerns being expressed.

The government put out a discussion paper which recognised that there were certainly some parts of the Arkaroola area that deserved a very high level of protection from mining exploration and activity, and that there were other parts which did not seem to deserve anywhere near that level of protection.

We then had the establishment of a further inquiry by two ministers; it seems, certainly on the face of it, that the consultation was very limited, and that some key stakeholders are claiming that they were not genuinely consulted. In fact, I think one claim from the native title holders was, when they complained to the minister that they had not been consulted, the minister's response was, 'Take this as your consultation'—that's the phone call after the event. We now have a bill to back up the proclamation that was made on the 22nd.

We know that the company, Marathon, has been informed that the government will consider some form of ex gratia payment as compensation. I understand that Marathon claims that it has spent in excess of $15 million to date on exploration in the area. That is direct expenditure; it does not allow for the cost of that money over the period or, I am sure, many other incidentals. So, I would suggest that there is some level of exposure, particularly given that the government said that it would look at some ex gratia payment.

The Minister for Mineral Resources and Energy made that statement about the government considering an ex gratia payment some months ago. I believe Marathon has become very frustrated in trying to meet with the minister to get some understanding of the considerations that it might get from the government. I understand that Marathon has indeed done what the government has asked of them; that is, they have provided the government with a full set of documents substantiating their costs. However, they have had virtually nothing come back the other way as to where the government is at with that assessment and with making a decision.

At the end of the day, Marathon has sought I guess the only redress that was open to it, and that was to lodge a case in the Supreme Court of South Australia for damages against the government of South Australia. As the minister pointed out earlier, that action is about the proclamation. To be quite honest, I wonder whether, if that action were successful, it would flow that a similar action would be successful against this piece of legislation? Alternatively, is this piece of legislation designed to cut off Marathon's action in the Supreme Court? Is this a signal to the Supreme Court to say, 'It doesn't matter what you say, it won't stand up and it will have no impact.' I seek leave to continue my remarks.

Leave granted; debate adjourned.

[Sitting suspended from 12:58 to 14:00]

SCHOOL AMALGAMATIONS

Mr ODENWALDER (Little Para): Presented a petition signed by 326 residents of Little Para and greater South Australia requesting the house to urge the government to take immediate

action to stop the amalgamation of the Salisbury Heights Junior Primary School and the Salisbury Heights Primary School and maintain each campus at current funding levels.

ANSWERS TO QUESTIONS

The SPEAKER: I direct that written answers to the questions as detailed in the schedule that are now tabled be distributed and printed in *Hansard*.

ROYAL ADELAIDE HOSPITAL

In reply to **Dr McFETRIDGE (Morphett)** (16 September 2010).

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts): I refer to my Ministerial Statement on this subject on 18 June 2009. In this statement I advised that the age and nature of information thought to be on the lost USB device meant there was limited value to bidders or other parties having this information.

Further, a thorough investigation was conducted regarding the missing USB device. The loss of the data was subject to an inquiry by the Government Investigation Unit and probity assessment by the Crown Solicitor's Office.

It was determined that the material believed to have been on the USB device was unlikely to be a significant risk; and that the loss was not considered malicious.

PAPERS

The following papers were laid on the table:

By the Speaker—

Local Government—
City of Port Lincoln Annual Report 2010-11
District Council of Barunga West Annual Report 2010-11
District Council of Tumby Bay Annual Report 2010-11

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

Land Management Corporation—Annual Report 2010-11
Rail Commissioner (Incorporating TransAdelaide)—Annual Report 2010-11
Rail Safety Regulator—Annual Report 2010-11
South Australian Rail Regulation—Annual Report 2010-11
Surveyors Board of South Australia—Annual Report 2010-11
Tarcoola—Darwin Rail Regulation—Annual Report 2010-11
Transport, Energy and Infrastructure, Department for—Annual Report 2010-11

By the Minister for Housing and Urban Development (Hon. P.F. Conlon)—

Architectural Practice Board of South Australia—Annual Report 2010-11
HomeStart Finance—Annual Report 2010-11

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

Dame Roma Mitchell Trust Fund for Children and Young People—Annual Report 2010-11
Police, South Australian—Annual Report 2010-11
Volunteers, Minister for—Annual Report 2010-11

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

Correctional Services, Department for—Annual Report 2010-11

By the Minister for Transport Services (Hon. C.C. Fox)—

Local Council By-Laws—
Local Government Act 1999—No. 1—Model By-law for the management of pedestrian malls

CAPITAL CITY COMMITTEE

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:02): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. WEATHERILL: Last week I chaired my first meeting of the Capital City Committee, which is a unique partnership between the state and Adelaide City Council for the strategic development of the city as our state's capital.

We know that Adelaide is one of the world's most liveable cities, but we also must heed lessons from around the world about the role of successful cities as economic, social and cultural powerhouses. Our reputation across the world as a place to attract business and skilled workers is affected by the reputation of our city centre. We all want our young people to see Adelaide as a vibrant and active place to spend their youth, not just a place to return to in later life.

I see the Capital City Committee as having a pivotal role in revitalising the city. A reflection of how seriously the government views this agenda and our partnership with the council is my appointment of three senior ministers to the committee: myself as Premier, the Deputy Premier, and the Minister for Transport and Infrastructure and Housing and Urban Development joined the Lord Mayor, the Deputy Lord Mayor and a councillor at last week's meeting.

We committed to work together on a real change agenda to enliven our city, including activating side streets, laneways and spaces between buildings; finding new uses for vacant buildings, including heritage buildings; reducing red tape so new enterprises can flourish in Adelaide's CBD; having a flexible planning regime for the city centre; promoting shared-use roads; and increasing the population living in the city.

People are the key to making a city tick around the clock, and committee members are committed to more people living in the inner city. Activity to regenerate the city is underway. Along North Terrace and the Riverbank there will be world-class health facilities, the Adelaide Oval upgrade, and the redeveloped Torrens Riverbank, including expansion of our Convention Centre. The Adelaide City Council is also committed to investing in upgrading Rundle Mall as a primary shopping destination, where we will now see public holiday trading.

Members interjecting:

The Hon. J.W. WEATHERILL: Well, subject to those opposite telling us what they think about it. These developments will have significant flow-on benefits—boosting the economy, providing jobs, giving a sense of buzz around town and reinvigorating the city as a place for all South Australians to enjoy.

These investments are the canvass that will allow us to create a truly exciting city, but we get one chance to get it right. I want the Riverbank precinct to be nothing less than superb, and I believe that connecting this centrepiece development back into the CBD is critical to how the city eventually operates and feels.

It is the public spaces that will determine the success of this development. That is why the committee decided to target the priority zone for public space activation in the city as the area bounded by North Terrace, West Terrace, Currie Street, Grenfell Street and Pulteney Street, and to connect this to the new Royal Adelaide Hospital and Riverbank area.

This means working together on finding new uses for vacant buildings, linking up creatives, young entrepreneurs and property owners and looking at ways to remove red tape and improve innovation. Examples of the businesses which fit this mould are Burger Theory's mobile food van, started up by a couple of young entrepreneurs and made possible with help, including from local business. There are bars like Cork in Gouger Street, a model bringing together a city venue as a showcase for the state's justified representation for world-class wine, and temporary venues like Tuxedo Cat, which operated as an event bar during the Festival season.

Early next year, I will convene an 'emerging leaders' forum with the Lord Mayor to learn from and build on these examples so that we can encourage more business opportunities for our young entrepreneurs in the city. Over the summer break there are exciting initiatives planned by local traders in Rundle Street East and Adelaide City Council. These range from street closures to temporary outdoor cinemas.

At the Capital City Committee we agreed that the state would assist in expanding these initiatives this coming summer. The Adelaide City Council has allocated $100,000 for city activation pilots. Projects underway include deck chairs on North Terrace, and Friday afternoon and evening street closures for outdoor dining on Leigh Street; and I announced today the state government will match this funding as part of our push to revitalise our city.

We must revitalise our city so that it is a place for all of us, and grasp the opportunity to bring it back to life in a way that capitalises on the work that is already in the pipeline.

LEGISLATIVE REVIEW COMMITTEE

Mr SIBBONS (Mitchell) (14:09): I bring up the 35th report of the committee, entitled Subordinate Legislation.

Report received.

Mr SIBBONS: I bring up the 36th report of the committee, entitled Subordinate Legislation.

Report received and read.

PUBLIC WORKS COMMITTEE

Mr ODENWALDER (Little Para) (14:11): I bring up the 425th report of the committee, entitled WorkCover SA Head Office Relocation.

Report received and ordered to be published.

Mr ODENWALDER: I bring up the 426th report of the committee, entitled Port Augusta to Olympic Dam Road Shoulder Sealing.

Report received and ordered to be published.

Mr ODENWALDER: I bring up the 427th report of the committee, entitled Southern Expressway Duplication.

Report received and ordered to be published.

QUESTION TIME

FAMILIES SA

Mrs REDMOND (Heysen—Leader of the Opposition) (14:13): Is the Minister for Education and Child Development aware that a senior police officer made a report to South Australia Police management last month that, upon reporting a child at risk of abuse to Families SA as required under the Child Protection Act, he was told that the department had no resources available to deal with any new child protection cases 'for the next month'?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:13): I would like to thank the leader for this very important question and say that I hope she is prepared to work with me in relation to this very important issue, that is, ensuring that our children who are at risk in our community get the best support they can. I am very happy to follow up this particular case.

Members interjecting:

The SPEAKER: Order!

WOMEN'S SAFETY

The Hon. M.J. WRIGHT (Lee) (14:14): Can the Premier inform the house on the actions he will take to keep women safe in South Australia?

Members interjecting:

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:14): Can I thank the honourable member for his important question, and ignore the trite interjections of those opposite, and say that the short answer to how we are going to keep women safe is to speak out against violence against women. After generations of change to recognise women's equality and give them the opportunities to explore their talents, and at a time when women hold some of the highest positions in our country, it is truly shocking to see how many women still suffer violence every day of their life.

Domestic and family violence affects one in three Australian women, and one in five women suffer from sexual violence. I find these statistics appalling. It is almost impossible to imagine the fear, the pain and the suffering that these statistics represent. These statistics are not just shocking, they are, indeed, unacceptable. We cannot hear them and choose to do nothing. We must do what is within our power to change this dreadful reality. We know that most of the violence is perpetrated by men, so it is up to us as men to make a difference to this situation.

This year is 20 years since the Centre for Women's Global Leadership called for global action against violence perpetrated against women across the globe. This campaign gave rise to the International Day for the Elimination of Violence against Women, 25 November, also known as White Ribbon Day. I encourage every male person in this chamber on Friday to swear an oath, through the White Ribbon campaign, never to commit, excuse or remain silent about violence against women and to join me in wearing a white ribbon this Friday as evidence of our commitment.

The White Ribbon campaign is the largest global male-led movement to stop men's violence against women. I am proud to be an ambassador for it and to join all the other ambassadors, a number of whom sit in this parliament, to do what I can to ensure a safer world for women now and for future generations. Of course, as a government, we have an additional responsibility for women's safety in South Australia. We are currently revising our Women's Safety Strategy so that we can build on our previous work to make women safer in South Australia.

Since the first Women's Safety Strategy was released in 2005, we have worked to increase awareness of this issue, to better equip our police to act on domestic violence situations, to provide stronger support for victims and to increase our understanding of how we can prevent the worst from happening. Over the past 12 months, the Coalition for Men Supporting Non-Violence has used the $30,000 grant provided by our government to actively engage men and boys across South Australia in a conversation about violence against women.

I cannot emphasise enough how important it is for South Australian men to speak up against abuse of women. For too many years, men saw it as personal business and would look the other way when they saw it. But violence against women is not a women's issue: it is everybody's responsibility to say it is unacceptable and to prove the sincerity of our words by our actions.

Honourable members: Hear, hear!

CHILD'S DEATH

Ms CHAPMAN (Bragg) (14:17): My question is to the Minister for Education and Child Development. My question is about the process her department undertook in relation to an alleged case of child abuse. Immediately after being informed of the death of a four-month-old baby earlier this month, did the minister instigate an immediate internal review of what interaction her department had with this family and why a notification made by the Women's and Children's Hospital was not followed up and acted upon?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:18): There is no question that the death of any child in our community is devastating and it is a tragedy. In fact, yesterday, I tabled the annual report of the Child Death and Serious Injury Review Committee—a committee that we, in fact, set up as part of our commitment to the Layton review. I want to acknowledge the work of the former minister, the member for Ashford, as it was she who commissioned the report.

I have said publicly, and I am going to say it again in this place, that this matter is currently before the police, which is exactly where it belongs for now. The family was known to Families SA, and I have given public assurances and assurances to this place that all these questions, which are absolutely appropriate, will be answered; but for now, we need to let the police do their job.

Mr WILLIAMS: Point of order. I am somewhat concerned that the police are investigating whether the department for families and communities, or the minister, indeed, ordered a review. Is that what the minister is telling the house, because that is what the question was?

Members interjecting:

The SPEAKER: Order! There was no point of order there. Minister, you have finished your answer?

Members interjecting:

The SPEAKER: Order!

CITY OF ADELAIDE DEVELOPMENT

Mr PICCOLO (Light) (14:20): My question is to the Minister for Planning. Can the minister inform the house about progress of the government's work to improve the development processes in the City of Adelaide?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (14:20): I thank the honourable member for his question. I know he has a very keen and longstanding interest in questions of development and local government. I noted, as I am sure a number of other people in this chamber did, a report in the Adelaide *Advertiser* about a proposal for development in the City of Adelaide and the outcome of that, or at least the present outcome of that. I do not want to comment on that decision specifically, but it should be noted that the application and that matter will ultimately wind up in front of Development Assessment Commission.

However, I have been concerned for some time about the need for the city council's policies to encourage and deliver appropriate and interesting development in the City of Adelaide. The city must take a lead in delivering the promise of the 30-year plan. The Premier today in his remarks has already commented on his commitment to reinvigorating our city, which underscores the need for good, flexible planning policies in the City of Adelaide.

In August of this year I spoke at an Urban Development Institute of Australia luncheon. At that event, I made the point that good planning decisions can only be made if we have the appropriate planning policy in place for assessment authorities to make consistent decisions, and that we have to concentrate on ensuring we have appropriate planning policies in place. I also made the point that I was concerned that the rezoning of the City of Adelaide was not happening quickly enough.

I can indicate that my department was directed to review the city's planning policy framework. I am able to report that my department has been engaged and been working positively with the inner rim councils to explore how the objectives of the 30-year Plan for Greater Adelaide might be beneficial to their communities, but the city is and must be our primary focus. It is my view the 30-year plan needs to be coordinated across the city, and the Adelaide City Council is central in this process.

We need good, flexible zoning quality to ensure good, innovative design and to make sure that it is not prevented in Adelaide. We must have zoning in place to allow good designs to be assessed by the people who should assess them. Good design should not be prevented from seeing the light of day because of overly restrictive height and densities set out in dinosaur development plans. Investors need certainty, transparency and approval timelines that are measured in weeks and months, not years.

I am pleased to say that there has been, as the Premier has already indicated in his remarks, a positive partnering with the planning department and the Adelaide City Council to prepare a package of possible reforms by the end of this year that could include rezoning changes, activating public spaces and reinvigorating underused buildings. This will then demonstrate how the government is working with the local council to deliver a vision for a dynamic City of Adelaide.

CHILD'S DEATH

Ms CHAPMAN (Bragg) (14:24): My question again is to the Minister for Education and Child Development. I note the minister declined to answer the previous question—

The Hon. P.F. CONLON: Point of order: it is not open to the member for Bragg to make a short speech before asking a question.

Mr Marshall: What standing order is that?

The Hon. P.F. CONLON: Standing order 97. Okay? I know you're new here, and you may well be a oncer; you have a habit of that in Norwood, but that's how it works.

The SPEAKER: Thank you. Yes, I do uphold that. Could you get to the substance of your question, please, member for Bragg?

Ms CHAPMAN: My question, however, remains on the process of the department. Minister, have you received answers to all those questions that you told the media you would seek from your department? I know you are not going to tell us what they are, but have you actually

received the answers from your department as to why they had not acted on the notification of the baby I have referred to?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:24): What I said to the media when I was interviewed, perhaps last week, was that all of the questions that people have, including the opposition, will be answered—

An honourable member interjecting:

The Hon. G. PORTOLESI: —will be answered. But for now I am not prepared to do a single thing that will compromise matters—

Members interjecting:

The SPEAKER: Order!

Mr Pengilly: Where's the cavalry?

The SPEAKER: Order, member for Finniss!

The Hon. G. PORTOLESI: —that will compromise legal proceedings. The other point I would like to make in relation to this new relationship that I have with the member for Bragg: I am very, very happy at all times to discuss systems, policies, institutional arrangements—

Members interjecting:

The Hon. G. PORTOLESI: —but I am not going to compromise this particular case, nor am I in the future going to put at further risk children who may already be at risk. In relation to this government's commitment to child protection, when we inherited government in 2002, I think the then FAYS budget was about $90 million: it is now somewhere around $300 million.

Members interjecting:

The SPEAKER: Order!

PREMIUM CITY CENTRAL BUS STOPS

Ms THOMPSON (Reynell) (14:26): My question is to the Minister for Transport Services. Can the minister inform the house about the state government's safety initiative aimed at bus commuters travelling home after a late night in the city's West End?

The Hon. C.C. FOX (Bright—Minister for Transport Services) (14:26): Thank you to the member for Reynell and I note her commitment to late nights in the West End.

An honourable member interjecting:

The Hon. C.C. FOX: It's the redhead. It's the redhead. As we look to rejuvenate our city centre, safe and accessible public transport is a priority. This is why I am very pleased to announce today our Premium City Central Stops initiative. Bus stops featuring upgraded lighting, monitored CCTV and a regular police presence have been designated in the Adelaide CBD to assist patrons in getting home safely after a late night out in the city. The four premium city central stops have been designated in the Hindley Street precinct, providing dedicated stops for outbound after-midnight bus services. Every after-midnight bus service will stop at one of the dedicated premium city central stops where patrons can catch an hourly bus home. This initiative is about allowing our bus commuters to be able to plan a safe trip home after a late night in Adelaide's West End. We want to make a late night experience as safe and as happy as possible for the young people—

Mr Marshall interjecting:

The Hon. C.C. FOX: The member for Norwood may or may not be pleased; I am sure he will indicate that to us later on. It is important that young people feel that Adelaide is a safe and vibrant place where they can enjoy themselves and go home safely. These stops have been established in time for the busy festive season and, of course, event-packed February and March, and the service will actually begin this Saturday night or, I should say, Sunday morning. The stops are located on King William Street and Currie Street, and they have very clear signage. The public toilets in Topham Mall off Currie Street will also be open for the convenience of public transport customers.

To complement the initiative, an additional taxi rank is being tested on King William Street near the corner of Rundle Mall, pending a review to convert it to a managed taxi rank on weekends with a concierge service. Managed taxi ranks currently operate from the Morphett Street and

Pulteney Street taxi ranks to provide a safe and orderly way to catch a taxi home. These ranks have been extremely successful since their establishment. Once again, I would like to point out that this is not just a commitment to public transport, but it is a commitment to young people in our state, to young people in our cities, who are, of course, the future of this state.

CHILD'S DEATH

Ms CHAPMAN (Bragg) (14:29): My question again is to the Minister for Education and Child Development. Given the minister has indicated that she may have asked questions and she will not be disclosing those, is the minister satisfied on the information that she has received, if anything, on the way that her department handled that intervention in the case of the four-month-old-baby who died earlier this month?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:30): I thank the member for Bragg for her question, because it gives me an opportunity to talk about this government's commitment over many years to child protection, as well as reiterate my position, which is that the family was known to Families SA. It is now in the hands of the police. They have a very important job to do. I will not be compromising that case. As I said a moment ago, I am very happy to talk about systems and institutional arrangements, for instance, and that is precisely what I am going to do now—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: —because in any measure this government has a very proud record when it comes to child protection and supporting families. For instance, this government introduced the Guardian for Children and Young People to cast an independent eye over matters involving children in care. We established a special investigations unit. We introduced a Child Death and Serious Injury Review Committee to examine child deaths and serious cases of harm and recommend ways of preventing this. We established the Council for the Care of Children and we established the Health and Community Services Complaints Commission. I want to work with the opposition when it comes—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: —to child protection matters, but they have demonstrated their incapacity to work in a bipartisan way on a number of issues. This is very disappointing, but nonetheless I will persist.

Mr VAN HOLST PELLEKAAN: Point of order: 98, entry into debate. The minister has been asked was she advised. She is not answering the question.

The SPEAKER: You don't need to justify the question. The minister has finished her answer.

CHILD'S DEATH

Ms CHAPMAN (Bragg) (14:32): After a week of understanding what your department has or has not done, are you satisfied with what it has done?

The Hon. P.F. CONLON: Point of order. This is the third time: the member for Bragg has been here long enough to know you must put the question through the chair. She cannot direct it directly at the minister. Apart from anything else, it is discourteous.

The SPEAKER: I uphold that. You did talk about 'you', which is talking about me, member for Bragg. Could you address the question through the chair.

Ms CHAPMAN: Thank you, Madam Speaker. I would like to ask the minister a supplementary question. After a week, is this minister satisfied that her department has done anything to act on that notification about a child who is now dead?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:33): The member for Bragg can become hysterical. She is free to do that.

Ms Chapman interjecting:

The SPEAKER: Order, member for Bragg!

The Hon. G. PORTOLESI: She is free to behave in whatever way she feels best advances our—

Mr PENGILLY: Point of order. Not only has the minister imputed improper motives on the member for Bragg, she is now referring to her as 'she'.

The SPEAKER: Thank you, member for Finniss. Minister.

The Hon. G. PORTOLESI: As anyone in this place who has ever had anything to do with child protection matters knows—I have three predecessors in this place, at least, that I am aware of—I will not be compromising this case. That does not mean—

Members interjecting:

The SPEAKER: Order! The minister has gone through this in three or four questions now.

The Hon. G. PORTOLESI: I have and I will—

Members interjecting.

The SPEAKER: Order! And she has answered it fully. She has said she is not going to be compromised. Minister, do you want to finish your answer?

The Hon. G. PORTOLESI: I will repeat that the family was known to Families SA. That is all that I am in a position to say because of the fact that the case is now with the police.

Ms CHAPMAN: Point of order: the minister has repeatedly told us about the compromise, she says, to the police. The parents of this child—of the alleged child abuse case—are before the courts—

Members interjecting:

The SPEAKER: Order!

Ms CHAPMAN: I haven't asked one question about those parents. Her department—

The SPEAKER: Order!

Ms CHAPMAN: —or the minister are not charged with murder—

The SPEAKER: Order! This is becoming a discussion, not a—

Ms CHAPMAN: —somebody else is—

The SPEAKER: Thank you—

Ms CHAPMAN: —and we want some answers—

The SPEAKER: Thank you, member for Bragg. Thank you; that was not a point of order.

Members interjecting:

The SPEAKER: Order! The minister has answered the question, in my opinion.

Members interjecting:

The SPEAKER: Order!

Mr Pengilly interjecting:

The SPEAKER: Member for Finniss, behave!

Members interjecting:

The SPEAKER: Order! The member for Mawson.

WATERFALL GULLY TO MOUNT LOFTY WALKING TRAIL

Mr BIGNELL (Mawson) (14:35): Thank you, Madam Speaker. My question is to the Minister for Sustainability, Environment and Conservation. What significant improvements have been made to enhance public enjoyment of the Waterfall Gully to Mount Lofty walking trail?

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:35): Thank you very much Madam Speaker, and I thank the member for

Mawson for his question and acknowledge that he has walked those trails quite often and, despite his request for me to put escalators in, I am not going to do that, Madam Speaker.

The Waterfall Gully to Mount Lofty walking trail within Cleland Conservation Park is the most popular trail in the Mount Lofty Ranges and attracts approximately 400,000 users every year although, when I was up there this morning, they suggested it is a higher figure than that—but, at the very least, 400,000 users every year.

Today, Madam Speaker, I am pleased to advise members that a $1.2 million upgrade of this popular trail has recently been completed, and in doing so, delivered improved safety and amenities for users. The trail has been upgraded over the last three years in two stages to enable the trail to be kept open for the duration of the works, and to accommodate access for users.

The upgrade is central to the Cleland Conservation Park Trail Master Plan, which aims to create a sustainable trail system that provides a range of walking experiences for people of all ages and levels of fitness, which have minimal impact on the environment. I went to some months ago with the Leader of the Opposition for a walk across these trails, and for a—

The Hon. J.W. Weatherill interjecting:

The Hon. P. CAICA: I beg your pardon? I mean, I'm an older person; I struggled a little bit, you know. I am not as fit as I used to be, but for someone of—

The Hon. J.D. Hill: Stop smoking then.

Members interjecting:

The Hon. P. CAICA: Yes, well, Madam Speaker, you lead with your chin and that's what happens! But certainly, of somewhat of a similar vintage the Leader of the Opposition did very well with respect to that walk there. But I can also say, too, that we could do that walk a lot quicker now because of the work that has been undertaken there, which in turn makes it far safer than it previously was.

The trail's new textured surface will reduce slipping and hazards for walkers, and improved drainage will reduce the chance of erosion and sediment run-off into the surrounding environment. The trail crossing on Summit Road has also significantly changed to improve the safety of users crossing the road, and additional seating has been installed along the trail for people (like me) to rest and take in the beautiful views across Adelaide.

As part of the upgrade, new trail markers have been installed. These trail markers are to encourage users to explore the diverse range of other wonderful walks available from within the park. Madam Speaker, I am also pleased that a new area that is safe for children to play—and it is extremely safe for children to play and explore—has also been created between the first and second falls as part of this upgrade.

The trail upgrade has incorporated newer design for trail construction to attain sustainability for the surrounding area, and this includes using predominantly recycled or sustainably harvested material to reduce the impact on the local vegetation. The work will also reduce the annual maintenance costs associated with managing the trail.

With such a high volume of people using parts of the trail every year, it was important to improve its safety and sustainability for the benefit of both users and the environment. This government is committed to ensuring our parks are accessible and enjoyed by people of all ages, while also ensuring that the conservation values of our parks are maintained.

CARBON TAX

Mrs REDMOND (Heysen—Leader of the Opposition) (14:39): My question is to the Premier. Given the Premier's support for the federal carbon tax, which all commentators acknowledge will drive up electricity and water prices—

The Hon. P.F. CONLON: Point of order, Madam Speaker. To say that all commentators acknowledge it will drive up the price is argument.

Mrs Redmond interjecting:

The Hon. P.F. CONLON: The Leader of the Opposition interjects. Anyway, you should not provoke debate by engaging in argument in your question.

The SPEAKER: The leader has been here long enough to know that and I would ask you to be careful in the wording of your questions.

Mrs REDMOND: I will take the little bit out, Madam Speaker, about all commentators acknowledging—

The SPEAKER: Thank you. You don't need to repeat it.

Mrs REDMOND: —that it will drive up water and electricity prices, and simply ask the Premier: given the Premier's support for the federal carbon tax, what is his government doing to combat the rising cost of living affecting South Australian families who are already paying record prices for water and electricity?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:40): If I can address the premise on which the question is asked, that the carbon tax will drive up electricity costs, I repeat for purpose of the house—because it is important that the information is before the house—that the average expected cost of living impact from the carbon tax, of all sources, not just electricity prices, will be 0.7 per cent in 2012-13 or $9.90 per week. Households will receive a combination of increased payments or tax cuts worth an average of $10.10 per week. So, the premise of the question is simply not made out.

I must say, I can recall the faint echo of the past—and maybe the member for Ramsay might be able to assist me here, but I can recall the former leader opposite saying that the privatisation of the Electricity Trust would lead to long-term, sustainably lower electricity prices.

Members interjecting:

The SPEAKER: Order!

PUBLIC HOSPITALS

Mrs VLAHOS (Taylor) (14:42): My question is to the Minister for Health. How is the state government preparing the state's public hospitals to meet the current and future health needs of South Australians?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:42): I thank the member for Taylor for her question and I do acknowledge her very strong interest in health issues. When we were elected to government in 2002, we were faced with ageing and rundown hospitals in desperate need of upgrade in South Australia. In fact, we had the oldest hospital stock in mainland Australia. With an ageing population and a consequent rise in chronic diseases looming, serious action was needed to bring our hospital stock up to standard. Our goal has been to—

Members interjecting:

The Hon. J.D. HILL: Thank you, Madam Speaker—bring our hospitals up to standard, to make them 21st century institutions to look after 21st century populations. The government has embarked on a major capital works program that has been designed around a healthcare plan which is about creating extra capacity and also making better use of the available assets that we put into health.

This year, nearly $0.5 billion is being invested to support these works, which are now well advanced. Earlier this month, for example, I was delighted to open new treatment areas and the first new operating theatres at the Flinders Medical Centre. This is part of a $163-million redevelopment that is currently taking place there, and we anticipate the works will be completed before the busy winter period next year.

Work has also started on the new 96-bed inpatient building at the Lyell McEwin Hospital, and that will be completed by around May 2013. The works at this hospital will virtually double its size and make it one of our state's three major acute trauma hospitals in the metropolitan area, alongside the Flinders Medical Centre and the Royal Adelaide Hospital.

At The Queen Elizabeth Hospital, a new allied health and rehabilitation building is now being constructed. Work will soon start on a new 20-bed older person's mental health unit. The total project is due for completion by the end of next year. Master planning for a $46-million redevelopment of Modbury Hospital has been completed and detailed planning is now underway for a redeveloped emergency department and a new rehabilitation facility. The GP Plus Super Clinic will be in full operation, we expect, early next year as well.

The tender for preliminary works has been awarded at the Repatriation General Hospital ahead of the new 120-bed teaching, aged care and rehabilitation facility that is being built in partnership with the private sector. Levels 7 and 8 of the new extended Gilbert building at the Women's and Children's are on schedule to be completed later this year. In addition, the new Noarlunga GP Plus Super Clinic will open in early 2012, and new mental healthcare facilities are opening in areas right across the state.

Site preparation works are underway in readiness for construction of the new Royal Adelaide Hospital in our city's West End, and every time I drive along there I get very excited by what is happening on that site. In regional South Australia, construction works are well advanced at the Berri Hospital. I was up there last week for the concrete pour with the local member. We expect to start soon on the new regional cancer centre at Whyalla. So, massive capital works to make sure that our infrastructure in health is of a standard that we need in this century.

WATER PRICING

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (14:45): My question is to the Premier. Does the Premier support further water price increases of around 40 per cent as foreshadowed by his government?

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:46): Crikey, Madam Speaker; I missed the question! Do you think it could be repeated so I could hear it properly, please?

Mr WILLIAMS: It is fascinating that the minister wanted to answer the question so much but he had not heard what it was. Does the Premier support further water price increases of around 40 per cent as of 1 July next year as foreshadowed by his government?

The Hon. P. CAICA: Crikey; I'm sorry I missed it the first time! We have been transparent about what the price increases will be as a result of ensuring that this state and the people of South Australia have water security: water security for future generations and water security independent of traditional climatic-dependent supplies.

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: He presumes that the indications we gave that the price increases would be of a similar quantum for this coming year would be, in his words, 40 per cent. You have to unpack what it is that the member for MacKillop often says—and I noticed some of the views expressed by his colleagues about his particular performance. I make no comment about that; they are entitled to their views. The decisions made with respect to increases in water prices that enable us to secure Adelaide's water supplies are very difficult decisions.

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: And, of course, it is a decision that is ultimately made by cabinet.

STATE TRANSITION PROGRAM

Mr SIBBONS (Mitchell) (14:48): My question is to the Minister for Education and Child Development. Can the minister advise the house about the support provided to students with a disability to make their transition from school to employment?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:48): I would like to thank the member for Mitchell for this very important question. On Monday 14 November I was very privileged to attend the graduation ceremony for students from the State Transition Program—a program that has been in operation for about 12 years—where the state government funds Personnel Employment, a disability employment service, to assist students with disabilities to undertake vocational educational courses.

In 2011 students undertook units from a wide range of VET courses including floristry, creative industries, animal studies, hospitality and child studies, to name just a few. The beauty of this program is that students receive individual case management and career counselling and are provided with mentoring during their work placement. After they finish school—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: —they are provided with ongoing support as required. It does give them a head start through employment skills training, accredited industry training, structured work placement and assistance with job seeking with the support of a disability employment service agency. In 2011 there have been 104 students from 45 schools participating in the program, and it was my honour to present about 70 certificates the other night. As part of the ceremony we got to hear from a past student and a present student who reflected on their personal experiences on how the program had helped them make this important transition from school to work, and, in fact, achieving their dream job.

It was a fantastic opportunity for carers, family members and students to celebrate these very significant achievements. I would like to take this opportunity on behalf of everyone in this place to congratulate these young South Australians. It was an incredibly moving night. I look forward to them taking their rightful place in our community.

The SPEAKER: The member for Ashford—sorry, the member for Davenport.

CREDIT RATING

The Hon. I.F. EVANS (Davenport) (14:51): Thank you, Madam Speaker. Get ready, Steph, I think you're next. My question is to the Treasurer. What is the cost to the state of the AAA credit rating moving from AAA stable to AAA negative when considering the whole-of-government debt, which is budgeted to be $7.9 billion this year?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (14:51): Sorry, I presume that you mean from AAA to AA+?

Members interjecting:

The Hon. J.J. SNELLING: The change to—

The Hon. I.F. Evans interjecting:

The Hon. J.J. SNELLING: You mean AAA on negative watch, is that what you are saying?

The Hon. I.F. Evans interjecting:

The Hon. J.J. SNELLING: On negative watch, okay. The advice I have got is that a change for the general government sector from AAA to AA+ is in the realm of $2 million to $4 million per year on the interest that we hold, but you have got to remember that we do not go out to market. When we issue debt we do not go out to market and issue the debt in one whole large lot: we issue the debt in components over time. So, we have a rolling amount of debt. From memory, the debt that we have got out in the market at the moment expires in about 2021. So, we have debt out in the market which expires in quite a long time, which has been—

The Hon. I.F. Evans interjecting:

The Hon. J.J. SNELLING: —well, I will get to that—issued with a AAA rating. When I say '$2 million to $4 million' for the general government debt, you have to remember that that would happen over time. It would escalate over time as we went out to market and issued more debt. I think that what the member for Davenport, though, is getting at is that is just the general government sector debt, and he is absolutely right, and there would be an increase in the debt that is held by state government corporations, such as SA Water.

I have not got a figure about what the difference in the interest would be for those, but my advice is that the increase in the interest rate that we would pay, and likewise those state government corporations, would be between 0.05 per cent and 0.1 of a per cent. You can go off and do the calculations yourself. The debt that is held by SA Water, for example, or other corporations that are backed by the government, would have an increase in their interest rate of about that amount.

FEDERATION OF ETHNIC COMMUNITIES COUNCIL OF AUSTRALIA

The Hon. S.W. KEY (Ashford) (14:53): Madam Speaker, my question is directed to the Minister for Multicultural Affairs. Can the minister brief the house on the recent Federation of Ethnic Communities Council of Australia (FECCA) conference held in Adelaide?

The Hon. J.M. RANKINE (Wright—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister for Multicultural Affairs) (14:54): I thank the member for Ashford for her question, and I know that she has a very multicultural electorate and is very active in attending many, many functions. FECCA is the peak national body representing Australians from culturally and linguistically diverse backgrounds. Over two days, our state hosted 375 delegates and speakers, including other parliamentarians and community leaders. The state government has a strong track record and remains committed to working closely with ethnic communities and the wider public to encourage a broader understanding of cultural and religious beliefs.

Ms Chapman interjecting:

The Hon. J.M. RANKINE: Sorry? Just making noise for the sake of it again? Just keep making the noise.

The SPEAKER: Order!

Ms Chapman interjecting:

The Hon. J.M. RANKINE: Tell us about the footed boobies. What about the footed boobies?

Members interjecting:

The SPEAKER: Order!

Mr Marshall interjecting:

The SPEAKER: Member for Norwood!

The Hon. J.M. RANKINE: On her travels, she discovered that human occupation has come with some problems in relation to the environment—so, 14 days in the Galapagos Islands to work out that human habitation has an impact on the environment.

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: The state government was pleased to provide $60,000 to the Multicultural Communities Council of South Australia to support this conference. South Australia is now home to people of virtually every culture and faith in the world. In 2004, we aimed to take at least 10 per cent of Australia's annual number of humanitarian migrants. In 2010-11, we took more than 1,600 of Australia's 12,000-plus humanitarian migrants, a third more than our target.

Since the 2006 census, we have welcomed migrants from India, China, the Philippines, Afghanistan, a number of African nations, plus Burma and Bhutan. Most of these people have settled well into our community and have enriched our state.

We recently celebrated a fine example of this with 23 year old Khadija Gbla being named the 2011 Young South Australian of the Year at the Advantage SA Awards. Khadija, who left Africa 10 years ago, has had to deal with more in her life so far than most people would in a lifetime. Since fleeing war-torn Sierra Leone, she has fought depression and chronic fatigue syndrome, all while settling into a new country, but none of these challenges have stopped her making an enormous contribution and achieving great things in our community.

Through the contribution of people like this young woman, along with various cultural festivals and celebrations, South Australians of all backgrounds have the chance to learn about customs, and statistics show that we are embracing these opportunities. Surveys around South Australia's Strategic Plan show that around 90 per cent of people see cultural diversity as a positive influence on our community.

The Weatherill government is continually working to improve services and support for migrants, with a strong focus on the coordination of settlement services for new arrivals, aged care and community relations with police and emergency services. We have increased funding by 700 per cent to the Multicultural Grants Scheme since 2002 and we continue to back the South Australian Multicultural and Ethnic Affairs Commission in its efforts to help ethnic communities thrive in our state.

WATER PRICING

The Hon. I.F. EVANS (Davenport) (14:58): My question is to the Treasurer. Following his previous answer, the Treasurer indicated possible increased costs to SA Water in regard to credit rating changes. Can he confirm the impact on water prices as a result of those increased costs?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (14:58): It would be negligible.

Members interjecting:

The SPEAKER: Order!

NATIONAL RAIL DAY

Mrs GERAGHTY (Torrens) (14:59): My question—

Members interjecting:

The SPEAKER: Order! Member for Torrens, we will wait until they have finished the discussion across the floor.

An honourable member interjecting:

The SPEAKER: Order! The member for Torrens.

Mrs GERAGHTY: Thank you. Can the Minister for Transport Services inform the house about the inaugural National Rail Day, please?

The Hon. C.C. FOX (Bright—Minister for Transport Services) (14:59): I am pleased to announce that yesterday was the inaugural National Rail Day, which celebrates the past, present and exciting future of the rail industry. In South Australia, we actually have a lot to celebrate and to look forward to, including our $2 billion investment over 10 years into our public transport system, the pillar of which is the electrification of our metropolitan passenger rail network.

As transport services minister, one of my aims is to encourage more people to use public transport and National Rail Day provided me with that opportunity. Early yesterday morning, I went down to the Adelaide Railway Station, and I don't want to say that I harassed but I gave a number of commuters quite a lot of cards saying 'thank you'—thank you for using these services, thank you for trusting us as, indeed, we try to reward you with the best possible rail services we can. By choosing to travel on trains instead of driving, rail customers are making a big difference. Train travel is more sustainable, it makes our roads safer and our air cleaner. As a frequent train user, I can actually say that it is faster for me to take a train from my home into the city than it is to drive.

A recent study—'The true value of rail', conducted by Deloitte Access Economics—found that one passenger train can take 525 cars off the road, making our roads less congested. In one year, one passenger train reduces carbon emissions by the same amount as planting 320 hectares of trees. It also saves more than 420 litres of fuel. By catching a train, the commuters help make Australian roads eight times safer.

Members interjecting:

The SPEAKER: Order!

The Hon. C.C. FOX: This is definitely—

Members interjecting:

The Hon. C.C. FOX: I'm sorry.

The SPEAKER: Order! The member for MacKillop, behave yourself or take a bus somewhere. Minister.

The Hon. C.C. FOX: Let me reiterate that final point: by catching a train, the commuters help Australian roads be eight times safer and that is definitely something to celebrate.

HEALTH DEPARTMENT

Dr McFETRIDGE (Morphett) (15:02): My question is to the Minister for Health. Will the minister confirm that there were over $200 million worth of unexplained transactions in the health department as a result of new financial systems approved by the Minister for Health? Is it the case

that some of the accounts giving rise to the $200 million worth of unexplained transactions relate to invoices which were paid twice?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:02): I am pleased that the member actually chose to ask a question on the day that I was in the house. Unfortunately, when he asked the question last week, I was in transit with an approved pair.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: They knew in advance by about a week that I would be away, so they chose that day to ask a series of questions, but I leave their tactics up to them. I can give the house plenty of information in relation to this question, of course. The issues in relation to the unreconciled bank accounts are accounting and process-related, I am advised, relating to the finalisation of the previous Adelaide Health Service financial statements for the 2010-11 financial year. At the time this issue was raised in parliament on 10 November 2011, the unreconciled balance was approximately—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: I was hoping the members were listening because the member asked me whether it was $200 million. I am advised that, at the time that the question was asked of the Treasurer, I think, last week or the week before, the unreconciled balance was approximately $60 million, not the $200 million as claimed.

Members interjecting:

The Hon. J.D. HILL: What the members opposite—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: What the members fail to understand is that this is a reconciliation process; it is not looking for missing cash.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: This is a reconciliation process.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: The questions are coming from the other side. I am happy to answer all of them because, if I were to answer them while they were interjecting, I would be disorderly. So, I would invite them, Madam Speaker, through you, to ask questions in an orderly fashion and I will answer all of them. The question was asked of me whether there was a $200 million hole—there isn't. There is a reconciliation process going through and, on 10 November, the amount that had been unreconciled at that stage was $60 million. This will not impact on the SA Health end of year—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: This is the opposition trying to make a mountain out of a molehill. This is a—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Either they are ignorant, Madam Speaker, or they are deliberately misleading others in the accusations that they are making. This is the reconciliation process, where—

Mr WILLIAMS: Point of order: the minister, notwithstanding he said he wants to answer the question, is clearly debating.

Members interjecting:

The SPEAKER: Order! I do not think it was debate in that answer.

The Hon. J.D. HILL: Madam Speaker, if they did not interject I would get on with it without responding. I was saying that there was an unreconciled balance of $60 million on that date. This will not, I am advised, impact on the SA Health end of year financial position as reported to Treasury. This is about making sure that the expenditure is recorded as a correct account in the general ledger. The reconciling issues arose following the transition of finance functions from legacy financial systems to the new Oracle system. We are now undertaking manual reconciliation processes on a daily basis. Therefore, this is not—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Therefore, Madam Speaker, I am advised this is not a system issue. SA Health continues to liaise with the Auditor-General in relation to the reconciliation issues, which form part of the Adelaide Health Service financial statements. Every effort will be made to resolve these issues prior to the finalisation of the audit of the AHS financial statements.

Mr Marshall interjecting:

The SPEAKER: Member for Norwood, you are warned!

The Hon. J.D. HILL: SA Health is working with all local health networks to make sure that their bank accounts are rectified for the 2011-12 financial year. As of 17 November, that is, a few days ago, the unreconciled balance for the former Central Northern Adelaide Health Service had been reduced to approximately $37 million, while the Southern Adelaide Health Service has fallen to approximately $8 million.

The overall objective is to reduce the balance to zero. That is because what they are doing is looking at one pile of accounts and reconciling them with another pile. Of course, there are some that have not been reconciled, and as they go through the process of reconciliation it comes down, and that is what reconciliation is all about, not, as has been implied, that they are somehow—

Members interjecting:

The SPEAKER: Order! You have asked the minister a question. Allow him to finish.

Mr Williams interjecting:

The SPEAKER: Order, the member for MacKillop!

The Hon. J.D. HILL: The member in his question also asked me about invoices that had been paid twice. I will not go through all of the detail of that, but the issue about reconciliation does not relate to whether or not invoices have been paid twice; but I am advised—

Mr Marshall: Of course it does! Have you ever done a reconciliation?

The SPEAKER: Order! The member for Norwood, you are on your second warning. Minister.

The Hon. J.D. HILL: The advice I have in relation to double payments is that Shared Services SA have advised that, since the introduction of new financial system, Oracle, the double payments made were either intragovernmental, that is, between government agencies, or with vendors for which there is a recurrent trading relationship, enabling a credit note to be issued against future issues.

I will give you an example of how this might happen. If Shared Services, for example, were to get an account in, it might be 'ABC Health Services Pty Ltd', and they pay that. Then they might see a statement which might say 'ABC Services' without the word 'Health', and they will see it as two separate accounts and, on occasions, there is a double payment. The advice I have is that there is about $7.1 million—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Madam Speaker, they ask serious questions and I attempt to actually answer the questions, yet all I do is get a barrage of interjections which are pitiful in their lack of intellectual content. They just interrupt my flow of thought, so I am forced to go back to the beginning on every occasion.

The point I was about to make is that the total of the transactions that have been identified is about $7.1 million in double payments since the introduction of Oracle, and approximately $6.5 million of those are transactions which are either intragovernmental or with partners with whom we have long-term relations. In other words, there is no risk to the public purse in the vast majority of those cases. They are separate issues which are being managed. The opposition conflated those to make some sort of shock, horror kind of commentary last sitting week. They were wrong.

HEALTH DEPARTMENT

Mrs REDMOND (Heysen—Leader of the Opposition) (15:10): My question is to the Minister for Health. Is the minister saying that the unreconciled balance was never as much as $200 million?

The SPEAKER: I think that is probably a separate question.

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:10): No, I didn't say that at all.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Why is that cause for laughter, Madam Speaker?

Members interjecting:

The SPEAKER: Order! You will allow the minister to answer the question.

The Hon. J.D. HILL: The question was, as I understand it—from when the question was asked of the Treasurer—is it true that there's $200 million worth of unreconciled accounts?

The Hon. J.J. Snelling interjecting:

The Hon. J.D. HILL: Or $200 million lighter, whatever. The reality was, the day that question was asked, the amount that hadn't been reconciled was $60 million, and I was pointing that out to the house. Then I pointed out to the house today, when the question was re-asked, that the amount was $37 million in the Adelaide area and about $8 million in the southern. So, I was pointing out that there was an exaggerated claim made by the opposition in order to make a political point. They are not after facts, they are just—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! Member for Adelaide.

ADELAIDE HIGH SCHOOL

Ms SANDERSON (Adelaide) (15:11): My question is to the Minister for Education and Child Development. When will the expansion of Adelaide High School commence; when will it be completed; and when will the adjusted zones for the school be announced? At the 2010 election, Labor promised that Adelaide High School would be expanded to cater for up to 250 more students from 2013, without encroaching on the Parklands. Families from Prospect and Walkerville were also promised the opportunity to attend Adelaide High under new zoning arrangements.

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (15:11): I do thank the member for Adelaide for this important question and I look forward to actually working with her on this matter, because she is also a member of the Adelaide High School Governing Council, as the Premier pointed out a couple of weeks ago. We are, without question, absolutely committed to the expansion of Adelaide High, an outstanding public school, and we are expanding—

Members interjecting:

The SPEAKER: Order! I am sure the same question was asked two weeks ago.

The Hon. G. PORTOLESI: Yeah, that's fine. And we are committed to expanding it by about—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: —250 students, as well as the necessary expansion of the buildings. There are a couple of issues: heritage buildings and Parklands. That means that, unlike the other three expansions that are proceeding well, this is slightly more complicated, which is why I will be visiting the school, I think on 6 December, and also meeting with the Lord Mayor in the future. We are prepared to take a bit longer, if we need to, to get it right.

THEBARTON SENIOR COLLEGE

Ms BEDFORD (Florey) (15:13): My question is to the Minister for Education and Child Development. How is the government supporting students at Thebarton Senior College to be better equipped to achieve their future goals and aspirations?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (15:13): I would like to thank the member for Florey for this really important question. I had the enormous pleasure last week of visiting Thebarton Senior College which is in my view, and that of the head of the department, a model school for the future. This college provides a range of outstanding programs for adult students to complete their SACE and it is unique in South Australia, for a number of reasons.

It is the only designated secondary school site that provides English language and literacy courses to some 350 recently arrived migrants and refugee students, from over 65 different countries, as part of the adult new arrivals program. It is also a registered training provider offering nationally accredited training certificates I to IV in a range of industries, with an onsite training centre, and it is part of a network of schools that form the Inner South Trade School for the Future, which is part of our (overall) nearly $30 million trade school initiative.

Thebarton Senior College is an outstanding college, because it puts into practice what we know. We know that a person's future employment success is greater when they achieve the SACE, and under this government we lifted the year 12 retention rate to over 84 per cent in 2010. It also acknowledges that our education system needs to better respond to the aspirations and needs of those students who do not go on to university. Thirdly, we know that government must work in partnership with young people and their families, educators, trainers, industry and employers to ensure that school leavers are well equipped for the demands of working life.

This is precisely what Thebarton Senior College is doing. I was impressed by the principal, an outstanding leader in our community, and the staff; and, of course, I had the opportunity to meet and to chat with a number of students. The facilities are absolutely outstanding, but what impressed me the most was the undeniable dedication of the leadership team and the entire staff, including the invaluable bilingual SSOs.

In education our job is to prepare young South Australians for the future and, if you want to shape a better future, a good way to start is to complete your SACE. I thank the Thebarton Senior College for giving me such a warm welcome, and I look forward to only the best of results from this outstanding college.

GRIEVANCE DEBATE

RIVERLAND STORM DAMAGE

Mr WHETSTONE (Chaffey) (15:16): I rise to grieve on the storm damage that ravaged the Riverland and the river corridor on 9 and 10 November when we were last sitting here. The damage that properties and the region experienced over those two days was extensive, particularly down at Morgan and at Waikerie. Just to demonstrate some of the ferocity that those areas endured, the four one-inch mooring ropes on houseboats all snapped. There were houseboats floating, almost sailing, down the river. At Waikerie 200-year-old trees were snapped off at the base. They were not actually blown over, they were snapped off, such was the ferocity of the storm.

As I travelled through the Waikerie district, down at Sunlands and Ramco on the Friday after a week of sitting here, it was a stark reminder of what natural disaster can really do to a small country region. The community assets that were damaged were significant, particularly some of the town's buildings, the town's institutes and churches. Almost every building was impacted on in some way, shape or form. Driving through the regions, I saw whole roofs that had been removed from a building and were a full block away. Timber structures had been driven through front windows of offices and buildings. It really was a remarkable outcome that no one died and there were no serious injuries throughout the storm.

Remember that that storm went over two days. Of course, there are significant horticultural properties down there, particularly at Waikerie and Sunlands, and the damage caused to some of the properties was horrendous. The ground was just a sea of produce: soft fruits, stone fruits, avocados. It really was very sad to see that the growers had spent all season producing that fruit just to have it smashed and hit the ground.

The forecast was that there would be about a 20 per cent loss up in the region. Some businesses received very little damage and sadly some businesses were totally wiped out. That has been absolutely devastating for some of those family businesses, and in particular some of the new businesses down at Waikerie, such as those growing hybrid vegetable crops using world-leading technology. For instance, capsicum and some of those softer vegetables are being grown on trellis, under shade, with drip irrigation, using cutting-edge technology of fertigation. To see it all just blown away and absolutely wiped off the earth was quite heartbreaking.

There were 13,000 homes and businesses without power over the duration of those two days, and of course that has had an impact on some of the businesses that rely on their freezers, fridges, lights and power to be on, so that they can actually operate a business. This really has put them at a significant economic disadvantage. I think the majority of the damage was caused by trees falling onto powerlines. Wherever I drove, there were powerlines on the ground with trees lying over the top of them, so it really did black out the whole district.

There was a piggery at Taylorville that was completely destroyed, and 12,000 pigs had to be relocated. A lot of those pigs were giving birth—I am not quite sure how we talk about pigs, but they were pregnant and they were popping them out—but there was nowhere to pop them, so there was a huge amount of death.

Just responding to the other side of it, ETSA's response was widely regarded as their largest regional response in the history of ETSA, so I think it was a credit to ETSA to have the manpower on the ground to get out there and deal with the power outages. It looks as though the Loxton Waikerie council will be out of pocket to the amount of around $200,000. Again, I would like to think that I can speak to the Treasurer and ask him to perhaps loosen his purse strings—

The SPEAKER: Order! The member's time has expired.

Mr WHETSTONE: —just in response to that freak weather event. Thank you, Madam Speaker.

Time expired.

EMERGENCY SERVICES

Mr BIGNELL (Mawson) (15:21): I follow on with the same theme as the member for Chaffey. He had the floods and that severe rogue storm up in his part of the world a few weeks ago, and last Friday we had a bushfire at Blewitt Springs which caused a lot of heartache and angst for many people living in the local area.

I guess we would both like to pay tribute, as would most members of this house, to the fantastic emergency services people—the paid staff and volunteers throughout the state—who do such a tremendous job. The state government funds emergency services to the tune of more than $200 million each year, and it is money well spent.

On Monday night, I had the pleasure of going to the McLaren Flat oval, where the Mawson CFS group held an equipment display night. They do this each year, and it is fantastic to get out there. Initially, mainly the CFS crews would turn up, and they could compare appliances and show each other the latest equipment they had; whether it be boats for river rescues, or firefighting gear.

That was good, but they have done a really good job at expanding that into the other services and getting the other services involved. I have been really pleased to see, over the past

decade, the cooperation between groups such as the State Emergency Services, Country Fire Service, the ambulance service and, of course, police and the Metropolitan Fire Service (MFS).

It is fantastic how the emergency services groups have come together under the one administrative structure of SAFECOM, and also to see it out at the front line. That was no better displayed than on Monday night, where people could come together in an environment that was not an emergency and could take the time to look at each other's equipment, talk about the roles of the various services, and generally have a good discussion.

Present on the night was the Mawson CFS group, of course, which had organised the event. They set up the pod, which is a device that is carried on the back of a large truck and is lowered onto the ground. It is fitted out with computers and air-conditioners, and it becomes an incident control centre. I noticed that the South Australian Ambulance Service had a similar sort of setup, although theirs was inside a truck, rather than a structure that could be lifted into place from a truck.

The MFS also have these pods, and they have become very handy for all the emergency services when it comes to running incidents, because people know the setup in the room. It does not matter whether it is dropped off in Glencoe down in the South-East, Wudinna up on Eyre Peninsula, or over on Yorke Peninsula or wherever it is in the state; the people in there who are running that incident know where everything is and have some familiarity. It is also equipped with marquees, water and all sorts of things that you need in an emergency but that you do not necessarily have time to pack when things go awry, whether through bushfire, flood, storm or whatever else.

The Kyeema, Heysen and Sturt CFS groups were also there. The Metropolitan Fire Service had their chemical, biological response personnel there, along with MFS crews. They had some regular appliances, but they also had their chemical response unit there. It was very interesting to see how they can go out to a site and analyse chemicals that may have been used as an accelerant in the fire. No longer do you have to collect things at the scene and take them back to a laboratory, they can do it in real-time at the scene. It was interesting to see that.

The South Australian Urban Search and Rescue group was there. They were giving demonstrations on how they cut through concrete and how you need to brace things, such as in the event of an earthquake or a bomb going off, and how you need to use woodwork skills, basically, to put in a structure underneath the crumbling structure to make it safe for not only the rescuers but also those people they are trying to rescue. Of course, these people did a brilliant job in Christchurch after their devastating earthquakes.

I mentioned that the Ambulance Service was there. SAFECOM and the police were there. It was also good to see the Sea Rescue Squadron, the State Emergency Services and St Johns, who do a great job around the state in filling those roles where the South Australian Ambulance Service is not. We congratulate all those volunteers and particularly the CFS. Let us hope you have a safe and uneventful summer. Given the bushfire risk that we all know is upon us this season, it is going to be a very difficult year and we wish them all the very best. Our state possibly could not survive in any way without the dedication and time that these people give for their community and for our state.

SCHOOL AMALGAMATIONS

Mr HAMILTON-SMITH (Waite) (15:27): The state Labor government is closing schools and childcare centres across my electorate, and my constituents are not very happy about it. I want to talk first about the proposed school closures and amalgamations at Mitcham Primary School and Mitcham Junior Primary School, and Belair Primary School and Belair Junior Primary School, but I also want to talk about the forced closure of the Panorama TAFE Child Care Centre in Boothby Street, Panorama in my electorate.

It was my pleasure this week to table petitions from the Mitcham school community. I declare that my son goes to Mitcham and my wife is on the school council, so I speak not only as the local member but as a concerned parent. I also tabled a petition from Belair Primary School and Belair Junior Primary School. There were 418 signatures from the Mitcham school community and 170 signatures from the Belair school community. They are not very happy.

I am calling on the government today not to close and then force an amalgamation of these two schools. The kids do not want it, the parents do not want it and the community does not want it. You are taking $340,000 out of these school communities in the name of efficiencies. You are

already gaining efficiencies by the fact that these schools chose to collocate. If they were already separate you would be maintaining two sets of grounds and facilities. You are already making savings, but the government seeks to yet make further savings.

The result will be that senior staff, teacher positions and SSO positions will be lost, and the schools will be worse off. I say to the government: don't close and then amalgamate these schools unless there is a benefit. There is no benefit. No family will be better off. This is part of a plan to save $8.2 million from the education budget to pay for Labor's own financial mismanagement, where we have seen millions wasted on frolics in Puglia, infrastructure projects that have gone over budget, 15 ministers when surely we need fewer, an army of media minders and staff, and various other frolics around the state. They now seek to pay for these things by cutting education.

The parents that I have spoken to about this fail to see a single benefit or advantage in their school closures. I want to congratulate the organisers of the Belair school protests. I attended a meeting there on Tuesday 13 September and have spoken with Stephen Madigan, Hasmik Anassian, the treasurer of the Belair Schools Governing School, and Dannii Armfield. I also met with them at my office. I attended a similar meeting against the amalgamation at Mitcham school on 24 October. Liesl von der Borch and all members of the governing council were present, along with parents. I attended a rally of the Save Our Schools group on Friday 14 October in Elder Park. I have written to then minister Weatherill about this: I really do not want to see these schools closed over the Christmas period; it would be a travesty; please reverse the decisions.

It does not stop there because the government has also announced, almost by stealth, the closure of the TAFE childcare centre at 58 Boothby Street, Panorama, giving parents as little as five weeks to find alternative arrangements, which is outrageous. I have written to minister Tom Kenyon on this, asking that he delay the decision at least until Easter next year to give the families time to find alternative care for their children.

I attended a meeting about this at the childcare centre on 15 November. It was a very angry meeting. The parents, quite rightly, were very upset. I will not run through their names, but the minister knows who they are because they have written to him as well. Five to six-week notice of the closure on the eve of Christmas has thrown families into turmoil. One mother who is employed as a nurse and who has three children at the centre indicated to me that she would need to leave the workforce because of the decision.

Parents are finding it extremely difficult to find vacancies. At least get children's services working with these families to try to find them places, or listen to approaches that have been made to the minister about relocating all the children and the families as a group to an alternative centre. This is just another example of a government making kneejerk decisions—a government that is not listening and is not consulting—announcing the closure of this childcare centre and then defending it.

Education in the seat of Waite is in distress. I hope that we are not going to see the schools amalgamated at Mitcham and Belair, and then the decision defended after Christmas, or perhaps the decision made while people are on holidays—an absolutely disgraceful act. I hope we are not going to see this wonderful childcare centre in Boothby Street have its families and children literally thrown out onto the street on Christmas Eve. I appeal to the government: have a heart, reverse these decisions, and please take action.

NORTH EAST RESIDENTS ACTION GROUP

Ms BEDFORD (Florey) (15:32): Today I would like to pay tribute to local activists, in particular members of the North East Residents Action Group, or NERAG, as it is affectionately known out our way. Incorporated in 1999, the group originally came together to oppose the building of a four-storey venue on North East Road, opposite Tea Tree Plaza, designed to facilitate 24-hour gambling. It is a testament to their determination and commitment that they opposed the then council's willingness to promote the proposal and worked in a united fashion, through many presentations to local government bodies and even to the Liquor Licensing Court, to prevail and be successful in opposing the facility.

With the support of the Hon. Nick Xenophon and Reverend Tim Costello, among others, the proposal was eventually defeated—one of only a few I know of that has been unsuccessful. The community has benefited in that the proposed site is now an extension to the City of Tea Tree Gully Library, a well-loved and well-used facility; also home to the Tea Tree Gully Toy Library, another well-loved and well-used facility (mostly run by volunteers) that services over 600 families.

NERAG has not felt the need to meet to galvanise local support on any other issue until now, when in response to disquiet on the issue of parking fees at Modbury Hospital a significant number of community complaints necessitated some leadership. A public rally took place on the steps of Parliament House on 18 October, just prior to the announcement by our new Premier of the first two hours to be free at outdoor hospital car parks. Still a topic for conjecture, parking issues will be the topic of a public meeting NERAG will hold in the Florey electorate on Friday 25 November at 7pm, which I will attend.

It has been possible to secure speakers from government departments to discuss parking issues from all angles, as on Smart Road, in the heart of the Modbury regional centre, is where we have what could be described as a perfect storm of parking issues. Along the section of Smart Road from the Reservoir Road roundabout to Australia Avenue, we have Modbury Hospital's general and accident and emergency entrances opposite Westfield Tea Tree Plaza entrances. Further along, the new GP Plus Super Clinic and Westfield rooftop car park entrances are almost aligned where the road narrows.

We then have the O-Bahn park-and-ride parking areas not far from where the O-Bahn buses enter Smart Road, adjacent to the TAFE car park; another busy area not far from another hotspot on Smart Road, which is the Ardtornish school. These busy locations see a good deal of the demand for car parking spaces. While the issue of charging at hospitals has been somewhat ameliorated, there are still concerns about the principle of such charges irrespective of the interstate conventions and, indeed, those in place at our South Australian hospitals like the RAH and the WCH.

What is also of great concern is that those who use Hampstead and the Repat are often those least able to afford any additional expenditure, notwithstanding a regime of exemptions is in place—although I am told that the exemption system is cumbersome and could be costing more to operate than it raises. But it is the wider question around parking that is occupying NERAG'S energies lately: who is actually responsible?

Government institutions, such as the Modbury Hospital and TAFE, have on-site parking arguably enough to service the users of these facilities. Finding a spot in Westfield's Tea Tree Plaza car park is notorious amongst locals, though. At peak times of the year and the shopping week it is seen as being a difficult task. Pressure on the soon to be enlarged O-Bahn parking areas has seen nearby side streets not designed to carry such traffic filled with cars.

Council has the difficult task of responsibility for these side streets and policing inappropriate parking or overstaying in areas, such as Westfield's Tea Tree Plaza car park, and now even in its own car park at the civic centre. So, it really is time to have a close look at all the implications of parking, particularly if we as a society want to avoid seeing charges for car parking in shopping centres as well.

If the only reason for such a charge is the churn or turnover rate, then the first two hours (while it may seem reasonable) is often not long enough to transact business in a vast shopping mall or busy outpatients' area. If the community is to understand the drivers around charging at either public or private venues, then it would be good to have the information about what it costs to provide parking so that we can measure whether revenue raising is really the underlying motive or simply a by-product.

We all well remember the outcry when the new Adelaide Airport parking charges started. People were vociferous for some time but eventually accepted charges as part of the airport trip, although I know that the success of the J1 and J2 public transport routes meant that many people felt able to make the trip without taking the car.

There is no doubt that greater planning must go into parking issues, especially in regional centres, such as Modbury and Marion. Overwhelmingly people ask only for a fair go and appreciate the costs associated with running the state's health system and the work the government has put into planning for the future, particularly in the area of preventive health, and really feel that the user should only be asked to pay a reasonable amount to turn over car parking spaces rather than contribute to the bottom line. Groups such as NERAG are active on our behalf, and we owe them a debt of gratitude and our support in their endeavours.

MORIALTA ELECTORATE

Mr GARDNER (Morialta) (15:37): Today I want to talk about some of the people in the Morialta community who have assisted me in some campaigns for the benefit of the community

which have now thankfully reached some positive resolution. In particular, I am going to be talking briefly about the Athelstone fire siren and the Norwood Morialta High School proposed funding cuts.

Members have heard me go on at some length about both these issues, so I will very briefly recap and then get to my point. Black Hill went up in fire at 2.30am on 29 December 2009. The first that many Athelstone residents found out about this fire (that was 20 metres from many of their houses) was the following morning when they heard about it on the radio. Thankfully, the work of the CFS volunteers—and I pay particular tribute to the Athelstone brigade and group officer Terry Beeston, who was the incident controller that morning—put out the fire.

However, since the Athelstone CFS fire siren was dismantled some years ago there was no warning system that would enable the local residents to find out that there was a problem in the middle of the night. Of course, we no longer need these fire sirens for the volunteers to be called out to duty, but it does have that secondary warning facility, particularly when a fire is in the middle of the night as it was at Black Hill on 29 December 2009.

This was an election issue in Morialta, I can tell you. From my doorknocking, the residents in that area were absolutely insistent that they needed that fire siren. I went to the shadow minister for emergency services (Mark Goldsworthy, the member for Kavel) and the Leader of the Opposition (Isobel Redmond) and, without a shadow, a flicker, of hesitation they both committed the Liberal Party to installing that siren, which was important in that election campaign.

I give credit to *Messenger* press and the journalist at the time, Jane Whitford, and Brittany Dupree, who has been pushing the matter since. The *Messenger* press pushed at the Labor candidate (the former member) on the matter and eventually managed to get a commitment from the Labor Party that it would deliver it. So, in mid-March, the ALP promised the community of Morialta that a fire siren would be delivered.

In estimates last year—when we were a month from the 2010-11 fire season and no fire siren had yet been established following significant correspondence with the then minister for emergency services in which he promised an audit of all sirens was being undertaken and maybe the fire station in total needed to be moved—we got no satisfaction.

On 9 June this year, I asked the new minister for emergency services, Kevin Foley, whether he could advise if the government was still demanding that Campbelltown Council pay for Labor's election commitment to construct a fire siren for the residents of Athelstone near Black Hill. The Labor Party, having committed to this in the election, then wanted the council to pay for it. The minister for emergency services, as he was then, the member for Port Adelaide's response in the *Hansard w*as, 'I have absolutely no idea,' and the *Hansard* goes on with some fairly colourful language that I will not insult the house by repeating.

I can happily inform the house that I have a new statement from the new Minister for Emergency Services dated 26 October. I have not seen this on the minister's website, but somebody was kind enough to pass it on to me. It states:

> Funding of $15,000 has been approved through the Natural Disaster Resilience Fund for the installation of the fire sirens. The project will be managed by the Campbelltown Council and I am advised that installation will be completed for the upcoming fire season.

I thank the Campbelltown Council, the mayor, all the councillors, the CEO, those *Messenger* journalists, the Leader of the Opposition and the member for Kavel, and the Athelstone CFS Brigade Captain, Eero Haatainen, President Wayne Atkins, Brigade Lieutenant Peter Monkhouse and CFS East Torrens Group Officer, Rob Taylor, for helping this to happen.

Norwood Morialta High School has gone on at some length. The government last year was going to cut their funding by $620,000. They got about $300,000 through the new student-based funding system, which was some relief to that community. That should have been $300,000 extra. They were going to lose only $300,000 a year rather than $600,000, so that was an improvement.

We questioned minister Weatherill—as he was then—about it during estimates. We had a community campaign; 2,100 people signed a petition. Christopher Pyne and Jamie Briggs from federal parliament and the member for Norwood also helped. Staff and leadership at the school—who I will not name so that I do not endanger anyone's career—were very active in this campaign. Jeff Eglinton, the Governing Council Chair, and Sue Carr, the Chair of Parents and Friends, were very helpful.

I want to pay particular credit to Gia-Yen Luong, the SRC President, who graduated on Monday night, winning about three quarters of every award at that school. It was incredible to see. Gia-Yen helped in getting hundreds and hundreds of signatures from the students and their parents. Isobel Redmond and David Pisoni—the leader and the shadow minister—came to the school to talk about the issue, and I thank them all for helping get this decision overturned.

Time expired.

VIETNAMESE INVALID VETERANS' ASSOCIATION

Mrs VLAHOS (Taylor) (15:42): I would like to speak today about an event I attended on Saturday night at Grand Junction Road, Athol Park. It was the annual general meeting of the Friends of the Vietnamese Invalid Veterans' Association (FOVIVA). With me at the event was Dr Arn Tuan Ngo, who is the President of the Vietnamese Invalid Veterans' Association; our Lieutenant-Governor, Mr Hieu Van Le, and his wife; and Mr Bill Denny AM, the Chair of the South Australian ANZAC Day Committee who was representing the President of the RSL in South Australia, Jock Statton.

Mr Moose Benyk, the President of the Vietnam Veterans' Association; Mr John Gillman, the President of the Vietnam Veterans' Federation; Mr Loc Doan, the President of the Vietnamese Community in Australia, SA Chapter and many other people were at the FOVIVA AGM dinner. It was a really important event. I must admit that I did not know an awful lot about FOVIVA until recently. Just over a month ago, all that changed when I attended a meeting at the Vietnam Veterans' Association, Northern Suburbs Branch, with Ian LeRaye and Pieter Pedro Dawson, who run the organisation with many good people at the Edinburgh RAAF Base.

When I attended this event on that day, Dr Ngo, Mr Tam and Mr Quy made an excellent presentation to the assembled membership about the work they do. The aim of their organisation is very admirable. It is a worthy culture that is rich in generosity and compassion, and the Vietnamese community is rich in this spirit. They manage to go forward and ensure that they do not forget those who are less fortunate. In fact, FOVIVA is based around the idea of giving assistance to those people who are in Vietnam today but fought alongside our veterans during the Vietnam War and are perhaps overlooked by that government in the care that they receive and are due as ex-servicemen.

I was humbled by the spirit of camaraderie which is so strong today, almost 50 years after the event. It is the spirit that does not forget old friends and strives to help them, no matter what. Together, FOVIVA has raised hundreds of thousands of dollars Australia-wide, particularly in South Australia, and to very worthy works.

Many years ago, Vietnam was plunged into a turmoil of war and it lasted for many, many years. Indeed, many hundreds of thousands of Vietnamese people perished and many came to our country, not surrendering to the tyrant's heel. These people, with courage and perseverance, and with nothing more than the clothes on their backs, have struck out for a new land, which is Australia, and we have been privileged to welcome them.

I know many of these people live and work in my electorate and they are hardworking and compassionate people. FOVIVA is an important part of the community to them as well. They have come to love this country, just as we have come to appreciate their community contribution. The Vietnamese community have embraced their new home and I am sure they have not forgotten their old home and provide alms to their comrades who are invalided through such terrible things as landmines and the trauma of war that they saw during their time as veterans.

So, I would like to place on the record my admiration for their compassion and passion for their comrades who served alongside of them, and the Australian soldiers who served alongside of them, and congratulate them on everything that they do. It is a worthy sentiment of the value of the community that we place this on the record. I congratulate them on another successful year, and the money they have raised, and wish them well in the year ahead as they continue to do important works for this community in Vietnam.

AUDITOR-GENERAL'S REPORT

The Hon. J.M. RANKINE (Wright—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister for Multicultural Affairs) (15:46): I seek leave to make a personal explanation.

Leave granted.

The Hon. J.M. RANKINE: In yesterday's Auditor-General's examination, I was asked by the member for Kavel about the costs of the new Country Fire Service stations at Balaklava, Hamley Bridge and Wilmington. At the time, I was only able to provide the amounts paid to Unique, which did not reflect the total cost of each project. Respectively, the final approved budget amounts for these projects was $681,420, $751,541 and $821,101. The total project expenditure for each of these projects, in the same order, was $898,884, $819,387 and $990,238.

JOINT PARLIAMENTARY SERVICE COMMITTEE

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (15:47): I move:

Pursuant to section 5 of the Parliament (Joint Services) Act 1985, the member for Light be appointed as the alternate member to Madam Speaker and that a message be sent to the Legislative Council, in accordance with the foregoing resolution.

Motion carried.

The Hon. J.R. RAU: Can I start off by congratulating you, Mr Deputy Speaker, on your recent appointment, as per the last resolution.

The DEPUTY SPEAKER: Yes, thank you, minister, I think.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (15:48): Obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935, the Criminal Law (Sentencing) Act 1988, the Director of Public Prosecutions Act 1991, the District Court Act 1991, the Enforcement of Judgments Act 1991, the Environment, Resources and Development Court Act 1993, the Judicial Administration (Auxiliary Appointments and Powers) Act 1988, the Justices of the Peace Act 2005, the Magistrates Act 1983, the Magistrates Court Act 1991, the Supreme Court Act 1935 and the Young Offenders Act 1993. Read a first time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (15:50): I move:

That this bill be now read a second time.

Members will be relieved to know there is a fairly brief comment to follow. This bill makes miscellaneous amendments to acts within the Attorney-General's portfolio concerned with the courts and the justice system. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

This Bill makes miscellaneous amendments to Acts within the Attorney-General's portfolio concerned with the courts and the justice system, as follows:

Criminal Law Consolidation Act 1935

Section 258BA of the *Criminal Law Consolidation Act 1935* currently provides for the Director of Public Prosecutions to be able, with authorisation of the court, to serve on a defendant a notice inviting the defendant to admit specified facts. If a fact is formally admitted in response to the notice, the public is saved the cost of proving that fact. The section encourages the admission of facts that are not truly in dispute, in that an unreasonable failure to admit facts can be considered in sentencing, if the defendant is found guilty. The aim of the provision is therefore to prevent the wastage of public resources that can happen in a criminal trial where the prosecution is forced to call evidence to prove facts that the defendant does not seriously dispute.

The section is underused. One possible reason for this is that the Director must apply for a court order at a directions hearing. The Bill proposes to abolish that requirement. There is no harm or unfairness to an accused in being served with a notice to admit facts. If he or she genuinely disputes the fact, then the response to the notice will indicate that the fact is not admitted and the prosecution will still have to prove it in the ordinary way. Therefore, there is no need to occupy the court's time in dealing with the question of whether a notice should be authorised. There may also be some benefit in that notices could be issued earlier.

Criminal Law (Sentencing) Act 1988

Several amendments are proposed to the *Criminal Law (Sentencing) Act 1988*. First, a new section 9D is proposed. This would give the Environment Resources and Development Court an express power to convene a sentencing conference, at which representatives of the neighbourhood affected by the environmental offence may express their views about the impact of the offence and may negotiate with the defendant for appropriate reparations. The results reached by the conference can be taken into account by the Court in sentencing. If an agreement has been reached for reparations, the Court may adjourn sentencing for this to be carried out and, if it is,

may take account of the reparations in sentencing. It would be in the Court's discretion whether to convene such a conference in a particular case. A similar provision exists in the New Zealand *Sentencing Act 2002*, section 10. Proposed new section 19D would permit the Court to defer sentencing to allow time for the defendant to carry out actions agreed at the sentencing conference.

Section 18 of this Act allows a sentencing court, for good reason, to depart from the penalty set by a specific Act for an offence. It provides substitution rules. It enables the court, where the specific Act sets imprisonment only as the penalty, nonetheless to impose, instead, a fine, or a community service order, or both. This provision however does not deal with the case where the specific Act provides for both imprisonment and licence disqualification. It is desirable that in that situation also the court should still be able to substitute a fine or community service for the imprisonment penalty. It is proposed to amend the provision accordingly.

Section 33C deals with imprisonment for contempt. A problem has been noticed in the relationship between the *Criminal Law (Sentencing) Act 1988* and the imposition of a prison sentence as a punishment for contempt of court. Where a prisoner is convicted and sentenced to imprisonment for contempt of court, whilst already serving a sentence of imprisonment, a problem arises if the prisoner becomes eligible for parole for the earlier offence. If the Parole Board orders the release of the prisoner on parole he or she will not in fact be released, but will commence a new prison term for the contempt.

When the Parole Board determines whether or not to grant parole, it must take into account, amongst other things, the likelihood of the prisoner complying with the conditions of parole, the impact that the release of the prisoner on parole is likely to have on the registered victim and their family and the probable circumstances of the prisoner after release from prison or home detention. Consideration of these matters becomes an artificial process when the Board knows that the applicant for parole is likely to serve an additional term in prison for contempt immediately upon parole. In these circumstances, it is unclear whether the Board should assess the application for parole as though the applicant were to be released upon the making of the parole order, or whether the Board should assess the application by attempting to predict what the relevant circumstances of the applicant will be after he or she serves the sentence for contempt. The longer the sentence for contempt the more difficult it will be for the Board to assess that.

It is proposed to amend section 33C so that where a sentence for contempt is imposed upon a person already serving a term of imprisonment, the term imposed for contempt is to be interposed prior to the conclusion of the serving of the term of imprisonment first imposed. This will enable the Board to assess questions arising upon an application for parole to be dealt with at the relevant time.

Section 48 and 50 deal with the supervision of offenders, for example, as a condition of a bond or ancillary to a community service order. Section 50 authorises a community corrections officer to give the offender reasonable directions. One of these optional directions is a direction to obtain written permission before leaving the State. It is proposed that, rather than being an optional direction, this should be a mandatory condition of supervision, to be included among those fixed by section 48. It is considered that offenders under supervision should never leave the State without permission. It is also proposed to provide, by an amendment to section 50, that a community corrections officer must give reasonable directions to the offender about regular reporting. That is, it is not intended that in each case the officer should consider whether the particular offender ought to report regularly. It should be the rule that offenders are required to report regularly. The discretion should relate to the frequency and manner of reporting, rather than whether the offender reports or not.

A minor clarification is required to section 58, to ensure that an extension of time to complete community service can be granted even if the time originally allowed has expired.

It is proposed to amend section 70I of this Act, which deals with reconsideration by the court of an order for payment of a pecuniary sum, where the defendant has been unable to pay without hardship. The Act allows the court, on reconsideration, to remit or reduce the pecuniary sum, or to convert it to community service or make other orders. The amendment is designed to make clear that the court can, if it sees fit, make different orders in respect of different portions of the pecuniary sum. That is, the court might convert part only of the sum to community service hours, leaving the defendant to pay the balance of the sum, or it might reduce the sum and also impose a disqualification from driving, and so on. This is expected to be useful where the sum is large and, for example, converting it to the maximum allowable community service hours alone would be insufficient.

The Bill also proposes to amend section 71 to allow a fine to be imposed in lieu of a community service order, in the court's discretion, when the order is not completed. Presently, this is only possible, under section 71(8), if a court is satisfied that the person's failure to comply with an order is excusable because of obligations to attend paid employment gained since the making of the order. However, there may sometimes be other cases where the failure to complete community service is not due to a person's employment obligations but there are nevertheless proper grounds for the court to consider substituting a fine. The amendment will allow the court to revoke a community service order and substitute a fine, whatever the reasons for failure to comply with the order, if the court sees fit.

Director of Public Prosecutions Act 1991

Section 6A of this Act, at present, permits the Director of Public Prosecutions to delegate his or her powers under the Act, but not the powers conferred by any other Act. An example is the power under the *Listening and Surveillance Devices Act 1972* to approve the making of an application to the court by a police officer for a warrant authorising the use of devices. Another is the power to apply to a court to revoke an order for the transfer of a prisoner under the *Interstate Transfer of Prisoners Act 1982*, where the prisoner has attempted to escape or has otherwise offended in the course of transfer. The Government considers that it would be convenient for the Director

to be able to delegate such power in the same way that he or she can now delegate the powers in the Act creating his office and the Bill so proposes.

District Court Act 1991 and *Supreme Court Act 1935*

It is proposed to make a small change to the mediation powers of the Supreme and District Courts. At present, a judge can refer the parties to mediation whether or not the parties agree, but a master can only refer the parties to mediation if they consent. It is proposed that a master should be able to refer the parties, in the same way that a judge can do, even without consent. Referral can sometimes be useful despite the absence of consent. For example, a party might underestimate the prospects of resolving the case by negotiation. The referral will not compel anyone to make or accept any offer.

Enforcement of Judgments Act 1978

An amendment is proposed to section 7 of this Act to clarify the powers available to the sheriff when executing a warrant against land. Section 7 of this Act permits the court to issue a warrant of possession, authorizing the sheriff to take possession of real property. The warrant enables the sheriff lawfully to eject any person who is on the land and who is not entitled to be there. In the case of a warrant relating to personal property, it enables the sheriff to seize and take possession of the personal property. The section however varies in its expression. While it expressly states that, in the case of personal property, reasonable force may be used, it is silent about whether reasonable force may be used to eject persons when executing a warrant relating to land.

Probably, the better view is that the common law, which permitted such force, continues to apply and thus that it was not thought necessary to refer to this in the statute. However, an alternative argument is that the reference to force in one context could mean that the absence of such a reference in the other context discloses an intention that force should not be used. The Bill would amend section 7(2) to remove any doubt about the authority to use reasonable force.

Environment Resources and Development Court Act 1993

Section 29 of this Act deals with costs, permitting the making of costs orders where costs have been wasted, for example, through avoidable adjournments or through the neglect or incompetence of a representative. It is proposed that the Court should also have a power to award costs where this is necessary in the interests of justice to redress unfair conduct by a party. There is an analogy with appeals to the Administrative and Disciplinary Division of the District Court, which is not ordinarily a costs jurisdiction but which may award costs if to do so is necessary in the interests of justice. The aim is to penalize parties who unfairly waste the time and costs of other parties by the way in which they conduct litigation.

It is also proposed to insert a new section 40A dealing with custody of litigants' funds. In the Magistrates Court Act, the District Court Act and the Supreme Court Act, provisions already exist giving responsibility to the Registrar for the custody of such funds and giving a guarantee of their safety, such liability to be satisfied from general revenue. In practice, the ERD Court has not received litigants' funds, but with the growth in the mining industry, there is a possibility that in future this might occur, for example, in a case under the *Mining Act 1971* for compensation in a native title matter, and accordingly a comparable provision is proposed.

Judicial Administration (Auxiliary Appointments and Powers) Act 1988 and *Youth Court Act 1993*

Section 3(1) of the *Judicial Administration (Auxiliary Appointments and Powers) Act 1988* provides that appointments may be made to a 'specified judicial office … on an auxiliary basis.' Section 2 of the Act provides that 'judicial office' means, amongst other things, 'Judge of the Youth Court'. This Act would, therefore, appear to allow for auxiliary appointments to be made direct to the Youth Court.

The operation of section 3(1) of the *Judicial Administration (Auxiliary Appointments and Powers) Act* however sits somewhat uneasily with the scheme for appointments to the Youth Court set out in the *Youth Court Act 1993.* Section 9(3) of the *Youth Court Act* provides that, '[t]he Judges of the [Youth] Court are District Court Judges designated by proclamation as Judges of the Court.' This provision casts some doubt on how an appointment of an auxiliary judge to the Youth Court should be made.

The object of providing for auxiliary appointments is to promote flexibility, so the appointment of auxiliary justices to the Youth Court should not be restricted to those who are already appointed to the District Court but should include those who are eligible for appointment. The Bill would amend the Act to remove any ambiguity.

Justices of the Peace Act 2005

A justice of the peace may be appointed as a special justice, who may sit in the Magistrates Court or the Youth Court to hear minor matters. Such a person is bound by the Code of Conduct in the Regulations to notify the Attorney-General and the Court if charged with an offence (other than an expiable offence). Failure to do so may lead to disciplinary action. This notification would, for instance, enable the Court to decide not to roster the special justice to hear cases until the charges are disposed of.

The Bill proposes to go further and amend section 11 so that a special justice is automatically suspended from office upon being charged with an offence (other than an expiable offence) and ceases to be a special justice upon conviction for such an offence. This will mean that the special justice is not to hear any matters pending the disposition of the charges. If, however, this happens, the result of the proceeding is not to be affected.

The Bill proposes that the special justice could, however, apply to the Attorney-General to have the suspension lifted or to be reinstated in office. The Attorney-General will then be able to consider the gravity of the offence and, if persuaded that the person should be able to continue in office, to impose conditions.

Magistrates Act 1983

In the 2007 case of *O'Donoghue v Ireland*, there was a High Court challenge to an extradition, on the ground that the Commonwealth *Extradition Act 1988* could not validly impose a duty (in this case, the function of deciding whether a person is eligible for extradition) on state magistrates. The challenge failed, because the High Court found that it did not impose a duty, but rather conferred a power. It is proposed, however, to amend the *Magistrates Act* to insert a new Part 7 to make clear that the Governor has authority under this Act to enter into an agreement with the Governor-General for the purposes of the *Extradition Act 1988*.

Magistrates Court Act 1991

Section 42(1a) of the *Magistrates Court Act 1983* limits appeals against interlocutory judgments. It was substituted in its present form in 2005, after the decision in *Police v Dorizzi* (2002), in which the prosecution tendered no evidence following a ruling by the magistrate that CCTV tapes of the offence were inadmissible. The Supreme Court held that the prosecution had no right to appeal against that decision. It is clear from the Hansard debates about the 2005 amendment that the amendment was intended to enable the prosecution to make such an appeal, because the evidentiary ruling destroyed the prosecution case. However, in the case of *McIlwar v Szwarcbord* (2008), the Supreme Court held that the amendment did not achieve this effect. The Bill proposes to further amend section 3(1) to achieve what the Parliament intended. The new definition of 'interlocutory judgment' is designed to make it clear that an order or ruling relating to the admissibility or giving of evidence is a judgment and as such is appealable, subject to the constraints on appeal contained in section 42(1a).

Young Offenders Act 1993

Section 41A of the *Young Offenders Act 1993* specifies the process for conditional release of a young offender from detention, which varies according to whether or not the youth is a recidivist. The young offender must have served the required fraction of his or her sentence, being 2/3 for most young offenders but 4/5 for recidivists. The question has arisen whether the application can be made and considered before that period has elapsed, in anticipation that it is about to do so, enabling eligible youths to be released immediately on having served the required fraction of the sentence.

The section intends that this must be possible, as otherwise young offenders would have to remain in detention after having served the required fraction, while waiting for the Board to determine the application. To avoid doubt, however, it is proposed that the section should expressly state that an application can be determined within the last seven days before the youth is potentially eligible for conditional release.

These amendments are of a technical nature and are designed to overcome procedural or technical problems or to improve the operation of legislation affecting the courts. I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Criminal Law Consolidation Act 1935*

4—Amendment of section 285BA—Power to serve notice to admit facts

Section 285BA currently provides a scheme for the DPP to serve on the defence a notice to admit specified facts. The court must currently authorise the DPP to do so and may, in granting such an authorisation, fix a time within which the notice is to be complied with.

The amendments provide a more flexible system allowing the DPP to serve such a notice without obtaining the permission of the court except in a case where the defendant is unrepresented. A right to ask the court for an extension of time within which to comply with the notice is provided.

Part 3—Amendment of *Criminal Law (Sentencing) Act 1988*

5—Insertion of section 9D—ERD Court sentencing conferences

New section 9D makes a new procedure available to the ERD Court—a sentencing conference designed to negotiate action that the defendant is to take to make reparation for any injury, loss or damage resulting from the offence, or to otherwise show contrition for the offence.

6—Amendment of section 18—Court may add or substitute certain penalties

This is a technical amendment to clarify that the substitution of penalties relates to a sentence of imprisonment or a fine and not to other aspects of penalties.

7—Insertion of section 19D—Deferral of sentence following ERD Court sentencing conference

New section 19D contemplates an adjournment of the ERD Court following a sentencing conference to enable the defendant to take the action negotiated at the conference.

8—Insertion of Part 3 Division 4—Effect of imprisonment for contempt

New section 33C clarifies the effect of imprisonment for contempt. It provides that if a person is imprisoned for contempt of court—

- any sentence of imprisonment that the person has not yet begun to serve (and any non-parole period in respect of that sentence) will not commence until the expiry of the period of imprisonment for contempt; and
- any sentence of imprisonment that the person is then serving (and any non-parole period in respect of that sentence) ceases to run for the period of imprisonment for contempt.

9—Amendment of section 48—Special provisions relating to supervision

If a person is to be subject to the supervision of a community corrections officer, this amendment standardises the requirement that the person must not, during the period of supervision, leave the State for any reason except in accordance with the written permission of the CEO. Currently, section 50(1)(a)(iii) allows the community corrections officer to give reasonable directions to the person requiring the person to obtain the officer's written permission before leaving the State.

10—Amendment of section 50—Community corrections officer to give reasonable directions

The requirement to report to the supervising community corrections officer is made a statutory requirement rather than one left for the officer to impose.

11—Amendment of section 58—Orders that court may make on breach of bond

Currently section 58(3)(b)(i)(B) allows the court in appropriate cases to extend, by not more than 6 months, the period within which any remaining hours of community service under a bond must be performed. The amendment contemplates the court allowing a further period for the performance of community service even if the initial period within which the community service had to be performed has expired.

12—Amendment of section 70I—Court may remit or reduce pecuniary sum or make substitute orders

Section 70I deals with the powers of the Court faced with a debtor who has no means to pay a pecuniary sum. As currently constructed section 70I(3) contemplates the Court either remitting or reducing the sum, deferring payment or substituting an order for community service, disqualification or cancellation of licence. The substituted subsection provides the Court with the flexibility to divide up the pecuniary sum and deal with different amounts in different ways. This will enable the Court, for example, to impose a community service order for a portion of the pecuniary sum and defer payment of the remaining portion.

13—Amendment of section 71—Community service orders may be enforced by imprisonment

Currently, section 71(8) allows the court to convert a community service order into a fine (rather than imprisonment) on the basis that the person has the means to pay a fine without the person or his or her dependants suffering hardship only if the court is satisfied that the person's failure to comply with the order is excusable on the ground of the person's obligations to remunerated employment gained since the making of the order. The amendment removes that limitation.

Part 4—Amendment of *Director of Public Prosecutions Act 1991*

14—Substitution of section 6A

Section 6A currently allows the DPP to delegate to any suitable person any of the director's powers or functions under the Act. The substituted section also provides for delegation of functions or powers under any other Act. It also expressly contemplates subdelegation.

Part 5—Amendment of *District Court Act 1991*

15—Amendment of section 32—Mediation and conciliation

Section 32(1) currently contemplates a Master appointing a mediator only with the consent of the parties. The amendment removes the requirement for consent.

Part 6—Amendment of *Enforcement of Judgments Act 1991*

16—Amendment of section 11—Authority to take possession of property

This is a technical restructuring of the provision allowing the sheriff to execute a warrant to take possession to ensure that the sheriff can enter land for the purposes of ejecting from the land any person who is not lawfully entitled to be on the land and use appropriate means and such force as may be reasonably necessary in the circumstances.

Part 7—Amendment of *Environment, Resources and Development Court Act 1993*

17—Amendment of section 29—Costs

This amendment adds to the power of the Court to make an order for costs, so that if the Court considers that a party to proceedings before the Court has engaged in misconduct, it may make an order for costs against that party in favour of any other party to the proceedings, but no order for costs is to be made unless the Court considers such an order to be necessary in the interests of justice.

18—Insertion of section 40A—Custody of litigant's funds and securities

This amendment replicates a provision in the District Court Act dealing with the same matter. It includes a Treasurer's guarantee for money or security in the Court's custody in connection with proceedings.

Part 8—Amendment of *Judicial Administration (Auxiliary Appointments and Powers) Act 1988*

19—Amendment of section 3—Appointment of judicial auxiliaries

Section 3 enables the Governor, with the concurrence of the Chief Justice, to appoint a person to act in a specified judicial office on an auxiliary basis. The person must be eligible for appointment to the relevant judicial office on a permanent basis or so eligible except for the fact that he or she is over the age of retirement. In some cases a person is only eligible for appointment to a judicial office if the hold some other judicial office. This amendment deals with that chain to ensure that eligibility to be appointed to that other judicial office is enough.

Part 9—Amendment of *Justices of the Peace Act 2005*

20—Amendment of section 11—Disciplinary action, suspension and removal of justices from office

This amendment adjusts what is to happen if a justice or special justice is charged with an offence. Currently under subsection (3), the Governor may, if of the opinion that conviction of the offence would show the justice to be unfit to hold office, by notice in writing, suspend the justice from office until proceedings based on the charge have been completed. The amendment provides that in addition, in the case of a special justice, if the charge is for an offence other than an expiable offence there is an automatic suspension from office unless the Attorney-General, on application, cancels the suspension. The Attorney-General is empowered to impose conditions specifying or limiting the official powers that the special justice may exercise.

Under subsection (5) currently if a justice is convicted of an offence that, in the opinion of the Governor, shows the convicted person to be unfit to hold office as a justice, the Governor may remove the justice from office. The amendment extends this to a case where the justice is found guilty but not convicted. The amendment provides that, in addition, in the case of a special justice found guilty or convicted of an offence other than an expiable offence the special justice is automatically removed from office unless the Attorney-General, on application, reinstates the special justice. Again, the Attorney-General is empowered to impose conditions specifying or limiting the official powers that the special justice may exercise.

Part 10—Amendment of *Magistrates Act 1983*

21—Insertion of Part 7—Exercise of powers under Commonwealth Acts

New Part 7 allows the Governor to make an arrangement with the Governor-General of the Commonwealth in relation to the performance of functions or the exercise of powers by a magistrate under a Commonwealth Act.

Part 11—Amendment of *Magistrates Court Act 1991*

22—Amendment of section 3—Interpretation

Judgment is defined to include interlocutory judgment. Section 42 deals with appeals against judgments and places certain constraints on appeals against interlocutory judgments. The new definition of interlocutory judgment is designed to make it clear that an order or ruling relating to the admissibility or giving of evidence is an interlocutory judgment and as such is subject to the constraints on appeal set out in section 42(1a).

Part 12—Amendment of *Supreme Court Act 1935*

23—Amendment of section 65—Mediation and conciliation

Section 65(1) currently contemplates a master appointing a mediator only with the consent of the parties. The amendment removes the requirement for consent.

Part 13—Amendment of *Young Offenders Act 1993*

24—Amendment of section 41A—Conditional release from detention

Section 41A(2) sets out provisions that apply to the release from detention of a youth other than a recidivist young offender. The amendment adds to these provisions that an application for release of the youth from detention may be determined by the Training Centre Review Board no earlier than 7 days before completion by the youth of at least two-thirds of the period of detention in a training centre to which he or she has been sentenced. A similar provision is added in respect of a recidivist young offender (except that the period is four-fifths rather than two-thirds because that is the period that must have been completed before release).

Debate adjourned on motion of Mr Williams.

BUSINESS NAMES (COMMONWEALTH POWERS) BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (15:51): Obtained leave and introduced a bill for an act to adopt the Business Names Registration Act 2011 of the Commonwealth and the Business Names Registration (Transitional and Consequential Provisions) Act 2011 of the Commonwealth, and to refer certain matters relating to the registration and use of business names, to the Parliament of the Commonwealth for the purposes of section 51(xxxvii) of the Constitution of the Commonwealth, and to provide for related matters. Read a first time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (15:52): I move:

That this bill be now read a second time.

In so doing, I would say this is a COAG measure. I think that is enough. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

The *Business Names Act 1996* establishes a system for registering business names in South Australia. The Corporate Affairs Commission is responsible for the administration of the Act.

On 3 July 2008, the Council of Australian Governments (COAG) agreed to the development of a single national system for business names registration. It was agreed to transfer responsibility for the registration of business names from the States and Territories to the Commonwealth. This is one of the priority areas agreed to by COAG as part of the *National Partnership Agreement to Deliver a Seamless National Economy*.

An intergovernmental agreement supporting the implementation of the new national business names registration regime was signed at the COAG meeting on 2 July 2009.

The new national business names registration regime is expected to commence operation on 28 May 2012, and will be administered by the Australian Securities and Investments Commission. The new national business names registration regime has been the subject of extensive consultation with representatives from the Commonwealth, States and Territories, including South Australia. The new national regime will replace the current State and Territory systems and has been designed to be simpler, save time and reduce costs for Australian business.

Registration under the new national regime will provide a single national business name. For businesses operating nationally it removes the need for multiple business name registrations under State and Territory laws.

The new national regime will enable businesses to register online at any time. The process has been developed to be simpler and to reduce costs for businesses, in particular those businesses operating nationally.

Businesses that are currently registered under State and Territory business names systems will be automatically transferred into the new national business name register.

I now turn to the specific purpose of the *Business Names (Commonwealth Powers) Bill 2011*.

The object of this Bill is to adopt the Commonwealth legislation establishing the national business names registration regime and refer power enabling the Commonwealth Parliament to make amendments to the Commonwealth legislation. The adopted laws are the *Business Names Registration Act 2011* of the Commonwealth and the *Business Names Registration (Transitional and Consequential Provisions) Act 2011* of the Commonwealth.

The Bill is to be enacted for the purposes of section 51(xxxvii) of the *Constitution of the Commonwealth*, which enables State Parliaments to refer matters to the Commonwealth Parliament, or to adopt Commonwealth laws that have been enacted pursuant to such referrals.

The Bill provides the Commonwealth with the necessary constitutional power to implement and operate the national business names registration regime.

The reference to support the enactment of the Commonwealth legislation was provided by New South Wales by the enactment of the *Business Names (Commonwealth Powers) Act 2011* of that State.

The Bill also incorporates a reference of power enabling the Commonwealth Parliament to make amendments to the Commonwealth legislation (referred to as the amendment reference). The amendment reference is subject to limitations specified in the Bill, and the procedure to amend the Commonwealth legislation set out in the *Intergovernmental Agreement for Business Names 2009*.

The content of this Bill has been developed in consultation with all jurisdictions. There are certain provisions included to protect the interests of States and Territories including provisions that restrict the amendment reference. To further protect States and Territories, the Bill also includes a provision which allows termination of the adoption and amendment reference.

The significance of this Bill is that it delivers on the COAG agreement and the priority to develop a seamless national economy.

I commend the Bill to Members.

Explanation of Clauses

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines key terms used in the measure.

4—Continuing business names matters

This clause sets out what a *continuing business names matter* is. Those matters are referred to the Commonwealth Parliament under proposed section 6, and allow the Commonwealth to legislate in future about continuing business names matters by way of amendment of the national business names legislation.

5—Adoption of national business names legislation

This clause provides that the *relevant version of the national business names legislation* is adopted within the meaning of section 51(xxxvii) of the Constitution of the Commonwealth.

6—References of continuing business names matters

This clause sets out what is being referred to the Commonwealth Parliament under the *amendment reference*.

7—Amendment of Commonwealth law

This clause sets out how the national business names legislation can be amended, making it clear that the national legislation may be amended by provisions of national business names instruments, or by Commonwealth laws or instruments enacted or made on the basis of powers vested in the Commonwealth apart from any reference or adoption.

8—Termination of adoption and amendment reference

This clause will allow the Governor, by proclamation, to fix a day on which the adoption or the amendment reference, or both, will terminate. A day fixed for a termination must be not earlier than 6 months after the day on which the proclamation is published. Such a proclamation may be revoked by further proclamation (provided that the revocation proclamation is published before the day fixed in the earlier proclamation for termination of the adoption or reference, as the case may be).

9—Effect of termination of amendment reference before termination of adoption

This clause makes it clear that the separate termination of the amendment reference does not affect laws already in place. Accordingly, the amendment reference continues to have effect to support those laws unless the adoption is also terminated.

Debate adjourned on motion of Mr Williams.

BUSINESS NAMES REGISTRATION (TRANSITIONAL ARRANGEMENTS) BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (15:53): Obtained leave and introduced a bill for an act to enact ancillary provisions, including transitional provisions, relating to the enactment by the Parliament of the Commonwealth of legislation relating to the registration of business names under its legislative powers, including powers with respect to matters referred to that parliament for the purposes of section 51(xxxvii) of the Constitution of the Commonwealth; to amend the Bank Merger (BankSA and Advance Bank) Act 1996, the Bank Merger (National/BNZ) Act 1997, the Bank Mergers (South Australia) Act 1997, the Building Work Contractors Act 1995, the Motor Vehicles Act 1959, the Partnership Act 1891, the Plumbers, Gas Fitters and Electricians Act 1995, the Security and Investigation Agents Act 1995 and the Travel Agents Act 1986; and to repeal the Business Names Act 1996. Read a first time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (15:54): I move:

That this bill be now read a second time.

I indicate that it is a COAG measure. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

This Bill supports the *Business Names (Commonwealth Powers) Bill 2011*, which adopts the Commonwealth legislation and provides the Commonwealth with the necessary constitutional power it requires for the implementation and operation of the national business names registration regime.

This Bill seeks to address the transitional and consequential issues arising from the change to the new national regime.

The Bill makes a number of consequential amendments to other South Australian legislation including amendments to ensure they will, where necessary, refer to the Commonwealth legislation rather than the repealed South Australian law.

There are also transitional provisions set out in the Bill, including a provision dealing with the resolution of outstanding matters under the *Business Names Act 1996*.

As a precautionary measure to enable the ability to deal with unforeseen issues that may arise, there is a provision in the Bill to allow the making of regulations of a saving and transitional nature.

The existing *Business Names Act 1996*, which establishes the current system for registering business names in South Australia, is repealed by the Bill.

In repealing the *Business Names Act 1996*, we are contributing towards efficiencies for Australian businesses by creating a national regime for the registration of business names and ensuring a smooth transition for South Australian businesses into the new national regime.

I commend the Bill to Members.

Explanation of Clauses

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines key terms used in the measure.

4—Commission may provide information and assistance to ASIC

This clause enables the Commission to provide information and documents in the Commission's possession to ASIC in respect of ASIC's functions and powers under the *Business Names Registration Act 2011* and the *Business Names Registration (Transitional and Consequential Provisions) Act 2011* of the Commonwealth.

5—Limitation of operation of Business Names Act during transitional period

This clause allows the Registrar to refuse to exercise a power or function under Part 2 of that Act (the Part dealing with new registrations of business names and renewals of registrations) if the Commission thinks the matter would be better dealt with under the new Commonwealth scheme.

6—Continuation of registration of certain business names

This clause will allow the Commission to continue the registration of a small number of business names (being registrations expiring during the transitional phase in relation to which the Commission decides not to take action to renew) to the change-over day so that those registrations can be considered under the Commonwealth scheme.

7—Resolution of outstanding matters

This clause sets out how matters under the *Business Names Act 1996* that are outstanding at the time the Commonwealth scheme commences are to be dealt with. In particular, the Commission may continue to determine specified kinds of applications under that Act and then notify ASIC of the determination. The *Business Names Registration (Transitional and Consequential Provisions) Act 2011* of the Commonwealth sets out further provisions in respect of such notifications. The Commission may also continue to reinstate a registration that has been cancelled by mistake.

8—Immunity from liability

This clause provides no civil liability attaches to the Crown, the Commission or a person engaged in the administration of this Act in respect of the exercise or purported exercise of official powers or functions under this measure.

9—References

This clause clarifies references to the current *Business Names Act 1996* in instruments and documents etc will have effect as if it were a reference to the *Business Names Registration Act 2011* of the Commonwealth, or the corresponding provision of that Act.

The clause makes similar provision in respect of references to registered business names.

10—Evidentiary provision

This clause sets out evidentiary matters in relation to whether or not a particular business name was registered, and proving certain documents in the possession of ASIC or the Commission.

11—Regulations

This clause confers a power on the Governor to make regulations of a savings or transitional nature in respect of the referral of business names matters to the Commonwealth Parliament.

Schedule 1—Related amendments and repeal

This Schedule makes a series of related amendments to other Acts to change references to the *Business Names Act 1996* to the *Business Names Registration Act 2011* of the Commonwealth.

The Schedule also repeals the *Business Names Act 1996*.

Debate adjourned on motion of Mr Williams.

STATUTES AMENDMENT (COURTS EFFICIENCY REFORMS) BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (15:56): Obtained leave and introduced a bill for an act to amend the Building Work Contractors Act 1995, the Controlled Substances Act 1984, the Criminal Law Consolidation Act 1935, the Criminal Law (Sentencing) Act 1988, the Domestic Partners Property Act 1996, the Magistrates Court Act 1991, the Mining Act 1971, the Opal Mining Act 1995, the Retail and Commercial Leases Act 1995, the Summary Offences Act 1953, the Summary Procedure Act 1921, the Unclaimed Goods Act 1987 and the Youth Court Act 1993. Read a first time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (15:57): I move:

That this bill be now read a second time.

This not being a COAG bill, I will give some brief explanation. In recent years, there has been an increasing backlog of criminal cases listed for hearing in the District Court coming to trial. In some matters, delays of well over 12 months are experienced from the time an alleged offender is first caught until the trial takes place. In most recent years, a number of new criminal cases received in higher courts has exceeded the number of cases finalised. Cases, therefore, continue to accumulate, leading to significant delays in finalising criminal matters, particularly in the District Court.

This longstanding problem has been developing for some time and has become even more acute over recent years, placing major pressures on the operation of the District Court and other agencies in contributing to South Australia's high rate of prisoners on remand. According to the Courts Administration Authority 2009-10 Annual Report, while there was an increase in the number of cases finalised in the District Court, it was insufficient to reduce the current lengthy backlog of cases pending in that court.

There are various and complex reasons for these delays, including, but not limited to: delays in the disclosure of evidence by the prosecution; late withdrawal and changes of charges; the substantial number of guilty pleas being entered at a late stage; courts over-listing cases based on the expectation that many will be resolved just prior to trial; and the increasing number of cases entering the criminal justice system over recent years.

The present situation is not acceptable. If such delays are allowed to continue, this trend will seriously erode public confidence in the criminal justice system. Long delays in getting criminal cases to trial increase the prospect of criminals escaping justice through attrition of victims and witnesses, add to the strain on victims and their families, increase the length of time people are kept on remand and means police prosecution and forensic resources are devoted to preparing and processing cases unnecessarily for trial when those limited resources could be better allocated elsewhere. The delays also weaken the deterrent effect because there is no immediate link between the offending and its consequences. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The efficient and effective operation of the criminal justice system is essential to maintaining public confidence in our legal system and is fundamental to maintaining peace, order and good government in our society.

In response to this increasing problem, in November 2005 the Chief Justice and Chief Judge requested His Honour Judge Paul Rice of the District Court to address '*how the trend towards an increasing number of cases in the criminal trial list and the steadily lengthening time between arraignment and trial (now averaging at least one year) can be reversed*'. The subsequent 'Rice Report' focussed on delays in pre-trial procedures and recommended a series of measures to address factors giving rise to the delays.

In October 2006 the then Attorney-General formed the Criminal Justice Ministerial Taskforce. At the relevant time, the Criminal Justice Ministerial Taskforce was chaired by the then Solicitor-General, now Justice, Chris Kourakis QC and included representatives from various government and non-government agencies, as well as members of the judiciary in an observer capacity.

The first report of the Criminal Justice Ministerial Taskforce recommended a range of measures to address inefficiencies in the criminal justice system, particularly directed at reducing delays in criminal cases coming to trial, including increases to the jurisdiction of the Magistrates Court.

Several recommendations of Judge Rice and the Criminal Justice Ministerial Taskforce have already been implemented. These include measures designed to reduce the workload of magistrates to make way for more matters moving down from the District Court, specifically legislation making driving unregistered and uninsured

offences expiable as well as amendments to the *Magistrates Court Act 1991* in late 2009 to increase the jurisdiction of Special Justices in the Petty Sessions division of the Court to deal with other minor offences.

Other significant recommendations of the Criminal Justice Ministerial Taskforce included:

- introduction of a sentence discount scheme to encourage early guilty pleas and accused cooperation; and
- modification of the committal processes and timeframes in relation to major indictable offences; and
- increasing the jurisdiction of the Magistrates Court to alleviate some workload from the District Court.

The Taskforce also identified the need to consider revised funding options to provide incentives for defence lawyers to identify and finalise potential early guilty pleas.

The recommendation for a sentence discount scheme to encourage early guilty pleas forms the basis of the *Criminal Law (Sentencing) (Sentencing Considerations) Bill 2011* currently before this Parliament.

A review of the Legal Services Commission, chaired by the Solicitor-General, is also well underway and is likely to lead to legislative change in the near future. Part of the review includes looking at the fee structure and considering possible modifications to the fee structure, which would create incentives for counsel to read and consider material and advise their clients accordingly in line with the proposed discounted guilty plea scheme.

Several of the recommendations of the Criminal Justice Ministerial Taskforce do not necessarily entail legislative reform but are aimed at cultural changes to both the system and the practices of key players. The courts have themselves put in place modifications to committal processes, trialing case conferencing in the Magistrates Court. The District Court began in 2011 a trial of special directions hearings for criminal matters. The objective of case conferencing and special directions hearings is to identify matters that can be resolved at an early stage rather than near the trial date or to narrow the issues at trial.

Early indications are that both initiatives are delivering positive results.

Further, in recognition of the need to deal with the time taken to finalise prosecution briefs and the flow-on effects that this, and prosecution disclosure, have on defence disclosure and time taken to resolve criminal matters or ready them for trial, The Government has asked the Honourable Brian Martin, AO QC to chair a committee, consisting of members who are representatives of the Office of the Director of Public Prosecutions and South Australia Police, to inquire into practices and procedures relating to the preparation and presentation of major indictable prosecution briefs.

Matters not proceeding as major indictable files and trials vacated as a result of *nolle prosequis* or late guilty pleas represent an inefficiency in the criminal justice system. Courts and lawyers are expensive and should not be involved in processes which do not advance matters. Accurate, informed and early decisions on charging in major indictable matters is crucial to the appropriate and efficient use of the court system and resources. Timely and effective prosecution disclosure, with a substantially completed brief, in a major indictable matter at a sufficiently early stage should mean a defendant knows the case they have to meet and whether they should be entering an early plea of guilty. The committee has been asked to make recommendations on changes to practices, procedures and legislation to achieve the following:

- Improve efficiency in the preparation of major indictable briefs;
- Facilitate timely and early disclosure of major indictable briefs; and
- Facilitate early and authoritative decision-making in relation to major indictable briefs by both the DPP and defence.

Reforms arising from the work of the committee would be expected to have a significant impact on time taken to finalise major indictable matters by guilty plea or trial in the superior courts.

Another significant project nearing completion is a Court Process Redesign Project, which is being steered by the courts with a view to driving greater efficiencies to enable matters routinely heard in the Magistrates Court to be disposed of more efficiently.

Several recommendations of 2009-10 Thinker in Residence, Judge Peggy Hora (retired Judge of the Superior Court of California) in her report, 'Smart Justice: Building Safer Communities, Increasing Access to the Courts, and Elevating Trust and Confidence in the Justice System' (November 2010) are also implemented by this Bill, in particular her recommendations to increase the small claims jurisdiction and criminal jurisdiction of the Magistrates Court.

Other measures currently being worked on to improve access to justice include amendments to the *Evidence Act 1929* in order to facilitate the giving of evidence by young children and mentally disabled persons.

The measures in this Bill are designed to work in conjunction with all of these projects to reduce the current delays in criminal cases coming to trial and the backlog of cases awaiting finalisation with the ultimate objective of improving outcomes for victims of crime and meeting community expectations for the timely dispensing of justice, with appropriate checks and balances to protect the provision of substantive and procedural justice to defendants.

I stress that it is not intended that this Bill, by itself, solve the problems of criminal trial delay. The measures in this Bill are an incremental step in achieving that objective and must be seen as a piece of a much larger puzzle of the programs and proposals I have referred to, aimed at increasing the efficiency and speed of the justice system. In fact, there may be pieces to this puzzle that are yet to be identified and the Government welcomes input and

suggestions from those who have an interest in seeing improvements made to the courts and the criminal justice system. Not all of the solutions will be legislative and not all need sit together in one piece of amending legislation.

This Bill predominantly focuses on the jurisdiction and procedures of the courts.

The opportunity has been taken to include in this Bill other amendments to a range of Acts as proposed by various parties involved in the justice system, including the judiciary, to improve the general efficiency of the courts.

It is again acknowledged that this Bill standing alone will not have a significant impact on the creation of system-wide efficiency. However that in itself is not sufficient reason to delay the introduction of these minor system improvements that have been recommended and supported by various players in the criminal justice system. As previously explained, it is intended that these reforms form part of a suite of measures to address the many and various causes of delays in the criminal justice system.

The Bill

The substance of this Bill was released for consultation in the form of a discussion paper in late 2010. 20 responses were received, including from the Chief Justice, Chief Judge and Chief Magistrate, the Office of the Director of Public Prosecutions, South Australia Police and the Commissioner for Victims' Rights. The key purpose of consultation in the form of a discussion paper was to identify any risks or procedural or operational issues with the proposals before seeking to draft a Bill. In this way, the Government has received the indispensable advice of the key users of the court system to devise a suitable package of reforms. Refinements have made to the proposals along the way as a result of the valuable input from these parties.

A number of interested parties, including the courts and legal profession, were also consulted on the form of the draft Bill. Submissions from these parties were considered by the Government in finalising the Bill.

The changes contained in this Bill will:

- Increase the criminal jurisdiction of the Magistrates Court

  The Bill will enable Magistrates to impose sentence where a defendant has pleaded guilty to a major indictable offence in the Magistrates Court. Currently the Magistrates Court has jurisdiction to try and sentence for summary offences and minor indictable offences where an accused does not elect for trial in a superior court. Major indictable offences presently may only be finalised in the superior courts.

  Allowing Magistrates to sentence for major indictable offences where the accused pleads guilty should lead to increased efficiency in the disposal of a criminal file and alleviate some of the delay that would be experienced should the matter be required to be finalised in the District Court. Currently, for example, where an accused pleads guilty to a major indictable offence at the committal stage, the matter must be committed by the Magistrates Court to a superior court for sentencing. This is so, even if the facts of the matter or the nature of the offending would suggest the appropriate penalty would be within the range able to be imposed by a Magistrate.

  This amendment will mean the Magistrates Court will be able to impose sentence for a major indictable offence where the defendant has pleaded guilty and both the defendant and the Director of Public Prosecutions consent to the matter being sentenced in the Magistrates Court. The Magistrates Court will then determine and impose sentence itself unless the Court is of the opinion that the interests of justice require committal to a superior court. It is important to note that it is intended that the Director of Public Prosecutions retain conduct of these major indictable matters even where sentencing will take place in the Magistrates Court. This is reflected in the provision requiring the Director of Public Prosecutions specifically, rather than the prosecution generally, to consent to a Magistrate imposing sentence for a major indictable offence.

  The limits on the sentencing jurisdiction of the Magistrates Court will apply to offences dealt with in this manner. The power in section 19(5) of the *Criminal Law (Sentencing) Act 1988* to remand a defendant to appear for sentence in the District Court if the Court is of the opinion in any particular case that a sentence should be imposed that exceeds the limit of the Magistrates Court will be available if the Magistrate considers the defendant may not be adequately punished, even with the proposed extended sentencing powers of the Magistrates Court.

  There are efficiencies and other benefits to be gained in permitting the Magistrates Court to impose sentence in these circumstances. If a guilty plea is entered some way into committal proceedings the Court will already have some knowledge of the circumstances of the offending and the delays in waiting for a matter to be committed to a superior court for sentence can be avoided. In addition, where an accused is on bail and the matter is before a regional Magistrates Court, the matter can be dealt with in that community without the need for the defendant, and in some cases the victim, to travel long distances for a short hearing.

  Although, it would be expected most guilty pleas will be entered at committal stage, the incidence of early pleas may in fact be greater with the introduction of the formal sentencing discount scheme. A feature of the guilty pleas sentencing discounts Bill currently before Parliament is that a significant discount will be available for guilty pleas entered prior to the defendant being committed for trial. In reality, a plea of guilt could be entered at the first appearance or indicated early and disposed of at a subsequent hearing. This would greatly reduce the court time and resources required for disposing of a major indictable offence.

An appeal against a sentence imposed by a Magistrate for a major indictable offence will be to the Court of Criminal Appeal, as is the case with major indictable offences sentenced before superior courts.

- Increase the maximum sentence of imprisonment that may be imposed by a Magistrate

  The Bill will increase the maximum sentence of imprisonment that may be imposed in the Magistrates Court for a single offence from two years to five years. This amendment is critical to expanding the matters able to be dealt with for sentencing in the Magistrates Court.

  Section 19(3) of the *Criminal Law (Sentencing) Act 1988* provides that a Magistrates Court (constituted by a Magistrate) does not have the power to impose a sentence of imprisonment that exceeds two years. The Court has power under section 19(5) of the *Criminal Law (Sentencing) Act 1988* to remand a defendant to appear for sentence in the District Court if the Court is of the opinion in any particular case that a sentence should be imposed that exceeds the limit prescribed by section 19(3).

  Without an increase in the sentencing limit, there is a risk of matters still requiring transfer to the District Court for sentence, where the appropriate penalty for the offending is outside the range a Magistrate can impose.

  A further amendment will set a maximum sentencing limit for the Magistrates Court when sentencing for multiple offences. As it now stands, the sentencing jurisdiction of the Magistrates Court is and will remain effectively unlimited except by the number of offences being considered. This result is achieved by legal authority which says the sentencing limitation on the Magistrates Court applies to each offence separately.

  While currently a Magistrate is limited to a maximum term of imprisonment of two years for a single offence, if imposing sentence for more than one offence, the Magistrate may impose a sentence greater than two years imprisonment. That is so whether the Magistrate sentences globally or individually. For example, should the sentencing limit be raised to five years and there are three offences of theft, effectively the limit on the power of the Magistrates Court to sentence would be 15 years. A maximum sentencing limit to apply to the Magistrates Court when sentencing for more than one offence will prevent the incongruous situation in the above example. The maximum sentencing limit of the Magistrates Court for more than one offence will be set at 10 years imprisonment.

- Expiation of section 24 of the *Summary Offences Act 1953*

  Section 24 of the *Summary Offences Act 1953* provides that a person who urinates or defecates in a public place within a municipality or town, elsewhere than in premises provided for that purpose, is guilty of an offence. The maximum penalty for the offence is currently a fine of $250. Offences against section 24 are summary offences and presently an accused person must be brought before the Magistrates Court for the charge to be dealt with.

  Court statistics show that, for example, in 2008 there were 349 matters before the Magistrates Court where this offence was the major offence charged. There were findings or pleas of guilt in 335 of those cases, with the remaining matters withdrawn, dismissed or discontinued as the prosecution tendered no evidence. These matters are clearly non-contentious and it is unnecessary to devote valuable court resources to the finalisation of offences against section 24. Offences against section 24 are also relatively clear-cut offences, meaning it will generally be evident to police whether or not the offence was committed.

  This Bill will amend section 24 to make the offences contained therein expiable. This avoids the need for police to bring a person accused of infringing section 24 before a Magistrate. The availability of expiation to dispose of this offence should be more cost effective and efficient for both the accused person and the court system.

  Of course, a person issued with an expiation notice can always choose to be prosecuted for the offence instead.

- Increase the civil jurisdiction of the Magistrates Court

  The Bill amends the *Magistrates Court Act 1991* to increase the civil jurisdiction of the Magistrates Court.

  The increase was proposed by the Chief Magistrate in order to keep in line with other jurisdictions and improve access to justice.

  The increase will also potentially have a positive impact on the criminal trial delays in the District Court by keeping more civil matters out of that Court, thus reducing the demand on District Court resources.

  The monetary limits will be increased:

  - from $6,000 to $12,000 for small claims; and
  - from $40,000 (general claims) and $80,000 (motor vehicle injury and property claims) to $100,000 for all such claims.

A potential negative impact on the ability of parties to represent themselves in the enlarged small claims jurisdiction (in which the default rule is that parties represent themselves) must be weighed against the positive impacts of reduced cost of litigation and improved access to justice, with parties seeking to enforce their rights where otherwise the costs of doing so would outweigh the relatively small value of their claim. The impact on the parties as a result of lack of legal representation is ameliorated in any event by the Magistrate taking on an inquisitorial role in exploring the claim.

- Youth Court Magistrates to sentence for major indictable offences

  The *Youth Court Act 1993* is amended to allow Youth Court Magistrates to impose sentence for major indictable offences.

  The Senior Judge of the Youth Court has argued strongly for this change. This issue is not one of reducing Youth Court waiting lists, which are not currently a cause of concern, rather of increased efficiency and reduced transportation costs. It is argued that it is a waste of court resources to send a Judge to a regional or remote court to deal with a guilty plea, even where this is a major indictable offence. If the parties do not need to wait for a Judge to be sent on circuit, uncontested cases could be disposed of earlier, increasing the effectiveness of the sanction imposed on the youth and saving youths, and potentially victims, the time and cost of travelling to the Youth Court in Adelaide or the nearest circuit court location.

  In the case of Youth Court Magistrates, they will have the power to impose sentence for a major indictable offence where a defendant young person pleads guilty without requiring the consent of the prosecution or defendant. A different approach to the issue of parties' consent is justified in the Youth Court. The concern is of youths refusing consent because they do not like a particular magistrate or to delay their matter, in the circumstance where the difference in sentencing power between Youth Court Magistrates and Judges is only one year, i.e. two years and three years, respectively. A different approach is also warranted because in the case of the Youth Court there is no remittance of a matter from a lower to a higher court, rather the matter stays within the Youth Court.

- Administrative extension of period for completing community service order

  The Bill amends the *Criminal Law (Sentencing) Act 1988* to provide that the Minister for Correctional Services (and the Minister for Education and Child Development in the case of youths ordered to perform community service by the Youth Court) may extend the period of time during which an order for community service must be completed by up to 6 months where sufficient reason, such as illness, exists. The provision will not limit the power of the courts to vary the terms of a community service order, however it will save on court and Correctional Services' resources in those cases where an extension of time is warranted and could avoid the offender breaching the order.

- Improving mechanisms for correcting technical errors in the sentencing process

  In *Mallet v Police* [2007] SASC 102 doubts were raised by the Supreme Court about the ability for the Magistrates Court to bring a matter back on to correct a sentencing error. The case highlighted questions or limitations on the ability of courts to correct sentencing errors. These difficulties will be addressed by amending:

  - section 9A of the *Criminal Law (Sentencing) Act 1988* to allow the court to invoke section 9A of its own motion (i.e. to make orders to rectify a sentencing error of a technical nature, whereas presently this power is only on application by the prosecution or defendant); and

  - section 76A of the *Summary Procedure Act 1921* to make it clear that the time limit to set aside an order made in error and re-hear the matter does not apply where the court is acting of its own motion. This was the intention of the provision, however, the courts have not interpreted the provision as intended (e.g. *Police v Alikaris* [2000] SASC 163).

  These amendments will reduce the need for costly appeals to correct errors of a technical nature, such as errors in calculating non-parole periods and taking into account time previously served.

- Make pre-trial rulings binding on a different trial Judge

  The Bill provides that rulings made on any matter pursuant to section 285A of the *Criminal Law Consolidation Act 1935* in advance of trial are binding on the trial Judge irrespective of whether the rulings were made by the trial Judge. This will increase efficiency and timeliness in the criminal jurisdiction.

- Appellant's presence at appeal may be satisfied by audio visual link

  In 2006, the *Evidence Act 1929* was amended to insert Part 6C Division 4 (use of audio and audio visual links). The Division provides that evidence and submissions may be received by the court by audio visual or audio link where the required facilities exist (including for confidential communication between lawyer and client). It also introduced a default rule that most pre-trial remand proceedings in the Magistrates Court be conducted by audio visual link where the facilities are available. There are several exceptions to that rule, including the requirement for

personal attendance at first appearances, committal proceedings where oral evidence is to be taken and inquiries into the defendant's fitness to stand trial.

The higher courts are in the process of increasing their use of audio visual links (video-conferencing) between the courts and prisons for criminal proceedings. This is happening administratively.

One proposal for increased use of video-conferencing that would require legislative change is to provide for an accused to be present during the hearing of their appeal by audio visual link from prison rather than in person in court.

Section 361 of the CLCA currently provides that an appellant is entitled to be present at an appeal to the Court of Criminal Appeal except for appeals on a question of law alone, applications for permission to appeal and other preliminary or incidental proceedings to an appeal, in which case the appellant may be present only with the permission of the Full Court or pursuant to Court rules.

As distinct from other hearings in which the accused might actually participate, it is fair to argue that attendance by audio visual link for appeals, in which there is no participation by the accused, is sufficient. By way of analogy, an appellant/applicant to the High Court has no right to be present during High Court appeals.

If all appellants witnessed their appeal hearings via audio visual link rather than in person in the courtroom, it may be possible to free up a courtroom in the Sir Samuel Way Building for the hearing of more jury trials.

The idea is that removing the existing legislative obstacle would enable the Court to issue a practice direction, when it is realistic, to direct that appellants attend appeals by audio visual link rather than in person. This could occur at such time as the Court is satisfied that this is administratively workable from the perspective of availability of video-conferencing facilities and Corrections staff.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

Operation of the measure is to commence of a day to be fixed by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Building Work Contractors Act 1995*

4—Amendment of section 40—Magistrates Court and substantial monetary claims

Section 40 of the *Building Work Contractors Act 1995* provides that if proceedings before the Magistrates Court involve a monetary claim for an amount exceeding $40,000, the Court must, on the application of a party to the proceedings, refer the proceedings to the Civil Division of the District Court. This clause amends section 40 by changing the Magistrates Court limit to $100,000.

5—Transitional provision

The amendment made to the *Building Work Contractors Act 1995* will only apply to proceedings commenced following the commencement of the amendment.

Part 3—Amendment of *Controlled Substances Act 1984*

6—Amendment of section 32—Trafficking

7—Amendment of section 33B—Cultivation of controlled plants for sale

8—Amendment of section 33C—Sale of controlled plants

Under each of these sections of the *Controlled Substances Act 1984*, certain offences involving cannabis are to be prosecuted, and dealt with by the Magistrates Court, as summary offences. However, if the Court determines that a person found guilty of the offence should be sentenced to a term of imprisonment exceeding 2 years, the Court is required to commit the person to the District Court for sentence. Under the sections as amended by these clauses, the Court will be required to commit a defendant to the District Court for sentence if it determines that he or she should be sentenced to a term of imprisonment exceeding 5 years.

9—Transitional provision

The amendments to the *Controlled Substances Act 1984* apply to the sentencing of a person following the commencement of Part 3 whether the relevant offence occurred before or after that commencement.

Part 4—Amendment of *Criminal Law Consolidation Act 1935*

10—Insertion of section 285AB

This clause inserts a new section.

285AB—Determinations of court binding on trial judge

Proposed section 285AB makes it clear that a determination or order made by a judge of the court in proceedings dealing with charges laid in an information is binding on a judge of the court presiding at the trial of the defendant, whether the trial is the first or a new trial following a stay of proceedings, discontinuance of an earlier trial or an appeal. This principle does not apply if the trial judge considers that it would not be in the interests of justice for the determination or order to be binding or if the determination or order is inconsistent with an order made on appeal.

11—Amendment of section 361—Right of appellant to be present

Section 361 of the *Criminal Law Consolidation Act 1935* provides an appellant with the right to be present on the hearing of an appeal, despite the fact that he or she is in custody, unless the appeal is on a ground involving a question of law alone. The section as amended by this clause will provide that an appellant's entitlement to be present at the hearing of an appeal will be satisfied if there is an audio visual link between the appellant and the court.

12—Transitional provision

The amendments to the *Criminal Law Consolidation Act 1935* are procedural rather than substantive.

Part 5—Amendment of *Criminal Law (Sentencing) Act 1988*

13—Amendment of section 9A—Rectification of sentencing errors

Section 9A of the *Criminal Law (Sentencing) Act 1988* authorises a court that imposes a sentence on a defendant, or a court of coordinate jurisdiction, to make any orders required to rectify an error of a technical nature made by the sentencing court in imposing the sentence. The court may also make orders necessary to supply a deficiency or remove an ambiguity in a sentence. Currently, such orders can only be made on application by the Director of Public Prosecutions or the defendant. Under subsection (1) as recast by this clause, the court may also make the required orders on its own initiative. The subsection as recast also explicitly allows for such orders to be in respect of the purported imposition of a sentence.

14—Amendment of section 19—Limitations on sentencing powers of Magistrates Court

Under section 19 of the *Criminal Law (Sentencing) Act 1988*, the Magistrates Court cannot impose a sentence of imprisonment that exceeds 2 years. As amended by this clause, section 19 will allow the Court to impose a maximum sentence of imprisonment of 5 years for a single offence and 10 years for more than 1 offence.

An amendment is also made to subsection (4) to reflect the fact that, as a consequence of proposed amendments to the *Summary Procedure Act 1921*, the Magistrates Court will have the power to sentence a person for a major indictable offence if the offence is admitted by the defendant.

15—Amendment of section 50A—Variation of community service order

The amendment made to section 50A by this clause gives the Minister for Correctional Services the power to extend the period within which a person is required to complete the performance of community service. The Minister can do this if satisfied that the person will not complete the community service in the time required under the order or bond and that sufficient reason exists for the person not being able to complete the community service in the required time.

There is currently a power under section 50A for a court, on the application of the Minister or a person sentenced to perform community service, to vary the terms of the order or vary or revoke any ancillary order.

Under the section as amended, the period within which community service must be performed cannot be extended by a period of more than 6 months, or periods that, in aggregate, exceed 6 months.

If the Minister extends the period, the order or bond will be taken to have been amended accordingly. The Minister is required to notify the probative or sentencing court if he or she exercises his or her powers under the section.

16—Amendment of section 70L—Community service orders

Under section 70L, an authorised officer who is satisfied that a youth required to pay a pecuniary sum does not have, and is unlikely to have within a reasonable time, the means to satisfy the debt may make a community service order. The officer must also be satisfied that the youth or her or his dependants will suffer hardship.

The section as amended by this clause will allow a person required to perform community service in accordance with the order of an authorised officer to apply to an authorised officer for an extension of the period within which the community service is to be completed.

17—Transitional provisions

The amendments to sections 9A, 50A and 70L of the *Criminal Law (Sentencing) Act 1988* are procedural rather than substantive.

The amendment to section 19 applies to the sentencing of a person by the Magistrates Court following the commencement of Part 5 whether the relevant offence occurred before or after that commencement.

Part 6—Amendment of *Domestic Partners Property Act 1996*

18—Amendment of section 3—Interpretation

Under the definition of *court* in the *Domestic Partners Property Act 1996*, 'court' means the Supreme Court or the District Court or, if an application under the Act relates to property valued at $80,000 or less, the Magistrates Court. This clause amends the definition by increasing the relevant amount from $80,000 to $100,000. This means that if an application relates to property valued at $100,000 or less, 'court' will mean the Magistrates Court.

19—Transitional provision

The amendment to the *Domestic Partners Property Act 1996* will only apply to proceedings commenced following the commencement of the amendment.

Part 7—Amendment of *Magistrates Court Act 1991*

20—Amendment of section 3—Interpretation

Under the definition of *minor statutory proceeding* in the *Magistrates Court Act 1991*, an application under the *Retail and Commercial Leases Act 1995* is a minor statutory proceeding unless it involves a monetary claim for more than $12,000. This clause amends the definition by increasing the relevant amount to $24,000 so that, under the definition as amended, an application under the *Retail and Commercial Leases Act 1995* will be a minor statutory proceeding unless it involves a monetary claim for more than $24,000.

This clause also amends the definition of *small claim* so that a small claim is a monetary claim for $12,000 or less. Currently, a small claim is a claim for $6,000 or less.

21—Amendment of section 8—Civil jurisdiction

Section 8 of the *Magistrates Court Act 1991* provides that the Court has jurisdiction to hear and determine an action for a sum of money where the amount claimed does not exceed $80,000 in the case of a claim relating to the use of a motor vehicle or $40,000 in any other case. Under the section as amended, the Court will have jurisdiction to hear and determine an action for a sum of money where the amount claimed does not exceed $100,000.

22—Amendment of section 9—Criminal jurisdiction

Under section 9 of the *Magistrates Court Act 1991* as amended by this clause, the Court will have jurisdiction to determine and impose sentence on a defendant who admits a charge of a major indictable offence. However, the Court cannot sentence a person who admits a charge of treason, murder or an attempt or conspiracy to commit, or assault with intent to commit, treason or murder.

23—Amendment of section 42—Appeals

An appeal in relation to a sentence passed on the conviction of a person of a major indictable offence is to be to the Full Court of the Supreme Court with the permission of the Full Court.

24—Transitional provision

The amendments made to sections 3 and 8 of the *Magistrates Court Act 1991*, which affect the civil jurisdiction of the Court, do not apply in respect of proceedings commenced before the commencement of the amendments.

The amendments to sections 9 and 42 of the *Magistrates Court Act 1991*, relating to the Court's criminal jurisdiction, apply in relation to the sentencing of a person by the Court following the commencement of Part 7 whether the relevant offence occurred before or after that commencement.

Part 8—Amendment of *Mining Act 1971*

25—Amendment of section 67—Jurisdiction relating to tenements and monetary claims

Under section 67 of the *Mining Act 1971*, the Warden's Court currently has jurisdiction to determine a monetary claim for up to $40,000. Under the section as amended by this clause, the Court will have jurisdiction to determine a monetary claim for not more than $100,000.

26—Transitional provision

The amendment to the *Mining Act 1971* will only apply to proceedings commenced following the commencement of the amendment.

Part 9—Amendment of *Opal Mining Act 1995*

27—Amendment of section 72—Jurisdiction relating to tenements and monetary claims

Under section 72 of the *Opal Mining Act 1995*, the Warden's Court currently has jurisdiction to determine a monetary claim for up to $40,000. Under the section as amended by this clause, the Court will have jurisdiction to determine a monetary claim for not more than $100,000.

28—Transitional provision

The amendment to the *Opal Mining Act 1995* will only apply to proceedings commenced following the commencement of the amendment.

Part 10—Amendment of *Retail and Commercial Leases Act 1995*

29—Amendment of section 69—Substantial monetary claims

Section 69 of the *Retail and Commercial Leases Act 1995* requires the Magistrates Court to refer a proceeding involving a monetary claim for an amount exceeding $40,000 to the District Court if a party to the proceeding applies for the referral. Under the section as amended by this clause, the Court will be required to refer a proceeding to the District Court on application if the amount claimed exceeds $100,000.

30—Transitional provision

The amendment to the *Retail and Commercial Leases Act 1995* will only apply to proceedings commenced following the commencement of the amendment.

Part 11—Amendment of *Summary Offences Act 1953*

31—Amendment of section 24—Urinating etc in a public place

The offence of urinating or defecating in a public place is not currently expiable. This clause amends section 24 of the *Summary Offences Act 1953* by inserting an expiation fee of $80.

Part 12—Amendment of *Summary Procedure Act 1921*

32—Amendment of section 76A—Power to set aside conviction or order

Section 76A of the *Summary Procedure Act 1921* authorises the Magistrates Court to set aside a conviction or order on its own initiative or on application of a party. An application to set aside a conviction or order must be made within 14 days after the applicant receives notice of the conviction or order. Subsections (1) and (2) are recast by this clause to remove any perceived ambiguity as to whether the 14 day limit applies in relation to the Court exercising the power to set aside a conviction or order on its own initiative.

33—Amendment of section 103—Procedure in Magistrates Court

Under section 103 of the *Summary Procedure Act 1921* as amended by this clause, if a defendant charged with a major indictable offence admits the charge before it proceeds to a preliminary examination, the Magistrates Court may either determine and impose sentence on the defendant or commit the defendant to a superior court for sentence. The Court's discretion operates subject to new section 108(1), which provides that if a defendant admits a charge of a major indictable offence, and the Director of Public Prosecutions for the State or the Commonwealth and the defendant consent, the Court is to determine and impose sentence itself unless the interests of justice require committal to a superior court.

34—Amendment of section 105—Procedure at preliminary examination

Section 105 of the *Summary Procedure Act 1921* deals with the procedure to be followed at the preliminary examination of a charge for an indictable offence. Currently, if a defendant admits the charge, whether in writing or in person, the Magistrates Court is to commit the defendant to a superior Court for sentence. Under the section as amended by this clause, the Court may determine and impose sentence on the defendant (in the same way as a charge of a summary offence) or commit the defendant to a superior Court for sentence. The Court's discretion operates subject to section 108(1), to be inserted by clause 35, which provides that if a defendant admits a charge of a major indictable offence, and the Director of Public Prosecutions for the State or the Commonwealth and the defendant consent to the defendant being sentenced by the Court, the Court is to determine and impose sentence itself unless the Court is of the opinion that the interests of justice require committal to a superior Court.

35—Amendment of section 108—Forum for sentence

This clause inserts a new subsection into section 108. Under the proposed subsection, if a defendant admits a charge of a major indictable offence, and the Director of Public Prosecutions for the State or the Commonwealth and the defendant consent to the defendant being sentenced by the Court, the Court is to determine and impose sentence itself unless the Court is of the opinion that the interests of justice require committal to a superior Court.

36—Amendment of heading to Part 5 Division 5

37—Amendment of section 114—Procedural provisions of Criminal Law Consolidation Act

The amendments made by these clauses are consequential on the proposal to give the Magistrates Court the power to determine and impose sentence where a defendant has admitted a major indictable offence.

38—Transitional provisions

The amendment to section 76A of the *Summary Procedure Act 1921* applies in respect of convictions and orders made before or after the commencement of the amendment.

The amendments to sections 105 and 108 of the *Summary Procedure Act 1921* apply in respect of the procedure to be followed if a defendant admits a charge of a major indictable offence following the commencement of Part 14 whether the relevant offence occurred before or after that commencement.

Part 13—Amendment of *Unclaimed Goods Act 1987*

39—Amendment of section 3—Interpretation

This amendment to the definition of *Court* in the *Unclaimed Goods Act 1987* has the effect of increasing the jurisdiction of the Magistrates Court so that it can determine a question affecting unclaimed goods of a maximum value of $100,000. The current maximum is $80,000.

40—Transitional provision

The amendment to the *Unclaimed Goods Act 1987* will only apply to proceedings commenced following the commencement of the amendment.

Part 14—Amendment of *Youth Court Act 1993*

41—Amendment of section 14—Constitution of Court

Section 14(3) of the *Youth Court Act 1993* provides that the Court, when constituted of a Magistrate, may not impose a sentence of detention for more than 2 years. Under the section as amended by this clause, the Youth Court may be constituted of a Magistrate when sitting to determine and impose sentence on a defendant who has admitted a charge of a major indictable offence.

42—Transitional provisions

The amendments to the *Youth Court Act 1993* apply in respect of the sentencing of a person by the Youth Court following the commencement of Part 14 whether the relevant offence occurred before or after that commencement.

Debate adjourned on motion of Mr Williams.

Ms CHAPMAN: On that motion, I wish to move a motion that the title of the bill be amended to read 'The New Supreme Court Building Bill'.

The DEPUTY SPEAKER: The member for Bragg is out of order. The member for Bragg keeps reminding me how long she has been here, so she must have known it was out of order. Minister, you wish to adjourn the debate to?

The Hon. J.R. RAU: Yes, sir, to the next day of sitting. I need to hear more about this exciting prospect.

The DEPUTY SPEAKER: You and the member for Bragg can do it outside. I put the motion. That is carried.

Mr Marshall interjecting:

The DEPUTY SPEAKER: Member for Norwood, if you wish to be heard I suggest you go and sit in your seat. I know you are practising for your new role, but not quite yet ready.

Mr Marshall interjecting:

The DEPUTY SPEAKER: Is the member for Norwood actually defying the chair?

The Hon. J.R. RAU: You can't hear him anyway, Mr Deputy Speaker, because he is not in his seat.

The DEPUTY SPEAKER: That's right.

AUDITOR-GENERAL'S REPORT

In committee.

(Continued from 22 November 2011.)

The CHAIR: The Auditor-General's Report 2010-11, for the Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, and Minister for Recreation and Sport. I understand minister Koutsantonis is looking after that in a second. Member for Goyder, can you indicate which area you wish to go to first?

Mr GRIFFITHS: Recreation and Sport, Mr Chairman, and the report that was submitted to the parliament yesterday. That is basically the question area I will come from. I wonder if I may just ask the acting minister a question initially. Given that there has been some notice given to the fact that minister Kenyon was expected to appear before the parliament today to answer questions about the Auditor-General's Report, why is he not here; and if he was not going to be here this week, why was it not scheduled so that he could have answered questions a fortnight ago?

The Hon. A. KOUTSANTONIS: I will answer that with a question. Why did you approve the pair?

Mr GRIFFITHS: They are completely different issues.

The CHAIR: What was the question again, please?

The Hon. A. Koutsantonis interjecting:

The CHAIR: I will hear it from the member for Goyder.

Mr GRIFFITHS: The minister put words in my mouth which I correct: why is the member for Newland not actually here? The schedule has been known for some time. If there was a need to create a change to ensure that the minister was here to answer the questions, why was that change not handled within government ranks to ensure the minister would be here?

The CHAIR: I do not think that this a question which this minister is required to respond to.

Mr Pisoni: He's acting minister.

The CHAIR: No. Do you wish to address the report or not, member for Goyder? If you do not wish to, I am happy to move to the next one.

Mr GRIFFITHS: Most certainly, but I hope the actual questioning ensures that the minister is able to provide answers to it.

The CHAIR: Yes, and if he does not know—

Mr GRIFFITHS: I am sure that, with the advisers next to him, he will stand up and actually give us the details.

The CHAIR: And if he does not provide answers, he will take them on notice and give them to you in writing.

Ms Chapman interjecting:

The CHAIR: Member for Bragg, I do not need your assistance today, thank you.

Mr GRIFFITHS: Mr Chairman, I will refer initially to questions that are focused within pages 3 to 5 of the supplementary report that was tabled yesterday, and these questions are to do with the South Australian Aquatic and Leisure Centre. The report identifies that a contract for the management of the Aquatic and Leisure Centre (which is a $104 million asset) was not signed prior to the private operator (being the YMCA) commencing operation and maintenance of the centre in April 2011.

My understanding is that minister Kenyon told the parliament on 10 March that the YMCA had been selected to operate the centre; therefore, why did 3½ months pass before a formal contract for the service was signed—a period in which the Auditor-General has identified left the government open to financial and operational risk?

The CHAIR: We will allow you some latitude at the end.

Mr GRIFFITHS: I was going to say, Mr Chair, if you were in cricket, you would be timed out by now.

The CHAIR: I am a fair person; I am fair with members who are fair.

The Hon. A. KOUTSANTONIS: I will take that on notice—I am only joking.

Members interjecting:

The Hon. A. KOUTSANTONIS: I am only joking. Look, I am advised that the draft operation and maintenance agreement that was negotiated with the YMCA required negotiation between the YMCA and the operators—I hope I have that part correct. So, the delay between March and June did not mean that the operators were not operating effectively. The draft agreement was being hammered out with the YMCA. I do not quite understand the purpose of the question. Are you saying that there was no operator between March and June?

Mr GRIFFITHS: No. Mr Acting Minister, my understanding is that the contract was finally signed on 29 June. Minister Kenyon announced on 10 March that the YMCA was going to be the preferred contractor that would do this.

The Hon. A. KOUTSANTONIS: So then why the delay between the signature and the announcement?

Mr GRIFFITHS: Indeed; and the fact that there was a major swimming event there in, I think, April (the Australian Age Swimming Championships). The Auditor-General identifies that there is a potential risk here—that is not my concern, this is the independent umpire who has judged that there is a risk here—and that is why it is entirely valid that questions are posed about why there was such a lengthy time delay. If cabinet made the decision on 9 or 10 March to appoint a contractor, why the delay?

The Hon. A. KOUTSANTONIS: I am advised that they needed time to hammer out a few further details with the YMCA. The YMCA were looking for more certainty, from what I understand, about the draft operating plans, so the government and the YMCA took further time to go through it all. I am not quite sure what the issue was, but there was an operating management plan in place, but it was a draft one, and it was finalised in June. I will further add that, during that temporary period, before the 29 June, the YMCA fulfilled all its obligations.

Mr GRIFFITHS: As I understand it, the contract was for five years and four months from the original decision that was made, with a potential rollover period of another five years following the completion of that time. Was there a specific audit of any kind undertaken for that interim period until the end of June to measure if the performance expectations of the government in signing the contract for the management of the facility were met?

The Hon. A. KOUTSANTONIS: I am advised that under the performance risk management operations the YMCA tendered a mobilisation plan and budget. These were reviewed against the establishment tasks and costs of the Melbourne Sports and Aquatic Centre (MSAC). The mobilisation budget was found to be commensurate with the MSAC establishment costs. The YMCA, in operator negotiation workshops in February 2011, agreed to work to this budget. The mobilisation budget was $1.452 million.

The mobilisation period was managed by the Office for Recreation and Sport with support from the YMCA. Performance monitoring during mobilisation included Office for Recreation and Sport staff at the site, weekly YMCA and Office for Rec and Sport meetings, monthly YMCA management and financial reports, and actions and decisions in accordance with the draft operation and management agreement and mobilisation conditions. I understand that it came in, in that period, $125,000 under budget. Further, I am advised that no payment was made until 29 June.

Mr GRIFFITHS: I was going to ask that, actually.

The Hon. A. KOUTSANTONIS: There you go. We are saving time for you as well.

Mr GRIFFITHS: Well done. Are you saying it was under budget for the period to 29 June? However, if no payments are made, how does that work?

The Hon. A. KOUTSANTONIS: There was a budgeted amount and they came in under, I am advised.

Mr GRIFFITHS: So, payments were not made until after 29 June, but payments were made after that date for services undertaken before 29 June?

The Hon. A. KOUTSANTONIS: I am advised that that is correct and that that was agreed.

Mr GRIFFITHS: Can we focus on the $125,000 now? Who benefited from that? Was that a saving made to government or did that money go into some form of sinking fund? Who benefited from it?

The Hon. A. KOUTSANTONIS: Happily, I am advised, that money was returned to Treasury.

Mr GRIFFITHS: This is the same area: can the minister confirm what the value of the contract will be from 1 July then, per year, and what the conditions are, in case there are any inflationary costs attached to it?

The Hon. A. KOUTSANTONIS: I am advised that for a period of five years the total value is $6.45 million.

Mr GRIFFITHS: Is that $6.45 million broken down into identical payments each year, or is there a base amount and then a CPI or some inflationary factor built in over following years?

The Hon. A. KOUTSANTONIS: I am advised that that reduces over a period of five years so they are not equal payments, but in the interests of clarity I undertake to get back to you with a more detailed answer.

Mr GRIFFITHS: If I may ask some questions about what I presume to be performance indicators that are within the contract, can you give us some detail about what the expectation of the government is for those performance indicators—just a brief outline of what factors make it up?

The Hon. A. KOUTSANTONIS: I am advised that there are a number of performance indicators—things like making sure there is water in the pools and everything is working. No; I am making light of it. I undertake to get to the member a more detailed answer about the key performance indicators.

Mr GRIFFITHS: I will now go to the Office for Recreation and Sport and some outstanding acquittals, and questions about grant programs that are there. I note that the Auditor's report highlights the fact that at various times during the audit process, pre-end of financial year and post-financial year, that there was a significant level of grants that were either overdue or acquittal information had not been received or assessed. That was coming down as we got later into the year. What processes have been put in place to ensure that that level of accounting that needs to take place to ensure that the grants have all been expended appropriately is being approved in a timely manner to ensure that, firstly, the moneys are out there quicker; but, secondly, that it has been expended in the way that the grants demanded?

The Hon. A. KOUTSANTONIS: The Auditor-General's Report to Parliament 2010-11 states that at the time of the audit there was $1.1 million of outstanding acquittals, with $590,000 over 120 days. At 30 June the outstanding acquittals are reduced to $299,000, and over $100,000 over 120 days. The audit recommended scope for improvement in follow-up documentation and reporting of acquitted funds; implementing sign-off procedures and follow-up of outstanding acquittals at the end of each month; and that reports be amended to include received, but not assessed, acquittals.

The key issues were that the Auditor acknowledged the work done by the Office for Recreation and Sport to reduce outstanding acquittals, and I congratulate the department on their outstanding efforts to get those acquittals. The management of timely grant acquittals is core activity at the Office for Recreation and Sport. The grant function process is continually reviewed and audit comments have been considered in these improvements, so I understand the department is taking the Auditor-General's comments very, very seriously.

The changing dollar amounts of outstanding acquittals reflect the cyclical nature of the Office for Recreation and Sport's grant programs, particularly funding programs, cycles and agreement end-dates. Many grant recipients are small clubs and organisations which are run by our thousands of volunteers who have changing roles and responsibilities. Basically, they are run by mums and dads who are time-poor.

This often complicates the process of receiving timely grant acquittal documentation. Outstanding acquittal reports are provided to the Office for Recreation and Sport management on a monthly basis, capturing all outstanding acquittals, including acquittals received but not yet processed. Appropriate action and resourcing is taken as required. The acquittal reports are signed off by the managing fund services on a monthly basis prior to being used for EMT reporting, I am advised.

Mr GRIFFITHS: I refer to page 47 of the same supplementary report, and subsidies and grants by the Office for Recreation and Sport. It notes that from the 2010-11 financial year the grant payments made increased by approximately $6.5 million. It is far from me to criticise the fact that there is more money going out there to community rec and sport, but can the minister give a breakdown of why the significant increase occurred and what areas that was in?

The Hon. A. KOUTSANTONIS: I am advised that, in last year's budget, the government allocated a further $5 million for these grants programs to go to recreational clubs and communities that help our young people stay fit and active, like the two members sitting opposite. I can see how fit and active you both are. I encourage you to get involved in your local—

Mr Pisoni interjecting:

The Hon. A. KOUTSANTONIS: No problem. Okay, sure. You're talking about metres, right?

Mr Pisoni interjecting:

The Hon. A. KOUTSANTONIS: Okay, no problem. You're quick, are you?

Mr Griffiths interjecting:

The Hon. A. KOUTSANTONIS: Okay. The government thinks that this is a very good program. We are very proud of it. We hope that as many sports communities take advantage of this. I encourage the two members opposite to get involved in their local clubs (as I know the member for Goyder does) and to get them applying for these grants, get their clubrooms upgraded and get the facilities they need to keep our young people fit and healthy.

Mr GRIFFITHS: Very true, and we are supportive on this side for every one of our community groups that seek these grants. I have a final question on rec and sport, though, about the Active Club Program. How long has it been since the funding for that program has been increased?

The Hon. A. KOUTSANTONIS: I will get a more detailed answer for the member and get back to him in the quickest possible time.

Mr PISONI: I would like to move now to DFEEST. I imagine that the minister will need to get back to me on this question—

Mr Griffiths: You might wait for the advisers.

Mr PISONI: Yes, well, he will probably have to get back to me, so—

The CHAIR: Member for Unley, take a seat. I suggest that you stick to the questions. No pre-commentary to the questions, okay?

Mr Pisoni interjecting:

The CHAIR: No. You actually added comments to that which were not necessary, and you know you did.

Mr Pisoni interjecting:

The CHAIR: Ask the question and do not put the comment in there. The member for Unley.

Mr PISONI: As I said, you will need to bring an answer back because this is a fairly detailed question. I refer to page 57 of Volume 2. Are you able to provide for each department or agency reporting to the minister how many surplus employees there are as of 30 June 2011, and for each surplus employee what is the title or classification of that employee and/or the total cost of that employee?

The Hon. A. KOUTSANTONIS: I am advised that a new TVSP and an enhanced redeployment scheme opened on 1 November 2010. The cumulative total of excess employees from July 2010 until the end of June 2011 is 137 FTEs. I am advised that that is now lower, but I will endeavour to get a detailed answer and get back to the house with a more thorough response.

Mr PISONI: I refer to page 554, TVSPs. Again, I am hoping for a detailed answer, so I imagine that you may have to come back to me. We saw over $18 million spent last year on TVSPs. This year, it is $3.6 million-odd. Can you give me a breakdown of how many positions that was and the ASO level of each position?

The Hon. A. KOUTSANTONIS: I am advised that, in 2009, we reached a target of 152 FTEs. I am advised that, in 2010-11, the target was 124 FTEs, and 81 was achieved.

Mr PISONI: So, you are behind on target by how many over those two years?

The Hon. A. KOUTSANTONIS: I am advised that, in 2010-11, we were behind by 43, but the department has achieved those savings through other measures.

Mr PISONI: Will you bring back the breakdown of the ASO levels?

The Hon. A. KOUTSANTONIS: Yes.

Mr PISONI: I refer to page 537, Grants and subsidies. Again, I imagine that you will need to bring this back. I am not an unreasonable man. If I could have the list of recipients of those grants and subsidies for 2010-11.

The Hon. A. KOUTSANTONIS: I do not have to take it on notice. I am advised—

Mr PISONI: I am happy for you to insert it in *Hansard* without reading it.

The Hon. A. KOUTSANTONIS: That is unparliamentary; you should know that.

Mr PISONI: You could seek leave.

The Hon. A. KOUTSANTONIS: No; it is not statistical in nature. In 2010-11, grants and subsidies expenditure of $74.6 million is primarily attributed to employment program expenditure of $24 million, which relates primarily to: $9.5 billion for the Working Regions program; $2.6 million for the Structural Adjustment program; $2.4 million for the Building Opportunities program; $2.4 million for the Group Training Scheme; $1.7 million for the CareerStart program; and $1.4 million for the Industry Partnerships Program. I am further advised that the VET program expenditure of $12.1 million related primarily to: $4.3 million for the Adult Community Education program, $1.5 million for the skills shortages program and $1.5 million for the Seafood Training Centre.

I can further add that Science and Information Economy program expenditure of $22.4 million related primarily to: $6.9 million for Bio Innovation SA, $5.2 million for the Premier's Science and Research program, $3.6 million for the Education Investment Fund and Trans Tasman Commercialisation Fund and, finally, $1.8 million for Playford Capital. I can also further add that other specific grant expenditure of $2.7 million related primarily to $1.5 million for Education Adelaide.

Mr PISONI: I refer to page 532, Supplies and services. There was a contract let by selective request for quotation to Ferrier Hodgson for $98,064. The execution date was 20 May 2011. This is available on the government website. I believe it is for financial services. Are you able to give more detail as to what financial services were being purchased from Ferrier Hodgson for that figure?

The Hon. A. KOUTSANTONIS: I am advised that that report was commissioned for financial advice for TAFE. I also understand that that advice is commercial in confidence and cannot be released.

Mr PISONI: Are you able to give details as to what the advice was for? I am not asking for the advice: I am asking what the advice was for.

The Hon. A. KOUTSANTONIS: I am advised that there were three new chief financial officers who were looking for advice re the financial management of TAFE.

Mr PISONI: And was that advice not available from Treasury?

The Hon. A. KOUTSANTONIS: I am advised that they commissioned a report from Ferrier Hodgson.

Mr PISONI: Well, that wasn't the question. The question was: was that advice not available from Treasury? Was Treasury asked for that advice, prior to this contract being let?

The Hon. A. KOUTSANTONIS: You would have to ask that of the Treasurer.

Mr PISONI: With all due respect, minister, you are acting minister for this department; you are responsible for this department. I am asking you whether Treasury was approached for that advice, prior to this contract being let.

The Hon. A. KOUTSANTONIS: I am advised that a steering committee was in place. On that steering committee, Treasury was represented and they sought advice from Ferrier Hodgson.

Mr PISONI: I refer you now to the student information system that is described on page 537. This was an $18,031,000 contract, described as $18.1 million. The Tenders and Contracts page describes this contract at $18.031 million. It is described as a web-based student information system, managing all data for students, from initial inquiries, submissions, enrolment payment fees, allocation of classes, recording of results, etc. Are you able to advise the house, minister, as to whether the $18.031 million figure is the only money that has been paid to safeguard, or committed to safeguard, higher education, or if there were any additional invoices presented to the department, above the tender amount?

The Hon. A. KOUTSANTONIS: I am advised that the cost of the total program was $20.4 million. The project is ongoing, and it is expected to be on budget. In 2008, this government announced the student information system—a $20.4 million ICT project that delivers new

IT hardware and infrastructure, licensing and software, vendor consulting costs and expenses as well as DFEEST permanent and contract staff costs.

SIS is a package of state-of-the-art software, produced for managing student, academic and financial records and the complete TAFE SA course catalogue. Since implementation on 14 June 2011, SIS has managed the admission of over 21,000 new students, starting with their studies in semester 2. Forty thousand students have registered for classes, representing over 223,000 individual registrations, and over $24 million in student fees have been invoiced.

SIS is strategically critical to the successful delivery of future vocational training through TAFE SA. I am advised that SIS manages all data related to students and a complete life cycle of their interactions with TAFE SA. I am further advised that SIS currently supports the student life cycle from applications to graduation but, in its final state, it will support the management of student data from initial inquiry, admission, enrolment, payment of fees, allocation of classes, recording of results, progression to the eventual completion, graduation and through to alumni.

It also provides a framework, I am advised, and a significant driver for the adoption of consistent business policies and processes across TAFE South Australia. SIS keeps all information on the training and courses offered by TAFE SA, including, but not limited to, all training packages and fee-for-service special interest courses offered.

I am further advised that a key component is the provision of web-based, self service facilities for students and staff that will greatly improve student and staff accessibility to information, deliver, I am advised, significant deficiencies and meet the expectations of a computer-literate and intranet-aware community.

Mr PISONI: Minister, are you able to advise as to whether any additional contractors or in-house staff were used in the provision, the setting up, or the maintenance of this program outside of the contract?

The Hon. A. KOUTSANTONIS: We will get back to you about whether there were any other consultancies engaged in the implementation of the program. I am advised that about 10.5 FTEs maintain the system.

Mr PISONI: No additional contractors outside of the original contract?

The Hon. A. KOUTSANTONIS: I will get you a more detailed answer.

Mr PISONI: Are you able to advise whether there has been any variation in the contract price that was awarded by public tender to Forest Grove Technology in November 2009 for a 10-year contract to approach the market through a public request and tender service listed here on the government tender website at $1.954 million?

The Hon. A. KOUTSANTONIS: Just for clarity, could you refer to what page you are talking about?

Mr PISONI: 'Supplies and services' on page 532. I am referring to a contract that appears on the government website for Forest Grove Technology. It was awarded on 25 November 2009 for a 10-year period. I am asking if there has been any variation in the agreed price or the published tender price of $1.954 million.

The Hon. A. KOUTSANTONIS: I am advised that there have been no variations to that contract.

Mr PISONI: If I can just finally take you back to the student information system: are you able to advise the committee whether there was any disruption to student involvement in the implementation of that student processing system when it was implemented in the mid-year?

The Hon. A. KOUTSANTONIS: I am advised that as with any new program put in place there are minor hiccups, but there have been no major disturbances to the interaction, but they are working those through and they will be ironed out. I am advised that the system is working well.

Mr PISONI: Can you bring back to the committee how many complaints it received via TAFE, either verbally or written, on that?

The Hon. A. KOUTSANTONIS: I am advised that the government is not saying that there have not been complaints, but with any new program that is in place there will be hiccups. In terms of major disruptions, I am advised that there have not been any. If you are asking for the

government to detail the number of complaints, are you talking about through forms of email or telephone?

Mr PISONI: I know that my office was contacted by people who were having difficulty in registering and enrolling, and I said to those people who contacted me that I would use the first opportunity in the parliament to seek clarification as to how widespread their concern was, so I am using this opportunity, minister, and I am happy for those numbers to be brought back. I would imagine that any complaint that was received by TAFE, either verbally over the phone, email or written—

The Hon. A. KOUTSANTONIS: I am advised that the department logs these complaints, so we can get back to you with some details of that.

Mr PISONI: Thank you. I would like to take you to page 557, allowance for doubtful debts and the debt write-offs. We had $394,000 last year, and this year in the budget we have $190,000. I also know that there are significant amounts in TAFE fees that are overdue. Are you able to describe the nature of those write-offs and whether they are TAFE fees or from some other debtor?

The Hon. A. KOUTSANTONIS: I am advised that all write-offs have received the Treasurer's approval. I am advised that some write-offs—the two largest debts—were written off with approval of the Treasurer in 2010-11, and we will get you a more detailed response on those in the coming days.

The CHAIR: Time has expired.

Mr PISONI: Just one supplementary question.

The CHAIR: No, sorry, the time has expired, member. I have given you an indulgence already. The time allowed for the examination of the Report of the Auditor General 2010-11 for the Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, and Minister for Recreation and Sport has now ended.

I now call on the Minister for Transport Services. We are now moving to the examination of the Report of the Auditor General 2010-11 for the Minister for Transport Services for a period of 30 minutes. I remind members that this is a normal committee session, so you will need to be on your feet when you ask and respond to questions, and that the questions must relate to the Auditor-General's Report. I am sure I do not have to remind the member for Goyder, who is a most responsible member, but I have had to remind a few of his colleagues on a number of occasions. The floor is yours. Minister, are you ready?

Mr GRIFFITHS: Mr Chairman, it may be that I seek your leniency a couple of times. I will just flag that from the very start.

The CHAIR: Are you trying to take advantage of me?

Mr GRIFFITHS: Never.

The CHAIR: I was hoping my luck had changed. Sorry.

Mr GRIFFITHS: I do so on the basis that in direct references in the Auditor-General's Report, there is not a lot of detail contained about the minister's portfolio areas, so, in the spirit of bipartisanship that exists, I am sure that I can ask questions and the minister will provide answers as best she can.

The CHAIR: I have no doubt—a wonderful minister.

Mr GRIFFITHS: I will make an initial comment. Something that surprises me—and I have enormous respect for Mr O'Neill—is that the Adelaide Metro bus contracts negotiated during the 2010-11 financial year—of significant value, $1.6 billion; and over a significant time, 12 years—does not feature in this. Mr Crackett is nodding his head. I can only hope that it might be a little like some of the other bus contracts, and we might receive a supplementary report about it. Can the minister comment and confirm if that is the case?

The CHAIR: Sorry, which contract are you referring to?

Mr GRIFFITHS: Adelaide Metro bus contracts. I can find a reference for it if you need it. It is in Volume 5, page 1,504.

The Hon. C.C. FOX: The reason is that, in accord with the Public Transport Act, the Auditor-General has to report to parliament within a fixed period, and that period ends on 6 January this year, so he will then report after that period.

Mr GRIFFITHS: If I may just seek clarification—

Members interjecting:

Mr GRIFFITHS: Calm down. So is that a certain time after the signing of the contract that stipulates it will be 6 January? Is there a similar time frame involved for all contracts that relate to public transport?

The Hon. C.C. FOX: I understand that it is a fixed period of time. The Auditor-General has to report by 6 January, and we understand that he will be ready to do so. I think your second question (forgive me, because I was concentrating on the answer to the first question) was in relation to whether that was—

Mr GRIFFITHS: If the time frame from the signing of the contract to 6 January is an identical time frame to that put in place for other public transport contracts.

The Hon. C.C. FOX: Yes.

Mr GRIFFITHS: Is it the minister's intention then, on the presentation of this supplementary report to the parliament, for any level of scrutiny to occur about it within a similar forum to what we are doing now?

The CHAIR: It is up to the house to decide that and refer it to committee. I have been very naughty, actually. I have allowed some questions about the supplementary reports, which technically I was not allowed to do, because they were not referred to. However, having made the mistake, I will let it go, but that is not a precedent, so I would see a scrutiny through the normal process of parliament, which is question time.

Mr GRIFFITHS: Thank you for your clarification on that point. My question is a relatively innocent one, because I am aware that—

The CHAIR: Nothing is innocent in politics.

Mr GRIFFITHS: —the health department has not tabled their Auditor-General's Report yet. My assumption would therefore be that a time opportunity will be scheduled for that report to be scrutinised. Given that this is also a supplementary report about a very significant level of expenditure over a period of time—

The CHAIR: I understand your question, but you will need to raise it in the house and ask the house to refer it to committee. It is not up to the discretion of the minister, or any minister. It is up to the house to refer those matters.

Mr GRIFFITHS: I did note that the minister was keen to say yes, though.

The CHAIR: If the house so decides, the minister, I am sure, will do the right thing.

Mr GRIFFITHS: Thank you for your leniency then. Most of these questions will reference page 1504 on the activities of the department being activity for public transport services, given that there is not a lot of specific detail contained in the report.

An honourable member interjecting:

Mr GRIFFITHS: No doubt. If I can't refer to post-July stuff, minister, can you confirm to the committee how many new buses were purchased in the 2010-11 financial year?

The Hon. C.C. FOX: I thank the member for his question, but sadly that is a question for the other minister (that is to say, minister Conlon, who is the Minister for Transport), and the reason why is because in the gazettal of his own department on 21 October this year the minister was determined as being responsible for the administrative matters.

Mr GRIFFITHS: For the administration of buses, not just the capital purchase and acquisition of them? Because really, I suppose—I would assume your portfolio, minister, relates to the administration of buses also.

The Hon. C.C. FOX: The administration of them?

Mr GRIFFITHS: Yes; certainly for the contract for the provision of the services they provide.

The Hon. C.C. FOX: I thank the member for his question. Member for Goyder, it certainly would appear, just looking at it here in the *South Australian Government Gazette* of 21 October 2011—certainly in relation to what is covered in the Auditor-General's report, it is the Minister for Planning, Transport and Infrastructure who is the minister for that administrative unit.

Mr GRIFFITHS: Thank you, minister. I am trying not to use the term used by other members of parliament when they describe your portfolio—

The Hon. C.C. FOX: Oh it's alright; it's fine.

Mr GRIFFITHS: Okay; you know, 'minister for bus timetables'.

The Hon. C.C. FOX: Well then that makes you the shadow for bus timetables.

Mr GRIFFITHS: True.

The Hon. C.C. FOX: So, you know—

Mr GRIFFITHS: That is why I am trying not to use that.

The CHAIR: That includes trains as well.

Mr GRIFFITHS: I know; and trams, and taxis, and regional airlines, and all those—

The CHAIR: That's right, yes.

Mr GRIFFITHS: Yes, as we have discussed.

The Hon. C.C. FOX: And licensing and registration.

The CHAIR: Yes.

Mr GRIFFITHS: Okay.

The CHAIR: There you go; your colleagues are wrong.

Mr GRIFFITHS: Yes. But indeed, if I cannot ask a question about the number of buses purchased, can I ask a question about the number of buses that, under your area of responsibility, actually operate in South Australia? If you have any updated figures, that would be even better, but I am only asking questions about 2010-11.

The Hon. C.C. FOX: I can tell you that we currently have 904 buses running on the streets of Adelaide. In relation to 2010-11, I will just take some advice on that. Member for Goyder, I will have to take that question on notice, and I am happy to get that figure back to you probably sooner rather than later. I am advised that, in the strictest interpretation of the Auditor-General process, apparently that is a question also for the Minister for Transport; but that is okay, I will bring it back to you anyway.

Mr GRIFFITHS: I can sense your disappointment in having to provide that answer to me. If I can ask a question about the 904 buses that you quoted as presumably being in place at the moment. It is a bit of a general area, but in the transport services which you are responsible for coordinating with buses, is the entire bus fleet that is used for those services owned by the government? I know an absolute majority is. If not, what number or percentage are owned as part of the contractor service?

The Hon. C.C. FOX: Previously I mentioned the 904 buses that are currently on our roads. I believe that 90 of those buses—not 90 per cent but 90 of those buses—are not owned by the government.

Mr GRIFFITHS: What number of the buses are used in peak times, that very busy morning time and that very busy late afternoon and evening time? What number of the buses do you have on the road providing services then? How many are either held in reserve—I understand that might occur for a breakdown situation—or are not required? My assumption would be that in peak times every available bus is required for the services being given, but I want confirmation of that.

The Hon. C.C. FOX: I will seek some more advice on this but, as you know, a number of these buses are run by private companies. There are three private companies running in the metropolitan area at the moment. Often that will be a decision for those companies themselves.

Some companies will choose to keep a certain amount of buses waiting in the depot just in case of one breaking down or something going wrong, and some companies will completely extend themselves in the hope that they are going to offer a better service by getting everybody there on time and using all their buses.

While I am quite happy to speculate on an answer to that question, the reality is that a great deal of that answer would probably be better provided by the private bus companies themselves. However, I will get a little more advice for you. In relation to the second part of your question, which was the percentage of buses used during peak hour, that is, in the morning and in the afternoon, I will have to take that on notice and bring that back to you.

Mr GRIFFITHS: If I may ask another question that is numbers based also, about disability accessible buses. My recollection is that in the media you quoted 82 per cent by 2019.

The Hon. C.C. Fox interjecting:

Mr GRIFFITHS: The target for 2019 is 100 per cent then, is it? Can you clarify that?

The Hon. C.C. FOX: Yes. That 82 per cent referred to the number of disability accessible buses available now on our roads. I think the target for 2019-20 is 100 per cent. I think it is probably worth pointing out here, at the risk of sounding a little political, that some—

Mr Griffiths: Don't do it.

The Hon. C.C. FOX: Can I do it a little bit?—10 years ago that number was at least half, if not less, of that 82 per cent. I forget exactly who was in government then, but I do know it was not us. So, there has been considerable investment over the past 10 years in making sure that those buses are disability accessible. Maybe I should not just put that down to a party political answer either. I think that in the past 10 years across society a great deal of awareness has been raised about disability issues, so perhaps we are all more aware of those issues than we were 10 or 15 years ago.

Mr GRIFFITHS: I suppose that relates to the issue raised by Mr Richard Maurovic a few weeks ago. There was a radio session on ABC with Kelly Vincent and a few other members—the Leader of the Opposition spoke, and the Hon. Ian Hunter also. The question has been posed to me since that if the current level was 82 per cent—for example, on weekends where there is less demand for bus services—have you issued a decree or does a decree actually exist with an operational expectation that 100 per cent of buses used on weekends or non-peak times are disability-access buses to reduce, as much as humanly possible, the inconvenience?

The Hon. C.C. FOX: There is an expectation for weekends and public holidays, etc., that the buses used during those less busy times are all disability-compliant. In relation to Mr Maurovic, I believe he was the gentleman who waited for some five buses before the sixth one came along, which was disability-compliant. That was extremely regrettable. There is capacity for people who require it to ring ahead and to make sure that the central booking agency is aware of their need for the relevant bus. I know that all the companies go out of their way to make that happen.

Mr GRIFFITHS: I seek clarification on one more point in this area. When you refer to an expectation of these disability access buses, is it part of the contractual standards that they have to ensure that these buses are out there at those times?

The Hon. C.C. FOX: I am led to understand that that particular thing that you referred to is in fact codified in the new contractual arrangements. I would have to check to make sure that I am 100 per cent correct on that, but that is what I am led to understand. I do know that the contracts that have been enacted since July—and, on a practical level, since October—have been much more stringent on a number of levels than previous contracts.

Mr GRIFFITHS: I have a question about passenger transport services—the number of complaints. Recently I heard you refer to the fact that there are some 250 per week. We ask questions pre-30 June 2011, though. Can you give me confirmation of how many complaints were received on average each week for the 2010-11 financial year, not just about buses but about trains and trams and the general public transport options?

The Hon. C.C. FOX: The answer that you require is in the annual report, so I will be able to bring that back to you.

Mr GRIFFITHS: I admit to not being sure of where the reference to this is, but it relates to an answer that you provided to a question from your own side today, about managed taxi ranks. As part of an answer you referred to that.

The Hon. C.C. FOX: You mean new stops?

Mr GRIFFITHS: No. Can you confirm the level of commitment that exists from the government for the managed taxi ranks? My understanding is that there is an approximate cost of, I think, $50,000 or $60,000 per year for each one. Is the government fully subsidising that cost, or is it coming from another source?

The Hon. C.C. FOX: The government is, of course, making some contribution to that cost, but the taxi industry itself has been very financially supportive, as has the Adelaide City Council.

Dr McFetridge interjecting:

The Hon. C.C. FOX: Holdfast Bay?

Dr McFetridge interjecting:

The Hon. C.C. FOX: He is talking about the ones we were talking about in the city.

Dr McFetridge interjecting:

The Hon. C.C. FOX: Sorry, I was listening—

Mr Griffiths interjecting:

The Hon. C.C. FOX: I was talking about the four in the city. I can come back to the member for Morphett with information about his particular taxi ranks, if he would like that. Yes, there is a financial contribution from the Adelaide City Council from the taxi industry itself. I believe that the majority of the government's financial liability relates to improved signage; and also making sure that the drivers concerned are aware of exactly which stop they are meant to be using and when, because some of those stops have moved slightly or, in fact, are new stops.

Mr GRIFFITHS: Can I ask the minister for clarification. On the basis that significant labour cost is involved in a managed taxi rank, I presume, and you have referred to contributions made by the taxi industry itself, have you had discussions with the Taxi Council or the taxi industry about what it would like to see happen, because I understand that there is a proposal for some more to be opened up? Is there an expectation that industry itself will continue to fund it, or will the state be putting in more dollars to support it?

The CHAIR: I will let you answer. That is fine. I just want to let the member know. I have been really good up to now, member for Goyder.

The Hon. C.C. FOX: You have been very, very generous—in many ways. Sorry, before we were talking about the bus stops?

Mr GRIFFITHS: Managed taxi ranks.

The Hon. C.C. FOX: You asked me about the thing that I was talking about today. I was talking about bus stops.

Mr GRIFFITHS: Part of that answer referred to managed taxi ranks also.

The Hon. C.C. FOX: Okay, so your question is about taxi ranks.

Mr Griffiths interjecting:

The Hon. C.C. FOX: No, hang on. Member for Goyder, for my own clarification, can you ask me that—

Mr Griffiths interjecting:

The Hon. C.C. FOX: I didn't know what he was talking about.

The CHAIR: You are no orphan there. Member for Goyder, would you like to rephrase your question?

The Hon. C.C. FOX: I apologise. If the member could just clarify that question, that would be good.

Mr GRIFFITHS: My understanding, minister (and certainly it was evident during the 2010-11 financial year where there has been forward managed taxi ranks—

The CHAIR: I would not take that for granted.

Mr GRIFFITHS: —which is under 'Public Transport Services' on page 1504), there is an approximate cost in the range of $50,000 to $60,000 a year to manage each of those managed taxi ranks. My understanding is that the state contributes approximately $20,000 towards that cost. Can you just clarify whether that is the case, and is that the intended position moving forward?

The Hon. C.C. FOX: Thank you, member for Goyder; I will have to take that question on notice. I should actually say that I am meeting with the Taxi Council representatives next week, and that will certainly be one of the things that we will be discussing.

Mr GRIFFITHS: My reference is now page 1508 under 'Grants and subsidies', and I refer specifically to the Transport Subsidy Scheme. Minister, you would be aware–and I certainly am, also—that there have been occasions when this fund has been rorted in the past by some unscrupulous operators out there. In the main it is used very well, though; I do respect that.

This is the SATS Scheme. I note, though, if I can ask a financial question, that, for the 2010 ending period date there was some $14.65 million in expenditure, and for the 2011 ending date there was $13 million in expenditure. Can the minister give an outline, because I would have presumed that the demand for the service would have remained intact. I am rather surprised by a mere 10 per cent drop in expenditure.

The Hon. C.C. FOX: Financial statements reflect the level of usage of SATSS. A lot of work is being undertaken to try to prevent fraud in this particular system. Of importance has been the completion of an extensive risk assessment process that resulted in the development of a fraud and corruption control plan with a range of specific actions endorsed; the development of procedures that cover all aspects of SATSS administration, including misuse and fraud; enforcement of tighter application and management of third-party service providers; and also, obviously, given everything I have just said, the establishment of formal monitoring and reporting arrangements.

Mr GRIFFITHS: I thank the minister for the explanation about what has been done to prevent fraud opportunities. Fraud would have only been minor because, on the absolute majority of occasions, it was appropriately used; but the expenditure has been in the range of about a 10 per cent drop. Does the minister or the officers supporting her have any explanation as to why there is such a significant drop in the use of the SATSS?

The Hon. C.C. FOX: Member for Goyder, I hate to break your heart, but I am going to have to take that question on notice.

The CHAIR: The time has expired for the examination of the report of the Auditor-General for 2010-11 for the Minister for Transport Services. That concludes the examination of the Auditor-General's Report.

TOBACCO PRODUCTS REGULATION (FURTHER RESTRICTIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 September 2011.)

Dr McFETRIDGE (Morphett) (17:14): I indicate that I am the lead speaker on this bill. It will not take that long. I believe there are one or two other speakers on our side who want to make a contribution. We are supporting this bill. We do have a couple of concerns about it, and I have spoken to the minister and his staffers about two amendments that I had on file. I will not be moving those amendments in this place, but there will be some discussion between the houses as to how we can come to an agreeable solution to make sure that South Australians are able to go about their lives without having to inhale other people's smoke.

I say from the very start that, at Elizabeth South Primary School, in, I think, grade 4, I won a packet of Craven A 10s at the school fete, and my brothers and I smoked those on the way home and that cured me of smoking. While both my parents smoked, I have no recollection of them smoking. I must have been very young, and they gave it up when I was at an early age.

The issue of smoking is one that I think we all need to take extremely seriously because of the numbers of people who are directly affected through smoking and also those people, whether they are children of people who smoke or whether they are family friends or employees who are in

an area where people are allowed to smoke, who are all being affected by hundreds of noxious chemicals that are blown about the place as a result of cigarette smoking. The need to make sure that people are able to go about what is a legal activity though, because tobacco is still legal, is something that we are also aware of, but, at the same time, I do take great offence to people demanding that they should be able to smoke anywhere, anytime.

There was a program on the ABC—I think it was Sunday night, or maybe Monday night—which I recorded and which I had a look at. It was set back in the late 1950s in England in the BBC studios and everybody was smoking inside. It sort of brought back those times when smoking was just something you accepted.

It is interesting to note that a friend of mine who works for British American Tobacco said to me, 'We readily acknowledge that smoking is one of the prime causes of preventable deaths.' The tobacco companies are admitting that quite openly, and it was not only this person but others from tobacco companies who have met with me have admitted the same thing. I think it is completely outrageous and, certainly, I am one who will support any legislation that is going to enhance the safety of our children and also those in the workplace.

The Hon. M.J. Atkinson: What do you think of plain packaging? What do you say about that?

Dr McFETRIDGE: It is interesting that the member for Croydon just cannot help himself.

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. Atkinson: Plain packaging. What you have to say about that?

The SPEAKER: Order, the member for Croydon!

Dr McFETRIDGE: I am happy to put it on the record and the former minister should go back and actually read about what I said about plain packaging, which is that I am yet to be convinced that it will actually work. I hope it does, member for Croydon, I really do, but I think the main concern for tobacco companies is that they know it is not going to have the effect we would all like it to have—and that is reducing levels of smoking by masses of percentages—but it will have an effect on the choices people make, so their high-product, high in profit cigarettes will not be purchased as readily as they are now. It will just be, 'Let's have a packet of cigarettes.'

So, it will not be volume, it will be profit that is going to be hit; that is what I am concerned about. I hope that is not the case, just as I hope that the effect of this legislation, which is to control smoking in outdoor areas that will be prescribed and proclaimed as a result of this legislation, will be to make sure that people are not being subjected to those thousands of chemicals which are being wafted about as people exhale their smoke and possibly cause damage to young lungs and particularly workers who are forced to work in areas where smoking is still allowed.

The other area that is covered by this legislation is enclosed public places such as around taxi ranks, railway stations, tram stops, bus stops and bus shelters. I think that anything we can do to improve people's health through education and also regulation is something that we should certainly carefully look at. There is the need to be very much aware of the tremendous impact of smoking on the cost of the health budget. There are thousands of people who die and there are many, many more who have serious illnesses as a result of smoking.

This legislation will do that. It is not going to change the way restaurants, cafes and hotels operate. There is legislation covering that already. This does, though, make sure that we alert people to their responsibilities around those public transport areas, as I have just said, but also around children's playgrounds.

There are two areas of concern about which I have had discussions with the minister's office, and I thank them for their cooperation over those discussions. They are the subject of the two amendments that I had on file but will not be moving in this place. They are, one, that we need to look at whether we need to gazette the prohibitions or whether we regulate them. I understand that the minister is willing to look at that between houses.

Certainly, there was another issue about whether it should be a 24/7 ban around children's playgrounds. Obviously, when there are children about, like passing a school whenever there are children about, you should be doing 25 km an hour. It is not just during daylight hours: it is 24/7, 365 days a week.

Do you need to have a ban on smoking as you are walking past a children's playground, going home from function, at, who knows, after dark, midnight, 10 o'clock, when it is very, very unlikely that there are children about? Do you need to have the ban where you could be pinged for walking past a completely empty playground, coming home after a New Year's Eve party, for example? There are various arguments about that.

What you do not want to see, though, is people hanging about and loitering around playgrounds turning them into de facto ashtrays. I know that down at the beach cigarette butts are one of the problems we have, and cigarette butts washing into our oceans is terrible—cigarette butts generally, but cigarettes particularly washing into the oceans is a real issue. Smoking is a very selfish habit. I find that people generally get relief from it. I know there are people in this place who smoke, but I have no sympathy for them in having to restrict their habit to particular areas or particular places.

Mr Pengilly interjecting:

Dr McFETRIDGE: And that is the other thing: as the member for Finniss says, they are foolish people, and they are. Never mind the health effects, the cost alone of smoking nowadays is just huge. You cannot buy a packet of Craven A 10s now; I think you have to buy a packet of 20, 30 or 40, and I do not know what they cost. I think they are $14 or $15, or they might be more, I do not know; I do not have to worry about it.

Mr van Holst Pellekaan interjecting:

Dr McFETRIDGE: Some of them are over $20, the member for Stuart says. I know he is a very keen supporter of this legislation. We need to make sure we do everything we can to protect the innocents of this world and also the innocent bystanders of this world. With that, I say that we will support the bill. There are a couple of points that we will be discussing between the houses, and I will be interested to see what the minister has to offer in the way of compromise on amendments we have on file.

Mr VAN HOLST PELLEKAAN (Stuart) (17:23): I follow the shadow minister for health and obviously support the bill. He has foreshadowed that he will be putting a few amendments forward. I would like to just pay a little bit of credit to the Hon. David Ridgway from the other place, who put forward a very similar suggestion to this previously, which the government did not accept and now have come back with something quite similar of their own. I think we just have to accept that that is part of the way things can work around here, but I think the Hon. David Ridgway does deserve some credit for his leadership on this issue.

With regard to smoking in general, I consider myself very fortunate to never have smoked and never have actually wanted to smoke. I grew up with lots of friends who did. I do not actually object to people smoking. I think they are silly for doing it, but people are allowed to do whatever they want to do. I think in my teenage years, in my early 20s, probably half my friends smoked, and I was quite comfortable to be around it, although it was never something that I was ever attracted to, perhaps because I was doing the best I could to pursue sporting activities.

I have also seen the negative health impacts on people come and go, as I am sure we all have. I suppose I am on the surface a bit attracted, like lots of people, to ideas like increased health insurance costs, increased medical costs, and things like that. It all sounds good, but the reality is that we all make choices in our lives that are not ideal.

If you took that example to the extreme, would you charge people extra hospital costs if they did not drive below the speed limit? There are a thousand things to think of where, other than smoking, individuals make choices that are not ideal in their lives. While that is attractive on the surface, I do not believe it is workable, because where would you stop?

Smokers do have rights. As the member for Morphett pointed out, and as many people point out, it is a legal activity and they have rights. They should not be ostracised. It is a personal choice; it is a personal preference. I think every responsible person would encourage their family members and friends not to smoke but you are allowed to do it and, if you head down that path, then so be it.

I think that there is great merit in this bill in terms of trying to reduce the impact of involuntary consumption of smoke, and addressing public transport and playgrounds is pretty sensible. I think it will require mature and commonsense application. I would hate to think that somebody was walking past, a metre too close or a metre too far away, getting caught up in silly

nonsense but, if you are lingering in or near a place that this bill would designate as a place inappropriate for smoking, then I think you do that at your peril.

There will be an impact on business. That concerns me. There will be an impact on business with regard to, yet again, making smoking just a bit more difficult. Business is certainly not nearly as important as health in this issue but I think it is important to point that out—that just like tightening up rules on pokies, tightening up rules on smoking will have an impact that hurts some sectors of our community over and above just the people who smoke. I would also like to take this opportunity to put my personal view on the record. This is not an opposition policy but it is certainly my personal view that the very best way to approach smoking in Australia over the next decade would be to increase the legal age at which a person is allowed to smoke by one year, every year.

The Hon. M.J. Atkinson interjecting:

Mr VAN HOLST PELLEKAAN: Every year, member for Croydon. Right now it is 18, and you would then start a program like this, and next year it might be 19; the year after that it might be 20; the year after that, 21; and from the time that you start it, you would increase the legal age of smoking, one year, every year, until there was nobody left alive eligible to smoke. If that took 80 years, then so be it. What works well there is that it does not impact on any legal smoker. Anybody who is legally allowed to smoke today could continue to legally smoke for the rest of their lives.

What it would do, though, is stop people who are currently too young to smoke from taking it up, and I think it would have a very steady impact on society. Importantly, I think it would have a steady and slow impact upon the taxes that all levels of government rely on as well. There is no need to beat around the bush here, governments need taxes, and if taxes are not coming from smoking, taxes would have to come from some other area. That would reduce the taxes from smoking year by year by year and governments of all persuasions over successive decades could manage that a year at a time, rather than having some instant one-off hit that no government could manage.

Let me recap and say that I support the right of smokers to smoke legally. I think it is a good idea to continue to slowly and gradually reduce the places where they can do that if it can be shown that in those places there is a negative impact upon the health of people who do not smoke, and I put that suggestion on the record as something I would like the minister to consider. I know that it would be difficult to implement.

I know that it would take a fair bit of will. I know that it would be almost impossible to implement unless it was done by all states simultaneously because we would not want to have a situation where people could smoke in one state and not another, with effects on tourism and people's desires to shift between states for jobs, and that sort of thing. The reality is that, in that situation, not one smoker would be harmed, not one smoker's rights would be reduced or minimised, and as a good Liberal I would never do that. Thank you for making those few comments, Madam Speaker. With that, in line with the rest of the Liberal opposition, I support the bill.

Mr PEGLER (Mount Gambier) (17:30): First of all I should declare a conflict of interest as a smoker.

Members interjecting:

Mr PEGLER: I must say I just finished one. I certainly support this bill. I do not want people pinching my second-hand smoke. I think it is a great move in the right direction. In all seriousness, people should have the right to be able to play on playgrounds and wait at bus stops, etc., without having to endure other people's smoke. I certainly support this bill very strongly.

Mr PENGILLY (Finniss) (17:31): I also indicate my support for this bill. I note the interesting comments of the member for Mount Gambier. However, I am sure I am not the only one in this place who has had personal experience of the impact of smoking. My father died some 35 years ago from lung cancer, only six weeks after being diagnosed. He and a great mate of his, Ron Wilson, were in the same battalion in the war. They never smoked until they went into the Army during the war. They smoked during the war, whether in Syria, Kokoda, Borneo or wherever. They had them handed out to them, and it was about the only pleasure they had, quite frankly.

To watch your own father, or whoever, die of lung cancer attributed to war service is something that impacts very heavily on you. I was only in my twenties at the time and it certainly had a lasting impact on me. I have never smoked. At school we did something stupid like having a

cigarette just to be smart, but the greater impact of what happened later in life was devastating to me. Interestingly, my wife has never smoked, and our three children have never smoked. The devastating impact of cigarettes was drummed into them by their grandmother, my father's mother.

It is very interesting to see where we have got to since those days. At the time when my father died, they immediately started giving my mother a war widow's pension as dad was in the 2nd/ 31st Battalion. I think that went on for six or 12 months and then they said no, his death was not attributable to war service and we had to pay the whole lot back.

Bruce Ruxton, bless his heart, picked up this as a test case for a war widow in Perth. There were four or five women dependent on this test case and Bruce Ruxton won the case for this woman in Perth, so then some two years, or whatever it was, later (I can't recall), they turned around and repaid the whole lot—as they damn well should have. This was many years ago now, but there are ongoing effects on those people who did take up smoking during the war and many of them have died of lung cancer; we just did not know.

I think anyone who smokes, quite clearly, with respect to anybody in this place who does, is just a bloody fool—just a bloody fool. I really do. What really worries me is that, despite all the warning, all the signs on cigarette packets, everything that goes with it, the advertising, kids are still smoking. For the life of me, I cannot understand why they do it. Last night up in my office I was watching *A Current Affair* on schoolies in Bali (which was horrendous) and the numbers of them smoking—and the number who are out at night and who I see smoking in towns in my electorate—just baffles me.

The message is not getting through, and I wonder sometimes about the extreme view that perhaps we need to put prohibition on cigarettes in Australia, like they did with alcohol in the United States. It might be the only way to stop it because, as the minister well knows—and as any of us who follow these matters know—the cost to the Australian health system in smoking-related disease (whether it be ischemic heart disease, or cancers, or whatever) across the whole gamut is absolutely enormous.

Admittedly, people have to be responsible for their own health to some extent, but just take that—and the minister may well be able to answer the question on just what percentage of the health budgets in this state and across the nation is consumed by the effects of smoking. It is probably a bit difficult at short notice, and I accept that, but I merely make the point that I support anything we can do in this place to aid and abet limiting the affects of cigarettes, or the impact on others, wherever they may be.

Only at lunchtime today I walked up to the city to get a couple of things, and I was walking into City Cross on the footpath, and this young girl walked past me and dropped a cigarette right on my shoe. I did not say anything and thought, 'Let it go,' but really, where is it going to end? I have no doubt that in 10, 15 or 20 years' time—when some of these members who are here now may still be here—the same thing will happen again; that they will be debating the effects of tobacco.

I am absolutely sure that there will be no impediment in this legislation; if anything, it may well be toughened up by amendments. When it goes to the other place, what they do with it is anyone's guess; however, I would have thought—I heard what the member for Mount Gambier said, and I know he said it in all sincerity, despite his comments at the start—that we just have to do something about it. We really have to do something about it. So, if I can walk out of this place when I finish here, in due course, and know that we have attempted to do something about the effects of smoking and limit the effects, I will feel far better about it. Thank you.

Mr SIBBONS (Mitchell) (17:37): I rise to speak on the Tobacco Products Regulation (Further Restrictions) Amendment Bill 2011. Everybody here today has said that tobacco is certainly the greatest risk contributor and disease burden that we face in Australia, and I must say that a lot of long-term smokers do die prematurely. In South Australia, there are approximately 1,140 deaths attributable to tobacco annually, and the annual cost of tobacco consumption is estimated at over $2.39 billion. That is very, very costly.

On my recent admission to Flinders Medical Centre, I found many older South Australians with issues and suffering ill health from the underlying factor, which was tobacco smoking. I must say that I am very supportive of this bill and, like members opposite—the member for Flinders, the member for Stuart, and—

Mr van Holst Pellekaan: Mount Gambier?

Mr SIBBONS: No, not the Mount Gambier guy; he's huffing and puffing. Anyway, I have never smoked, but I have to say these new regulations are certainly going to be very helpful for our children and the children of the future. Like the member for Stuart, I would like to see that we do everything we possibly can to stop children from smoking. With all of these inducers that go on, the plain packaging was certainly a very good move, and I believe that that will certainly make some positive inroads into this particular issue. With that, I support the bill and I ask everybody in this house to support it.

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (17:40): I thank members for their contributions and for the strong support that has been exhibited from all parts of the chamber. I think that is a good thing. The more bipartisan and multipartisan we can be in relation to this issue, the further we can advance in ridding our community of smoking. The contributions today across the chamber indicate that we are reaching that stage, which I think is a very good thing.

As the member for Stuart said, I would also like to recognise the Hon. David Ridgway in another place who had similar measures in relation to this matter. I have had consultations with him about this package. We are doing something slightly different; it is not exactly the same, but we have the advantage of having a department that has gone through it. That is not to derogate from what he came up with and I thank him for his interest and his concern. I will pick up a couple of issues. The amendments that the member for—excuse me; it's not a smoker's cough.

An honourable member interjecting:

The Hon. J.D. HILL: Though I do say that I am a reformed smoker, but I stopped smoking 25, 30 years ago.

Mr WILLIAMS: If you get to live another 30 years you might be over it, John.

The Hon. J.D. HILL: It's true. I used to smoke and I used to really like smoking. It is a very seductive drug and once you get into it you can measure the way you live your day through the cigarettes you have: when you have your first one, when you have your next one and all the rest of it. It does take a fair bit of effort to get rid of it.

However, I can say to the member for Mount Gambier that you can do it, and we can help you. We are from the government and we are here to help. We have got rid of smoking in all of our health institutions, including James Nash House, which is a detention centre for people with forensic mental health conditions or conditions that require them to be held in that institution. If they can do it, I can assure you that this institution is capable of delivering the same outcome, if you choose to.

There are two amendments. The first amendment I think the member was suggesting is in relation to the bill's proposition that children's playground areas should be smoke free and that there should be a prohibition against smoking within 10 metres of that area. The member for Morphett I think has flagged the notion that maybe that should be time restricted because kids are not going to be there in the middle of the night, so if somebody is walking home from the pub or somewhere why should they not be able to have a cigarette in that area or close to it? I can see the logic of that.

I think the downside to that is that children's playground areas become places where teenagers sometimes hang out. They could well become places where a lot of smoking occurs and you kind of create an ashtray effect. People sometimes drink there as well and you get broken glass. I accept that children are likely to be in these playgrounds after hours, but I do not want to create an environment where cigarettes are smoked there and cigarette butts are left behind. I think that is one of the main reasons we would not agree to the proposition that is put, though I can see some merit in it.

The other aspect, of course, is simplicity. If we say that you are banned from smoking near playgrounds then that is a clear message to send. If you say, 'You cannot smoke here except during these hours,' that sends a mixed message and I think that would undermine the overall effect. So, I hope the opposition will not insist on that amendment.

The second amendment is to do with the powers that we are giving to local government to make suggestions about where smoking should be banned within their areas, or to other authorities over properties or events that they control. The opposition says that should be done regulation. We are arguing it should be done by gazettal. I am happy to reach a compromise with the opposition over this.

I do not mind going through a regulatory framework approach if they are for permanent or long-term bans. However, if it is for a few days I would suggest it is a fairly burdensome approach. It might be an event that comes up in the short term, like a football carnival or something where somebody wants to make it smoke free and the regulatory approach would take too long. I hope we can reach an agreement around that. If that is the case, then we are happy to have a regulatory approach for the longer-term measures, and I think that is a reasonably sensible way of going.

The member for Finniss gave some personal anecdotes. My father died young, too. I have already mentioned this to the house. He was a heavy smoker. He smoked 60 or 80 unfiltered cigarettes a day, I think. I remember him smoking all the time.

Mr Pengilly: My dad smoked 80 a day.

The Hon. J.D. HILL: A similar thing; he was a World War II vet, an army guy. He did not smoke before the war. He died when he was 59, and my mother was able to get a pension. It was on appeal, actually, so it may well have been caught up in the changes. We certainly had a second go at getting her a pension, which she did. It is true that many returned soldiers, sailors and air force personnel smoked heavily, and you can understand why they did.

The member mentioned a friend of his father's, Ron Wilson. My father-in-law's name was Ron Wilson and he was in the Navy, a permanent sailor. He was introduced to smoking as a sailor during World War II, and he died of emphysema at the age of 79. It is not as quick as cancer; in fact, it took years and years and years. It is a slow, ugly, horrible death, and it is directly related to smoking; and that smoking is directly related to the provision of cigarettes. It hurt his heart, it hurt his lungs, and he had to retire early. It is a horrible disease.

The member for Finniss asked me about the health costs. I do not know the individual costs for hospitals, but we do know that it is estimated across Australia that the overall cost to our community for the negative impacts of smoking is $31 billion per year. People who are smokers and who sometimes defend smoking say, 'You get all these taxes. Why are you worrying?' The amount we collect in tax nowhere near compensates for the costs of the provision of services for people who have smoking-related illness and other needs in the community, so the community would be much better off if we did not have smoking.

The member indicated the number of young people who smoke. It is true that young people do smoke. The member for Stuart also talked about young people smoking. The rate of smoking is coming down in our community. We have had effective campaigns for decades now, and they are successful in reducing the rate of smoking. However, some young people still do smoke.

The tragedy is that young people under the age of 18 get their cigarettes illegally. You cannot legally buy, give or provide a cigarette to a young person. A person under 18 can only get their cigarettes illegally, so that means somewhere along the way adults are providing young people with tobacco. I worry and wonder about the ethics of adults giving children tobacco. Some might pinch it but mostly it comes from an adult source, whether it is a shop, a family member or a friend. We are increasing the surveillance of shops so that we can gain a greater understanding about what is going on there.

In relation to smoking, members offer a range of suggestions about how we should do this, prohibition and the like. The advice to me is that there are three aspects of the strategy. One is to put the price up; two is to advertise through the media with antismoking campaigns; and, third, is to take as much glamour out of smoking as we possibly can. All of the measures that we have focused on, both federally and at a state level, do that. Putting tobacco prices up does work, and the commonwealth government has put up the price of tobacco. I think it should have a rising price. It is difficult for it to do that in the environment it is in politically, but I agree that is what it ought to do.

Secondly, in relation to advertising, we have upped the advertising in South Australia, with commonwealth support. We are now advertising at the rate of 700 to 800 TARPs, which is the appropriate level. TARPs are the targeted audience reach potential points, or something along those lines, so that is the rate at which we should be advertising. Thirdly, we should take as much of the glamour out of tobacco as we can.

Mr Pengilly: It's working already.

The Hon. J.D. HILL: They are forming a little clique there; that's good. The plain packaging helps take out the glamour, and there is the banning of tobacco in places like children's playgrounds so that kids will not see as much smoking occurring, as well as a whole range of other

things that we are doing. All those things are important. I do thank the house for its support of this. I think that if we support this unanimously we send a very strong message to the smoking lobby that this parliament is united in our opposition to smoking. It would be great to have a community where no smoking happened and, hopefully, over time that will occur.

I think that our strategy in relation to smoking needs to be similar to our strategy in relation to road safety: you keep continually putting pressure on and introduce new measures just to remind the public and remind the community about the issues and, effectively, that is what is happening through these measures today. Finally, in commending the bill to the house, I thank our parliamentary counsel, Mark Herbst, for his work on this legislation, and to my departmental advisers, Simone Cormack, Marina Boshall and Della Rowley for their assistance.

Bill read a second time.

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (17:51): I move:

That this bill be now read a third time.

Bill read a third time and passed.

ARKAROOLA PROTECTION BILL

Adjourned debate on second reading (resumed on motion).

The DEPUTY SPEAKER: The member for MacKillop, you will address the bill, is that right?

Mr WILLIAMS (MacKillop—Deputy Leader of the Opposition) (17:52): Indeed, sir.

The DEPUTY SPEAKER: That would help all of us.

Mr WILLIAMS: Just on that very point, I have had the opportunity to read and reflect on some of the *Hansard* from this morning's debate, and I will reiterate the point. The minister was making a point of order and suggesting that I was not talking about the crux of the bill. He said:

...this bill is about conservation and protection of the environment, not about mining.

This morning I pointed out some of the clauses in the bill, but then I looked at the long title of the bill, which provides:

An Act to provide for the establishment of the Arkaroola Protection Area; to provide for the proper management of the Arkaroola Protection Area and prohibit mining activities...

Thank you for giving me the opportunity to reinforce my comment earlier, Mr Deputy Speaker. I was wondering whether the minister had actually read the bill. I was going to ask the house whether I have the same bill we are debating, because it seems that the minister wanted to debate something other than what is in the bill. More importantly, I also had an opportunity to go back and read other comments that the minister made, and I am still somewhat concerned about us even debating this bill in this place at this time. Let me quote what the minister said to my question about us debating this at this time when there is a legal action at foot in the Supreme Court. The minister said:

...I am also advised that the passage of the bill may affect the litigation in that commencement of provisions of the bill would, to a large extent, eliminate any practical benefit that could be obtained by the action...

We have a situation here where the government has taken an action and made a proclamation that is being contested in the courts, and the government seems, on the surface at least, to be intent on making sure that the court does not have the opportunity to come to a conclusion on that. The minister stated:

I am advised that the passage of the bill may affect the litigation in that the commencement of the provision of the bill would, to a large extent, eliminate any practical benefit that could be attained by the action.

I expect that it is the government's intent to get this through both houses this week and next week and to have the bill proclaimed. The minister nods.

The Hon. P. Caica: No, I was scratching my head.

Mr WILLIAMS: You were scratching your head. The minister went on this morning in answer to the same inquiry by myself and said:

What is currently being undertaken is a judicial review action which seeks to challenge the proclamation made by the Governor, and what we are doing today is the bill that brings effect to that proclamation.

Having gone back and actually read the comments of the minister, there is no doubt in my mind that it is the intent of the government to frustrate a citizen—namely, Marathon Resources—in taking a legitimate action before the courts. I must re-state my serious—

The DEPUTY SPEAKER: Repetition is against standing orders; you realise that.

Mr WILLIAMS: I do, indeed.

The DEPUTY SPEAKER: Well, you are about to repeat yourself again, and again.

Mr WILLIAMS: Thank you. I stated this earlier in the day when we were debating this particular matter—

The DEPUTY SPEAKER: Yes, I was here.

Mr WILLIAMS: —and I am re-stating it in view of the fact that I have had an opportunity to read the exact words of the minister, and I am even more concerned. I will close my remarks there to give my colleague the member for Finniss a couple of minutes to add to this debate. I will pose some questions at the third reading.

Mr PENGILLY (Finniss) (17:57): I find this a bizarre debate, quite frankly. Here we are, debating the Arkaroola Protection Bill, a bill rushed in by the former premier in an effort to get himself a job with Professor David Suzuki in due course and make a hero of himself when only—

Mrs Geraghty: You've got to start behaving yourself.

Mr PENGILLY: You have had your turn, let me have mine. Let me have my turn. The reality is that a fortnight ago we debated long and hard the Roxby Downs indenture bill—for hours and hours—which was put forward by the current Premier. The Weatherill family have forever been opposed to uranium, being good old lefties; and a few other good old lefties on the other side supported it as well. It is going to be the answer to all of South Australia's problems, and here we are, debating the bill on Arkaroola.

I actually oppose this bill on the grounds that I think it is foolishness. It is not that I do not think Arkaroola is a fantastic place, it is not that I do not think the scenery is stunning and that the animals should not be saved, and everything else. I will tell you the reason why: because it has been clumsily and foolishly handled.

Minister Koutsantonis was in Perth at a conference and he got a phone call to say, 'You better get back; we are going to Arkaroola tomorrow.' So, here is honest Tom. He has been in Perth, pushing the uranium cause, working with companies outside the parliament on the Arkaroola business, and he gets taken to Arkaroola, hand in hand with the former premier, to kiss and make up and announce that Arkaroola is going to be closed.

Well, I tell you, Mr Deputy Speaker: in 100 years or 50 years or 200 years or whatever, they will mine Arkaroola. They will mine Arkaroola because they will want every drop of uranium they can get and they will mine the Wild Dog mine down at Myponga—something which I opposed when I first came into this place. They will be that desperate for power sources in a couple of hundred years, they might even mine a cemetery and get uranium because they will need to use it.

This is the stupidity of what we are doing now, and I feel desperately sorry for Marathon Resources. They were done over like you could not believe. All sorts of furphies were spread about them, all sorts of nonsense, particularly about the waste that was left. It was a piddling amount and it was not even uranium. I seek leave to continue my remarks; I am just getting warmed up.

Leave granted; debate adjourned.

EDUCATION (CLOSURE AND AMALGAMATION OF GOVERNMENT SCHOOLS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

At 18:01 the house adjourned until Thursday 24 November 2011 at 10:30.