HOUSE OF ASSEMBLY

Thursday 24 November 2011

The SPEAKER (Hon. L.R. Breuer) took the chair at 10:32 and read prayers.

SUMMARY OFFENCES (PRESCRIBED MOTOR VEHICLES) AMENDMENT BILL

The Hon. C.C. FOX (Bright—Minister for Transport Services) (10:32): I move:

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

Motion carried.

PARLIAMENTARY COMMITTEES (NATURAL DISASTERS COMMITTEE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 September 2011.)

Mr PEDERICK (Hammond) (10:34): I would like to speak to the Parliamentary Committees (Natural Disasters Committee) Amendment Bill. I note this bill came about because of the actions of the member for Davenport when looking at having a standing committee into bushfires. I certainly think we should have a committee inquiring into natural disasters and bushfires, and I can understand the member for Davenport's interest in this area knowing the locality of his electorate. It is certainly something that is vitally important for all South Australians. We are seeing things change regarding what is needed to be in place as far as what happens on so-called catastrophic fire days, especially in relation to schools.

There was quite a bit of confusion last fire season when this policy was first put in place for catastrophic fire days and it caused a great deal of confusion, not just in the city but also in the regions. It can cause a great deal of angst as to whether or not school buses run. A lot of school buses have a start time of seven in the morning, if not earlier, so there need to be firm policies as to what procedures need to be in place about shutting down a school and where the refuge of last resort is for education facilities. I can certainly remember my school days, and they seem a long time ago.

Mr Williams: With good reason!

Mr PEDERICK: Not that long ago, member for MacKillop.

Mr Griffiths interjecting:

Mr PEDERICK: Just a couple of years ago; thank you, member for Goyder. The procedure at our little school, Coomandook Area School, was to head out to the school oval. That was a pretty good procedure: you are out in the open, you are on a green area and you are pretty safe. The guidelines being put in place now—the rules, so to speak—are that you need to have an assembly area that is serviced by toilet facilities. In the first instance, some would think that is quite a good idea, but in light of some of the procedures that are in place now with regard to my old school, Coomandook Area School, where my children go—

Mr Pengilly: Did you get expelled?

Mr PEDERICK: No; not at all—the mustering point is one of the central classrooms in the school. I have a problem with that as far as access for fire trucks to get in there. A lot of these school buildings are timber buildings, so likely to light up. I can understand the bit about being near toilets, but toilets might be your last thought if you are trying to escape a blazing inferno that could engulf classrooms.

I certainly think there is a lot more work to do, especially regarding fire safety and what procedures are put in place. I would like to think an open area is far safer, and I know that my area—and I know I am speaking mainly about near where I live at Coomandook—is fairly low risk, but these things really come to the fore when you come to heavily timbered areas, for example, throughout the Adelaide Hills and a lot of the side streets and back streets and that kind of thing.

I am certainly well aware of reports in the newspapers and in the media several years ago about the possibility of losing 300 people in the Hills if we have something like Ash Wednesday 1983 again. I still believe that could be the case because there are a lot of areas where the streets

are not very wide, obviously a lot of hills to negotiate, and for people who are not aware of the local area, a lot of places where people could get lost and trapped.

I acknowledge that in the Country Fire Service we now do what is called a burn-over drill every year, where you are either inside the CFS truck or on the back. With our newer trucks all the crew can be in the cabin. There are blinds that can come down on the inside and there are sprinklers around the outside of the cab and around the edge of the truck, and you can certainly get monitors going to propel water around the track as a refuge of last resort.

I think a lot of people will remember those terrible images of several years ago—I think it was in Victoria—of crews that had got caught out in fire trucks and had paid the ultimate sacrifice for their volunteer efforts to protect the community. It was a very sad day for firefighting authorities in that state and for the people involved and their families. So I think there is certainly room for a standing committee in regard to natural disasters. You only know how bad things can get if you are involved in something like this, and I have been involved in the CFS for many years and have fought plenty of fires.

Thankfully some of the guidelines for putting the firefighting aeroplanes in the air have relaxed so that they can go up far sooner to protect property, not just buildings and other built assets, so that fires can be put out far earlier. We noted the debacle that happened at the start of the terrible Wangary fires on the Eyre Peninsula, where a local contractor wanted to put his plane up to fight the fires but was not given approval. To this day—and he can say it for himself—I bet he wished that he had gone against the rules and done that. However, I am pleased that things have moved forward, as I understand it, with regard to getting aircraft in the air. I know that we can get the Elvis Heli Crane—

The Hon. C.C. Fox: Elvis?

Mr PEDERICK: Yes. Elvis re-enters the building.

The Hon. C.C. Fox: I've got the shoes.

Mr PEDERICK: Oh, very nice shoes, Minister for Transport Services. Blue suede? You've hit the money.

Members interjecting:

Mr PEDERICK: Yes, the minister on the other side and other members are trying to distract me, Madam Speaker. I seek your protection. All I am saying is that it is a deadly serious affair. When you hear first-hand accounts of people watching their grandchildren die in a fire, like I heard about the Wangary file, it really hits home. It is quite emotional just to listen to those stories, and to know that there is someone in that situation, who has witnessed these terrible things.

We do need to make sure that the right education programs are put in for the citizens of this state, we need to make sure the right protocols are in place the citizens of this state, and we need to make sure that our emergency services personnel, not just the CFS and MFS, have the right legislation and the right protocols to operate under.

I have been made aware of terrible decisions that have been made with regard to fires, where people have held off back-burning scrub because they were frightened of what the environmental agencies would do to them, but they would have saved a world of pain for communities in the Lameroo region if they had back-burned one day in Ngarkat, because the fire was going to come out at 90 km/h—which it did in the end anyway.

So some of these people in the environmental sector really need to get their heads screwed on; instead of replanting dead trees at Keith get out into there into the real world and have a look at what actually happens. I certainly support the establishment of a committee on natural disasters. It is not just fires; it can be flood or a whole range of other issues that can happen, and I think we should have a standing committee in this place. I fully support it.

Mr VENNING (Schubert) (10:44): I rise to support the member for Davenport and the member for Hammond who has just spoken. I will not speak at length. I think this is a very good move, because I also represent fire and flood-prone areas, particularly in the Barossa Ranges and the Northern Mount Lofty Ranges, particularly in relation to fires.

South Australia has a lot of disasters, usually at least one major disaster per year—whether that be a fire, a flood or a wind storm. Just the other day we had a wind storm in the Riverland. As the member for Chaffey said in this house yesterday, we are all getting phone calls

from people who have been very seriously affected by this storm. In fact, some whole orchards have been taken out and glasshouses totally wiped out. Really, I think that there is a strong case here for some sort of compensation from the government, because the government has form in relation to assisting people struck with a natural disaster.

I believe that a committee such as this would be very helpful in relation, first, to doing what it can to assist with that natural disaster to help the victims affected, whether it be fire, flood or a wind storm; and also then to consider what the government should do in relation to any financial assistance.

Over the years, Madam Speaker, you would be aware that we have had several special committees called. We had one for the Mount Remarkable fire (and that went on forever), and we have had several with respect to the Hills and Eyre Peninsula (Wangary) etc. in my time in this place. I think that it is a good move to have a permanent natural disasters committee in place. I think it is a good idea, and I would urge the house to support it.

Mr VAN HOLST PELLEKAAN (Stuart) (10:46): I will speak very briefly because I understand that we have three other very important pieces of private member's business to get to this morning. I strongly support the Hon. Iain Evans' (the member for Davenport) motion. I put on the record that I am an active CFS volunteer member, and I certainly have an interest in this issue, but I certainly support it far more broadly than just because of my interest.

The Natural Resources Committee has done an inquiry into this issue. We will speak at greater length on that inquiry another time, but I would just like to point out that this is not just a country issue: this is a country and metropolitan-fringe issue (as the people in Canberra can attest and as the people at the edges of Sydney can attest), but certainly it is a country and outback areas issue as well.

We have recently seen fires in the north-east of South Australia that were in the Northern Territory and Queensland as well. Those fires, in fact, burnt out an area in excess of the area of the whole state of Tasmania. There have been lots of other disasters as well. I understand that this motion is not just about fires—it includes all natural disasters, including flooding, and earthquakes.

With regard to fires, I would like particularly to put on the record my thanks on behalf of the people of Stuart to all those CFS volunteers who joined strike teams, left home and went up to Queensland, the Northern Territory and the far north-east pastoral area of South Australia to help with those recent fires up there because, without that sort of dedication and commitment, fires all over the state and the nation would not be put out nearly as quickly Thank you very much to all those people.

This motion is particularly important given our recent experience in Queensland with floods. We all remember the earthquake in Newcastle many years ago, and, certainly, the devastating experience in the Adelaide Hills is in everyone's mind as well. Victoria, New South Wales, Queensland, Western Australia and the ACT have all had devastating experiences with natural disasters, and we have seen very recently the difficulties at Payney Station when, trying to do a burn-out, DENR staff (in the words of some CFS members) 'significantly over-achieved' and had issues there.

I strongly support the member for Davenport's motion. The government did not support his last motion, which was only into bushfires. I hope that the government will support his motion, which is to establish a standing committee into natural disasters.

Mr TRELOAR (Flinders) (10:49): I, too, rise to support the motion from the Hon. Iain Evans to establish a parliamentary committee to oversee natural disasters. In this land of drought and flooding rains, as Dorothea McKellar so famously said, it is not necessarily at the top of our minds most days but, of course, a natural disaster can occur at any time and in any place. What happens in Australia generally, or often, in fact, is a drought, an occasional flood and even—in Adelaide and surrounding areas—the odd earth tremor. So, there is no immunity to natural disaster.

Members who have previously spoken have concentrated particularly on fire danger, and I guess that is the most prevalent and most likely natural disaster here in South Australia given that, with our Mediterranean climate, a good part of our landscape can and will burn for up to six or seven months of the year. So, really, for half of the year we are at risk of that natural disaster, our old enemy in this nation: bushfire.

As recently as yesterday in WA we saw a fire rage out of control and, as of this morning's news, up to 20 houses have been lost. Fortunately, nobody has been hurt, as far as we are aware.

The SPEAKER: Order! There is too much background noise. Show the member for Flinders some respect.

Mr TRELOAR: Thank you, Madam Speaker; because natural disasters and the establishment of a standing committee to consider natural disasters in this state is an important topic. I mentioned the bushfire that raged yesterday in Western Australia where some 20 houses were burnt. I know the devastation that those people are going through. I understand their sense of loss and their sense of pain.

It is at the time of natural disaster that people look to the government; it is when they need government assistance and guidance the most. It is up to the government to put in place management and protocols around natural disaster and the handling of such. As I said, there can be a natural disaster at any time, so we as a state, as a parliament and as a government need to be ready to act and have the appropriate measures in place.

It is an extraordinary demand on resources when a natural disaster does occur, and everybody in this place is well aware of that. It is about the best use, the best management and the most efficient use of those resources, and the preparedness of those resources, in a time of natural disaster. I have much pleasure in supporting this motion.

Debate adjourned on motion of Mrs Geraghty.

CRIMINAL LAW CONSOLIDATION (LOOTING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 February 2011.)

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (10:53): This private member's bill moved by the member for Davenport has been the subject of discussion between the honourable member and me for a good while. He raised the matter with me many months ago. I do not think there has ever been any difference of opinion between the honourable member and me about the policy point behind this amendment, and that is that people who take advantage of emergency situations to loot property, steal property from other people, are particularly unpleasant examples of low-lifes, or low-lives—I am not sure what the plural of a low-life is but, anyway, they are certainly in that category.

Mr Pengilly: Creeps.

The Hon. J.R. RAU: Creeps, yes, thank you member for Finniss. He has hit the nail on the head, as always. These people clearly deserve to be singled out for special treatment and I agree with the honourable member for Davenport in that regard.

I should inform the chamber, however, that there was initially a difference of opinion between us as to how we might go about that. I confess to having an aversion, I guess, to aggravated offences, of which this is an example. I hoped to be able to deal with the matter in another way but, upon reflection and after seeking a great deal of advice, I have discovered that the way I would seek to do it is probably more complex and difficult to manage than the proposal that was put up in the first place by the honourable member. For that reason, and after much consideration, I have come to the conclusion that it should be supported.

The Hon. I.F. EVANS (Davenport) (10:55): I will not hold the house long because I know other members have other matters they want to debate. I want to thank the Attorney for, firstly, the discussions over many months about this issue. As the Attorney quite rightly says, he thought he had a different way of achieving the same policy outcome, and I think there was agreement generally on the policy outcome that was sought, but I am pleased that, after receiving all the advice, the Attorney has come to the conclusion that the bill should be supported and I thank the government for their support.

Bill read a second time.

The Hon. I.F. EVANS (Davenport) (10:56): I move:

That this bill be now read a third time.

Bill read a third time and passed.

ROAD TRAFFIC (EMERGENCY VEHICLES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 September 2011.)

Mr GOLDSWORTHY (Kavel) (10:57): I am certainly pleased to rise in the house to speak to this piece of legislation the member for Stuart has brought to the parliament on behalf of the state Liberal opposition. This has been a commitment of the state Liberal Party for some time. It was in our policy documents that we took to the last election and I understand it was actually in the Labor Party's policy platform at the last election.

It has taken the Liberal opposition—the state Liberal Party—to bring this matter to parliament, to see an improvement in the safety of our emergency services volunteers when they go out morning, noon and night, to look to protect our community. It has taken the state Liberal Party to bring this matter to parliament, to see a positive result.

The Hon. J.M. Rankine: You are not pointing at me, are you?

Mr GOLDSWORTHY: I am making a point. That is why the state Liberals—

Mr Venning interjecting:

The SPEAKER: Order! The member for Schubert, I think you are misbehaving.

Mr GOLDSWORTHY: —have announced this and introduced the bill.

The SPEAKER: I'm sorry; I can't hear what is going on. Can we have some order in the chamber please? Member for Kavel.

Mr GOLDSWORTHY: That is why we have brought the matter to the parliament—to change the legislation to reduce the speed limit of vehicles passing emergency services vehicles, when they are out in the community undertaking their activity, from 40 km/h to 25 km/h.

Our state's 17,000 emergency services volunteers, together with the paid staff, are our everyday heroes in South Australia. With a constant the risk of fires, road accidents, natural disasters and other emergencies, we all rely on our emergency services for protection. As I said, the state Liberals recognise that, the community recognises that, so we need to support our emergency services personnel. Our emergency services are part of what holds our community together and they deserve our support.

Emergency services, we all know, are more than just vehicles, brigades and stations. The foundation of any emergency service is its people, particularly the volunteers. The volunteer service provided by the CFS and SES is invaluable, as is that of the MFS and other emergency service agencies, and should not be taken for granted.

However, as I said at the beginning of my contribution, it has taken the state Liberal opposition, the state Liberal Party, to bring this matter to the parliament to see a positive outcome. We have taken the lead on this issue. The state Liberals have taken the lead on this issue, and that is why we are looking to make the necessary changes to the law. The government has promised, but unfortunately it has not delivered at the moment.

I understand that all our emergency service agencies support it—the MFS, the CFS, the SES, the police association, the ambulance association, and so on—so I do not want to hold up the house unnecessarily. It is certainly supported by the CFS Volunteers Association. It is my understanding that they are quite frustrated with the government not bringing this matter to the fore and having it resolved, but I do not want to hold up the house unnecessarily because I know we have some other matters to deal with in relation to this.

The government is proposing to establish a select committee, and we understand that it has the numbers in the house to do that. I understand that the minister will look to carry us through that process after the conclusion of the second reading debate. Obviously, this is a very important measure to support our emergency services volunteers, and we look forward to the swift carriage of the legislative process to see this put in place to protect all our emergency services personnel.

Mr BROCK (Frome) (11:02): I also rise to support this private member's bill introduced by the member for Stuart (Mr Dan van Holst Pellekaan), and I congratulate the member on bringing it up. This issue was identified by myself, probably back in July, and I spoke to the previous minister and brought to his attention the 2010 commitment from the Labor Party to bring that to fruition.

I take on board the member for Kavel's comment that the Liberal Party has brought it to the house, and it is a lesson that I have learnt that, if we feel very passionate about an issue, then bring about a change to the bill itself. We were trying to get it through the regulations and, unfortunately, we could not get through that way. There was a bit of a time bomb.

As the members for Kavel and Stuart have indicated, members of the emergency services out there deserve to have some protection, and I am very hopeful that this bill will get speedy passage through the house because, in my case, I have gone through it with all the relevant emergency services, including the CFS, the SES and the MFS and also the ambulance services, so everybody is in agreement with this.

Just recently, one of my volunteers came into my office. He was on leave and he went through Port Augusta, and as he went past the Port Augusta Gaol there were signs out there at 25 ks an hour because the inmates were doing some cultivating on the side of the road.

Mr Pengilly: Escaping.

Mr BROCK: They were not escaping.

An honourable member: What were they cultivating?

Mr BROCK: They were managing the grass there. His statement was that he risked his life to pick up people who are being injured and yet he has to have people going past him at 40 ks an hour currently. Let me also say that people need to use some common sense. I do not think our drivers in South Australia really understand what we should be doing. If you are on a road and you see an emergency vehicle—whether it be a police vehicle or whoever it is—on the side of the road doing their duty, you should slow down automatically even if there is no legislation in place. Common sense prevails. We should be very, very sincere about that and start to take it into account. This is why we need to reduce the speed limit to 100 km/h on some of the country roads.

I believe that driver education should go back to schools and that information made available. It should be part of the tuition of secondary schools so that all students are aware of what the regulations are, what the speeds are and how it is just common sense. Common sense is something that everybody should have. You see it all the time, when people reverse out of a parking space on a two-lane road, they will not go into the other lane on the other side if it is vacant. I know that there are other things that need to be done today, but I certainly 100 per cent endorse this and hope it gets speedy passage and gets implemented very quickly.

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) (11:06): In the very first meeting that I had as Minister for Emergency Services with the Country Fire Service Volunteer Association they raised this particular issue. As other speakers have said, they are very passionate about ensuring that the speed limit past emergency vehicles is reduced from 40 km/h down to 25 km/h. They see it as an important safety measure for their volunteers. It is about sending out, in their view, a very strong message to motorists who they do not believe, in large part, obey the 40 kilometre speed limit currently. It is sending a message that, when you passing an emergency vehicle, you do need to slow down.

In fact, it was Labor Party policy at the 2010 election and, as the member for Kavel claimed, a part of the Liberal Party policy as well. I have to say that it is just a tiny bit cute that the election was in 2010 and here we are in 2011 and he is in here beating his chest. We know that there are some leadership tensions currently within the Liberal Party and, certainly, the reshuffle is causing anxiety for some people.

However, I want to put on the record my strong support for the member for Kavel. I think he has been a very good shadow minister, and I always enjoy working with him. I have always found him, on a personal level, to be a very reasonable person to deal with. I just hope he continues to have the support of his party when they have a reshuffle. He comes into the house and does a bit of prancing around and beating of his chest, but underneath it all he is really quite a good fellow. We recognise that—

Mr Pengilly: He was a bank manager, and they are terrible people.

The SPEAKER: Order!

The Hon. J.M. RANKINE: Don't reflect badly on the member for Kavel. As I said, he is always a very decent person to deal with and I have always enjoyed, on a range of different portfolios, working with the member for Kavel. These people, on a daily basis, put their lives at risk

when they attend emergencies, most particularly road accidents—and we have many of those not just in rural areas but on the fringes of the city as well. I know that for the Salisbury CFS, for example, the largest number of callouts is for road accidents, so it is important that their selfless actions are recognised and that we have the best protections in place to enable them to get on and do the work they do in providing really important services for our community.

In considering our position, the information that I have is ever so slightly different to what the opposition has proposed and that is, in fact, there is one agency that does have some concerns about this particular legislation and that is the South Australia Police. They have some concerns about how this might be enforced and the implications on some of the main highways where there is a speed limit of 110 km/h and passing traffic is required to reduce to 25 km/h. This government thinks that we need to consider very carefully both sides of this argument and that the concerns that have been raised warrant careful examination.

Rather than passing legislation, we looked at using regulation to do this, and that would enable Country Fire Service brigades to erect the 25 km/h signs themselves. They could carry them in their trucks and when they thought it appropriate they could erect those signs. But the clear message I received from the volunteer association was they did not want to proceed down that track. I am very keen to find a balanced solution, so this government proposes that this bill be referred to a select committee.

We recommend that the members for Reynell, Light and Mawson sit on that committee. All three of these members do a wonderful job engaging and working alongside volunteers and employees of their local emergency services. We would also propose that the members for Kavel and Stuart, who have brought this bill into the house, be part of this select committee. Again, they are both very active local members. As I said, I have always found the member for Kavel to be a very decent person to work with, and I know the member for Stuart is also highly regarded and has been spoken of at great length as possibly being promoted into the shadow cabinet. We think it is appropriate that they join the select committee. We hope the committee can swiftly and effectively move through all of the issues in time for a resolution in the New Year.

The Hon. R.B. SUCH (Fisher) (11:12): I believe the intent of this is good. I agree with the minister that it probably needs some fine tuning. One of the points that I would strongly emphasise—and it is the same for roadworks and similar situations—is that there has to be proper signage. I realise in this case it is probably going to be flashing lights but, if you are going to impose some restriction on motorists and you want them to do the right thing, I think it is only fair and reasonable that they be properly informed that there is going to be signage and a requirement in that situation.

Otherwise, you will find, as happens now with a lot of roadworks situations, that it is not always clear where the roadworks start and end. It is quite confusing. I would ask any member here to look next time they go near roadworks to look at how clearly it is sign posted. The penalties for breaching these things are very high and if people breach them knowing the law it is on their head because it is their stupidity; but, in fairness, I think you have to make it clear to motorists that there is some restriction and it covers a particular area. Otherwise, people will wonder: am I out of the emergency zone, and when can I resume the normal speed? If it goes to the select committee, which I believe it will and should, I think proper signage is one of the important issues, to alert motorists to their legal requirement.

Mr VAN HOLST PELLEKAAN (Stuart) (11:14): Thank you to all the people who have spoken on this issue. This is a very important issue. We have another very important piece of private members' business to get through so I will not go on for too long, and I will not recap the things I said the first time around. Thank you to the government and to the minister for committing to this house that this bill will be taken to a select committee, and to the minister's office for the correspondence and communication we have had on this issue.

My understanding is that every single emergency service organisation's volunteer group supports this. I understand that the minister has different advice from the police department, so it is appropriate that the minister fully investigates how that piece of advice would fit into what every other organisation says is appropriate.

I put a lot of thought into this before putting the bill forward, and I do think that the way I have proposed it is the most straightforward, the simplest and the most effective. I will not pre-empt the work that the select committee will do in investigating all the other possibilities, but I do believe that the approach that I put forward is the best one.

I appreciate the fact that the select committee will investigate this, and I hope that the government will see that the select committee does its work as quickly as possible and that this is brought back to the house as quickly as possible so that it can then consider the recommendations of the select committee. With those few words, I finish the second reading speech and look forward to the house receiving the recommendations from the select committee.

Bill read a second time.

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) (11:17): I move:

That standing orders be so far suspended as to enable me to move a motion without notice to refer the bill to a select committee.

The SPEAKER: I have counted the numbers and a quorum is not present.

A quorum having been formed:

The SPEAKER: There being an absolute majority present, I accept the motion.

Motion carried.

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) (11:18): I move:

That the bill be referred to a select committee and that the committee examine the Road Traffic (Emergency Vehicles) Amendment Bill.

Motion carried.

The Hon. J.M. RANKINE: I move:

That a committee be appointed consisting of the members for Reynell, Mawson, Light, Kavel and Stuart.

Motion carried.

The Hon. J.M. RANKINE: I move:

That the committee have the power to send for persons, papers and records, to adjourn from place to place, to continue its sittings during a recess, and that the committee report on 16 February 2012.

Motion carried.

The Hon. J.M. RANKINE: I move:

That standing order 339 be and remain so far suspended as to enable the select committee to authorise the disclosure or publication, as it sees fit, of any evidence presented to the committee prior to such evidence being reported to the house.

The SPEAKER: There being an absolute majority present, I accept the motion.

Motion carried.

LOCAL GOVERNMENT (ROAD CLOSURES—1934 ACT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 November 2011.)

Ms SANDERSON (Adelaide) (11:19): I rise today to speak against the member for Croydon's private member's bill which seeks to re-open Barton Road. This is a very foolish idea and one that is based on the member for Croydon's 23-year career argument of perceived class warfare between the western suburbs and North Adelaide, rather than what is considered to be world's best practice of road safety and traffic management in residential areas. Barton Road was closed in 1987 as part of a major realignment of roads and the creation of the northern ring route around the city in the 1980s. Fitzroy Terrace was widened, and access streets on its northern side were created for residents of Bowden and Brompton, with buffer mounds of trees to reduce the traffic impact. The bridge was built over the railway line and the level crossing at North Adelaide station closed. The Hawker Bridge over the railway line was demolished.

The closure of Barton Road was not, as has been suggested by the member for Croydon, a unilateral decision made by Adelaide City Council. At the time these road alignments, including the Barton Road closure, had the support of Hindmarsh and Prospect councils and the highways

department. The consultation by the north-west ring route working party was extensive, and included displays of the proposal to close Barton Road (which was Mildred Road at the time). Many residents have chosen to reside in the north-western precinct of North Adelaide since this time, knowing that Barton Road was closed. It is difficult to see what justice will be accorded to them if the road is reopened after 24 years.

It is common knowledge that continuing pressure to open the road and the continued threat to North Adelaide residents over the issue arises from the obsession of the member for Croydon since he was elected in 1989, and his continual opposition to it, despite the agreement on its closure before he became an MP. The member for Croydon believes that the road needs to be reopened for quicker access from the western suburbs to Calvary Hospital, the Mary Potter Hospice, St Dominic's and St Laurence church, yet in the 170 times that the member for Croydon has mentioned Barton Terrace West, and in his 67 speeches in this house, he has failed to declare his personal interest, given his daughter attended St Dominic's.

The member for Croydon stated in his speech that 'One would not use Barton Road if one were a Bowdenite wanting to travel to the CBD or eastern suburbs,' and previously in *The Advertiser* in 1999 he said:

> ...this is not going to be a shortcut from the western suburbs to the city...no-one in their right mind would use it to get to the city.

Based on the 1990s traffic survey figures, the member for Croydon is expecting the road to be used by 2,500 vehicles per day. I believe the road could be used by even more, given the increase in Adelaide's population since then.

Estimations aside, there are not 2,500 vehicles visiting the above referred to institutions each day, so the member for Croydon must know that there will be a high proportion of vehicle traffic using the road as a shortcut through a residential area to get to the city. But will it actually be quicker? That is a matter for debate. We cannot give a definite answer because the member's own minister for transport has not requested his department to undertake a comprehensive traffic survey of the area and potential impacts, despite a campaign—or obsession—of more than 20 years and the report commissioned by the Adelaide City Council 12 years ago showing numerous reasons why not to reopen the road.

A PhD candidate at UniSA did a traffic simulation of the reopening of Barton Road from 8am until 9am on a weekday, and it showed considerable congestion along Barton Terrace West and the need to re-engineer several intersections. The member for Croydon states that he has surveyed his constituents and that they overwhelmingly want the road reopened. I understand the member now intends to survey the outer western suburban marginal Labor seats of Colton and even Port Adelaide on the issue. It is a disgraceful waste of taxpayer money to survey residents who live more than 10 kilometres away from the issue. He has not surveyed the people most affected in Ovingham and North Adelaide.

I have walked the streets of my electorate and surveyed those who would be directly affected by the reopening of the road, including those in Ovingham and North Adelaide. I discovered that more than three to one want it to remain closed, including many Ovingham residents who recognise the potential traffic concerns the reopening could raise, especially without current traffic surveys and related data modelling.

We doorknocked over 602 homes. For those who were not home, we left a note asking whether they wanted the road reopened and giving our contact details. Those who did not respond received a follow-up contact. Of the residents who responded, 79 percent would like Barton Terrace to remain open only to buses and only 21 percent would like reopened.

I have completed a traffic survey of the number of vehicles that illegally duck through Barton Terrace. A total of 55 vehicles illegally used the road over a 10-hour period, although the member for Croydon's estimate was over 600 vehicles per day. Another former Labor attorney-general, Chris Sumner, recently wrote to *The Advertiser*, stating:

> There has been no traffic survey, no assessment of the impact on the residents of North Adelaide nor whether traffic installation, such as lights, will be needed. There will also be an adverse impact on Bowden, Brompton and Hawker Street residents.

Adelaide City Council and Charles Sturt Council are unanimous in their lack of support for this bill. Charles Sturt's CEO, Mark Withers, states that the legislation does not allow enough time for consultation, traffic analysis or to assess both the technical infrastructure issues and cost. In a

recent letter, the CEO made reference to the defeated motion of councillor Agius in December 2010 seeking to have the road reopened. He lost 12:4.

Charles Sturt Council further opposes any reopening on the grounds that there was no complete traffic survey on which to base a position, and that, in fact, the amenity of the residents of Bowden and Brompton in the electorate of Croydon might be adversely affected by reopening. The Adelaide City Council does not support the reopening.

In August this year, the council affirmed its support for continued closure of Barton Terrace West-War Memorial Drive as a 'bus only' lane. In 2002 traffic surveys undertaken in North Adelaide demonstrated that the control has proven effective in increasing the levels of road safety and residential amenity on North Adelaide streets. In 1986, before the road's closure, there were 51 vehicle accidents on Barton Terrace, with 11 people injured, several requiring hospital admission.

In 2009 only one accident was recorded with no injury. Hill Street went from seven in 1986 to one in 2009; Mills Terrace, nine accidents in 1986 to one in 2009. With such vulnerable populations—elderly residents at the Helping Hand Aged Care centre, children at St Dominic's, the patients and visitors to Calvary Hospital and the families parking to access the aquatic centre—the potential for tragedy is very real with such an increase in traffic.

According to the 1999 report commissioned by the Adelaide City Council, the findings of consultants Murray F. Young & Associates were almost singularly negative about the impacts of the potential reopening of the link. These included:

- Significant increases in traffic volumes on Barton Terrace and Mills Terrace/Hill Street, and possible increases in speed on Barton Terrace;
- Increased traffic and noise on residential streets resulting in reduced residential amenity; and
- Possible requirements to install traffic control in Barton Terrace and Mills Terrace/Hill Street (and to upgrade the pavement and lighting in these streets), increased traffic using Hawker Street, Bowden and the potential for increased accidents.

The report goes on to state that North Adelaide roads would increase significantly with probable increases of 52 per cent on Barton Terrace West between Jeffcott Street and Mills Terrace, an 18 per cent increase on Barton Terrace West east off Jeffcott and a 100 per cent increase on Mills Terrace and Hill Street.

If the reasoning behind the legislation was not enough for this chamber to roundly throw it out, the legislation itself is so poorly constructed—no doubt due to the harried and reckless brief of a man obsessed—that the Local Government Association and many local councils are scrambling to understand its implications in a time frame that almost reeks of bullying.

If this bill were to pass, Charles Sturt Council (the target of this legislation) has already flagged that it would not request it to be opened without a full traffic survey. Six months is not enough to complete a full survey; and, if Charles Sturt does not give an answer, the default is that the road will be reopened, at the expense of an estimated $1 million to be borne by the Adelaide City Council.

It astounds me that the member for Croydon is willing to have parliamentary counsel waste thousands of taxpayers' dollars drafting legislation to open a council road that was closed to return a residential street to the amenity it deserves—all this in an effort to ensure the certain detriment of the safety of school children, the elderly and the ill, as well as to the amenity of North Adelaide and Ovingham residents, all for his own self-interest and obsession.

Debate adjourned on motion of Mrs Geraghty.

TAFE

The Hon. R.B. SUCH (Fisher) (11:29): I move:

That this house calls on the state government to ensure that TAFE is not undermined by the introduction of a policy of full contestability for VET funding, nor by the South Australian government's Skills for All policy.

Madam Speaker, I note your long-standing association with TAFE, going back quite a while. I remember meeting you in Whyalla—I think it was at the TAFE campus—many years ago. I am passionate about TAFE, and I am sure that you are, Madam Speaker.

I am not saying that the government is going to do the wrong thing; I am just sending up the flag, I guess, to indicate to the government to make sure that, in introducing this policy of full contestability and the Skills for All policy, it does not fall into the trap that occurred in Victoria, which has resulted in the TAFE sector being basically undermined, undervalued and considerably weakened.

About two weeks ago, the member for Ashford, the Hon. Robert Brokenshire MLC and I attended an AEU briefing on TAFE, delivered by Ms Pat Forward from the federal branch of the AEU, on what has happened in Victoria as a result of the introduction of contestability. Pat Forward made a lot of concerning comments about what had happened in Victoria, where nearly all of those equivalent TAFE institutions are now in deficit; they have serious financial problems. One of the great concerns was that the quality of programs had suffered. At this meeting, she said that you can get a diploma in Victoria in five days from some of the private providers that have sprung up. She went into great detail about what has happened over there.

Anyone who knows anything about training or education would know that a five-day diploma is basically worthless; it is a nonsense. That is no doubt an extreme situation. I think TAFE has been one of South Australia's best kept secrets for a long time, and I hope that all members here familiarise themselves with their local TAFE so that they can be aware of what TAFE contributes.

There have been substantial cutbacks to TAFE here over the last decade or so. At Regency, we used to have a very large engineering section. That has been basically decimated. Other parts of TAFE have suffered significant funding cuts. I hope that will change. I heard the Chair of the Public Works Committee talking about the sustainability education centre at Tonsley Park. I hope we will see increased funding for skills training, not only at the secondary school level but certainly at the TAFE level as well.

I am not against the private sector; it has to make a profit, but, if it takes on some of the VET training, it will cream off the profitable sections. We also have other requirements which may not be as profitable in the short term, but we still need the skills that are produced in those other areas. However, if you just throw the VET sector open completely, you will end up with some of the private operators creaming off some of the offerings. It is a lot cheaper to put 30 students in a classroom with a computer than it is to teach or develop skills in plumbing or heavy engineering.

TAFE has had a long-standing record of commitment to the community through community programs, including helping not just mature age women but others to access a stepping stone to further study and skills development. I do not want to see that role diminished. It is not just women who have missed out on opportunities because they have been raising children, and so on; there are a lot of men in the community, too, who need to change direction in terms of their career, who may be trapped at the moment with a mortgage and a family to support as well. What we need is the maximum opportunity for people to upgrade their skills, whether they be men, women, young people, mature age or whatever.

I read a lot of newspapers, which probably explains something, but, in Victoria, they have just been recruiting police for their public transport system and I noticed one of the recruits was aged 57. Now, that was in a particular area of public protection, to become an armed officer on the transit system, but we need to make sure that we use the skill potential of people, irrespective of their age, across the board.

There are a lot of people who do not get the opportunity to develop their skills and who do not maximise their potential. I think it is one of the saddest things, as well as being wasteful, for people not to develop their skill. I think of people like my late mother who wanted to be a teacher but the family could not afford it and an aunt, who was very talented at art, but never had the opportunity to develop those talents. I think, if you asked around amongst the generation of parents and grandparents you would find that there are a lot of people who could have done things but never had the opportunity, whether it be in the skills area or other related areas of training and education.

I do not want to take too long with this motion. I am just really flagging to the government to be particularly careful to ensure that there is a quality regime in place and, in particular, that it is enforced. It is one thing to say that providers have to meet standards; it is another thing to make sure they do. The government, to its credit, cracked down on a dubious operation, I think it was last year, involving overseas students.

I move this motion really, as I say, to fly the flag. I have had concerns expressed to me by TAFE people who are in my electorate but also from the AEU. I will not go into all the concerns they have about increased costs, potential closure of campuses and the unrestrained growth of private for-profit providers. I just flag to the government: make sure that, in this process, we do not literally throw out the baby with the bathwater, but keep and reinforce TAFE and ensure that we do actually have a program which is skills for all and quality VET programs because our future depends on developing a highly-skilled workforce in this state.

Mr ODENWALDER (Little Para) (11:37): I support the motion put forward by the member for Fisher and I thank him for his contribution. I would just like to take this opportunity to talk about the measures under Skills for All. They will not only allow TAFE SA to participate in a more demand-driven training market that reflects the needs of businesses, industries and students but these measures will support and invest in TAFE SA to give it an opportunity to prosper and grow.

As most members will be aware, Skills for All will bring fundamental changes to the state's entire system of publicly funded vocational education and training (VET) and goes beyond reform of TAFE SA. The package of reforms aims to increase the number of South Australians in skills training, raise the skills level of South Australians, increase the number of South Australians with post-school qualifications and increase labour force participation. To achieve these aims, we have committed an extra $194 million over six years, which will support the total number of additional training places of 100,000 over six years from 2010-11.

To deliver these additional training places, Skills for All will provide more public training funds, contestable to more approved training providers. This will mean that South Australians aged 16 years and over will be eligible to use the government-funded training subsidy, which gives them a greater range of training providers, and get the training needed for the jobs of today and the high-tech and high-skilled jobs of the future.

There have been some recent comparisons made between Skills for All and the Victorian reforms. While there are similarities with the reforms in Victoria, there are key features that distinguish Skills for All. The state government, after investigating the Victorian reforms, will adopt a number of features in the Skills for All policy which will:

- maintain South Australia's reputation for high-quality training providers;
- provide a generous entitlement to subsidised training for individuals;
- ensure equitable and affordable fees for all South Australians wishing to undertake training;
- give support to TAFE in transition; and
- ensure training decisions will not be left totally to the market, but managed by caps and incentives to ensure the training meets the needs of industry.

Importantly, TAFE will continue to be owned by the state government. It will not be privatised. Skills for All will introduce a more contestable market which will be managed to ensure that the high reputation of quality of training in South Australia will be maintained. Training providers wishing to access public funds under Skills for All will be required to meet rigorous assessment criteria in addition to the standard registration process. This will help to ensure that South Australia retains its reputation for high-quality education and training. A separate assessment process is not required in Victoria.

Under Skills for All, the training subsidy is more generous and inclusive to people wanting to retrain at the same and lower levels. All eligible South Australians aged 16 and over will be able to undertake at least one subsidised training course at any level, regardless of the level of qualification already held. This is not the case in Victoria for people aged 20 and over, whose entitlement is generally only for training at foundational skills level and for any qualifications higher than qualifications already held.

The Skills for All subsidy will also ensure equitable and affordable fees for students, particularly for training at foundation level. The tuition fee for all training up to and including certificate II level will be fully subsidised by the government, with no tuition fees. In contrast, the Victorian government does not fully subsidise foundation level courses or training up to and including certificate II. In addition, qualifications at certificate III level and above will receive significant subsidies.

Unlike the experience in Victoria, Skills for All will introduce maximum and minimum restrictions on the course fees, which will prevent providers from overcharging students while ensuring that providers cannot offer training at artificially low prices. As the state's largest provider of publicly funded training, TAFE SA has an important role in meeting industry training and community service needs and contributing to the social and economic development of communities, particularly in regional South Australia.

As TAFE SA is already widely recognised for quality training, employment outcomes and student satisfaction, under Skills for All, TAFE SA has an opportunity to attract more funding and grow in the contestable funding environment. The state government is committed to ensuring that TAFE SA will be supported through transition. It is proposed that TAFE SA will be established as a single statutory authority comprised of three institutes, which will ensure that system-wide benefits of TAFE SA are preserved.

By contrast, all Victorian institutes compete against each other for students and revenue. There are almost 20 TAFE institutes and TAFE divisions of university competing alongside private providers for students and contestable government funding. The state government remains committed to investing in TAFE SA as a public institution and has committed more than $200 million to upgrade existing infrastructure and to build new facilities since 2008.

In addition to the governance reform and significant capital investment, a transitional funding framework under Skills for All will support TAFE SA and acknowledges the additional operating costs and obligations associated with being a public institution. This will include transitional arrangements, such as a higher subsidy price for TAFE SA compared with non-TAFE SA training providers to deliver the same training, a purchase agreement that will include separate funding for payment for other services and funding for community service obligations, including funding for TAFE SA across regional South Australia and the APY lands, as well as ongoing funding for learner support services.

Contestable funding will be phased in so that TAFE SA and the rest of the training market will have time to adapt. This phase-in period is expected to be four years and will ensure effective implementation and review of Skills for All. TAFE SA plays a fundamental part in the education, training and employment of our community and that is why these measures are central to the Skills for All policy. By supporting and investing in TAFE SA, we will build stronger foundations for the future of the training system and skills development in this state.

Mr VAN HOLST PELLEKAAN (Stuart) (11:43): I rise to support the Hon. Bob Such (member for Fisher) in his motion. I think the important part of the words he has carefully chosen is that 'TAFE is not undermined'. It will not surprise anybody here that I am not generally into protecting industries or institutions or service providers from competition, but I think it is very important that TAFE is not undermined by this process.

TAFE is an incredibly important institution in our community, and education is not one of the services that should be chosen basically by just taking the cheapest option available. I am not suggesting that the government would do that, but I do just want to highlight that this is not a lowest cost denominator type of service. Ensuring that TAFE is not undermined is exceptionally important.

TAFE provides an opportunity for people of all ages, sexes and religions, whether they are people who might be on a very normal course, from primary school to high school and on to higher education, and choose to do that through TAFE, whether they are people who have left the school system early and found a way to return to education; they might be migrants, they might be people looking for career changes. TAFE is an incredibly important organisation.

It is not to say that none of the educational services that TAFE provides could not be provided by other institutions. In fact, I am sure some of them can be and I am sure some of them should be, but making sure that the existing TAFE process is not undermined by opening it up to competition is very, very important.

I support something that the member for Frome said yesterday in a different debate, that he was very disappointed that funding of TAFE programs slowed down in recent years with the economic slowdown. I believe, and said at the time, that when things are getting tighter in the job market, when the economy slows down and when opportunities for employment slow down, that is probably exactly the time when opportunities to study in TAFE should be increased and given a slightly higher priority. That gives people a year or two or three to get through their training, by which time we would hope that job opportunities would start to come back around.

We have seen in the last few years a really crazy situation where job opportunities and training opportunities have both diminished at the same time. When job opportunities diminish, we really want to increase training opportunities so that when job opportunities, the demand for workers (as we all hope will happen throughout our state, but particularly in the northern part of South Australia due to the increase in mining activity) and when jobs are needed people should be available for them. The only way that could happen is if they started their training a year or two or three beforehand. So, I think that is extremely important.

On this topic, too, I have to say that I was extremely disappointed when the state and federal governments jointly axed the Australian Technical College program, which was a very good partnership between TAFE and DECS (as it was called back then) to train people. It allowed people who may not have finished high school or got into an apprenticeship to actually do one or the other or both through the ATC program. There are actual examples of young people who would never have done either of those things completing high school and getting an apprenticeship or a trade qualification. I thought it was a fantastic program, and I was very disappointed that it was axed a couple of years ago.

I have had representations to me—written, verbal and in person—from people in the electorate of Stuart who consider this motion to be a very important issue. Of all of the different things that they said me, and many of them have great justification, the one that really hit home hardest to me is that they fear that what is going on at the moment may turn current partners in tertiary education into competitors.

Right now, TAFE is working cooperatively and collaboratively with other organisations to provide a full range of educational opportunities to people. They fear that they might move from being partners to being competitors. Again, I have no fear of competition. I think most industries and most organisations benefit from competition and suffer from protection. I am not for a second suggesting that TAFE should be protected but, getting back to the member for Fisher's motion, he wants to ensure that TAFE is not undermined by this process, and I support him in that.

The Hon. R.B. SUCH (Fisher) (11:49): I do not need to labour the point, but I just reinforce that I am heartened by the comments on behalf the government from the member for Little Para and the member for Stuart. I now ask that this motion be put to the vote.

Motion carried.

SOUTH AUSTRALIAN CERTIFICATE OF EDUCATION

The Hon. R.B. SUCH (Fisher) (11:49): I move:

That this house calls on the state government to undertake a review of the new SACE following concerns expressed by educators.

I make clear at the start I am not anti the new SACE: I just believe that some issues have arisen. I am sure that within the government and the SACE board, and so on, they would be monitoring these issues, but I think the new SACE is an important development and it is vital that we look at what has happened and whether there are any real grounds for modification in the future.

I made a very detailed submission, in writing and in person, to the inquiry into SACE which was chaired by the Hon. Greg Crafter. The new SACE is trying to ensure that we do not simply have a secondary education system that is focused on the minority who go to university (as important as they are) but that it also has proper recognition and certification of those not going to university, for example, going into trades, or whatever. I think that objective is reflected in the way in which the new SACE has been set up.

Recently, there was a gathering of alumni at the University of Adelaide and I spoke with Greg Crafter and discussed some of these issues. One of the contentious points has been the so-called research project which is mandatory under the new SACE. In discussing that with Greg, he said the group who reviewed SACE took that idea from the International Baccalaureate. I am a great believer in research, if that is really what it is, and I have a habit of talking to young people wherever I come across them—working at checkouts, or whatever—and I met a young lass recently working at Woolworths at Blackwood and I asked, 'How is your study going?' and she said, 'I have just done year 12 at Cabra.' I said, 'That's great. What did you do for your independent research project? and she said, 'I learnt the guitar.' That is a great thing to do, and I have asked around and one lad said he made a go-cart. There is a benefit in doing those things but the question is: is it really a research project, according to that title, to learn the guitar? I wish I had learned to play the guitar or some other musical instrument when I was younger—

Mrs Geraghty interjecting:

The Hon. R.B. SUCH: I'll stick to singing. Is that really a research project? I think, in talking to Greg Crafter, that maybe the title is not appropriate. If it is a broadening activity, then fine, call it that, but I do not think we should be pretending that it is a forerunner to the sort of research you might get at university—stratified random samples, and all that sort of thing.

I think that is one point. I noticed in *The Advertiser* a month ago a report about a survey of year 12 students. I am not sure what the sample size was, but two-thirds of them said they wanted the research project to be optional, not mandatory. That is one issue, and I am sure the minister and the SACE board will look at that.

Another concern that has been raised is: what has happened to certain subjects? I am sure the minister would be well aware that some of the casualties of the new SACE—and it is not just the new SACE—include a dramatic falling off as a result of the four subjects. There has been a dramatic falling off, for example, in the study of geology. I am told that there is only one geology course offered at secondary level in the state and that is at St Peters College. I could be wrong, but that is what I have been told by staff at St Peters College. It is the only school teaching geology at secondary level. We have a lot of people doing geology at university but, if you want to feed into the university sector, particularly given our mining boom, one would imagine you would need more people focused on geology well before they got to university.

In fact, I am a great believer that people's interest in subjects and vocations starts a lot earlier than secondary school. Often around years 6 and 7 in primary school young people have an inkling of what they may do. So, I think as part of this review there needs to be a look at what has happened to some of the subjects. Geography is almost becoming extinct as a subject. History will get revived under the national curriculum, I believe. Languages have suffered. I recently read some articles by three (I think they are all professors at Monash) expressing their great concern at the failure in Australia to develop, implement and achieve a second language policy.

I am not sure what it is: I suspect one might be unkind and say it is a form of arrogance on our part that we do not need to bother with other people's languages and, by implication, their culture, by not teaching, understanding and promoting it in our schools and elsewhere. I suspect that is part of the problem. So, that is another issue that needs to be looked at: the restriction in the choice of subjects. If you are choosing four subjects that does not give you much scope to do much else.

I was reading late last night that in some comparable certificates elsewhere there is a community service obligation component. Within the new SACE there can be an element of that, but in some of the equivalents interstate and overseas there is an explicit requirement that students at secondary school get involved in some community activity. I have been a great believer in that for a long time. Our students at secondary school level should get involved, whether they are in Scouts, Guides, CFS cadets, Air Force cadets, St John Ambulance, helping in the local nursing home, or any of those sorts of things.

We are seeing the consequences of a lack of commitment by people to their community, in terms of service. If we are not careful, I predict that in a few years we will probably not have too many volunteers in anything. We also have to develop and reinforce community groups in the community. I want to talk to the government about the issue of how we do that, because otherwise we are not going to have too many community groups left.

In terms of the new SACE you cannot fit everything in, but there needs to be an explicit requirement in the secondary school program that students undertake quite specific community involvement and serve the community in some way or another. I think that is the best form of nationalism, rather than some of the other jingoistic stuff that goes on. If you want to be part of the community, you learn to be part of the community by serving others in the community and helping others.

Another point that has been raised (by someone I know who is head of a middle school at one of our private schools) is that with the new SACE there is a tremendous amount of paperwork and what he calls bureaucracy. For the year 12 students, their number, if you like, is drawn by a computer and that student's work for the whole year has to be physically transported to the SACE headquarters for moderation and checking.

There is a lot of bureaucratic work and a lot of paperwork involved. Our teachers for whom I have great respect are underpaid and often undervalued. With this new SACE we have to look at

the bureaucratic imposition and the paperwork imposition: is it reasonable, is it appropriate, and is it resulting in students getting the education that we want them to have?

I will make my final point. Traditionally, the secondary school certificate has been a vetting process for the universities. Some of the staff at the university I have spoken to see the new SACE as a dumbing-down. That might just be the (often elitist) view expressed by some people at university. They have concerns about literacy and numeracy, and so on, but the view put to me was that the universities accept the new SACE because it saves them from spending money on a vetting process themselves. The new SACE is trying to do a whole lot of things; as I said—broaden the programs and outcomes for all students and provide a selection process for universities—and, hopefully, in the process it will help create good and constructive citizens.

I conclude by indicating that I am not against the new SACE, having had some input into it, but I am just highlighting the need for the government to monitor it closely, and for the SACE Board to closely monitor what has happened. Certainly, teachers and students should not to be backward in expressing a view about how they feel it has gone—it has only been fully implemented this year, for year 12—but convey those thoughts direct to the minister or the SACE Board. I think it would be in the best interests of all South Australians if that were to happen.

Debate adjourned on motion of Mrs Geraghty.

CRIMINAL LAW REVIEW, SEXUAL BEHAVIOUR

The Hon. R.B. SUCH (Fisher) (12:01): I move:

That this house requests the state government to commission a retired judge to undertake a comprehensive review of the criminal law as it relates to sexual behaviour.

This motion is not only focused on the issue of what is now often called 'sexting', where people send sexually explicit material on the net or in other ways, but it certainly encompasses that.

Members will recall that a few years ago the Hon. Andrew Evans in the other place moved for change in terms of sexual offences against children so that they could be dealt with retrospectively. As members would know, parliament is traditionally very much opposed to any retrospectivity on the ground that there can be an element of unfairness. I do not disagree at all with bringing to account people who have abused or sexually used children. I do not have a problem with that.

However, in the process of that commitment to deal with paedophiles, as they are often called—even though the term itself has been turned on its head from 'lover of children' to 'abuser of children'—some things have happened that I do not think any of us ever envisaged. What we now have is a situation where people who are not paedophiles, and no threat to children, have been dragged into a situation where they have now become sex offenders. As a result—and I am sure members have had people come to them—things that happened many, many years ago, in some cases 40 or 50 years ago, have now surfaced under the heading of 'sexual offences'.

I will give a couple of examples. I have mentioned to some people before that a prominent person in Adelaide—obviously I will not use the name—went swimming at a beach down south near Victor Harbor (I will not be too specific). He was naked and so were his mates. He was aged 14 or thereabouts, and he said that he did not even know what sex was; he did not have sex, he did not even know what it was to have it. Someone accused him or made a comment—maybe they bumped into each other or something while they were swimming naked at the beach—and as a result he was hauled before the local JP—not a magistrate, a JP; unqualified, a JP. He was told that if he did not plead guilty to gross indecency he would go to the reformatory and never see his family again.

Now, he was 14 or 15. That alleged offence has now surfaced 40 or 50 years later on his police record—never been there, never noticed, never seen it before. It has ruined his life to the point where, when recently contacting my office, he was talking about taking his own life. Another example is someone who has been happily married for 50 or 60 years. He had sex with his under-age wife and he got convicted of carnal knowledge. I know that no-one else would engage in sex before they got married. It is unheard of. They have been happily married for 50 or 60 years and now that person is down for carnal knowledge on his criminal record.

The point is that what has happened is that we have dragged in a lot of people who are not paedophiles, never were, never will be, and it is even worse than that. I do not have the specific figures for South Australia, but a report published on the website Yahoo in October this year said

that more than 450 Australian teenagers have been charged with child pornography in the past three years as a result, mainly, of sexting.

Teenagers do silly things, like sending photos of themselves without much clothing on. They are not paedophiles, they never will be. I would say that 99 per cent of them never will be. What has happened and what is happening is that these people go on the sexual offenders' register and it ruins their life. I think that I might have mentioned this before, but one lad in Victoria was sent photos by a girl. They were unsolicited, he did not want them; and they did not even come to light on his computer until it was looked at by police for another reason. He is now on the sex offenders' register.

There are 26 Victorians on the sex offenders' register who are under 18. Some of them may be genuine sex offenders but a lot of them are silly teenagers who took a photo of themselves, or their girlfriend or their girlfriend took a photo, and they are classified now as sex offenders. They cannot become teachers; they cannot do a lot of things. In Queensland, again, over 400 teenagers have been charged with producing or distributing child pornography, the definition of which is if it is a sexual image of someone under the age of 18.

A recent guest on radio was Her Honour Judge Layton (who has retired from the bench), and when I put these issues to her on radio she agreed with me that the definition of 'child pornography' needs to be looked at because it is wrong. People think of it as something which it is not, and that needs to be looked at. That is an issue that needs to be clarified and properly defined.

The police call it 'child exploitation', not 'child pornography'. I do not think that is appropriate, either, because that suggests to me using a child as cheap or unpaid labour. A lot of what is called child pornography is actually child rape, child sexual assault, and I think it should be called that. That is one issue where I believe we need someone like Her Honour Judge Layton to have a look at these issues for the government to make sure that we have the definitions right; that we are not trapping young people—in particular under the age of 18—who do a silly thing like sending a photo of themselves or their girlfriend through the internet.

That is not what parliament had in mind when it was trying to deal with people who were paedophiles. The actual definition of 'pornography' is interesting. If you read a lot of the articles in the media—interstate, in particular—they never define what they are talking about.

If you go back to the ancient Greek—and my apologies to the Greek scholars—but 'pornai' means a whore and 'graphian' means to write. So, pornography in the original Greek translation is writing about whores. Today it is considered to be material with the intention to provoke sexual arousal, which is also considered to be obscene, but how do you define obscene? I like the definition by USA Supreme Court Justice Potter Stewart—I do not know whether it was tongue-in-cheek—who said in regard to pornography, 'I know it when I see it.' That is a pretty vague and loose definition.

That is something that needs to be examined; not only the definition of child pornography but the actual definition of pornography itself because, for some people, pornography could be naked people on a beach at Maslins. There are some people who do not accept any sort of nudity whatsoever. They would regard that as pornography. Someone else has a different version. I understand that Judge Layton has been talking to justices about this whole issue, but I think it needs to be brought out into the open as a public debate and discussion.

Another thing that needs to be looked at and zeroed in on is how these things relate to spent convictions because, at the moment, spent convictions do not apply to so-called sex offenders—to the two cases I mentioned before. The guy who went swimming naked with his mates when he was 14 cannot have the spent convictions law applied to him, nor can the one who is down as committing carnal knowledge for having sex with his wife to be.

Some of the other issues that I think need to be refined and reformed relate to the age of consent. If we look around the world, the definition is different. I think we need a proper and sound look at that issue because it obviously relates to one of the cases I just mentioned. We need to look at what constitutes the age of consent in this day and age. If we look at the statistics, we see that a lot of young people, a very high percentage of young people under the age of 18—whether or not they are telling the truth, I do not know—are already engaging in some sort of sexual activity. So, clearly, the law is not in keeping with what young people are actually doing. We need to have a look at that to see whether that definition is appropriate.

As I said earlier, we need to look at the question of sexting and how that relates to teenagers in particular in order to avoid scarring them for life through getting a criminal conviction for engaging in a bit of silly activity, which would normally be categorised as a prank or just being a silly teenager.

So, I ask the government, and the Attorney in particular, to commission someone like her Honour Judge Layton—I think she would be an excellent person, given that she is already doing some work in this area—to carry out a comprehensive review of the criminal law to make sure that it reflects contemporary standards of behaviour. I do not believe that the community, the parliament and the courts are able to do what they should be doing because they are held back or restrained by definitions and a law that in many respects is outdated, inadequate and inappropriate.

I think it is time to look at this issue in a systematic and rational way. As I have said, I believe that someone like her Honour Judge Layton would be ideal to conduct a review. It does not have to cost a lot, but I think it is an important issue which is negatively impacting on a lot of people who, for example, are not paedophiles and never will be. I think there are a whole lot of other related issues that need to be examined as well. I commend this motion to the house.

Debate adjourned on motion of Mrs Geraghty.

PRISONS, SMOKING

The Hon. R.B. SUCH (Fisher) (12:15): I move:

That this house calls on the state government to follow the lead of the Northern Territory government and phase out smoking in South Australian prisons.

Since putting this together, I have received some detailed material from the government and have become aware, in detail, what their proposal is. So, I understand the government will seek to amend this and I am not unhappy with that.

Just quickly, the Northern Territory have indicated that they will be banning smoking in all territory prisons from 1 July 2013. We know that cigarettes are often used in prisons for bartering and as an incentive for good behaviour, but it is important that we do not allow, or continue to allow, prisoners to put their own lives at risk and, even more importantly, the lives of those who might have to share a cell with them.

I have had contact from some prisoners who say they have to share a cell with a smoker and I think that is an infringement of their rights. I think the government leaves itself open to legal action if a prisoner could show that they were subjected to passive smoking as a result of being in a cell with someone who was a smoker.

I try to encourage members in here who I know smoke, to give it up. It is a horrible death if it is followed through—often emphysema, lung cancer or some other nasty thing. People drown in their own fluid. It is a horrible way to go. My father died that way. He was encouraged to smoke when he was in the navy. Even knowing that prisoners have issues like boredom and so on and they barter with cigarettes, we need to support them to help them give up smoking because their health is as important as anyone else's in the community.

The information I had was that the government here is going to ban smoking indoors in gaols by March 2015, but I understand that it will still be 2015, but a different month, and I am quite happy about that. So, I commend this motion. I am pleased and congratulate the state government for moving down this path.

Obviously, these things have to be introduced gradually and you have to accompany the withdrawal of tobacco with various measures to help people get off the addiction. I am sure the government will be able to do that, ably assisted by the Health Commission, to ensure that people in our prisons are not subject to their own or anyone else's smoke. I commend this motion to the house.

Mr SIBBONS (Mitchell) (12:18): By leave, I move to amend the honourable member's motion today. The new motion would read:

That this house acknowledges the state government has committed to phasing out smoking in all government premises, including prisons, by 31 May 2015.

The DEPUTY SPEAKER: Do you wish to speak to it, member for Mitchell?

Mr SIBBONS: Yes, I would not mind.

The DEPUTY SPEAKER: That's fine.

Mr SIBBONS: The member for Ashford was just trying to give me some counsel.

Members interjecting:

Mr SIBBONS: Yes, I must listen to the member for Ashford—a very wise, very experienced member. It was announced earlier this year on World No Tobacco Day that the state government is working towards making all government premises, including new prison buildings, smoke free by 31 May 2015. On this same day, the chief executive of the Department for Correctional Services announced his commitment to achieving a smoke-free environment in all prison buildings within the same time frame.

The current no-smoking policy in government buildings includes prison buildings and indoor visitor centres. The only exception is that prisoners are permitted to smoke within their cells, which are considered to be their homes, with the cell doors closed. Staff currently have dedicated areas where they are permitted to smoke. A program is currently in place at all South Australian government-run prisons for prisoners who wish to quit smoking to access nicotine replacement therapy and the Quit program. The program in its current format has been running for 12 months and has been well received. The program was initially piloted in 2012 at the Cadell Training Centre and was rolled out to all sites by May 2011.

Since this time, a total of 39 prisoners have completed the program and are now nonsmokers. Other prisoners are in various stages of completion of the program, and significant input from clinical staff may be required to ensure that the program participants remain focused and committed. Quit SA has recently acknowledged the hard work, dedication and effort of South Australian Prison Health Service nursing staff in their commitment to ensure that participants quit smoking.

SA Health is implementing the Do It for Life program in a number of prisons. This program is specifically targeted at Indigenous Australians to address areas of health risk, particularly smoking. Additionally, the Adelaide Women's Prison and Port Augusta Prison have introduced prison peer support programs which will enable prisoners who quit smoking to access peer support from prisoners who have been provided with accredited training.

Dedicated nursing staff at all sites have been trained through Quit SA to counsel and support prisoners with nicotine dependence who are committed to stopping smoking. The Department for Correctional Services has worked collaboratively with the prison health service to promote quit smoking programs. Prisoners who commence the program have free access to the Quit hotline. All efforts have been made to accommodate the needs of nonsmokers and to reduce their exposure to passive cigarette smoke. All health centres and clinics within the correctional environment are smoke free, in line with SA Health's smoke-free policy.

The ability to ensure a smoke-free environment within the prison setting will be challenging and will be managed through a coordinated approach to ensure that the risks to both prisoners and staff are reduced. Nicotine replacement therapy is only one small part in the challenge to quit smoking, and resources will need to continue to be available at all prison sites to assist with counselling and support.

Prisoners will need access to contemporary quit smoking programs to achieve success. The Department for Correctional Services and the South Australian Prison Health Service are already working together to achieve a smoke-free environment within South Australian prisons by 31 May 2015. Assistance to quit smoking will continue to be offered to prisoners and staff throughout the reduction implementation strategy. I recommend that the honourable member's motion be amended to reflect this.

Debate adjourned on motion of Mr Pederick.

POLICE COMPLAINTS AUTHORITY

The Hon. R.B. SUCH (Fisher) (12:25): I move:

That this house calls for the abolition of the Police Complaints Authority and the urgent introduction of a comprehensive, responsive and genuinely independent authority to investigate complaints relating to SAPOL.

I put at the outset that I have had some interaction with the Police Complaints Authority following the allegation of speeding against me. From my experience and that of constituents that is why I bring this motion here. I should say at the outset I am not a great critic of SAPOL. Some people

have drawn that conclusion, but it is wrong. I believe our police force here is overall a very good one. I know many members of the police force, past and present, whom I regard as very fine individuals, so I am not seeking in any way to reflect on SAPOL.

It is important that in a society like ours an important agency like the police is accountable for the actions of individual members in a way which is transparent and appropriate. I do not believe that is always the case at the moment. I do not know whether members have had a chance to read the Police Complaints Authority report, which was tabled in here in September, but some of the issues that I believe need addressing—and it is not quite clear to me because I have not seen the legislation—include whether the government's recent commitment to an ICAC will address my concerns. I hope they do. I would implore the Attorney to ensure that in developing an ICAC he takes on board concerns about the Police Complaints Authority and also, I would say, the current inadequacies relating to the anticorruption branch.

Of some of the concerns I have at the moment one of them is that the Attorney himself cannot require the Police Complaints Authority to investigate anything. I think that is a deficiency. The Attorney can request the DPP to investigate. He cannot request the Police Complaints Authority to do anything. I do not think that is appropriate or adequate.

The other concerns are that the Police Complaints Authority investigations are done by the police. We know that you can have, I think they call it a China wall, and all of that sort of thing, within an organisation—some people do some things and others do other things. I think it is important in terms of perception, apart from anything else, that the police do not investigate police where a complaint is made against an individual police officer. I do not believe that is appropriate. It has been an issue in Queensland; it has been commented on by Professor Fitzgerald. I do not think it appropriate.

South Australia, as far as I understand, is the only state that does not have any body that police are accountable to. Theoretically they are accountable to the minister. I have never, apart from estimates, ever seen police, or the Police Complaints Authority, come down to be questioned. I think the commissioner came down earlier this year to a budget committee of the other place, but I think we do need a body that the police are accountable to, even though it will only be a minority of police officers who are ever subject to serious complaint.

The other concern I have is the ability and capacity of the Police Complaints Authority to investigate or to have a matter considered. They refer it to the police for investigation. One of their officers told me that they just cannot deal with all of the issues that are put to them. I am paraphrasing the words he used, but that is the bottom line. I think he said they have hundreds of complaints a year that would be listed in the annual report. So, that is another thing.

If you look in the report, you will find that many of the complaints are not pursued. The Police Complaints Authority would argue that some of them are minor, trivial, etc., but how would you know, because there is no detailed analysis, and there is no response in terms of what happens to a police officer who has not done the right thing.

I know this from firsthand experience because of the complaint about the officer I had dealings with. He was told, in future, not to record that he did something in the morning if he did not do it then but did it in the afternoon. He put down that he did his testing of his laser for the afternoon at the same time, basically, as in the morning. What I understood from Police Complaints was that he was told, 'Don't do it again.' We do not even know whether that was communicated to him, put on his record, or whatever. If you look at their annual report, who knows what happens to these people who have done the wrong thing? What has been the consequence?

Years ago, I had an experience with my middle lad, who was accused of having one of my election posters. I thought he was brighter than that. The police arrested him for having one of my election posters. People find it hard to believe but, to cut a long story short, he ended up at the old Darlington police station. This large police officer came out and said, 'Your son will end up at Yatala, he'll get raped, he'll get AIDS and he'll die.' That is what he said. I thought that was charming. My lad, who came hobbling out, said, 'Why did you report me, dad?' and I said, 'I didn't.' I said, 'What are you in here for?' and he said, 'They reckon I've got one of your posters.'

One of my campaign workers had got a bit carried away and put them up early, and the kids at the Aberfoyle Park high school social night grabbed one, the other kids ran off and my lad was left literally holding the sign. Anyway, to cut a long story short, I said to the police officer at Darlington, 'My lad is deaf. He is totally deaf in one ear and partially deaf in the other ear, and he has an issue adjusting to that because he's 15. It would be good if he could talk to a police officer

who specialises in youth issues,' and I nominated Senior Sergeant John Wallace, who ran Hindley Street police station. This police officer said, 'Not that loser. His own children are in court.' As soon as he said that, I knew that he had transgressed because he had divulged information about a police officer's children having an issue in court.

It did go to court, and I remember the police officer was Brebner, the football umpire. He was a nice guy, and he said, 'What have you done, Bob, to upset the police?' I said, 'I haven't done anything. I don't know them.' Judge Newman, who was a sensible judge, threw it out and said it was a nonsense. It was disturbing but, to get back to the chase, in the police complaint I lodged about him and the other police, according to the young people they said, 'If you run off, we'll put a bullet up your arse'—pardon the French, but they were their words. Police Complaints transferred this person from Darlington to Plympton. That was his penalty for divulging information about another police officer's children being in court.

So, I do not have a lot of confidence in the Police Complaints Authority. I have had constituents come and tell me they get fobbed off. What happens, over time, is the Police Complaints say, 'It's been to court. We don't look at it. We can't look at it,' even if the matter has not been addressed in court. Not all issues are looked at in the court case. There might be some other issues that need the attention of Police Complaints and investigation. Their answer is, 'It's been looked at in court.' Then, if you go to the police, they say, 'No, the Police Complaints have looked at it and said that they won't look at it because the courts have looked at it.' It is not the case. Often the courts look at specific things and do not look at all aspects of the behaviour of a particular police officer.

In essence, what I believe we need is a body as part of the government's new ICAC that can deal with these issues. Likewise, and I have hinted at this before, I think the Anti-Corruption Branch being within the police force is inappropriate. I contacted the police commissioner because someone had leaked a letter I wrote to the police minister, and someone thought that it related to my speeding issue. It did not. It was irrelevant and the result of complaints by residents. That letter appeared in an article in *The Advertiser* written by Michael Owen. The Anti-Corruption Branch was asked to investigate. They never spoke to my staff, but they rang me and said, 'One of your staff would have leaked it because it was on your letterhead.' It was on my letterhead because I was writing on behalf of constituents. I think the officer's surname was Lovegrove. That was the sum total of the investigation, so that was a pretty unsatisfactory thing.

Recently, I spoke to Michael Owen. I said, 'Michael, I know you can't divulge your sources but can you tell me anything about that article you wrote where someone had leaked a letter to you?' He said, 'I can tell you this, it didn't come from any of your staff.' So it could only have come from the police or the police minister's office, and I do not believe the police minister or his staff would have leaked it. Anti-Corruption did not even interview my staff; just accused them of leaking it and I thought that was outrageous. I do not believe they are the appropriate body to investigate other police, either.

In South Australia we have a problem. I think it is, overall, a fine police force, but we need to have a mechanism in place to ensure that the behaviour of the small number of police officers who do not do the right thing is dealt with appropriately, transparently and efficiently. I do not believe that is the case, hence my motion to the parliament.

Debate adjourned on motion of Ms R. Sanderson.

RACEHORSES

The Hon. R.B. SUCH (Fisher) (12:36): I move:

That this house calls on the state government to prohibit the whipping of racehorses.

I was going to say I am flogging a dead horse, but that is a poor expression. I believe it is inappropriate in this day and age to whip racehorses. If members watched the Melbourne Cup, they might recall that the winner did not whip the winning horse, Dunaden, in the final stretch at all. Maybe the horse appreciated that and decided to give him a win.

We have heard all the arguments that the whip is not to hurt the horse. If you talk to a vet like the member for Morphett, he will tell you that if they do not feel it there is no point whipping them. Why would you hit a horse if it does not feel it? People say that the whip is there to guide the horse. Why do we not allow the whipping of dogs, cats and people, because they obviously do not feel it either? Racehorses would feel it. It is illegal to whip other animals. The argument that it does not hurt and they cannot feel it is a pretty thin argument.

It is the same in showjumping, if you want to guide a horse you might give it a touch. That is different from whipping and deliberately inflicting pain on a horse. In recent years there has been some modification of the whip so it is not quite as drastic as it used to be, but I do not think in this day and age there is a need to whip racehorses.

I do not have a problem with guiding the horse without belting the hell out of it. I do not have a problem with guiding the horse with a whip or something else. If no jockey can use a whip, there is no advantage or disadvantage to any other jockey. If it is going to be used as a guide then do not call it a whip, do not have it as a whip; call it something else and use it as a guide to the racehorse. We often see jockeys flogging the daylights out of their horse, which they are allowed to do, apparently, close to the winning post. If you think the horse is going to win you are allowed to whip it, which is strange logic.

Professor McGreevy of the University of Sydney's faculty of veterinary science has challenged the use of the whip in thoroughbred racing, and in 2009 received the British Society of Animal Science (RSPCA) Award for his innovative developments in animal welfare. The findings suggest whipping does not increase the horse's chance of finishing in the top three, and that they actually run faster when they are not being hit:

> Under the rules set by The Australian Racing Board, the peak governing body for thoroughbred racing, only horses in contention to win a race can be whipped, yet 98% of horses in the most recent study conducted by Prof. McGreevy's team were whipped.

Most whip use occurred in the last 400 metres when the horses were fatigued, and the research found that the horses achieved the highest speeds when there was no use of the whip.

So I think it is time. I know this motion will not be carried, because there are people in here who are committed to horse racing not the horses; therefore the motion will not be carried. However, these things take a while to change, and I think community attitudes are changing. If the horse racing industry is seen to be carrying on a cruel activity then fewer and fewer people will participate, particularly women. It is not only women, but they are the ones who come to me expressing concern, and you will have fewer and fewer of them wanting to go to race meetings because of the use of the whip.

I do not think it is necessary to whip horses, particularly when they are really tired and most fatigued, and I think it is time that we moved to get rid of the whip. We could still have a guide if we want to have something to guide the horse, but not belt the daylights out of it simply to encourage it to go faster, when the research suggests that you get a better outcome if you do not whack the horse with a whip.

Mr ODENWALDER (Little Para) (12:41): Mr Deputy Speaker, I rise to indicate the government's opposition to this motion. First, I would like to acknowledge the racing industry for how it conducts itself in relation to the welfare of the animals used for its events. They take the matter of animal welfare most seriously.

I am advised that the Australian racing industry has rightly adopted a national approach on the matter, with the provisions as to the use of whips covered under the Australian Rules of Racing for thoroughbred racing and the Australian Harness Racing Rules for harness racing. The state government supports the racing industry's view that the use of the whip within Australian racing is appropriate.

The use of whips takes place within a regulatory framework which achieves world's best practice in welfare and safety. I am advised that on 28 September 2011, following a 10 month review, the British Horseracing Authority announced that jockeys in the UK will face stiffer penalties for the use of the whip under new rules. These new roles are mostly similar to those that have been in place in Australia since 2009. The British Horseracing Authority's Director of Equine Sciences and Welfare said that the review had concluded 'there is still a place for the whip in racing, but far tougher sanctions for misuse will now be meted out to offenders.' Other relevant findings from the inquiry were:

- that there is a legitimate role for the whip in racing, and that with appropriate design and controls on use it does not compromise the welfare of horses during a race; and
- the use of the whip for the safety of the horse and jockey was accepted by all those consulted by the review group. Safety applies not only to the individual horse and jockey but also to others in the race. While this applies to both flat and jumps racing, in jumps racing there is the added dimension that a horse may back off a jump, placing both itself

and its jockey at risk of injury. A jockey has a duty of care to the horse and the use of the whip, in the correct manner, forms part of that duty of care.

The Australian Racing Board's Integrity and Welfare Committee subcommittee oversees, amongst other things, policy-making in relation to animal welfare. Welfare guidelines for Australian thoroughbred racing have been adopted by the Australian Racing Board. The Australian Rules of Racing are enforced by racing bodies throughout Australia and contain clear prohibitions regarding cruelty to racehorses. The industry has a demonstrated commitment to policing these provisions and punishing any offenders.

I am advised that the current regulations on the use of the whip were introduced by the Australian Racing Board in 2009 following a comprehensive process of consultation. All groups with an interest in this policy were given a full opportunity to contribute. The regulatory framework that governs use of the whip in thoroughbred racing in Australia is contained within the Australian Rules of Racing which are made by the Australian Racing Board, of which South Australia's controlling body for thoroughbred racing, Thoroughbred Racing SA, is a member. The current regulations have five key elements:

- The Australian Racing Board has mandated that only padded whips meeting prescribed specifications are able to be used in Australian racing;
- Tight controls have been imposed on the way in which the whip may be employed, including a prohibition on jockeys bringing their arm up above shoulder height;
- Prescriptive limits have been introduced capping the amount of times for which the whip may be used in a race, including a requirement that, from a start of a race and up until 100 metres from the finish line, the whip may only be used in a forehand manner no more than five times and never on consecutive strides;
- They proscribe many circumstances in which the whip may or may not be employed. For example, the whip may never be used where it is apparent that it has no prospect of improving the placing of a horse; and
- Conferral on the stewards sweeping powers to penalise any jockey, trainer or others who are guilty of breaches of the whip provisions of the Australian Rules of Racing.

The regulations create an environment in which the whip is able to be used for appropriate purposes of safety, control and communication and at the same time ensuring the welfare of the Australian racehorses. The Australian Racing Board is of the opinion that there are no grounds for proposing any further changes to the current rules relating to the use of the whip in Australian racing. The state government concurs with this view.

Of course, whips are also used by drivers in harness racing, and Harness Racing Australia has a very strong policy on animal welfare. New rules in relation to the use of whips in harness races came into effect on 1 January 2010 as an animal welfare measure. Further amendments to the rules came into effect on 1 April 2011. A driver using a whip in a manner that cuts or severely welts a horse will be deemed to have used a whip excessively and is guilty of an offence. Regard for the care and safety of horses and fellow competitors is paramount.

Harness Racing SA has a policy that requires a veterinary surgeon to be on duty at all harness racing meetings. One of the veterinary surgeon's tasks is the inspection of horses 'post race' for welt marks from possible whip use. For these reasons, the government opposes this motion.

Mr GRIFFITHS (Goyder) (12:46): I confirm that the Liberal Party will not be supporting the motion from the member for Fisher. I did listen to his contribution. I understand the intent of it, and I can reflect upon the fact that probably members from both sides of the chamber might have a different opinion from their party position on it; however, I do confirm that the opposition will not be supporting the motion.

My reason primarily, though, if I can refer to some information provided to me, is that the current rules only permit a jockey to whip a horse five times from the beginning of the race to the final 100 metres, at which point the jockey has full discretion. During the final 100 metres jockeys are bound by the rules of racing, which prohibit the whipping of a horse if the horse is not responding, if the horse is clearly winning or if a horse is not in contention to win.

Only approved padded whips are to be used, and the stewards are empowered to penalise jockeys, trainers and others who are guilty of breaches of these whip provisions. Horseracing is an industry that has been enjoyed by thousands, if not millions, of people for hundreds of years. It involves a level of coercion to ensure that the performance of the horse is the best that it possibly can be, and an enormous amount of money is involved in that.

However, I do believe sincerely, even from my very limited observation of it, that trainers and jockeys have the interests of the horse at heart. They want to get the best possible result out of it but they want to ensure the safety and the continued ability of the horse to race. With those sorts of provisions in place, and certainly opposition members have discussed this, the recommendation of the Hon. Terry Stephens (the shadow minister for recreation, sport and racing) to us was to understand the intent behind the member for Fisher's motion, to appreciate how important the industry is to the economy of South Australia, Australia and various places around the world, but not to support the motion.

I commend the member for Little Para for the information that he provided to the house about why the government has formed a position of not supporting the motion. It appears to me that, while some members may hold other opinions in support of the industry and in support and in recognition of the rules that exist, it is important that this house not support the motion.

Mr VAN HOLST PELLEKAAN (Stuart) (12:49): I, too, rise to say that I do not support the motion. I respect the intentions of the member for Fisher, and I am sure that every member of this house supports him in strong opposition to any form of animal cruelty, but I think there are very good reasons for not supporting his motion.

I would also like to put on record that I am the proud patron of the Port Augusta Racing Club and that, while I do not have a financial interest, I certainly have an involvement in this issue. I think this is a very responsible industry. The racing industry in Australia is improving all the time and is very diligent with regard to its attention to safety of animals, spectators, jockeys, trainers—all people and all animals involved in the industry.

It is a responsible industry and, in fact, very much part of an international industry. It is one of the very few sporting, recreational, entertainment industries that thrives in Australia and is simultaneously part of any international industry. I was told very recently that the racing industry in Australia is about the fourth largest employer in Australia, so that is very important as well.

I would also like to highlight the fact that the Premier in his recent cabinet reshuffle chose not to retain a minister for racing, and I think that is a great shame given the importance of this industry to Adelaide and the rest of South Australia and how it fits in to the rest of the nation. I think that probably reflects the Premier's personal preferences and interests more than it does the public interest.

As the member for Goyder (representing the shadow minister for racing) has already mentioned, there are already very strict rules in place. A jockey can only whip a horse five times between the start of a race and the last 100 metres. A jockey is prohibited from whipping a horse within the last 100 metres if the horse is not responding, if the horse is clearly winning or if the horse is not in contention, and, importantly also, can only use an approved padded whip. There are serious penalties for any jockey or any trainer or owner who encourages a jockey to digress from these rules. The example that the member for Fisher gave the house of the horse that recently won the last Melbourne Cup not having been whipped at all and still winning proves that these rules work very well.

Debate adjourned on motion of Mr Pederick.

SUICIDE PREVENTION

Adjourned debate on motion of Ms Sanderson:

That this house—

(a) notes the Senate's Community Affairs References Committee Report entitled 'The Hidden Toll: Suicide in Australia' that recommended a suicide prevention and awareness campaign for high risk groups and also recommended that additional 'gatekeeper' suicide awareness and risk assessment training be directed to people living in regional, rural and remote areas;

(b) notes that both the World Health Organisation and the International Association for Suicide Prevention have advocated a multifaceted approach to suicide prevention, including recognising the important role that community-based organisations can play in preventing suicide;

(c) congratulates the Eyre Peninsula Local Government Association and the Eyre Peninsula Division of General Practice for seizing the initiative and providing funding to establish its own Community Response to Eliminating Suicide Program on the Eyre Peninsula; and

(d) urges the Rann government to place greater emphasis on community-based organisations and acknowledges their importance, particularly in preventing suicide in regional South Australia.

Which Ms Vlahos has moved to amend the motion by leaving out all words after (d) and replacing with 'that the government notes that effective suicide prevention awareness is best delivered through collaborative partnerships, including through local communities, non-government organisations, public health services and primary care health practitioners'.

(Continued from 23 June 2011.)

Ms SANDERSON (Adelaide) (12:53): Around 2,000 Australians die by suicide each year. Three quarters of these are men. There are also an estimated 60,000 people per year who attempt to take their own lives, the majority being women. In South Australia, it is estimated that around 170 South Australians take their life each year.

Last year, our state lost 118 lives on our roads. Our road toll is one statistic we do talk about. We have road signs for fatigue awareness, education policies, road safety campaigns, speed limits and recommendations, speed cameras, red light cameras, SAPOL specialist operations—all in place to combat the loss of life on our roads because we know that the loss and injuries sustained cause so much pain to families, friends and communities, along with the immense economic costs.

Death by suicide is a statistic and a phenomenon that we as a society rarely talk about. One hundred and seventy is not just a statistic; it is not just a number. Each death causes immeasurable loss to family, to their community and to society as a whole. Many academics believe that suicide statistics are under-represented by up to 30 per cent. This is because scenarios such as drug overdoses, which may have been suicide, are reported as accidental, along with single vehicle accidents where the driver has crashed into a fixed object, such as a tree, and drownings and falls that could have been successful suicide attempts and not accidents.

Attempted suicide refers to intentional self harm where death does not occur but the intention of the person was to cause a fatal outcome. It has often been said that suicide was taboo to discuss and that discussing suicide would encourage normalcy, even promoting the taking of life.

However, in other places around the world, such as Edinburgh, Scotland, recent research has led to policy change and suicide is being talked about more freely within society. Suicide is not glamorised or methods discussed, but a campaign called Suicide. Don't Hide It, Talk About It aims to tackle the stigma associated with suicide. Encouraging people at risk to talk to someone about feeling suicidal is a first step towards getting help. There has been a 13 per cent reduction in suicide rates in Scotland in the last eight years.

We know that there are certain groups within Australian society who are at a higher risk of suicide. Essentially, these groups are men, Aboriginal and Torres Strait Islanders, people who have previously attempted suicide, people who are being treated for mental illness in a psychiatric facility, people bereaved by suicide and people in remote and rural communities. It is the last group, people in the remote and rural communities, that leads me to the core point of this motion.

The Senate's Community Affairs References Committee report, entitled The Hidden Toll: Suicide in Australia, recommended a suicide prevention and awareness campaign for high-risk groups and also recommended that additional gatekeeper suicide awareness and risk assessment training be directed to people living in regional and rural areas. Many gatekeeper frontline personnel, such as SAPOL, community workers, health workers and educators, have not received specific training regarding suicide prevention and awareness.

CORES stands for Community Response to Eliminating Suicide and is a not-for-profit, regional-based suicide prevention program aimed at providing community members with the skills to identify the warning signs and the confidence to intervene safely and effectively. It utilises volunteers from all facets of the community. Upon the recommendation of the Hon. John Dawkins from another place, I personally attended the one-day program.

I believe it is essential that the government provide the seed funding to develop CORES suicide prevention courses across a number of key regional areas in South Australia. I urge this house to support the motion.

Amendment carried; motion as amended carried.

SCHOOL BUS CONTRACTS

Mr VENNING (Schubert) (12:57): I move:

That this house condemns the state government for—

(a) failing to support South Australian small business by awarding five South Australian school bus contracts to an interstate company despite years of loyal service from local bus contractors; and

(b) causing uncertainty for school bus contractors whose contracts have yet to expire.

I only have three minutes, but I would just move the motion appearing on the *Notice Paper* in my name, in relation to the school buses. It has been an ongoing saga.

This Labor government has shown time and time again that they do not care about regional South Australia. The decision to award a large percentage of country bus contracts to an interstate company is a recent example. A pattern of weeding out small operators from the state's privately contracted bus systems now appears clear. Some operators who have lost their contracts have been in business for over 50 years and have been overlooked by Labor in favour of an interstate company.

There were 280 privately operated school bus runs called onto the open market in October last year. In the first round, 20 of the 45 contracts that were awarded were given to an interstate company. The Minister for Education said, during estimates on 30 June, that, of the contracts that had been awarded to that point, 47 per cent had been awarded to the incumbents. In relation to the procurement process, he said:

It does not appear to be unduly disadvantaging incumbents, with 47 per cent of the routes going to incumbents.

Well, that is taking a fair bit of licence. Let us examine the results of the first round: 20 of the 45 contracts were awarded to an interstate firm. Admittedly, it had operated in South Australia for a number of years, but the company had had only one school contract in the past—one—now they have 20. So, the government used that interstate company when coming up with that figure that 47 per cent of the contracts had been awarded to incumbents, which brings me to the benchmark figure. DECS have set a benchmark figure and, according to the accounting advice, it would not be viable into the future for these small local operators to continue a successful business at that price point.

The school bus runs in the Barossa were awarded recently and the trend that has emerged in other parts of the state continued. Most local operators lost their runs and they were awarded to the same interstate operator. How are these small local operators supposed to compete?

Can I just urge the house to support this motion. It is an issue and I note that we have a select committee in the other house. I hope that it will reveal what has happened here and we can return again and support these little local people who run these buses, including in your area, sir, in Gawler. I note there is one there that has closed down and is having a function this week, which I will attend.

Debate adjourned on motion of Ms Thompson.

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

VISITORS

The SPEAKER: Honourable members, I call your attention to the presence in the gallery of a group of students from TAFE, who are guests of the member for Mitchell; I also draw members' attention to a group of people who are here today from the Tea Tree Gully University of the Third Age. Welcome; I hope you enjoy your time here, and I am sure they will be very well behaved for you.

Members interjecting:

The SPEAKER: Order!

CHAMBER FILMING

The SPEAKER (14:01): I also remind the media that they are not to film anyone unless they are on their feet, so could you stop filming who I think you are filming.

STONE, MS R.

The SPEAKER (14:01): I also advise members that today is the last day of one of our table officers here, Rachel, who is leaving us after nine years of service to the House of Assembly and moving on to the Public Service. I am sure that we all enjoyed Rachel's presence in our place. She has been very charming and very helpful to all of us. Good luck to you, Rachel.

PAPERS

The following papers were laid on the table:

By the Speaker—

Local Government—
City of Charles Sturt Annual Report 2010-11
Coorong District Council Annual Report 2010-11

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

Attorney-General's Department—Annual Report 2010-11
Courts Administration Authority—Annual Report 2010-11
Equal Opportunity Commission—Annual Report 2010-11
Guardianship Board—Annual Report 2010-11
Legal Services Commission of South Australia—Annual Report 2010-11
Professional Standards Councils—Annual Report 2010-11
Public Trustee—Annual Report 2010-11
Serious and Organised Crime (Control) Act 2008—Annual Report 2010-11
Serious and Organised Crime (Unexplained Wealth) Act 2009—Erratum Annual Report 2010-11
State Coroner—Annual Report 2010-11

By the Minister for Planning (Hon. J.R. Rau)—

Development Act 1993—Administration of Annual Report 2010-11
Development Plan Amendment—
Bowden Urban Village and Environs (Interim Policy) Report
Various Councils—Regulated Trees Report
Planning and Local Government, Department for—Annual Report 2010-11
Planning Strategy for South Australia—Annual Report 2010-11

By the Minister for Business Services and Consumers (Hon. J.R. Rau)—

Club One—Annual Report 2010-11
Independent Gambling Authority—Annual Report 2010-11

By the Treasurer (Hon. J.J. Snelling)—

Defence SA—Annual Report 2010-11

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

Occupational Therapy Board of South Australia—Annual Report 2010-11

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

Adelaide Festival Corporation—Annual Report 2010-11
JamFactory Contemporary Craft and Design—Annual Report 2010-11

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

Families and Communities, Department for—Annual Report 2010-11
Housing Trust, South Australian—Annual Report 2010-11
Hydroponics Industry Control Act 2009—Annual Report 2010-11
Supported Residential Facilities Advisory Committee—Annual Report 2010-11

By the Minister for Sustainability, Environment and Conservation (Hon. P. Caica)—

Fisheries Council of South Australia—Annual Report 2010-11

ForestrySA—Annual Report 2010-11
Primary Industries and Resources SA—Annual Report 2010-11
Veterinary Surgeons Board of South Australia—Annual Report 2010-11

By the Minister for Mineral Resources and Energy (Hon. A. Koutsantonis)—

Technical Regulator—Electricity—Annual Report 2010-11
Technical Regulator—Gas—Annual Report 2010-11

By the Minister for Education and Child Development (Hon. G. Portolesi)—

Children in State Care Commission of Inquiry Report—Allegations of Sexual Abuse and Death from Criminal Conduct—Progress Report November 2011
Children on Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Commission of Inquiry—A Report into Sexual Abuse—Minister for Education and Child Development—November 2011
Council for the Care of Children—Annual Report 2010-11
Guardian for Children and Young People—Annual Report 2010-11

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

Adelaide Cemeteries Authority—Annual Report 2010-11
Local Government Finance Authority of South Australia—Annual Report 2010-11
Tourism Commission, South Australian—Annual Report 2010-11

VISITORS

The SPEAKER: Before I call the Treasurer, can I also draw members' attention to a group in the gallery, a delegation from the New Zealand Parliament. We have the IT chief, the head of Hansard and Publishing who are here today working with our head of Hansard. We hope you enjoy your time in South Australia. You are very welcome.

Mr Venning: Are they going to do a haka?

The SPEAKER: No; we will not have a haka. The vision of you doing that, member for Schubert, is just too much.

NATURAL RESOURCES COMMITTEE

The Hon. S.W. KEY (Ashford) (14:07): I bring up the 63rd report of the committee, being the annual report for July 2010 to June 2011.

Report received and ordered to be published.

QUESTION TIME

HEALTH DEPARTMENT

Mrs REDMOND (Heysen—Leader of the Opposition) (14:08): My question is to the Minister for Health. What was the maximum value that the health department's unreconciled accounts reached that resulted in accountants PKF being employed to reconcile the accounts? Yesterday the minister would not deny that the value of the unreconciled accounts had reached over $200 million. The opposition wants to know: what was the highest figure reached?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:09): I thank the member for the question. I was trying to think this through last night. I imagine—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Madam Speaker, just for the benefit of other side, when they interject they should not interject behind their hand to avoid your seeing them, because I cannot I hear what they are saying, so the interjection is noisy but it is lost on me. I did contemplate the notion of reconciliation. I was thinking that, every year, when I do my tax, I reconcile my chequebook, statements and all the rest of it. So, at the beginning of the reconciliation process nothing is reconciled and at the end everything is reconciled. That is exactly the process we went through when we moved from one system to another.

Mr Williams interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The member for Reynell.

ASBESTOS VICTIMS MEMORIAL DAY

Ms THOMPSON (Reynell) (14:09): My question is to the Premier. Can the Premier inform the house of the ceremonies that will take place tomorrow to remember asbestos victims?

Members interjecting:

The SPEAKER: Order! Did you hear that question, Premier?

The Hon. J.W. WEATHERILL: Thank you, Madam Speaker.

Mr Marshall interjecting:

The SPEAKER: Order, member for Norwood!

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:10): Thank you, Madam Speaker. As the member for Reynell has reminded us, tomorrow is Asbestos Victims Memorial Day. Both here and across Australia, people will be gathering to remember the many thousands of people who have lost their lives to asbestos disease and support their families and friends. It is estimated that nearly 5,000 Australians have died from asbestos disease since we began keeping records in the 1980s and that, tragically, the number of people diagnosed with asbestos disease will rise before it will fall. We expect that around 25,000 Australians will die of mesothelioma over the next 40 years. That is immeasurable suffering and loss, caused by a failure for too long to stop a dangerous practice.

By the time asbestos was banned in building works in 1983, its dangers were well known. As early as the 1930s, scientists were warning of the dangers of asbestos dust. But these warnings went unheeded. People continued to go to mines, building sites, construction projects and rail yards to do an honest day's work, only to leave with their bodies and clothes exposed to a deadly substance.

Tomorrow, I will have the honour of attending two ceremonies to remember the victims of asbestos disease that will be held by the Asbestos Disease Society of South Australia and the Asbestos Victims Association of South Australia. Both of these fine organisations, that give wonderful support to asbestos victims and their families, were founded by men who knew firsthand of the suffering that asbestos could cause.

Jack Watkins spent his life in the construction industry not only working but also campaigning for workers' rights and, in his later years, for the clean-up of the Islington rail yards. Tomorrow morning, we will gather in the park at Kilburn that has replaced these rail yards and is named after Jack to remember him and open a walkway dedicated to all who have died from asbestos-related diseases. Again, the beautiful Pitman Park in Salisbury will join with the society founded by Colin Arthur who, when diagnosed with an asbestos-related disease, spent the last years of his life working for others so that all people struggling with the terrible effects of this disease could have the support they need.

Sadly, Colin and Jack both lost their battles, but the changes that have been made over the years to support people, to expedite legal proceedings in the Industrial Relations Court and to increase the awareness of the terrible risks, have been made in their names and the names of all who have suffered from these dreadful afflictions.

This is becoming more important as increasing numbers of people who may not recall the ban of asbestos in building works are renovating houses older than themselves. We must continue to alert people to the dangers of asbestos to prevent a rising toll of death and suffering. When we gather tomorrow, we should not only remember the victims but also remind ourselves that using asbestos can have terrible consequences.

HEALTH DEPARTMENT

Mrs REDMOND (Heysen—Leader of the Opposition) (14:13): My question is again to the Minister for Health. In relation to the reconciliation of the department of health's accounts, what

has been the cost of engaging PKF, who brought in up to 10 full-time consultants for a period of some months to reconcile those health department accounts?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:13): I am happy to get advice on that for the member. I am also happy to get advice in answer to her first question: I meant to say that at the time. I am not sure what the figure was at the beginning of the reconciliation process, but the point is that it is just really making sure that things are properly reconciled, which is an accounting process to get—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: This is a process of making sure that—

Mr Williams interjecting:

The SPEAKER: Order, member for MacKillop!

The Hon. J.D. HILL: All I will say, Madam Speaker, is that I am happy to get advice for the member in relation those matters.

Members interjecting:

The SPEAKER: Order! The member for Mawson.

HUMILIATING AND DEGRADING IMAGES, FILMING AND DISTRIBUTION

Mr BIGNELL (Mawson) (14:14): My question is to the Attorney-General. Can the Attorney-General inform the house about the work the government is doing to crack down on people filming and distributing humiliating and degrading images?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (14:14): Today, we have released draft legislation which seeks to ban the filming and distribution of humiliating and degrading images. This is an issue which has become more of an issue in our community as a result of the advent of multiple transportable filming and broadcasting devices, otherwise known as phones. The real world has had a lot of rules about this sort of behaviour for a long time. It is about time the virtual world did so as well. Filming and distribution of criminal attacks is just as wrong as the attacks themselves.

The SPEAKER: Excuse me, Attorney. I have already spoken to the media once about filming people who are not on their feet. I would ask that camera person on the end to make sure they are filming over this side and not the other side while the Attorney is on his feet.

The Hon. J.R. RAU: There are possibly more attractive sights over there, Madam Speaker.

The SPEAKER: Possibly.

The Hon. J.R. RAU: As I was saying, filming and distribution of criminal attacks is just as wrong as the attacks themselves. Indeed, there is some information to suggest that some of these attacks are motivated by the opportunity to film them, and then the 'kick' (if that is the right word) that the individuals filming them get out of having the person repeatedly humiliated out there in the internet world, able to be accessed over and over again. It is a repetitive action of humiliation which knows no boundaries at all.

Following consultation earlier this year, the draft legislation seeks to create new offences. Firstly, in relation to filming without consent, the important thing in this aspect of the offence is the consent. The second aspect of the offence relates to distribution, again without consent. It is possible that filming may occur with consent but without consent to the distribution, or the wider distribution or dissemination, of the images that result from filming. In any event, these ideas are encapsulated in the legislation.

What is in the virtual world stays there indefinitely until taken down—and that seems to be never—so the aim of this is to reduce the endless victimisation that people who are the victims in these cases suffer by having these images held there indefinitely. This is intended to make no impact at all on legitimate journalism, and the legislation will be open for consultation until 16 January next year. We welcome any opinions that might come in and we encourage all who

have an interest in the matter to make submissions in relation to the bill, and they will be taken into account.

I, for one, hope that we can take a bipartisan approach to the resolution of this matter, because it is a genuine issue. There are a lot of people who are concerned about it, and we will be interested and welcoming of any contribution the opposition might care to make in relation to this between now and 16 January.

HEALTH DEPARTMENT

Dr McFETRIDGE (Morphett) (14:17): My question is to the Minister for Health. Are there penalties in the Oracle financial systems contract approved by the Minister for Health, and are all costs of reconciling the unreconciled accounts and fixing this problem recoverable?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:18): I am glad the member has asked me another question, because I can now answer the first question that was asked by the Leader of the Opposition. I am advised that the amount that was unreconciled at the beginning of the process was $90 million, not the $200 million referred to by the—

Mr Marshall: Is that net or gross?

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: It was $90 million worth of unreconciled accounts at the beginning, and we are working through them.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: As to the technical questions asked by the member for Morphett, I am happy to get some advice in relation to those.

SOUTH-EAST FORESTRY INDUSTRY ROUNDTABLE

Mr PEGLER (Mount Gambier) (14:19): My question is to the Treasurer. Can the Treasurer tell the house, will conditions recommended by the South-East Forestry Industry Roundtable be made public, and will those recommendations be adhered to and be written into the conditions of sale?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (14:19): I would like to thank the member for Mount Gambier for this very important question. I recognise the keen interest that he takes in this very important issue to his electorate. As members would be aware, on Tuesday 3 May I announced the South Australian government's intention to proceed with the proposed forward sale of ForestrySA plantations. This decision was made following the preparation of a regional impact statement by independent external economic consultant firm ACIL Tasman and an extensive consultation process.

At the time of making this announcement I advised the house of steps that would be taken to protect the interests of the South-East as a direct result of proceeding with the divestment of forest rotations. One of these steps, which I reported to the house, was the establishment of the South-East Forestry Industry Roundtable. This round table has met on numerous occasions, both in Mount Gambier and in Adelaide, to formulate conditions and issues for me to consider.

Last week I released the request for expressions of interest as the first stage of the sale process of up to three rotations. This is the start of the competitive tender process for the sale of forward rotations of the Green Triangle plantation estate. The round table has recently provided me with several recommendations to be considered as part of the intended conditions of sale. The recommendations provided to me by the round table address many of the sale conditions that I have previously made public as safeguards to encourage the long-term development and sustainability of the forestry industry in South Australia.

I wish to advise the house that at this early stage of the sale process those conditions will not be made public. However, the next stage of the sale process is to provide an information memorandum in order to short-list potential bidders and to provide them with the conditions of sale. My intention is to make the round table recommendations and my response to those

recommendations public at that stage of the process. Ultimately the conditions of sale, informed by advice from the round table, will form part of a binding legal contract with the successful bidder, which will include regular reporting, compliance monitoring and a penalty regime for noncompliance.

As I have said previously, there will be annual reporting requirements to ensure the terms of the agreement are being complied with, and the government will have the right to terminate the agreement in the event of the terms and conditions not being met. The government recognises the importance of the state's forest industry and is committed—

Members interjecting:

The SPEAKER: Order! Member for Hammond, behave.

The Hon. J.J. SNELLING: The government recognises the importance of the state's forest industry—

Members interjecting:

The Hon. J.J. SNELLING: Madam Speaker, I can't complete my speech.

The SPEAKER: Order! The Treasurer can't hear himself, let alone anyone else.

An honourable member interjecting:

The Hon. J.J. SNELLING: I am happy to repeat it to emphasise the point.

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: It is like canned laughter. Madam Speaker, the government recognises the importance of the state's forestry industry and is committed to addressing the many challenges facing the industry, irrespective of the proposed forward sale of forest rotations. The government intends to, and will, protect the interests of the industry, the community of the South-East and all South Australians.

SPOTLESS CONTRACT

The Hon. I.F. EVANS (Davenport) (14:23): My question is to the Minister for Transport and Infrastructure. Why did the government deny South Australian and national companies the right to tender for facility management services by deciding to expand the Spotless facilities management contract without going to tender? Rod Hook from the minister's department told the Budget and Finance Committee that cabinet had decided to expand the government's facilities management contract with Spotless to include Health, Housing SA and SAFECOM facilities which, we understand, will add about $35 million to that contract without going to tender.

The Hon. P.F. CONLON (Elder—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:24): I thank the member for Davenport for his question; I hope he in turn thanks *The Advertiser* for its role in it. It is nice to see that some things are consistent: *The Advertiser* prints the story and they ask the question.

Mr Williams interjecting:

The SPEAKER: Order! The member for MacKillop is warned.

The Hon. P.F. CONLON: And now I have the member for MacKillop! Madam Speaker, it is on the record, the member for MacKillop likes to quote James Thurber. I think that the character he should acquaint himself with is Walter Mitty, because I think that, if he researches this—

Mr MARSHALL: Point of order—

The Hon. P.F. CONLON: —he will find that they have a great deal in common.

The SPEAKER: Order! Point of order.

Mr MARSHALL: Madam Speaker, 128.

The SPEAKER: Order! Point of order.

Mr Williams: You used to be funny once.

The SPEAKER: Order!

The Hon. P.F. CONLON: Do you know who Walter Mitty was?

The SPEAKER: Order!

The Hon. P.F. CONLON: The James Thurber character?

The SPEAKER: Order! I ask the minister to come back to the substance of the question.

The Hon. P.F. CONLON: The reason that the decision was taken to extend the Spotless contract was in the best interests of the taxpayer on the—

An honourable member: How do we know?

The SPEAKER: Order!

The Hon. P.F. CONLON: On the advice of the responsible officer and one—

Mrs Redmond interjecting:

The Hon. P.F. CONLON: False laughter!

Members interjecting:

The SPEAKER: Order! Members on my left will behave.

The Hon. P.F. CONLON: I would point out that the first contract with Spotless was written in 1998 by the previous government, Madam Speaker. It allowed for renewals of that contract—a choice of going to tender or renewing the contract, and, of course, the contractual relations—

Mrs Redmond interjecting:

The SPEAKER: Order, Leader of the Opposition!

The Hon. P.F. CONLON: And those contractual arrangements did allow—

Mr Marshall: Did they donate to the ALP?

The Hon. P.F. CONLON: I am sorry; the member for Norwood is a long way back and my hearing is not what it used to be.

Mr Marshall: I said, 'Did they donate to the ALP?' Is that loud enough?

The SPEAKER: Order, member for Norwood!

The Hon. P.F. CONLON: The member for Norwood is suggesting that there is a connection between donations to the ALP and this Spotless contract.

An honourable member: He's asking.

The Hon. P.F. CONLON: Oh, he's just asking the question. It's not like if you're outside the house it's not defamatory if you are just asking a question. I invite him therefore to go outside and just ask the question. Just go outside and 'just ask the question'. It is an absolutely defamatory suggestion, and he should have the courage to say it outside of the house.

As I said, the contractual arrangements allowed for the addition of new areas of responsibility to the contractor. A major consideration in not going to market for a tender just for those services was that it was difficult to determine the actual volume of the service.

Mr Marshall interjecting:

The Hon. P.F. CONLON: Which is amusing to the member for Norwood, because, of course, as well as being an expert on reconciliation, he is a past expert on facilities management. It is a great loss to this chamber that he languishes so far back, because he is truly a Renaissance man: he knows everything about everything. The truth is, Madam Speaker, that, on the advice—

The Hon. J.R. Rau interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: Yes, he is. He is a da Vinci of our times.

Mr Marshall: If only someone would offer you a job. That's never going to happen.

The SPEAKER: Order, member for Norwood!

The Hon. P.F. CONLON: There is a fellow, Madam Speaker, in this place who, if he sat any further back, would be in the corridor—

The SPEAKER: Order!

The Hon. P.F. CONLON: —suggesting that I have not got a job—again, I will have to puzzle through that later. The fact that it would be difficult to determine in advance in the tendering process the actual volumes, I am advised, is one of the principal reasons that it was considered the best value to the taxpayer to expand this contract. I will go on to point—

Mrs Redmond: How do you know?

The Hon. P.F. CONLON: How do I know? On the advice of the person who we employ to manage those contracts. Of course, they may not have the expertise and—

Mr Williams interjecting:

The SPEAKER: Order! Member for MacKillop, you are warned.

The Hon. P.F. CONLON: —they may not be as skilled as the member for Norwood or the Deputy Leader of the Opposition. Of course, not everyone on his side shares his Walter Mitty views of his skills. I do note that in Crikey the other day some of them considered them to be less than useful, I think is the politest way of putting it. An essential consideration was that it was hard to determine the actual volume of work, and it was the advice of the department that the best way would be to expand the existing contract according to provisions that—

Members interjecting:

The SPEAKER: Order! You will listen to the minister's answer.

The Hon. P.F. CONLON: It is regrettable that the opposition finds this hard to understand. It is a long time since they were in government, and let us hope that continues.

Mr Williams interjecting:

The SPEAKER: Order, member for MacKillop!

The Hon. P.F. CONLON: What I would invite the Deputy Leader of the Opposition pro tem to do is take a briefing from the responsible officer, because we will be very happy to provide that. What I will say is that, as recently as 1.30 yesterday afternoon, I was advised by that officer that the performance of Spotless on the contract is good.

PLANNING, TRANSPORT AND INFRASTRUCTURE DEPARTMENT STAFF

The Hon. S.W. KEY (Ashford) (14:29): Can the Minister for Transport Services inform the house about staff from the Department of Planning, Transport and Infrastructure travelling on public transport and providing feedback about it?

An honourable member: The buses were late.

The Hon. C.C. FOX (Bright—Minister for Transport Services) (14:30): Ah, the Kyle Sandilands of the South Australian parliament. I thank the member for this question. We now have more than 100 brand-new buses. Several railway stations have been upgraded and the Belair line has been rebuilt, along with half the Noarlunga and Gawler lines.

The people who make this happen are the hardworking staff in the Department of Planning, Transport and Infrastructure. We value their feedback, and it is time that we were a bit more active in seeking it. That is why I am pleased to announce that, on 9 December, the Department of Planning, Transport and Infrastructure staff will be offered free public transport to and from work. The proposed initiative aims to encourage—

Members interjecting:

The SPEAKER: Order!

The Hon. C.C. FOX: —DPTI metropolitan staff to think about public transport as an option to travel to and from work and experience the services that they work hard to deliver. As part of this initiative, DPTI will seek honest feedback from its staff about on-time running, reliability and quality of the state's public transport services. Staff will also be surveyed to gauge existing travel behaviours, including how many staff currently catch public transport to and from work and reasons why staff choose not to catch public transport. To ensure regional DPTI staff are included in this

initiative, we are also offering staff one free round trip on metropolitan public transport, which will be valid until the end of the year. I think I heard—and I may be wrong because I was concentrating—

Mr Griffiths interjecting:

The Hon. C.C. FOX: Were you saying something about how much it would cost?

Mr Griffiths interjecting:

The Hon. C.C. FOX: You were? Shall I tell you? I think I shall. I hear, I respond; I am listening. It is the way of the future. The cost to DPTI for this exercise will be minimal. If all of DPTI staff choose to travel on 9 December, the exercise will cost approximately $16,000. It is worth noting that an audit or a survey of this magnitude would actually cost—

Mr Griffiths: GST and FBT inclusive, is it?

The Hon. C.C. FOX: Come on, let me finish. I am answering the question. It is worth noting that an audit or survey of this magnitude would actually cost DPTI in the vicinity of $100,000, so we are getting the same service for $16,000.

Members interjecting:

The SPEAKER: Order!

SPOTLESS CONTRACT

The Hon. I.F. EVANS (Davenport) (14:33): My question is again to the Minister for Transport. Following the minister's previous answer, where he stated that the Spotless performance under the contract was good, can he confirm that, in an audit of cooling towers managed by Spotless undertaken this year, there were nine major noncompliance recommendations? The opposition has been advised that air conditioners managed by Spotless at nine different sites, including the South Australian Library, Port Adelaide TAFE and Regency TAFE, all received major noncompliance recommendations in the audit.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON (Elder—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:34): I congratulate the member for Davenport for working his way through *The Advertiser* article to the cooling towers. This is the sort of research we expect from Her Majesty's Loyal Opposition.

The Hon. I.F. Evans: You should have an answer for it.

The Hon. P.F. CONLON: Yes. If you will stop being uncivil, as you people normally are, I will. The nature of the contract is a provision of, I think, a wide set of services. The contract is managed rigorously within the department.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: Those matters around cooling towers, and some other matters, were the subject of an interrogation by the department as to the standard of that service. So rigorous was the management of that contract that, in fact, the responsible officer took legal advice on whether, if these matters were made out—I hasten to say that: if the matters were made out, and Spotless will have a different point of view—would they amount to a breach?

They were advised, yes. They were given the options for dealing with it. The option they took was to deal with it by an exchange of letters with Spotless, and those matters have been addressed. Some are continuing to be addressed and there is some difference of opinion, I must say—and there always is in a contract—between the level of performance that has been made and what the department thinks has been made.

Again, if you listen carefully, I am not saying to you that I say, from my own viewpoint, that the performance is good. What I am saying to you is that the officer responsible, who has been in the job for a very long time—and would have been there, I think, when you were in government—told me at 1.30 yesterday that the performance by Spotless on the contract is good.

So, I therefore, in the spirit of a proper informed debate, invite the member for Davenport to take a briefing from that officer, where he can ask all the questions he wishes. What I will say is that I am satisfied that our departmental people managing the contract do it with great rigour, in the interest of the taxpayer, and I accept the advice of the responsible officer.

MUSTARD, DR F.

Ms BEDFORD (Florey) (14:36): My question is to the Minister for Education and Child Development. Can the minister please advise the house on how the work of Dr Fraser Mustard has influenced the government's approach to establishing a new Department for Education and Child Development?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:37): I would like to thank the member for Florey for this very important question. As members are well aware, this state government has established a new Department for Education and Child Development that brings together the health, family and education services that we provide to children and their families. The objective of the agency, as I have said before in this place, is to ensure that every child in our community gets the best start in life.

There is no question that what we have done has been influenced by the work of Dr Mustard, during his tenure, in particular, as a Thinker in Residence. Therefore, it is with great sadness that we learnt of his death on 18 November. So, I would like to take this opportunity to reflect on his achievements and his contributions.

Dr Mustard brought with him to South Australia an outstanding intellect and vast experience as an international leader in early childhood development. This compassionate advocate for children urged South Australia to maintain and build upon our leadership in the early years and, in particular, to continue with our children's centres—and I believe we have some 23.

He drew South Australia's attention to the new knowledge that was emerging about early brain development and its effect on the behaviour and opportunities for young people right throughout their lives. The importance of this research, and the value of connecting child and family health and wellbeing support with the work of our schools and preschools, are cornerstones to our new agency.

At international level, Dr Mustard was involved with governments in Canada and Australia, of course, with the World Bank, UNICEF and many other organisations. He led the Founders' Network—a virtual research organisation that suggests practical solutions to the complex problems facing society and seeks to put research findings and ideas into action in communities worldwide.

At the heart of Dr Mustard's strategy was an approach that puts child development in those critical early years at the centre of policies right across government, and that is precisely what this government has sought to do. He certainly helped inspire our approach to putting children and families right at the centre of our services. I take this opportunity, on behalf of everyone in this place, to acknowledge Dr Fraser Mustard, and we extend our condolences to his family.

SPOTLESS CONTRACT

The Hon. I.F. EVANS (Davenport) (14:39): My question is again to the minister for transport. Before cabinet signed off on expanding the Spotless contract without going to tender, was the minister for transport aware that the education department building on Flinders Street, managed by Spotless, reported a high legionella count in the air-conditioning system on 23 May this year?

The Hon. P.F. CONLON (Elder—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:40): I do not personally manage the contract, so I doubt I would have been aware of that. As I said—

Mr Pisoni: It was on the news. It was on the news—1,500 people evacuated.

The SPEAKER: Order, the member for Unley!

An honourable member interjecting:

The SPEAKER: Order! Minister.

The Hon. P.F. CONLON: I—

Mr Pisoni interjecting:

The SPEAKER: Order! Member for Unley, you are warned.

The Hon. P.F. CONLON: I don't know why he's so angry.

The Hon. M.D. Rann: He's lost four elections.

The Hon. P.F. CONLON: Four elections, and one more to come. Again I stress that the reason that cabinet considered the contract and extended it was on the advice of the responsible officer and the officers responsible for managing the contract. Imagine if I were to take the position of having been advised that the best interest of the taxpayer is to extend the contract and I said, 'No, blow that. We'll go to market.' You know what they'd be doing? The member for Norwood would be asking me if the new winner had been donating to the ALP.

The truth is—and God forbid it happens—that I hope if the opposition ever becomes the government, they appoint the right people in the Public Service to do the job and they take their advice without fear or favour. I will tell this house that I am not going to substitute the opinion of the member for Davenport or the member for Norwood for that officer who has been doing her job for a very long time and who has never given me anything but good advice, and I would urge them—

Mr Williams interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: I would urge them that if they find themselves fortunate enough to be in government and have that honour that they actually appoint good officers and take their advice.

Mr Marshall interjecting:

The SPEAKER: Order! Member for Norwood, behave yourself.

Ms Chapman interjecting:

The SPEAKER: The member for Bragg, also. Thank goodness it is the last day of the week.

FAR NORTH WATER SUPPLIES

Mr PICCOLO (Light) (14:42): My question is to the minister for water. What is the government doing to identify water supplies in remote Far North communities to enable future development?

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:43): I thank the honourable member for Light for his important question. New mining and potential geothermal energy development in the Far North of South Australia are being facilitated by the state government through the Plan for Accelerating Exploration.

The scale of the planned developments and potential activity from current mineral exploration is set to generate significant economic value for our state. This new development activity will require reliable water supplies. Industry growth will only continue if we can discover new outback groundwater sources and investigate the future capacity of the existing aquifers.

In recognition of this, I am pleased to inform the house that the state government has committed $3.7 million towards a suite of projects to explore the region's groundwater potential. A number of major projects are already underway as part of a new initiative called Finding Long-Term Outback Water Solutions (FLOWS). This initiative will increase our existing knowledge of the region's water resources by identifying their capacity, quantity and quality.

FLOWS will develop information packages for industry and local communities on potentially viable water resources. This will in turn enable both industry and communities to gain a greater understanding about available water and how it can be used. A report has already been prepared on the groundwater resources across the AW region. This was released on 21 September and is available at www.waterconnect.sa.gov.au. This report is amongst the first of its kind and it will not only collate available knowledge but also guide further investigations into future groundwater development opportunities.

The Goyder Institute for Water Research will also carry out research for this initiative. The institute will undertake an analysis of airborne geophysical information to identify potential groundwater resources which may be suitable to provide water supplies for mining and energy

development. In addition to this, a major project will be undertaken to develop a comprehensive water resource state and condition report from the Far North prescribed wells area and monitor the implications of climate change on the resources.

The state government realises the importance of the Far North region's economic, social, cultural and environmental assets. This is why we have invested in FLOWS. Work such as this will not only boost our knowledge and expertise, but it will also serve as an investment in the region. Through these leading-edge projects, the state government is making it even easier for industry to access important information about the Far North's water availability.

The SPEAKER: Members, I apologise to the cameraman up there, who I thought was filming before. I have been watching his camera very carefully and realise that it is the angle of the camera and the light, and at my age that I am not able to check out what it was doing. So, I apologise to you. I can see now that your camera was not pointed in the direction that I thought it was. However, it happens with age: the eyesight is not what it used to be. The member for Davenport.

SPOTLESS CONTRACT

The Hon. I.F. EVANS (Davenport) (14:46): My question is again to the Minister for Transport. Can the minister confirm the concerns that have been raised within government in relation to Spotless overcharging on its contract by more than $500,000 a year and what action the government has taken in relation to any overcharging?

The Hon. P.F. CONLON (Elder—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:46): I can confirm that officers of the government have raised concerns with Spotless, including that and others, because they are rigorous managers of the public purse. They manage the contract in the interest of the taxpayer, and they manage it with great rigour. What I would say again to the member for Davenport is that everything I have told him is the best advice that I can get from the department.

I am happy for him to have as long as he wants with the officer responsible for this, and he can ask all of those questions. But I will tell you this: while I respect the member for Davenport as being one of the members of the opposition who has more than usual acuity for that group, I am not going to substitute his view for the view of the responsible officer. I invite him to have a briefing and we will be completely open about all those aspects. What I will say is this: I am absolutely satisfied that our officers are managing this contract with great rigour in the interests of the taxpayer. I would be more concerned if they never found fault with Spotless, because I would be worried if they were doing their job.

Mr Williams interjecting:

The SPEAKER: Order!

PUBLIC POLICY DEBATE

Mrs GERAGHTY (Torrens) (14:48): My question is to the Premier. Can the Premier advise the house about steps taken to improve the public policy debate in this state?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (14:48): I thank the honourable member for her question. In the first remarks that I made to parliament after having become Premier, I invited members to participate in a debate on policy, concentrating on the things that were important to improve the lives of ordinary South Australians. I also made some points about conducting ourselves respectfully and with civility in relation to public discourse for a very important reason. That is, if we have disputes between us, people will be looking to ask us, as their elected representatives, to set the tone of how we resolve those disputes. How can we expect people to resolve their disputes constructively in the community if we choose to resolve them destructively and behave disrespectfully to each other in this place?

As a government we have sought to bring a number of serious public policy ideas to the attention of the community. We began an important debate around the River Murray and expressed our intention to assert our rights in relation to the river with the forthcoming Murray-Darling Basin Plan. We have also promoted a new approach to urban renewal, proposing the idea of a single body to revitalise our suburbs, towns and the city and deal with the great need there is in our community for affordable housing.

We have outlined changes to the way in which our city, our CBD, operates to rejuvenate it. Shop trading hours is an important new initiative. We have also spoken about the need to have a

rejuvenated relationship with the Adelaide City Council. Indeed, in a spectacular act of the lion lying down with the lamb, Anne Moran has come out and welcomed some of our reforms.

An honourable member interjecting:

The Hon. J.W. WEATHERILL: I know. That is a welcome development. These are substantial issues, and they are worthy of robust debate but, sadly, those opposite have continued to focus on personalities rather than policy. That has been the feature of what we have seen over the last couple of weeks. We have seen, I think, a dissection of the relationship between members of parliament and their families in a way that I know people on both sides of this house have found distasteful.

The Minister for Education and Child Development has been required to explain her decision to leave her child while she stayed in a Singapore hospital and send that child on a plane. We have had the Minister for Transport Services expected to explain her conduct in respect of non-existent conflicts arising from the fact of her father's conviction. Today, I think in a new low, we have seen a member describe the Prime Minister of Australia in terms that I do not think bear repeating.

I cannot recall an occasion in this parliament when the relationship of a child to a parent has been used in this way to score political points. I also have never heard a prime minister of Australia described in those disparaging terms. These are no more than personal slurs. Ultimately, Madam Speaker, this is a question of leadership. It is a question of standards. I approached the Leader of the Opposition asking for standards to be maintained and that has been incapable of being explained or achieved on that side of the house.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: Indeed, it has been steadfastly resisted, as they have refused the offer of a contest of ideas and instead wanted to insist on a bear pit of abuse.

Ms CHAPMAN: Point of order.

The SPEAKER: Point of order, member for Bragg.

Ms CHAPMAN: The question was about the government's policy forums. We do not want to sit here and have a lecture from the Premier. We want some answers in question time.

The SPEAKER: Thank you, member for Bragg. There is no point of order. Premier.

The Hon. J.W. WEATHERILL: Madam Speaker, we are approaching the end of this parliamentary session and I invite those opposite to reflect on their conduct in this place over the last few weeks.

Members interjecting:

The SPEAKER: Order!

Mr Williams interjecting:

The SPEAKER: Order, the member for MacKillop! You are warned for the second time.

Mr Pisoni interjecting:

The SPEAKER: Member for Unley, you are warned for the second time, also. We will have no shouting across the floor. Member for Kavel.

GAWLER RANGES PRESCRIBED BURNING

Mr GOLDSWORTHY (Kavel) (14:53): Thank you, Madam Speaker. My question is to the Minister for Sustainability, Environment and Conservation.

Mr Pisoni interjecting:

The SPEAKER: Member for Unley, you are warned for the third time. The next time you will go. Member for Kavel, can you start again?

Mr GOLDSWORTHY: Thank you, Madam Speaker. My question is to the Minister for Sustainability, Environment and Conservation. Did local CFS volunteers advise officers from the

Department of Environment and Natural Resources not to start the most recent prescribed burning of the national park in the Gawler Ranges?

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:54): As everyone knows, there was a prescribed burn that got out of control in the Gawler Ranges. It was meant to be 500 hectares and finished up being around 12,000 hectares. Certainly, my understanding of the situation is that, through the good work of the CFS and, indeed, our own officers over there, that fire after a period of time was contained in what was a very hot and trying set of circumstances. What is happening is that the—

Members interjecting:

The SPEAKER: Order!

An honourable member interjecting:

The Hon. P. CAICA: Yes. The primary concern was to make sure that every effort was put into containing that fire. The department will certainly be doing a thorough investigation of the circumstances that caused that fire—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: —the control of that fire to be lost. One of the matters I will certainly expect when that inquiry is undertaken is the procedures and the processes that the department undertook in—

The SPEAKER: Point of order; member for MacKillop.

Mr WILLIAMS: The point of order is one of relevance. The Premier did tell the house that his ministers would answer questions. We are still waiting for an answer to this question: did the local CFS—

The SPEAKER: Thank you, member for MacKillop. We do not need an explanation from you. I understand your point of order. The minister, I am sure, will get to the point of the question.

The Hon. P. CAICA: I am getting to it, Madam Speaker. Of course, those prescribed burns are not undertaken without the input of a lot of advice, not the least of which is from the CFS. With respect to the specific question, I do not know whether or not on that occasion that fire and that prescribed burn were at odds—

Members interjecting:

The SPEAKER: Order!

The Hon. P. CAICA: Crikey, it's hard—whether or not specific advice was given by the CFS not to undertake that prescribed burn. I do not know that, but I will certainly get those answers as part of the internal review that was being undertaken and I will get back to the house on that specific matter.

GAWLER BIRTH TO YEAR 12 SCHOOL

Mr PICCOLO (Light) (14:56): My question is to the Minister for Education and Child Development. Can the minister update the house on the progress of the Gawler Birth to Year 12 School?

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (14:56): I absolutely would like to acknowledge the outstanding advocacy that we and every minister in this place sees from the member for Light. He is an outstanding advocate for his community.

I am pleased to announce that work has started on the Gawler Birth to Year 12 School, a $12 million project that will accommodate 1,200 primary and high school students and provide 45 preschool places. The Gawler B-12 School not only offers students and families in the area the best new and modern facilities including 10 new general learning areas; covered outdoor play areas; new agriculture studies facilities; a junior school oval; and a refurbished admin and resource centre; it will also incorporate a children's centre that will include a preschool, occasional care and

health services, giving parents a one-stop shop. That is a very important development for this community.

This approach will enable the new school to work with and support children and their families from birth to year 12 to make sure there is a consistent approach to learning and child development. It is an approach that is very much reflected in the new focus of this very important agency, because we know that working with and supporting families in the early years of a child's life has the most positive effect on future learning and behavioural outcomes.

This project is part of the government's education and work (stage 2) program. It involves the voluntary closure of Evanston Primary School, Evanston Preschool and Gawler High School to create the new Gawler B-12 School. It is a further outstanding example of the state government taking the future of our young South Australians seriously, and being willing to invest in quality education and services for our children and their families.

PUBLIC POLICY DEBATE

Mrs REDMOND (Heysen—Leader of the Opposition) (14:58): My question is to the Premier. In light of the Premier's speech in answer to the previous Dorothy Dixer, can the Premier advise the house why he does not apply to himself his own lofty standards? In his original statement to the house the Premier said:

> Questions with serious intention should be given serious answers, yet on numerous occasions since 8 November this opposition has asked very serious questions and been given no serious answer whatsoever from the government.

Members interjecting:

The SPEAKER: Order!

Mr Marshall interjecting:

The SPEAKER: Order, member for Norwood!

The Hon. P.F. CONLON: Madam Speaker, the Premier is going to be happy to answer in a moment, but I must point out—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: I must point out how disorderly the argument was in that question. Standing order 97 forbids argument in the question.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: Madam Speaker, it is their time; I am happy to wait for them to stop. I simply point out that the Leader of the Opposition has offered the Premier enormous scope by including such argument in a question.

The SPEAKER: Thank you, minister; the question was questionable. Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (15:00): I thank the honourable member for her question. By the look on the stony faces of those opposite when we heard during the course of the week, I think, some of the personal slurs and innuendo directed at questions of family members—

Mr Williams interjecting:

The SPEAKER: Order! Member for MacKillop.

The Hon. J.W. WEATHERILL: There were people on both sides of the house who were appalled by the way in which you conducted yourself this week, and the point I was making is that as a leader you have to accept responsibility for the conduct of your team.

Members interjecting:

The SPEAKER: Order! The Premier will be heard in silence.

The Hon. J.W. WEATHERILL: I have not yet heard a decision by the Leader of the Opposition to counsel the member of parliament who made those disparaging remarks about the

Prime Minister. One of her frontbenchers has had the good grace to acknowledge it in the other place; why is she not accepting the responsibility of leadership to maintain standards?

Members interjecting:

The SPEAKER: Order! Premier, have you finished your answer?

The Hon. J.W. WEATHERILL: Yes.

The SPEAKER: I could not hear for the noise coming from my left.

Members interjecting:

The SPEAKER: Order!

PUBLIC SECTOR PERFORMANCE COMMISSION

The Hon. M.J. ATKINSON (Croydon) (15:02): I offer my congratulations to Peter Slipper.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The Hon. M.J. ATKINSON: Indeed.

An honourable member interjecting:

The SPEAKER: Order! The member will get to the question.

The Hon. M.J. ATKINSON: My question is to the Minister for the Public Sector. Can the minister describe how the cross-government implementation of the high performance framework will improve outcomes and productivity in the Public Service?

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for the Public Sector) (15:02): I thank the member for Croydon for the question. In July 2008 the government established the Public Sector Performance Commission to improve performance and promote collaboration across the public sector. One of the key outcomes—

The Hon. I.F. Evans interjecting:

The SPEAKER: Order!

The Hon. M.F. O'BRIEN: One of the key outcomes from the commission was the development of a high performance framework. The framework is a systematic approach to organisational development to help foster continuous improvement and innovation within the Public Service. This program has been successfully piloted in a number of agencies and will be rolled out across all government departments in 2012.

Members interjecting:

The SPEAKER: Order!

The Hon. M.F. O'BRIEN: The senior management council has been tasked with responsibility for the implementation of the high performance framework. If members opposite are really interested in how we can improve the performance of the public sector I have actually got a folder here derived from about 15 countries around the world that are all embracing this particular approach to lift their performance, including Canada.

The Hon. I.F. EVANS: Point of order, Madam Speaker. There is a longstanding tradition that when a minister quotes from a government document he tables it. I ask him to table it.

Members interjecting:

The SPEAKER: Order! He has not quoted from the document. Minister.

The Hon. M.F. O'BRIEN: I have not quoted from it, but I am more than willing to make it available to the member for Davenport. He may find it of great interest and edification. New Zealand, Canada and the UK are very much embracing this particular proposition. We have taken from their concepts and a concept run within the private sector within Australia to develop this particular framework, and we are in the process of implementing it.

It is a tool designed to help senior management steer the public sector towards meeting a set of goals as effectively and efficiently as possible. As I said, the framework is a hybrid program that draws from the Business Excellence Framework used extensively in the private sector in Australia and performance frameworks used in the public services in New Zealand, the UK and Canada.

It will for the first time provide a standardised review mechanism for agencies to assess their performance. Many of the questions that are asked in this house focus very much on the specific performance of government agencies. This is a tool to lift overall performance across the public sector. Being able to access hard data about performance is essential for lifting productivity. As the government is the largest employer in South Australia, productivity improvements are essential for ensuring the long-term prosperity of the state, and I do not think there is any disagreement in the house on that particular point.

In excess of 100,000 South Australians—either in a full-time or a part-time capacity—are employed by the South Australian Public Service. What we do in the Public Service is going to be a great driver for overall lift in productivity across the state. The High Performance Framework will allow senior management to identify where improvements need to be made and track the progress of those particular improvements.

It is a tool that will reduce waste and maximise the effective use of resources. The High Performance Framework is just one of a number of programs that the Public Sector Management Division is implementing to drive process innovation in the public sector. It complements the South Australian Executive Service, which will provide senior executives with the professional development and training to perform their roles better and a forum with which to come up with creative solutions to problems across government.

It also complements the Sustainable Workforce Initiative, which will work towards tracking the vast array of skills and competencies in the public sector to help plan and anticipate future staffing requirements rather than being reactive to vacancies and skill shortages, as we have been in the past. These combined initiatives reflect world's best practice on how to develop high performance within organisations, and I look forward to keeping the house informed about future developments in these areas.

POLICE INVESTIGATIONS

Ms CHAPMAN (Bragg) (15:08): My question is to the Minister for Education and Child Development. Will the minister confirm whether the chief executive of her department or any officer of her department responsible for child protection is under investigation by the police or the Special Investigations Unit currently?

Members interjecting:

The SPEAKER: Order! The Minister for Education and Child Development.

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (15:08): Anyone in this place would acknowledge that that is a question that I will need to seek further advice on, and I will.

POLICE INVESTIGATIONS

Ms CHAPMAN (Bragg) (15:08): As a supplementary: in the last week, minister, have you even inquired as to whether anyone in your department is under investigation?

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (15:09): I would urge the member for Bragg, if she has any information—

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: I would urge the member for Bragg—because she obviously is raising a serious matter, and I do take the matter seriously—if she has—

Members interjecting:

The Hon. G. PORTOLESI: Madam Speaker?

Members interjecting:

The SPEAKER: Order! You have asked a very, very serious question.

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: I would implore the member for Bragg to bring to my attention, or the appropriate authorities, any information that she has. I also implore the member for Bragg and every person in this place to approach a bipartisan position—

Members interjecting:

The Hon. G. PORTOLESI: They laugh.

Members interjecting:

The SPEAKER: Order!

The Hon. G. PORTOLESI: —when it comes to the protection of children and the support of families in this state.

Members interjecting:

The SPEAKER: Order!

JENKINS, MR H.

The SPEAKER (15:10): Members, I just want to acknowledge the outstanding work of Speaker Harry Jenkins in the federal parliament. He has certainly given me a lot of personal assistance over the last 18 months, and I want to wish him well in the future. I think it is important for that to be noted.

SOCIAL MEDIA COMMENT

Mr PENGILLY (Finniss) (15:10): I seek leave to make a personal explanation.

Leave granted.

Mr PENGILLY: This morning on social media, I put on a comment which was a poor use of terminology. I acknowledge that. The simple message I was trying to get across was that, in my view, the current Prime Minister is the worst prime minister in Australia's history. However—

The Hon. P.F. CONLON: Point of order, Madam Speaker.

Members interjecting:

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

The Hon. P.F. CONLON: It is not open to any member to use a personal explanation to make a speech. If the member claims to have been misrepresented, he needs to make a factual statement about that. It is not open to him to make a speech about what he has done.

Members interjecting:

The SPEAKER: Order!

Mr PENGILLY: Anyone who knows me knows that I do not abuse women, hit them or anything else. Quite frankly, for the record—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: Point of order: the member needs to explain to the house where he is being misrepresented and give a factual explanation. It is not open to him to justify at length what everyone knows was disgraceful.

The SPEAKER: I uphold that point of order. You need to be very careful.

Mr PENGILLY: I am nearly finished. If my comments have caused offence to the Prime Minister, I apologise to her; however, there is not much more I can do about the house. It was unfortunate, but that is the way things are.

ALCOHOL AND DRUG STRATEGY

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:12): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: I am pleased to announce that the government has today released the South Australian Alcohol and Drug Strategy 2011-16, which will shortly be available on the—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —Drug and Alcohol Services SA website. The whole-of-government strategy is led by SA Health and South Australia Police, and the 60 priority actions will be implemented with collaboration from a wide range of other government agencies.

The South Australian Drug Strategy 2005-10 has been successful in reducing the use of illicit drugs in our state, assisting people in addressing their substance misuse problems and keeping the rates of HIV and hepatitis C among injecting drug users low.

Since 2001, there has been an encouraging downward trend in the population of this state engaged in recent illicit drug use from 18 per cent in 2001 to 15 per cent in 2011. There has also been a reduction in the percentage of South Australian secondary school students using alcohol and cannabis.

The strategy identifies areas that require focus going forward. For instance, we know that currently 27 per cent of South Australians consume alcohol at least monthly at levels that pose a short-term risk of harm, and that there is greater substance misuse among certain vulnerable groups.

The new strategy takes an evidence based approach to reducing the effects of drug and alcohol misuse on not only individuals but also the community. The strategy continues to adopt a harm minimisation approach and aligns with the National Drug Strategy 2010-15 of demand, supply and harm reduction.

To tackle alcohol, SA Health will lead a range of new initiatives, such as engaging students and parents at South Australian schools, social marketing campaigns, trialling brief intervention and screening approaches within primary healthcare settings, evaluating secondary supply legislation effectiveness and, through the Health Workers—Healthy Future program, encouraging workers to re-assess the amounts of alcohol they consume.

The government will maintain its focus on the disproportionate impact of substance abuse on particular groups, including young people, families and the Aboriginal people. There is a range of actions directed towards these groups that emphasise a strong community partnership. The new strategy focuses on evidence based approaches and strong collaboration between government agencies to improve the health and wellbeing of South Australians into the future.

HEALTH DEPARTMENT

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (15:15): I also seek to make another ministerial statement.

Leave granted.

The Hon. J.D. HILL: This is not in written form, but just to answer a question that was asked during question time about the cost of a consultancy by PKF to assist with the reconciliation processes within Health. I am advised that the cost of that consultancy was $750,000.

An honourable member interjecting:

The SPEAKER: Order!

GRIEVANCE DEBATE

DEFENCE INDUSTRY

Mr HAMILTON-SMITH (Waite) (15:15): I rise to talk on the subject of the defence industry, as the shadow for that portfolio. I note today the tabling of Defence SA's Annual Report 2010-11, just a few moments ago. I also note questions in regard to the Auditor-General's Report that have been underway this week and in the previous week's sitting and also the recent release of a discussion paper by myself, on behalf the opposition, titled 'Building on our defences: the future of South Australia's defence industry', which is located on my website.

It is appropriate at this time of the year to reflect back on defence industries; all that has been achieved and all that is yet to be achieved. Can I start by commending Andrew Fletcher and his team at Defence SA for their fantastic contribution to this state and for their excellent report. I have had a quick read of it. It looks to be an outstanding report on an outstanding year, in difficult financial circumstances. I will have a more detailed look at it after this.

I particularly note the support of those members of the SA Defence Advisory Board: General Peter Cosgrove, Dr Ian Chessell, Air Marshal Les Fisher, of course Andrew Fletcher, Beth Laughton, Lieutenant General Peter Leahy, Rear Admiral Trevor Ruting and Dr John White. I note that premier Rann and the then minister Kevin Foley were ex-officio members, but the premier did not attend any meetings. The minister, Kevin Foley, attended three of the seven meetings, but otherwise, the meetings were very well attended.

The defence story in this state is a good one. It is not to be overstated as, I think, the government is inclined to do from time to time. I think we need to deal in the facts. These facts are addressed fairly bluntly in my discussion paper. We have achieved a lot, but we need to be truthful and factual about what we have achieved and what is yet to be achieved.

There has been a level of bipartisan support and that will continue so long as I have a say in it, and I know that comes with the best wishes of all on this side. We do not want to see defence turned into a political football: we want to see it prosper, and that is certainly the approach that I have been taking as shadow for this area.

I want to note however, that there is one thing that I would like to have seen more emphatically emphasised in the Defence SA annual report and that is the partnership between Defence SA and industry. Of course, that takes several forms but two in particular: that is, their relationship with the Defence Teaming Centre and all of its members from industry, and also its relationship with Business SA and, of course, all of their members, many of whom carry out defence work. I would like to have seen this partnership more heavily emphasised in the report.

I note in the Auditor-General's report grants to industry of $605,000 last year, but reducing to $475,000 to 30 June 2011 to the Defence Teaming Centre; and grants of around $1.4 million to the ASC AWD Shipbuilder Pty Ltd. Of course, there are other grants. Could I just say that I think these grants are grants well spent and, in particular, the grant given to the Defence Teaming Centre. I have contacted many of its members, and I understand good work is being done in regard to leadership training, skills training, networking and coordination with Defence SA. I note too that the government has also made contributions towards Business SA to help in a range of areas, export-related and in other fields, many of which will spin off and deliver benefits to defence industries.

I think this partnership between the Defence Teaming Centre and Defence SA is pivotal to the success of defence industries, and it will certainly be an opposition plan, should it become government, to further develop and enhance that relationship. If anything, we will be looking at ways to increase the financial support to the Defence Teaming Centre, because I think, provided it can be shown that it is delivering results, this partnership is the way to go. Defence SA, brilliant job though it does, must ultimately rely on industry to get the real results, so we need to support and nurture industry.

I commend my discussion paper to the house. I encourage members to download it from my website. I am looking for feedback on the questions I have raised on the way forward across a raft of issues, particularly with regard to naval shipbuilding and defence procurement and whether the state should be more heavily involved in strategies for the future. This is an important industry, and I encourage all members of the house to give it their full support come the budget.

REMEMBRANCE DAY

Mr SIBBONS (Mitchell) (15:21): Remembrance Day means different things to different people. For those who have fought in a war, served in support teams, been involved in a peacekeeping operation or lost loved ones in conflicts, it is highly personal. For those whose connection is limited to accounts related by others, either firsthand or through the history books, there will be no flood of memories each year at the 11th hour on the 11th day of the 11th month, but it remains a commemoration that evokes the utmost respect.

Of course, when it was first set aside, 11 November honoured those who died in just one war, almost a century ago. Indeed, in the modern era, Remembrance Day has also come to commemorate lives lost in war, battles, conflicts and other military operations around the world and across the generations since World War I.

For most, 11 November is probably best summed up by one word—sacrifice. It is most obviously a time set aside to remember the sacrifice of those who gave their lives in the cause of peace. But as we keep a minute's silence, we also think of the sacrifice of those who risked their lives, their comfort and their sanity, those who lost their innocence and their youth when war came. We think as well of the sacrifices of those who lost loved ones to wars, either temporarily or permanently.

This year on Remembrance Day, I had the privilege of joining the students and staff of Seaview High School for their ceremony, to speak to them and present them with new flags for the wonderful memorial area they are developing. The involvement of the student body and the wider school community in this assembly and the ongoing memorial projects is very noteworthy.

Under the guidance of Deputy Principal Roy Webb, whose own father was a Normandy veteran, and with the assistance of government funding, the school is working towards a memorial walk and courtyard leading from the memorial arches at the front of the campus. Seaview also has a Remembrance Garden, which was dedicated by the student representative body on Remembrance Day.

As part of the ceremony this year, year 9 student Kate Laing gave the Welcome to Country, while year 10 student Renee Pounsett sang the national anthem. Retired serviceperson David Ludlow, who is the son of Seaview teacher Carol Ludlow, delivered the Ode. It was a truly moving, inspirational and utterly respectful and appropriate tribute to the fallen, and I thank Principal Penny Tranter for the invitation to take part in and witness this special day in the school's life.

While I have time, I am going to venture outside my electorate and into the member for the Bright's electorate. I would like to acknowledge the great achievement of the students and staff at Brighton Secondary School. With a performance inspired by the story of abandoned orphans and the fall of communism in 1989, the school won the 2011 National Rock Eisteddfod Challenge. The win is the first time in 31 years a school outside of New South Wales or Victoria has won the national title. I congratulate all of the students and staff on their win and wish them well when the school represents Australia in the Global Rock Challenge Championships challenge between schools from the UK, New Zealand and Japan.

SHARK FISHING, NORMANVILLE

Mr PENGILLY (Finniss) (15:25): I just want to raise in the house today a matter that drew some public attention last week in relation to shark fishing off Normanville jetty. It concerned me, and it concerned deeply the Yankalilla district council. Yesterday I had a briefing with a representative from the minister's office and the department of fisheries over the matter. In brief, what has been happening is that some people, very few people, have been berleying off the end of the Normanville jetty, which is only 30 metres long, at high tide in an attempt to catch sharks or rays.

The regulations are quite specific about what you can use to fish with: hooks up to size 12, you cannot put mammals in the water to attract sharks, and tuna oil is quite permissible. What has happened is that the shark fishing down there has concerned deeply the locals around this very, very popular beach and the lifesaving club where the Nippers train in that water.

The outcome is that the Yankalilla district council was seeking to have changes made to the regulations or the act in an attempt to prevent shark fishing off these jetties. These people also tend to go fishing, these few who want to do it, off metropolitan jetties and numbers of others, for sharks, around the state.

The very, very few people who do this I think will probably learn a lesson from what has happened at Normanville. Fisheries compliance officers and police are taking an added interest in it. The reality is also that you can go fishing with any sort of a hook and catch a shark or a ray; it is impossible. The vast majority of people and families who want to go fishing are not out there doing that.

So, it is an issue that fisheries and the minister's office are going to come back to me on. It is going to take some time to work through this. Unfortunately, the Yankalilla district council in the short term are not going to have any outcome apart from additional compliance officers visiting the beach and the wharf. I am reliably informed that, since the compliance officers have upped the ante since last week, there has been absolutely no sighting of anybody shark fishing down there in any way, shape or form.

For the benefit of the house, the jetty is only 30 metres long, and at low tide you can walk around the end of the jetty and not get your feet wet. I do not want to discourage anybody from fishing off jetties. It is an enormous pastime in South Australia. Many people who have not got boats or simply can not go to sea for health reasons, or whatever, get enormous pleasure out of fishing off jetties such as Normanville in my electorate, Rapid Bay, Cape Jervis, the Bluff at Victor Harbor, the jetty at Port Elliot, or the causeway and a multitude of wharfs on Kangaroo Island. So, it is a longstanding habit.

I do not want to put any impediment in the way of those people whatsoever, but I think it is an important issue. I know the council has written to, I believe, every member in the parliament both in this place and the other place about the matter. Members may be interested to know what action I have taken. It has been the subject of *The Times* newspaper at Victor Harbor that picked up on it.

I will be writing back to the Yankalilla council and I shall be writing to the minister offering a few suggestions. I have also put forward the suggestion, to one of the councillors at Yankalilla, that they should take it up through their local government association network, raise it at their regional meeting and raise it at their state meeting if they feel it is necessary.

I think it is something that we will have to grapple with. More and more people want to go fishing, and more people want to catch big ones. For the life of me I see no good reason being served by catching a 9 foot or 10 foot bronze whaler off Normanville jetty and dragging it up on the beach to rot; I think it is a waste of time, quite frankly. I am very much of the opinion that if you want to go and catch fish, you eat them, not chase them for blood sport. It is something I do not agree with. If you go tuna fishing, you eat the tuna, within limitations.

When we go gummy shark fishing it is a different ballgame entirely, but the bronze whalers, white pointers and other sharks do come in around the coastal areas in the spring and the summer as the water warms up, for breeding purposes. They are always there, and the people who like to go and attract them do so.

It is probably important to note also that there were lamb shanks floating in the water there, which is a breach of the regulations In the act: you cannot use any mammal. People will go on and, hopefully, we will get some common sense in this matter.

MUSTARD, DR F.

The Hon. S.W. KEY (Ashford) (15:30): I was very pleased today to listen to a question that was asked by the member for Florey of the Minister for Education and Child Development regarding the passing of Dr Fraser Mustard, who passed away last week in Canada. I heard a lot about Fraser Mustard from the previous member for Little Para, Lea Stevens, and finally got to meet him, with a number of other members, I think probably about two years ago. I also understand that we had great opportunities to hear from him as a thinker in residence in South Australia—a very influential one.

In speaking to the previous member for Little Para, she was very keen that I ensure that Fraser Mustard was commemorated in the way he should be. I asked her to send me some information that she might like me to raise in the house, but I think her letter to Cheryl Mooney, from the Founders organisation, probably summarises the comments that Lea would like me to raise. She says:

> Hello Cheryl

I hope you will pass this on to Fraser's family and colleagues as I was unsure how else to make contact. Many many people here in Australia are mourning the passing of Fraser. He was a wonderful man in terms of his kindness, humour and insatiable energy and commitment to early childhood development.

I will never forget our first meeting in 2003 which lasted eight hours at his office in your building and then going on to the Pearl restaurant on the edge of the Lake all the while engaging in a discourse on the dimensions of early childhood development and what needed to be done everywhere. This was the beginning of his extensive involvement in South Australia culminating in a Thinker In Residence post.

During this time he influenced thousands of people and encouraged and inspired people at all levels to understand the importance of the development of the human brain and the connection of early positive parenting and supportive, accessible, community-based programs and activities.

In South Australia the Universal Nurse Home Visiting and Family Home Visiting programs and the establishment of a network of children's centres were an immediate result of his influence. Now there is an even more comprehensive response for, just as in many other countries, Fraser has left a lasting legacy in Australia where the critical importance of early childhood development is now prominently on the national agenda.

I know Fraser was a loving and loved family man and had many close friends. I know he will be sadly missed by us all but I also know his work will live on and his influence will continue to challenge us to make our shared vision of every chance for every child a reality.

With much love and respect for a great man

Lea & Mike Stevens

As people will remember in this chamber, Lea Stevens was the Minister for Health in South Australia from 2002 to 2005. Even when I was a fellow shadow minister with her, she campaigned in the area of early childhood, which she followed up in an academic way and then got to know Dr Fraser. I think that connection has served us well. I know that the former premier, Mike Rann, was also inspired by Dr Fraser Mustard and, hence, the thinker in residence invitation.

Some of the things that come out of that report, which I do not have time to talk about today in this grievance, have had a big impact on the way I view early childhood as well. There are some simple points that Fraser made in his report that I think are worth repeating.

One of them, which probably oversimplifies the whole program that our government is embarking on is 'Three important principles to improve early childhood development'. One is to intervene early, at least at the time of birth—which, as members know, is something that we are doing. Another is to intervene often and intervene effectively. Another is to focus on birth to six years of age to make sure it fits in with all the other infrastructure which is important in our community.

He really did emphasise investing in the early years, closing the gap between what we know and what we do, and linking scientific research about neuroscience and brain development with policy directions in early childhood. As he says, children do not choose their parents, so society has a responsibility to work with parents to ensure that all children have equitable development.

ROAD SAFETY STRATEGY

Mr GOLDSWORTHY (Kavel) (15:35): I want to raise in the house this afternoon some elements of the Road Safety Strategy that the government has recently released, in particular proposed changes to the Graduated Licensing Scheme and how it relates to drivers on learner's permits and provisional licence permits. I want to inform the house of some information we have received (it is in the public domain) on some feedback. I know the government is calling for feedback and submissions in relation to its proposed changes to the Graduated Licensing Scheme. I want to highlight to the house some information from some of the key stakeholder groups involved in this, and from some individual members of the community.

I was listening to the radio intently at the end of last week and I happened to hear Mr Martin Small, the Director for Road Safety from the Department for Planning, Transport and Infrastructure, espousing the virtues of the policy. I guess he has not got much choice because one of his roles is to promote the policy of the government of the day.

However, I do want to provide the house with some information from key stakeholders, one being the RAA (Royal Automobile Association). I quote from a newspaper article in *The Advertiser* on this issue:

The RAA has questioned the evidence behind the move and called for increased training of drivers on a learner's permit regardless of age...RAA group managing director Ian Stone said the government had failed to

produce convincing evidence that a recent increase in the learner's permit period from six to 12 months had delivered a major road safety benefit.

That is a very important point to make because, as we know, the government introduced new licence measures approximately 12 months ago, increasing the number of supervised hours for L-platers from 50 to 75 hours and the minimum length of time you can be on that permit from six to 12 months.

The point we need to make is that those L-platers are only just coming out of that 12-month period and getting their P1s now, so even though we do not know the outcome of those changes that have been in effect for 12 months, the government is proposing even more changes: *The Advertiser* article further states:

> Increasing supervised driving time would ensure 'all new drivers, regardless of their age, can better their driving skills and knowledge before driving alone'...'New drivers need experience and the more they get, the better drivers they will be.'

It is my understanding that the RAA proposes not to adopt any of the proposed changes that the government is putting forward, but it is looking to increase the supervised driver training to 120 hours during that 12-month period. I have to say that from a personal point of view I do not think that is necessarily a bad proposal. I also want to quote from a press release put out by the Youth Affairs Council of South Australia (YACSA) in response to the government's proposals. It reads:

> The government's proposed changes to the law for young drivers must strike a balance between young people's safety on the roads, and their right to participate fully in employment, education, and social activities...
>
> YACSA's Executive Director, Anne Bainbridge, said, 'In all of our advocacy work in this area, we have acknowledged that young people are overrepresented in road accident statistics, but we would caution against overly punitive measures that may lead to young people missing out on employment, education, training and social activities because of restricted transport options, especially young people living in rural and regional South Australia.'

They are some very important points in relation to this proposal and the public debate we are currently having concerning changes to the GLS.

MATERNAL MORTALITY

Mrs GERAGHTY (Torrens) (15:41): Yesterday the Parliament of Papua New Guinea voted to allow 22 from the 109 seats in the parliament to be reserved for women. That vote was passed yesterday. Currently they have only one woman in the house, and that is Dame Carol Kidu. So I think it is timely that I raise another issue, which is the inadequate care provided to women in developing countries during pregnancy and childbirth.

The World Health Organisation estimates that there are still 500,000 deaths of women a year through childbirth. Across the world a mother gives birth every minute, 99 per cent of them in developing countries. Among the many measures of population health, maternal mortality is the one indicator that highlights the biggest discrepancy between developing and developed countries. Whereas in Australia one in 10,000 women die during childbirth, in developing countries this can be as high as one in 12. What is vital to comprehend is that each maternal death also has serious consequences for the women's family and community, and particularly for her infant's survival.

For each woman who dies there are many others who are severely ill or disabled by childbirth; for example by bleeding, anaemia, infection or injury to the genital area or urinary tract. These injuries have long-term consequences for the woman's health and well-being. They often prevent her from having a future physical relationship with her husband, which then leads to a marriage breakdown and the abandonment and often exile of the woman by her family and her community. What is important is that the lives of most of these women and babies could be saved through emergency care that is readily available to women in wealthier countries.

Linked to maternal mortality is the fact that statistics show that motherless newborns in a developing country are three to 10 times more likely to die than children whose mothers are alive to care for them. In our immediate region maternal mortality is particularly high in Laos, Cambodia, Papua New Guinea (although hopefully things will change there), East Timor and Indonesia.

On a broader issue, maternal death and illness is shown by the United Nations to be costly for families due to high direct health costs, loss of income and loss of other economic contributions, as well as contributing to disturbed family relationships and the obvious social stresses that come with that. The UN has demonstrated close links between the promotion of gender equity in reduction of maternal and infant mortality. As part of the development of the Millennium

Development Goals, the UN projects seeking to close the gender gap in education by 2015 will certainly avert 31,000 deaths in Afghanistan, 5,000 in Mali and as many as 240,000 in India.

The current federal government is committed to supporting strategic and well targeted aid programs that advance gender equity and the empowerment of women in developing countries. Certainly those of us on this side believe that gender equity is crucial to the growth, governance and stability of all countries. Education is obviously a key to gender equity. We know that educating girls saves lives.

Sadly, according to a recent Save the Children report, 58 million girls in the developing world do not attend school. Educated girls are more likely to grow up to be mothers who are healthy, well nourished, economically empowered and resourceful when it comes to caring for them and their babies. Even small amounts of education for girls can make a significant difference in saving the lives of children under five.

The World Health Organisation estimates that one additional year of female schooling reduces fertility by 0.3 to 0.5 children per woman and reduces the probability of a child's death by at least 2 per cent. In a typical developing country with a population of 20 million and an under-five mortality rate of 150 deaths per 1,000 children, giving girls one additional year of schooling would save as many as 60,000 children's lives.

Time expired.

EDUCATION AND EARLY CHILDHOOD SERVICES (REGISTRATION AND STANDARDS) BILL

The Legislative Council agreed to the bill without any amendment.

STANDING AND SESSIONAL ORDERS

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:47): I move:

That standing and sessional orders be and remain so far suspended as to provide that government business has precedence over private members business on Thursday 1 December 2011, and that any private member's business set down for that day be set down for consideration on Thursday 16 February 2011.

Motion carried.

ABORIGINAL LANDS TRUST ACT

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:47): I move:

That this house, pursuant to section 16(1) of the Aboriginal Lands Trust Act 1966, recommends that sections 993 and 995 to 998 (inclusive) Out of Hundreds (Nullarbor) be transferred to the Aboriginal Lands Trust.

Motion carried.

ARKAROOLA PROTECTION BILL

Adjourned debate on second reading.

(Continued from 23 November 2011.)

Mr PENGILLY (Finniss) (15:48): I wish to conclude my remarks. The Liberal Party has made a decision to support this bill. Even though I have strong thoughts about the matter, I will concur with the wishes of the party. However, I just want to add a couple of things to what I said last night, particularly in relation to Marathon Resources.

I think that they have been absolutely appallingly handled. They have been used as a convenient whipping boy over Arkaroola. They have changed completely from the time when this survey work was done. It is a different entity in many respects, and they are responsible and good South Australian operators at the moment. I think that the way they have been treated is shocking.

It is worth noting that the tracks and the roads inside Arkaroola were, indeed, put in by mining companies .The track for the Ridgetop Tour was put in by a mining company. Unless it was opened up years and years ago by mining companies having a look around, people who go up there to visit now would not have access through that road and track system. I just find it ludicrous.

The other thing that really worries me is that you just cannot lock everything up. As I indicated earlier in my remarks, I am sure that in years to come—however many decades, or 100 years, or whatever—uranium will be mined. They will do the investigations; I am sure about that.

The other reality of this is that, as I mentioned before, minister Koutsantonis was summoned back from Perth and the former Premier went up to Arkaroola to make the announcement. Whether they like it or not—and the government will not admit it—the SDA's visit by Mr Malinauskas and the Treasurer to the former premier's office was brought about in large part by the Arkaroola business. I do not have any doubt whatsoever in my mind about that. That is feedback I have had from sources outside of here.

The parliament will go on. The lower house will support this bill. It will go to the upper house and what will be, will be. I just want to put on the record that I have a good deal of cynicism about the way this has all gone through. At the risk of repeating myself, I think that, in many years to come, uranium will be mined out of Arkaroola.

The Hon. M.D. RANN (Ramsay) (15:51): Thank you very much, Mr Acting Speaker. I will just say that, apart from the fact that you are not suitably robed in the traditions of Peter Lewis, it is great to see you in the chair. Back on 22 July, I, along with the environment minister, Paul Caica, and the mineral resources minister, Tom Koutsantonis, flew north to the Flinders Ranges to announce that the government would move to protect Arkaroola and the adjacent Mawson Plateau. This followed a visit to Arkaroola the previous year by me with minister Caica and the then minister for mineral resources, the Hon. Paul Holloway MLC.

On 22 July, we announced that our first move to protect Arkaroola was to take administrative action under the Mining Act to ban mining and mining exploration in the area, but we also announced that we would back this action with special legislation, that is, the legislation introduced on my last days as premier that we are discussing today. We were keen to introduce and pass this legislation because we did not believe that regulations under the Mining Act would provide sufficient protection for this beautiful and rich ecosystem from all forms of incompatible development because a regulation made through Executive Council could easily be unmade by a future government.

Proclamation by itself was important. It is quick, it is decisive and it signifies intent, but, in my view and in the view of my colleagues, it was not enough. Legislation to protect Arkaroola and the Mawson Plateau in South Australian law makes it much more difficult for any future government to quickly cave in to vested interests and reverse it; after all, any change to the legislation would have to go through both houses of this parliament. Given the huge public support for saving Arkaroola, the political pain would be too great for any government stupid enough to try to undo what we are doing here today.

For me there had to be an even greater insurance policy by building even further and higher obstacles to any future government wanting to water down the protections that we want for this unique area. That is why I began the process of nominating Arkaroola for national and for UNESCO-backed world heritage listing. I wrote to Prime Minister Julia Gillard beginning this process for Arkaroola and for the environmentally important Nullarbor.

I know that this plan for triple protection has caused some angst in some mining circles. That angst is not well based. The mining and exploration industry in this state has very little to complain about under this government; that is why they gave the Legend in Mining award to Paul Holloway; that is why this government's mining policies have been singled out as world's best practice in mining conferences around Australia and overseas.

Our pro-mining regulatory environment has been highlighted as the best in Australia, and one of the best in the world, by several international mining rating agencies. We are seen as one of the fastest jurisdictions in the world in the process of mines moving from exploration to export.

I would remind the mining industry that this government introduced the PACE scheme—the Plan for Accelerated Exploration—which saw a fivefold then tenfold increase in mining exploration, with a program that involves government subsidies for drilling. The good news is that this exploration initiative uncovered billions of dollars worth of mineral wealth.

We have already seen the number of new mines more than quadruple, with scores of new mines coming. It was this government which played a major role in changing the national ALP's no new uranium mines policy back in 2007, which has and will continue to unlock countless billions of

dollars of wealth in this state, creating thousands of jobs as well as providing emission-free energy through our uranium exports. We have and are playing a role in working to change the ALP's national prohibition on exporting uranium to India.

We have also this year successfully completed years of negotiations with the federal government to unlock the Woomera defence prohibited area—an area the size of England—which has prohibited mining in that region for nearly seven decades. Of course, most recently—and I know there is legislation before this house—I signed the indenture agreement with BHP Billiton to underpin the expansion of the Olympic Dam mine to become the world's largest mine, which will generate tens of thousands of jobs and will be around for the next 100 years or more.

The vast majority of mining and exploration companies have a clear understanding that an exploration licence is a licence to explore, not a right to mine. I want to today acknowledge that my respect for mining companies has strengthened since my strong engagement with them over the past nearly 10 years.

The vast majority of mining companies want to do the right thing by their workers, by the environment and by the community, as well as their shareholders. Most want to mine ore bodies, not the stock exchange. They actually want to extract minerals, not manipulate the share market. I particularly today want to highlight a couple of companies that I regard as exemplars nationally in terms of their care for the environment and also their care for social responsibility.

Iluka, which, of course, is mining zircon over on the West Coast, has some extraordinarily innovative programs: pre-employment training programs, employment programs for local Aboriginal people, as well as a mentoring scheme for Aboriginal businesses and high school and university scholarships for Indigenous students.

OZ Minerals, which operates the Prominent Hill copper mine near Coober Pedy, has won this year's inaugural Social Inclusion in Mining and Energy Award for its outstanding role in Aboriginal involvement; again, with pre-employment schemes and a whole range of supports to encourage local Aboriginal people, not only from Coober Pedy but from the APY lands, to be involved in Prominent Hill. I think there are about 80 Aboriginal employees, and the retention rate has been extraordinary.

I also want to congratulate BHP Billiton for its involvement with the state government out of Port Augusta in its integration program for prisoners into the resources industry. There are many outstanding companies who do the right thing socially, the right thing in terms of jobs, the right thing in terms of Indigenous people and the right thing in terms of the environment.

Getting back to Arkaroola, our decision and the legislation that we are considering today, there is no doubt that there are some vested interests with deep political ties who were offended by a decision motivated only by the public interest. I mentioned at the start of this contribution that I, Paul Holloway and minister Caica visited Arkaroola last year.

It was my first ever visit to Arkaroola and we met there with representatives of Marathon Resources and with opponents of the proposed mine led by the Sprigg family, owners of the Arkaroola tourist facility. I had met with Marathon's principals on previous occasions; in fact I had spent far more time with proponents of the mine than those opposing it. However, up at Arkaroola a year or so ago, the meetings and inspections were conducted in a most cordial and respectful way.

Marathon was given a private hearing by all three ministers—myself, minister Caica and minister Holloway—on site, and so were the Spriggs. They were given equal amounts of time to make their case and then we met and lunched together—the ministers, the Spriggs and Marathon Resources' representatives. Minister Holloway and minister Caica then made a helicopter inspection of the area, including the Mawson Plateau.

Earlier this year, at the very beginning of the year, the government renewed the conditional one-year exploration licence for Marathon Resources to explore an area within the Arkaroola sanctuary as the government was legally obliged to do. Given recent media coverage and commentary, it is important to note, as I reminded the parliament at the beginning of the year, that the conditional one-year exploration licence that had been awarded in no way conferred a right to mine.

Even before that renewal was granted, Marathon Resources was clearly advised that the government was examining options for the future conservation management of the Arkaroola sanctuary, and the company was also advised that these options could include the exclusion or

limiting of future mining in the environmentally sensitive areas of the Arkaroola sanctuary, including areas that were the subject of the company's lease. It was clearly spelt out to them.

I advised the house, with considerable media interest, at the beginning of the year that, 'We will be considering all of the available options to preserve the iconic Arkaroola sanctuary.' So anyone who says that this legislation and my 22 July announcement has somehow come as a bolt out of the blue is either kidding themselves or deliberately attempting to mislead others. Those who say that our decision to protect Arkaroola has damaged our reputation for being pro-mining clearly do not know what they are talking about. There is enormous support in this state for mining, including for uranium mining. This government, and I hope this parliament, is doing the right thing in protecting Arkaroola.

We did not take this decision lightly. We listened to all of the arguments and spent many, many months coming to the decisions that we took, even though there was massive support in the South Australian public for the protection of Arkaroola. The South Australian government took the right decision in the public interest following a great deal of discussion and reflection. We did the right thing. The public were right in asking for the protection of Arkaroola, and we are doing the right thing by supporting this legislation in the house today.

To have done the wrong thing and allowed mining would have not only been bad for Arkaroola but would have significantly damaged support for mining in this state. Anyone who does not realise that, quite frankly, is not competent in the job working for the people they claim to represent. The decision we took was the right one for the environment, but it was also the right one for mining, because doing the right thing is what all of us are elected to do, and saving and protecting Arkaroola for all time is absolutely the right thing to do.

I want to pay tribute to minister Caica for his great wisdom and for the support of his officers. I also want to pay tribute to minister Koutsantonis for his courage. It was to terrific to hear people from his own department say to us, when we made the announcement, that we were doing the right thing. This, in my view, is a clear-cut decision. We have gone through an extraordinary process. We have taken our time in doing so and were criticised for taking that time. My view is that on every single indicator protecting the environment and the values and the heritage of Arkaroola and the Mawson Plateau is something that this parliament can be proud of for generations to come.

Mr VAN HOLST PELLEKAAN (Stuart) (16:08): As members of this house would know, Arkaroola is within the electorate of Stuart. It is an incredibly special place in the northern Flinders Ranges, and I am exceptionally proud to have it in the electorate that I represent here in parliament. I am pleased that there will be no mining at Arkaroola. Let me be very clear: I strongly support mining; but I can look at any piece of land and consider its beauty, its cultural significance, its current and alternative uses and say that I would prefer no mining to take place there and for it to be left as it is. Even the plainest outback country would still be more attractive without a mine on it.

However, the reality is that we do need an active and successful mining industry. So, in all situations it comes down to the cost-benefit analysis, taking absolutely everything into consideration. The more remarkable an area is, the more I and most people would hope that the genuine cost-benefit analysis comes out on the side of not mining. Therefore, in that vein, I am very pleased that there will be no mining in Arkaroola.

The unfortunate part of this situation is that the government repeatedly granted mining exploration licences to companies to explore within the Arkaroola pastoral lease, the most recent of which is Marathon Resources. This is what has made getting to this point so messy and so prolonged. I do believe that if a company is granted an exploration licence, and if that exploration is fruitful, the company should be optimistic that a mining lease, with responsible conditions attached, would subsequently be granted.

What has happened in this case is that, after providing renewals of the mining exploration lease to Marathon Resources, Labor's last premier announced that his government would prohibit all mining in Arkaroola—with no consultation with Marathon Resources, no consultation with the local Aboriginal leaders, no consultation (we are told) with the minister for mineral resources, and, I suspect, no consultation with (other than, perhaps, last minute advice to) the Sprigg family, although that was probably not necessary, as they were certainly going to be grateful for the decision.

As the shadow minister for mineral resources has already outlined, the court will determine whether Marathon Resources is due any compensation for the way in which the government has

handled this matter, and I anticipate there will end up being significant compensation paid to Marathon Resources at taxpayer expense, but that will be up to the court.

It is very important to point out that Doug and Marg Sprigg are not opposed to mining in general. Their family and this property have both been involved in mining in many ways for decades. They are not opposed to mining. They certainly are opposed to the mining of uranium in the vicinity of Mount Gee, for various reasons, including, among others:

- fear of damage to the great beauty of the area;
- fear of damage to the environment;
- the previously unacceptable behaviour of Marathon Resources whereby they had inappropriate material buried on site;
- the extreme terrain and relative inaccessibility and, therefore, extremely high cost of mining in the area; and
- because they have never believed that commercially attractive quantities of uranium actually exist in the area.

With regard to the value of the resource, Marathon has a very different opinion, and now it seems that no-one will ever know.

For my part, I believe that the class A environmental protection that has been in place since 2003 did give enormous protection to the Arkaroola area. If it had been proven commercially attractive and environmentally responsible to mine in the area, it still would not have been legally possible to do so unless it could also be proven that it was in the highest interest of our state and the nation to do so. I freely acknowledge that the Spriggs and others thought it was important to have even greater protection, and have now received it, but I do think that the previous protection was sufficient. It is important to point out that that protection was in place before Marathon started exploring, so they knew the hurdles that would have to be jumped for any company to ever be permitted to actually mine.

It is also important to point out that, just as the previous class A zone protection required it to be the state's and the nation's highest interest for any mining to be permitted, I am sure that, if, by some very unfortunate chance, it is ever in the state's and the nation's highest interest that there be mining at Arkaroola some time in the future, then the new protection being given to the area now would, unfortunately, need to be overturned by the government of the day. By definition, if it is ever in the state's or the nation's highest interest, then the government of the day would have no choice.

I also point out that there is currently uranium mining at the Ranger Mine in the Kakadu National Park and world heritage area in the Northern Territory. It is easy for people to make assumptions about what different, well-known types of protections do or do not offer. Of course, I, and everybody else who supports this bill, hope that it will protect Arkaroola forever. As this house knows, the Liberal opposition supports this bill, and I am very pleased to say that a group of seven other Liberal MPs joined me in a trip to Arkaroola last year to investigate this issue, and I know that trip helped our party come to our position. I was very grateful for the complete assistance of Marg and Doug Sprigg and also of Marathon Resources to have open and frank briefings from each group, both in the field and in indoor meeting presentation format.

I would also like to be sure that all members of this house understand that the Arkaroola protection area provided for by this bill is not exactly the same as the Arkaroola pastoral lease area. It does not cover all of the Arkaroola pastoral lease and also does cover a large part of the adjoining Mount Freeling pastoral lease. I think it is fair to assume that, just as the government did not consult with the parties that I previously mentioned before deciding to make the announcement about the protection, the owners of the Mount Freeling pastoral lease may not have been consulted, either.

While I have not seen the detailed maps necessary to be sure, it appears that as well as Marathon Resources' exploration lease area the Arkaroola Protection Area covers mining exploration licences held by Alliance and Quasar together, and also until very recently by Sturt Exploration.

Importantly, the Arkaroola Protection Area does not cover the actual Beverley, Paralana or Four Mile projects, and I would not support the protection if it did. It is interesting to note that the

protection area does cover the freehold land which the Spriggs own adjacent to the pastoral lease land. This is certainly not a problem in this instance, because neither the Spriggs nor anybody else would support mining there, but I am sure that other freehold landowners throughout the state would be interested to know that the government believes it can apply a mining prohibition zone to a piece of freehold land.

Section 7 is clearly one of the most important in this bill and refers to the management plan, a management plan which must be done in conjunction with the NRM Act, the Pastoral Act and the Development Act. I do not expect that the agencies responsible for administering these acts will have trouble coordinating their objectives in this instance, but it may well be far more difficult if this is ever done again without consultation anywhere else in the future, particularly if a pastoral lease is used for pastoral purposes, which is the norm, rather than for tourism and educational purposes, as is the case with the Arkaroola pastoral lease.

Finally, I support the bill but I am disappointed in the way the government has handled this issue over the last several years. It has been exceptionally sloppy. Renewing legal entitlements to explore for minerals then banning mining without notice or consultation has not filled the Australian mining industry with confidence in the government.

I trust that Marathon Resources will receive whatever level of support it deserves from our legal system. More importantly in the context of this bill, I am pleased that the extraordinary Arkaroola area, including the Mount Painter, Mount Gee and Armchair areas; the stunning Freeling Heights; the enticing Mawson Plateau (which I would love to walk through one day); and other areas will be protected for current and future generations to enjoy. I commend the bill to the house.

The Hon. I.F. EVANS (Davenport) (16:17): I rise to support the principle of Arkaroola not being mined. Before the last election I was one of two Liberals who went out and called on the government to take action to protect Arkaroola—myself as a former environment minister and that other well known environmentalist, Nick Minchin, whose grandfather or great grandfather was the first curator of the Adelaide Zoo, so the Minchin family have had a long history of support for the environment.

The reality is that as a former environment minister I was involved in a number of decisions that preserved special areas of the state. The better known one was the decision not to allow mining in the Gammon Ranges National Park (in the Balcanoona Gorge, in particular) when a company sought to mine magnesite there. As luck would have it, under the proclamation of that national park, it fell to the environment minister to make the decision, not cabinet, so I ended up falling on the side of the environment, and ultimately moved legislation here to protect the Gammon Ranges National Park.

During that time I went to Arkaroola and met the Spriggs, and that was my first visit there. I have had other visits since. Indeed, as a result of this particular public debate, I drove with one of my sons to Arkaroola and met with the Spriggs to walk over the issue of possibly mining Mount Gee. From memory, I met with one of the Marathon Resources representatives who was in charge of their drilling program at the time.

When I was involved with the Gammon Ranges decision it seemed to me that there are certain areas of the state the public are never going to accept being mined regardless of their mining merit according to the mining industry. There are certain areas that are, from the public's viewpoint, no-go zones. The mining industry knows this; that is, I encouraged it at the time to sit down with the environment groups and come up with a list of no-go areas to save the mining industry a lot of heartache about whether it could or could not, or should or should not explore and then should or should not mine or could mine. That did not occur; the mining industry did not take up my offer and, to my knowledge, it has not occurred since.

It seems to me that the court of public opinion was never going to allow Arkaroola to be mined. It is my view that the court of public opinion will never allow Wilpena Pound to be mined, and if you look even closer to Adelaide at the Hills Face Zone—where you have to get permission to paint anything but brown or green—you never would be able to mine there either. So there are certain areas where I think the public says 'That's a no-go zone.' Arkaroola is certainly one of those, in my view, and that is why I went out and expressed a view that Arkaroola should not be mined. The other areas I was involved in protecting were legislation in relation to no mining at Seal Bay on Kangaroo Island and legislation with regard to no mining in the Flinders Chase National Park.

I am not anti-mining. When I proclaimed the only national park to be proclaimed within the last 20 years in this state, which is the Gawler Ranges National Park—I assume some of it is left after the fire in recent days—that proclamation was what is known as a joint proclamation, so that mining is allowed there based on its merits. Every issue has to be looked at on its merits. To me, the Arkaroola issue was always going to win on the no mining case.

I worked with Mark Parnell from the Greens to try to develop legislation that could protect certain areas of Arkaroola. There really was not a form of words that we could come up with from the benches of opposition—the government has far more resources than us—but to those officers in the various departments who worked with us to try to develop legislation, I thank them for their assistance.

When I went out and voiced my view that Arkaroola should not be mined, I had a visit from Mr Schacht and Peter Williams on behalf of Marathon Resources. I told them that my view, regardless of what the government was telling them before the election, was that ultimately the premier of the day would move to ban mining, because my observation of that premier of the day was that, if nothing else, he was a pragmatic populist.

The populist position was not to mine Arkaroola, and in my political judgement it was only a matter of time that the government would change its position from being not against the mining of Arkaroola to the mining of Arkaroola. It was a only matter of time in my view, because as the member for Ramsay (the former premier) outlined in his contribution a minute ago, the non-mining of Arkaroola is by far what the public wants. It does not want Arkaroola mined. My view was that the premier was always going to land in that position, the argument was always going to be over.

I was called a loose cannon on radio by Mr Schacht. Well, I am pleased to report to the house that the loose cannon won, and my judgement was right on that occasion. Despite saying before the election that the government was not going to ban mining in Arkaroola, it was not long after that it came to the same view that the member for Davenport had, and that was that there was something special about Arkaroola and we did not need to mine it at this point.

I accept other members' view that in 300 years' time or 400 years' time something might change in the world; there might be some unique special chemical or mineral found in all of our areas in the state that are not open to mining. There might be something unique found. Well, the community can make its judgement then if it wants. Of course, protection is really only as good as the legislation of the parliament, and ultimately if a future parliament wants to overturn, well, that will be the debate to be had at that time.

I am pleased to support the principle that Arkaroola should not be mined. I am very pleased to support it. The Sprigg family were very generous hosts to me on a number of occasions, and I thank them for it. I thank them for a lot of their communication to my office about the issue. I was pleased to take up the fight on their behalf. It might not have been necessarily the collective view of my party, but we have a great principle in the Liberal Party that, if you wish to speak on behalf of your electorate, then, by going through due process, you can. I am pleased to see that the Liberal Party is supporting this legislation to preserve Arkaroola.

Mr HAMILTON-SMITH (Waite) (16:25): I also rise to support the bill. The Liberal Party will be supporting the bill, but I wish to canvass a few issues concerning the journey that the parliament has been on as it arrives at this point on both sides of the chamber.

Mining, as we all know, is pivotal to the future of the state, there is no question. It was interesting earlier hearing the member for Ramsay (the former premier) speak passionately about the bill. I am sure that the member for Ramsay would have spoken equally passionately back in the 1990s when he opposed Roxby Downs, and he has spoken passionately also now about the need to expand the indenture at Roxby Downs.

An honourable member interjecting:

Mr HAMILTON-SMITH: It's one thing to speak passionately, it's another thing to have a cause, a consistent cause. While I respect the member for Ramsay's commitment to the environment, which is unquestioned, sometimes you either cannot have it both ways or you need to find a way to have it both ways, and it is there that I want to focus back on this bill to do with Arkaroola, because the dilemma with which the parliament is faced is that on the one hand it wants to mine (it wants the jobs, it wants the economic activity from mining), but on the other hand this house wants to protect the environment, and they are both worthy aims.

It seems to me that the thinking of the 1970s, the 1980s and the 1990s has really been that you must have one or the other. The thinking has really been that mining is inherently destructive, that it will damage the environment and that, if you were going to allow mining in a certain area you really want to protect, it will destroy that beautiful and pristine location and you should not allow the mining.

So, the politics of the world, really, the politics of the left and the right and the politics of South Australia has largely been caught up in this argument that you must have a struggle between the pro-mining, pro-economy, pro-development lobby and the pro-environment conservation lobby, and that the two are inherently in conflict. I want to question that entire premise in the 21st century, because the technology of mining has changed and the science has changed.

As great men have noted, when the facts change and the science changes people sometimes change their point of view. I think that the real key with these decisions we face embodied in this bill is whether mining is going to damage the environment, and that is particularly in this case to do with Arkaroola, because clearly the government is of the view that mining is going to damage Arkaroola.

There are some on both sides of the house who are not as convinced that mining would have necessarily damaged Arkaroola and that maybe we could have mined at Arkaroola and preserved the environment. How do we find that out? How do we establish the facts? How do we establish the science? Well, how we do that is that we allow a company to explore in a way that does not damage the environment, to develop the science around the proposed mine, to measure it, and to look at an environmental impact statement and how it might mine successfully at the site and what impact that might have on the environment.

Then, once the company has fully explored the body and reached a pre-feasibility stage and completed its environmental impact statement, we can then ask it to present a full feasibility case for a decision by government and the regulatory authorities. Based on all of the science, we can then make a determination about whether or not we should allow mining and whether or not it will destroy the environment. That is the proper, logical way to do it, and that is exactly the proper, logical way we approach the Roxby Downs expansion.

BHP has been allowed to go on with its pre-feasibility. It has been able to produce an exhaustive environmental impact statement. That has been openly and publicly debated. Everyone has had a go at it. It has then produced a feasibility study and, finally, that has resulted in an extensive negotiation about an indenture. The parliament is now debating it and everyone who has an interest and a stake in the matter has had a say. The mine is going ahead and the environmental issues are being addressed based on the science. BHP has been required to perform on a range of things.

We have done the same thing with Santos, we have done the same thing with any one of a raft of other mining proposals but, for some reason, this one we have treated differently. With this one, the government said to Marathon, 'You can go in there and you can explore. You can measure the resource, you can determine whether it is a resource of national or international status and whether or not it should be mined. You can start work on the pre-feasibility study', but we have suddenly torpedoed that entire process by making a decision suddenly to intercept the entire process and kill off the entire proposal for a mine at Arkaroola before the company has had a chance to advance to pre-feasibility or to the EIS stage.

Essentially, we have made a decision without the science. I have not seen any science produced by the government or by others to support the proposition that mining will definitely damage Arkaroola. Marathon did not help itself with the accidents and other mistakes that were made during its early exploration. I simply ask: where is the science?

I am not concerned with the decision to not allow mining in Arkaroola. I think that, in all likelihood, had the EIS process been allowed to be completed, had the pre-feasibility been conducted, had we seen all the science, we might very well be right where we are at this very moment: considering a bill that will allow mining at Arkaroola.

I think Marathon and the investors in this public company—which include Australian mums and dads, overseas companies and Australian companies who have lost enormous amounts of money—had every right to expect that, having been given the right to explore, they would be given a fair go; that is, that they would be given the right to at least advance to the pre-feasibility stage and to put forward an environmental impact statement with science funded by them that could be considered in a rational and logical way. But, no, the government has intercepted that entire

process and, in so doing, it has wronged Marathon substantially, in my view; it has hurt mum and dad investors and it has cost a number of people millions and millions of dollars. Frankly, I think the process is rotten to the core.

This whole thing is curious. I am reminded of a story from Bernard Shaw who once at a social gathering in Victoria, England, said to a high society lady, 'Madam, if I were to offer you a million pounds, would you come home and sleep with me?' Fluttering her eyelids and her fan, she blushed at him and said, 'Oh, Mr Shaw, if you offered me a million pounds, of course I would come home with you. A million pounds is a million pounds. What a wonderful proposition. Where is the million pounds?

Then he said, 'Madam, then if I offered you one pound, would you come home and sleep with me?' Her response was, 'Well, one pound? Don't be stupid, Mr Shaw. What sort of a woman do you think I am?' His response was, 'Well, we have already established that. We are simply arguing about the price.'

You might say, 'How does that relate to Arkaroola?' I just ask this question: if underneath the ground at Arkaroola there was 20 billion barrels (or however you want to measure it) of oil, gold or uranium, or a resource that was of such international and national standing that it would simply be madness not to mine it, I wonder if we would be here today saying, 'Let's not mine at Arkaroola.' I wonder if, like that Victorian lady, we might just sell ourselves for the higher price.

Clearly, it is not so much a matter of principle here: it is all about the dollars, isn't it? Obviously, the government has decided that the resource underneath the ground at Arkaroola, though important, is just not quite so important that we cannot say no in this case. We have been here before, of course, because the government tried to say no to Roxby Downs. Now, of course, they realise—

The Hon. M.J. Atkinson: No, the government did not.

Mr HAMILTON-SMITH: Now, the Labor Party realises that Roxby Downs—

The Hon. M.J. Atkinson: No government did that.

Mr HAMILTON-SMITH: —is, in fact, very important—

The Hon. M.J. Atkinson: You are making it up again.

Mr HAMILTON-SMITH: —to the future of the state.

The Hon. M.J. Atkinson: You just make it up.

Mr HAMILTON-SMITH: My bicycle clip-wearing, braces-bestowed, lord—what was it?

The Hon. M.J. Atkinson: Atkinson of Upper Ovingham.

Mr HAMILTON-SMITH: —Atkinson of Upper Ovingham-upon-Tunbridge or something, is rattling away. I can feel the marbles bouncing around in that empty space located between his ears as he corrects our English with a dictionary in one hand and the Bible in the other. I simply say that it is the case that the company, Marathon, has been wronged.

I put to you that we need to change our thinking in this parliament about mining. It is my view that mining and the environment need to coexist. Now, that does not mean they will always be able to coexist. If we can establish, and we find after we have collected the science and we know the facts, that the damage being done to the environment is such that we simply should not allow it, then we should not, but we should at least make our decisions based on the science. This is a decision that is not made on science: it is a decision made on polling, because we know that stopping mining at Arkaroola is popular, particularly in the city. It is a decision made on emotion and it is a decision based on factional swings and roundabouts within the Australian Labor Party.

We all know that minister Koutsantonis and various other people on the government side of the house wanted to go ahead with this mine. We all know that minister Koutsantonis was telling the company just days before that he would get it through and we all know that he was gazumped by the then premier, the member for Ramsay, who simply came in and sort of announced that we would be blocking mining at Arkaroola. There was the big media show and the whole thing was about politics: it was not about decisions made on the basis of science that are in the best interests of the state.

I am not saying that we have made the wrong decision. As I explained earlier in my contribution, I think we may well have made the right decision—it is about the process. It has a lot

to do with the departure of the member for Ramsay at this particular juncture, about the need to establish legacies—a whole host of things. As I said, I am not concerned so much about the decision we have made, the landing we have reached, but about the process. I know concerns within the mining industry about this decision have been dismissed by others, but I have spoken to miners about this.

I have noted the comments by SACOME and other leading business people about the decision and I think it does send the wrong message. The message it sends is that if the purple-spotted gudgeon or the spidery wattle or the yellow-footed rock wallaby are found near your mining exploration site, then your investment may be rendered worthless, as you are denied the right to advance to an environmental impact statement and a prefeasibility study for your proposed mining development.

Even if the resource to be mined is of paramount importance and the exploration is in the highest national state interest; that is the message it sent. So it said, 'We are going to cherrypick certain areas that we have decided, based on emotion and polling, should not be mined, before you have had a chance to develop an EIS or a prefeasibility, and we are going to rule that area out.'

If I am looking to invest in South Australia in a mining venture, I am going to ask: where next? Is it going to be some Labor member who says, 'I don't want mining in my backyard'? Is it going to be some little lobby group that turns up on the Eyre Peninsula or somewhere else and says, 'Look, I've got a purple spotted gudgeon and spidery wattles in my area. Don't allow mining here'? It has added a certain element of uncertainty into future investment propositions across this state.

The Rann Labor government's rhetoric for years was that exports and jobs hinge on the golden goose of mining, but the process that the government has used to arrive at this Arkaroola decision, as I have said, has been made without considering the science. If the science is there, I invite the government to present it to the house now during this debate. Let us see the science.

Let us see the research that shows that whatever it was that Marathon was proposing to do there would have damaged the environment. How have you established that they would not have been able to access the mining ore deposit from underground or from outside the wilderness area, even, without damaging the area? How do you know they would not have been able to restitute it so that there was no sign of them ever having been there? Maybe they could not do that but, unless someone has science to show me, then I am not convinced.

Are we going to deny access to cherrypicked, favoured places around the state without even giving miners an opportunity to show us that science and their plans for mining and the environment to coexist for their mutual benefit or are we going to allow due process? Are we going to have one process that applies evenly to all mining propositions—because this involves hundreds of millions of dollars of investment in this state—or are we going to continue this process of cherrypicking?

I know a lot of areas around the state that many would view equally of value alongside Arkaroola that perhaps should be banned from mining. Perhaps we should ban mining in the whole Fleurieu. The whole of the Eyre Peninsula, in my friend the member for Finniss's electorate, is a beautiful pristine area. I could see an argument put up. We will ban the whole of the Eyre Peninsula. The Yorke Peninsula—I love the place, I have family over there. Let us ban the whole of the Yorke Peninsula.

We can take whatever argument we wish because this is the logic that this process has now introduced to our decision-making—an illogical process based on emotion and polling and political imperatives, not based on science and what is best for South Australian jobs, South Australian investment or even the environment.

We should not be looking at these questions as a choice between the environment and mining. The two are not mutually exclusive. As I said, that is the thinking of decades past when we had the argument about Olympic Dam in its first iteration. It should not be a case of either/or but rather a case of looking at how mining and the environment can coexist to the mutual benefit of both the environment and the economy. I will start to wind up on this simple remark.

The Hon. M.J. Atkinson interjecting:

Mr HAMILTON-SMITH: It is about the economy, stupid. It is about the economy. It is about jobs. It is about our children having a future. It is about generating the sort of revenues in this

state that we can then invest back into the environment. This is a self-defeating circle. Take the mining and the enterprise away, and you do not have the money to spend on protecting our environment, on parks, on protecting wilderness areas, on reinvesting in protecting our flora and fauna species. You just do not have the revenue; you have to have them both.

The challenge for this parliament, and I put it to the Labor government, be they in government or opposition, as a party, is to work this through, because we all know that if this was a much bigger, more valuable resource, you probably would have made another decision because you would have been bought by the value of the resource, but you have cherrypicked this one based on expediency, not on what is right.

I will be watching with interest the legal proceedings between Marathon and the government. My understanding is that Marathon has every reason to feel that it has been wronged. If it was always the government's view that they should not be allowed to mine, why let them explore in the first place and why send them such mixed messages?

As I said, we may well have arrived at the right decision, and I will be supporting the measure with my party, but I am very critical of the process this government has used. It uses a different process for every decision it faces, based on what is expedient, based on what the latest poll or focus group they have held tells them, rather than on a well-considered, scientifically-based consideration of what is best for the state. Most importantly, they have not worked out how to balance economic growth with the environment. Labor never has, Labor has not today, and Labor probably never will.

Ms CHAPMAN (Bragg) (16:46): I rise to speak on the Arkaroola Protection Bill 2011. This is a bill introduced by the minister for the environment on 19 October 2011. It followed an announcement by the then premier and minister, together with the minister for mineral resources, on 22 July 2011 that he would protect Arkaroola forever. This was again followed up by another press announcement by the premier on 18 October 2011 that he had very recently travelled to the Arkaroola wilderness sanctuary with the minister and that he was going to shortly unveil legislation to protect the area forever.

Members will recall that again this had been subsequent to the era of assessment by the government's Seeking a Balance exercise, which was to provide a major consultation by the government to investigate how it would best protect the most sensitive areas within the region. All of that, of course, overlapped an era of some years where one particular party had been granted the right to undertake exploration in the region. This was Bonanza Gold Pty Ltd, which is a subsidiary of Marathon Resources, which had been granted the opportunity, via the Mining Act (and I will refer to that again shortly), for them to see what was there and what was of value that could be exploited subsequently and subject to any successful application for a lease.

In the exploratory stage there were a number of years that this company in particular was given that opportunity. What we have following all this exercise was the introduction of the bill. It was essentially following three aspects. We had an announcement by the minister at the introduction of the bill that the first step in the protection of the Arkaroola region was to issue a proclamation. This is done by the Governor, obviously, on the advice of the Executive Council and, on 29 July 2011, the reserve of the land in question had been proclaimed, as the minister said, as an interim measure.

That was coupled, he said, with the announcement that the Premier had written to the Prime Minister signalling the government's intention to pursue a listing of Arkaroola on Australia's National Heritage List and the World Heritage List and that there would also be a request for assessment for the state heritage significance list by the Australian Heritage Council; and I understand from subsequent commentary that the latter has occurred.

The third and direct involvement of this bill was to establish a protective measure, as identified by the minister, to have special-purpose legislation (which is what we are considering today), he said: 'to protect the cultural, natural and landscape values of a defined area to be known as the Arkaroola Protection Area, and will exclude exploration and mining within the area.'

Can I say, on the first step, that this proclamation procedure is the subject of litigation that I wish to address today. I have not had any update on the applications for the Australian or world heritage recognition. I do not have any issue with those things. I think, if they are a good thing to do, I am a little surprised that it has taken the government 10 years to write to the Prime Minister about this but, nevertheless, I have no issue with that.

The third step is this legislation, which the member for MacKillop has indicated we will be supporting, and I will join him in that; but I indicate my concern that the government had not undertaken a more appropriate remedy to provide protection, that is, by using the Mining Act and therefore allowing the management of future mining exploration permits to be consistent and not one-off.

The minister also indicated that the establishment of this defined protected area will specifically meet the definition of a category 2 national park and that this whole process of the establishment under this special-purpose legislation would ensure that any definition of the protected area would only be capable of amendment by a further act of parliament.

With that outline, it was not surprising, I think, that the public was left with an impression by the announcement of these three steps by the government—one had already been executed, one was in progress and one was awaiting the decision of the parliament—that this was going to provide some iron-clad protection for this defined area against any interference, exploitation and mining activity forever.

I do not think that is the case. Given that there is a capacity to undertake mining in national parks—obviously, there are a number of hurdles to overcome—I think the public would be deluded if they think this has closed this area and created some sanctuary and respite from any interference in this way forever. They will be very disappointed.

[Sitting extended beyond 17:00 on motion of Hon. P. Caica]

Ms CHAPMAN: My concern is that the process is one which does not provide a universal application. It does frustrate those who want to invest in South Australia in the future in this area, whether for exploration or exploitation—either way—therefore that is not a model which I endorse. Probably the most direct consequence of taking this approach is the existence of the litigation which is currently before the Supreme Court.

This type of approach (if it is to be repeated in other areas of South Australia at whatever whim they might take, meritorious as it may be) as to the protection needed or a decision not to grant an exploration licence or a mining lease, if we are left at the mercy of whatever a premier of the day might think is important to him or her, raises questions about whether that will have a negative impact on those who are prepared to risk their funds and the investment in this state for future exploration and exploitation, so I am concerned about that.

I will address the issue of the current litigation. The Supreme Court is currently seized of an action by Bonanza Gold Pty Ltd which is a subsidiary of Marathon Resources. It has filed against the State of South Australia in the Supreme Court. That is of concern for two reasons. One is that litigation alone raises questions about the reliability of statements and indications—even undertakings–but certainly representations by the government being able to be safely relied upon in the future by investors. Secondly, and perhaps even more importantly, the exposure to the risk of a very substantial claim on taxpayers of South Australia.

The existence of these proceedings is symptomatic of what has happened, and what has happened is that, firstly, the government of the day saw fit to extend to this company an exploration licence. I remind members of the house that part 5 of the Mining Act 1971 makes specific provision for the granting of an exploration licence.

Members will be familiar with how many times the former premier and various ministers for mineral resources came proudly into this house to speak of the decade of opportunity of exploration under their reign in this state, how they had advanced the PACE scheme and how they had provided support with pride for the opportunities for exploration in this state and, in this instance, the offering of an exploration licence under the Mining Act to Bonanza Gold. I remind members of section 30(2) which I think it is important to take note of. Under that section it says:

> The Minister shall, in determining the conditions subject to which a licence is to be granted under this Part, insofar as the Minister considers to be necessary or appropriate in view of the nature and extent of the licence and any other relevant factor, give consideration to the protection of—
>
> (a) any aspect of the environment that may be affected by the conduct of operations in pursuance of the licence;

Then it lists other items, including, of course, recognition of the Aboriginal sites and objects. At all material times this is the legislation under which the minister of the day has granted exploration

licences, and in this instance to this particular company. At all material times he or she obviously has had the responsibility of making an assessment about the environmental impact of offering such an exploration licence and to make sure that appropriate conditions were issued.

I think it is fair to say that members would be familiar with some conditions that were imposed over the last few years for exactly that reason, including the disposal of by-product from the exploration and the very significant publicity regarding allegations against this company for their breach of one of those conditions, in particular, allowing some substances to enter the local creek scheme.

I am sure there was a lot of angst in the general community when they read of complaints about any person who has been given the privilege, under these licences, when there may have been some breach, and on the face of it there was a very significant breach. Of course, there was an opportunity for the minister of the day to have revoked that exploration licence, having considered the environmental sensitivity, the significance of the site as a cultural and historical place for protection, and having set the conditions which were then breached. We can only assume that all those things were foremost in the mind of the minister at the time, especially when these apparent breaches occurred.

Nevertheless, whether it is the same minister or another one, under this government the exploration licence either continued or was reissued through this time period and has, as at July, effectively been wiped out, not by an expiration of time but by the act of the government using section 8 of the Mining Act again where they have declaration of mineral land power.

I now turn to this, because it is this proclamation, again by Executive Council via the Governor, where a declaration is made for a parcel of land: what we now know, under this bill, is to be the area in the Arkaroola Protection Area. Pursuant to section 8 of the Mining Act these declarations can be for areas anywhere in South Australia. There is capacity to vary and revoke them and the like.

The act makes it absolutely clear that when such a declaration is made there is the capacity for a division of the mineral land into surface stratum, or one or more surface strata, and to fix the depth of surface stratum and depth of any subsurface stratum below which lies any further subsurface stratum resulting from division. So there are very clear powers for the government of the day to identify an area which will have special protection.

What has happened in this instance, however, is that, while Marathon's subsidiary company has coasted along with its exploration licence, which had been duly and properly issued and continued and/or reissued, notwithstanding an apparent breach of one of the conditions, they went along with their exploration licence and presumably continued to spend a lot of money to pursue the identification and assessment of a future resource that may or may not ultimately be worthy of exploitation.

Suddenly, after 9½ years of the government, the former premier decided (and obviously he got his cabinet to agree) that he is going to exercise the power under section 8 and declare this area. I do not know where the former premier has been for the last 9½ years. I do not know whether he read any reports about this area, whether he just happened—as a once-off—to fly up there and suddenly decide that this was going to be in need of protection, whether he read the material that was prepared for the—what was it called again—tipping the balance?

Mr Williams: Seeking a Balance.

Ms CHAPMAN: Yes, the Seeking a Balance report that had been prepared by one of the departments or whether he had given a tink about this area at all. But it seemed that, for 9½ years, he was willing to do it, so God help the poor taxpayers when they have to pay out this mess.

Time expired.

Mr GRIFFITHS (Goyder) (17:06): I will only make a brief contribution. A few other members also wish to speak.

The Hon. P. Caica interjecting:

Mr GRIFFITHS: If only. I will admit to knowing very little about the site other than the fact that I did have the great privilege of travelling there in, I think, about August last year with other members of the Liberal Party. I had been in discussion with the now retired senator Alan Ferguson who is a neighbour of mine in Maitland and who had been there quite often. He impressed upon me that it is a special place and that it is important that it be protected.

I tried to keep a relatively open mind to it until I went there. I was certainly aware of the history of the exploration permit that had been granted to Marathon Resources. I was also aware of the history which had occurred by then of some 22,000 bags of materials (it turned out to be) that had been buried on site. I was shocked when I heard the number of materials that had been buried there.

When I went to the site, the very first question I asked the representatives of Marathon Resources was, 'How the hell could they let that happen?' Clearly, it was beyond the ability of the company to do so; it had no permit to do that sort of thing. They provided an answer to me, which still frustrated me. There is a responsibility on management to ensure that contractors or workers on the site ensure that every provision that is provided as part of the exploration permit is actually met. It was very disappointing to find that out, and subsequently that action resulted in the temporary halt of the exploration permit which was later returned.

When I had the opportunity to go there with quite a few other members of the Liberal Party, we were flown over the top and we were driven through it, and it is impressive. There is no doubt about it. You come from this flat ground and suddenly there is just this magnificent collection of ranges which are visually impressive from the air. However, when you are on the ground, driving through it or walking around some of the gullies, ravines and over the hills, it is even more impressive. It is a special place.

I want to put on the record my thanks to Marathon Resources in briefing us on the day that we were there, and putting information to us and putting a side of the argument to us. I also want to sincerely thank the brother and sister team of Doug and Marg Sprigg, the generosity they showed to us and actually telling us from their perspective about the importance of Arkaroola.

One thing I do take from the Sprigg's contribution to me was the fact that they are actually supportive of mining. It is part of their family business to some degree. Their late father, Dr Reg Sprigg, I understand, was a resident of Yorke Peninsula as a young man; so, I am aware of some connection there. Dr Sprigg had been involved very strongly across mining activities both on the board and in a practical sense in South Australia and Australia, so, for their family, mining was an important aspect of it.

Also when being shown around you could see some obvious signs of previous exploration efforts of, I think from memory, up to 90 years ago. You could still see where a track had been taken up to an exploration site to try to extract 'precious minerals' as they were then. It has been a very emotive argument. I know that a lot of time has been consumed by the South Australian public, no doubt within the Labor Party caucus and the Liberal Party joint party room. We have talked about it on numerous occasions. To me, the Zone A conservation requirements that are in place for that area carry some very key words when it comes to the opportunity for a mine to be established by any firm that might want to operate there. The shadow minister and I have discussed this. We think—

Mr Williams interjecting:

Mr GRIFFITHS: Thank you. It was actually of paramount importance. When I read that as being a condition that would be considered as part of any mining licence there, it seemed to me that, to be of paramount importance, it would mean in the defence of our nation or of such key importance that all other concerns would have to be disregarded and it had to be given approval.

I am respectful of the level of professionalism that Marathon Resources have brought. It has demonstrated that it has a property that is offsite where they stay when they are there. When the vehicles come into the area, they are washed down to ensure that no weed infestations are brought with the vehicle.

I am aware that Marathon's proposal suggested that there would be a tunnel excavated from, I think, the eastern side on the plains, and then to mine underneath Mount Gee—obviously at a high cost, no doubt about that. Marathon would have to factor in that high level of production and mining exploration and mining and whether it would still produce a profitable balance for them before they proceeded with it. A lot of factors were involved in this, but I recognise that it is a special place.

Others within this place have made the decision to put the bill before the house. Obviously the member for Ramsay (previously as the premier) had a very strong position on that. We know that minister Koutsantonis seemingly was not aware of that when he was at a mining conference in Western Australia at which Mr Williams, as chairman of the board of Marathon Resources was also

attending. It has been an issue that has consumed a lot of people's efforts for many months and years.

In his contribution, the member for Davenport reflected that he has long held a position on what should and should not occur there, and that has been held by federal members of parliament, too. However, for us in this place who have had the opportunity to go there, it is a special place; but then again, it is not for me to say because I do not have the expertise to say that it would be impossible to mine there without affecting it.

From the information that Marathon Resources have put before me, they believed that they had a plan scoped out that would have allowed it. The fact that the exploration permit has now been taken away means that they would never be able to pursue that, to do the environmental impact statements, to assess not only its financial capacity but the environmental costs associated with mining there.

South Australia will continue to move forward in mining but, I must admit that, as a process-driven person, I have been upset at the way it has been handled. The fact that the exploration licence was granted meant that it was assessed under very stringent terms to determine whether there could be people on site taking the drill holes and checking the samples to determine the viability of the ore, or the source. That requires a lot of work. It is not just somebody who ticks a box and that sort of stuff. There are enormous controls in place. When that process seems to be broken by a decision being made without due deference to what opportunities might exist there, that is when I get a bit upset. I know that other members on this side are also frustrated.

The member for Waite has contributed at length about this. If you are going to consider any level of development, mining, or whatever, it has to be driven by a process that the community has confidence in as being beyond reproach. We need to ensure that it is very thorough so that we do not have instances where permission is given to access land that, in the long term, is never going to happen.

I understand and appreciate the fact that the Liberal opposition is supporting the bill. I know that there will be many people who will debate this bill and the uniqueness of Arkaroola. I just want to reflect quickly upon the fact that I have been there and can appreciate the importance that it plays and the significance that it holds. Certainly the cultural beliefs for the Aboriginal community are no doubt very strong.

I think there might have been an opportunity to do things through a process that will now never have the opportunity to be explored. I am concerned about the claim that is before the state government by Marathon Resources and the financial implications for South Australia as a result of this decision, but I reflect upon the fact that the Zone A conservation zone, in my eyes, would have made it probably impossible for a mining licence to be granted on the site. It was so stringent in any consideration given that I cannot imagine an occasion on which it would have been deemed to have been suitable for that mining to occur. I commend the bill to the house.

Mr VENNING (Schubert) (17:14): I knew Reg and Griselda Sprigg quite well. Of course, Reg was a geologist of international repute. I did geology at secondary school and, as a young person, I met Reg Sprigg. Also, the late Len Beadell and, indeed, Sir Mark Oliphant—he was not Sir Mark then—were both very prominent in this country. If you go there today, you will see—

Mrs Geraghty: I didn't realise you were that old.

Mr VENNING: I am getting mature.

Mr Brock: Like a fine wine, Ivan.

Mr VENNING: Like a fine wine—you're right. Certainly, when you read Len Beadell's books—

Mrs Geraghty: They're fantastic.

Mr VENNING: They are fantastic and to meet the guy—of course, he is now in the large hunting ground in the sky—what a fantastic sort of guy this fellow was. So, this place is steeped in a fair bit of history, as I said. I now know quite well his son Doug and sister Margaret—again, characters of quite some repute. Everybody knows them and they are a great host and hostess.

It has been difficult for us to get our heads around this quite complicated, controversial issue. Arkaroola is a wonderful place; that is beyond any argument. It is quite iconic. My favourite

subject at school, as I said, was geology, and this area is a truly unique place in the world for the geology that is there—some of the oldest rock formations in the world.

I have been there often as a guest of the Spriggs, flown over it, done the famous ridge-top tour many times and gazed into the night sky from the observatories—and they've got two of them. I also visited the Gammon Ranges in my early days here, with the then minister Hon. Wayne Matthew, in relation to the Gammon Ranges National Park.

Our minister at the time was the member for Davenport and the question then was: were we going to mine in this park? Of course, no, we didn't. We found this fish called the spotted gudgeon and the member for Davenport being ever pragmatic—that was the end of that. The Hon. Wayne Matthew led us up there on the counter argument, we had a look and, in the end, the minister, the member for Davenport, won. Again, there was an existing licence there. We went in and you could see where the haul road was. So, all this area has had a fair bit of scrutiny in the last 15 to 20 years, and it is all interesting reading.

The court of public opinion was always going to ensure that we were never, ever going to allow mining in Arkaroola, so it necessitated that we don't allow further exploration. That part I do not necessarily agree with because, before we lock up this country forever, it would have been good to know just what we are banning or locking up, or just what we are choosing to leave in the ground. I hope that the exploration already done will give an indication of what is there and the quantity and quality of the ore bodies, so that we know exactly, for the future, what is there, if we ever have to mine it for the sake of the economy or whatever.

I also hope that the information will be public. Obviously, there is going to be some compensation that we will pay here and, in lieu of that, I hope that the information that Marathon have gained will become public property, so then we will all know.

Yes, we know what happened and how the licence was breached by the licensee, Marathon Resources. What happened was very regrettable. Just let it be a lesson to us all that, just because it was an isolated, desolate place, it was no excuse to leave an exploration site in such a mess. I am sure it was not an intentional act of the Marathon management, just a careless oversight by a couple of employees. It looked worse than it actually was, particularly on national TV, because it was only the core samples being put back into the ground, but the plastic bags lying around, some ruptured, did not look good at all on national TV.

So, the die was cast then. So, the decision was made, a decision that I think, reluctantly, is the right one. But the process certainly has been less than perfect. I cannot support the concept because mining leases have been granted on this land for years, and Marathon Resources, having been granted an exploration lease, I initially felt that their lease should have been renewed with the strict proviso that, before any mining lease be granted, very strict criteria be met and all the boxes ticked.

I am sad in some ways because I feel that mining could have proceeded here with low environmental impact. We have heard various theories around particularly about tunnelling from outside the Arkaroola sanctuary area. That could have been an option, particularly if we knew what ore body is there. I would presume, now, that Marathon—and I have no criticism of them—will be compensated and I think that is a reasonable thing. Hopefully, the minister will be in some negotiation. I can understand that, and I think we have to support that because you cannot spend all that amount of money—and we would be talking millions that they would have spent. It would have to be, because we have seen ourselves the extent of the work they have done. I wish the minister all the best with that.

Also, I am a bit sad because I feel the Arkaroola resort will probably need another resource to upgrade or keep it to a standard that is required to allow the people of the world to come there and to enjoy this site. It is very expensive to maintain a resort like that and the tourism is certainly seasonal there with the very hot summers. I always felt—and I had discussions with the Hon. Graham Gunn and we both felt—that the mining industry would have been the future to protect this area and help give the Spriggs the resources to be able to upgrade it to a position to keep it, because the maintenance on a place like this is high and everything is expensive because of the distance. Whether they can do that now, without the mining being there, I do not know.

I hope they can because I have been there. I will be going back again shortly. We love the place; we love the ambience of the place. I want to thank the Spriggs very much, particularly Doug and Margaret, for their hospitality, understandably, because they knew right through that I was not

necessarily a convert. There were no hard feelings about that, but now we accept what has happened.

I do appreciate advice from my colleagues, particularly the shadow minister sitting here, the member for MacKillop, and others in saying what is possible and what is not. Also my leader is strongly passionate on this. Can I say she has carried the day on an issue like this because she has a strong commitment. We had some very good debate, particularly when the Hon. Graham Gunn was still here and this issue was going then.

Can I say to the Spriggs: well done on a case well put. Thank you for your hospitality. Also to the Marathon Resources company, we wish them all the best for the future. In the end, I hope that Arkaroola will go on giving the joy that it has given to me and everybody else—all members and the people of Australia and the people of the world. It is a great place, and let us hope that it always stays that way.

Mr TRELOAR (Flinders) (17:23): I rise to support the bill as the other members of the opposition have, and the minister will be pleased to know that I am the final speaker on this bill. I know he will be pleased because I can see that the faithful are gathering in the dining room.

As an opposition, we have agreed to support this bill, as the other speakers have indicated, but I must admit that initially it did pose something of a dilemma for me, the reason being that, fundamentally, I have some difficulty in simply locking country up. I believe that oftentimes land is far better off if it is managed to be productive rather than simply shutting the gate on it. As a fundamental principle, I believe that the more productive a landscape is, the more sustainable it is, and that was alluded to by the member for Schubert just previously.

Having said that, I was certainly lobbied by my constituents—quite a number, in fact—to protect Arkaroola. Interestingly, I was always lobbied by people who had been there, who had visited Arkaroola. When this discussion first began I had not had the opportunity to visit Arkaroola. It was an unknown landscape for me. I was not aware of the environment, the landscape or what people were talking about, necessarily.

I did have the opportunity to visit Arkaroola with a number of my colleagues last year in August 2010 and it was certainly an impressive piece of country. I had been to the Flinders Ranges before but never to the northern Flinders. This is wild and rugged territory. I understand that some of the rocks present at Arkaroola are 1.65 billion years old; some of the oldest rocks in the world that are visible exist in Arkaroola. From that perspective, at the very least—

The Hon. P. Caica interjecting:

Mr TRELOAR: There's plenty of it. We did the Ridgetop Tour, and being a good country boy, I viewed the landscape, really, as a sheep station initially, as it was, of course; it was the Arkaroola pastoral lease. I do know that one of the conditions of employment for jackaroos in those early days, when it was run as a sheep station (as pastoral property), was that the employer would provide one set of boots per year, because the jackaroos had to walk to round up the sheep. It was too steep for horses and ultimately too steep for motorbikes. The jackaroos walked and wore out at least one pair of boots a year, but the employers provided them.

It was interesting to consider its history. In fact, I became aware that the property next door, the Umberatana Station, was managed for a time at least by one branch of our family, the Treloar family, who went north. I discovered that the Coulthard family, who are members of the Adnamutna tribe, were present on Umberatana. This is some generations ago, but 12 children were born to Mrs Coulthard in a corrugated iron shack on Umberatana. Mrs Coulthard's prized possession was a Metters stove that she had been given by a Mrs Treloar all those years before. It was a nice touch for me to be a part of that history.

We were well-hosted by the Spriggs family, as has been mentioned earlier. They obviously, without doubt, have an attachment to the property, the landscape, the environment. I believe anybody who lives in and on an environment for any period of time can develop that attachment. Often we talk about Aboriginal people having an attachment for the land. Well, I believe that white people can have that attachment as well, and the Spriggs family have that. We were hosted by the Spriggs family. We were given the opportunity to talk with Marathon as well, who presented their case. It was a very convivial and diplomatic way of going about things.

There have been some interesting points raised today in the contributions, particularly about competing interests and about finding the balance. I believe it is imperative that we do this in this state. What Arkaroola has done is highlight this situation for me, but it comes closer to home,

because we are fully expecting that mining will be undertaken some time in the near future on the Eyre Peninsula. Once again, there will be competing interests, there will be competing land uses. You could very well argue that any part of the Eyre Peninsula could be deemed unique, thereby requiring protection.

It is an ongoing and difficult debate. I can see the day in the very near future when we can no longer deal with these issues on an ad hoc basis. The way it has been done up until now simply does not give any security to land owners. It does not give any security to exploration companies, and it doesn't, most importantly, give any security to the environment. I believe the day is coming soon when this parliament will need to have consistent legislation, processes and framework in place so that the slow, messy and convoluted process that has been Arkaroola and has finally led to this day will not be repeated.

As I said, I am the final speaker from this side of the house on this. Thank you all for the contributions. There have been some interesting comments. I am hoping that the minister can agree that it is being done with goodwill, and with that I offer our support.

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (17:29): I thank most of the honourable members for their contributions to the debate on this significant bill. The purpose of this legislation, as I have said previously, is to protect the unique cultural, natural and landscape values of Arkaroola for the long term. It forms one prong of the government's three-pronged approach to protecting Arkaroola, the others being the proclamation to exclude the Arkaroola Protection Area from the operation of parts of the Mining Act in addition to heritage listing nominations at the state, national and world levels.

This legislation establishes the Arkaroola Protection Area and provides for the care and management of that area. The bill specifically prohibits all forms of mining activity within the Arkaroola Protection Area, and I remind some members of the opposition that the bill was introduced following a significant period of consultation, almost a month before legal proceedings were instigated by Marathon, and that being for a judicial review of the Governor's proclamation under the Mining Act.

Contrary to the assertions of the member for MacKillop and others, there has been extensive consultation conducted in the lead-up to the introduction of this bill. My officers and I have met with the key stakeholders, including the traditional owners and their legal representatives, on more than one occasion. Indeed, leaders within the Adnyamathanha community publicly voiced their delight at the government's decision to protect Arkaroola. I also met with Heathgate Resources and Marathon Resources, at their request, I understand, following their having met with the Minister for Mineral Resources and Energy.

Nothing could be further from the truth with respect to the assertions made by the member for MacKillop in regard to this particular process. The government's policy has been based on extensive consultation and has evolved to reflect community aspirations. This bill reflects community aspirations for the protection of Arkaroola. I could go through a very detailed process about Seeking a Balance, where we got to with Seeking a Balance, and the 500 submissions that were received.

The vast majority, of course, were overwhelmingly in favour of protecting Arkaroola from mining. We have gone through the details through previous speakers (in particular, the member for Ramsay), in the history of this, which is somewhat contrary to the potted history that has been given by others on the other side. It was quite clearly and expressly stated by the former premier some time ago that the government will consider all available options to preserve the iconic Arkaroola sanctuary. He stressed that all options, including a definitive ban on mining at Arkaroola, were on the table.

He went on to add that it would be inappropriate for the government to make a decision like this without consulting with native title holders, pastoral lease holders and the holders of exploration licences. To that end, he asked both the Minister for Sustainability, Environment and Conservation (that is me) and the Minister for Mineral Resources and Energy to lead a consultation process prior to recommendations being brought to cabinet. We undertook that direction and that particular process.

Even since the July 2011 cabinet approval for a series of measures to be implemented to secure Arkaroola's permanent protection (which included reserving the land from the operation of the Mining Act; enacting special-purpose legislation to protect the natural, cultural and landscape

values of the area in perpetuity; and nominations, as I said earlier, of the area for national heritage listing and placing it on Australia's tentative list for the world heritage list), we undertook further targeted consultation with affected parties and other relevant bodies throughout that period of time on the provisions of the draft Arkaroola Protection Bill that we are dealing with today.

Through this bill, native title rights of the Adnyamathanha people will be fully respected by this legislation. Aboriginal heritage will continue to be protected accordingly. The bill has made specific provisions to support the conservation of objects, places or features of cultural value of the Adnyamathanha people. Rather than affecting the determined native title rights of the Adnyamathanha, this legislation supports the continued existence, enjoyment and exercise of those rights.

Nevertheless, I foreshadow that in committee I will seek to introduce an amendment that adds a provision highlighting the continuance of native title rights under this bill, and I believe a copy of that amendment was circulated to the opposition on Wednesday morning. The management plan developed under this bill will become a very powerful tool, especially in dealing with matters related to development within the protected area that would be incompatible with the objects of the proposed act. A further series of other matters were raised in the course of briefings held previously, which I am happy to note at this point but take up further, if necessary, in committee.

I thank the members for Frome and Mount Gambier for their interest in this bill. They sought advice in relation to the timeline for preparing the management plan. I can advise that this work will commence in earnest as soon as the bill has been enacted. The intention is to work with the pastoral leaseholders, native title holders and other interests to prepare a draft plan for consultation within 12 months. The briefing was also able to clarify the relationship between the management plan and the usual development process.

It has been a privilege to be involved in the development of this legislation. I thank the Hon. Mark Rann for the pivotal role he has played in driving this unprecedented level of protection for Arkaroola. I also thank my colleague the Minister for Mineral Resources and Energy, as well as many other members of parliament, both behind me and on the other side, for the support they have provided with respect to this bill. I also thank the numerous members of the public who have expressed their support for protecting Arkaroola for the future.

I would like to pay tribute to the Adnyamathanha people who are the traditional owners of this area, especially to Mr Vince Coulthard, Chair of the Adnyamathanha Traditional Lands Association; Marg and Doug Sprigg, the pastoral leaseholders of Arkaroola; their eternal ally, Mr Dennis Walter, the Mount Freeling pastoral leaseholder whose lease covers the Mawson Plateau; and other groups and individuals who participated constructively in the consultation process.

I thank the deputy leader for his support for the bill. I have been kept wondering about the position of the opposition on this widely-supported proposal. I think we have had previous indications of support from the Leader of the Opposition for protecting Arkaroola. The deputy leader has indicated support for the bill, though to listen to his contribution one might be easily confused. I found his apparent concern about a legal proceeding that is not about this bill a bit perplexing, since a good deal of his speech appeared to be advocating for the initiating party.

The local member has indicated his support. We had a pretty incomprehensible but typical tirade from the member for Finniss, including a statement that he did not support the bill, but I understand he now does. The shadow minister for the environment in another place has given no clear indication on the bill.

I also acknowledge the contribution by Iain Evans who lauded the protection of Arkaroola but, of course, was unable to get it during his period of time as the minister for environment. I am glad that he has been able to convince his party room to support it on this occasion. I think most South Australians will be at one with those of us who would like to progress this bill as expeditiously as possible.

Bill read a second time.

In committee.

Clause 1.

Mr WILLIAMS: I talked extensively in the second reading about my concerns about the implications of this bill to the matter that is currently before the courts. There are two matters. On the one hand, the government publicly stated that it was going to give an ex gratia payment in the way of compensation to Marathon Resources, presumably because the government accepted the fact that Marathon was going to suffer some loss through this. I think the government has been given documentation to substantiate costs of at least $15 million.

The government has acknowledged that to not give some sort of compensation would certainly send the wrong message to the mining sector. I think that is what the Minister for Mineral Resources and Energy has said. What is the government's position? There are two parts to the question. First, what is your legal advice regarding the impact of this particular bill on the case in court?

I am not a lawyer, but if the court finds in favour of Marathon do they have to go back and start the process again with respect to this particular matter, or is there a chance that the Supreme Court, once this bill is through the parliament and enacted, would look at this and say, 'There is no point in hearing the case'? So, is it the effect of this bill that it chops off Marathon's right to seek damages through the court process because of the proclamation that was handed down on, from memory, 22 July? So that is one part: what is the impact on Marathon's lawful right to sue for damages?

Secondly, what is the government's position on its earlier stated position that it would look at compensation or some form of ex gratia payment? I understand that Marathon has not heard anything more from the government after quite a few months and, out of sheer frustration, it has gone to seek damages through the courts.

The Hon. P. CAICA: As I said yesterday, this bill is about the protection of Arkaroola. In fact, I am advised that this legislation does not give rise to compensation. The advice is that where parliament removes existing rights there is no enforceable legal right to compensation under state law in the absence of the relevant statutory provision authorising the payment of compensation.

Notwithstanding all that, what was lodged was a judicial review. A judicial review was lodged in the Supreme Court on 11 November. The Arkaroola Protection Bill 2011 was prepared and consulted on throughout August and September and introduced into the House of Assembly on 19 October accordingly. It was prepared and introduced without the knowledge that Bonanza Gold was intending to initiate legal proceedings. In fact, the government was, as you have said, considering an ex gratia of payment to Bonanza Gold when legal proceedings were initiated.

Quite simply, and you know this as well as I do, that matter will now be a matter before the courts, both the judicial review and anything that might arise from the judicial review. That is where the matter will be dealt with.

Mr WILLIAMS: But minister, do you have any advice regarding what the impact of the bill will be on that judicial review? My non-legal assumption is that the court may well look at this, if it is enacted at least before the court comes to the conclusion of its process, and it seems that it will. Do you have any advice? Will the court look at this and say, 'There is no point in us going on,' and therefore, simply by passing this legislation, we have removed what up to date has been Marathon's legal right to seek compensation?

The Hon. P. CAICA: As I informed the house yesterday during the response, I think at the very start of the debate on this bill, I am certainly advised that 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 Marathon's actions were to succeed. It will now be a matter for the courts.

Mr WILLIAMS: You are misunderstanding my question.

The Hon. P. CAICA: I don't think so.

Mr WILLIAMS: My question is not about Marathon's actions having an impact on the bill; my question is about the bill, becoming an act, having ramifications for Marathon's actions. You made a comment a moment ago about my contribution to the second reading; my contribution to the second reading was largely about the process to get us to this point. What I want to know, what the opposition wants to know, is: is what we are being asked to agree to here unilaterally taking away the right of a citizen—namely, Marathon Resources—to seek what is, before we pass this, its legal right to seek compensation for the proclamation that was made back in July?

The Hon. P. CAICA: Licences in the form of what was granted to Marathon have no automatic right of renewal and no legal entitlement to a subsequent exploration licence, and we have made that clear; nor should there be any reasonable expectation relating to future mining production tenements in the region, as there is no legal entitlement for tenements.

Any decision to pay compensation will be a matter of policy and not based on any legal obligation brought about by this legislation or any existing act. Quite simply, what is before Justice Kourakis I think at the moment is a judicial review, and he is dealing with that. That is where the matter is. I can say it again: this bill has no relevance to that particular matter before Justice Kourakis. There is no claim for compensation by the affected mining company.

Ms CHAPMAN: The—

The CHAIR: Sorry, we have actually had two or three questions on this clause already. I will allow one more.

Mr WILLIAMS: Point of order, Mr Chairman. I am sorry, but each member is allowed to have three questions.

The CHAIR: Okay, well, you have done your three then.

Mr WILLIAMS: I think I have had two, actually.

The CHAIR: Actually, you haven't . You have had three, and the Clerk confirms that you have had three.

Mr Williams interjecting:

The CHAIR: That's okay. You go your hardest.

Ms CHAPMAN: Minister, the statements you made yesterday that caught my attention on the question of whether this legislation may in any way impede or interfere with the current proceedings were twofold. One was on the legal impact. You said:

> What we are doing today is the bill that brings effect to that proclamation.

The second thing you said was:

> ...the bill may affect the litigation and that commencement of provisions of the bill would, to a large extent, eliminate any practical benefit that could be obtained by the action...

As you have explained (and I have not read the pleadings in the Supreme Court), it is an application to review the decision that there be a proclamation. If that is successful and that is set aside by the judge, that will mean that the Executive Council's decision to proclaim this area under section 8 (as you have described, an 'interim measure') to protect it is declared invalid.

Presumably then their existing licence for exploration would continue to have effect and they would continue to negotiate with your government to secure some financial contribution (let us put it that way) without acknowledging liability towards the extraordinary expense they claim they have made for this exploration. Perhaps they may be seeking to discuss with you the loss of benefit that may arise if they were able to on-sell that to someone who might want to apply for a mining lease.

I understand all that. It is the fact, though, that you actually said yesterday that it may affect the litigation by eliminating any practical benefit that could be obtained by the action. The way that I am reading that—as narrow as it could be—is that you are saying, 'Look, with the passage of this legislation we don't need the proclamation anymore; we'll have it as statute and that statutory exclusion, elimination, of any right to do anything on this property in this protected area will be statutory, and that will eliminate them being able to progress any exploration licence that they have under the other section.' That is the way I understand that.

However, in a broader sense, it does suggest that there is an elimination of any practical benefit that could be obtained by the action. I think that you and I both know, Mr Chairman, as would the minister, that the benefit of this sort of action is not to sit there and talk about all the legal implications of whether or not a declaration should stand: it is all about ensuring that there is an environment in which the two parties will come together with some reasonable settlement.

I cannot blame either Marathon for that or your government for ensuring that it does the best thing it can by the taxpayers; after all, we have one monumental stuff up here and we have a big cost. So, I want some clarification about whether your understanding is that the bill could affect

the opportunity for Marathon to continue to negotiate, because it seems to me that this bill will extinguish forever the right to be able to progress the opportunity for compensation because it would no longer have to rely on the proclamation because it could be overturned.

The Hon. P. CAICA: I thank my learned friend for the way in which she has posed the question. The judicial review, as I understand it, is seeking to, if you like, force the mining register to process its mining applications. So, yesterday when I said that the passage of this bill may however 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, that is the action they are trying to seek. You are quite right to highlight that.

This bill is not about preventing, if you like, or facilitating any discussions that might occur at a subsequent date in relation to any matters that Marathon may wish to raise in relation to compensation. However, that is not being dealt with in this bill nor is it being dealt with through the judicial review. So, I again make perfectly clear to everyone here that that is the case.

Clause passed.

Clause 2.

Mr WILLIAMS: I just simply want to say to the government that it would have been a lot easier for the parliament to progress this bill—and I think you have bipartisan support for the principle. It would have been a lot easier if you, minister, and your colleagues had done what you said you were going to do and come to a negotiated settlement with Marathon before we got to this point. That would have made it a lot easier for us. That is the greatest concern I have about this: that we are taking an action here which is, I think, causing an incredibly unfair burden on a company that has operated in good faith under the Mining Act and expended its shareholders money and is now being hung out to dry by the processes that have been instituted by your government. So, I just put that on the record: that it would have been a hell of a lot easier for all of us concerned if your government had acted a bit more judiciously in this whole matter.

The Hon. P. CAICA: I am not going to respond to the assertions. All I will say is that the matters that have been raised by the member for MacKillop have nothing to do with this particular bill, and those matters will be dealt with through a judicial review.

Clause passed.

Clauses 3 to 6 passed.

New clause 6A.

The Hon. P. CAICA: I move:

Page 4, after line 6—Insert:

6A—Native title

Nothing in this act affects such native title as may exist over, or in relation to, the Arkaroola Protection Area.

Mr WILLIAMS: I have a quick question, and you may wish to take this on notice and come back with a response in the other place. I am getting noises coming from the Adnyamathanha people—the native title holders—that they wanted this exploration to go ahead and were looking forward to there being a mine there such that they could derive some revenue from the land that they hold the native title over. Have you taken any advice on whether the native title holders may have some sort of claim of compensation against the government of South Australia because of this legislation? If so, what is that advice?

The Hon. P. CAICA: Yes, thank you very much. We are dealing with an amendment here on native rights and the bill has an object to support the conservation and objects, places or features of cultural value to the Adnyamathanha. Yes, I have spoken with them and, yes, there are a variety of views, as there is everywhere. Even within your party room I expect there was a variety of views about the appropriateness of this bill. Rather than affecting the determined native title rights of the Adnyamathanha, this legislation supports the continued existence, enjoyment and exercise of their rights, but I also note that access to minerals is not a native title right.

New clause inserted.

Clause 7.

Mr WILLIAMS: Minister, I do not mind if you take this on notice and bring back a response later on in the other place. The management plan says that, amongst other things, you have to fulfil the objects of the act. The management plan must be cognisant of the objects of the act. The objects of the act are about providing for conservation, supporting conservation of objects, places, features, etc., supporting scientific research and fostering public appreciation. The opposition is wondering what the cost is going to be to government to do that. Have you taken any advice on the cost that this is going to impose on, I presume, your agency?

The Hon. P. CAICA: I could give a very long answer to this but what I will do is take this question on notice and provide the honourable member with information between the passage of this bill from here to the other place.

Clause passed.

Remaining clauses (8 to 10), schedule 1 and title passed.

Bill reported with amendment.

The Hon. P. CAICA (Colton—Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (17:58): I move:

That this bill be now read a third time.

Bill read a third time and passed.

EDUCATION AND EARLY CHILDHOOD SERVICES (REGISTRATION AND STANDARDS) BILL

The Hon. G. PORTOLESI (Hartley—Minister for Education and Child Development) (17:58): As members are aware, the Education and Early Childhood Services (Registration and Standards) Bill 2011 was considered by the Legislative Council last night. The Legislative Council passed the bill as received from this house with one minor technical amendment. This amendment, at clause 12 of this bill, corrects a typographical error which stemmed from the drafting of the opposition's amendment passed by this house on 18 October 2011.

The reference was incorrectly drafted as section 10 and should instead refer to section 11. The amending correction was contained in an opposition's proposed amendment in the other place that was not pursued. The government therefore moved the amendment which was agreed by members of the Legislative Council last night. I commend the bill with this minor amendment to this house today and sincerely thank everyone in this place and people working in the sector for their support and cooperation in enacting this very significant piece of legislation.

SELECT COMMITTEE ON THE ROAD TRAFFIC (EMERGENCY VEHICLES) AMENDMENT BILL

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) (17:59): By leave, I move that the member for Mawson be discharged from the Select Committee on the Road Traffic (Emergency Vehicles) Amendment Bill and be replaced by the member for Taylor.

Motion carried.

At 18:01 the house adjourned until Thursday 1 December 2011 at 10:30.