HOUSE OF ASSEMBLY

Thursday 29 March 2012

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

SUMMARY OFFENCES (WEAPONS) AMENDMENT BILL

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for State Development) (10:31): I move:

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

Motion carried.

FOOD (LABELLING OF FREE-RANGE EGGS) AMENDMENT BILL

Mr PENGILLY (Finniss) (10:32): Obtained leave and introduced a bill for an act to amend the Food Act 2001. Read a first time.

Mr PENGILLY (Finniss) (10:33): I move:

That this bill be now read a second time.

I thank other members for allowing me to be first and to introduce this bill on the *Notice Paper* this morning. This is a simple bill designed to put a restriction on the amount of hens—chickens—

The Hon. M.J. Atkinson interjecting:

Mr PENGILLY: Fifteen hundred, actually. I am seeking to have a bill instituted to give free-range egg producers the legality of having a maximum of 1,500 hens per hectare. This is similar to a bill that is going through the New South Wales parliament, and that bill is still in transition, but it was something that was raised by free-range egg producers in my electorate. They have been concerned for some time that they may be steamrolled, so to speak, by other egg producers who are not actually maintaining proper free-range practice.

Currently, there is no legal requirement on hens per hectare, and this is a labelling issue. There has been a push to have 20,000 hens per hectare in a free-range capacity—these are called free-range laying chooks. That is just inappropriate; 20,000 per hectare is an inordinately large number. I have a number of producers—and there are significantly more that we do not know about—who sell free-range eggs, but they are actually being competed with by others who call their eggs free range when they, to all intents and purposes, are not free range.

For example, the true free-range chicken has a laying cage or a laying shed and has unrestricted movement and access around the surrounds, the paddock, or whatever they happen to be in. In other words, they are free-range. They roost in the evening on their perches, they lay eggs in their sheds, which quite often are moveable sheds and are moved from place to place to avoid disease, but they are out and about all day.

There are other people who run free-range chickens in sheds, for example, that are climate controlled, where all the feed and water is inside, and obviously the laying cages are inside. However, at 1 o'clock in the afternoon, as was explained to me, the doors automatically open on these sheds, because at 1 o'clock in the afternoon most chooks are finished laying. That is the reality of it.

The Hon. R.B. Such: Just like parliament!

Mr PENGILLY: Yes, thank you, member for Fisher. They are finished laying and the shed doors open, but in many cases I am told that the hens simply do not go out, because they are that programmed to being inside that they just remain in there. Then, at a given time in the evening, the doors shut again. So, they are not in fact free-range eggs. I do not care what anyone says, they are not.

What I seek to do is to put some sort of legislation in place that 1,500 free-range egg-laying chickens per hectare is the way to go forward. I think it is a good idea. I have had consultation with some government members and members of other parties. My own party, the Liberal Party, supports what I am intending to do. I look forward to—

Mr Pederick: What about your good friends the Greens?

Mr PENGILLY: The member for Hammond can make his contribution shortly. It is also going to happen in another place that there will be similar legislation introduced by another party. That may well be the case next week and we will see what happens there. It is accepted by most in the industry that 1,500 chickens per hectare is the standard, so we want to keep it at that. We want to have it so that, when members in this place—many metropolitan members, particularly, unlike those of us who do have a few chooks in the backyard—go to buy free-range eggs, they are genuine free-range eggs. That is what it is all about. It is about the labelling.

I have one producer on Kangaroo Island who runs around 50,000 free-range chickens. I invite any member, if they happen to come over to the island, to come out with me and have a look because it is an amazing exercise. I have some producers who only run a few thousand, but they are genuine free-range eggs. The large producer over there employs around 20 people. They started from nothing and have done an amazing job. They have the Italian mountain dogs (I think they are called Maremmas) that actually guard the chickens—keep the eagles out, cats; the whole lot. They run free in the paddocks with the chooks and are intensely protective.

One day I went out there with Mr Tom Fryar, one of the owners, and Alexander Downer. We were told to sit there until he got the dogs under control. I am not quite sure whether the dogs wanted to bite Alexander Downer or me first, but these are very professional exercises. They employ considerable numbers of people not only around Australia but, more particularly in this case, in my electorate.

The Hon. R.B. Such: We buy their eggs.

Mr PENGILLY: Thank you. The member for Fisher says he buys Fryar's free-range eggs, and that is good. There are other families, like the Modras and the Barretts and many others. There was a considerable-sized free-range egg producer on Hindmarsh Tiers Road on the Fleurieu Peninsula, but I think they have gone out of business. However, there are possibly many, many others that we do not know about; small producers that are producing genuine free-range eggs, as opposed to the major egg companies.

I have done considerable consultation on this matter and we have had quite a bit of feedback. It is a rather different situation in New South Wales where the egg-producing industry is absolutely enormous. However, suffice to say, free-range eggs from my electorate are regularly sold in Sydney. They are in high demand. Let me tell you that 50,000 chooks lay a lot of eggs. They lay seven days a week. They do not rise at 6 o'clock and go home like this house. They are always working; so it is a seven day a week enterprise—like most farms—which employs a lot of people.

I am very grateful for the information that I have received from particularly the Fryar family, Kathy and Graham Barrett and others. I sincerely hope that we can move forward with this. They have codes of practice but they are actually not enforceable. I want to see small business thrive in this state, and I want to see people who produce free-range eggs have the opportunity to further their cause and to grow their businesses but to have that genuine free range category. I think that is the important issue.

I say, again, that you cannot have 20,000 chooks per hectare and call them free range. It is just totally stupid. It is a bit like feedlotting cattle and sheep. Really, it is no different to farming cattle or sheep in a feedlot or out in the paddock. In this case you are actually farming egg-laying chooks out in the paddock, and I think this is a good way to move forward. The danger is that, with voluntary codes of conduct, you could stand to lose a lot of these businesses if the big boys in the business—and I am not critical of them—choose to continue to call their eggs 'free range', despite the fact that they are not; they are just playing on words. We could lose a lot of these small businesses which have been developed with people's own capital and own hard work to become family businesses that have employed significant numbers over the last few years.

I do not know that I need to progress this debate much more now. I am unsure whether other members want to speak about it. I do urge the government to go away and think about it and to come back to the house. I await to see what is introduced in another place. That may well happen next week. I urge the house to support this private member's bill on free-range eggs legislation under the Food Act to limit the number of egg-laying hens to 1,500 per hectare.

Debate adjourned on motion of Mrs Geraghty.

CONSTITUTION (CASUAL VACANCIES) AMENDMENT BILL

The Hon. R.B. SUCH (Fisher) (10:43): Obtained leave and introduced a bill for an act to amend the Constitution Act 1934; and to make related amendments to the Electoral Act 1985. Read a first time.

The Hon. R.B. SUCH (Fisher) (10:44): I move:

That this bill be now read a second time.

This is a reintroduction of a bill that I first introduced on 28 March 2007 and then on 14 May 2009. The purpose of this bill is essentially to enable casual vacancies in this house to be filled in a parallel way to that which occurs in the Legislative Council. This bill would allow us to avoid costly by-elections, and the bill has a prescribed time—

The Hon. S.W. Key interjecting:

The Hon. R.B. SUCH: Yes, it would apply for Independents and Greens. There is a prescribed time limit so that it could not be just prior to an election or if a member was going to retire anyway, for any reason.

The Hon. M.J. ATKINSON: What if the Independent dies in office?

The Hon. R.B. SUCH: I assume you would come to the funeral. Beyond that—

The Hon. M.J. Atkinson interjecting:

The Hon. R.B. SUCH: No, this bill parallels what happens in the Legislative Council. We have recently had two by-elections which did not change the nature of the representation, both held by Labor, and a lot of money was spent for no real purpose.

In Victoria, both the Labor Party and the Liberal Party have at times supported this type of measure but it has not actually been implemented there yet. I think it makes sense. I do not see any reason why we should go through the expensive process of a by-election if, for example, someone for health reasons, or whatever, has to leave early. Why spend a fortune of taxpayers' money when, if it is a Liberal, Labor, Independent or Greens held seat, they could nominate a replacement? As I say, there are provisions in the bill that you cannot do it close to an election and you cannot do it if a member, for example, had to retire.

The Hon. M.J. Atkinson: How would an Independent do it? Just leave a name in an envelope?

The Hon. R.B. SUCH: No, the reason we are Independents is we are capable of organising things and thinking for ourselves. That is why we survive. We survive on our ability and wit.

It works in the Legislative Council. The methodology would still need to be approved by the house, similar to what happens in the Legislative Council, so there is no automatic option. It would be nominated but then would still require the endorsement of the sitting of parliament. If the parliament rejected the option, then it would have to go to a by-election.

People said to me prior to the Port Adelaide by-election that the opposition did not favour dispensing with a by-election. People tend to look at these things in partisan terms. I am trying to look at this issue from the point of view of what is best overall for the community which does not take away their democratic right.

The Hon. M.J. Atkinson: Not much!

The Hon. R.B. SUCH: The member for Croydon must be suggesting we have elections within the four-year term—mini elections—to test what people in the electorate want. I have just put out a questionnaire to 23,000 people in my electorate. I ask them frequently what they think. I do not know whether the member for Croydon is suggesting that we have mini elections throughout the four-year cycle to find out what the public wants; but, if a seat is held by the Liberal Party, the Labor Party, Independent or Greens, unless it is close to the election (and there are some other reasons given in the bill), I do not see any reason why we should inflict a $100,000-plus cost in each case on the taxpayer, and that is what has happened recently in the two seats that were contested.

I think the bill itself is fairly self-explanatory. I do not need to promote the arguments for it much further. It is one of those things: either people agree or disagree with the principle of it. I think

it has merit. The member for Croydon says you would have to use a proportional representation system. Some jurisdictions have a count-back system.

The Hon. M.J. Atkinson interjecting:

The SPEAKER: Order! The member for Croydon will have an opportunity to have his say. He is being very rude to the member for Fisher.

The Hon. R.B. SUCH: The member for Croydon is irreplaceable in his seat. They will never have a member following the member for Croydon's departure, because no-one will be able to fill his shoes.

I commend this bill to the house. I think it has merit and I ask members to look at it on its merit and consider the benefits—as I say, it has been considered in other parliaments as well—to see if we can have a system that does not take away people's democratic right but saves the taxpayer a lot of money.

Debate adjourned on motion of Mr Griffiths.

CRIMINAL LAW (SENTENCING) (NO CONVICTION ON ELECTION TO BE PROSECUTED) AMENDMENT BILL

The Hon. R.B. SUCH (Fisher) (10:50): Obtained leave and introduced a bill for an act to amend the Criminal Law (Sentencing) Act 1988. Read a first time.

The Hon. R.B. SUCH (Fisher) (10:51): I move:

That this bill be now read a second time.

This is a reintroduction that is necessary because of the proroguing of parliament. This bill proposes to amend current legislation to ensure that a contested expiation notice (for example, a speeding offence) cannot result in a conviction. Currently, an individual who believes that he or she is innocent of an expiable offence and elects to be prosecuted may receive a conviction whilst an individual who expiates the notice in full, guilty or otherwise, escapes with a fine but without a conviction. To me, this seems inherently unfair.

If an individual who elects to be prosecuted for an offence is found guilty of that offence, a conviction will be recorded on the individual's police certificate and will remain there until such time as it is considered spent. The bill will ensure that a conviction is not recorded against what would otherwise be an expiable offence which, by its very nature, is a minor offence.

I was not aware that this particular situation could occur, but I know from my own experience that it does. The law does not distinguish between a criminal conviction for a challenged expiation notice and any other criminal conviction. The current Attorney wrote to me and stated that there is no distinguishing between a conviction, it is a conviction and that is it.

I do not believe it is fair because, as I pointed out, if you were actually guilty of the alleged offence and you paid up, that is the end of it; so you have actually broken the law, you have admitted you have broken the law and you have paid the fine. However, if you believe you are innocent and you challenge it, you can end up with a conviction which goes on your police record as a criminal conviction. If anyone can tell me that that is a fair system I would be interested to hear their arguments during later debate.

The system is geared against the ordinary citizen anyway because of the cost of challenging an expiation, which could be an expiation for a boating offence or for a range of things. You end up with time lost if you challenge it in court, the cost of lawyers and any other penalties that are issued in addition to the conviction being recorded against your name. I believe it is inherently unfair and when I have raised this with the public they are shocked that that could be the case.

The system acts as a very powerful deterrent to people exercising a fundamental right to have a matter of an expiation adjudicated in court, because you run the risk of ending up with a criminal conviction which will be on your police record when you apply for employment or volunteer work. That is very unfair because there is no guarantee that the conviction was awarded fairly or appropriately. As we know, the court system does not always provide truthful outcomes in terms of what actually happened. It is an assessment by someone who makes a judgement (the magistrate) and who may or may not get it right. I think it is blatantly unfair and inappropriate to have a conviction recorded in those circumstances. People say that it is up to the magistrate. Well, that is

theoretically the case, but in reality it often is not the case. I commend this bill to the house and ask members to give it their due consideration.

Debate adjourned on motion of Mrs Geraghty.

FAMILY RELATIONSHIPS (SURROGACY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 March 2012.)

Dr McFETRIDGE (Morphett) (10:56): I rise to support the bill introduced by the member for Adelaide and congratulate her on introducing this bill. I had the pleasure of progressing a bill regarding surrogacy through this chamber (initiated by the Hon. John Dawkins from the other place) that allowed South Australia to catch up with the other states and allow surrogacy to be part of accepted medical procedures and techniques here in South Australia.

There is nothing better than having children. If you are unable to have children and there is a technique available that reverses that situation and enables you to have children, then why should we not be looking at those techniques? This is not something that is going to create any issues with genetic modification and it is not going to create a lot of other ethical issues surrounding pregnancies—terminations and other artificial reproduction techniques that are available out there at this present time.

This bill is just an extension of the current surrogacy legislation that is seen all over Australia, and it once again brings South Australia into step with the other states. The mother may be unable to have a child because of a physical deformity through an accident or illness. I can give a personal case of this. One of my friends was thrown off a horse and broke her pelvis, badly fractured it. She was devastated when the doctor said that she could not have children because of the way they had to restructure her pelvis with plates and screws and things.

She was still quite fertile, she would have been able to conceive, but she would not have been able to carry that baby to full term. In her case is it not a sensible thing to allow her, if she does become pregnant, to then have that embryo collected and put into a surrogate mother? I do not see anything wrong with that at all. I do not think there are any valid arguments in 2012 against that.

We do not want to see South Australian mothers having to move interstate to have children of their own. We do not want mothers having to move and go overseas to have children of their own, and we certainly do not want to have any commercial transactions involved in surrogacy. The most important thing that we do want to do is allow parents to have children of their own, and this small step is another vital step to include all of those out there to use the surrogacy, not just those who are unable to conceive, but those who can conceive but their pregnancy is going to cause an issue with their own health. We need to allow them to better use the surrogacy system.

I can think of other examples of conditions where the mother's life would be in mortal danger: some of the pregnancy toxaemias, some of the diabetic conditions or blood incompatibilities. Some of them are controllable now, and perhaps for the first pregnancy they may be fine. I am rhesus positive, my mother was rhesus negative, and my father was rhesus positive. I was born a yellow baby. My mother reacted to my blood and so produced antibodies which fortunately did not affect me severely. However, we see many incidences where medical conditions can severely threaten the life of the mother.

This bill allows those parents, where the mother's life is at risk, to use the surrogacy system, and that is what it really does. There is not a lot to say about this bill other than it is a very sensible move. There are a number of conditions which make it impossible for a mother to have a full-term pregnancy, so using surrogacy is something that we should not take away from them. This piece of legislation is not controversial. All the other states are doing it. It is just catching South Australia up with the rest. With that I strongly support this bill, and I urge other members to look at this bill to see the benefits of this small amendment, and to make sure that they support the bill.

Mr PEDERICK (Hammond) (11:00): I rise, too, to support this excellent bill put up by the member for Adelaide, the Family Relationships (Surrogacy) Amendment Bill 2012. This builds on the excellent work undertaken by the Hon. John Dawkins from another place in getting the original surrogacy legislation through this place. When I was on the Social Development Committee in my first term in this place, we dealt with the surrogacy issue, and we heard many accounts of what people had to go through if they needed a surrogate so that they could have a family. Generally, it

involved spending at least $50,000 and going interstate because it was not legal in this state, and it certainly seemed absurd to me during the hearings to hear from all these people that they needed to go interstate to have these children with a surrogate.

I commend the work that the Hon. John Dawkins committed to this, and I think this is a very sensible amendment that the member for Adelaide has brought forward. It broadens the eligibility criteria for a potential mother so that her own life and health can be protected if it would be seriously impacted by pregnancy or delivery of an infant. I note that the member for Adelaide had an inquiry to her office about a South Australian mother who had a serious health issue and would likely break her hip if she attempted to deliver another child. As with the earlier surrogacy legislation which came through this place, she would have to move interstate.

I note the clauses that are covered under this amendment of the Family Relationships Act 1975 include that the female commissioning parent is, or appears to be, unable on medical grounds to carry a pregnancy or to give birth; or there appears to be a risk that a serious genetic defect, serious disease or serious illness would be transmitted to a child born to the female commissioning parent; or there appears to be a risk that becoming pregnant or giving birth to a child would result in physical harm to the female commissioning parent, being harm of a kind or of a severity unlikely to be suffered by women becoming pregnant or giving birth generally.

As the father of a couple of lads, I think the role women play in propagating the human species is fantastic. They carry a huge burden for the human race, and I think us blokes get it easy. I seriously think we get the easy part of the bargain. I commend everyone involved in having a family but I certainly commend women for what they have to go through. I commend the courage of the women and the couples who brought this issue forward in the original legislation, and also in relation to upgrading the act so that there are better criteria for families and potential mothers, that they can have babies safely as long as they can find the appropriate surrogate, and have a happy family, as many of us have. I commend the bill.

Mr GRIFFITHS (Goyder) (11:05): I also rise to support the member for Adelaide in the presentation of this bill before the parliament. As a person, my greatest achievement in my life is actually having children—a son and a daughter, who are 22 and 20 now, that I will love forever. With my wife and me, it was our capacity to celebrate our closeness by having our kids that has allowed our life to be fulfilled.

Mr Pengilly: Have some more!

Mr GRIFFITHS: The member for Finniss says, 'Have some more.' I am a little bit past that, but the member for Adelaide, in bringing this bill to the house, has actually identified an area of the law which does not allow families, because of a health issue, to celebrate the closeness of their relationship by bringing a child into that relationship. I want to commend the member for Adelaide. I know from her presentation to the Liberal Joint Party that it is a conscience vote for us, but I am hopeful that the majority of the members will stand to support it.

I know there may be differences of opinion on this, but all we are trying to do is ensure that for those people out there who have health issues associated with the lady's ability to carry a baby without personal harm to herself—and in the case given by the member for Adelaide it was about breaking a hip—legislation exists to provide the opportunity for a surrogacy to occur and for the baby resulting from that to be recognised as the child of the mother and the father of the relationship.

The bill is a relatively simple one. Certainly, as the member for Morphett has already told the house, it exists in other states. It is appropriate that South Australia moves forward in the way that it considers this. I am fairly old-fashioned when it comes to a lot of things but I think it is really important that this house recognises the importance of the bill and the fact that for some wonderful people in our communities who, because of the health risks posed to them in carrying a baby have not been able to do so, this bill will provide an opportunity for something to happen. I hope there is swift passage of the bill through the house.

The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport) (11:08): Very briefly, in general, I think it would be fair to say that I am in favour of more children in our society, and I understand that when people who desperately want children cannot have them or find it very difficult to have them or have to face the threat of severe medical consequences for having them, that is a very difficult situation and an unhappy situation to be in.

What concerns me about surrogacy, very simply, is that children become part of a contractual arrangement. It becomes the start of, or not very far away from, the commodification of children. It does not make it any easier for the people who want to have children. It does not make it less difficult for them to go through those circumstances, but it makes children part of a contractual arrangement, and introduces all the complications that come with surrogacy upon birth, often—not all the time, obviously. There are some completely happy surrogacy arrangements but it can lead down the track to some very difficult circumstances and the person who is most affected by those changes and by those circumstances is the child itself, who had no say in that arrangement.

There are plenty of children who get delivered into unhappy arrangements—not of their own making—but I do not believe that we should voluntarily put children in that position. So, my objection to this bill and to similar surrogacy bills is that children just get caught up in contractual arrangements and it increases the commodification of children. Children obviously are people and should be treated as such. Sometimes life is just the way it is, and that is a very difficult thing for some people, but I do not think that surrogacy is an answer.

The SPEAKER: The member for Adelaide.

Members interjecting:

The SPEAKER: Sorry, the member for Taylor.

Mrs VLAHOS (Taylor) (11:11): I move:

That the debate be adjourned.

Members interjecting:

The Hon. A. KOUTSANTONIS: Point of order: it has been a longstanding tradition in this house that during private members' time, members are granted the time to speak on debates. The member for Taylor has indicated that she wants to adjourn debate to make remarks later on.

Members interjecting:

The SPEAKER: My biggest concern is that there are other people who want to speak on this.

Debate adjourned on motion of Mrs Vlahos.

ROAD TRAFFIC (TRAFFIC SPEED ANALYSERS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 March 2012.)

Dr McFETRIDGE (Morphett) (11:12): I rise to support this bill. That is the Liberal Party's attitude to this bill. The member for Fisher, the Hon. Dr Bob Such, has long been a strong advocate in this place for fairness and justice when it comes to speeding matters. For four years now, I have been going back to the issue that, if you are going to have traffic speed analysers out there—whether they are lasers, cameras or radars—they had better be accurate. For many years, to my astonishment, South Australia Police's—while they were calibrating their cameras to a very high standard—National Association of Testing Authorities certification had been suspended. That, to me, was just unbelievable.

I got a notice about fitting some meters on to some water pumps that we had down at a property at Meadows. I read the fine print, and those meters had to be tested by a NATA accredited laboratory. So, a water meter has to be accurate and certified by a laboratory that is NATA accredited, yet we have thousands and thousands of South Australians paying expiation notices for speeding offences. While I trust that the South Australia Police are doing their very best—it is like Caesar's wife—let us make sure that we are seen to be doing everything that we should and could be doing, and having NATA accreditation is something that I thought was necessary.

South Australia Police does have NATA accreditation now, but why was it the case that, for a while, its NATA accreditation was suspended? I am not aware of any technical problems, any logistical problems, moving officers, moving laboratories or not having the right people in the right place certified. I understand that it does now have technicians who are certified by NATA to do the testing within its laboratory. So, it is all there, it is in place now. That fact is very pleasing to me,

and it gives me some more confidence that, if drivers are pulled over, the speed that has been recorded by the radar or camera is going to be as accurate as you can possibly get.

There is always going to be some error in that, just as there will always be some error or uncertainty for the motorist. I have had a discussions with a number of metrologists, who are people who determine the accuracy of measurement. One man in particular, Mr Les Felix, is a world authority in the area of metrology, has wide experience and has written peer-reviewed papers on speed analysers and the uncertainties in the speed measurement of cars, trucks and buses.

I do not believe that South Australians deliberately and recklessly speed and ignore the laws; I think they do their very best. If some of them are stupid enough to disobey or recklessly ignore those laws, such as hoon drivers, they deserve to be caught and punished to the full extent of the law. But, if you are driving along in your car and are pulled over for speeding, you want to know for certain that that is a genuine offence from both angles—the speed analysers must be accurate. You should be aware that, travelling in your car, the speed that is showing on your speedo—the speed that you recognise you are doing—is accurate.

Unfortunately, while you can do your very best, you may not be travelling at the speed that you think you are. That is why we have tolerances in speed detection—because there are some uncertainties in the measurement. This can be anything from the tyre pressure, tyre wear, the loading of the car, your dominant eye, or where you are sitting in the car. There are so many things that can add up—and they do add up—to a considerable uncertainty between the speed that you think you are doing and the speed that you are actually doing.

We need to make sure, if you are going to be using devices to detect people's speed, that those devices are accurate, and then we need to ensure that those uncertainties, which are physically and scientifically provable, are taken into account. NATA accreditation will go a long way to achieving at least part of that. I assume that NATA accreditation of the laboratories that make automotive instruments is in place; I would be disappointed if it is not. We have motorists who are able to do what they want to do and go about their business without breaking the law, speeding or committing offences.

This piece of legislation will require police to have the certificates for their individual devices available for inspection, and it will also make sure that South Australian police are not put under undue pressure and accused of using equipment that could be inaccurate in any way. It is a good thing for both sides: it is good thing for both the police and the motorists. I do not believe that this will create extra paperwork for the police.

I was given a demonstration around 18 months ago of what the police are doing at the Thebarton barracks. They are going through certification and testing of their equipment, so this is not a lot more. As I have said, they now have a NATA accredited officer and a NATA accredited calibration laboratory, and I do not believe this is going to be any more work for the South Australian police. This will make sure that we not only have a legal system but there will be justice in that system. The Liberal Party is supporting this bill, and we look forward to the government's support as well.

Debate adjourned on motion of Mr Sibbons.

JUDICIAL COMMISSION

The Hon. R.B. SUCH (Fisher) (11:20): I move:

That this house calls on the state government to establish a judicial commission.

I am sure members noticed in the media recently a reference to allegations made about a magistrate in New South Wales, Pat O'Shane. The allegations essentially referred to a claim that, in the court, the magistrate inferred that the paramedic who was involved—

The Hon. M.J. Atkinson: Implied.

The Hon. R.B. SUCH: I have got down here 'inferred', but I will take the deputy editor's correction—implied the paramedic was racist because he called the accused, who was a black man from Africa, 'a filthy pig', because it was claimed that the accused had spat on the floor of the ambulance just prior to the comments made by the paramedic. The magistrate apparently refused to allow another paramedic, who was involved in the altercation between the man and the paramedic, to give evidence.

My concern is not with what magistrate Pat O'Shane did or did not do. What did attract my interest was the fact that in New South Wales they have a Judicial Commission. As a result of the accusations against the magistrate, the New South Wales Premier, Barry O'Farrell, has asked the Attorney-General to lodge a complaint with the Judicial Commission.

In essence, it is part of the judicial arm of government. This is the model in New South Wales that I am seeking to have replicated to a large extent here. It has existed since 1986. It was established by the Judicial Officers Act. Its principal functions are to assist the courts to achieve consistency in sentencing, organise and supervise an appropriate scheme of continuing education and training of judicial officers, and examine complaints against judicial officers.

I will say at the outset that I think South Australia has been well served over time by our judges and magistrates. There have been a couple who have not lived up to expectations, but they are very few in number. I think there is a parallel with members of parliament. There have only been a very few members of parliament who have not behaved in a way that is expected of them by the community in terms of moral or criminal behaviour and so on. I think we have been well served by our judges and magistrates, so I am not in any way trying to create a witch-hunt against judges or magistrates.

As an aside, I think it is unfortunate that none of our judges have ever been appointed to the High Court. I think the current Chief Justice would have been eminently suitable to sit on the High Court.

The Hon. M.J. Atkinson: There are two vacancies coming up.

The Hon. R.B. SUCH: Yes, I realise vacancies are coming up, but I understand the age restriction will probably work against the current Chief Justice, which is unfortunate. I think that is another issue that needs to be revisited in this day and age. I believe that judges have to retire at the age of 70, and I think that could be altered, but that is a debate for another day.

The Judicial Commission in New South Wales, as I say, has three prime functions. It also gives advice to the Attorney-General, and it runs educational programs which provide judicial officers information on law, justice and related areas, and assists in the development of appropriate judicial skills and values.

I have previously raised that matter into particular magistrates but not exclusively magistrates. The first issue, of course, is selecting the right people to be a judge or a magistrate. That is a very important thing, but then there needs to be ongoing education and training, because as we know the world changes, technology changes, and so on. I think that in talking with some of the judiciary, some of the issues that are very difficult at the moment are in relation to offences of a sexual nature, and I think that Her Honour Justice Robyn Layton has been trying to assist the judiciary with some difficulties in that area.

The world changes, technology changes, and it is important that judges and magistrates are provided with an opportunity to keep up-to-date and, in fact, ahead of some of these changes. In South Australia currently the only body which examines the conduct of legal officers is the Legal Practitioners Conduct Board. The Legal Practitioners Act of 1981 gives the board power to investigate lawyers in relation to suspected or alleged unprofessional or unsatisfactory conduct to decide whether they have substantially or repeatedly fallen below professional standards. The board is also required to investigate allegations of overcharging in relation to bills rendered by lawyers.

However, the board does not handle complaints against judges. The federal Attorney-General, the Hon. Nicola Roxon, is reported as saying that Australia's handling of complaints—and she was talking specifically about federal judges and magistrates—was, and I quote, 'ad hoc and somewhat opaque'. It is very difficult to raise currently in South Australia a matter of concern about a judge or a magistrate because of the longstanding tradition of—apart from the appeals process—judges, for example, and others not interfering—whether it be the Chief Justice or the Chief Magistrate—with what they would see as the delivery of justice or the justice system.

Currently in South Australia we do not have a body equivalent to the New South Wales judicial review commission, and I believe that we should. Over time in South Australia comments have been made by judges and magistrates, some of which, I think, have been somewhat petty. In 1993 Judge Derek Bollen received quite a bit of criticism for a comment that it was acceptable for men to use rough handling on their wives to persuade them to have sexual intercourse. I believe what he was arguing was what people do in their private lovemaking. Some people might favour

vigorous activity more so than others. I think that he was lambasted unfairly for what he was trying to say; maybe he did not say it quite as clearly as he meant.

In 2003 magistrate Frederick made a comment which got him criticism. He said to a woman, Tashara Lee-Anne Were, appearing in his court:

> You're a druggie and you'll die in the gutter. That's your choice. Stand up in the dock and behave like an adult. I don't believe all that social worker crap. You can go to work. Seven million of us do it whilst 14 million like you sit at home watching *Days of Our Lives*, smoking your crack pipe and using needles, and I'm sick of you sucking us dry. It's your choice to be a junkie and die in the gutter.

Those are pretty harsh words and there have been other magistrates who have said pretty harsh words, but I do not think that sort of issue warrants a review by any judicial commission.

I think it would be good if judges made comment about social issues. I know they are reluctant to get into the area of policy debate, but judges and magistrates see people coming before them all the time. They see children who have been neglected. They see how the system does not work, and I think it is a duty of judges and magistrates to make comment, without getting into the partisan debate. I think they have an obligation, like many judges have done in the UK. If they feel something is contrary to natural justice, is unfair or needs change, I do not see it as compromising their position at all to advocate, using appropriate language, to indicate that something is not right in the community. They see it day after day.

I think it was the judge from the Youth Court who appeared before our select committee into juvenile justice who made the comment about the people appearing before him. Many of them were not completing schooling and were truanting and so on. I see it as part of the obligation of a judge to speak out, because how is a society going to change and improve if some of these matters are not addressed?

I do not think the matter of Eugene McGee would necessarily come before a judicial review commission. That is an ongoing thing and there is a lot of concern in the community about it. I know the member for Croydon and the Attorney have both had a lot to say about it, but I do not think that is necessarily the sort of issue that would come before a judicial commission.

In the upper house the Hon. Ann Bressington has put forward a criminal cases review commission, a bill of 2010. I think only this week it went to the Legislative Review Committee. That is a different thing again and is looking at specific aspects of criminal cases. I think a judicial review commission is warranted because, in effect, we have a stumbling block. I have interacted with the Chief Magistrate and the Chief Justice on this issue and their hands are largely tied. As I said before, I am not here to indulge in what happened to me, but it is only because you get involved in these things that you become aware of some of the unsatisfactory aspects of our court process.

I think a matter of bias is a very difficult issue to assess. That is something that could be looked at. Members might say it is up to the appeal courts to look at these things. Theoretically and in a perfect legal world: yes, that would happen. But we do not have a perfect legal world and a perfect court system, so you get issues that slip through.

We went to the Full Court with a QC. Two QCs had a look at my situation (Kevin Borick and Rob Lawson) and both said I did not get a fair trial; and three police prosecutors (retired) have said the same. But you have a stumbling block. You cannot get some of these things considered because, as I say, the Full Court said that a magistrate had looked at it. Yes, magistrate Joanne Tracey looked at it, but she got it wrong, so you are stuck. People say that it is up to your lawyer to have made the appeal, and there is some truth in that. What the QCs tell me is that, if you appeal, you appeal on every possible ground, not just hang your hat on one or two items.

My experience has shown that there is a stumbling block: an inability for even someone like the Chief Magistrate or the Chief Justice to look at cases, so I believe we do need a judicial review commission. Judges and magistrates take an oath in which they swear that they:

> ...will well and truly serve our Sovereign the Queen, Her heirs and successors according to law in the office of...and will do right to all manner of people after the laws and usages of this state, without fear, favour, affection or ill will.

They should be held to account if they do not uphold that oath, and in my case I believe the magistrate did not, but you cannot do anything about it because we do not have a mechanism to look at the behaviour of a magistrate, under the current arrangements, nor indeed of a judge. In the Supreme Court, I do not have any qualms about what His Honour Justice Timothy Anderson did. I would have liked a different judgement but he was correct.

Debate adjourned on motion of Mrs Geraghty.

SUPREME COURT FACILITIES

The Hon. R.B. SUCH (Fisher) (11:36): I move:

That this house calls on the state government to provide a modern building or buildings for use by the Supreme Court.

On 23 February, MPs were invited to tour the Supreme Court and many took that opportunity. Some people would say, 'The judges want to get a fancy new building or a new premises and that walk-around was an attempt to soften us up.' Any fair-minded person would say that the facilities and infrastructure, in particular of the Supreme Court, are not up to the standard that they should be.

People say it is not a top priority; I think it is a priority. A building should convey the importance of the functions that are contained in it. We could have parliament in a tent but I do not think it would indicate to the community that what we do here is all that significant. Those of us who went on the tour found that not only in the old Supreme Court building on the corner of Gouger and King William Streets but in the temporary (I will call them) upgraded facilities in Sturt Street there is a lot of work that needs to be done.

One thing that I inquired about was the wonderful new building that we have across the way, provided out of our taxes, the Roma Mitchell Commonwealth Law Courts Building at 3 Angas Street. I asked, 'Is that building fully utilised?' It is not under the control of the state government. I was told, 'No, it is not,' but there is a problem with using vacant courtrooms and other facilities because whoever administers them can never indicate when they will have a courtroom free.

That is not the solution to the problem but it could help in the short term. The solution may be better coordination and a willingness by the Federal Court administration to allow state courts to utilise any under-utilised courtrooms in that building.

I will point out some of the deficiencies of the Supreme Court building at 1 Gouger Street. Criminal trials cannot be held in that building if the accused or convicted person is being held in custody as there are no facilities to contain prisoners. Jurors cannot hear what is said at the Sturt Street courts when it is raining due to the poor noise insulation. That does pose a problem if you cannot hear what is being said in the court. It might work in your favour. It did not rain on the day that I appeared in the Magistrate's Court, unfortunately.

In Sturt Street the jury in one deliberation room can hear what is being said in the court room if they listen hard enough. That comes down to the integrity and commitment of jurors, but it is not satisfactory if the jury in one of the rooms can listen in to what is happening in court.

Some judges are a bit like some politicians. We can get a bit carried away with our importance—and judges are important—but what is more relevant is that they are exposed to security risks when walking to other courts to hear cases. There is a chance that they can encounter the defendant, friends and family of the defendant or victim and witnesses in the street. At Sturt Street the risk is compounded because judges use the same entrance as prisoners.

Our tour was quite surreal. We met afterwards with the judges—there was Justice Chris Kourakis, the Chief Justice, and others—and we all shared some drinks and nibbles. Justice Timothy Anderson, who heard the appeal in the Supreme Court said, 'We meet again.' It is a serious issue at Sturt Street that, as I said, judges use the same entrance as prisoners.

In hot weather and wet weather it is difficult for judges and their staff to make their way through foot and road traffic and across busy streets, all the while carrying their robes, files and papers, as they move to and from Sturt Street to the Supreme Court and the Sir Samuel Way building. There is no point of entry security X-ray or search security at the Supreme Court entrance into courts one and two. Except for court 12 there is no court with access for disabled persons who are members of the public.

Members would have noticed that the Chief Justice, on his holiday in France I think, broke his leg, or some other part of his body. He found that he did not have ease of access to the Supreme Court himself, because it does not cater for people in a wheelchair or with a serious disability. There is no court room in the Supreme Court that has access for a disabled justice to get onto the bench to sit and hear cases, so we still have a long way to go.

As I mentioned yesterday, in relation to the Hon. Kelly Vincent, the trials and tribulations in her trying to get around this place just show what challenges people with a disability face. I think that is an important issue.

Judges' chambers in an old temporary building, erected in the 1960s, are small and cramped and have inadequate facilities. Staff must be located in rooms which are not adjacent to the judge, which is obviously inefficient use of staff time. In the Supreme Court some courtrooms, such as four and five, are cramped and in need of major refurbishment.

You would not want to suffer from claustrophobia when you are in some of the courtrooms there. That is my defence as to why I cannot be sent to prison, because I suffer from claustrophobia and could not be detained in a cell, because I would find it very uncomfortable.

In the Supreme Court (1 Gouger Street) there are no rooms for counsel to interview witnesses or to speak confidentially with clients during hearings. Toilets for Supreme Court staff, counsel and members of the public are grossly inadequate and antiquated. To access the toilets a person has to leave and re-enter the building and walk in the rain or heat. There are not enough toilets. It is a bit like parliament prior to some changes 10 or 12 years ago. There were only one or two toilets for women in this place. That has now been rectified.

The registry office and the Probate Registry are in poor condition, with cracks in holes in the wall covered by A4 sheets of office paper to prevent dust falling onto desks. I do not believe I am going to be left any money by anyone, but I would not want a will that allocates a couple of million to me damaged as a result of the registry office and probate office getting dust on the key words that allocate me several million dollars.

Courts 1 and 2 have problems with acoustics, and the courtrooms lack what would be considered as contemporary audiovisual facilities. We know that with modern technology, with video links and so on, you can have a much more efficient and effective system. Sometimes it is appropriate for various reasons not to have the person in the actual courtroom, but technology is changing and these buildings are not equipped to deal with it. It is very difficult to provide efficient air conditioning and computer cabling because it is a Victorian era building. We love the heritage of it but, like Old Parliament House, it is not efficient in terms of air conditioning, and the ability to install modern computer cabling, and then there is the significant cost of building maintenance.

So, I think if any fair-minded person did a walk around—and obviously they cannot go where we went on that tour guided by the Chief Justice and others—they would come to the conclusion that it is time that the state government committed to building a modern Supreme Court facility. It cannot happen tomorrow, I acknowledge that, but I would be very surprised if there has not been some design work done already, but it would need to be updated. During the time of Hon. Trevor Griffin, the Magistrate's Court was significantly upgraded, and I acknowledge that this government has improved facilities in some regional areas, but it is important that the Supreme Court in Adelaide has a building which reflects the importance of the role that the court plays in our society. People need to have respect for judges and magistrates and, overwhelmingly, I believe that that is the case. People may disagree from time to time about a particular judgement, but if you want to have a facility which indicates that a community places importance on justice and what happens in the justice system, you need a facility that reflects that.

I urge the government, even though times are tough, and have become tougher recently, to at least start the process of actively seeking to create a building which is in keeping with the status and importance of the Supreme Court, because the courts belong to everyone. They belong to all South Australians, and they should be buildings not only where judges and magistrates can do their work but which also reflect the importance of the role that they perform. I commend this motion to the house.

Ms CHAPMAN (Bragg) (11:48): I rise to speak on this motion and move to amend the motion as follows:

Delete 'provide a modern building or buildings for use by the Supreme Court' and insert:

'prepare a business case on the provision of facilities for South Australia's superior courts'

The Hon. R.B. Such interjecting:

Ms CHAPMAN: The mover of the motion has indicated that he will accept that, and I am enormously appreciative. During the time that I have been here, I have had the responsibility on behalf of the opposition—either as shadow attorney or as the opposition spokesperson in the lower

house on shadow attorney matters—to ask questions of the Chief Justice of the Supreme Court each year at the estimates hearing. These are the committees of the parliament which inquire of the government about expenditure that it proposes in the budget and which members of the departments usually attend. There is a rather quirky difference with the Courts Administration Authority; that is, instead of having a chief executive officer who is the person principally responsible for the management of the courts, the Chief Justice of the Supreme Court holds that office and attends each year. During that time I have repeatedly heard his plea for the upgrade of the Supreme Court facilities. For members who are not aware, the building was built in three stages. The first part, facing King William Street, was completed in 1867 at a cost of £4,000. The portion facing Victoria Square was completed in 1869 for £18,000 and, finally, the Supreme Court Library Building was built back in 1959.

Tragically and very sadly, I think, even with successive governments, there has not been any improvement to this facility for over 50 years. There has been an occasional fix-up, and some compliance works have been done to ensure that staff are not put at serious risk for occupational health and safety obligations.

I note that in response to a question that was asked last year at the Auditor-General's hearing, the Attorney-General responded that his government had undertaken two consultancies in the preceding year (that is 2011) with some $200,000 worth of reports on the assessment of the building, including occupational health and safety, for the purposes of renovation or minimal maintenance of the building. So, I think the government has acknowledged that the building is in an appalling state of repair.

Since 1970 I have been to that courtroom in three different capacities. In 1970 I appeared there as a witness—I hasten to add in a civil case—and I spent some days waiting to give evidence. I had to wait in a corridor to give evidence. That hearing was held in what is known as the Supreme Court Library Building, a fairly cramped courtroom, but it was actually pretty modern compared to the rest of it. There was really no separation of witnesses or protection for me as a child witness; it was a pretty inadequate facility. At that stage I was probably concentrating more on being cross-examined by Robin Millhouse QC than anything else. That was the first experience.

Later, as a legal practitioner, I attended there with clients for civil and criminal cases. This was a time when hearings involving women who were victims of sexual offences, who were claiming what was the old criminal injuries compensation, would have to turn up to this court; and witnesses had to give evidence in criminal cases against defendants. We obviously had a raft of civil litigation happening in those courtrooms.

I recall one case in particular where I was appearing for a woman who had been the victim of a multiple rape. There was a $2,000 maximum available for criminal injuries compensation for someone who was a victim of an assault, and she was ultimately granted that. She had to give evidence and she had to be available for cross-examination. It was a very difficult hearing for her, suffice to say that family members of the later convicted persons were in the precincts of the court. This was in the old part of the building. I remember her hiding down near a toilet facility to avoid the relatives of some of these people during those hearings. I found that very concerning.

As the member for Fisher indicated, I recently went back to attend a viewing of the court as a member of this parliament and to see what services were available. Those very same toilet facilities were there. I do not think they have had even a coat of paint since then. It very much concerned me when I went into the Chief Justice's office to find that it is the poorest facility I have ever seen for a superior court judge anywhere in Australia, and I have seen a few.

If one were to compare that facility to the facilities available not only to the Attorney-General—who has had very significant money spent on his own previous office—but also to the federal courts, to be quite frank, it is just shameful. It is shameful that His Honour Justice Doyle, who has served this state with distinction, is left in such a poor facility. The Chief Justice's office would fit into the toilet suite of the Federal Court judges' offices just across the road. It is disgraceful. I am very concerned for him.

But let me say this: the reason I particularly speak on this today is to plead with the government to understand that a $70,000 or $150,000-odd business case cost is not out of the park; they clearly have the money. It is not just a question of whether the Attorney-General's department cleans up their own facilities, but they handed out $500,000 at last year's budget to do a business case to relocate the mineral core library which sits behind the Glenside hospital site for a proposed relocation. I have no criticism of that; I simply say they have half a million dollars to do

that, so why can't they come up with the $750,000-odd to do a business case for the Supreme Court of South Australia?

This is not because of the Chief Justice, and not because of me, or because of legal colleagues, but because of the appalling circumstances which people in the Courts Authority, people in the public services, witnesses, defendants, litigants and applicants—innocent people who have to line up and wait in the most despicable conditions, when they are given protection in lots of other forums (such as police offices). Many police come down as witnesses to these facilities.

There are people across the board—thousands of people a day—who go through the Supreme Court seeking access to justice who are not just the rich lawyers, judges, or anyone else that people want to dismissively treat as though they do not deserve anything better—leave them aside; they are a minority. I ask members of the house to appreciate the thousands of people, some of whom have already gone through either a brutal offence in which they may have been a victim, or may have been stung mercilessly on some financial swindle, or who deserve some recompense for a motor vehicle accident, or are families who are disputing over wills or estates—these are ordinary people.

I ask the house to support this motion so that we have a business case, and that the Attorney-General gives some priority to this and understands that the ordinary people of South Australia deserve a lot better.

The SPEAKER: Was there a seconder for the amendment?

Mr Marshall: I seconded it.

Ms CHAPMAN: Yes, thank you. The member for Norwood has indicated that he seconded the amendment. The mover is not here, but can I place on the record confirmation that he had nodded his indication that he would accept the amendment, so I am happy for that vote to be put, or for the debate to be adjourned.

Debate adjourned on motion of Mrs Geraghty.

CORRECTIONAL SERVICES (MISCELLANEOUS) AMENDMENT BILL

The Legislative Council agreed to grant a conference as requested by the House of Assembly. The Legislative Council named the hour 4pm on Tuesday 3 April 2012 to receive the managers on behalf of the House of Assembly in the Plaza Room on the first floor of the Legislative Council.

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) (11:58): I move:

That a message be sent to the Legislative Council agreeing to the time and place appointed by the council.

Motion carried.

STATUTES AMENDMENT (SHOP TRADING AND HOLIDAYS) BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Clause 6, page 3, line 19 [clause 6, inserted section 3B]—Delete '5pm' and substitute '7pm'

No. 2. New clause, page 3, before line 28—Insert:

7A—Review

(1) The Minister must cause a review of the operation of section 3B of the *Holidays Act 1910* (as to be inserted into that Act by section 6 of this Act) to be conducted and a report on the results of the review to be submitted to him or her.

(2) The review must include an assessment of the impact of the introduction of part day public holidays on government, business and the community, including the additional costs resulting from part-day public holidays and, in particular, any additional Government expenditure in each financial year on matters relating to part-day public holidays (such as expenditure on wages and funding to organisations to compensate for the additional costs to those organisations resulting from part-day public holidays).

(3) The review must be commenced on 1 January 2013 and the report must be submitted to the Minister within 3 months after the commencement of the review.

(4) The Minister must, within 6 sitting days after receiving the report, cause copies of the report to be laid before both Houses of Parliament.

No. 3. Clause 9, page 4, after line 5—Insert:

(1a) Section 5(5) and (6)—delete subsections (5) and (6)

No. 4. New clause, page 4, after line 34—Insert:

11—Review

(1) The Minister must cause a review of the operation and impact of the amendments to the *Shop Trading Hours Act 1977* made by Part 4 of this Act to be conducted and a report on the results of the review to be submitted to him or her.

(2) The review must be undertaken in conjunction with the review under section 7A of this Act and the report must be submitted to the Minister at the same time as the review under that section.

(3) The Minister must cause copies of the report to be laid before both Houses of Parliament at the same time as the report under section 7A is laid before both Houses.

PAST ADOPTION PRACTICES

Mr GARDNER (Morialta) (12:00): By leave, I move my motion in the following amended form:

That this house calls on the Premier to move a formal statement of apology in the parliament, including but not limited to noting—

(a) that with regard to past adoption practices, it is now recognised that for a significant part of the 20th century, the legal, health, and welfare systems and processes then operating in South Australia meant that many pregnant unmarried women were not given appropriate care and respect that they needed, and were sometimes coerced to give up children for adoption;

(b) that processes, such as the immediate removal of the baby following birth, preventing bonding with the mother are recognised in many cases to have caused long-term anguish and suffering for the people affected; and

(c) that this parliament acknowledges that previous parliaments and governments share responsibility for the application of some of the policies and processes that impacted upon unmarried mothers of adopted children, and now apologises to the mothers, the adoptees and the families who were adversely affected by these past adoption practices, and we express our sympathy to those individuals whose interests were poorly served by the policy of those times.

On 29 February 2012, the Community Affairs References Committee of the Senate released its report entitled Commonwealth Contribution to Former Forced Adoption Policies and Practices. It found significant evidence of illegal practices resulting in forcible removal of children from their parents between the 1950s and the 1970s. I note that that was the scope in which the Senate inquiry was framed, but I further note that the motion which I have moved and which we have been talking about refers instead to 'a significant part of the 20th century', as many adoptees in this situation were born earlier than the 1950s or more recently than the 1970s, and it is not appropriate that they in any way are made to feel like they would be missing out on the opportunity for closure and healing that could be offered by such an apology.

The Senate committee's recommendations included a recommendation that an apology be delivered by the commonwealth, states and territories, institutions and organisations that were involved in the practice of forced adoptions. The Liberal Party recognises the value, healing and reconciliation that can be offered by apologies of this nature. The Hon. Dean Brown, when he was the minister for Aboriginal affairs, was the first minister in an Australian parliament to offer a formal apology to the stolen generation. We know the value the stolen generation apologies at state and federal level, and the apology to the forgotten Australians, have had for those involved. This group of people—the mothers, the adoptees and their families—many of whom were adversely affected, will gain value from this apology.

I gave notice of this motion on 13 March, following the Liberal Party's agreement to support such an apology. I note that the Hon. Tammy Franks, who is in the chamber to observe the debate on this motion this morning, moved a similar motion in the Legislative Council on 14 March, and yesterday Premier Jay Weatherill formally gave notice that on 13 June he on behalf of the government and the parliament will be sponsoring a formal apology, and we certainly welcome that. It is a wonderful thing to see that the Liberal Party, the Greens, the government and, as far as I am aware, other parties represented in the parliament are coming together to support this formal motion. The Premier's ministerial statement yesterday was well written. He said:

What is clear is that many families were deeply affected by these past practices, and, as the Senate report recommends, an apology should be given for any impact that these past practices may have had on their lives.

Families need recognition of the fact that in cases where mothers felt pressure to relinquish children, they have spent decades dealing with the impact, as have their relinquished children.

The value of this motion today remains, for a number of reasons. Firstly, when *The Advertiser* reported that this motion was going to be debated today, a number of people (particularly adoptees) contacted my office—as indeed a number had previously, which was one of the causes that led me to move this motion—and suggested specific things. As I have already mentioned, there is the importance of broadening the scope of the motion to relate to the whole of the 20th century so that those born in the 1940s, the 1980s or the 1930s and so on are not left out, because their pain is every bit as real as the pain of those from the 1950s and the 1970s.

So, I hope that the government will take that on board. I recognise that the Minister for Education and Child Development will be conducting broad community consultation in the 2½ months ahead, and I am sure that she will take that on board. I imagine that a number of the people who have contacted me have and will continue to speak to her in the months ahead to take that on board.

Paragraph (b) of the motion talks about the issues related to the immediate removal of the baby following birth preventing bonding with the mother. This was a particularly pertinent and important part of the apology for many of those I have spoken to. I will talk later about how that is also particularly an area where state policy had an effect on the practices and the institutions, which, again, gives value to the importance of this parliament supporting the apology.

The third issue I particularly want to mention in the context of the wording is that, when the Western Australian parliament dealt with this issue in 2010, it was framed in the context of mothers, children and families, but, of course, many of the adoptees who were relinquished in this way, often through coercion or force, are now grown. They were born in the 1940s and 1950s, so we are talking now about people who are now in their 60s and 70s, and it is not appropriate for them to receive an apology as children.

I realise they are the children of the mothers who gave them up, but many of them feel (and I can certainly understand why) that they should gain recognition as adoptees in their own right, not just as children. They are the grown adoptees, and in many of their cases they have been denied the opportunity to receive the love of their birth mother who should have had the opportunity. They were not relinquished because they were bad or wicked or evil, even though their mothers may have been told so at the time.

On 19 October 2010 Colin Barnett, the Premier of Western Australia, became the first Australian Premier to move a motion which was supported in a bipartisan way. Many members of parliament spoke on the motion to formally apologise to families affected by former forced adoption practices. At the time Premier Barnett acknowledged that previous parliaments and governments were responsible for some of the processes that affected unmarried mothers and their children, and recognised the long-term anguish and suffering which they had caused.

This apology was acknowledged by the Senate and consequently a motion was passed to launch an inquiry into those policies and practices across Australia. The committee concluded—again, supported by all sides of politics—that governments had carried out unethical and sometimes illegal practices when it came to forcibly removing the children of unmarried mothers for adoption. Reviews of the welfare system at the time indicate that the South Australian government, too, was complicit at least in forcing mothers to give up their children by withholding assistance from those who were anything but financially destitute.

In addition to the lack of financial support provided to unwed mothers, there were also cases where they were subjected to grooming by those around them and pressure, including by state institutions. Moved from their community into the confines of a home, women were told that adoption was the right thing to do and was best for the child. The women had the details of their pregnancy and the future of their child concealed while alternatives to adoption and information on potential financial assistance was often withheld.

Relinquishing the child for adoption was often a traumatic process, with mothers detailing accounts to the Senate inquiry of threats, intimidation, sleep deprivation and emotional pressure placed on them in those contexts. In many cases consent was surrendered under duress, others were denied the right to revoke consent and some had the right to consent withheld altogether. A number of these incidents occurred at government institutions.

It is important to note that expressions such as 'thought in the community to be in the best interests of the child at the time' are not necessarily appropriate because there are a number of examples of people who made statements to the Senate inquiry and who are on the historic record pointing out the damage that this was causing at the time. It was a view held by many in the community but it was not a universal view of the time.

I note particularly the contribution made by UnitingCare Wesley and the Uniting Church in relation to the Senate inquiry. UnitingCare Wesley was, of course, involved through the Kate Cocks Memorial Babies Home, which dealt with adoptions. I will quote briefly from a historical record in relation to that because it talks about some of the circumstances surrounding adoption and the role that state government had in policy terms, even in the non-government institutions such as that run by the Uniting Church and UnitingCare Wesley. It states:

> To start with they were meant, asked, requested to stay for six weeks and to feed their babies. It was quite controversial and I often wondered why Miss Cocks insisted on it. Now when I am much older, I realise how wise she was.

It goes on:

> What Miss Cocks did she obviously did with tremendous insight and maturity and there were fewer problems with the girls who cared for their babies and nursed them for six weeks than for those who in the latter part of the 1960s did not see their babies and who asked for them to be adopted without seeing them. A function which was primary to life, that they bring a child into the world, nurture it and care for it, had been stopped half way. There are far more problems from those who did not care for their baby than for those who did. From about 1968 the girls could choose whether they saw their babe or not. There was a terrific outcry from the department of community welfare that it was cruel, that it was wicked, that it was this, that it was that. Well perhaps it was, but in the long run was it? At all times adoption was considered by Miss Cocks, Miss Pitt and by myself as a personal choice of the girl.

That the opportunity to bond with the babies was even considered as controversial, even for those first six weeks, is most unfortunate, and the government must acknowledge its role in that.

I would like to quote briefly from the statements made by Simon Schrapel, the Chief Executive of UnitingCare Wesley, Adelaide, who wrote:

> It is evident from the accounts of mothers whose children were adopted at Kate Cocks home and other institutions around Australia, that many single mothers experienced significant pressure and coercion to give up their babies for adoption. This pressure came from family, broader society and the institutions which managed adoptions. This was wrong and the Uniting Church and UnitingCare Wesley Adelaide made a formal unreserved apology to both those mothers who were affected by such practices and to the children who were adopted for their separation.

I note in passing that the Uniting Church has now also agreed to use the term 'adoptees' rather than 'children'. Simon Schrapel went on to write:

> The grief and years of shame endured by mothers who relinquished children under pressure is a sad chapter in Australian history. The circumstances in which many children were adopted and the subsequent decades of silence has also prevented many adopted children appreciating the love and heartache felt by their birth mothers.
>
> It is now time to put the record straight. The past cannot be undone—but we can as a society now provide a compassionate approach to those mothers and children involved in the practice of 'forced adoptions'.
>
> The Senate inquiry recommendations provide us with the opportunity to make amends. It is an opportunity for governments, on behalf of us all, to say we acknowledge what was done in coercing mothers to give up their children for adoption was wrong. It was wrong for society to countenance such actions and for those directly responsible to implement such practices.

As I said, a number of adoptees and family members have spoken to me over the last few weeks and I want to record one or two comments of those people, although I think the opportunity on 13 June will hopefully give the opportunity for many more of those stories to be told. In brief, I want to quote from one person, who would prefer not to be named, who wrote:

> I am a victim of past adoption practices—they robbed me of my mother and my heritage.
>
> It was many long years before I was able to be reunited with my mother. I ask myself, if only the South Australian government had refused to cooperate with the federal government and had instead taken a stand for decency by supporting these poor, frightened, unmarried women? My mother would not have been dispossessed and I would have had the opportunity of being raised by her.

Through apologies to the Stolen Generation and the Forgotten Australians, the institutional recognition of wrongdoing has made a positive contribution to reconciliation in enabling those affected to move on with their lives. A similar process is also appropriate for this group who have been victimised by inappropriate practices of state institutions.

I commend the motion to the house. I commend the motion that is before the Legislative Council to that council. I am sure that all members will support the formal motion of apology that

the Premier intends to move on 13 June. I hope the government will look at the words I have read and the statements I have made this morning and take that into account in framing it. I commend the motion to the house.

Debate adjourned on motion of Mrs Geraghty.

NEW ZEALAND FUR SEALS

Mr PEDERICK (Hammond) (12:15): I move:

That this house calls on the government to develop an abundant native species management plan, noting the effects of the rapidly increasing numbers of New Zealand fur seals on South Australian marine life on the environment.

I will give some history about fur seals in this state and this country. The first known occurrence of seals being hunted and killed by humans dates back to the Stone Age. A number of seal species were hunted by Aboriginal people in coastal southern Australia beginning at least 8,000 years ago.

Species taken included the Australian fur seals, the New Zealand fur seals, the southern elephant seals and leopard seals. There are many archaeological sites with seal remains on the Tasmanian coast. The seals suffered a severe decline as a result of commercial sealing from 1798 until protection measures were introduced in Western Australia in 1892, in South Australia in 1919, in Tasmania in 1889, in Victoria in 1891 and in New South Wales in 1918. Since the protection measures were put in place, no fur seals have been legally killed. Since then, New Zealand fur seal numbers have increased rapidly. It is documented that it is currently estimated that there are around 40,000 New Zealand fur seals in Kangaroo Island waters alone, with the population expanding at a compound rate of 10-12 per cent a year.

There are 10 pinniped (fin-footed mammal) species, or seals, regularly recorded in Australian waters, three of which are the Australian sea lion, the New Zealand fur seal and the Australian fur seal, all of which breed on the coast of the Australian mainland including Tasmania. The Antarctic fur seal, the subantarctic fur seal and the southern elephant seal breed in Australia's subantarctic islands. There is also the leopard seal, the crabeater seal, the Ross seal on pack ice and the Weddell seal on fast ice adjacent to the Antarctic mainland.

I now wish to make some comments about the habitat and ecology of the New Zealand fur seal. The New Zealand fur seal species utilises rocky habitat as breeding and haul-out sites, and appears to avoid open rock platforms and sandy or pebbly beaches. Every year these sociable animals return to the same area for the breeding season. In Australian waters this species has been reported in Western Australia, South Australia, Victoria, Tasmania, New South Wales and Queensland, south of Fraser Island. Australian breeding colonies of the New Zealand fur seal are known to be on islands off Western Australia, South Australia and Tasmania, including Macquarie Island.

Although the New Zealand fur seal does not breed in waters around New South Wales, habitat and resources within the state are important to non-breeding individuals. Montague Island near Narooma is a regularly used haul-out site in New South Wales, although other infrequently used haul-out sites have been recorded along the New South Wales coast. New Zealand fur seals have an appetite for penguins as well as fish, squid, octopus and cuttlefish. The Australian fur seal eats mainly fish, squid, cuttlefish and octopus but it does not have an appetite for penguins—that is the Australian fur seal.

In relation to breeding cycles, data collected from various sites around Kangaroo Island for the 2010-11 pupping season, together with earlier estimates for colonies not visited this season, add up to a total of 8,436 pups. This is an increase of 38 per cent on the estimated data collected in January 2010 and a 34 per cent increase on the estimate of pups for season 2007-08. Again, this equates to a 10 to 12 per cent increase in numbers since the study began.

New Zealand fur seals are annual breeders and generally produce one pup after a 10-month gestation period. Females first give birth between four and eight years of age, with an average age at reproductive maturity of five years. The age of first territory tenure in males ranges from eight to 10 years, and variation in age and reproductive maturity between individuals appears to be related in part to body size and condition.

In South Australia seals extend from The Pages in Backstairs Passage to Nuyts Reef in the Great Australian Bight. A survey to determine the distribution and abundance of New Zealand fur seals in South Australia and Western Australia was conducted in January-March 1990. Minor surveys were also conducted in the summers of 1987-88, 1988-89 and 1990-91.

In Western Australia the range comprised islands on the south coast from the Recherche Archipelago to islands near Cape Leeuwin. There were 29 breeding localities, and 13 are in South Australia and 16 in Western Australia. Estimates of the number of pups for the 1989-90 breeding season were 5,636 in South Australia and 14,029 in Western Australia. This leads to a population estimate at that time of approximately 34,600 seals in those two states. Most of the population (77 per cent) is in central South Australian waters from Kangaroo Island to the southern end of Eyre Peninsula.

The New Zealand fur seals' main prey includes redbait and jack mackerel and myctophid (cuttlefish, squid and octopus) species. Unlike the Australian fur seal, it also consumes seabirds such as little penguins and shearwaters (a long winged sea bird). A SARDI Aquatic Science report in 2008 noted that New Zealand fur seals consume the greatest biomass (biological material from living, or recently living organisms) of pelagic (relating to, occurring or living in, or frequenting the open ocean) resource of all marine and seabird species.

In terms of minimising the impact of interactions, information has been taken from a report prepared by the Marine and Marine Industries Council in 2002 from Tasmania. They include the use of seal crackers, or underwater firecrackers, which are explosive devices. These are thrown into the water where they explode under the surface. They have been used in Tasmania in an attempt to deter seals and whales from interacting with fishing operations.

Seal crackers have been effective as a short-term basis in other situations, but in the long term and with continuous use, seals learn to ignore or avoid the noise. However, the flash from the crackers continues to be effective at night time if crackers are used skilfully by the operator.

Acoustic devices have been developed with a twofold aim of, one, alerting marine mammals to the presence of fishing gear to reduce by-catch and, two, acoustically harassing marine mammals to prevent degradation of fishing gear. These devices are often accused of attracting the seals'—'dinner bell'.

Trapping and relocation of fur seals that repeatedly attack fish farms was introduced in Tasmania in 1990 to assist fish farmers whilst improved predator net designs were being developed. This nonlethal method of mitigation involves removing the offending seal from an area. While 63 per cent of seals are not recaptured, some seals have been trapped and transported on repeated occasions. This method is most effective when used in very specific circumstances, when seals have entered pens.

In summary, the merit of this seal trapping and relocation program from marine fish farms is often debatable. In terms of methods used in the tuna fishing area around Port Lincoln, the New Zealand fur seals are more agile than the Australian fur seals and more capable of climbing over conventional protection systems.

There are large round cages used with very low stocking densities of tuna. The tuna's accessibility to the seals is reduced if larger cages are used, and the number of fish per cage is reduced. Round cages also help as seals can manipulate the corners of square cages which are the points of weakness. Low stocking density means that tuna can get away from a seal that is inside or outside of the cage, probably reducing the tuna's stress levels.

Electric fencing is also known, and a product called Seal Guard is used, which is manufactured and distributed by Lincoln Rural Supplies, which has a high voltage/low amperage current, constantly pulsing through the wire, and when a seal touches it, the wire transfers an electric shock of 7,000 volts that immediately repels the seal. At the beginning of 2003, 90 per cent of the 140 tuna cages in Port Lincoln and all local yellow-tailed kingfish farms used Seal Guard.

Other methods used are raised railing, jump nets and bird netting. New Zealand fur seals can scramble over fences that are 1.5 metres above water level but cannot access the pen from the top when the jump fence is raised to two metres above sea level. Nets that are raised above the rails prevent seals accessing the cage over the top of the rails.

Another method is predator nets which are used in the marine finfish farming sector. Predator nets are not used by the tuna industry; however, the other marine finfish farms use them to deter sharks. Even though the marine finfish farmers have had little interaction with seals to date, the nets would assist in providing a barrier between the stock and the seal. The siting of tuna farming pens away from seal colonies and haul-outs is thought to reduce potential interactions.

I want to note some of the principles for managing wildlife that the Department of Environment and Natural Resources has adopted and these include: wildlife and conservation are

not confined to reserves; wildlife management must be based on sound ecological, environmental, social and economic factors; the welfare of all wildlife is intrinsically important; and, under DENR principles, the landholders, land and resource managers, community and industry have a need to control the impact caused by wildlife to acceptable levels to protect their livelihoods, safety and biodiversity assets where it is consistent with the objectives of the National Parks and Wildlife Act.

In this situation, state legislation needs more information to make sound judgements about the conservation and management of seal populations. To date, they are protected under schedule 1 of the National Parks and Wildlife Regulations in force under the National Parks and Wildlife Conservation Act 1975. An integrated commonwealth/state approach to their management is essential.

Little penguins are being targeted by New Zealand fur seals. The penguins are very faithful to their nesting sites, with over 75 per cent of both male and female birds returning to the same nest. Male fidelity reached 90 per cent if both partners returned to the colony the next breeding season. However, nearly half of the pairs from the previous season could not reunite because at least one partner did not return to the colony. The clutch of two eggs is laid in winter or spring, two or three days apart, and the incubation time is 36 days, with male and female penguins taking shifts to incubate the eggs. Hatching success is approximately 60 per cent. However, in a good season, three clutches of eggs may be laid.

Little penguins are the only penguin species known to the breed in Australia and are the smallest penguins in the world. They have a lot of natural predators including sea eagles, fur seals, goannas and snakes. They have the same habitat as the New Zealand fur seal and the environment department has confirmed that it has been lobbying for a cull or relocation program as penguin numbers in the Victor Harbor/Kangaroo Island region have plummeted. The New Zealand seals are not native to the area but have become one of Kangaroo Island's tourist drawcards.

The penguins are also in trouble in Encounter Bay, where a count on West Island near Victor Harbor this year found only 50 birds, down from the 2,000 which lived there in 2001. There have been reports that the current number at Penneshaw has dropped from 200 birds previously to fewer than half a dozen. Data taken from a SARDI report printed in 2007 from Granite Island and West Island—six kilometres west of Granite Island—has confirmed that New Zealand fur seals consumed adult penguins at both sites, indicating that they may be causing part of the decline in numbers. Ongoing monitoring of the fur seal diet is required.

On attending a meeting on Kangaroo Island last week with the member for Finniss which about 70 people attended, the people there were very keen to see that there was an immediate implementation of a full investigation on the interaction between fur seals and the little penguins. It is an issue. It is an ever evolving issue, and I have certainly had anecdotal evidence from divers on the West Coast on Eyre Peninsula that they may be the culprits that are causing the decline of the cuttlefish in Spencer Gulf because it is certainly part of their diet. I do call on the government to introduce a management plan, because otherwise we could see the total demise of cuttlefish and the little penguins. I commend the motion.

Mr PENGILLY (Finniss) (12:30): The member for Hammond has covered a lot of the known information regarding the New Zealand fur seals and he has also mentioned the Australian fur seals and the Australian sea lions. I do not know that there are a whole lot of seals around Coomandook where he lives, so he has done a bit of homework on raising this today. However, I just want to make a few pertinent remarks about some of the issues relating to this debate.

It is important to note that everyone thinks that all the New Zealand fur seals come from New Zealand. Well, they do not: they were named in New Zealand and they are a species called the New Zealand fur seal and they have ranged far and wide. They are aggressive, highly mobile and very possessive of any area that they move into.

Mr Gardner: Like Russell Crowe.

Mr PENGILLY: Like Russell Crowe—thank you. In my electorate—and it was pointed out last week at the meeting that the member for Hammond referred to—they are a huge attraction, largely due to the work undertaken by my predecessor, the Hon. Dean Brown, who saw a need to compete with Phillip Island and got the penguin visitation area going at Granite Island and also had some input into the Penneshaw and Kingscote attractions.

Granite Island in itself has been phenomenal for the visitors that it has attracted. In a past life when I had international visitors, they raved over penguins. The Italians burst into song about penguini and want to see them. One of the problems with little penguins is that, when the international visitors are mostly in my area, the penguins are out to sea, so that really does not help. The numbers on Granite Island have plummeted. The numbers on the surrounding islands, West and Seal Islands, etc., have all dropped off and there has to be some relationship between the dropping off of the penguin numbers both on Granite Island and those islands, plus also at the Kingscote and Penneshaw Penguin Centres, and the increasing number of fur seals.

The Department of Environment and Natural Resources' Mr Bill Haddrill is very knowledgeable on these matters and he is bound by his job not to be an extremist. However, he is the perfect foil for people to find out more about this. One of the frustrating things for residents in my area is that, whilst we can get a permit to destroy kangaroos, wallabies, possums and other things—

Mrs Geraghty: Koalas.

Mr PENGILLY: No, we cannot do that. We sterilise koalas, which is interesting in itself. I thank the member for Torrens for raising that because it was an enormous issue some years ago in my area when I was in another role when we had (it was suggested) 30,000 koalas which were introduced over on the island. A sterilisation program was put in place but there were other methods undertaken as well. I am informed that the numbers are now down to about 12,000. I see the member for Port Adelaide, Dr Close, smiling to herself. There have been other methods undertaken to reduce the numbers, including DENR burning out a third of the island in 2007, which knocked them out fairly considerably. Fishermen are frustrated and tourist operators are frustrated. This is why this motion has been introduced in the house. Simply, we want to know more about it.

I do not support calls for a million dollars, or some unknown figure, to bring in independent researchers from overseas. I do not support that in any way, shape or form. I think that is nonsensical. We have adequate numbers of extremely good researchers in South Australia and around our nation who could look into this matter.

However, I do think that this is a matter that the government needs to get its head around. We do not want to interfere with nature anymore than we do at the moment, but the fishermen I speak to say that the New Zealand fur seals are impacting on their catch and, as the member for Hammond said, they are impacting on the tuna pens in Port Lincoln. There is some suggestion that they have affected cuttlefish numbers in the northern Spencer Gulf, but I think the jury is out on that. The point is that we need to have more information on this matter.

The reality is also that the seal and whale industries—and in this case we are talking about seals—when they were slaughtering them, were a very important part of sustaining the human way of life at that time. The oil was processed for lights and the meat and the skins were used. We have moved on from there, although it is important to note that Canada still clubs something like a million harp seals. There are still nations that kill whales for so-called scientific research.

As Mr Haddrill explained, when seals were hunted to low numbers, the penguin numbers lifted to where they have been recently. Seal numbers are now increasing and balancing out and, as the member for Hammond said, seals eat penguins, but they are also oceanic feeders. They have their select diet, which they go after, so I think that unless you are seal or a penguin, this is a debate we probably do not know a lot about.

However, what we are saying through the motion put by the member for Hammond is that we want to know. It is no good putting it in the too-hard basket. It has absolutely—and let me be quite clear on this—no correlation whatsoever to marine parks, despite the best attempts by some people to tie it in. It has absolutely nothing to do with it. I want to make that quite clear. I am sure that other members of the house will agree with me.

More to the point, Natalie Gilbert runs the centre down at Victor Harbor and has great knowledge of the Granite Island situation. She has been an exponent and is quite articulate about the penguins that have disappeared. She does not have all the answers. Mr Tony Trethewey, who is highly involved with the penguin centre at Penneshaw has a very balanced view on where things are at.

The meeting that the member for Hammond referred to a few minutes ago had a wide variety of people there: some extremists, some sensible people and some others who came along to see what was going on. There was a somewhat orchestrated attempt to get some outcomes that

fortunately the vast majority of people had enough sense not to vote for, but these things happen. We have the odd extremist around the place, as do most electorates, but Mr Tony Trethewey and Mr Graham Trethewey spoke very well on the subject.

The Kingscote site, which is being developed into a commercial attraction, was also discussed, but the reality is that we do not have the answers. The question I put to the chair during meeting was: can the fishermen indicate whether there actually has been a real reduction in the amount of fish taken? I think the relevant department, whether that be PIRSA or DENR, can come back with that answer; that is something that we need to find out. All we want is a balanced approach.

For years, seals have got into craypots to get the bait, and they have made a mess. Some places—and I think they still have them—put in seal spikes to keep them out, they have electric chargers around tuna pens in Port Lincoln, and I understand they have put in higher fences in Tasmania. These things are a nuisance, but we are interacting in the water, so we have to find way to deal with them. I did not see the Channel 7 report on Friday night, but I understand that one gentleman had a quick solution.

Debate adjourned on motion of Mrs Geraghty.

BAROSSA WINE TRAIN

Adjourned debate on motion of Mr Venning:

That this house—

(a) directs the government to investigate and report to parliament on the business case of the reintroduction of the Barossa Wine Train; and

(b) condemns the Labor government for failing to examine options to support the train to run again.

(Continued from 15 March 2012.)

Mr PICCOLO (Light) (12:45): On behalf of the government I will speak to this motion and indicate that the government is opposing this motion, and I will explain why. Let me put the record straight from the outset: the government positively supports the notion of a tourist passenger train operation to the Barossa Valley. However, it is the government's view that it is not prepared to compromise on considerations of sustainability and viability.

In keeping with the approach to other project proponents, the ball is in the court of Mr Geber to submit a feasibility study that would incorporate a proven and compelling commercial business case for a Barossa Wine Train service to the Barossa region and, importantly, a business plan that will demonstrate research into: expected product demand, anticipated costs, covering both return to service and also recurrent outgoings (return to service is very important, because the line is not of a standard that will enable passenger train services to recommence immediately); pricing structure and policy; expected return to investors; and governance model.

The onus has always been on the Barossa Wine Train's owner and the project proponent, Mr John Geber, and not the government, to prepare such feasibility studies and business plans to underpin and make a strong case for the Barossa Wine Train product. Pivotal to the project proceeding is the need to recognise and acknowledge that there are a series of mandatory return to service requirements that must be met before the Barossa Wine Train turns a wheel in revenue service. It is that to which I refer to in making sure that the line is upgraded to meet the passenger transport needs of today.

Further, minister Conlon's office has advised that, while the necessary track access framework is in place for a private operator to provide a service to the Barossa Valley, this is subject to meeting necessary rail safety accreditation requirements. For example, it is a requirement of the Rail Safety Act 2007 that a rail transport operator be accredited for railway operations. The purpose of the accreditation of a rail transport operator is to attest that the rail transport operator has demonstrated the necessary competence and capacity to manage safety risks associated with those railway operations.

All operators, including any proposed Barossa Wine Train, must comply with these requirements to ensure the safety of the travelling public. While the government has and will continue to provide various types of 'in kind' support to the proponents of the Barossa Wine Train, this remains a business matter for the private sector.

I draw to the house's attention the fact that this matter was canvassed in the 65th report of the Environment, Resources and Development Committee back in December 2009. The reason I bring this report to the attention of the house is that, at that time, the committee had a majority of non-government members. The recommendations made by that committee were not government recommendations but were supported by the opposition and minor parties. There were six people on that committee and only two were members of the government. So, clearly, the recommendations were not partisan comments.

Interestingly, the Barossa Wine Train is actually discussed in the report, but the committee failed to make a recommendation to support it. It is very interesting that a majority of opposition members of the day would not make a recommendation to support the Barossa Wine Train. In fact, the mover of the motion is a member of that committee. Not only did the committee have a majority of opposition members but also the mover of this motion was a member of that committee. The question has to be asked: why was he unable to convince the majority of members of that committee, who were opposition members, to support this motion then and, importantly, why has he raised it two years later and done very little in the meantime? The politics of this is unfortunate, because what is an important issue with both the wine train—

Mr Gardner: You're saying he hasn't spoken about it in the meantime?

Mr PICCOLO: Sorry, you are quite right. He has spoken about it; that is about it though. What has he actually done to achieve it?

An honourable member interjecting:

Mr PICCOLO: That's right. He had a chance in this committee to make a clear-cut recommendation to the parliament and he failed. He was obviously asleep on the train and missed his station, and now the express train is going on. He has missed the train, or got off at the wrong station. I will quote from this report, and I will quote the whole paragraph. I will not do a cut and paste because that is misleading, because this paragraph is very important:

> On the basis of written submissions and evidence given to the committee, there are two potential markets to be served by restoring passenger trains to the Barossa line: tourists to the valley and commuters to the metropolitan area, two markets that are quite different and require different types of service, whatever mode of transport is used. The Barossa wine train, packaged and marketed as a tourist experience, illustrates well how the tourist market can be attracted to use rail travel to visit the wineries, restaurants and other attractions in the Barossa.

That is fine. I continue:

> In evidence to the committee a senior manager of the South Australian Tourist Commission...and the General Manager of Chateau Tanunda...described how such a service could be marketed, delivered and integrated into the existing visitor patterns to the Barossa. Provision of such a service is a commercial enterprise—

and this is important—

> and the possibility of reactivating the Bluebird service as part of John Geber's vision for a new wineries-based tourist thrust, including accommodation, a Sunday day out, train charters, special events, etc., was described by Mr McCulloch from Chateau Tanunda. The role identified for governments—

and this is very important; this is what the committee said—

> is in assisting in the marketing of the new package nationally and internationally, and expediting the processes involved in gaining access to the line, minimising the associated bureaucracy and costs.

I could not agree more. That is what we are saying. The government has consistently said, 'Our role is the role of a facilitator to support the private sector.' This report says:

> ...a report which is comprised of a majority of members of the opposition—

not only members of the opposition but the member for Schubert. He was on that committee, too. He supported this recommendation in December 2009. I am not sure what he has done in the meantime but obviously he has gone off the track, because this motion does not reflect the report's recommendations. The case may have been—

An honourable member interjecting:

Mr PICCOLO: He's been derailed, that's right. His case is derailed by his own report, but more importantly if there is new evidence to be heard and if things do change over time where is the new evidence? Nothing has been submitted to this parliament, to this house, about the recommendation made by that committee in 2009, of which Mr Venning, the member for Schubert, was a member. Also, the committee, actually controlled by the opposition parties at the time, made that recommendation. I go on:

> However, if the costs of actually running a new tourist rail service prove to be prohibitive, it will be a reflection of the cost of providing infrastructure and other below-rail facilities and will only be lessened if other operators, government or private, provide additional services...

And that is important, too, because ever since this report came out the member for Schubert has gone out and said, 'The government should have a trial run. Run a trial.' What this report makes very clear is that you cannot do that, because to ensure that the passengers are safe you actually have to upgrade the rail line, and the report itself says that. I am not making this up. What I am quoting from is a report prepared by Mr Venning, the member for Schubert, and his opposition members. That is what I am quoting from. So what does he do? He comes and tells us one thing in this chamber and he tells the committee something else. He is obviously on the wrong bus, or at the wrong stop, I am not sure how to describe it. I will go on, just for the benefit of the member for Schubert. It is very interesting:

> Regular passenger trains were withdrawn from the Barossa line in December 1968.

I was eight years old, so it would be fair to say I should not take too much responsibility for that decision made in 1968.

Mr Odenwalder interjecting:

Mr PICCOLO: I was eight years old—older than many, I know. I understand that. From 1968 to 1970, if my memory serves me correct, what government was in then?

An honourable member: Liberal.

Mr PICCOLO: A Liberal government.

An honourable member interjecting:

Mr PICCOLO: I do think so.

Mr Venning: My father was here.

Mr PICCOLO: December 1968?

Mr Griffiths: Steele Hall was premier.

Mr PICCOLO: Steele Hall was premier; thank you, member for Goyder. So the Liberal Party discontinues the rail service. That is in 1968. Then they did a report which they submitted to this parliament saying, 'Well, we shouldn't do this.' So what are we debating today? A motion which has clearly been derailed by its own proponents. It is unfortunate that the member for Schubert has not properly researched this matter. I also bring to the attention of the house—

Time expired.

Debate adjourned on motion of Mr Griffiths.

QUEEN'S DIAMOND JUBILEE

Adjourned debate on motion of Ms Chapman:

> That this house extends its appreciation to Her Majesty Queen Elizabeth II and acknowledges our indebtedness to our sovereign, as Queen of Australia, for her 60 years of service to our country and the state of South Australia.

(Continued from 15 March 2012.)

Motion carried.

[Sitting suspended from 12:57 to 14:00]

VISITORS

The SPEAKER: I draw attention to the presence in the gallery of a years 11 and 12 group from the Thomas More College, who are guests of the member for Ramsay. I am not quite sure where Thomas More College is but I presume it is in the Salisbury area. There is also a group here from Our Lady of Mount Carmel Parish Primary School, who are guests of the Premier. Welcome to all of you and I hope you enjoy your time here.

PAPERS

The following papers were laid on the table:

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

South Australian Film Corporation—Annual Report 2010-11

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

South Australian Fire and Emergency Services Commission—Annual Report 2010-11

NATURAL RESOURCES COMMITTEE

The Hon. S.W. KEY (Ashford) (14:02): I bring up an erratum to the 64th report of the Natural Resources Committee entitled Water Resource Management in the Murray-Darling Basin: Volume 3.

Erratum received and ordered to be published.

QUESTION TIME

EMERGENCY DEPARTMENTS

Mrs REDMOND (Heysen—Leader of the Opposition) (14:03): My question is to the Minister for Health and Ageing. Why, after 10 years of Labor and seven years under his leadership, are emergency departments in our major metropolitan hospitals unable to treat emergency and urgent casualties within nationally agreed safety time frames?

COAG figures show that of emergency cases required to be seen within 10 minutes across the Adelaide health service almost one in four is not being seen on time. Of urgent cases required to be seen within 30 minutes, more than one in three is not being seen on time. At the Lyell McEwin Hospital almost half of the urgent cases presenting at the emergency department are not being seen on time. South Australia has been confirmed as the worst-performing state in the country on emergency department waiting times.

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:04): I thank the Leader of the Opposition for her question and I would point out at the very beginning that her comment—the obiter dicta at the end—is completely and absolutely untrue and totally incorrect.

Mr Hamilton-Smith interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: She did not say that, member for Waite; she did not say that. Now that I have been asked this question, Madam Speaker, let me go—

Members interjecting:

The SPEAKER: Order! Member for Waite, behave.

The Hon. J.D. HILL: Let me go through the facts. As the minister for six and a bit years—not the seven she described—I am very proud of the progress that we have made in our hospital system. We have a high quality healthcare system in our state, and it has improved over the time that I have been responsible for it.

Let me tell you, in terms of the median wait time in our emergency departments, up to January this year the median wait time (the time in which 50 per cent of the people were seen) was 19 minutes for 50 per cent of people to be seen. So, 50 per cent of the people who turn up at the emergency department were seen in 19 minutes. Back in 2007-08 it was 29 minutes; so we have made a 10 minute improvement across the board through our emergency departments and there has been improvement every year.

The point at which 90 per cent of patients at emergency departments have been seen was 104 minutes—the very best in Australia, not the worst in Australia, the very best in Australia; 90 per cent of people who go to the emergency departments are seen within 104 minutes—the very best outcome in Australia. This other side—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —spins all the time when it comes to health.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: They have got nothing positive to say. All they can do is invent criticism and run down the very fine, high quality system we have in our state, which treats thousands and thousands of patients every single day. All they can do is mock, Madam Speaker.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: When it comes to people seen on time, the percentage of people seen in emergency departments, in terms of all of the categories, 72 per cent were seen on time as of January this year. Back in 2007-08, which was just after I became minister, 61 per cent of people were seen on time, according to the triage categories. It is an 11 per cent improvement under my tenure. When we go to triage categories, 100 per cent of South Australians who were in the immediate category were seen on time—and you would hope for that to be the case—and it is 100 per cent nationally, so we are absolutely spot on.

There are five categories: resuscitation, emergency, urgent, semi-urgent, non-urgent. When it comes to emergency, the second category, the critical time is 10 minutes; 78 per cent of South Australians were seen on time, 79 per cent nationally, so it is about the same nationally. When it comes to urgent (that is 30 minutes), 66 per cent of South Australians were seen on time; nationally it is 65 per cent, so once again just on average.

When it comes to semi-urgent, 60 minutes is the category; 70 per cent of South Australian patients were seen on time, 68 percent nationally, so we are ahead there. When it comes to non-urgent (within 120 minutes), 88 per cent of South Australian patients were seen on time; nationally it is 88 percent. Overall, 71 per cent of our patients are seen on time in the emergency department compared to 70 per cent nationally. Now, is that good enough? No; we want to do better. We want to have a perfect system, but you cannot go to a perfect system overnight. It does take progress and it takes big investments—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: I can tell you, Madam Speaker, that this government has been committed—completely committed—to improving our healthcare system. We have invested heavily in doctors, heavily in nurses, heavily in reforms of our emergency department. I am sick and tired, as I am sure most patients are in South Australia, of the constant whingeing, negative criticism by the opposition—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —which has nothing positive to say about health; in fact, it has nothing positive to say about anything, including themselves.

Members interjecting:

The SPEAKER: Order! The member for Light.

SMALL BUSINESS COMMISSIONER

Mr PICCOLO (Light) (14:08): Can the Minister for Small Business inform the house about the appointment of the Small Business Commissioner?

The Hon. I.F. EVANS: Point of order, Madam Speaker: this was announced by two other ministers this afternoon, by minister 'Koutstanonis' and a minister 'Koustanstonis'. It is already public information.

The SPEAKER: Thank you. That was a very frivolous point of order.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy, Minister for Small Business) (14:09): Madam Speaker, my press secretary quoted *Hansard* today. He says:

> Minister, I want to say this to you: when I get something wrong, I apologise; I fess up.

What is wrong with that? Who could possibly deny him that sort of apology? Last year a nationwide search was undertaken to find the best possible candidate for a small business commissioner. This was led by the Commissioner for Public Sector Employment, Mr Warren McCann, with a four-member selection committee assisting the selection process.

The original field of 13 candidates was narrowed to two in recent weeks, and today I can confirm to the house that the Governor in Executive Council has appointed Mr Mike Sinkunas as our inaugural Small Business Commissioner for the next five years. Mr Sinkunas has substantial leadership and executive experience and his appointment will be very positive for our state's small business sector. Importantly, the new commissioner has owned and run a small business and has significant understanding of small business issues in South Australia—and is a mad keen Port Adelaide supporter.

In addition to this appointment, the Office of the Small Business Commissioner will open its doors for business from today. This is a dark day for the Liberal Party which has opposed this reform at every turn, even in the face of their own federal Liberal policy.

Mr WILLIAMS: Point of order: standing order 98. The minister is now debating the answer to the question.

The SPEAKER: I think there is one line in there you could have objected to. Sit down. Minister, back to the question.

The Hon. A. KOUTSANTONIS: Yes, Madam Speaker. The ultimate goal that the government aims to achieve by establishing this office is to keep businesses focused on their day-to-day operations by having a low cost—

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: —effective mechanism for dispute resolution. In addition, the goal is to make the small business sector stronger by developing a set of standards, a set of codes, that will be the benchmark for equality in business-to-business relationships and transactions.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: The government's aim is to stamp out things such as predatory behaviour, unconscionable conduct and franchise churning that will often target small business operators.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: We want to entrench fair competition in this state. With the establishment of this office, businesses will now have a place that they can call to report this type of behaviour. The commissioner's office will also be responsible for maintaining a wide range of information and resources including a website with information to assist small businesses in understanding retail leases, franchise agreements and common areas that may lead to disputes.

I congratulate commissioner Sinkunas—who I understand is in the gallery today along with our deputy commissioner, Associate Professor Frank Zumbo—on his appointment and trust that he will do an exemplary job in this very important role for the people of South Australia. This is a momentous day for all small business people in South Australia. It is also a momentous day for the member for Light.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: The member for Light's commitment to small business owners, especially franchisees, has not waivered in his vision for fairness in this sector. The government and I would like to thank him immensely for his hard work and support in getting to this point. I strongly encourage small business owners to call the Office of the Small Business Commissioner if they are having difficulties resolving a dispute or are seeking more information about their rights and obligations. The contact details are Level 4, 111 Gawler Place, Adelaide. The telephone number is 8303 2026. The email address is sasbc@sa.gov.au and the website is www.sasbc.sa.gov.au.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: I see the same dark forces in the Liberal Party are at work today.

Members interjecting:

The SPEAKER: Order!

EMERGENCY DEPARTMENTS

Mrs REDMOND (Heysen—Leader of the Opposition) (14:12): My question is again to the Minister for Health and Ageing. Are reports of emergency departments failing to cope with casualty flows evidence that, after ten years of Labor and 6¼ years under your leadership, the health system is being mismanaged by the government?

The SPEAKER: Order! Point of order.

The Hon. P.F. CONLON: I don't know how often we have to take the same point of order. You cannot put argument in a question. That was pure argument.

The SPEAKER: I think you need to reword the question.

Members interjecting:

The SPEAKER: Order!

Mrs REDMOND: I will reword the question, Madam Speaker.

The SPEAKER: Thank you.

Mrs REDMOND: What explanation would the health minister care to give of the fact that between 1.30 and 2.00pm last Monday, at least eight ambulances at Flinders Medical Centre were being ramped with ambulance crews having to be diverted from the eastern suburbs to cover the southern suburbs? We have also been advised by doctors that at one point on Monday 19 March—

The SPEAKER: Order! Point of order.

The Hon. P.F. CONLON: Again, if the Leader of the Opposition wishes to explain a question, she needs to seek leave of the house.

An honourable member interjecting:

The Hon. P.F. CONLON: Well, it wasn't granted.

Mrs REDMOND: I seek leave to continue my explanation.

The SPEAKER: Well, you actually included it in your question; however, I think it is better if you seek leave.

Mrs REDMOND: I seek leave.

The SPEAKER: Leave is sought, is leave granted?

Mrs REDMOND: Further to that explanation—

The Hon. P.F. Conlon: Follow the rules.

Mrs REDMOND: I will go back and re-explain the beginning. Between 1.30 and 2.00pm last Monday, at least eight ambulances at the Flinders Medical Centre were being ramped, and that resulted in ambulance crews having to be diverted from the eastern suburbs to cover the southern suburbs. Doctors have also advised that at one point on Monday 19 March at the Lyell McEwin Hospital, the emergency department was overwhelmed with 80 casualties, queued to access only

40 treatment bays, and that not enough doctors and nurses were available to deal with the flow of injuries. The question is, what explanation would the minister like to give for those events?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:14:): I thank the Leader of the Opposition for her question. Four minutes is probably not sufficient to properly answer it in the detail that the house deserves, but can I just make some general observations. Firstly, the term 'ramping' is misapplied to the circumstances that occurred on the day that she described.

Ramping is a term that is used in other states to describe ambulances that are parked waiting to bring patients into the emergency department. It is a strategy that is used to keep patients out of the emergency departments. We do not have that policy and nor did it occur on Monday at the hospital. There were a number of ambulances in the driveway but they were empty of patients because the ambulance officers—the paramedics—had taken the patients into the ED where they had been triaged and they were with the patients—

Mr Marshall: So, it's a car park.

The Hon. J.D. HILL: Madam Speaker, the Leader of the Opposition—I think, to her credit—asked a reasonably serious question and I am trying to answer it. The member for Norwood just trivialises it by his smart alec interjections. I think that is a reflection on him and I would say that, if the opposition is serious about trying to deal with these issues, they would avoid the interjections and just listen.

There were a number of ambulances in the car park, but the officers were inside with the patients according to the protocols that are established between the ambulance service and the emergency department. Is this an ideal thing? Of course it is not, but no emergency department anywhere in the world can be big enough to accommodate extra growth in demand in short spikes of time.

That is not the way the world operates. Sometimes there will be more people at an entrance to the emergency department than anybody could possibly envisage. You would not build a system so that there would never, ever be that kind of circumstance. If a bus crashed, for example, and 50 or 60 people—

Mr Pisoni: Did a bus crash?

The SPEAKER: Order!

The Hon. J.D. HILL: If there were a bus accident—

Mr Pisoni: It sounds like the system crashed.

The SPEAKER: Order! The member for Unley, if I speak to again, you will leave the chamber.

The Hon. J.D. HILL: If a bus crashed, and a large number of people suddenly turned up to an emergency department, nobody would question that there were going to be difficulties managing all those people at once.

Ms Chapman: Especially the Minister for Transport.

The SPEAKER: The member for Bragg!

The Hon. J.D. HILL: If 40 or 50 individual incidents all occur at the same time, coincidentally, and 40 or 50 people suddenly appear at the emergency department, then the same circumstances arise and they work out how to manage that. They do it through a process of triaging. Our whole system works as an integrated system so, of course, if there are ambulance officers at the emergency department in one place, they are backfilled with officers elsewhere.

That is how we run the system. That is a reflection of a system that is well run, and I absolutely refute the suggestions made by the opposition that the system is anything but a well-run system. We have a very high quality healthcare system in our state and under our term of government it has improved and we will continue—

Mr WILLIAMS: Point of order, Madam Speaker.

The SPEAKER: What is your point of order?

Mr WILLIAMS: The point of order is one of relevance. The question asked the minister to explain how this circumstance arose. He suggested how it might arise but he has not explained how it did arise.

The SPEAKER: Thank you. I think the minister is answering the question adequately. Minister, have you finished answer?

Mr Marshall interjecting:

The SPEAKER: Order, the member for Norwood!

The Hon. J.D. HILL: It is exactly as it occurred. A number of discrete incidents occurred at once which caused a lot of people to be brought to the emergency department, greater than the normal flow of patients under conventional circumstances. That was a spike in demand. There will always be occasions where there is a spike in demand for any service whether it is a hospital service, a school service, a bus service—any service.

You have to manage that spike and the staff are trained to do it. There are protocols in place between the ambulance service and the emergency departments in the hospitals to manage that, but there were no patients in the ambulances. The patients were in the hospital and the treatment processes had begun.

GAWLER RAIL LINE

Mr PICCOLO (Light) (14:19): My question is to the Minister for Transport Services. Can the minister inform the house about the reopening of the Gawler line?

The Hon. C.C. FOX (Bright—Minister for Transport Services) (14:19): I thank the member for this question. The state government has been electrifying our rail network as part of a $2.6 billion investment in public transport over 10 years. In preparation for that electrification, obviously we needed to shut some lines. Stage 2 of the Gawler line track upgrade began some six months ago and it has now been finished.

A fortnight ago I informed the house that passenger train services would resume in two stages and, as a result, the Gawler line opened on Sunday 18 March. The entire line is about to open between Adelaide Railway Station and Gawler Central—and I am sure the member for Light will be very pleased about this because it is his own personal line, as far as I can tell; he spends most of his life on it—this Saturday afternoon on a limited basis and entirely from Sunday onwards.

The opening of this line represents a great deal of hard work and a great deal of patience from the local community. During the line closure, the department used the opportunity to upgrade a number of stations, including the construction of two new stations at Elizabeth and Munno Para.

Chidda, Evanston, Elizabeth South and Gawler stations were upgraded with new platform services, improved lighting, passenger information and easier access for customers. I know that there was a great deal of inconvenience for commuters during this time. I apologise to them and thank them for their patience. I am very pleased that this line is reopening.

FLINDERS MEDICAL CENTRE

Mr HAMILTON-SMITH (Waite) (14:21): My question is to the Minister for Health. Did the health department's accident and emergency system fail stroke victim, Ms Stanislawa Gunther, on 3 January 2012? Ms Gunther was rushed to the Flinders Medical Centre Emergency Department in an ambulance, accompanied by her daughter, on the afternoon of 3 January after suffering a stroke. In a letter to the hospital, the patient's daughter says:

> My mother was left in a waiting cubicle from 5pm until midnight and was not checked by the doctors. She was left there without any food or drink until midnight. I gave my mum water and chocolates around 8pm because she was very hungry and said that her sugar level is very low because she is trembling and shaking. She had nothing to eat from 2pm and she vomited.

The family has expressed the view that the emergency department was under-resourced at the time. The daughter said in her letter, 'The doctors were attending, I was told, to other patients.'

Stroke doctors and nurses have confirmed to the opposition that stroke victims are normally triage category 1 or 2, to be seen within 10 minutes, and that if attended to by a stroke specialist within three to four hours, death or permanent disability can generally be averted. Having not been seen on time, Ms Günter is now permanently disabled, requiring full-time care from her daughter and family.

The SPEAKER: Member for Waite, I would ask you to keep your explanations a lot shorter in future. It is not a chance to do a grievance. Minister for Health.

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:22): I thank the member for his question. It was carried in the media last night. My department and I have not received permission from the patient involved to discuss the particulars, but now that it has been in the public domain and the member has raised it in here, I assume that there is an implied arrangement where I can speak about her circumstances. I do it reluctantly because patient confidentiality is obviously an important part of the circumstances.

First, I want to express to the lady and her family my sympathies for the circumstances that she is in. A stroke is an awful thing to occur to somebody, and to have an ongoing disability is obviously very stressful. I would also say that I have asked the department for an independent and full investigation of the facts, but I will tell you what I know at this stage.

The alleged facts that were put by the member—which I am not saying he invented himself—are disputed facts. The health service informs me that the lady in question arrived at the hospital by ambulance at about 6.30pm and the process of helping her had begun when paramedics arrived at her home. Paramedics, nurses and doctors are all part of stroke management teams and they are all trained to identify and know what to do in the circumstances. So, the process of care in this particular case, I am told, began when paramedics came to her home.

The advice I have—and this is something that needs to be confirmed—is that there is disputation, and sometimes patients are not really sure what is going on when things of this nature occur to them, so this is not a criticism. There is a view, I think, held within the health fraternity associated with this case that the lady in question did not get to the hospital for several hours—I think something like five or so hours—after the stroke had occurred. As a result of that—

Mr Hamilton-Smith interjecting:

The Hon. J.D. HILL: You might disagree, member for Waite, but I know from having looked at lots of cases over time, the perceptions by individuals about what is happening compared to what actually happens in a highly charged and emotional environment is often not accurate. This is not a reflection on her, this is about the facts. The advice I have is that the patient was outside the 4½ hour threshold when the intervention which may have assisted could have occurred.

I will read to you what I am advised: in some cases, where clinically appropriate, intervention is available for patients who are experiencing a stroke to minimise the possibility of a permanent disability. Stroke intervention (thrombolysis) is only recommended for safe administration within 4½ hours of the onset of stroke symptoms. Any patients who are clearly experiencing stroke symptoms and arrive at Flinders Medical Centre within 4½ hours are considered for that particular treatment. The clinical director explained that this can be a complicated treatment, and that giving the drug after 4½ hours can in fact increase the risk of bleeding, so it is not something that you do safely. The clinical director further advised that this patient received the most effective treatment.

Mr Hamilton-Smith interjecting:

The Hon. J.D. HILL: This is what the doctor tells me, member for Waite; not what I am saying to you as a politician. This is what the doctors tell me. The clinical director further advised that this patient received the most effective treatment and that, on the basis of information medical staff had, the time it took to be assessed by a doctor would not have adversely affected the patient's outcome.

The patient's family and the member for Waite have criticised the hospital staff for not triaging the patient at a higher level. I think, from memory, she was triaged at category 3. There were a lot of other patients who had higher triage categories who were treated by doctors. This patient, I am told, was seen on a regular basis by a nurse and looked after in the hospital.

This is a sad set of circumstances; I am very sorry that the family felt that the hospital did not treat them in the way that they should. I will get a thorough investigation and confirm, to myself and to the house if it so desires, these circumstances, but that is what I am advised. I understand that, in emotionally-charged circumstances, people's views will differ about what actually happened.

CITY OF ADELAIDE PLANNING

Mr SIBBONS (Mitchell) (14:27): My question is to the Minister for Planning. Can the minister update the house about whether this week's reform of Adelaide city planning has had any immediate effect on development in the city?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Business Services and Consumers) (14:27): I thank the honourable member for his question. I was pleased to join with the Premier and the Lord Mayor the other day to announce the most significant change to city planning in Adelaide for a generation. I can advise the house that the DPA was gazetted yesterday, and on Tuesday we said that $500 million in immediate investment was ready to be unlocked.

Today—two days later—leading Adelaide architect Mr Paul Pruszinski and a Melbourne-based client have both welcomed the new regime and unveiled plans for a $130 million city apartment. Mr Pruszinski's project is likely to be among the first developments to be assessed under the new rules. His client's view of the new development regime is clear, and this is a direct quote by Palladio Managing Director, Bing Chen, from the release today:

The state government, and Planning minister John Rau in particular, should be applauded for its bold move to modernise—

Members interjecting:

The Hon. J.R. RAU: It's not me, it's somebody else; somebody else is saying it—

the planning system in the CBD. We were encouraged last year by the strategic direction the government had taken to attract more people to live in the CBD. As a result, we moved to Adelaide last year to focus on Palladio, which we believe offers the design quality the market demands.

But the good news doesn't end there.

Members interjecting:

The Hon. J.R. RAU: It doesn't end there; it gets better! It does get better.

Members interjecting:

The SPEAKER: Order!

The Hon. J.R. RAU: There's more. In fact, Madam Speaker—

Mr Pederick: You've got some steak knives, John?

The Hon. J.R. RAU: This is the steak knives, so hang on. In fact, since the gazettal of the Capital City DPA yesterday, I am very pleased to advice that the Department of Planning, Transport and Infrastructure has appointed case managers to four new projects worth more than $300 million. The projects include a boutique hotel and two mixed-use developments combining retail and residential components. Case management is one of the new processes that will streamline development here in Adelaide. Proponents of at least one project have agreed to go through the new pre-lodgement process, allowing planning and design to be addressed from the early concept stage. There can be no doubt that Adelaide is open for business. In—

Members interjecting:

The SPEAKER: Order!

The Hon. J.R. RAU: —one day this planning breakthrough has—

Members interjecting:

The SPEAKER: Order!

The Hon. J.R. RAU: —potentially unlocked more than $300 million in new investment—in just one day.

Members interjecting:

The SPEAKER: Order! The minister will finish in silence.

The Hon. J.R. RAU: In one day, $300 million.

An honourable member interjecting:

The Hon. J.R. RAU: I had an interjection over there, 'We're $200 million short.' I remind you, this is day one. Give us a week. At this rate, by next week it will be $2.1 billion. I have no doubt that overseas investors are watching Adelaide's bold new development regime with great interest. This is a great week for Adelaide.

Members interjecting:

The SPEAKER: Order!

HEALTH, ORACLE CORPORATE SYSTEM

Mr HAMILTON-SMITH (Waite) (14:31): My question is to the Minister for Health and Ageing. Are the financial management problems evident within his portfolio a result of his decision not to take a business case to cabinet for the Oracle Corporate Systems project, his incorrect costing of the project when he sought cabinet approval in 2009, and what the Auditor-General has described as 'inadequate management attention to the new IT system during its introduction into his portfolio'?

The Auditor-General, in his 18 October 2011 report, has been critical of the minister for not including a cost-benefit study in his original cabinet submission and for misinforming cabinet on the costs of the Oracle project. Yesterday the minister said problems with the system had resulted in a delayed and qualified audit report and criticisms by the Auditor about control deficiencies, inadequate management, an inability to trace transactions, control of revenue and fees and charges, receivables and cash, and an inability to obtain data on staff benefit expenses, supplies and services and payables were linked to the project. The auditor says the new system has been—

Members interjecting:

The SPEAKER: Order! Point of order.

The Hon. P.F. CONLON: Point of order: he plainly has enough information to understand the question.

Members interjecting:

The SPEAKER: Order! And we can read the Auditor-General's Report. Minister.

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:33): The member has asked this or a similar question on previous occasions, which I have addressed. I also tabled a statement yesterday which dealt with some of these issues. Cabinet was properly informed about the process we were going through in relation to Oracle. Oracle is a system which is used by most, if not all, government agencies other than health. It is pretty well rolled out right across South Australian government agencies. It is a system that is used in other jurisdictions. It is a well-known competent system.

We needed to replace the financial management systems—the tools that we had in the health system—because they were obsolete and could no longer provide the kind of information, or the system that was in place. The legitimate criticism that the Auditor-General raises is one of implementation and I think it is fair to say—and I made the comment yesterday—that health—

Mrs Redmond interjecting:

The Hon. J.D. HILL: I reject that criticism, Leader of the Opposition.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: As I have said before, the Auditor-General is a human being; he has his views and I have my views.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: I have lost my train of thought. The legitimate criticism I think that is made is that the implementation of the new system did not properly take into account the need for training and change in staff procedures, and that is now being implemented. I am very confident that we have got the mechanism right to install and introduce this system, and that there will be

huge benefits that flow to the system because we will be able, for the very first time, to have a very controlled financial environment.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: Madam Speaker, I think I have provided sufficient information.

Members interjecting:

The SPEAKER: Order! The member for Port Adelaide.

SUBMARINE PROGRAM

Dr CLOSE (Port Adelaide) (14:35): My question is to the Treasurer. How important is the future submarine program to the South Australian economy?

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (14:35): I would like to thank the member for Port Adelaide for the question and acknowledge her commitment to the maritime building in her electorate at Techport at Osborne. The Australian government is committed to the assembly of the future submarines in Adelaide. During my visit to the Pacific exhibition in Sydney, the Minister for Defence, Stephen Smith, reinforced this commitment to acquire 12 new submarines to be consolidated in South Australia over the next 30 years.

The construction value of the fleet has been priced as high as $36 billion. This project would be the largest and most complex defence project ever undertaken by Australia. It will be equivalent in scale to the Olympic Dam mining expansion and will provide significant job opportunities for South Australians for decades to come. However, I am concerned that if the Liberal Party is elected at the next federal election this could all be in jeopardy.

Mr WILLIAMS: Point of order, Madam Speaker.

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

Mr WILLIAMS: Madam Speaker, this is clearly debate.

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: The Treasurer is now offering an opinion which is a debate.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Thank you. At this stage I do not uphold that point of order, but the Treasurer will stick to the substance of the question.

The Hon. J.J. SNELLING: Thank you, Madam Speaker—

Mr WILLIAMS: Madam Speaker—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

Mr WILLIAMS: Bring it on as a debate. Bring it on as a debate if you want to debate it.

The SPEAKER: Order! The member will sit down. Minister, will you please get back to the substance of the question and do not provoke them.

The Hon. J.J. SNELLING: I will, madam. Last night on ABC TV's *Lateline*, Tony Abbott's shadow defence minister, David Johnston, threw doubt over the Coalition's commitment—

Mr WILLIAMS: Point of order, Madam Speaker. My point of order is one of relevance. The question was: can the Treasurer explain the importance of the submarine project to Port Adelaide? It had nothing to do with Tony Abbott or the Liberal Party.

The SPEAKER: Treasurer, can you finish your answer?

The Hon. J.J. SNELLING: I am happy to, Madam Speaker.

Members interjecting:

The SPEAKER: Order!

The Hon. J.J. SNELLING: Madam Speaker, he threw doubt over the Coalition's commitment to—

Mr WILLIAMS: Point of order: Madam Speaker, the—

The SPEAKER: Order! There is no point of order. The government can mention the opposition if need be, and if it is relevant to the answer I do not have any problem with it.

Mr WILLIAMS: Madam Speaker—

The SPEAKER: You are not listening. You are jumping up without hearing the rest of the explanation.

Mr WILLIAMS: Whatever was said on TV in Canberra yesterday has got nothing to do with the importance of the submarine project to Port Adelaide.

The SPEAKER: It may be in the context.

Members interjecting:

The SPEAKER: Order! Sit down. I do not uphold that point of order.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! Minister for Employment, did you have a point of order?

The Hon. T.R. Kenyon: No.

The SPEAKER: Treasurer, we will get back to your answer.

The Hon. J.J. SNELLING: Madam Speaker, the Coalition is hedging about having the subs built overseas, and I quote:

> If the coalition was to think that it's more cost-effective and a better capability to acquire a ready-made solution, we would certainly be interested in that. But as I say, I'm completely ignorant as to what Admiral—

Mr WILLIAMS: I have given the minister an opportunity to get on with his answer to determine whether it had anything to do with the importance of the submarine project to Port Adelaide, but he is indulging in pure speculation, and speculative questions are out of order.

The SPEAKER: Order! Sit down. I am listening to what the Treasurer says and, to me, it is relevant to his answer. He can answer it as he chooses. I do not see there is any particular speculation there. Treasurer.

The Hon. J.J. SNELLING: Madam Speaker, if I might continue the quote, he said:

> ...I'm completely ignorant as to what Admiral Rowan Moffitt has on his table and what he's advised the government.

A Liberal Coalition federal government would pose a huge threat to advanced manufacturing in South Australia. I have written to Senator Johnston—

Mr WILLIAMS: Madam Speaker, I don't think anybody could consider what the minister just said is not debate. He said a Liberal Coalition would cause a threat. That is debate. It is pure speculation and pure conjecture. It is debate and opinion, and it is out of order.

Members interjecting:

The SPEAKER: Order!

Mr Williams interjecting:

The SPEAKER: Order! The member for MacKillop will be quiet or you will leave the chamber, again.

The Hon. P.F. CONLON: I do have a serious point of order, Madam Speaker.

The SPEAKER: I don't uphold that previous point.

Mr WILLIAMS: I have a point of order.

Members interjecting:

The SPEAKER: Order! I have said I do not uphold that point of order. Minister for Transport, do you have a point of order?

The Hon. P.F. CONLON: My point of order is this, and the Deputy Leader of the Opposition should know this: your having ruled several times in a row that he had no point of order, it is not open to him to challenge you. If he wishes to do that, under the standing orders he may dissent in your ruling. If he fails to do that, he should sit down and be quiet.

Mr WILLIAMS: Madam Speaker, can you please clarify to the house what that was? Was that the minister attempting to give you instructions or—

The SPEAKER: Order! The member for MacKillop will sit down.

Mr Williams interjecting:

The SPEAKER: Order! The member for MacKillop will leave the chamber for 15 minutes until he calms down.

The honourable member for MacKillop having withdrawn from the chamber:

Members interjecting:

The SPEAKER: Order! Treasurer, I would ask you to very quickly conclude your answer.

The Hon. J.J. SNELLING: I will, Madam Speaker.

The SPEAKER: And please do not comment on the opposition. Leave the word out.

The Hon. J.J. SNELLING: I am more than happy to abide by your rulings, ma'am. I have written to Senator Johnston today asking him urgently to clarify his remarks, and I call on the Leader of the Opposition in this place to join South Australia and stand up for working South Australians and their jobs. Tony Abbott must immediately confirm his support for the future assembly of the submarines in South Australia.

Members interjecting:

The SPEAKER: Order! The Treasurer will be very careful in the wording of his answers in future. The member for Waite.

HEALTH DEPARTMENT ACCOUNTS

Mr HAMILTON-SMITH (Waite) (14:43): My question is to the Minister for Health and Ageing.

Members interjecting:

The SPEAKER: Order! I can't hear the member for Waite.

Mr HAMILTON-SMITH: Why in May 2011 did the minister's department fail to pay more than half its accounts by the due date? The Department of Health annual report 2010-11 (tabled six months late, yesterday) states that only 45.5 per cent of accounts in May were paid on time, leaving around $19.5 million worth of accounts paid late in that month alone.

The SPEAKER: I think that was to the Minister for Health, was it?

Mr HAMILTON-SMITH: Yes.

The SPEAKER: I thought we had a very similar question in the last few days.

Members interjecting:

The SPEAKER: Order! Minister.

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:44): Thank you, Madam Speaker, and I thank the member for his question, predictable as it is. It is deeply regrettable that the health department has not paid its accounts according to government policy, which is 90 per cent of

accounts to be paid within the prescribed time of usually 30 days but sometimes, I think, 60 days. Health has not performed as well as it might and it is something that we are obviously concerned about as a government and that the department is focusing on improving. As I said to the house in my ministerial statement yesterday, the Oracle system has caused some of these issues, and we had a disruption in the standard procedures which caused this problem. It is unfortunate and deeply regrettable and I do apologise to the relevant businesses.

I am advised that in the 2010-11 financial year Health paid 72.4 per cent of invoices by the due date and another 20.4 per cent within 30 days of the due date, so over 90 per cent were paid within 60 days. Not all vendors had 30-day terms, some had 60-day terms. As I say, the target is to have 90 per cent paid by the due date. So they are about a month behind in 20 per cent of cases. That is not good enough and we will obviously work to address that.

The introduction of the Oracle system has slowed that down and I am absolutely clear that that has been the case, but once the Oracle system is in place, as it is in other government agencies, I would expect to see an improvement.

SECOND STORY YOUTH HEALTH SERVICE

Mr ODENWALDER (Little Para) (14:46): My question is also to the Minister for Health and Ageing. How is the primary health care of vulnerable young people being improved through changes to the Second Story Youth Health Service?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:46): I thank the member for his question. As he would know, the extension of primary healthcare services in our system is a high priority for this government, and I am very pleased to announce that additional vulnerable young South Australians will be able to access primary healthcare services through changes to the Second Story. Members would remember that the Second Story was introduced as a drop-in service when John Cornwall was minister during the 1980s.

The Second Story is the youth section of the Women's and Children's Health Network primary care services and operates a number of youth health centres in metropolitan Adelaide. Over the past two years the Second Story has been planning a more intensive service model to start from 1 July this year, with all major changes in place by the end of this year. This includes a new staffing structure with more highly qualified and skilled personnel to better meet the primary healthcare needs of vulnerable young people in the 12 to 25 age group which can include Aboriginal young people, those who are under the guardianship of the minister, and young people who are either homeless, newly arrived in Australia or same-sex attracted.

Positions within the new staffing structure include general practitioners (paid as consultants so at a more senior level), nurses, social workers, psychologists, nurse practitioners, Aboriginal health workers, and culturally and linguistically diverse workers. This will enable the service to cater for more complex cases, more complex clients.

The Second Story will provide walk-in, easily accessible and appropriate services in its city location, Noarlunga and Elizabeth. With an expected 25 per cent increase in clients I am advised that the service currently assists about 1,200 young people in these sites each year so we will be able to increase that by about 300. There has been broad consultation since service planning was undertaken in 2010 and this has included feedback from young people, the youth sector and Second Story staff.

I am pleased to advise that the programs called Inside-Out and Evolve, which are for same-sex attracted and gender-questioning young people, will continue to be provided and developed and will be brought into line with national best practice. Same-sex attracted young people can phone in and walk in to the Second Story and receive an assessment of their needs and be offered services including medical, nursing and counselling.

The Second Story services can be accessed through the youth helpline on 1300 131 719 or at sites at Adelaide, Elizabeth and Christies Beach. I commend the officers who have been involved in the very long process of consultation to establish a more contemporary and more focused service in the Second Story.

SOUTH AUSTRALIAN FILM CORPORATION

Ms CHAPMAN (Bragg) (14:49): My question is to the Minister for the Arts. Will the minister confirm how many of the 374 jobs that the government said would be created at the

Glenside film studio in 2012 have actually been created and how much of the $28.7 million worth of economic activity that the Arts SA report stated to the Public Works Committee would occur has actually occurred? In the report and update provided to the Public Works Committee, the government's justification for spending $48 million on a film studio at Glenside was that it would create 4,191 jobs over 10 years and generate an additional $217 million of economic activity.

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:50): I thank the member for Bragg for her question. There is a range of issues there, some of which are hypothetical, some of which are historic, some of which I can address now, and others I will take on notice. The critical issue is whether or not as a state we want to have a film and television industry.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: The opposition, I understand, supports the film and TV industry, so from that point of view there is bipartisan support. The question is whether the facilities at Hendon (where the film and TV film studios were) were up to grade. My understanding is that both sides of politics agreed that they were not. So, the only question is: if it is not adequate there and you want to continue the industry—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —where do you put it? The government, in consultation with industry, decided to place the film studios in the eastern suburbs where most of the producers, directors and filmmakers reside and have their offices now—

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. Atkinson interjecting:

The Hon. J.D. HILL: I went to the same school as Rolf de Heer in Sydney. Rolf de Heer and I attended the same high school in Sydney. We did not know each other; he was a bit younger, sadly. Madam Speaker, I was distracted by the member for Croydon. The film studios needed to be moved. We moved them into a fantastic new facility which will attract potential. The advice I had yesterday, which I think I put in the public domain, is that there are a couple of films in the pipeline for this year, which will create about 300 jobs—

Ms Chapman interjecting:

The SPEAKER: Order! Member for Bragg, you have asked your question.

The Hon. J.D. HILL: As I said, Madam Speaker, I am happy to get an answer on notice for the member, in detail, to the very interesting questions that she put.

SKILLS FOR ALL

Mrs VLAHOS (Taylor) (14:53): My question is to the Minister for Employment, Higher Education and Skills. Can the minister inform the house about the Skills for All reforms and how they compare with the recent reforms of the vocational education and training sector in Victoria?

The Hon. T.R. KENYON (Newland—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for Recreation and Sport) (14:53): I thank the member for her question and for having quite a keen interest in vocational education and training. I am very pleased to be able to answer this question. The state government's Skills for All reforms provide a blueprint for getting more South Australians into vocational education and training and will ensure that South Australians have the skills required for jobs now and in the future.

Members may be aware that in recent years the Victorian government introduced a range of reforms to the vocational education and training system. While our Skills for All reforms have some similarities with the reforms made in Victoria, there are some significant differences. These differences are designed to protect the strengths and the continuing success of the South Australian vocational and educational training sector.

Vocational education and training in South Australia has a reputation for quality which must be protected. That is why the most important difference will be our strong focus on quality training. Registered training organisations who want to be Skills for All providers and receive public funding will need to demonstrate that they meet a range of additional and rigorous assessment criteria over and above the registration standards.

Our quality standards will set South Australia apart from the Victorian situation. We also know that for many people the greatest challenge to pursuing vocational education and training is making the first steps. As a consequence, we are making it easier for South Australians to enter training for the first time. From July this year there will be no tuition fees for certificate I and II courses. This will mean that approximately 26,000 South Australians will benefit from not having to pay student tuition fees. There will also be no student tuition fees for foundation courses for those needing English proficiency, language and literacy skills, and numeracy skills required as a pathway for further training. This is in contrast with Victoria where the government does not fully subsidise foundation level courses or training up to and including certificate II level.

Legislation will soon be introduced to establish TAFE SA as a single statutory authority comprised of three TAFE SA institutes which will ensure that the 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 universities competing alongside private providers for students and contestable government funding in Victoria. Unlike Victoria, Skills for All will introduce restrictions on maximum and minimum course fees that Skills for All training providers can charge. These restrictions will prevent training providers from overcharging students while ensuring that training providers cannot offer training at artificially low prices to corner the market. Importantly funding will be provided for courses that respond to the skills demands of business, industry and the state economy.

The Skills for All reforms will encourage more South Australians to enter vocational education and training and encourage more South Australians to improve their skill levels. This is good for South Australians, good for industry and good for the state's economy.

MEMBER FOR GILES

The Hon. R.B. SUCH (Fisher) (14:56): Thank you, Madam Speaker. My question is to you. Can you please inform the house regarding the special recognition bestowed on you recently by the Aboriginal community?

The SPEAKER (14:56): Thank you, member for Fisher. Yes, last week I was given an Aboriginal name. My 'ini', or my Aboriginal name, is Nyimbala. I was taken by the Yankunytjatjara and Pitjantjatjara women of the Coober Pedy area, and the APY area, to a special ceremony in a special women's location—sacred site—and was given that name, which is the name of a very important woman in the Aboriginal community. So, it was an incredible honour for me. I am still getting over it, but it was an incredible honour for me, and I am very pleased because my electorate has such a large Aboriginal population. I do thank them very much for giving me that honour, and I feel that I am able to work even better with those women, particularly the Kungas, but also all Aboriginal people in the area. So, thank you for asking the question, but it was great.

Honourable members: Hear, hear!

The SPEAKER: I just hope there were no *Advertiser* photographers there at the time!

Members interjecting:

The SPEAKER: No, I won't tell you the whole story. If I tell you the whole story, I'll have to kill you.

SOUTH AUSTRALIAN FILM CORPORATION

Ms CHAPMAN (Bragg) (14:57): As the shadow minister for women, congratulations, also, on that acknowledgement. My question is to the Minister for the Arts. Minister, the annual report of the South Australian Film Corporation for the year ending 30 June 2011, which you tabled today and which is marked 'Parliamentary Version', is that the same annual report that was leaked to *The Australian* yesterday and published in *The Australian* as having been received by *The Australian* and, if not, will you explain what difference there is? Secondly, will you identify if the report that was leaked to *The Australian* identified the operational deficit for the year to date, on page 47, as $39,397?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:58): You would have to ask *The Australian* what copy they have got and whether it compares to the one I have got. I imagine it is the same. I do not think it was actually leaked. It was given by one of our very helpful staff, so I do not think that is really in the category of 'leak'. It is probably in the category of mistakenly given rather than leaked to *The Australian*, but I have not checked the two.

Mrs Redmond interjecting:

The Hon. J.D. HILL: I would explain to the leader, who interjected why haven't I given it: because it had not at that stage been agreed to by the board of the SA Film Corporation and, after they had tabled it, it was not sent to me. Now that it has been agreed to by them, it was sent to me, and, as soon as I received it, I tabled it.

SOUTH AUSTRALIAN FILM CORPORATION

Ms CHAPMAN (Bragg) (14:59): A supplementary question: is the minister suggesting that he only received the final report yesterday, which would explain the six-month delay and, if that is the case, what action has he taken to deal with the fact that the SA Film Corporation failed to deliver their report to him by 30 September after the conclusion of the financial year?

The Hon. J.D. HILL (Kaurna—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for the Arts) (14:59): Mountains, molehills, all those kinds of things. I am meeting with the chair of—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL: —the Film Corporation next week and I intend to raise that, amongst other issues, with her.

PUBLIC TRANSPORT DELAYS

Ms CHAPMAN (Bragg) (15:00): My question is to the Minister for Transport Services. Will the minister explain why, since she has become minister, 25.2 per cent of buses, trains and trams have not run on time? The audit information obtained by the opposition shows on-time figures for some bus regions as low as 59 per cent. Members will be aware that the minister was appointed by the Premier in October to deal exclusively with public transport.

Members interjecting:

The SPEAKER: Order!

The Hon. C.C. FOX (Bright—Minister for Transport Services) (15:01): I thank the member for Bragg for this question. Obviously—

Members interjecting:

The SPEAKER: Order!

The Hon. A. Koutsantonis interjecting:

The SPEAKER: Minister for Trade, order!

The Hon. C.C. FOX: —buses have run late before the creation of this ministry in October 2011.

The Hon. P.F. Conlon: I can guarantee that they did.

The Hon. C.C. FOX: Indeed; the honourable member can guarantee that they did. I should also point out that during this particular time, since October 2007, I have heard nothing but contempt and ridicule and a really horrific attitude towards this actual portfolio in and of itself. What I think that reflects is contempt and ridicule and the dislike of the public transport user. Every single time—

Members interjecting:

The SPEAKER: Order!

The Hon. C.C. FOX: —you knock this portfolio, member for Bragg—

Mr PENGILLY: Point of order: the question was very deliberate. This has a total lack of relevance to the minister's answer. It is a nonsense.

The SPEAKER: Thank you; sit down. Minister, can I refer you back to the question?

The Hon. C.C. FOX: Indeed. In answer to the initial question, which was why during my tenure as minister there have been late buses, my answer to the member for Bragg is that previous to that there were also late buses, and—

Members interjecting:

The SPEAKER: Order!

The Hon. C.C. FOX: —there are late buses in Melbourne. There are late buses in Sydney. There are late buses all over the world, and I may explain why—

Members interjecting:

The SPEAKER: Order!

The Hon. C.C. FOX: —because the member for Bragg has a very, very minimal understanding of what buses do. Let us go through this. First of all, buses are not—

Members interjecting:

The SPEAKER: Order!

The Hon. C.C. FOX: Madam Speaker, the member for Bragg asks the question; how can I answer the question when all I can hear is a wall of noise?

Members interjecting:

The SPEAKER: Order! Minister.

The Hon. C.C. FOX: I would like to answer the question, Madam Speaker. Buses do not run on regulated routes, that is to say they do not have particular transport corridors like trains and trams. Buses are subject to—

Members interjecting:

The SPEAKER: Order!

The Hon. C.C. FOX: —congestion, roadworks, accidents, weather events. It is inevitable that some buses will run late, but what I will say is this: since 2001 this government has added 1,000 more services than there have ever been before in this state. We have spent more money on public transport than you ever did. As a final comment—and I am sure members opposite do not want to hear this—

Members interjecting:

The Hon. C.C. FOX: Well, obviously you do not want to hear it. If members opposite wanted to hear it, they would stop shouting. Finally, I would point this out: in 2001 when the Liberal Party was still in government—

Members interjecting:

The SPEAKER: Order!

The Hon. C.C. FOX: I knew they wouldn't like it, Madam Speaker.

Mr Pengilly: You ought to be put down, fair dinkum.

The SPEAKER: Order! The member for Finniss will leave the chamber for 15 minutes.

The honourable member for Finniss having withdrawn from the chamber:

The Hon. C.C. FOX: Once again, the member for Finniss and his classy comments about the ladies. Madam Speaker, I would like an apology; that is outrageous. Why should any woman in this parliament stand here and be insulted by the member for Finniss again and again and again? Why does the Leader of the Opposition put up with that kind of behaviour? It reflects on her whole party. I look forward to receiving an apology from the member for Finniss.

Members interjecting:

Mr WILLIAMS: Point of order.

The SPEAKER: Order! Before you come up with your point of order, I am not sure what the minister was objecting to. If there was a comment that came across the floor, I did not hear it, so you will need to tell us what was said.

The Hon. C.C. FOX: I will, Madam Speaker: I will reiterate the member's comment, which I find deeply offensive.

An honourable member interjecting:

The SPEAKER: Order!

The Hon. C.C. FOX: It would appear that some members opposite do not find it—

Members interjecting:

The SPEAKER: Order! The member is raising the comment she objects to, for which she wants an apology, and I don't know what that was.

The Hon. C.C. FOX: Well, the member for Finniss suggested, and I quote, that I 'should be put down'.

The SPEAKER: That comment was why the member for Finniss was asked to leave the chamber.

The Hon. C.C. FOX: That is what we do to animals. That is totally inappropriate, and I would ask most respectfully—most respectfully, and if he chooses not to give it—for an apology.

The SPEAKER: The minister is aware that the member is not here because he has been asked to leave the chamber, so I will speak to him afterwards.

GRIEVANCE DEBATE

HEALTH SYSTEM

Mr HAMILTON-SMITH (Waite) (15:07): It is very apparent that there are serious problems within the health system. Those problems are evident not only at emergency departments where, according to figures provided by COAG, an increasing number of people are not being seen on time, but it also evident in our elective surgery waiting lists where, although we are seeing more people, we are seeing fewer of them on time.

Just this week we have had examples of ramping of ambulances at the Flinders hospital. The minister, in his answers to questions today, seems relaxed and comfortable with the idea of anything up to eight ambulances, with their paramedics, cab-ranked at Flinders, with patients on trolleys attended to by paramedics queued up somewhere around the entry point of the ED at Flinders. He thinks that is quite normal, he thinks that's quite okay, and he thinks that is just part of the ebbs and flows of managing an emergency department.

Similarly, he is quite relaxed with Modbury and, in particular, Lyell McEwin hospitals being overwhelmed. We have had a case, just in the last week, of the department being stretched to the point where 80 casualties were waiting to be seen with only 40 bays available, and there were not enough doctors and nurses there to treat the injured. The fact is that this is the coalface of the health system. He is the minister. He seems to be held up in his castle and to have created a moat between himself and the injured. Well, it is his responsibility to maintain the health system. It is his responsibility to make sure there is a doctor and nurse there when required; quite simply, there is not.

Of course, the problems go deeper. The reason that our health system is not functioning is because it is starved of resources. Why is it starved of resources? Clearly there is financial mayhem in the department. We have had the minister get up, just this week, and admit to the house that the Auditor-General is about to deliver a most damning report on his management of his portfolio. We were advised that there have been control deficiencies, inadequate management, a lack of attention to effective and timely reconciliation of accounts, an inability to trace transactions, chaos in regard to revenue raised from fees and charges, receivables and cash—the list just goes on. The Oracle IT system, we are told, has been bungled.

What we then find is that the Auditor-General has already pointed out to parliament that, when this minister took it to cabinet in the first instance, he misstated the cost of it to cabinet and failed to present them with a business case. Now he finds it is not working. The Auditor-General

also yesterday belled the cat by pointing out that, even in its implementation, there has been inadequate financial supervision of the project by the minister.

At some point you have to take responsibility when you are presiding over mayhem. This minister must take responsibility for the financial mess he has created. He has had to put $10 million over four years into setting up a new group of bureaucrats to sort out the mess. All of this is starving resources from where it is needed in our emergency departments.

Then we have today very, very serious concerns raised in *InDaily* about the alleged cost shifting from the state health system to the Medicare system in a supervised regime of cost transfers involving some sort of a trust account and doctors being asked to claim against Medicare without necessarily their knowledge. If that is happening, they are very, very serious allegations indeed. They will be pursued in parliament and they need to be investigated most earnestly.

It seems that, in his effort to balance the books, the minister is now resorting to trying to transfer his debts and responsibilities to the federal government. I am sure the federal government will be taking a very keen interest in this, as should the Auditor-General, and the opposition will be making sure that it is so. For too long this portfolio has bumbled along without appropriate scrutiny. What we are now finding are the casualties of this minister's and this government's inability to manage the money and direct it to where it is most needed; that is, our emergency departments and the casualties who present at our hospitals.

OLDER SOUTH AUSTRALIANS, RESPECT

Ms BEDFORD (Florey) (15:12): I want to talk today about the value of experience and older Australians, some of whom are now retired, who have made our state great and what it is today. Their hard work and fine example are a constant source of inspiration to me and no doubt many others in this place and the wider community. As we have seen in the recent ANZAC debate, we ignore their views and wisdom at our peril.

I had cause to particularly reflect on the contribution of rank and file members of the ALP at a recent function, where many wonderful people were attending a testimonial dinner earlier this month. When I saw them assembled, each enjoying the others' company, I marvelled at the years of experience, activism and commitment to Labor principles and thought about how their work is valued and how it will be respected by those who follow.

These were people who had put their homes on the line in disputes, fought hard on the shop floor to ensure working people had a fair go and handed out messages at factory gates, rain or shine, because their message was not the one chosen by media outlets for wider publication. They were people who had worked in local action groups when specific issues were just too important to let go.

It is getting harder to engage people at this level. Even while I was campaigning to oppose charges for parking at public hospitals, people who loudly opposed the measure felt there was nothing they could do. Luckily for the majority, the minority did manage to see changes made to the policy, but it does take effort to bring about change. Perhaps that is why Muriel Matters and her work with suffrage activists has so caught my attention.

Sadly, one of the people at the function passed away not long after. Her funeral also saw a gathering of stalwarts. Margaret Roberts had spent her life working for the ALP. She had strong and strongly held beliefs and was not afraid to speak her mind, often in intimidating forums. She was a person who did not shirk from dissent—something I and many think is a healthy part of our democracy, but now, sadly, often casts anyone with a differing view as argumentative, not a team player and, at its worst interpretation, disloyal.

Times have changed and the political landscape I knew when I first joined up is much different today. Robust debate, a feature at conference or council meetings at state or national level, only happens rarely. Most positions are reached in advance, perhaps this is to save time. How the two party—or now multiparty system—and factional allegiances within those party systems, which once served us so well or at least functionally, have changed and now everything is different. Could this be put down to the use of direct mail, phone polling and all the modern tools that now go along with campaigning?

Wild swings—perhaps not normally as wild as those we witnessed at the recent Queensland election—are becoming the norm. To echo a very famous catchcry: why is this so? Modern technology has delivered so many—perhaps too many—mediums for a message to be

delivered, and has created technological communities that have devalued the communities we live in. You can speak to people across the world but you do not speak to anyone across the street.

People are constantly bombarded with information, and I know many people I speak to just do not want to absorb anything anymore. This, of course, works against people working in public life. These days electors do not always want messages from MPs, and focus groups and polling have taken over. But back to the volatility of elections. Why have voters and voting patterns changed so much? Why are governments working to get their legislative programs through hostile upper houses? Is it because messages about policies are not explained well enough?

Are election cycles contributing to the difficulties in implementing long-term policies, or is it that voters are suspicious of people in politics? Our behaviour is watched closely. We need to be a model workplace (if that is the word we can use for parliament) and be careful of the words we use and the messages we send. Positive campaigns and promotion of discussion of well-devised policies remain the cornerstones of good communication.

Respectful discussion in all forums will lift debates and behaviour. We need to use humour rather than invective to be an example for the community. Whether upholding the presumption of innocence or ensuring that bullying is not tolerated in any form, we must be the example and benchmark. We must restore the public's faith in us and our democratic system. Politics is not about branding, it is about ideology. Substance counts and the electorate is discerning. They value simple explanations and information if or when things do not go as planned.

And so as we strive to represent our communities to the best of our ability let us be the best we can be. I once mused out loud at a function attended by General Peter Cosgrove (who was on active duty at the time) why MPs were not also held in high esteem. People fell about me laughing, and it occurred to me that if we had been soap powder we would have done something to lift our standing in the community. With this change would come a new understanding and appreciation of the importance of our role, the working of our democracy and the value of the vote. Let the change start today.

COUNTRY ROAD MAINTENANCE

Mr TRELOAR (Flinders) (15:17): I rise today to talk about country roads. Just this week I have lodged a petition to this parliament, to this house, with some 630 signatures highlighting particularly the Tod Highway on the Eyre Peninsula. I have spoken about the Tod Highway in this place on a number of occasions. I mentioned it in my maiden speech just two years ago, and once again I rise to talk about this particular stretch of road and highlight the state of the road between Karkoo and Kyancutta in particular.

It is particularly narrow, it has high freight rates and it has got to a point where it is in such poor condition that it has become dangerous. There is insufficient width on the road. The signatories of this particular petition have identified that and, as signatories, are urging the government to deal with that particular road. It would not take very much, Madam Speaker, to seal the shoulders of about 150 kilometres of road to make it much, much safer.

There have been many near misses on this section, and it is in need of urgent upgrade. I can congratulate Mr Creagh McGlasson of Lock for taking it upon himself to organise the petition and to hand it to me to table to the parliament. It gets back to the point that up to $400 million of road maintenance funding has not been spent. It is a road maintenance backlog that has been building over the years under this Labor government. Obviously, they are allocated funds but they have not been spent. The spending of this by the Weatherill government and the Rann government previously on country roads is not a priority. You would have to wonder what you need to do to get money spent on a road.

It has been demonstrated many times that the condition of roads does have an impact on road safety. It stands to reason that the better the road, the safer they are. I am saying to the house that the government cannot continue to neglect country roads. The temptation, of course, is to spend this money in other areas, and we have seen time and again reckless spending and economic mismanagement. It is not hard to spend money where it is allocated, and I urge the government to do that.

Further to that, with regard to heavy transport, many of the road trains on Eyre Peninsula do travel up and down the Tod Highway in their task of carrying freight and, particularly, grain harvest across the peninsula. Unfortunately, due to a recent agreement by the state government with the NTC (National Transport Commission), we are about to see huge cost increases to the

heavy vehicle transport industry. Admittedly, as part of that agreement, the cost of registration for an A trailer has been reduced somewhat but, on the flip side, road train, which is by far and away the transport of choice in many rural areas, and other trailer registration will increase by 20 per cent.

For one particular operator—just one operator who I have spoken to on Eyre Peninsula—that will add some $70,000 in direct costs to his operation per year. If we add to that the increase in the federal road user charge of 2.4¢ per litre, which, again, is an increase of around 10 per cent, this will add an extra $60,000. In total, just through this agreement, one particular operator is looking at a $130,000 increase in costs from 1 July on. It is a shame and it is despicable, and we would have to wonder if this government is not at risk of killing the goose that lays the golden eggs. The transport industry spent a huge amount of time and effort in discussions with the government through this process (as individuals and through their various organisations), seemingly, to no avail.

Eyre Peninsula relies on road trains, and the country areas and the state as a whole rely on road trains. If we add to the cost of transport, we add to the cost of doing business, we add to the cost of goods and services, and the cost of living, and that is a real problem for this government. I have not even mentioned, thus far, the increases that will come about as a result of the introduction of the carbon tax. That, too, will add significantly to the cost of transport and the cost of doing business in this state and in this country.

NEIGHBOURHOOD AND COMMUNITY CENTRES

Mr SIBBONS (Mitchell) (15:22): I rise today to speak about the fantastic work of the neighbourhood and community centres which provide such important services to the constituents of Mitchell—the Reynella and Trott Park neighbourhood centres to the south and the Cooinda Neighbourhood Centre and MarionLIFE Community Centre which service those in the northern parts of my electorate.

While these centres are all unique in the services they provide and the communities they serve, there are common threads which link them. Each builds community by bringing together and building up individuals. Each offers the chance to learn new skills and meet new people in a friendly, non-threatening environment. Each centre relies on and provides opportunities for those champions of society, our volunteers. They also rely on the financial backing of local councils and various government departments and programs. I wish to commend the Premier for showing the forward thinking to commit to ongoing financial support for these centres through the Family and Community Development Program funded in the Mid-Year Budget Review.

The Reynella Neighbourhood Centre is a key provider of community services for participants from all over southern Adelaide. The centre is incredibly popular, hosting approximately 1,000 people each week and providing accessible and diverse lifelong learning opportunities for members of our community, particularly those facing disadvantage. It delivers programs and services covering health, recreation, employment, financial management and support, language and literacy, and computer skills, just to name a few. It increases the social participation of many disadvantaged people in our community, including the unemployed or underemployed, and those on low incomes. The centre not only delivers education but it also provides the link with the local community, which can open up pathways for employment, further education, volunteer work or further social interaction and engagement after a course is completed.

The Trott Park Neighbourhood Centre, which I visited last week, also aims to provide resources for individuals, families and communities. Like most neighbourhood centres, it offers activities for all ages from the very young to the not so very young. With fitness classes, art, languages, computing, the Men's Shed, a new community garden group, a purely social get-together over a meal or to cook, and music for the kids, Trott Park Neighbourhood Centre is a not-for-profit business that schedules programs for all tastes. They also encourage people to start their own groups to benefit the community.

At Cooinda Neighbourhood Centre—in addition to fun activities through such programs as indoor bowls, Pilates, gardening, table tennis, tai chi and a wide range of dance offerings—there is a focus on craft and multicultural groups. There are Italian, Greek and Polish friends' groups, English as a second language classes and regular cultural lunches. You can learn to use your hands with dressmaking, knitting and crochet, patchwork and quilting, leather craft and leadlight, china painting, ceramics and hairdressing—as a few examples. You can engage your brainpower through creative writing, computing, chess or mahjong.

Cooinda's stated aim is to respond to the health, welfare, social and recreational needs of the adult community. They are doing a fine job of delivering on those aims and I look forward to visiting there again soon. As well as offering community art and gardening, Brekky for Blokes and community meals, the MarionLIFE Community Centre provides vital services to help people get back on their feet after hard times, no matter what the cause of their struggle.

Services such as financial and family counselling, courses in parenting and money management, emergency relief, a recycle boutique and a low-cost cafe all offer the chance for participants to reconnect with their community. They also host a community festival and I was proud to have my office take part in that last year. I commend MarionLIFE and the other three centres I have mentioned today for their contributions to my electorate.

MURRAY-DARLING BASIN

Mr WHETSTONE (Chaffey) (15:25): Yesterday I asked a question of the Minister for the River Murray about suspending water trading into South Australia, yet the minister can carry over 180 gigalitres of water for the third year in a row. The question was not answered yesterday and today I am taking the opportunity to put this into a grieve so that perhaps the minister will show some transparency to the South Australian public as to how he is about to manage the carryover of that water for the third year in a row.

While the government has the capacity to carry water over, South Australian irrigators and consumers do not have the privilege. Up until last year, irrigators who did have water that they thought they were going to carry over made an investment in their businesses (at great cost to them) to carry that water over, and with the tick of a pen the minister has now said, 'No carryover water.' That was an investment by the irrigation industry to give security to their businesses, which they eventually had to let go down the river as an environmental flow.

While we do need environmental flows, the river was in flood and the eastern seaboard was underwater. The South Australian irrigators were restricted to 67 per cent, which was absolutely outrageous. I am sure the member for Hammond would agree with me that, while the local economy suffers, the minister has one rule for himself and another rule for others. Again, he claimed that this water was used through this precedent drought, yet we had a flood on the eastern seaboard. It was not through the drought; that water was not even used. At a cost to taxpayers of nearly $60 million that water was not used, it was carried over again, as I said, for the third year.

That water was at a cost, and it was not just a cost to taxpayers; it was a cost to every South Australian. For that premium of water (that nearly $60 million) the government decided to pay almost 21 per cent above market value. That is outstanding. Why would they do that? The multiplier effect on paying that sort of premium on the water market drove up the price of water for every commercial consumer in this state.

All of a sudden, irrigators in the water market are trying to keep their businesses alive on 67 per cent and, yet, the government, with their deep pockets—taxpayer funded pockets—are able to go into the water market and drive up the price of water, making it even more difficult for the irrigators, for the food producers of this state, to exist. It is just outrageous.

The minister also claimed that he worked with irrigators to have that carryover rule implemented. I say that the minister, while he is working with irrigators, is behind the scenes just making those rules to suit his government. Why wasn't the minister looking at the nearly 40 gigalitres of commonwealth environmental water that came into this state? Did he really have his eye on the ball? That is the question I would ask. Again, I say that it is outrageous that the government could negotiate South Australia's carryover into a federal agreement, and it is the first to spill.

For people who might not understand, we have a large bucket of water—we have New South Wales, we have Victoria's carryover water sitting nice and tight on the bottom, and we have the commonwealth environmental water holder sitting on top of that. Then we have South Australia's irrigators' investment sitting on top of that. The government is using the irrigators' investment as a cash cow for the environment.

The minister and his department should have negotiated better when they went to the table. They should have negotiated environmental water to sit on top, to be the first to spill. The first spill would mean that that environmental water would have had an environmental benefit, not using the irrigators' water as a cash cow for environmental benefit.

Again, it is using an investment at the cost of the communities, at the cost of food producers, to prop up an environmental flow. The river was a high flow river in South Australia, and on the eastern seaboard we were in flood. We have seen it again this year, and yet we have an investment in storage used as a cash cow for the environment. It is absolutely outrageous. I call on the minister to make these decisions transparent and for him to have a better understanding of the impact it has on the food producers of South Australia.

ITALIAN CLUBS AND ASSOCIATIONS

Ms BETTISON (Ramsay) (15:33): On Sunday 18 March I attended the St Giuseppe feast day celebrations held at St Joseph's Community Hall in Paralowie. St Joseph's feast day falls on 19 March, and this principal feast day celebrates the earthly father of Jesus Christ and husband of the Virgin Mary.

According to tradition, which was founded in the Middle Ages, a severe drought reduced the populace of Sicily to starvation. The people prayed to St Joseph, their patron saint, asking for his intervention, which he granted, and the famine ended. In gratitude the people vowed to hold an annual feast day where they would offer the finest food in his honour.

A typical St Joseph altar, or table, is laden with traditional and elaborate foods, such as zeppole, cakes, fish, pasta and meatless dishes, with many containing breadcrumbs to represent sawdust, given St Joseph's occupation as a carpenter. Flowers, candles and a lace tablecloth also adorn the table, which is blessed by a priest and presided over by a statue of St Joseph.

The Salisbury St Joseph Committee has been organising the annual feast day in St Joseph's honour for 40 years. The Salisbury festival was started by migrants from Calabria, who wanted to recreate the Festa di San Giuseppe of their homeland. I am told that Italian people usually consider themselves foremost part of a family, rather than as individuals. Italian values and lifestyle include a strong emphasis on honour, education and the enjoyment of Italian music, food and social gatherings.

There are more than 100 Italian associations and clubs in South Australia. They range from welfare associations to recreational, sporting and regional clubs. For many Italians, these associations are meeting places where they can speak their own language or dialect and retain their cultural identity, maintaining their links with familiar institutions. The Salisbury Italian community, like others across Adelaide, is ageing. About 30,000 Italians migrated to South Australia in the post-war years between 1945 and 1972. According to the City of Salisbury community profile, there are 1,542 Italian born people living in the City of Salisbury area.

The Italian Cultural Centre, which hosted the feast day, does a fantastic job in assisting elderly Italian members of the Salisbury community, as well as providing recreational activities, bus trips and meals. After the solemn procession on the feast day, I was privileged to join other distinguished guests including Hon. Jennifer Rankine MP, member for Wright; Hon. Michael Atkinson, member for Croydon; Ms Leesa Vlahos, member for Taylor; and Ms Gillian Aldridge, Salisbury mayor, for a fine Italian lunch. We received a warm reception and I would like to thank the San Guiseppe Association, and especially Mr Sam Garreffa, President, and Mrs Grace Caruso, Secretary, for the kind invitation and organisation of this event.

MEMBER'S REMARKS

Mr PENGILLY (Finniss) (15:36): I seek leave to make a personal explanation.

Leave granted.

Mr PENGILLY: An interjection I offered during the course of question time has apparently caused some offence to the Minister for Transport Services. If it has, I apologise. It was not meant in that way in any way, shape or form.

PARLIAMENTARY REMUNERATION (BASIC SALARY) AMENDMENT BILL

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (15:37): Obtained leave and introduced a bill for an act to amend the Parliamentary Remuneration Act 1990. Read a first time.

The Hon. J.J. SNELLING (Playford—Treasurer, Minister for Workers Rehabilitation, Minister for Defence Industries, Minister for Veterans' Affairs) (15:37): I move:

That this bill be now read a second time.

The current provisions of the Parliamentary Remuneration Act 1990 provide that state parliamentarians have a base salary that is automatically linked to the base salary payable to a federal parliamentarian, less $2,000 per annum. Last year, the Commonwealth Remuneration Tribunal undertook a review of the base salary of federal parliamentarians. The tribunal determined on 12 March 2012, that the base salary of federal parliamentarians will increase from $140,910 to $185,000, with some offset to allowances.

If there are no amendments to the act, the base salary of state parliamentarians will automatically increase to $183,000 on 1 July, 2012. This would see a benefit in excess of $40,000 flowing to state members of parliament. A salary increase of that magnitude is not acceptable to the state government. The state government, therefore, introduced and passed legislation late last year to freeze the pay of state parliamentarians until 30 June 2012, temporarily pausing the link between the basic salary rate of a federal parliamentarian to that of a state parliamentarian.

This bill maintains the link between the base salary of state parliamentarians to that of federal parliamentarians. However, to avoid a significant increase in salaries, it will set the difference between the base salary of state and federal parliamentarians at $42,000 from 1 July 2012. This will mean the base salary of South Australian parliamentarians will be $143,000 per annum from 1 July 2012, an effective increase of 2.9 per cent. I commend the bill to members and I seek leave to have the explanation of clauses inserted into *Hansard* without my reading.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Parliamentary Remuneration Act 1990*

3—Amendment of section 3—Interpretation

This clause provides a new definition of *basic salary* to apply for the period between commencement of the measure and 30 June 2012 (being the basic salary payable immediately before commencement of the measure).

Debate adjourned on motion of Mr Pederick.

STATUTES AMENDMENT (SHOP TRADING AND HOLIDAYS) BILL

Consideration in committee of the Legislative Council's amendments.

The Hon. J.W. WEATHERILL: I move:

That the Legislative Council amendments be agreed to.

The government's attitude to these amendments is that we support each of them. The amendments achieve three things, in substance. The first is the creation of a change to the duration of the part-day public holiday on Christmas and New Year's eves, so that it becomes 7pm to midnight as opposed to 5pm to midnight.

The second of the amendments concerns a review that will be brought into effect in 2013, and there is a corresponding amendment associated with the review. Then the third amendment is, in substance, a deletion of powers that were contained under the act for the minister to grant long-term exemptions in relation to shop trading.

In substance, the change has been agreed between the houses as a matter of compromise between the government and crossbench members in the other place. We believe that it represents a fair compromise that protects the interests of working people in the creation of those part-day public holidays but at the same time gives some relief from the costs associated with the additional higher rates of pay on those evenings which will be beneficial for a number of businesses and organisations that have raised concerns about the cost impact.

Secondly, the review is welcome because obviously this is a new provision and it is sensible to review it after its operation. Thirdly, the decision to remove the power of the minister to grant exemptions in this way goes to something that we have been saying rhetorically about these

amendments, and that is that we wanted to have greater levels of security for the future in terms of the shop trading hours regime.

By requiring further changes to come back to the parliament, this of course provides another layer of entrenchment of these provisions and is obviously a more transparent way of dealing with any particular changes to the act, which we believe will tend to solidify the arrangements for the future.

Short-term exemptions, of course, will still remain an option but the long-term exemptions provided for in the provisions that have been proposed to be deleted will now be removed from the act. I commend the amendments to the house.

The Hon. I.F. EVANS: You have to hand it to the Premier—he is spinning to the end. The reality is, Premier, that in relation to the exemption amendments you talked about—how you wanted to bring them back to the parliament, and that was the reason for the amendments—the amendments were actually moved by a minor party of another name in the other place, not the government, so it was not a government idea.

The reason the amendments were moved is they have never, ever been used, so it is not about bringing more accountability back to the parliament: it is the minor party suggesting that the government, having missed this point in reviewing the Shop Trading Hours Act, should delete a provision that has never been used. I give the Premier credit for spinning this issue to the end.

The reality is that the opposition accepts the fact that we do not have the numbers in this house, so these amendments will go through. We put on the record that the amendment from 5pm to 7pm does not change our view on that particular issue.

The opposition supports the other issues in regard to the exemptions being changed, the various reviews, etc., and we note that the small business community in the main still totally opposes what has been proposed in the legislation. It will be interesting to see who will conduct the review when it is held in due course and how independent of government it is.

Motion carried.

STATUTES AMENDMENT (COMMUNITY AND STRATA TITLES) BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Clause 17, page 11, line 17 [inserted section 78B(4)(a)]—After 'contract' insert:

(other than a contract that is for a period of 12 months or less)

No. 2. Clause 17, page 11, after line 25—Insert:

(4a) For the purposes of subsection (4)(a), the period of a contract is the term of the contract disregarding any renewal period that may occur at the end of that term unless the renewal occurs at the option of the body corporate manager (in which case the period of the contract will be taken to include the period of the renewal).

No. 3. Clause 17, page 13, line 29 [inserted section 78D(7)(a)]—Delete '3' and substitute '10'

No. 4. Clause 40, page 25, line 15 [inserted section 142B(3)(b)]—Delete ', or has an interest in,'

No. 5. Clause 44, page 26, after line 14 [after inserted section 155A]—After line 14 insert:

155B—Review of operation of Act

The Minister must, as soon as is practicable after the second anniversary of the commencement of the *Statutes Amendment (Community and Strata Titles) Act 2011* or any provision of that Act—

(a) cause a report to be prepared on the operation of this Act insofar as it was amended by the *Statutes Amendment (Community and Strata Titles) Act 2011*; and

(b) cause a copy of the report to be laid before each House of Parliament.

No. 6. Clause 53, page 33, line 2 [inserted section 27B(4)(a)]—After 'contract' insert:

(other than a contract that is for a period of 12 months or less)

No. 7. Clause 53, page 33, after line 10—Insert:

(4a) For the purposes of subsection (4)(a), the period of a contract is the term of the contract disregarding any renewal period that may occur at the end of that term unless the renewal occurs at the option of the body corporate manager (in which case the period of the contract will be taken to include the period of the renewal).

No. 8. Clause 53, page 35, line 11 [inserted section 27D(7)(a)]—Delete '3' and substitute '10'

No. 9. Clause 72, page 44, after line 14 [after inserted section 50A]—After line 14 insert:

50B—Review of operation of Act

The Minister must, as soon as is practicable after the second anniversary of the commencement of the *Statutes Amendment (Community and Strata Titles) Act 2011* or any provision of that Act—

(a) cause a report to be prepared on the operation of this Act insofar as it was amended by the *Statutes Amendment (Community and Strata Titles) Act 2011*; and

(b) cause a copy of the report to be laid before each House of Parliament.

At 15:46 the house adjourned until Tuesday 3 April 2012 at 11:00.