HOUSE OF ASSEMBLY

Thursday 21 February 2013

The SPEAKER (Hon. M.J. Atkinson) took the chair at 10:31 and read prayers.

STATUTES AMENDMENT AND REPEAL (TAFE SA CONSEQUENTIAL PROVISIONS) BILL

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

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

Motion carried.

EDUCATION AND EARLY CHILDHOOD SERVICES (REGISTRATION AND STANDARDS) (MODIFICATION OF NATIONAL LAW) AMENDMENT BILL

Mr HAMILTON-SMITH (Waite) (10:33): Obtained leave and introduced a bill for an act to amend the Education and Early Childhood Services (Registration and Standards) Act 2011. Read a first time.

Mr HAMILTON-SMITH (Waite) (10:33): I move:

That this bill be now read a second time.

This bill is one of two measures that I have brought to the parliament this week to address a very important concern and that is both the quality and, as importantly, the affordability of child care. It occurs at a very interesting time when families are under extraordinary pressure to pay the family bills, child care being one of the most important of those bills. This is a bill that speaks for women, it speaks for single parents and it speaks for children. There are some problems here that need solutions.

I bring it, I hope, with a spirit of bipartisanship. I have moved for a select committee so that stakeholders can address some very important concerns in an open and public forum and that in a bipartisan way we can work through those issues and find a solution through both state and federal parliaments. I hope the government will consider supporting the select committee as it would be good for the community.

In respect of this bill, I hope to address a second issue, namely, some outstanding irregularities that flow from the state parliament's decision to support nationally instigated new regulations that passed through the parliament some time ago. Certain commitments were given by the government in respect of transitional arrangements, which subsequently have not in the view of the industry been adhered to, and I seek to rectify that as part of this overall picture of getting child care back to being an affordable proposition for families.

In 2011 the federal government, in concert with mainly state Labor governments at the time, sought to impose a new set of regulatory arrangements, referred to as the national quality framework. The South Australian child development minister at the time, Grace Portolesi, sponsored the Education and Early Childhood Services (Registration and Standards) Bill 2011 to give force to the new federal regulations across SA.

I note that former Labor treasurer, Kevin Foley, has commented publicly that there was considerable internal consternation when these new standards were first put on the agenda by former prime minister, Kevin Rudd, in November 2008 at a COAG meeting. As Mr Foley describes the events, the room, full of all predominantly Labor premiers and ministers, initially warmed to the prospect of raising childcare standards. However, former Labor Queensland premier, Anna Bligh, herself a mother of two and someone I expect who understands the pressures of returning to work with young children, raised the spectre of dramatically increased costs to accompany these new standards and regulations.

Considered in isolation, no-one could dare to question the value of such reforms designed to lift the quality of care. No-one doubts the benefit of quality child care on the development of young children, least of all me. Members would be aware that I partly grew up in a childcare centre. My mother was one of the first proprietors of a childcare centre in this state, at a time when there were no regulations. She was involved in the instigation of the first regulations in 1972 under the Dunstan government, and our family have a long history in this important business of child care.

I have been a proprietor of six childcare centres in two states, employing over 120 people. I have come into contact with hundreds, probably thousands, of families over time who have needed care, and I am very aware of the pressures working families are under when it comes to needing care for their children. I am also equally aware of the need to provide high quality care for children but also of how important it is for it to be affordable, because the alternative is the dangerous option of unregulated backyard care, where children are offered no protection and no safety.

So, I bring this bill to the parliament with that background and an earnest belief in the need for us to do better for families on the issue of child care. Any change to regulations brings with it cost pressures. These pressures are felt hardest by single parents and families from lower socioeconomic groups. These are the very children who will be moved out of child care first and whose mothers will likely be pressured into leaving the workforce. But, they also impact on middle income families, who are not wealthy and who are not eligible for the maximum childcare benefit or rebate because they are not underprivileged. These are the hardworking husband and wife teams, both with a job and earning perhaps up to $150,000, who are completely means tested out of the childcare benefit. These are the people falling through the crack.

No specific evidence has been produced or provided by the National Quality Framework advocates that particular staff ratios enforced by the new National Quality Framework will necessarily equate to better developmental outcomes. Lots of emotion, not much science. It is clear that childcare costs are a major barrier to workforce participation, particularly against women from lower socioeconomic groups, with fewer skills and education. The Productivity Commission's recent Report on Government Services 2013 showed that children from disadvantaged backgrounds are far less likely to be enrolled in child care. As for the developmental value of high quality child care, evidence suggests that the benefit is moderate or negligible for children from high-income families, whereas children from disadvantaged backgrounds have been shown to have the biggest gains—and this is a really important point.

The unfortunate paradox of Labor's childcare reforms is that, by deliberately increasing the cost of care, they are pushing out children and families who have most to gain from an already high-quality childcare system in this country. Despite concerns held by former premier Bligh and former treasurer Foley, the reforms pressed on. The National Quality Framework was established and agreed upon, and mirror legislation was pursued in every jurisdiction. On the whole, the National Quality Framework was endorsed by the industry—they would all like to see higher quality—but the question that could not be answered was: who will pay?

Despite over 800 pages of new legislation and regulations, operators were willing to embrace much higher minimum standards and more elaborate regulations, but who will pay? Even today in the national media, the industry is calling for billions more of childcare benefit payments, already set to hit $6 billion of federal taxpayers' money on its current trajectory. Despite these challenges, the industry was fully committed to implementing the quality framework. The government's time line, however, was deemed to be unrealistic, and the industry was therefore alarmed at the feasibility of these new measures, the cost impacts, and ultimately the viability of their operations.

A prominent media campaign was run on 4 November 2011 here in South Australia seeking a modest range of amendments to the Education and Early Childhood Services (Registration and Standards) Bill. Of particular concern were staffing ratios and qualifications which would put significant pressure on wages—the core component of any childcare business expenditure. Significant media coverage led to a prompt meeting of representatives from Childcare SA and minister Portolesi that very morning. A hasty agreement was made on the spot, with Childcare SA making concessions on their demands in order to receive the support of the minister in delaying the implementation of some of the key national regulations in the transitional plans.

Childcare SA's position on the matter of this radical legislation has been extremely amenable to the demands of the current Labor governments (both federal and state), and they have been willing to make concessions in good faith, despite their fairly held concerns about the measures. That afternoon, minister Portolesi told FIVEaa radio that she had:

> ...met with people like Richard Munro and representatives of that sector. I'm very happy to report that we have agreed on a number of transitional measures.

Later, the minister told ABC radio:

What is true is that there will be an increased cost. I acknowledge that, I hear what people are saying, so what we are doing is—in fact I just had a meeting with representatives of the private childcare sector; what we are doing is acknowledging that and we are pushing out the timelines for compliance.

The very next day, the minister also told *The Advertiser*:

We all agree that what we are seeking to do with the reforms is a good thing in principle. But I acknowledge there are costs associated with this, so, in recognition of this, I am pushing out the timeframes.

The article also stated:

Child Development Minister Grace Portolesi said centres now would have until 2020 to fully meet the requirement to halve the ratio of children aged 24 to 36 months to a staff member from 10 to five. Centres will need to achieve a ratio of one staff member to eight children in that age bracket from 2016, the original deadline for the halving.

Despite the assurances from the government, the opposition continued to push amendments in the Legislative Council to codify these transitional arrangements in the bill. In rejecting the amendments put forward by the opposition in the other place, the representing minister again stated that the promises made by minister Portolesi would be upheld, and contained within the transitional provisions in chapter 7 of the national regulation. The representing minister said:

I am advised that every jurisdiction has transitional provisions and they would have every reason to understand our transitional provisions. If Queensland has transitional provisions that can be agreed to, then why can't we as a state?

Further, it was confirmed that if the minister was unsuccessful in her endeavours to enforce the transitional provisions in the national regulations, the state parliament still retained the authority to disallow the national regulations.

On 20 October 2012, the Hon. John Darley MLC directed questions to the Minister for Education and Child Development in which he described the minister's promises to Childcare SA representatives as an 'unequivocal and unqualified agreement'. Considering that Mr Darley voted with the government in support of the original bill, one might well presume that his vote was conditional on the presumption that the promised transitional provisions would be included in the national regulations. If Mr Darley had changed his mind, many of the amendments moved by the opposition would have passed and the government would have been forced to include these provisions in the legislation.

The SPEAKER: Member for Waite, the man you referred to as 'Mr Darley' is of course 'The Honourable.'

Mr HAMILTON-SMITH: The Honourable., indeed.

The SPEAKER: And I suspect if he had been voting differently, you would have called him the Honourable.

Mr HAMILTON-SMITH: Thank you for your guidance, Mr Speaker. If the Hon. Mr Darley had changed his mind, many of the amendments moved by the opposition, as I said, would have passed. In any case, on 24 November 2011 the bill was agreed to without any amendment. The national regulations were released soon after, in December 2011, and none of the public agreements reached between the minister and Childcare SA had been realised within the regulations—a great disappointment to the industry.

Further, according to the industry, regulations 107 and 337 pertaining to the calculation of unencumbered space within a centre had not been consulted with or anticipated by the industry—measures that have a crushing impact on these small family businesses. The regulations have included significant changes to the way floor space is measured when granting a licence to a childcare centre. The effect has been to reduce the number of licensed places at most childcare centres when centres are sold or refurbished—a crushing blow.

The industry expects that almost 3,000 childcare places could be removed from over 300 licensed childcare centres in SA at a revenue loss of around $61.2 million per annum as a result of these new undisclosed regulatory imposts that have appeared out of nowhere. The value of individual family businesses has also been slashed by this measure and some banks as a result have tightened lending provisions, putting some services at risk at point of sale in particular.

To add insult to injury, on 7 December 2012 federal childcare minister Kate Ellis told FIVEaa radio that blame for growing childcare waiting lists sat with local and state governments. She said this:

I've actually been hearing from childcare operators who are desperate to set up new centres to expand and bring about new places but they're saying that it's just too hard because there are too many barriers, there's too many regulations, red tape in place that's preventing them from doing that, which is why I've said to both State and Territory Governments, but also Local Government, let's all sit down, establish a working group that works all three levels of government, stop playing the blame game and actually come up with solutions so that we can increase the number of childcare places that we have.

The minister then went on to blame state and local governments' planning and development regulations for impeding the development. She started to play the blame game. What a contradiction!

Immediately after Ms Ellis, childcare centre operator George Skrembos stated on radio:

Can I say our Local Government…local councils are great in approvals. We have not had too many difficulties in seeking approvals, that is not the problem.

According to minister Ellis' own data, demand for child care has grown. I refer to sections 15B, 15C and 15D of the bill. These seek simply to make the government adhere to the promises and the commitments that Ms Portolesi made. That has not occurred; it needs to occur.

The SPEAKER: Member for Waite, would you be seated? I have tried to deal in the past two days with members repeatedly referring to members of this house by their Christian name or their surname or both. The person you are referring to is, I think, the former minister for education or currently the Minister for Employment, and I would ask you to refer to her by that name, because to do otherwise is to promote quarrels. Member for Waite.

Mr HAMILTON-SMITH: Thank you, Mr Speaker. Has the clock been held?

The SPEAKER: No, it has not, nor should it be.

Mr HAMILTON-SMITH: Alright. I ask members to look very carefully at the bill and the clauses, particularly 15B of the current bill, which thereby amends the bill so that sections 107(3) and 337 of the national regulations are taken to not apply; and section 15C, the most significant component of the bill, as it seeks to implement the transitional arrangements around staffing ratios for children who are toddlers. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

The SPEAKER: And I think you got the time anyway.

Explanation of Clauses

Part 1—Preliminary

Part 2—Amendment of *Education and Early Childhood Services (Registration and Standards) Act 2011*

3—Amendment of heading to Part 2—Adoption of *Education and Care Services National Law*

4—Insertion of heading to Part 2 Division 1

Division 1—Adoption of *Education and Care Services National Law*

5—Insertion of sections 15A and 15B

Division 2—Modifications of *Education and Care Services National Law*

15A—Interpretation

These clauses are formal

15B—Modification of *Education and Care Services National Law*—indoor space requirements at child care centres

This clause removes regulations 107(3) and 337 from the *Education and Care Services National Law* and reverts indoor space requirement methodology to *Child Care Centre Regulations 1985*. The space requirements per child otherwise remain at the same ratio.

15C—Modification of *Education and Care Services National Law*—educator to child ratios

This clause slows the implementation of *Education and Care Services National Law* relating to educator to child ratios for children aged between 24 and 36 months. A ratio of 1:8 shall apply after 31 December 2015, and a ratio of 1:5 shall apply after 31 December 2019.

15D—Modification of *Education and Care Services National Law*—educator qualifications

This clause allows for workplace flexibility relating to reasonable breaks (not exceeding 1 hour) and how they impinge on minimum ratios of tertiary qualified educators in that period. In cases where a tertiary qualified educator has taken a reasonable break, their place may be temporarily filled by an educator who holds certificate III

in education or child care, or by an educator who is actively working towards an acceptable tertiary qualification, as to satisfy *Education and Care Services National Law* in regard to relevant educator ratios.

Debate adjourned on the motion of Mrs Geraghty.

ENDING LIFE WITH DIGNITY BILL

Adjourned debate on second reading.

(Continued from 7 February 2013.)

The Hon. S.W. KEY (Ashford) (10:50): I rise to support the bill and I would congratulate the member for Fisher on this bill. I also congratulate him on his persistence with regard to bringing bills of this type into this house, particularly on voluntary euthanasia.

My view is that we should see voluntary euthanasia as part of palliative care, and particularly supportive of the practices, as I have learnt in recent times, with regard to end of life arrangements in Belgium. Unfortunately, because all of the arrangements that are in place have different histories, it is very hard to translate what might happen in South Australia to the Belgium model, as has been the case with the Netherlands and different states in America.

Although I support legislation that allows for the choice of voluntary euthanasia being made available, I have always thought that voluntary euthanasia should be part of the whole of end of life arrangements and now what we call, in the main, advance care directives. I hold this view because of my experience with friends and then later on with family and also because, as a member of this house and a justice of the peace, a number of constituents have come and spoken to me not only about voluntary euthanasia—and I have certainly had a number of those conversations—but also about trying to get support and certification for the different arrangements and legal documents that they need to make—and I think other members in here would understand.

Quite often, constituents and their families—and we often have whole tribes of people—come in to make these arrangements for a particular family member, and it is quite confusing. Sometimes, you really wonder whether everyone is aware of what they are doing with regard to processing these documents.

There are quite a few things that you can do with regard to end of life arrangements or, as I say, 'life arrangements'. I think most of us have got a responsibility to think about what we would consider to be appropriate for us, not only in our own right but also if other people are left to make decisions on our behalf, either formally or informally. So, it is important, I think, to think about your will (that is usually the most obvious one) but also whether you support tissue and organ donation, whether you think, if something happens to you, you support medical power of attorney, and whether in fact you are willing to have that medical power of attorney responsibility for other people.

I think the system also needs to be able to allow one to change their arrangements really easily, because you may have a view at 25 that is different to the view you might have at my age about those arrangements and whom, if for some reason or another you cannot make your own decisions, you would like to act on your behalf. I support legislation that allows for the choice of voluntary euthanasia and I think it is something that we need to emphasise. The community understands what we are talking about with regard to voluntary euthanasia. There have been many polls about this particular issue where people say, 'Yes, there should be a choice available to them.' I think it is about time that people in this house, and also the other house, consider what the general population believes.

With all due respect to the member for Fisher, I do not think that this particular bill is a bill that I would introduce. I do not think it is perfect; I do not think the ones that I have introduced have been perfect either. However, fellow members of this house, I think it is time that we all got off the fence and voted to support the choice of voluntary euthanasia.

Debate adjourned on motion of Mr Gardner.

PARLIAMENTARY COMMITTEES (NATURAL DISASTERS COMMITTEE) (NO. 2) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 February 2013.)

Mr VAN HOLST PELLEKAAN (Stuart) (10:56): I will be fairly brief because, as this house knows, I have spoken passionately in support of this issue a few times already. I think this is the third time this has been brought forward in my three years in parliament, so I commend the member for Davenport for progressing it, and I wholeheartedly support him. Again, this is not about how we would deal with a natural disaster when it occurs. This is about trying to establish a standing committee in parliament that could help with regard to preparedness and help with regard to potentially avoiding natural disasters—that really is the key.

I take my hat off to the volunteer and professional emergency service workers who are already doing very good work in this state but, quite understandably, their focus is on dealing with issues as they arise. This is a different matter: this is about trying to do whatever we can to be more prepared for disasters in advance and, ideally—and quite possibly—help to avoid some of these natural disasters.

While we focus on fire—and I will say a few more words about fire because it is really our greatest threat here in South Australia—the issue here is natural disasters more broadly so, of course, it could include floods, earthquakes, tidal waves and potentially even plagues and pests. There is no end to what might be considered, and some of these things are definitely not considered in the current regime.

With regard to bushfires, though, we all know that it is 30 years since an absolutely devastating bushfire ripped through South Australia in the Adelaide Hills. Tasmania has seen devastating fires recently, as has Western Australia. Overseas, Greece, California and many other places in the world would have benefited from having this sort of focus in their parliaments, that is, a cross-bench, bipartisan standing committee working on this issue.

About 1½ years ago in my electorate of Stuart, and crossing over the border into the Northern Territory, a bushfire burnt out an area approximately the size of Tasmania. Obviously, if that happened in a more densely populated area (which it certainly could) it would be a disaster of a magnitude that we have not seen before in this nation. We would be asking ourselves, 'Why didn't we listen to the member for Davenport the first time, the second time, the third time, the fourth time—as long as it takes?' It would be disgraceful and shameful—and we would all be devastated personally and also as a parliament—if a truly uncontrollable natural disaster occurred and we had not done what we could, as the member for Davenport is suggesting, and tried to prepare ourselves better for it.

It is important to put on the record that the parliament's standing committee into natural resources supports a standing committee to be looking into natural disasters. They are not the same thing. It would be shallow and ill-conceived to just say that the Natural Resources Committee can look into this issue. It is a different issue and the Natural Resources Committee has done some very good work looking into the potential risk of bushfires in the Adelaide Hills specifically. I will not go back over the information that is available for all members in the report and on the debate on that topic, but it is truly scary what could happen there.

So, let me just wind up by saying there really is no excuse for this parliament not to take the proactive step to be responsible and to try to address preparedness for natural disasters. I will conclude by saying thank you personally, and professionally as a member of parliament, to all of the volunteer and professional emergency service workers who do everything they possibly can to help us when a natural disaster is right in front of us.

Debate adjourned on motion of Mrs Geraghty.

LIQUOR LICENSING (SUPPLY TO MINORS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 November 2012.)

The Hon. R.B. SUCH (Fisher) (11:02): I just want to make some brief remarks without getting into too much detail. I support the member for Morialta because what he is seeking to do—and I understand there is going to be some discussion and amendments possibly down the track—is address an issue that our community has not been able to deal with adequately and that is the question of young people accessing and consuming alcohol. I think part of the problem at the moment is lack of enforcement across the board. I know there are inspectors; the police try to do some enforcement, but I think in general it is an area in which enforcement has been somewhat deficient.

For some time I tended to think in a fairly small 'l' liberal context of following the European model of having young people get used to alcohol with a sip at the dinner table and all that sort of thing. Increasingly, and more recently in my case, I have come to the view that I do not think that is a good idea. I have been influenced by experts who say that the brain is still developing and it is often not until the early 20s that the brain is fully formed and therefore it is not a good idea for children, in particular, to be consuming any alcohol whatsoever. It is a toxin. I am not a wowser; I enjoy a drink, but it is a toxin. There is no beneficial effect, that I am aware of, out of pure alcohol for the body, and certainly not for children.

We have within our society—and I know that this bill will not deal with it totally—the binge drinking mentality, where people seem to want to drink themselves silly, or drink themselves blind, whatever expression you want to use, and that is not the case in a lot of cultures. That is an issue we really need to address; that is, to steer people away from drinking themselves into oblivion and steer them more towards sensible, responsible consumption of alcohol.

We know that with alcohol products there are fantastic wines and beers, there are all sorts of things that, used appropriately, give a lot of pleasure and enjoyment to people, as well as creating a lot of employment. But as a society, as a culture, we have not really come to grips with the issue of alcohol consumption generally, and we have not come to grips with it in particular as it relates to young people.

The police are often left to try to be the remedial agents dealing with a problem they have not created themselves. If you look at the consequences of inappropriate use of alcohol—domestic violence, violence in general, murder, assault, poor behaviour on the roads, inappropriate driving and so on, the list goes on—alcohol is a very major contributor to crime and social dysfunction.

I commend the member for Morialta for what he is trying to do. This is not—and I do not think he would claim it to be—the total answer to issues relating to the inappropriate consumption of alcohol but, in particular, by focusing on minors, and if, through amendment and other input, we can get this measure right and in an improved form, I think it will go some way to helping us to deal with what is a very serious issue in our society and one that really needs urgent attention.

Debate adjourned on motion of Ms Chapman.

ELECTRICITY (EARLY TERMINATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 November 2012.)

The Hon. R.B. SUCH (Fisher) (11:08): I want to make a brief contribution and, in particular, get on the record a contribution by Bruce Dinham, who older members would recall was the CEO, as we now call them, of ETSA.

Mr Pengilly: Longer serving members, not older members.

The Hon. R.B. SUCH: Who are invariably older. Thank you, member for Finniss, for that correction. He was the CEO of what used to be called ETSA, and he is very knowledgeable about electricity matters and the so-called national electricity market. I have given a copy of this to the minister, the Hon. Tom Koutsantonis, to read, and I suggest that he meets with Bruce Dinham to have a look at some of the deficiencies in the current electricity supply system.

We can debate about whether or not ETSA should have been sold and the consequences of that, but what is important to note is that we do not actually have a national electricity market in any real sense of the term. It is not a true market, and it is not truly national.

I will quote this letter written by Bruce Dinham, which was published in *The Sydney Morning Herald* on 17 January. It is headed 'Consumers paying for a shambles,' and he is responding to someone's article. It states:

> Brian Robins' article ('Another shocker from power sector', January 15) gives an example of how the national electricity market is more an arrangement for maximising profits than minimising costs. Another example is the system of bidding by generators to derive the so-called spot price they receive. The argument that bidding creates competition leading to lower prices is nonsense. It does the opposite.
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> Electricity supply systems usually aim to have sufficient firm capacity (wind and solar-voltaic are not firm) to meet the maximum demand, plus a margin for maintenance and breakdown. Normally there would be little or no spare capacity to engage in competition. If there were, the system would have too much plant and be over-capitalised and badly managed.

A competent system operator would or should know the relative efficiencies and costs of generators and schedule them accordingly. The bidding system lets generators manipulate prices for their benefit.

The situation is aggravated by the setting of floor and ceiling prices that bear no resemblance to costs. This has introduced an unnecessary element of risk leading to hedging and trading in financial derivatives.

Retailers add another unnecessary cost. They don't own or operate any part of the generation, transmission or distribution systems and contribute nothing to production and delivery. They only send out bills and collect the money, adding their charges.

The argument that retailers create competition and keep prices down is also nonsense. Your electricity comes from the same generator through the same wires and the real cost of delivering it to your premises is the same, regardless of your retailer. The only competition is among retailers as to their charges.

The so-called national electricity market is an expensive shambles. There is a need for a critical examination of how it operates and the actual, real and basic costs of generating and delivering electricity as distinct from synthetic, fabricated figures made up from estimates, assumptions, manipulated spot prices and other items.

Bruce Dinham Hawthorn (SA)

I know the bill put in by the member for MacKillop is focusing on a small element of the electricity supply system, but I think it is important that it be in the context of what someone (Bruce Dinham) who knows what he is talking about is saying. I would urge all members, and particularly the government and the opposition, to have a close look at what he is saying, because the way we are going we are going to keep paying unnecessarily high prices for electricity. That is not in the interests of consumers and it represents a very unsatisfactory situation.

Mr GARDNER: The member for MacKillop had indicated that he wishes the bill to be withdrawn as events have overtaken its need. He is not present immediately, but if it is possible for it to be withdrawn without him being here then we can do so, otherwise I will move that it be adjourned.

The SPEAKER: Perhaps before Thursday 7 March the member for MacKillop, whose bill it is, can decide whether to move that it be discharged or withdrawn.

Debate adjourned on motion of Mr Gardner.

CRIMINAL LAW CONSOLIDATION (AGGRAVATED OFFENCES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 November 2012.)

The Hon. R.B. SUCH (Fisher) (11:14): I will make a brief contribution. The member for Waite through this bill expresses his concern and seeks action in relation to helping to protect in particular healthcare workers, practitioners, ambulance officers and so on. I find it disgusting and disgraceful that anyone would want to attack health professionals. Some years ago when I was in the Royal Adelaide for my famous operation, I was astounded to see that there was a requirement for security guards—basically, bodyguards—in wards. I think that is an indication of the low point we have reached in our society, when we need security guards in wards as well as nurses, doctors and other health professionals.

I understand the rationale of the member for Waite, but I doubt whether the sort of people who are likely to attack a doctor, nurse or any other health professional would be considering in their mind, at that time, that there would be an increased penalty if they attacked that person. The same would apply in relation to attacking a police officer: I do not think the sort of person who would attack a police officer or a doctor would think rationally, 'Gee, if I attack this person I'm going to get a heavier penalty than if I attack someone else.'

Nevertheless, I think it is good to have a wider range of options so that if someone does the low act of assault or similar on a health professional, the court has a stronger remedy in terms of expressing the abhorrence and disgust of the community at that sort of behaviour. I am not convinced that the potential offender would weigh up in their mind that they would cop a heavier penalty if they attacked a nurse or doctor than anyone else. If it does deter someone that is great, but I think the benefit would be that the court would have the capacity to have a much heavier penalty imposed on the offender.

I support the intention of the member for Waite. I think he is directing things in the right way, but I am a little apprehensive as to whether it will bring about a fundamental change in the behaviour of the lowlifes who attack medical professionals.

Debate adjourned on motion of Mrs Geraghty.

NATIVE VEGETATION (ROAD VERGES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 November 2012.)

Dr CLOSE (Port Adelaide) (11:17): The government opposes this motion. The Native Vegetation (Road Verges) Amendment Bill introduced in the House of Assembly by Dr Duncan McFetridge MP seeks to amend the Native Vegetation Act 1991 to provide for clearance of roadside vegetation for either road safety purposes or to reduce fuel load.

Roadside vegetation is often the only remaining native vegetation in the areas that have been cleared. The verges often contain rare or endangered plants which can be a vital source of local seed for revegetation projects. Roadside vegetation also provides windbreaks and shelter for stock on adjoining farmland, as well as corridors for the movement of birds and other native fauna.

This bill proposes provisions for the clearance of roadside vegetation for either road safety purposes or to reduce fuel load. The amendment would allow any person to clear native vegetation along roadside verges if they consider it to be reasonably necessary to do so. It is recommended that the proposed amendment be opposed, as:

1. It does not distinguish between roadside vegetation and native vegetation.

2. Roadside native vegetation has significant value as biodiversity resources, providing habitat for native flora and fauna, acting as a genetic resource, providing habitat for residual or pre-European settlement flora.

3. It does not recognise that clearance of native vegetation for road safety purposes is already included in the Native Vegetation Regulations, section 5(1)(1b), and the framework for clearance of native vegetation for road safety, including sight lines, developed by the Native Vegetation Council in conjunction with the Local Government Association and the Department of Planning, Transport and Infrastructure.

4. It does not recognise that clearance of native vegetation for fire mitigation purposes is already included in the Native Vegetation Regulations section 5A, either through direct South Australian Country Fire Service approval or through an area of bushfire management plan approved by the State Bushfire Coordination Committee.

5. It does not recognise that the control of pest plants can be undertaken by private landholders in roadside verges if the landholder has the approval of the relevant local council and the local council is acting in accordance with the Native Vegetation Act 1991.

6. There is a risk in allowing a subjective interpretation of when roadside verges need clearing in that it may result in excessive clearance of native vegetation and potentially fire hazards, as the form of clearance is not controlled.

In summary, options for the management of roadside vegetation are well provided for in existing legislation and policy and is consistent with the South Australian Strategic Plan target 69, Lose no species. These address all the concerns raised by the honourable member and provide for the conservation of native vegetation.

The SPEAKER: Before the member for Morphett replies, it was unfortunate that the member for Port Adelaide referred to the member for Morphett by his Christian name and surname and I ask her to refrain from doing that in future, for the reasons I gave earlier. The member for Fisher.

The Hon. R.B. SUCH (Fisher) (11:21): I will just make a brief contribution. I understand what the member for Morphett—I used his correct title, sir, you note.

The SPEAKER: After 23 years, I would expect you to.

The Hon. R.B. SUCH: Do you get a bonus point if you do the right thing in here, or is it only a negative punishment system? Anyway, I will leave that for you, sir. I understand what the member for Morphett is seeking to do. I think in its current form this bill is somewhat lacking. There is a member in another place who I believe has generated photos on a website that show enormous heights of grasses in the Adelaide Hills, which you can easily do—I am not saying she did it this way—by getting down low with a camera; but I do not think she clearly distinguished between native grasses and exotic ones, and I am not an expert in the field, but there is a difference.

I think, as the member for Port Adelaide indicated, some of this is already covered. I guess what the member for Morphett is trying to do is simplify and accelerate the process so that people are not bogged down for a long time in getting approval to remove vegetation which might be posing a road safety risk or a fire risk.

Our neighbours did not deliberately plant shrubs to block our view as we come out of our drive, but we come out blind because we cannot see over their bushes. Two women live there, and one is happy to have the bushes pruned and the other one is not so happy. When you ask the local council if we can put up a mirror opposite so we can see, they say no, because they are not approved road infrastructure.

You cannot have a mirror to look to see if there are cars coming that want to demolish you. That situation with our neighbour does not involve native vegetation—they are diosma bushes, most of them—but this is an issue in terms of road safety, and also fuel load. This bill does not really deal with the removal in a way which I think is probably appropriate and necessary, so I think I would have to—at this stage, anyway, unless it is amended—not support the bill.

Dr McFETRIDGE (Morphett) (11:23): The only way to not be misrepresented is never, ever to say anything that does not make an impact. That is what is being misrepresented with this legislation, by a number of people when they are commenting. They give the impression that this bill is going to allow landowners, rural property owners, to go out with their chainsaws and fire lighters and completely devegetate the road verges. It is not that at all. As it says in my bill, it allows reasonable actions to be taken—reasonable—and that is defined in the Acts Interpretation Act and all sorts of legislation. The term is 'reasonable steps'.

I actually trust rural property owners and landowners. I trust South Australians to do the right thing. Nobody cares more about this country than our farmers and our rural property owners. You will see fantastic examples of revegetation of native vegetation. You will see creeks being fenced off, you will see thousands and thousands of dollars of infrastructure being put in by our farmers and rural property owners to protect native vegetation.

But get into your cars, go out past Gepps Cross, go out past the tollgate, go out past the southern suburbs and have a look at what is going on on our road verges. Have a look at the phalaris grass, 1½ metres high, that is in amongst all the native vegetation. If that goes, there will be no native vegetation along those road verges and there will be no small creatures living in those road verges because it will be completely out of control.

The problem we have is that getting permission to clear the verges, even for exotics, is so complicated. The member for Port Adelaide, for whom I have the greatest respect, quoted the Native Vegetation Regulations 5(1)(1b). That, to me, says it all. It is so complicated. You have sections and subsections. You have to talk to the Native Vegetation Council, the Commissioner of Highways, local government. Who knows who you end up speaking to? Who knows about the delays, the confusion, the bureaucratic nightmare you have to go through to try to achieve a common-sense approach to clearing the verges of the fuel load and any particular road safety hazards?

It is not about getting the chainsaw out and devegetating or napalming the verge—it is not that at all. I said to the government in my second reading speech, 'Come back to me with some amendments. Do not throw the baby out with the bathwater.' We have just seen, for 3½ years now, the member for Davenport propose his natural disasters committee, and it has been adjourned again. We have not had a major bushfire in South Australia for many, many years in our suburbs and periurban areas, but heaven help us if we do because the mixture of exotics and overgrown natives in our road verges and in some parks and gardens is just massive. We need to control it.

There are very sane arguments out there to allow property owners to reduce the fuel load on the road verges and to remove obstacles and obstructions for road safety reasons. I trust South Australians to do this. I trust the people of South Australia to do the right thing. If you do not like what we are getting here, do not just say, 'No, we do not want it.' Offer some alternative, rather than just a bureaucratic nightmare, because the alternative is delays, obstructions and form filling. There will probably be no trees left if we have to keep filling out all of the forms because they will be chopped down and turned into forms. That is what the old CFS guys used to say about being able to go out and do their job.

One of those very senior CFS officers said to me that the best training our volunteers could get was going out and doing burn-offs. A lot of those burn-offs were clearing up along road verges because they know that many people die while they are attempting to escape bushfires by

travelling along roads where there is massive overgrowth of not only native vegetation but exotic vegetation.

Allow a common-sense approach. I said in my second reading speech that this bill may not be the answer. This is a fairly basic piece of legislation here. It is not open slather: it is what is reasonable, it is what is required, and I ask the government to reconsider this because a disaster is going to happen. It is not if, but when, and if people die in a bushfire in South Australia while trying to escape down roads overgrown with native vegetation and exotic vegetation, I know who I will be pointing the finger at. It is a disgrace that we are not seeing any attempt to even amend this, just excuses that we go and look at regulation 5(1)(1b). That sort of thing is not what we expect, it is not what is required and I am so disappointed, once again, in a gutless government.

Second reading negatived.

MCGEE, MR EUGENE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (11:31): I move:

That this house—

(a) considers that the legal system has failed to effectively deal with the conduct of Mr Eugene McGee in relation to the death of Mr Ian Humphrey on 30 November 2003 and that public confidence in the legal system has suffered as a result; and

(b) calls on the Attorney-General to exercise his powers under the Legal Practitioners Act 1931 to refer Mr McGee to the Legal Practitioners' Disciplinary Tribunal to consider whether his behaviour constitutes unprofessional or unsatisfactory conduct.

Mr Speaker and members, today more than 7,000 signatures to petitions will be tabled in this parliament. These are signatures from South Australians from across the state who have joined the campaign in calling for the conduct of Mr Eugene McGee to be referred to the Legal Practitioners' Disciplinary Tribunal. The petition, created and supported by South Australian Liberal members of parliament, will be tabled, and it is important to appreciate that with this petition the voice of South Australians is strong and loud and they will not back down. They want action on this issue. The members here in this house have an opportunity to reinforce that voice and to provide support on this important issue.

So, I move this motion with pride. It is with a touch of sadness that I do. I am myself a member of the legal profession and have been for some 30 years, but even more so I acknowledge the importance of ensuring that the legal profession maintains a standard which it should continue to enjoy and not be diminished by the conduct of a few, in particular, on this occasion, by one.

That community confidence in the legal profession must be restored. Indeed, with the whole exercise of many other inquiries that have taken place in this case, to those who investigate, those who prosecute these matters, the role of the courts and the police, all involved in this case have come under scrutiny at the highest level of inquires and commissions. However, in this instance we are seeking to remedy what is a stain on the legal profession unless this matter is resolved.

Members are fully aware that it is the tragic series of events in 2003 which led to the cyclist Ian Humphrey's death. He was hit and killed on Kapunda Road, and the lawyer, Mr Eugene McGee, fled from the scene. There was clearly an evasion of police before he eventually turned himself in four hours later. Much of the rest has been the subject of many inquiries, as I have said, but his widow, Ms Di Gilcrist, has been a passionate advocate for justice as a result of the circumstances surrounding this tragic incident.

This year is almost 10 years since the death of Mr Humphrey. Surely this year we must remedy what is clearly a blight and stain on this case. Mr McGee, as members would recall, was fined—having been charged for a relatively minor offence, he was fined by the courts—and there was no imprisonment term, which was a matter that caused enormous disquiet at the time, but obviously the charges which he faced had very significant limits on the penalties that the courts had available to them.

However, when the Legal Practitioners Conduct Board considered the conduct of Mr McGee on an application that he be assessed for the purpose of unprofessional conduct, they dismissed that claim, determining that he was able to continue to practise as a legal practitioner. The only avenue at that time, (which is now nearly two years ago), that was open to further review of this matter, was if the Attorney-General of the day referred this matter to the Legal Practitioners' Disciplinary Tribunal.

So, the registration cancellation opportunity to practise as a legal practitioner could be referred and, indeed, was only able to be referred by the Attorney-General under the Legal Practitioners Act to the Legal Practitioners' Disciplinary Tribunal. The Attorney-General refused to do so, so for almost two years now the Liberal Party, particularly through the voice of the Hon. Stephen Wade—who has done an excellent job in ensuring that this matter remains at the forefront of attention of the government—has said that this is a matter which the Attorney-General should and must act on.

He is the last resort. He should act on this and, clearly, the investigation of the opposition with the legal assessment of this was that there was a clear legal authority to lay the charges before the tribunal. The Attorney-General's position was that he considered he did not. We are not satisfied with that, and 7,000 signatories are not satisfied with that. I am sure that that represents thousands and thousands of people across South Australia who are not satisfied with that. Indeed, on 21 February this year, the former attorney-general and now Speaker of our house here, joined the Liberal Party in expressing concern about the injustice, saying that the Attorney-General's failure to act was a:

> ...personal decision, not a Cabinet decision or a Government decision.

And that he had:

> ...the undoubted authority to refer a charge against a legal practitioner to the Legal Practitioners' Disciplinary Tribunal.

This is an important ally in this. The former attorney now Speaker, I would hope, will come into this house and contribute to the debate on this motion. I would welcome his support to the motion. I am disappointed that even after a year, the current Attorney has not acted, and has not heeded the voice of thousands of South Australians joined with the former attorney now Speaker and the Liberal Party who have continued to fight for this be dealt with. It is also important to appreciate that the Legal Practitioners Act has been under consideration by the government in particular areas of reform for some years now. The government claim that they were going to reform areas that affect the capacity for cases such as this to be referred.

Our clear position is that the Attorney-General right now has the power to refer this, pursuant to section 82 of the current Legal Practitioners Act. It is his decision, and he has failed to exercise it and he has refused to do it. As I say, we are keen for him to do so, but the government said that they would introduce a bill that would expand the definition of professional misconduct and create a legal profession conduct commissioner, that is, a particular appointed person to replace the Legal Practitioners Conduct Board, essentially promoting the argument that this would give a better opportunity for the matter to be dealt with, and that there would be a new entity that would have more teeth, and more effective handling capacity than the Legal Practitioners Board.

The reforms they touted would also take referral decisions out of the hands of the Attorney-General and the legal profession and place it before the commissioner. The situation is that the draft Legal Practitioners (Miscellaneous) Amendment Bill 2013, which follows a number of its predecessors, again this year, has been out for consultation. Final submissions were to be in by 4 February 2013, and as a member of the profession, I was invited by the Law Society of South Australia to present a submission. I, unlike many other lawyers, will have an opportunity to make a submission in this parliament. However, that time has passed and here we are, in the third week of February, and we still do not have this bill tabled in the parliament.

It is no excuse for the government to say, 'Well look, we are going to introduce a better system which is going to create a different avenue for the path to be taken to deal with either unsatisfactory professional conduct or professional misconduct. The expansion of the definition will give a better system; the appointment of the commissioner will provide a better process.' All of that is without merit when, firstly, the Attorney-General has the power right now to do it and, secondly, has had years to bring in this alternate reform.

So on both counts the Attorney-General has failed Ms Gilcrist, the family generally of Mr Humphrey, the 7,000 signatories to this parliament today and the strong, loud voice of South Australians who have repeatedly said, 'This process is not acceptable; the Attorney-General's dealing of this matter is unsatisfactory.' They want action and they want action to be followed right now and not even wait for this bill. If the government wants this bill, then it should get on with it and make sure that we have some remedy.

The failure of the government to act and to provide appropriate remedies for the people of South Australia to ensure this situation is not repeated, that there is a standard of conduct and

behaviour that is expected of members of the legal profession and that the reputation of the profession is properly restored is a disgrace. It must happen and it must happen now. The delay is a disgrace to the government, and the Attorney-General, in particular, should hang his head in shame.

Mr GRIFFITHS (Goyder) (11:42): I feel quite humbled following on from the member for Bragg in supporting the motion. I do wish to express some concerns that I have. I come from a regional community of quite accepting people, but in this matter they are absolutely frustrated by the process that has been allowed to occur and they do not accept it. I know there are two people from the town in which I live in the gallery today. They have come down because they want to show support for, in this case, a family that was devastated by a tragedy that occurred in late 2003.

I met with Mr Humphrey's wife, Mrs Di Gilcrist, and four other ladies about four years ago in the old chamber of this building. I sat with them for about 30 minutes. I was part of a group of MPs who were talking to different people about different victims of crime matters. It was hard not to be moved by that meeting as they related to me what had occurred to them and the ways in which they felt the legal system in South Australia had let them down. It really did galvanise in my mind that a change needed to occur.

The fact that 7,000 people signed a petition from all over South Australia—a small number of them being in the gallery today—shows the emotion that exists within the wider community. It is an emotion that the parliament needs to recognise and do something about by directing the minister responsible to take some action.

I also watched the two episodes of *Australian Story* on the ABC about Mr Ian Humphrey, Eugene McGee, and Mrs Gilcrist and her daughters, and it was impossible not to be moved by that. I am sure that many people here today watched those two TV episodes to give them a greater understanding of what occurred immediately afterwards, where it appears that Mr McGee did everything possible to prevent providing evidence of having done something wrong. However, in all that time, a man was left on the side of the road. For a common bloke who came into parliament because he wanted to try to make a difference, it is impossible to hear that sort of story and show any support for a person who would do that sort of thing, but it is even more frustrating when the laws have allowed it to get by.

I hope that other members in this chamber stand up and express their concerns, because they will do so not only on behalf of themselves—what they have read, what they have heard and what they might have spoken to people about—but on behalf of all South Australians. There are 1.6 million people who do not want the situation to occur again, and the people in the gallery today and the 7,000 people who signed the petition reflect that. The parliament needs to recognise this. The parliament needs to give a direction to the minister, and we need to make sure that South Australia is left a better place because of this tragedy. We need to learn from it and use it as the impetus for change to occur to ensure that, in future, when a crime is committed, those responsible are held liable and action is taken.

Mr PENGILLY (Finniss) (11:46): I would also like to rise in support of the member for Bragg's motion. In my time in this place, there are two things in particular that have had my office inundated with correspondence, telephone calls, emails, etc: one is euthanasia and the second one is the McGee case. Constituents in my electorate are absolutely disgusted that this matter has not ended in an appropriate manner. They are appalled, and so am I, that the law in which we put our faith in this state and country has let down not just the Humphrey family in particular, but all of us. It is an absolute disgrace.

Some years ago I was at a little restaurant in Halifax Street with some of my family, and what highly annoyed me was that Mr McGee and his brother walked down from the courts (this was during the court case), sat down at a table alongside us and proceeded to laugh and carry on and enjoy a bottle of particularly good South Australian wine. That just showed me the contempt in which they held the system and the Humphrey family, particularly Di Gilcrist. I just thought it was appalling.

The very fact that we have 7,000 signatures on a petition that has come into this place is testament to how the people of South Australia feel about this matter. I do not know how members on the other side feel about this. I sincerely hope that the government supports the member for Bragg's motion; otherwise, I think we should hang our heads in shame.

It is a disgrace that 10 years after the event, Mr McGee is still walking around doing what he wants to do while poor Mr Humphrey is dead and gone and his family have to continue to battle.

I think it is outrageous. I sincerely hope that other members in this place will speak to the motion and that action is taken by the government, the Attorney-General, and that this whole matter is sorted out so it can never, ever happen again. It is bad enough that this has happened once, but it is even worse that, 10 years later, it has not been fixed.

I am not a lawyer. I do not want to be a lawyer, quite frankly; I am quite happy being a humble farmer and a member of parliament. However, I am sure that those in the legal fraternity who have any sense of decency are as appalled as the rest of us in this place about what has happened. I have great pleasure in supporting this motion.

Dr McFETRIDGE (Morphett) (11:48): I rise to support the member for Bragg's motion. I am a veterinarian. I am not a lawyer, and by that I am boasting, not apologising. I see legislation come into this place that I do not understand the technicalities of. We have an Acts Interpretation Act, which tells me that there is something wrong with the legislation we are putting together.

Time after time we see very expensive lawyers and high profile QCs who do their job to the best of their ability, using the technicalities that we in this parliament have allowed to come into legislation to get their clients off. We have a legal system but there seems to be no system of justice. What we are after in the McGee case and in other cases but particularly in this case is justice, not a legal outcome, and that is what we have. Lawyers have used the technicalities, the time frames and obscure methods to allow a person who has taken another life and then, from what I know of it, done everything possible to try to avoid the consequences of that action, to walk free without any sort of overt or even underlying contrition. To allow this to happen in South Australia is something that as a member of parliament I am very ashamed of.

You need to have deep pockets to take on the legal system and the justice system in South Australia. I can see that there are 7,000 people who have signed this petition who are very concerned about the fact that if you have deep enough pockets, if you can hire a clever enough legal expert, you can use the legislation that we members of parliament have put in place to get your clients off, to make sure that your client is seen to be not guilty. That does not mean 'not innocent' but they are 'not guilty' and, to me, we need to look at that. We need to make sure that if you commit a crime, you take the consequences. You are not allowed to avoid those consequences.

In my electorate of Morphett in the Glenelg area every Saturday and Sunday you will see hundreds and hundreds of cyclists down there on their wonderful brand-new and very expensive bikes in their lycra—all ages, both men and women—out for a day's ride. They want to return to their families safe and sound, and so did Mr Humphrey. He wanted that. But what happened? His life was taken by a person who apparently has no contrition, no remorse, about having done what he has done. The legal system has allowed him to get away with that.

This is not trial by parliament; the facts are there for everybody. The facts are that the parliament has allowed legislation to come into place that has allowed this man to escape the consequences of his actions. If this government does not take notice of what is being said in this chamber today and the concerns of South Australians, not only the 7,000 people who signed the petition, but the thousands of others out there who are concerned about what is happening with the legal system, then this government is not doing its job. I hope for once they actually take a hard look at what is going on and do what they should be doing, and that is representing the will of South Australians.

Mr PEDERICK (Hammond) (11:53): I rise to support the motion by the member for Bragg that this house considers that the legal system has failed to effectively deal with the conduct of Mr Eugene McGee in relation to the death of Mr Ian Humphrey on 30 November 2003 and that public confidence in the legal system has suffered as a result; and that this house calls on the Attorney-General to exercise his powers under the Legal Practitioners Act 1931 to refer Mr McGee to the Legal Practitioners' Disciplinary Tribunal to consider whether his behaviour constitutes unprofessional or unsatisfactory conduct.

I concur with all the words that have come from this side of the house. This has been a disgraceful turn of events where someone who has a good knowledge of the law has besmirched everyone else who works in the law with their actions. To leave a man dying on the side of the road—or to leave anyone dying on the side of the road, but in this case Mr Ian Humphrey—and drive off because he is worried about the consequences is an absolute disgrace.

I think of Mrs Di Gilcrist and the suffering that she and her family have had to put up with for nearly 10 years because of this action, because of someone who was irresponsible in getting behind the wheel of a car and did not stop to render assistance. That is why more than 7,000 people have signed a petition that will be tabled today. Those people are disgusted with what has happened in the system. They are not confident that the system works and are concerned that just because someone has a vast legal knowledge they seem to be able to work their way through the system.

Many of my constituents have come to me. If they had to try to get out of any difficulties with this situation or take legal proceedings to protect themselves in this situation, if they were silly enough to do the same action as Mr McGee, they would have to spend hundreds of thousands of dollars to get the same level of defence and they are just not capable of doing it, and they still possibly would not be able to get the same advice.

I concur with all the words on this side of the chamber and it is time the government and the Attorney-General got on board and did something about this matter so that the people of this state can see that justice is done. I note quoted on FIVEaa only this morning the statistic from the Australian Bureau of Statistics that 40 per cent of Australians are concerned with sentencing outcomes. Well, you wonder why when you see people who get very lenient sentencing or do not get any effective outcomes at all as far as what should happen to them because of a criminal offence. I support this motion and I call on other members of this house to give it the support it deserves. It is a disgrace that it has gone on this long and the government should take every effort to make sure that justice is done.

The Hon. R.B. SUCH (Fisher) (11:56): I fully support this motion put forward by the member for Bragg and I commend her for doing so. Like other members, I have been contacted by many people who were concerned at what happened in this case. People in here, I think, realise that we do not have a system of justice: we have a set of rules, and some people are able to manipulate them and escape from what should be justice.

What we saw in this particular instance was not only unethical behaviour and unprofessional behaviour but, I believe, criminal behaviour that eluded the court system because of devious actions by the offender, in this case, Mr McGee. He knew how the system worked and he was aided and abetted to make sure that he was never brought fully to account.

The tragedy remains for the family of Mr Ian Humphrey; they will continue to suffer. I do not know whether Mr McGee has a conscience. I hope he has, but I hope that for as long as he lives he reflects on what he did. I am sure that he would know that he did not do the right thing and he escaped from being punished appropriately because of skilful manoeuvring in which he was aided and abetted by others.

This is a sad indictment on our system. Sadly it is not the only case of injustice; there are others. The system is not perfect but it is not helped when you have people who know the system well and can manipulate and manoeuvre their way out of being held accountable for their actions which, as I said, I believe were not only unethical and unprofessional but criminal. I commend this motion and I trust that the Attorney will act in accordance with this motion.

Mr VENNING (Schubert) (11:58): Firstly, can I say again how much this issue has moved us all. This accident happened in my electorate and the community has never really got over it. Given what has happened and particularly the TV program, which certainly opened a lot of people's eyes, the feeling is very much out there. I am one of the 7,000 people who signed that petition.

I believe that lawyers, like MPs, have to be beyond reproach, have to be subject to the closest scrutiny. They have to be an example to the community. People have to respect our lawmakers and our law upholders, that is, the umpires who make decisions on what we do in this place. I am pleased that this issue has come before this house and I commend the member for Bragg for doing it because I think the people of South Australia can, in a very few rare examples, have some comfort that, if the legal system fails them in an issue like this, they can have the highest court—the parliament—to sit in judgement.

It does not happen very often. We have the bars of the house, which are not very often used, where people have the right to come on to the floor of the house. Here we have a similar example where an issue comes before the parliament on which we must sit in judgement. It can certainly make a big difference to the issue.

I deeply hope that the government will support this. I have not heard what its inclination is in this matter. I will be very disappointed if they do anything but support it. There are no politics at all in this issue. It is all about a wrong that we all know ought to be righted. I express our condolences to Di Gilcrist and the Humphrey family and the whole community, particularly the community of Kapunda, which was in my electorate at the time: we are absolutely with you. We salute you and hope we can give you closure on this tragedy. I join my colleagues in supporting the motion.

Mr GARDNER (Morialta) (12:01): I rise to support the motion and I endorse the comments of all members who have spoken on this issue previously. The motion seeks to do two things: first, in relation to the case of Mr Eugene McGee and the death of Mr Ian Humphrey, expresses that we consider that the legal system has lost an element of confidence of the public as a result of this case; and, secondly, calls on the Attorney-General to refer the case to the Legal Practitioners' Disciplinary Tribunal.

I stand here to support the 7,000 petitioners to this house. Many pages of those petitions came from my electorate and, like other members, I also have received dozens of letters from constituents very concerned about this case. I can inform the house that, to my recollection, not one of those letters expressed confidence in the legal system as a result of how this case has progressed. Everyone was distressed, disturbed, disappointed and very upset with the way our legal system had handled this.

This is a very important point that goes to the heart of what we should be doing here in this parliament. It is critical for the institution of our justice and legal systems that the public have confidence in them. It is critical as a parliament that we do everything we can to ensure our justice system, our courts and our legal system have the confidence of the public, because a government can only govern with the consent of the community. For the community to have that consent, it must have support and confidence in the systems we put in place, otherwise we are not the sort of community that South Australia, at its foundation in 1836, set out to be, and none of us came into this place to be part of a system that did not have the consent, support and trust of its community.

It is critical that with this totemic issue, which goes to the heart of the community's confidence in our legal system, we as a parliament say, 'No, no, no: this wasn't good enough. This wasn't handled well enough. This needs to be dealt with more appropriately.' If the government has a bill that it thinks will be able to handle better situations like this, then put up or shut up. Introduce the bill, show us exactly what you are arguing needs to happen better. In the absence of that we can only question whether the government is serious in addressing this issue.

In the absence of that, we have a system in place, and it has been established by the member for Bragg in quoting the former Attorney-General, now Speaker of this house, that of course the Attorney-General has the power to refer this case to the Legal Practitioners' Disciplinary Tribunal. We urge him to do so. This motion calls on him to do so. I urge all members to support this motion calling on the Attorney-General to do so so that we can have some action on this issue and so that the community, and most particularly those affected by this tragic death, can have certainty that we as a parliament are moving forward and that at least some good can come from this absolutely dreadful situation, and that in the future situations like this will not happen again. I urge all members to support the motion.

Mr BROCK (Frome) (12:04): I also rise to speak to the motion moved by the member for Bragg, and I congratulate her on bringing the matter to the notice of the house. Like other speakers on this side of the house, I have received many calls and letters and have had many people stopping me in the main streets of not only Port Pirie but also Clare and around the Port Broughton area and in shopping centres. These are just an indication of the concerns the general community have had with the final outcome of this tragic incident.

As other members have indicated, we have laws in this state; they are here to protect everybody, and we should abide by these laws. If we do something wrong, we should take responsibility for our actions. In my opinion, Mr McGee acted in an irresponsible manner; firstly, he got into his vehicle in his condition. He also did not stop to render assistance after the incident, but moved on. I just think that it was irresponsible and inhumane to do that sort of thing.

Mr McGee has a great knowledge of the law. An average citizen would not have the ability to manoeuvre around the whole system as Mr McGee has done. I am appalled and very upset that this has happened in our system; this is a democratic system. I proudly promote our system to

ensure that if we are guilty, we take the consequences; if we are not guilty, then we are absolved of the consequences.

I have received speeding fines on a couple of occasions. The police officers have a job to do—and if I have done the crime, then I do the time. So I paid the fines and moved on. I am the first to admit that I have had two speeding offences over the many, many years that I have been driving. I do not say this lightly, because we do need to adhere to the regulations.

I speak from personal experience. The Humphrey family will certainly need to have some closure. They will have this in their minds and lives forever—to be able to understand that the person who actually committed the crime is not being held accountable for the incident or its consequences. Most people know that my wife was killed in a car crash. It was an accident. There was no-one to blame for that. The incident happened; the people who were involved with that took the consequences, and we had settlement and closure.

In this instance, I do not think there is a closure, because no-one has been held accountable. I am finding that people out there are confused, and are frequently saying that they have no confidence in the legal system. The legal system is there to protect people, but people who are in positions as lawyers have plenty of money and can fight the system and get away with it; they can manipulate it. Normal citizens would not be able to do that. A normal citizen would have been put in gaol, and held accountable for their actions. I certainly cannot justify what happened.

The 7,000 people who signed this petition are a great indication of the confusion and lack of confidence in the current system which is out there. I would certainly encourage the Attorney-General to at least exercise his powers under the Legal Practitioners Act 1981 and refer Mr McGee to the Legal Practitioners' Disciplinary Tribunal to consider whether his behaviour constitutes unprofessional or unsatisfactory conduct. I certainly hope that members on the other side take heed of the non-government members on this side of the house, and I commend this motion to the house in the hope that the government does take some action.

Mr PEGLER (Mount Gambier) (12:08): I rise to support this motion. I have always felt that, for a society to operate properly, it must have faith in its political and legal system and that the legal system must be fair and just and operate in a manner that brings to bear those who have done the wrong thing. I believe, in this case, that our community considers that the legal system has failed to effectively deal with the conduct of Mr Eugene McGee in relation to the death of Mr Ian Humphrey. I do not think there will ever be closure for the community and for the Humphrey family until they see justice done in a proper manner, so I certainly support this motion.

Mr VAN HOLST PELLEKAAN (Stuart) (12:09): Any loss of life is very sad. Any accidental loss of life is particularly tragic, and any accidental loss of life where the reasons for that are not dealt with and responsibilities are not fully taken is absolutely disgraceful. That is the situation we find ourselves discussing at the moment. My heart goes out to the Humphrey and Gilcrist families and their friends for not only the tragic loss of life but obviously the situation that has continued on for another 10 years since then.

This accident happened very close to the border of Stuart, the electorate that I represent, but I can tell you that over 1,000 kilometres away, still inside the electorate of Stuart, people are furious and angry about this. All over South Australia people know that the wrong thing was deliberately done. People all over South Australia know that our legal system has not addressed the fact that the wrong thing was deliberately done. When we find ourselves in that situation, it is parliament's responsibility to step in, take charge and try to correct that wrong.

I fully support the member for Bragg—and the whole opposition—in her bid to refer Mr McGee to the Legal Practitioners' Disciplinary Tribunal to consider whether his behaviour constitutes unprofessional or unsatisfactory conduct. It seems pretty straightforward, does it not, that you would front up to have them look at what you have done, consider the facts, consider all the evidence and make a decision about whether you did the wrong thing or not.

I think it is absolutely disgraceful that a person would not take responsibility for their own actions to front up to that tribunal. I think it is disgraceful that the legal system has not been more active and I think it would be absolutely disgraceful if this parliament did not join together, Liberal, Labor, Independent, everybody, to make that happen.

Mrs GERAGHTY (Torrens) (12:12): I would just like to say that it is unfortunate that the Attorney is not able to be here. I know he was coming down to speak on the motion, but unfortunately he is tied up and he is just unable to come down.

Mr van Holst Pellekaan: What is more important?

Mrs GERAGHTY: I think that is a really—

Members interjecting:

Mrs GERAGHTY: No, I am speaking and I have a right to speak.

Ms CHAPMAN: Point of order. If the member is about to contribute to the debate, that is welcomed. If it is some explanation for another member's absence, then that is reflecting on the member's presence in the house.

The DEPUTY SPEAKER: I do not think there is a point of order.

Ms CHAPMAN: That is reflecting on the member's presence in the house, which is outlawed under our standing orders.

The DEPUTY SPEAKER: Member for Torrens.

Mrs GERAGHTY: Well, I am going to make the point and I feel it is regrettable that I have to do that, but the member for Bragg said we should not reflect on other members' absence or what have you. It is also inappropriate to reflect on visitors who are here in the gallery and I did not raise that; I do not wish to.

What I just want to put on the record as well is that I do understand the pain that Di Gilcrist will be going through, and I do not think that time takes the pain away from losing someone you love. I lost my husband a few years ago, so I do understand the emotion about it, and I do particularly understand the feelings that one has where you want an answer or an outcome for the reason that you lose a loved one.

The member for Frome, I am sure, has the same feelings. I too would like some answers to why my husband died and I hopefully will find the strength at some stage to deal with that. I am terribly sorry that this has occurred for the Gilcrist family and the Humphrey family. It is something that you just do not get over and I think everyone in this chamber feels that way.

The DEPUTY SPEAKER: Any other speakers? I will put the motion.

The Hon. L.R. BREUER (Giles) (12:14): I move:

That the debate be adjourned.

The DEPUTY SPEAKER: Is that seconded?

An honourable member: Yes.

The DEPUTY SPEAKER: All those in favour say aye; those against say no. It is carried.

Ms CHAPMAN: Divide!

Mr PENGILLY: Point of order. The member for Torrens spoke for the debate, and normally you would look over this side for another speaker. The member for Bragg was rising to her feet as the mover of the motion; however, you referred back to the member for Giles. I just seek clarification on whether that was appropriate?

The DEPUTY SPEAKER: I think it was, but I was actually in the process of acknowledging the member for Bragg when you took the point of order, so I am certainly happy for her to speak as the mover, and if she speaks, she closes the debate.

The house divided on the motion:

While the division bells were ringing:

Mr PEGLER: Mr Speaker, can I just seek some clarification on what the division is for?

The DEPUTY SPEAKER: The division is for the motion to be adjourned.

AYES (24)

Bedford, F.E.	Bettison, Z.L.	Bignell, L.W.K.
Breuer, L.R. (teller)	Caica, P.	Close, S.E.
Conlon, P.F.	Geraghty, R.K.	Hill, J.D.
Kenyon, T.R.	Key, S.W.	Koutsantonis, A.
O'Brien, M.F.	Odenwalder, L.K.	Pegler, D.W.

AYES (24)

Piccolo, A.	Portolesi, G.	Rankine, J.M.
Sibbons, A.J.	Snelling, J.J.	Such, R.B.
Thompson, M.G.	Vlahos, L.A.	Wright, M.J.

NOES (18)

Brock, G.G.	Chapman, V.A. (teller)	Evans, I.F.
Gardner, J.A.W.	Goldsworthy, M.R.	Griffiths, S.P.
Marshall, S.S.	McFetridge, D.	Pederick, A.S.
Pengilly, M.	Pisoni, D.G.	Redmond, I.M.
Sanderson, R.	Treloar, P.A.	van Holst Pellekaan, D.C.
Venning, I.H.	Whetstone, T.J.	Williams, M.R.

PAIRS (2)

Weatherill, J.W.	Hamilton-Smith, M.L.J.

Majority of 6 for the ayes.

Motion thus carried.

Members interjecting:

The SPEAKER: Can I say that it is not in order for members, such as the member for Finniss, to shout 'Shame' upon the result of a vote because that, of course, is reflecting on a decision of the house, and so I call him to order.

COST OF LIVING PRESSURES

The Hon. R.B. SUCH (Fisher) (12:24): I move:

That this house calls upon the state government to take decisive action to help reduce cost of living pressures in South Australia.

Anyone who is not aware of electors—residents—being concerned about the cost of living must be living under a rock because it is probably the most frequently raised issue in my electorate, and it includes not only electricity, water pricing, medical costs, council costs, housing costs and rent but the list goes on and on.

We constantly hear that people are better off in South Australia and Australia than they have ever been. I think that applies to many and it may apply to the majority of South Australians but there are a lot of people who are doing it tough in our society at the moment because of increasing costs. Anyone who is on a fixed income, a pension or a low wage, I believe, would be struggling at the moment to make ends meet. Fortunately, most of us in here are on a reasonably good income. However, anyone who is on a basic income would, at times, be wondering how they are going to pay all their bills.

Some of these things the government can deal with; some not so easily. Electricity is no longer a government entity; that was sold off. I was not happy about that. I was in the Liberal government at the time. We were told it would not be sold and then, straight after the election, it was—a classic broken promise. The government could do some things, as indicated earlier today, and I will not repeat the points that were made by Bruce Dinham in his letter.

The government could do some things about the cost of electricity, including reviewing whether or not we should be in the national electricity market and, if so, on what basis. I recognise that the minister for energy, the Hon. Tom Koutsantonis, went interstate a couple of weeks ago to try to get a better arrangement for South Australia, but, in effect, he was rebuffed by New South Wales and Victoria which were looking after their own economic interests, so he was not able to secure the sort of reform of the national electricity system (so-called) that is needed. The system needs a lot more than tinkering in terms of having some significant reforms and making an impact on the cost of electricity.

Some of the costs have occurred because of a move towards renewable energy, which is a good objective, but having wind farms generally has not meant a reduction in electricity costs: it

has meant the opposite. The solar generation arrangements have meant that people who do not have solar panels have had an increased power bill and, in effect, are subsidising the people who have solar panels. There is a bit of a catch 22 there in a way, because while trying to promote renewables is a worthwhile objective, the downside of it in relation to wind and solar is that there has been an increased cost in electricity for consumers.

Water prices have increased and the desalination plant is a significant contributor to that in terms of the capital cost. I believe the desal plant is a form of insurance. It is like any form of insurance: if you never call upon it you might see it as a waste, but if you need it then it is the best thing you ever undertook. Some of these things the government is, in effect, locked into and, irrespective of which party wins the next election, I do not believe there is a lot of room to manoeuvre on those, except, as I indicated earlier, possibly in relation to reforming the so-called national electricity market.

In relation to other expenses, I noticed that private health cover increases take effect shortly. All these increases seem to be higher than the CPI and the cost of living index, which is generally based on a basket of consumables. But what is argued by people in the health area, as in councils, is that their costs have little relationship to the price of a packet of cornflakes. What we see constantly is increases which go beyond the cost of living.

I do not support price control, but what I do support is price justification, and I think that should be the requirement when people increase prices beyond, say, CPI that they are required to justify them. It actually could work both ways with regard to buyers and sellers—and that they may offer some solace to people, for example, in the dairy industry. But I think that the question of the cost of milk has more to do with the high Australian dollar and the export market rather than the naughty people in Woolworths or Coles.

In regard to housing costs, per square metre, building a house is probably cheaper now for the actual building than it was 10 or 20 years ago. It is the land cost that is very significant, especially in the metropolitan area, and that is what is forcing up the cost of homes. I do not have a problem with negative gearing when a new house is built, but I do not see the justification for negative gearing when all someone is doing is trying to reduce their tax by buying an existing house; it does not add to the housing stock. It is a taxation minimisation measure, not an increase in the housing stock.

For a lot of people, in terms of housing, we need a significant increase in affordable housing. I am sure that every member in here has people coming to them asking how can they get a Housing SA house or a low-cost rental house. I have people living in caravans, all sorts of things. That is one area where I think that it is a pity that Tom Playford is not around today, because he was a master at getting low-cost housing—and maybe we need him in relation to electricity as well. We might have to bring him back to get some electricity reform!

So, there are all of these costs. With council rates, I have quite a constant stream of people complaining about them. In fairness, I think that you have to look at what councils provide as well as what they charge by way of rates. South Australian councils are highly dependent upon property taxes for their source of revenue, which is different from many other states in Australia, where councils are not so heavily dependent upon property taxes.

The councils' argument is that there is a lot of cost shifting, and I think there is an element of truth in that, but I think that, to some extent, councils also take on financial burdens they are not required to. Some councils are very much into economic development. I would have thought that that was the responsibility of the state and federal governments, not councils. A lot of councils get into a whole lot of other areas that I personally do not regard as their core business and, as a result, their rates continually rise.

Part of the problem with council rates, as I have said, is that they are heavily dependent upon property taxes. Councils do not get a share of growth taxes, income tax or GST and, whilst that situation remains, there will be no alternative but for councils to continue to increase their rates above CPI.

Councils currently cannot maintain the infrastructure they are responsible for. They do not have the money to maintain their roads or to provide new bridges and so on; they just do not have the financial resources to do that. But if their funding comes out of GST or income tax, it is still coming from the total community, so it is still part of the total tax burden.

Charges for motor car registration, all of those things, are significant. I think it is now about $190 for three months for a four-cylinder car. That is a lot of money, especially when only part of that money ever ends up being used to improve roads. I have raised in here before the cost of traffic fines, which I think are draconian in South Australia. Unless it is for a very serious offence, I do not believe that people should be paying hundreds and hundreds of dollars for a traffic infringement. I think it is better to tackle demerit points by increasing them rather than fining people to a point where, in some cases, the fine exceeds a good portion of their pension or whatever their low income is. There is no justification for traffic fines that are so heavy-handed.

I had a young French couple come to the office this week who were backpackers. They had parked their car in a parking bay, but facing the wrong way. I think the fine was $119. They said that they had never come across that anywhere in the world and certainly not in France—$119. I do not believe it is hurting anyone. It may not be desirable, but just parking in the wrong direction in a car park I do not think is a terribly wicked thing to do. $118 or $119 is a lot of money. If you want to have a penalty, half that would be more than enough.

I do not know whether members have looked lately at some of the penalties for traffic offences. I know the government reduced the relatively minor offence of exceeding the speed limit by less than 10 km/h, but when you add on the victims of crime levy it is still $210, which is a lot of money for someone doing 58 km/h in a 50 km/h zone. I had a case recently at Murray Bridge where someone said they were apprehended for doing 42 km/h on the bridge where there is a speed limit of 40 km/h. In that case they were able to explain themselves away, but that would incur a penalty of $210 and that to me is excessive.

A lot of these charges are not going to be waved away by some magic wand but I think, leading up to the next election, if any party does not seek to address these issues they will suffer the consequences at the election. We can help the community over time by improving productivity. Australia's productivity is lousy by world standards and is one of the lowest in the developed world. We are very inefficient in many areas, contrary to what we keep telling ourselves. We need to focus more on productivity and become more efficient if we want to increase the standard of living and in so doing, in effect, reduce the cost of living.

We need to be more efficient in the delivery of services. I would like to see that all government agencies in particular have to justify what they do in terms of efficiency and effectiveness. I have been planning a bill for the Auditor-General to have the power to look at that issue. Parliamentary counsel tell me that the Auditor-General can already do it, but I do not believe the Auditor-General has ever looked closely at efficiency and effectiveness of government agencies. I think it is time that that happens, because one way of reducing costs and rising charges is to make sure that all service delivery is done in the most efficient and effective way, and I do not believe that is the case currently.

I put this motion on behalf of not just the people in my electorate, because I believe it is a widespread issue throughout South Australia. I challenge both the government and the opposition to really address the cost of living pressures in the lead-up to the next election, and even sooner if possible.

Mrs VLAHOS (Taylor) (12:38): I move to amend the motion as follows:

Delete all words after 'house' and replace with:

notes that the state government has taken action to help reduce cost of living pressures in South Australia.

On behalf of the government I put forward that this house notes that the state government has taken action to help reduce cost of living pressures in South Australia. This government has long recognised the importance of keeping South Australia as an affordable place to live and one of our seven strategic priorities is to make South Australia an affordable place to live. Certainly in the area of Taylor which I represent, I know from the people who talk to me that it is a common complaint but also that it is something they know we are working to address. In fact, many of the cost pressures they face are beyond the control of the government.

At present the government spends about $200 million a year on measures to ease cost of living pressures on pensioners and lower-income households. Over recent years, the government has increased the water concession from 20 per cent to 25 per cent of a customer's total water bill, and the maximum level of water concession has been increased for owner-occupiers from $200 in 2009-10 to $265 in 2012-13. This has also been raised for tenants from $160 to $200. The

minimum level of water concessions has been increased for owner-occupiers from $95 in 2009-10 to $155 in 2012-13, and $55 to $90 for tenants.

The energy concession has also been increased, from a maximum of $120 in 2009-10 to $165 in the 2012-13 year, and extended to eligible low income earners. The fixed property emergency services levy concession has also been increased from $40 in 2009-10 to $46 in 2012-13, and the sewerage concession has increased from a maximum of $95 in 2009-10 to $110 in 2012-13. These are all sizable, important and relevant increases.

The concessions for motor vehicle registrations and driver's licences have also been increased. In addition to the 50 per cent concession available to low and fixed income earners, the 2009-10 budget introduced free public transport for Seniors Card holders in metropolitan Adelaide on weekdays from 9.01am to 3.00pm—something I know that was very heartily welcomed in my electorate—and all day on weekends and public holidays. In fact, many people on the new Virginia 407 bus route have welcomed this immensely, especially at the residential parks.

The 2011-12 budget introduced a medical and heating cooling concession to give extra support to eligible low-income earners who need to control the symptoms of chronic medical conditions like Parkinson's disease and multiple sclerosis. This concession will be doubled to a maximum of $316 in the 2011-12 year, increasing to $330 a year in the 2012-13 year.

In framing the 2012-13 budget the government faced a $2.8 billion revenue writedown, but it was aware of the need to combat the cost pressures that families are facing. The budget introduced no new tax measures and included a one-off water security rebate of $45 or $75 to 600,000 residential customers—again, something that was welcomed in my electorate.

The budget also introduced help for lower income households to pay their utility bills, and the measures include utility literacy programs to improve financial management and energy efficiency practices, and the review and expansion of the emergency electricity payment scheme. Our government wants to ensure that as many South Australians as possible can afford to buy their own home and, because of this, the budget also retained the first home buyers grant of $8,000 for a further 12 months, in addition to other actions taken since then. I commend the amendment to the house.

The Hon. I.F. EVANS (Davenport) (12:43): I rise to speak for the motion moved by the member for Fisher and against the amendment moved by the member for Taylor. I know what it is like being on the backbench in government, when ministers ask you to come in and move funny amendments to motions and give you speeches that you have to give on behalf of the party.

We all know, of course, that the constituents in Taylor do not believe what the member for Taylor has just put on the record in the chamber. Anyone thinking that the cost of living is not a major issue out there must be living in a different world to the one I am living in. Certainly, like the member for Fisher, my constituents raise the cost of living on a regular basis.

There are reasons why the cost of living in South Australia is so high. It is very simple: your cost of living is the cost of Labor. It is as simple as that. The cost of living is the cost of Labor. Go and look at what has happened to the cost of living when you have a federal Labor government in for six years and a state Labor government in for 11 years. The cost of living has gone through the roof over that time.

Just look at the water price, a 249 per cent increase. The poor old taxpayer could be on Black Caviar and it would not have caught up with the water price. It has sprinted ahead of every cost of living, every CPI and every inflation measure you want to use over that period. The water price has absolutely skyrocketed because of this government's own incompetence over a desal plant.

It spent two years telling South Australia it did not need a desalination plant and then it comes out and says, 'Actually, we will build one twice as big as we need.' Then they realised they needed to loop it with some pipes, and that was another $400 million. What you get is a desal project that originally was around $400 million and it goes to $2.2 billion.

Mrs Geraghty interjecting:

The DEPUTY SPEAKER: Order!

The Hon. I.F. EVANS: That feeds into your water price. Then you have got that joy of joy, the carbon tax. That has put the price of everything down—like rubbish! That has put the price up. The member for Fisher talks about electricity prices, and we all know what has driven up electricity

prices. It is the carbon tax. Everyone on the other side, every Labor local member in here crying crocodile tears over the cost of living, all support the carbon tax. They wanted Julia Gillard to bring in the carbon tax. They knifed Kevin Rudd so Julia Gillard could bring it in. That is the reality of it. Your electricity prices are higher because Labor has brought in the carbon tax.

Let us go to the mismanagement of this government. We now have the highest debt the state has ever had. We have the fastest growing state debt in Australia. This state is paying the highest interest rates on its debt than any state, according to the Queensland audit commission. What that means is that the South Australian taxpayer faces an increased cost of living because the interest payments are growing to over $800 million a year.

Where does the government get its interest from? It gets it from increased car registrations, it gets it from increased speeding fines and it gets it from increased water prices. It gets it from increases in all the government taxes and charges. If you want to go and look at the government's taxes and charges, that feed into every household and every business, over the last decade taxes and charges have gone up above inflation over the whole decade—in fact, more than twice the rate of inflation over the last decade.

Mrs Geraghty interjecting:

The Hon. I.F. EVANS: The poor old member for Torrens, that great carbon tax supporter, keeps on interjecting—

The DEPUTY SPEAKER: There is a point of order.

Mrs GERAGHTY: I ask the member to withdraw his comment that I am old.

The DEPUTY SPEAKER: I am sure the member would be happy to do that.

The Hon. I.F. EVANS: I did say 'the poor old member for Torrens'. I will withdraw the comment that she is old, Mr Deputy Speaker, and I will also withdraw the comment that she is poor. It was a colloquial term. Mr Deputy Speaker, the member for Torrens, that great carbon tax supporter, keeps—

The DEPUTY SPEAKER: Is there another point of order?

Mrs GERAGHTY: No, I was actually going to remind the member for Davenport that he was here when he sold ETSA.

The DEPUTY SPEAKER: I do not think that is a point of order.

The Hon. I.F. EVANS: I was just about to say that was a frivolous point of order and, normally, they would get warned. We certainly do in question time. I will just make the point to the member for Torrens that there is now a debate by the federal Labor government urging the state governments to sell their electricity assets to deliver cheaper electricity prices.

The Labor Party is a hypocritical party. You have got Prime Minister Gillard running around saying, 'Isn't this outrageous! The carbon tax has put up electricity prices. The way to deliver cheaper electricity prices is to sell your electricity assets to private enterprise,' and then the member for Torrens comes in here and says, 'Don't forget, you guys leased'—actually leased—'the electricity assets.'

So, what is the Labor Party's position? The Labor Party's position is that in the Eastern States private enterprise can deliver cheaper electricity prices but in South Australia the pensioners and the single families, all those people out there, can pay 4 per cent to 5 per cent more on their electricity price to cover the carbon tax. That is where the cost of living is being driven—through your carbon tax.

Guess what? If Tony Abbott wins the next federal election, they can reduce their cost of living. Australians can reduce their cost of living very quickly. If you want cheaper electricity prices, it is very simple, you vote for an Abbott government. If you want higher electricity prices, you keep Julia Gillard there. The big question for the government is whether the federal Labor Party will even dare to leave Prime Minister Gillard there and whether that will not be changed within the next three weeks.

The reality is this: this government's high debt, high interest and mismanagement of government services is what is driving the cost of living. You cannot have the highest debt in the state's history, the fastest-growing debt in the state's history, the highest interest of any state, the record level of interest payments of $800 million a year and not expect your cost of living to go up.

What did the government think was going to happen when it deliberately went out to lose the AAA credit rating by driving up the debt? I will tell you what they expected: they expected the cost of living to go up. So, for the member for Taylor to come in here with her crocodile tears and somehow talk about what the government has done in relation to the cost of living is rubbish and the electorate will see straight through it. The electorate will see straight through it like a window.

The Labor Party are not concerned about the cost of living. If you were concerned about the cost of living, why would you put a carbon tax on everything that moves? Why would you do it? I will tell you why you would do it: because you are out of touch as a government and that is exactly what the federal government are.

The reality is this: the cost of living is high in South Australia, as the member for Fisher rightly points out. It is high in South Australia because we have got layer upon layer of maladministration by state Labor governments and the federal Labor government. I look forward to reducing the cost of living by voting for the Abbott government at the next election to get rid of the carbon tax because I know that will deliver cheaper electricity to every household.

We could go to the business community. We have got the highest taxes in Australia. We have got the highest WorkCover cost in Australia. All of that cost is passed on to consumers, which feeds into their cost of living.

The reality is the cost of living in South Australia is a cost of the Labor government. If you look at your cost of living and you think it is too high, that is the cost of a Labor government. If you want to reduce your cost of living, it is very, very simple—get rid of this Labor government. That is what you have to do to reduce the cost of living. We congratulate the member for Fisher for bringing the motion and we will be voting against the member for Taylor's motion because we think that illustrates that the government, after 11 years, is out of touch.

The Hon. J.D. HILL (Kaurna) (12:52): I am glad to be able to respond to some of the comments made by the member.

Members interjecting:

The Hon. J.D. HILL: Well, it is good to see the member for Davenport in good form again today. Last week, the member for Davenport was trying to argue that there should be a no-taxing government introduced into South Australia. He was opposed to taxation because it puts the price of things up, so that is his strategy for government—no taxation whatsoever.

Today, he is trying to rewrite history because it was he, when he was leader of the opposition, who introduced the policy initiative to have a desal plant in South Australia. Initially, we felt that this was not necessary. When the drought conditions were such that there were no alternatives, we adopted a desalination strategy. So, for the member for Davenport to come in here and accuse this side of the house of hypocrisy, when it was his idea and his party which was advocating for it, strikes me as the most arrant hypocrisy we could ever see. The fact that it is a bigger—

An honourable member interjecting:

The Hon. J.D. HILL: You can have your turn when you get the call. The fact that it is a bigger desal plant than we initially intended is because the commonwealth government stumped up the remainder of the money, so we got an insurance policy which will make sure that South Australia will never, ever be short of water in the future. It strikes me that that is a good deal. The other issue that the member for Davenport raised was the issue about solar power on roofs and the cross-subsidisation. As I recall it, the then minister for the energy at the time, the member for Elder, attempted to put limits on the extent of those subsidies, and it was the opposition, in collaboration with the third parties in the other house, as I recall, who insisted—

Mr Whetstone interjecting:

The DEPUTY SPEAKER: Order!

The Hon. J.D. HILL: Mr Deputy Speaker, I do not know who it is over there talking, I do not actually recognise him, but he is a making noise, he is interrupting my flow. I sat quietly and listened to the member for Davenport rave and yelling and shouting in this chamber, yet this nobody from the other side just keeps having a go. He can get up and say what he likes when he gets the call, Mr Deputy Speaker.

Mr GARDNER: Point of order, Mr Deputy Speaker: the member is in breach of standing order 127.

The DEPUTY SPEAKER: Remind me what that one is about.

Mr GARDNER: He is making personal reflections upon other members.

The DEPUTY SPEAKER: I did not think he was making personal reflections. I had actually called the member to order, and I am sure he will listen to the member for Kaurna in silence.

The Hon. J.D. HILL: Thank you, Mr Deputy Speaker, I listened to his colleague in silence—it was a struggle but I did listen. I am trying to contribute to this debate. The point I was making is that for the other side to claim that the solar panel rebate scheme is putting prices of electricity up is a valid one, but to say it is the responsibility of this side without their wearing some of that responsibility is just nonsense, because it was their side, as I recall, who insisted that the scheme went for longer and was more generous than was originally intended by us. So, you cannot come in here and argue that, as a result of government action, this is a particular problem. It was the opposition that imposed some of those requirements.

The other point I thought was very interesting was the member for Davenport had a general spray about the cost of living in South Australia, and you expect oppositions to do that, but what solutions did he offer? What solutions, what policy initiatives did the Liberal Party offer? There was one, and that was you should vote for Tony Abbott. That is the first policy that I have heard the opposition make: vote for Tony Abbott and Tony Abbott will bring down the cost of living.

Won't it be interesting come next March, if Tony Abbott has been Prime Minister for six months—and the polls at the moment suggest that is not an unlikely outcome, as much as it would grieve me to see it—and he is Prime Minister at the time of the next election, we have the former leader of the opposition, the member for Davenport, promising that the cost of living in South Australia will have come down? That is the only policy position that the Liberals have, and that is the only initiative that they can point to which they believe will bring down the cost of living in South Australia.

They are empty in policy. If the Liberal Party is serious about the cost of living issues—and I can assure all members that this side of the house is focused on bringing cost of living pressures down and dealing with the issues in relation to cost of living—come forward with ideas. The only idea they have is to vote for Tony Abbott.

The former leader of the opposition, the member for Davenport, is trying to rewrite history with his explanations as to what has caused it. The desal plant was an initiative of his term—a brief and unspectacular term—as leader of the Liberal Party. It was adopted by our side of the house. The solar panels, which he pointed to, were also embraced by the other side, so to come in here and try to say that this is a result of the initiatives of this government without taking some of the responsibility himself I think shows not only hypocrisy but cowardice.

Mr PISONI (Unley) (12:58): I rise to speak against the amendment but in support of the motion. While I am doing that I want to explain the extraordinary cost of living increases that have been put onto the families who send their children to government schools in South Australia. As you recall, back in 2008 Labor slashed the funding for school electricity bills that schools received by 75 per cent of the 2003 level. In other words, the department would reimburse schools only 75 per cent of what their electricity price was on average back in 2003. Look at the increase that we have had in the price of electricity since that time.

What has been the outcome of that policy? We have seen school fees increase. When this government came to office it collected $17.7 million per year in 2002 ($102 per student on average). These figures are from the budget papers. That figure has now blown out to $85 million, and that is in excess of $520 per student. That is a massive 400 per cent increase. If we relied on CPI to give us some idea as to what the CPI increase should have been in that time, it has increased by only 33 per cent over that same period. I seek leave to continue my remarks.

Leave granted; debate adjourned.

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

MCGEE, MR EUGENE

Mr MARSHALL (Norwood—Leader of the Opposition): Presented a petition signed by 7,192 residents of South Australia requesting the house to urge the Attorney-General to refer the conduct of Mr Eugene McGee in relation to the death of Mr Ian Humphrey on 30 November 2003 to the Legal Practitioners' Disciplinary Tribunal.

ROAD SAFETY

Mr TRELOAR (Flinders): Presented a petition signed by 84 residents of Eyre Peninsula requesting the house to urge the government to take immediate action to reduce the speed limit to 80km/h on Kitchener Terrace (Flinders Highway) through the town of Mount Hope.

FIREARM OFFENCES

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:01): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. WEATHERILL: Members would be aware that there has been considerable concern in the community following a series of incidents involving firearms since New Year's Eve. We have seen that too regularly firearms have been used recklessly by those involved in serious and organised crime and with little or no regard for public safety.

This senseless and highly dangerous behaviour is a gross attack on public order. The state government sees this type of activity as abhorrent. The government shares the concerns that the community has about these recent incidents. I would like to outline what the government is doing to combat crimes involving firearms with a view to enhancing public safety and sending a message that gun crime will not be tolerated in South Australia.

Working with SAPOL, we conducted a general firearms amnesty between August and October last year, which saw more than 2,700 illegal and unwanted firearms surrendered to police. This was the most successful firearms amnesty ever held in South Australia. Every firearm out of circulation means our community is safer.

This parliament has also passed a series of laws aimed directly at combating serious firearm violence. In September last year, the Statutes Amendment (Serious Firearms Offences) Act was passed, which contained a series of interlocking measures to send serious firearm offenders directly to gaol. The act strengthened penalties to up to eight years' imprisonment for discharging firearms to threaten either persons or property. This measure closed the gap on drive-by shootings, meaning it cannot be an excuse from the operation of the law if the property was empty at the time of the shooting.

The act also created a new offence for shooting at a police officer, carrying a maximum penalty of 25 years' imprisonment. These new offences came into operation in October last year. I can advise the house today that from 4 March this year, the remainder of the act will become operational. This will mean that we will have a new category of offender, called 'a serious firearm offender', who will have a presumption against a suspended sentence and a presumption against bail.

Also from 4 March, any person sentenced for an offence, firearms related or not, if released back into the community, will be subjected to the condition that they not possess a firearm or ammunition, or that when reasonably requested they submit to a gunshot residue test. These conditions will also apply to every form of conditional release, that is, probation, parole, bail, a release on licence or release on a suspended sentence.

I can also inform the house today that to support the government's broad-ranging response to firearm-related crime, the Deputy Premier, the Minister for Police and I have announced a new reward scheme that calls on the community to assist us in getting even more illegal firearms off the streets. Rewards of up to $10,000 will be available for providing information leading to the seizure of illegal firearms or arrests for serious firearm offences. It is important to note that these initiatives will not affect law-abiding owners of registered guns. It is aimed directly at those who think that possessing illegal firearms is acceptable in our society.

Members of the public wanting to provide information can call Crime Stoppers on 1800 333 000. I encourage members of the public to take advantage of this illegal firearms reward

scheme and I understand that they can do so anonymously. The recent incidents involving firearms in this state are concerning, and the state government and SAPOL are doing everything within their power to make our streets safer. Today we are asking the community to help us play a part in this battle.

WORKCOVER IMPROVEMENT PROJECT

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:05): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.R. RAU: There have been a number of reviews of workers' compensation in this state over recent years—

Members interjecting:

The SPEAKER: The Deputy Premier has been granted leave and I call the deputy leader to order.

The Hon. J.R. RAU: There have been a number of reviews of workers' compensation in this state over recent years and significant legislative changes were made in 2008. However, there is no doubt in my mind that more needs to be done. The scheme works well for many: 74 per cent of claims result in less than two weeks off work or—

Mrs Redmond: Certain people on the board do very well.

The SPEAKER: I call the member for Heysen to order.

The Hon. J.R. RAU: I will read that again, Mr Speaker. The scheme works well for many: 74 per cent of claims result in less than two weeks off work or are for medical costs only. A further 9 per cent are resolved within three months. However, the 11 per cent of claims that extend past six months' duration account for 92 per cent of the scheme's claim costs. Our big challenge is mainly in that 11 per cent. Return to work is central to that—

Members interjecting:

The SPEAKER: I warn the deputy leader for the first time. Deputy Premier.

The Hon. J.R. RAU: Thank you, Mr Speaker. Return to work is central to that challenge. Every aspect of the legislation and the operations of WorkCover should be assessed through one question: 'Does this really contribute to return to work?' For example, are rehabilitation services being used appropriately, effectively and delivered in areas of need to return injured employees to work? Are legislative levers for employers or employees being used in such a manner that they contribute to workers returning to work? Are all processes and procedures around management of claims focused and directed to supporting an early return to work? Is WorkCover adequately discharging its role as scheme regulator?

Today I met with representatives of employer and employee groups and associations to seek suggestions for both legislative and operational changes to the workers' compensation system. I will be assisted by the Workers Rehabilitation and Compensation Advisory Committee, which has representatives from industry employer, employee associations and rehabilitation providers. I will be considering all proposals put forward with a view to identifying areas where improvements can be achieved. I have set everyone this task with clear priorities:

1. increasing return-to-work rates;
2. reducing the unfunded liability;
3. improving the experience of injured workers in the WorkCover system; and
4. reduction in premiums.

I am seeking suggestions that contribute to a cohesive sustainable scheme and that are as best as possible embraced by both business and employee groups. Changes may be operational or, if they require legislation, they will preferably be matters that have bipartisan support. I want any legislation to be passed early this year so that we can begin to see swift improvement.

The objective is simple: decrease injury and improve the rate of return to work for injured workers. The natural outcomes of success in these objectives will advance the priorities that I have

outlined. I am hopeful that all interested parties can work together to achieve these goals. They are in the interests of all South Australians.

PAPERS

The following paper was laid on the table:

By the Minister for Tourism (Hon. L.W.K. Bignell)—

Plastic Shopping Bags (Waste Avoidance) Act 2008, Review of—November 2012

QUESTION TIME

HOSPITAL FUNDING

Mr MARSHALL (Norwood—Leader of the Opposition) (14:09): My question is to the Premier. Why is it that, following a public campaign run by the Victorian Liberal government, Victorian hospitals will claw back $107 million of federal Labor's health funds, while South Australia has run no campaign on this, and so will claw back nothing?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:10): I thank the honourable member for his question. I think he has been buying some of the propaganda that's been sent across the border by the Premier of Victoria. My advice is that they receive no such benefit, and, in fact, the net position for the Victorian government is that it doesn't improve materially at all as a consequence of the changes made.

Remember what actually was at the heart of this: there was a dispute that arose between the Victorian government and the commonwealth government, essentially, about this question of funding in relation to hospitals. The essence of the dispute is that the Victorian government was slashing and burning in its hospital sector, just as those opposite would do if they ever got in the treasury benches. So, what they—

The Hon. I.F. EVANS: Point of order, Mr Speaker. Standing order 98—debate.

The SPEAKER: It may have been debate. The Premier, no debate.

The Hon. J.W. WEATHERILL: Thank you, sir. What occurred is that they sought to blame the federal government or provide some cover for the fact that they were slashing and burning their state public sector and the health sector by seeking to shift responsibility to the federal government.

So, a massive dispute has arisen in that particular area, as I understand it, that the net effect on Victoria and indeed the commonwealth would be budget neutral in the first instance. However, over time, there might be a fiscal equalisation effect which could be adverse to Victoria's share of the GST, given that it is receiving a greater share of hospital funding, which impacts on GST share calculations and also a reduced share of the reward payments, which are excluded from GST share calculations.

I think what we are seeing there is a bit of petty politics that we are likely to see in this period leading up to the federal election, as all of the Liberal states on the eastern seaboard seek to pile into the commonwealth and try and camouflage their cuts to their state public sector by seeking to shift responsibility to the commonwealth. So, don't get sucked into it; it's just a game that's being played by the Eastern States.

HOSPITAL FUNDING

Mr MARSHALL (Norwood—Leader of the Opposition) (14:12): A supplementary, Mr Speaker. Given that the Premier's answer said that this is simply an issue between Victoria and the federal government, is the Premier aware that Queensland and New South Wales have today demanded their health funds back from federal Labor, and why won't the Premier demand South Australia's $31 million back?

The SPEAKER: Well, that's not a supplementary. Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:12): The Leader of the Opposition I know hasn't been in this game for very long, but he should appreciate that from time to time—

Members interjecting:

The Hon. J.W. WEATHERILL: Well, it is pretty elementary that the eastern state premiers (the Liberal premiers) are going to advance political propositions against a federal Labor government that has in fact increased the amount of funding into the healthcare system as a consequence of the changes that are made.

There have been dramatic increases in healthcare funding by our federal Labor government, because federal Labor and state Labor share the same objectives, which are improving the service delivery to the citizens of this nation. So, we stand together in wanting to help people by improving community services. What's happening on the eastern seaboard is that each of these state governments, that are having the same pressures on their budgets that we are having here, are seeking to slash into their public sectors in a way we have chosen not to do here, but they're doing something different.

Instead of accepting responsibility for the changes that have been made, instead of actually saying very openly and honestly that we are prepared to put on the line our AAA credit rating—because we want to invest in jobs, projects for the future and services that help people—and instead of being honest about that and saying that we've actually made a public policy choice, they seek to shift responsibility to a federal government whose only crime is to put more money into state governments in relation to healthcare spending. So don't get sucked into it; they're leading you astray.

The SPEAKER: Before we come to the supplementary, for breaches of standing orders 131 and 142, I call to order the leader, the member for Hammond, the member for Unley, the member for Morialta and I warn the deputy leader for the second time. Point of order, member for Davenport?

HOSPITAL FUNDING

The Hon. I.F. EVANS (Davenport) (14:14): Supplementary, if I can, Mr Speaker?

The SPEAKER: Yes.

The Hon. I.F. EVANS: Given the Premier's answer that the federal government is putting more money into health services and that the cuts to health in New South Wales, Queensland and Victoria were not the responsibility of the federal government, will the Treasurer accept responsibility for the over $900 million worth of cuts outlined in the South Australian health system?

The SPEAKER: That is not a supplementary. Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:15): Thank you. And of course we do; we accept the responsibility to make sensible economies in the healthcare system so that we can, at the same time, maintain excellent health care but try to do that in the most economic way possible.

This is not an easy equation. As the present Minister for Health is aware, this is a massive challenge. It is one of the reasons why the former treasurer is now the Minister for Health—because this is one of the great fiscal challenges that we have as a government and he is eminently suited to be able to meet that challenge.

This is going to be a challenge that we will have to meet in collaboration with our union partners that are representatives of the doctors and nurses, who will have to do new things; they will have to do different things in new ways to save money so that we can continue to maintain the excellence that we enjoy in our public hospital system.

Remember what we have in South Australia: within a national healthcare system which is regarded as one of the best in the world, we sit at the top of the tree. This is an incredibly enviable position to be in, but to continue to maintain that—and I must pay credit to the previous minister for health; he has delivered an excellent healthcare system, but it is an expensive healthcare system—we have to find ways of being able to deliver excellence with a greater degree of economy. We believe there are ways that can be achieved in doing that.

In the last budget we did have to back out some of the savings that we sought to make—I think there was about $500 million of savings which were backed out because they proved to be impossible to deliver. There is still, though, a very substantial body of work to be done to deliver the savings that remain in the budget, and it will involve new systems of work.

One of the projects that we are putting in place under the Public Sector Renewal Program is how we get healthy patients out of hospital more quickly. We have to make sure that we are not using up beds in a way which creates expense but is not adding to the wellbeing of patients, and that is one of the things that we are working on. It is difficult work. It is the difficult work of government. It is involving putting up positive propositions to make the South Australian healthcare system both excellent and efficient.

The SPEAKER: I call the Minister for Transport to order for a previous interjection during the Premier's answer. The member for Mitchell.

TRADE LICENSING

Mr SIBBONS (Mitchell) (14:17): Can the Minister for Business Services and Consumers inform the house about what is being done to protect the public from unlicensed tradespeople?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (14:18): I thank the honourable member for the question. I am pleased to inform the member for Mitchell that Consumer and Business Services (CBS) has established a campaign targeting unlicensed tradespeople, with increasing monitoring and education.

For MPs who are not aware, it is also illegal to advertise without a licence for building trades. Tradespeople advertising without a licence may face expiation notices or penalties. Tradespeople who contract for work without the appropriate licence are breaking the law, and their work is often substandard, leaving hefty repair bills.

In 2012, CBS issued 236 warning letters relating to alleged unlicensed activity, seven tradespeople were convicted or disciplined, and nine assurances were given. This year, CBS has strengthened agreements with local newspapers to reinforce the requirement of tradespeople who advertise to include licence numbers on their advertisements.

CBS has ramped up its monitoring of unlicensed traders, including: conducting media monitoring, internet and electronic phone book searches; liaising with various industry bodies to educate tradespeople; and assessing information and complaints received from the general public. The general public are encouraged to report unlicensed tradies and questionable activities to CBS at any time.

In a specific push to raise consumer awareness and to stamp out dodgy and illegal practices among trade services, CBS is holding a 'dob in an unlicensed tradie' day next month on 19 March. CBS wants to hear from consumers and industry members who are aware of unlicensed tradespeople contracting for work—

An honourable member: Bridge painters?

The Hon. J.R. RAU: —including plumbers, gasfitters, electricians and various building trades, such as tilers, carpenters and bridge painters.

Mr Venning interjecting:

The Hon. J.R. RAU: The phone-in day is aimed at raising public awareness of how unlicensed tradies can be reported. Rogue operators could face—and the member for Schubert should be aware of this—penalties of up to $20,000. The public can also visit the licensing public register on the CBS website to check out whether someone is licensed appropriately.

FLINDERS MEDICAL CENTRE

Mr MARSHALL (Norwood—Leader of the Opposition) (14:20): My question is to the Minister for Health and Ageing. Will the minister confirm that Flinders Medical Centre staff have ordered ramping ambulance drivers to turn off their engines whilst waiting; hence, during heatwave conditions, such as the 40º day on Monday, sick and injured patients are being left with no air conditioning whilst ramped outside the emergency department?

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (14:21): Not that I am aware. The issue with handover of patients from ambulance to hospital staff is a particular issue for the Flinders Medical Centre emergency department. I was down there about a fortnight ago, and I had an opportunity to have discussions with the administrators of that hospital about those particular issues.

I have to say that it is not an issue, in terms of delays in the transfer of the care of a patient from an ambulance over to the hospital emergency department, that is isolated to just the Flinders Medical Centre. It becomes an issue in the Flinders Medical Centre because the size of the department is relatively small, so what happens is there tends to be delays because patients have to be kept in the ambulance before they are able to be transferred because there is not the holding room in the emergency department for their treatment. But it is something I am working very closely with the emergency department and the Flinders Medical Centre to have resolved.

Of course, what happens in a hospital with these delays is that often there are issues further up the chain. If there is an issue with finding a bed to admit someone, if there is a blockage somewhere up in the hospital, that of course has repercussions right throughout the department and the hospital. We are working very closely to find new and better ways to expedite the treatment of patients and to expedite their movement through the various departments of the hospital to try to get them either discharged or admitted into the hospital as quickly as possible to try to resolve these issues.

As to the specific issue, it is not something I am aware of; it is certainly not something I recall being advised about. But in terms of the issue of the transfer of patients into the care of the emergency department, we are working very closely with both the ambulance service and the emergency department of the Flinders Medical Centre to try to resolve those issues.

CLARE DISTRICT HOSPITAL

Mr BROCK (Frome) (14:23): My question is to the Minister for Health and Ageing. Can the minister advise on the recently built chemotherapy unit at Clare and the services that it will provide for the patients in the Mid North?

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (14:23): I thank the member for Frome, and I acknowledge his very strong advocacy for better health services for the people of his electorate. I am pleased to update the house that services at the newly-built Clare chemotherapy unit will begin next month. This is the first of 10 units funded by the state and federal Labor governments to open in country South Australia.

The new service at Clare hospital will see four new chemotherapy chairs treating up to eight patients a day. Because of the investment, chemo patients in the region will be able to access some of their treatment locally rather than having to travel to Adelaide. This will benefit patients not just in Clare but across the Mid North, from Spalding, Balaklava, Snowtown, Burra to parts of the Barossa and elsewhere in between. Accessing the treatment close to home means that patients and their families have a better quality of life and can deal more effectively with the challenges of cancer treatment.

The unit also includes videoconferencing facilities, so that some consultations can be carried out with metropolitan specialists via the digital Telehealth network. Five existing nurses at the hospital have received training and are now accredited to carry out chemotherapy treatment.

These 10 new units, along with the Regional Cancer Centre in Whyalla, will play an important part in building a world-class cancer care system in South Australia. They will provide a total of 54 chemotherapy unit chairs, in addition to chairs at Berri, Kangaroo Island, Ceduna and Port Pirie. This Labor government knows just how important this service will be to patients and their families across South Australia. I would like to end by thanking the Clare Valley Dance Group, Friends of the Clare Hospital and the Lutheran school for their generous donations to the new unit, helping to provide a new kitchenette, quiet area and special monitoring pump at the site.

NARACOORTE HOSPITAL

Mr MARSHALL (Norwood—Leader of the Opposition) (14:25): My question is to the Minister for Health and Ageing. Will the minister confirm that the Naracoorte Hospital cannot open its chemotherapy chairs due to a lack of properly trained staff, despite these chairs being available for treatment for about the last four months and the minister having posed in one of the chairs for a publicity photograph?

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (14:25): I find it rather extraordinary to be criticised by the Leader of the Opposition for a publicity stunt. It is rather galling coming from the man who takes journalists out on his yacht to accuse me of a publicity stunt, but nonetheless I will turn to the substance of the question, sir.

The SPEAKER: That would be good.

The Hon. J.J. SNELLING: I have been down to the new chemotherapy unit at Naracoorte. I don't think there have been any necessary delays. My understanding is that it was always anticipated that there would be some time between the facility being opened and the staff required for that facility to staff that facility receiving the appropriate training. You can't just send a nurse who has no experience, who hasn't been properly trained in the administration of chemotherapy. It is a very specialised field in nursing and it does take time to train those nurses in the administration of chemotherapy.

I am not aware of there being any delays. My understanding is that it was always going to be the case that it would take some time between the physical chairs being ready and the nurses—the required staff—receiving the appropriate training in order to deliver the services. I don't know what the Leader of the Opposition would suggest; that we just put nurses in there who don't have the appropriate training to deliver the services.

Ms CHAPMAN: Point of order.

The SPEAKER: Point of order from the deputy leader, who is on two warnings already, so I hope this is not a frivolous or vexatious point of order.

Ms CHAPMAN: When he stated the words, 'The Leader of the Opposition would have us' etc.—if that's not debate I don't know what is.

The SPEAKER: The question was asked by the Leader of the Opposition and the minister is responding to it, so I would have expected it to be in order for the minister for health to remark on it being the Leader of the Opposition's question. It is a matter raised by the leader. That doesn't give the minister licence to insult the Leader of the Opposition.

Ms CHAPMAN: Well indeed it doesn't. The words were to the effect of, 'If the Leader of the Opposition would have us,' and it wasn't a question of a question there; it was a debate about what he expected the Leader of the Opposition would be demanding of the government to do. Now, that is a debate point and that is what I ask you to rule on.

The SPEAKER: If it is a breach, it is a very minor breach. The Minister for Health has finished.

ADELAIDE FRINGE

Dr CLOSE (Port Adelaide) (14:28): My question is to the Premier. Can the Premier inform the house about the success of the Adelaide Fringe and the effect it is having on the city's vibrancy, economy and world standing?

The SPEAKER: To say it is a success is something of a comment.

Dr CLOSE: Success or otherwise.

The SPEAKER: Or otherwise, okay. The Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:29): Thank you, Mr Speaker, and I will wade into that controversy about whether it has been a success or otherwise. I thank the honourable member for her question. I attended last Friday, along with a number of those present in this chamber, the parade, the 2011 Adelaide Fringe parade, a spectacular parade which went down the centre of King William Street.

Members interjecting:

The Hon. J.W. WEATHERILL: What did I say?

Members interjecting:

The Hon. J.W. WEATHERILL: Well, you were there, I'm sure you enjoyed it—the 2013 parade going down King William Street, and it was a great event. Indeed, the parade featured many artists, community groups, extraordinary floats, and employees, friends and families of Fringe sponsors. The Fringe sponsors really do participate in this event in an amazing way. One of the sponsors, I think, is Minter Ellison, and they excel themselves every year with their particular get-up.

The Fringe estimates that nearly 60,000 people headed to the city to watch the parade to see the Fringe shows and explore the Fringe venues. There are 323 Fringe venues this year with 167 Fringe venues in the Adelaide city square mile; 113 of them in the city are pop-up venues, with 28 pubs and clubs. Venues such as Gluttony, Holden Street Theatres, Birdcage at Arcade Lane, Tuxedo Cat return this year and are joined by new venues Ensalada, Howl the Moon, Popeye, the Bus Stop, Freak Central, and the Depot. The Depot is on the side of the old Adelaide bus depot, and there is a fantastic renaissance of that piece of unused public space at the moment.

There were 10,000 visitors who came through the door on the opening night of the Garden of Unearthly Delights, and that's going from strength to strength. There are 147 venues outside of the CBD, and so the Fringe is spreading out across South Australia. Of course, this is operated by Adelaide Fringe Incorporated, a not-for-profit association. I want to pay particular credit to Greg Clarke and the Fringe Chair, Judy Potter, who is supported by a fantastic team that just keeps making this Fringe event go from good to fantastic.

Supported by South Australian, Australian and international companies, the Fringe sponsors—people like Bank SA, the principal partner; major partners, Minter Ellison, lawyers; Coopers; PWC; and Internode—all of those are doing fantastic things. Last year, the Fringe delivered a massive economic benefit to the state of $48.2 million, an increase of 18 per cent on 2011. That's a return to the state government investment of $1 to $43—a fantastic investment for the state.

Building on this growing success, of course, we extended the Fringe by an extra week this year, and ticket sales for the first weekend are tracking 13 per cent up on the same time as last year, so it looks like this investment is, once again, going to pay off. So, congratulations to all those people that are participating. I encourage all members of the house, including those opposite, to come in and enjoy the—

Ms Chapman: I am in one.

The Hon. J.W. WEATHERILL: You're in one?

Ms Chapman: Yes.

The Hon. J.W. WEATHERILL: Congratulations. What is it?

Ms Chapman: *Miss Responsibility*.

The Hon. J.W. WEATHERILL: *Miss Responsibility*, how appropriate—at last!

An honourable member interjecting:

The Hon. J.W. WEATHERILL: That's right—live from the Liberal Party room, March 2013. Can I just encourage all those members on both sides of the house to get involved in this wonderful event.

PENOLA WAR MEMORIAL HOSPITAL

Mr MARSHALL (Norwood—Leader of the Opposition) (14:33): My question is to the Minister for Health and Ageing. Does the minister agree with the president of the Penola Medical Support Group, who has stated that the recently opened 750,000 accident and emergency centre at the Penola hospital cannot be utilised effectively because the centre has neither an X-ray machine nor a sufficient number of nursing staff?

The SPEAKER: Is the leader asking whether the Minister for Health agrees with the media report?

Mr MARSHALL: With the president of the Penola health group's views.

The SPEAKER: Minister for Health.

The Hon. J.J. SNELLING (Playford—Minister for Health and Ageing, Minister for Mental Health and Substance Abuse, Minister for Defence Industries, Minister for Veterans' Affairs) (14:33): No, of course I don't agree with that remark. It's a very significant investment. I have travelled to Penola, I have had an opportunity to visit that particular facility, and I am surprised that members opposite would be finding fault with this government which has made significant investments into the health care of South Australians who live in our regions.

I just find it extraordinary that, when this government has made such a significant investment in regional health services, all that we can hear from the opposition is carping,

complaining and finding fault. You would think that the opposition and its members—particularly the member for MacKillop, who, if I am not mistaken, has Penola within his electorate—would be in this place applauding the government.

An honourable member interjecting:

The SPEAKER: I anticipate the point of order. I think it is part of the function of Her Majesty's opposition to carp, whinge and criticise. Therefore, I seek to restrain the Minister for Health from going down that path. Is the Minister for Health finished?

The Hon. J.J. SNELLING: I am, sir.

LOCKLEYS PRESCHOOL

The Hon. P. CAICA (Colton) (14:35): My question is to the Minister for Education and Child Development. What strategies does the government have in place to ensure both the short and long-term operation of the Lockleys Preschool?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:35): I thank the member for Colton for his question. The last few months have been a rollercoaster ride for the Lockleys Preschool community. Members may not be aware, but the current site of the preschool, which is owned by the West Torrens council, has been deemed unsafe for use as a preschool. An independent arborist was engaged to assess the safety of 12 large gum trees, one of which dropped a large branch into the preschool grounds last year. The arborist recommended that the site was no longer to be used as a preschool as it poses an unacceptable risk for students and staff.

I am pleased to advise that a new $3.5 million preschool will be built for the Lockleys community at the Lockleys North Primary School. I gave approval for this work to commence last Thursday following discussions with both the leadership teams from the school and preschool as well as the respective heads of their governing councils. I want to thank very much both the member for Colton for his advocacy and the member for West Torrens. This has led to a great result.

The efforts of local staff meant that by 11 February all 77 children had been placed in nearby kindergartens within five kilometres of the site. The Lockleys community have shown a great degree of resilience and understanding in this process and I want to place on record my appreciation of all of those involved. Standing shoulder to shoulder with them, of course, has been the team from the Department for Education and Child Development. The state government is indebted to the great work they have done in not only placing the children quickly but organising a new facility that I am pleased to say will be up and running for term 1 in 2014.

This preschool dates back to 1946 when parents gathered together to form a kindergarten and playgroup, so it has a great history. The Lockleys Baptist Church in Torrens Avenue offered the use of a large back room where they held Sunday school, and also the use of a piano and toilet facilities. In 1947, it began with a group of children aged three to five who lived in the local area. By 1948, the preschool was well established with around 30 children and a waiting list. From the start at Torrens Avenue, parents aimed to raise money for land and a building of their own. Mr Alec Ramsay, who was general manager of the South Australian Housing Trust at the time, found he was able to make a piece of land in Rowells Road available for this purpose. By 1954, a contractor was found to construct a building for the reasonable sum of £2,655, and a loan from the West Torrens council for £1,500 pounds helped enormously.

Families in Lockleys can now look forward to building on over 65 years of services with a new co-located facility that will offer families the convenience of a one-stop shop and allow greater opportunities for both the school and preschool to work together. The new facility is a great result for all involved and I wish the preschool director Pauline Robinson and Lockleys North principal Anne O'Callaghan my best wishes as they forge a bright new future for the Lockleys school community.

MANUFACTURING, INNOVATION, TRADE, RESOURCES AND ENERGY DEPARTMENT

Mr HAMILTON-SMITH (Waite) (14:39): My question is to the Premier. Is it he who, to quote the Premier's public statements in recent days, 'counselled' the Department for Manufacturing, Innovation, Trade, Resources and Energy CEO Mr Geoff Knight about his criticism of the impact of the federal Labor government's minerals resource rent tax, and is it he who

directed that Mr Knight should 'be keeping his views to himself in future'? And if it wasn't the Premier, who was it?

The SPEAKER: Premier, that does seem to be a question asking whether a media report is true but, if you are happy to answer it, I will allow it.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:39): Thank you, Mr Speaker. No, it was not me who counselled the relevant chief executive. It was the Minister for Manufacturing who, in fact, carried out the counselling—at my request. I will explain why.

Mr Marshall interjecting:

The SPEAKER: Premier, would you be seated? I warn the leader for the first time. Premier.

The Hon. J.W. WEATHERILL: Sorry, it was the minister responsible for the Department for Manufacturing, Innovation, Trade, Resources and Energy (the present Minister for Energy) who, in fact, carried out the counselling—at my request. I did that for three reasons. First, it is not the government's policy to criticise the MRRT (minerals resource rent tax). That is the first proposition.

Secondly, it is not appropriate for public servants, especially chief executives, to be entering into a matter of political controversy at the federal level—it is a matter of extreme political controversy. It does not assist the conduct of relations between our state government and the commonwealth government if one of our senior public servants is intruding on an area of political controversy as between the commonwealth and the state.

The third reason I believe that the chief executive should have been counselled is that he is wrong. He is making points about the investing climate, particularly as it was taken to be general, which could have reflected upon the investing climate in South Australia; and the truth is that the minerals resource rent tax has little or nothing to do with the South Australian environment because it does not tax minerals, which is a principal concern here.

The other matter which I would have thought is elementary is that the large miners, in fact, agreed to the MRRT. In fact, members will remember the controversy before the last federal election when the then prime minister negotiated directly with the various mining interests and got changes to the mining tax that the companies managed to extract, and now we are told that it is collecting little or no taxation at a federal level. How on earth it could have negatively affected the investing climate is, frankly, beyond me. Nevertheless, we have made those points. So, I think he is wrong and has made a mistake. I should quickly add, though, that he is an excellent chief executive. I think he was—

An honourable member: He was wrong.

The Hon. J.W. WEATHERILL: Well, he was wrong, but I think he was horrified at the way in which this was picked up and reported. Certainly, I think he was very contrite, as I understand it, from the conversations he had with the minister who spoke to him.

Mrs Redmond interjecting:

The Hon. J.W. WEATHERILL: We do not seek to gag our public servants—

Mrs Redmond interjecting:

The Hon. J.W. WEATHERILL: —but we will be saying to them—

Mrs Redmond interjecting:

The Hon. J.W. WEATHERILL: —that it is not appropriate for them to enter into matters of political controversy of this sort.

Mrs Redmond interjecting:

The Hon. J.W. WEATHERILL: It is just simply not appropriate. I think he accepts that.

Members interjecting:

The Hon. J.W. WEATHERILL: He said that, I think at the very moment that it was raised with him. He expected that there would be a conversation with government. He acknowledged that this was an embarrassment that was caused and that it was an error of judgement on his part.

Mrs Redmond interjecting:

The Hon. J.W. WEATHERILL: I must say that he runs an extraordinary agency which, frankly, is an exemplar, not only in terms of delivering results in the areas of endeavour that it looks at, but also he is an excellent public servant in terms of his relationship to government.

MANUFACTURING, INNOVATION, TRADE, RESOURCES AND ENERGY DEPARTMENT

Mr HAMILTON-SMITH (Waite) (14:43): Supplementary, Mr Speaker.

The SPEAKER: Member for Waite.

Mr HAMILTON-SMITH: Given the Premier's reply, is this direction to Mr Knight that he must 'keep his views to himself in future', a restraint or an order that might apply to any evidence the CEO may give to a parliamentary committee or to parliament during budget estimates; and, if so, is the Premier concerned that this might be a breach of privilege?

The SPEAKER: That is not a supplementary but I will allow it as a question. Before the Premier rises to answer that, I warn the member for Heysen for the first time for her interjections during the previous answer, which were plentiful. The Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:44): No, of course it does not amount to a restriction on him making comments to relevant bodies where he has an obligation to provide answers to questions—of course it does not. It is simply counselling him to not enter into matters of political controversy which involve national economic policy issues. I would have thought it was certainly something that those on the other side—if they ever were in the Treasury benches—would never tolerate, and did not tolerate when they were in government, and it is appropriate that they do not tolerate it, because it is just simply inconsistent with the role of a public servant.

That is not to say that public servants will not from time to time offer fearless and frank advice to us on a confidential basis, and sometimes there may also be appropriate circumstances where they express views which may be matters of opinion that they advance but, generally speaking—and we do not seek to restrain them in that regard—it is inadvisable to be making direct comments which are inconsistent with government policy. It undermines the capacity of the government to discharge its work and, at the end of the day, public servants do actually serve the government of the day. One day these public servants will be serving you, in the eternity that may unveil itself when you actually do ultimately occupy these benches, and you will be looking for the same sorts of response by public servants in the future, should you ever be in that position.

RESOURCES AND ENGINEERING SKILLS ALLIANCE

Mrs VLAHOS (Taylor) (14:46): My question is to the Minister for Employment, Higher Education and Skills. Can the minister inform the house about how the South Australian government is supporting the mining industry by promoting skill development?

The Hon. G. PORTOLESI (Hartley—Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy) (14:46): I thank the honourable member for this question and acknowledge her work in this area. All of us in this place acknowledge that education and training is absolutely critical to ensuring that we are as a state well placed to meet our state's workforce needs going into the future. It has been suggested that between 2010 and 2015, for instance, we may need up to 10,000 additional qualifications in the mining and engineering sector. This is complicated by the backdrop to all of this which is the fact that we are dealing with fluctuating commodity and currency prices.

The state government is very clear—and the Premier talked about this, this week in fact—about making this sector a key priority, one of our seven, along with advanced manufacturing. We also have a number of initiatives in this area including our Skills for All reforms and the STEM Strategy, our science, technology, engineering and maths. We are also investing over $200 million in vocational education and training infrastructure, including the $38 million mining and engineering centre at the TAFESA Regency campus.

That is why I was very pleased earlier today to attend the Resource and Engineering Skills Alliance Skills and Workforce Summit for this year, a very important summit with a very practical and action-based focus that is bringing together key leaders in this important industry to look at resources and engineering workforce challenges and, as I said, workshopping practical solutions.

I was very pleased to have the opportunity to speak to a number of participants—in fact, I think the Premier gave the keynote address, and opened the conference this morning—and to hear firsthand about the challenges of training and recruiting staff. They also asked me, and I was very pleased to launch their website, Hot Rubble.

An honourable member: Appropriately.

The Hon. G. PORTOLESI: Appropriately, yes. The website is a dedicated career resource aimed at connecting people. I have to say, having looked at the website, it is first class. It provides extensive information about all aspects of this industry—students, teachers, parents, and people in the sector who are looking to upskill themselves. I offer my sincere congratulations to RESA, I look forward to learning of the solutions as well as the issues that they have identified, and I wish them all the very best.

INDIA ENGAGEMENT STRATEGY

Mr HAMILTON-SMITH (Waite) (14:49): My question is again to the Premier. Following his visit to India last year, why has his government sacked SA's senior trade commissioner in India, Mr A.K. Tareen, and six staff and closed the Chennai trade office, given that the government's 10-year India Engagement Strategy, released in October 2012, says that successful trade between SA and India 'will require a dedicated, fully aligned India team operating both in India and South Australia'? In particular, is the government aware of, or did the government have concerns about, waste or inappropriate use of resources under the former arrangements?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:50): I thank the honourable member for his question. We are reviewing the way in which we approach India, and the India strategy is the guide that will assist us to do that. I think some of the most sophisticated work that has been done in terms of a relationship between South Australia and an overseas country has been done for the purposes of the India strategy.

A very fine-grained analysis using one of the larger counting houses—KPMG, I think—has assisted us in that regard. They have some serious India experts there who have undertaken a capability analysis of India and South Australia and seen where the gaps and opportunities exist for us to work closely together. That is what is guiding us. It is less a place-based strategy than looking at particular opportunities that may exist across India.

That is not to say that there will not be important needs for on-the-ground support within India, but we did receive strong advice that the current arrangements that we had were not appropriate and that the current personnel needed to be changed, and we have acted on that advice. But the trade office's strategy is not about saving money: it is about the appropriate reallocation of resources to get the greater bang for our buck in terms of overseas trade effort.

METROCARD

Ms BETTISON (Ramsay) (14:51): My question is to the Minister for Transport Services. Can the minister update the house about the online recharge facility now available for the Metrocard ticketing system?

The Hon. C.C. FOX (Bright—Minister for Transport Services, Minister Assisting the Minister for the Arts) (14:52): I thank the member for this important question. I am delighted to advise that the rollout of the Metrocard ticketing system for buses, trains and trams continues to be a resounding success, and today we managed to launch the online recharge facility.

The Metrocard system replaces the old system which was installed in 1987. I should make it very clear to the house that we have bought a new system because the old one had become obsolete and we could no longer find the pieces to maintain the system with, so we went out and bought really world's best practice and in November we installed the Metrocard system here. At this point in time, more than 60 per cent of the trips carried out are using the Metrocard. Particular success has been with the Seniors Card.

Today, we launched the online recharge facility. What that means is that you can go online and register your name online and your card number online, and then with a credit card you can recharge your card online. You can either do it that way for any sum you like or you can actually have a 'set and forget' facility, so that when you get to a certain amount of money, when you have only $5 left on the card, your credit card will automatically top it up.

I am really pleased that this has been launched today. As we know, a lot of people, regardless of their age, now do a lot of things online—banking, shopping, you name it—and this is just another way of making this particular piece of infrastructure even easier for South Australian commuters to use.

PARLIAMENTARY PROCEDURE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:53): Mr Speaker, you will be delighted to know that my question is to you, as you, under standing order 144, are responsible to maintain decorum and dignity of the house. My question is: do you consider that the Attorney-General's failure to participate in debate and not attend for a vote without leave concerning the referral of the Mr Eugene McGee motion today has lowered the dignity of the house?

The SPEAKER (14:54): No, I don't. No, I most certainly do not. The question is out of order. The deputy leader is on two warnings. Strictly, she should go out for that frivolous and vexatious point of order.

An honourable member: It was a question.

The SPEAKER: Well, it is completely out of order and it is also contrary to the customs and conventions of the house to refer to the presence or absence of any member. All members are deemed to be in the chamber all the time by convention and I note that it took the deputy leader eight or nine months to bring the motion on for debate.

Ms CHAPMAN: I seek a point of clarification, Mr Speaker. The vote that was taken this morning is recorded on the *Hansard*. It is in fact recorded. It is not a question of whether you are in or out; you have to be in to be counted. So, I agree with you entirely, of course, in relation to the absence and reference to someone if they are not present in the chamber for the debate, but I am specifically referring to the attendance for the purpose of the vote without leave of a pair in the house. Do you consider that to have been a diminution of the dignity of the house?

The SPEAKER: No.

Mrs GERAGHTY: I am not sure if this is a point of order, sir, but I think for the record I should say I did ask for a pair for the Attorney-General who was unable to be here for the vote. I asked to change it—

Ms Chapman: Don't mislead the house, Robyn.

Mrs GERAGHTY: —and they refused.

Mr Gardner: While the bells were ringing.

Mrs GERAGHTY: While the bells were ringing, that is right, you refused.

The SPEAKER: The member for Torrens will be seated. This is the last I wish to hear of this matter. The member for Little Para.

ORGANISED CRIME IN SPORT

Mr ODENWALDER (Little Para) (14:56): Thank you, Mr Speaker. I have a question for the Minister for Sport. Can the minister inform the house about concerns regarding the release of the Australian Crime Commission report into drugs and crime in sport?

The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport) (14:56): Last Thursday, I attended a confidential briefing with the Australian Crime Commission in Melbourne. Other ministers from the states and territories were there with the federal—

The Hon. I.F. EVANS: Point of order, sir. The minister has just told the house he attended a confidential briefing, and I am just wondering whether it is in order that he advise the house of what was discussed in a confidential briefing.

The SPEAKER: The Minister for Sport will be seated. That is of course not a point of order, so I call the member for Davenport to order for obstructing the business of the house. Of course, it is a point he may wish to make in debate, during grievances or to the media. It is not a point you make disguising it as a point of order. The Minister for Sport.

The Hon. L.W.K. BIGNELL: It is a very serious matter, and I find it unbelievable that the opposition want to make jokes about this. I was asked whether I had concerns about—

The Hon. I.F. EVANS: Point of order, Mr Speaker: standing order 98.

The SPEAKER: I warn the member for Davenport for the first time for another obstructive point of order. It would be a pity if the first person to leave under the sessional order of 29 February last year would be someone who made three frivolous or vexatious points of order. The Minister for Sport.

The Hon. L.W.K. BIGNELL: Thank you again, Mr Speaker. I was asked whether I had concerns about the release of the information by the Australian Crime Commission, and I do have concerns about that. We were given the briefing and the crime commissioner said that it was his decision to release the information about allegations of match fixing, organised crime and drugs in sport, and it was his timing of what was released and how much would be released.

I have a real concern that what this has done is damage a lot of innocent sporting people and a lot of innocent clubs. I would like to reassure followers of clubs and athletes in South Australia that they should stick with their teams, whether they are sponsors or supporters, until they hear otherwise, because the Australian Crime Commission passed the responsibility to release any information over to the AFL and the NRL where it concerns those two codes.

These investigations could go on for months, and the AFL is not in a position to come out and say who has been accused and who has not been accused. We have 850 AFL players and 18 clubs, and some have been accused of doing the wrong thing, but the very great majority have done nothing wrong and have been accused of doing nothing wrong.

There are clubs here in South Australia who have sponsorships hanging in the balance with sponsors unwilling to sign until this is all cleared up. I would urge them, in light of this dragging on for several months, and perhaps until the end of the season, to get behind our football clubs, and for supporters to get behind their club. Until there is evidence put forward that anyone has done anything wrong, we should all support the innocent athletes out there who have been tarnished by these allegations that are so general in nature.

YOUTH UNEMPLOYMENT

The Hon. I.F. EVANS (Davenport) (15:00): My question is to the Minister responsible for the Office of the Northern Suburbs. Does the minister agree with the Premier's comments yesterday that the Northern Adelaide youth unemployment rate of 43 per cent is 'an almost meaningless statistic'?

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:00): I would like to thank the member for his question. I would entirely agree with the Premier: the figure generally used to assess the unemployment rate is not the basis which the member for Davenport has used in his media statements.

PRISONER EDUCATION

The Hon. R.B. SUCH (Fisher) (15:01): Can the Minister for Correctional Services inform the house about what the government is doing to improve literacy and numeracy amongst prisoners, and how participation in this and other programs such as sex offender rehabilitation is being encourage and supported?

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:01): I thank the member for Fisher for the question. Mr Speaker, we know that prisons are largely populated by people who have lower levels of literacy and numeracy than the general community. This in turn means that many prisoners are unsuitable for the general workplace, placing them at greater risk of reoffending.

It is a challenge for correctional systems around the world to raise educational levels and thereby create opportunities for vocational training that limit reoffending. A 2007 study by the National Centre for Vocational Education Research found that approximately 62 per cent of prisoners have deficits in their literacy levels to the point of being classified as less than functional.

In 2010, the Department for Correctional Services in South Australia assessed 150 prisoners on their literacy and numeracy levels. Three quarters of those assessed were found

to have literacy and numeracy skills below functional levels; meaning, beneath that of a year 8 student. The government's response was to make enhancing literacy and numeracy levels a high priority for the department.

To support the identification and prioritising of prisoners with poor literacy and numeracy, a common screening tool was developed and is now being utilised in all prisons in South Australia. Prisoners identified with very low levels of literacy and numeracy are provided with intensive one-on-one support. The results speak for themselves.

The Australian Government Productivity Commission Report on Government Services, released in January, shows that South Australia's correctional system leads the nation for the fifth year in a row by recording the lowest rate of reoffending or returning to prison. South Australia also scored top marks in educating prisoners, with 46 per cent of eligible prisoners participating in education and training courses.

Mr van Holst Pellekaan interjecting:

The SPEAKER: I call the member for Stuart to order.

The Hon. M.F. O'BRIEN: Mr Speaker, literacy and numeracy are the essential building blocks for vocational training. I again thank the member for Fisher for his question. The member for Fisher initiated an inquiry into the juvenile justice system in 2003, which the member chaired. I was fortunate to be a member of that select committee, as were the Minister for Health, the member for Bragg and member for Heysen.

Although not addressed in the recommendations of the select committee, I think it would be fair to say all members became painfully aware of the extremely poor rates of literacy and numeracy among juvenile offenders, particularly Indigenous youth. I am particularly pleased, as the new Minister for Correctional Services, that this issue is being addressed in our adult facilities in the focused and determined manner that has resulted in the outcomes highlighted in the Productivity Commission Report.

The SPEAKER: The 12th opposition question of the day goes to the member for Morphett.

NORTHERN ADELAIDE REGIONAL COLLABORATION

Dr McFETRIDGE (Morphett) (15:05): Thank you, Mr Speaker, and it is a very good question, too, for the Minister for Communities and Social Inclusion. Given the issues facing northern Adelaide, why did the Northern Adelaide Regional Collaboration not meet for at least seven months after 1 June and has it met this year? FOI documents obtained by the opposition indicate that this group, the Northern Adelaide Regional Collaboration, did not meet between 1 June and 31 December.

The SPEAKER: The explanation was entirely unnecessary. The Minister for Communities.

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:05): Thank you, Mr Speaker. I thank the member for his question. First of all, there are a number of forums established in the north to discuss economic policy, education, etc.

Mr Gardner: This one is yours.

The Hon. A. PICCOLO: In fact, the ones I have talked about are all mine, and under that umbrella they will meet. The collaboration meets only two or three times a year; in fact, I am scheduled to meet with them shortly, and I am sure we will do things to make sure that we improve the north, unlike members opposite, who like to drag the north down.

NORTHERN ADELAIDE REGIONAL COLLABORATION

Dr McFETRIDGE (Morphett) (15:06): I have a supplementary question. Minister, what is the Northern Adelaide Regional Collaboration doing to address the spiralling—

The SPEAKER: That is not a supplementary question. The member for Torrens.

CLEANTECH PARTNERING PROGRAM

Mrs GERAGHTY (Torrens) (15:06): Thank you, sir. My question is to the Minister for Manufacturing, Innovation and Trade. Can the minister inform the house about the CleanTech Partnering Program grants?

The Hon. T.R. KENYON (Newland—Minister for Manufacturing, Innovation and Trade, Minister for Small Business) (15:07): I thank the member for Torrens for this question. The government established a $2.15 million CleanTech Partnering Program in 2010 to assist small and medium enterprises commercialise new clean tech ideas and products. The program provides innovation grants of up to $50,000 for proof of concept and commercial viability testing and commercialising grants of up to $100,000. Eight grant funding rounds have been run to date, with a total of $991,000 being awarded to 22 projects.

Success stories include EchoProTem, which used the grant money to complete a prototype for a water pipe leak detection system suitable for remote locations. The prototype system has the ability to transmit data in areas with limited mobile phone reception, and it can also operate on low power derived from a small solar panel. The project is now progressing to customer trials.

Cogen Microsystems Pty Ltd recently completed the design and prototype of a hybrid solar energy system that generates electricity and hot water with a low installation cost. With the assistance of the grant funding, the component testing was undertaken on a new alternator within the system, with results indicating high efficiency. The company now plans to progress to a pre-production prototype for final testing.

The CleanTech Partnering Program assessment panel met in October 2012 to review round 7 applications. The panel subsequently recommended that $50,000 in funding be awarded to Rubitronics Pty Ltd, an Unley Park-based South Australian developer of patented electronic controllers for cooktops, ovens and other appliances that ignite gas. Rubitronics will use the funding to develop and patent a new power controller which converts alternating current (AC) electrical power inputs for low-voltage requirements without the use of a transformer.

This innovation removes the need for heavy copper or iron transformers, significantly reducing the size and weight of the controllers and providing improved durability and performance. I am particularly looking forward to that bit. There are clear industrial benefits in terms of a potential reduction in size and cost of manufacture. The elimination of copper and iron from these products also has environmental benefits in that there is potential for significant material savings for manufacturers and in terms of general resource efficiency. Do you know what that means?

An honourable member interjecting:

The Hon. T.R. KENYON: I don't think you do. The grant funding will be used to complete product testing, to obtain necessary regulatory approvals and to design and build production equipment. The technology is to be supplied worldwide to global companies through an established agreement with a European distributor. I am pleased to be part of a government that supports and encourages the innovation of South Australian manufacturing companies that are committed to developing our clean technology sector and securing new market opportunities.

ADELAIDE HIGH SCHOOL

Ms SANDERSON (Adelaide) (15:09): My question is to the Minister for Education and Child Development. When will the minister release the new intake zone for Adelaide High School? At a governing council meeting last year, the former minister promised that the new intake zone would be released before Christmas 2012.

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (15:10): I know that there are many communities that are very anxious to see where the Adelaide High School zone might go or might not go and I am very anxious to have this matter settled and be very clear for those who have an interest, so as soon as I possibly can.

PARLIAMENTARY PROCEDURE

The SPEAKER (15:10): Before we go to grievances, I would note that the deputy leader's allegation about the absence of the Attorney-General related to absence from a procedural motion, motion to adjourn, not the substantive motion. Member for Waite.

GRIEVANCE DEBATE

CHILDCARE SERVICES

Mr HAMILTON-SMITH (Waite) (15:10): In recent days in the house I have initiated two actions—one a select committee on child care and the other a private member's bill to do with child care. While I do not want to reflect on those two initiatives for obvious reasons, I do want to make

some general comments about the challenge South Australia faces with childcare affordability at present and put a few things on the record.

Can I say first of all that I think successive governments, both Labor and Liberal, federal and state, have over a period of time mismanaged the growth of child care within this state and nationally for that matter. The fact is that the private small family business sector is a significant player in the provision of long day care services and that by a COAG initiative, at the instigation of a former federal Labor government, the responsibility for child care falls to the commonwealth.

Members interjecting:

The SPEAKER: Silence!

Mr HAMILTON-SMITH: Over a period of time, this state, along with other state governments, have allowed themselves to be drawn into the business of child care, in effect constituting a cost transfer from the commonwealth to the states. In doing so, they have diverted funding out of high school and primary school education into the provision of new childcare services that ought rightly to have been funded by the commonwealth, provided by the private sector, but funded through childcare benefits and childcare rebates.

There are a range of reasons why this happened. Some in the bureaucracy think that child care and all early childhood services should be run by the government and object to the private sector being involved. There are other stakeholders: the unions, various entities, that for one reason or another—

The SPEAKER: A point of order from the member for Elder. Would the member for Waite be seated, please.

The Hon. P.F. CONLON: I regret taking it because I have a lot of respect for the member for Waite, but I just want to ask you: does the member have a private member's bill before the chamber on this matter which was debated earlier today?

The SPEAKER: Yes, the member for Waite's bill on child care was moved this day.

Mr HAMILTON-SMITH: In fact, I addressed that issue when I made my opening remarks. I pointed out to the house that I have raised two issues. I do not want to make specific reference to either of those two issues. The bill deals with a very specific matter; I am talking generally about the problems facing the sector and I am not making reference to the bill.

The SPEAKER: Member for Waite, you must be very careful not to anticipate the debate on what happens to be your own bill, so I will listen to your remarks very carefully, but if it impinges on any of the clauses of your bill, I will have to sit you down.

Mr HAMILTON-SMITH: Thank you very much, Mr Speaker. I thank you for your guidance, but I am telling you my remarks do not impinge on the bill and—

The SPEAKER: I will be the judge of that.

Mr HAMILTON-SMITH: Well, very good, please do. There are some specific issues that I think the government needs to address. For a start, there are a number of childcare centres which the government has built which are simply empty and not operating—the Roma Mitchell college and Mark Oliphant College, for example. We have 30-place childcare centres supposed to open at Gepps Cross which have never opened their doors.

There are other services that the state government, over time, has established that are either underutilised or are not open and, frankly, they are often built in places where the small family business sector of child care is either present or could equally provide those services funded by the commonwealth.

Could I also point out to the house that a number of TAFE childcare centres have closed. Some in my electorate, for example, Panorama TAFE has recently closed their childcare centre, and the O'Halloran Hill childcare centre facing closure is part of TAFE's relocation to the former Mitsubishi site. So, where the government has entered into the business of child care, it does not always seem to be working well. Similarly, we are switching money from high school and primary school education into child care where the commonwealth should be paying—whether it is a community-based or a private centre—through the childcare benefit and childcare assistance.

There are a host of challenges that the sector is facing. I note the reports in the *Southern Times Messenger* that the Onkaparinga Council is trying to save the Hackham family centre which

is facing issues to do with closure. I had correspondence recently from a private school in my electorate indicating that the cost of running their outside-school-hours centre had increased by $50,000 in 2012 as a direct result of staffing ratios and qualifications prescribed by new early years legislation. These are important costs. We have, as I have mentioned, childcare centres that have been built and funded by the state taxpayer not open; we have others that are closing. This is a real problem that this state faces that needs to be remedied.

FESTIVAL OF HISTORY

Mr SIBBONS (Mitchell) (15:16): On 9 and 10 March, the historic town of Old Reynella, in my electorate of Mitchell, will host the inaugural Festival of History. An Australian first, the Festival of History is a celebration of our local, national and international history. The event features re-enactors from around Australia, participating in mock battles in traditional uniforms and with the equipment of bygone eras. The re-enactors will live and breathe the eras they recreate, right down to sleeping in the camp sites that reflect the military history of the period. There will also be a huge model soldier re-enactment of the Battle of Leipzig from 1813.

The Festival of History will provide a fun, exciting, entertaining and educational experience for the whole family. The event will be laid out along a walking trail in and around the town's main street where numerous historical displays and market and food stalls will be available. On the morning of Saturday 9 March there will be a major street parade featuring vintage cars, old military vehicles and bands.

I got involved in the Festival of History through my role as chairperson of the Reynell Business & Tourism Association (RBTA). For some time, the RBTA has been investigating the possibility of a community history festival originally coined as 'Back to Old Reynella' to celebrate Old Reynella. However, we struggled to source volunteers with the skills and time required to plan and carry out such a project. Enter a volunteer-based not-for-profit group called Historycon. The president of Historycon, Mr Mal Wright, is a constituent in my electorate and a resident of Old Reynella, who contacted my office looking for assistance to organise a history festival of a different kind, one involving re-enactors and war game groups. The rest, as they say, is history.

Historycon has had its fair share of challenges to overcome. The initial hurdle was securing base funding for the event. However, with the support of local-elected councillors, The City of Onkaparinga agreed to be a major sponsor of the festival. Veterans SA also supplied a small amount of funding to assist with a Vietnam veterans' display.

There was a challenge finding enough space in and around the main street for the re-enactors, stallholders and the general public to enjoy the festival safely. There was the challenge that the Summary Offences Act makes it illegal for re-enactors to use bayonets which threatened some of the festival's main attractions. I am pleased that, after I hosted a meeting here this week with a delegation from Historycon and the Attorney-General, an exemption is being organised, so World War II and other re-enactors can still participate in the festival.

There have also been local challenges, with some businesses not embracing the idea of a road closure needed for the event, which is still being considered by the City of Onkaparinga for approval. It does not pay to forget that this festival, which has generated print and radio media interest as well as attracting national and international interest from re-enactment groups, is being coordinated by a grassroots not-for-profit community group of volunteers for the very first time.

There are bound to be hurdles and lessons learned along the way. Nothing good comes easy, as they say. However, the Festival of History event is still on track to be an amazing weekend of excitement, colour, noise and fun, which will enable everyone, from great grandparents to their great grandchildren, to explore history in an entirely new way. I am honoured and excited to have been given the opportunity to be part of this festival, which this year is based in my electorate. I look forward to how this festival has the potential to grow as an annual South Australian iconic event in the future.

I take this opportunity to thank Mr Wright and members of Historycon and Re-enact SA, some of whom are here today as my guests, for all the blood, sweat and tears they have given to organising this festival.

MORIALTA CITIZENSHIP AWARDS

Mr GARDNER (Morialta) (15:21): It gives me great pleasure today to comment on the work of students in the electorate of Morialta who have won Morialta Citizenship Awards in the 2012 year. The Morialta Citizenship Award is an award that has been offered in the two local public

high schools for many years by successive members for Morialta. When I became the member for Morialta in 2010, I thought it would be a good idea to extend that award to all of the public, independent and Catholic schools in the electorate, both primary and higher levels.

I am proud to say that seven schools this year have participated and 11 winners have been awarded with the presentation of a certificate and a book voucher, and acknowledgement in this place. I will go through them. At Norwood Morialta High School, the year 12 awardee of the Morialta Citizenship Award was Ethan Levy. He participated in the Youth Parliament and the state's schools constitutional convention last year. He attended the United Nations youth state conference and he mentored the year 11 Youth Parliament team. After the award, he came into Parliament House late last year to observe debate, and I can tell you he is a very intelligent young man who is going to go far. The year 10 winner at Norwood Morialta High School was Annalisa Russo, who was a fantastic and active contributor to the school, giving without asking in return.

At Rostrevor College, the 2012 Morialta Citizenship Award winner was Angelo Varricchio. He served as a prefect and as a mentor for younger students. He assisted in the learning centre, providing support and friendship for students with special needs. He was a great sports competitor and received numerous academic awards. At Saint Ignatius College, the Morialta Citizenship Award was awarded to a year 7 last year, Claudia Floriani. She is a member of the school's social justice group. She attended the Caritas Just Leadership Day and the World Vision Global Leaders Convention. She gathered signatures for the fair trade chocolate campaign and assisted with Reconciliation Week and the 'Turning Christmas Upside Down' display, which I am sure was a fantastic boon to the school community, who enjoyed the time of seeing that display.

I always enjoy visiting the Thorndon Park Primary School; it is a terrific small school community. The winner there was Victoria Bagnara. I remember that at that assembly Victoria seemed to win about half the awards on offer for academic achievement and community service. She is a very worthy winner of the Morialta Citizenship Award. She volunteered for many school and community events, including mother's and father's day breakfasts, and the family fun day where she spent the whole day setting up, cleaning and supporting visitors.

At the Stradbroke schools, three winners were awarded last year: Cameron Young, Adelle Martin and Tiarna Bertram. All three students consistently supported the student program throughout the year and contributed to the wellbeing of the community. While I was at the Stradbroke school end-of-year presentations last year, I also took the opportunity to comment, as I have done previously, on the magnificent contribution of former principal Cathy Wilson and assistant principal Aldo Perilli, who unfortunately had to finish their service at Stradbroke owing to the government's forced amalgamation of the two Stradbroke schools and those positions no longer being available.

The seventh set, from Norton Summit Primary School, was Erica Brawley and Joanna Fearnley. Both girls consistently were observed doing kind deeds for others in their own time during last year, picking up litter in their playtime, tidying the library and assisting younger children. The eighth set was at Sunrise Christian School Paradise campus, and that is young Mason Manning, who, in year 4, entered the City to Bay Fun Run last year to raise money and support his friend Dylan who has autoimmune hepatitis. He ran most of the way, raising a significant amount of money and also, particularly, awareness amongst his student cohort and local community of the significant challenges Dylan faces with his autoimmune hepatitis.

I would particularly like to thank the school communities that were invited to nominate a student to win a Morialta Citizenship Award. I look forward to the increasing growth of this award across my local schools. I think it is a terrific way to acknowledge those who have gone a bit above and beyond and contributed without asking for anything in return. I think they make standout contributions that are to be observed by their fellow students and that they are models for those fellow students to take notice of. Therefore, we pay them the tribute of acknowledging them in front of their peers and in this house today as examples of everything that we would like our young students to achieve in life and to be good citizens. I commend to the house the Morialta Citizenship Award winners for 2012.

SOUTHERN STAR AQUACULTURE

The Hon. L.R. BREUER (Giles) (15:26): Today I want to farewell Southern Star Aquaculture in our kingfish industry in Whyalla, who are no longer operating. Southern Star Aquaculture specialised in farming yellowtail kingfish (*Seriola lalandi*) in beautiful Fitzgerald Bay in the pristine waters of Spencer Gulf in South Australia. This locally owned Whyalla company was

established in February 2001 by a well-known fishing family and gained a wonderful reputation in the marine scalefishing industry. It gained an enviable reputation for excellence and was one of South Australia's leading suppliers of yellowtail kingfish throughout Australia and the world. It employed for many years more than 10 multiskilled staff and prided itself on hiring people who were local and had the dedication and commitment to advancing their knowledge and skills in kingfish aquaculture farming and practices in Australia.

There were four shareholders—Garry, Trevor and Craig Edwards, and Lyndon Giles. The Edwards family is synonymous with the fishing industry in Spencer Gulf, with generations of the family fishing. It was founded by the amazing Cyril Edwards, who passed away a few years ago. They provided the Australian market with pristine seafood for many years. They are an incredibly tough family, all characters in their own right, and very hard men, who expected the best of their staff and the commitment from them that they had to their industry. With their knowledge, and that of Lyndon Giles, who came from a traditional land farming industry, they developed a superb company with highly sought after products. They gained an amazing reputation in the aquaculture and seafood industries.

To grow yellowtail kingfish, juvenile fingerlings were purchased when they had reached a weight of five grams and carefully placed in sea cages on the farms leased in Fitzgerald Bay, and then grown to a product of between three and five kilograms. They were hand fed on pellets specially designed for yellowtail kingfish, and their growth rate, health and water conditions were monitored daily. The waters of Fitzgerald Bay are particularly suited to this venture.

The company was originally granted leases of 20 hectares and a quota of 300 tonnes per annum. As it grew, it was granted an additional 30 hectares with a tonnage of 450 tonnes per annum. This then gave them a total of 750 tonnes. In 2001, they put in 1,800 fingerlings. In their last season, they put in 86,000, an increase of over 200 per cent in 11 years.

The company ceased work late last year, so what went wrong? Basically, the fish fingerlings they were working with became very poor quality and their mortality rate in five years went from about 5 per cent to over 80 per cent, so 80 per cent of their fingerlings died before they grew to marketable size. It is incredible, but nothing to do with sea conditions, feed or disease. The fish were from the Clean Seas hatchery in Arno Bay, and I see today that they reported a $34.1 million loss to 31 December. I understand that they stated that they had feed-related problems, but I believe they had similar mortality rates from their hatchery. I believe the fish brood stock were not replaced in recent years. These fish are caught wild in Spencer Gulf and used for breeding fingerlings. Originally SAAM, who were the predecessors of Clean Seas, had set up the hatchery and they realised that they needed to regularly replace the brood stock every couple of years.

Unfortunately this poor fish stock closed Southern Star down, and, despite the greatest efforts by CEO Lyndon Giles to obtain fish stock from elsewhere, he had to rely on Clean Seas. I understand there were biosecurity issues in getting fish stock from interstate. Lyndon Giles is a legend in the kingfish industry. He fought, battled, and sought help from sources everywhere to help the company to survive. He was incessant in his attempts to get help, and I must say Aquaculture SA and PIRSA were very supportive of his company, particularly Ian Nightingale and Mehdi Doroudi.

Unfortunately he was not able to get any development grants to help this battling small company and compete with a major company like Clean Seas, who controlled both price and stock. He was also not able to match the media attention and hype that Clean Seas commanded with Hagen Stehr. Clean Seas forced prices down and they all suffered. So now we have lost a most desirable industry with a huge potential for Whyalla, and what a shame that is for our community.

I still have great hopes someone will come along and buy the leases and find a new source of fingerlings. I believe that this is still a major potential industry for Whyalla, and I welcome any company who comes in with a new hatchery and price control—they could easily compete in a growing market which is waiting to be captured.

I want to thank Southern Star for their years of investment in Whyalla, and their persistence with establishing a reputation for a quality product, and say how sorry I am on behalf of the Whyalla community to lose you. You employed many of our young people, trained them, nurtured them, and brought a new image for Whyalla which, for so many years, was seen as only an industrial town.

I must declare my son was employed for a few years by Southern Star but finished over two years ago, and that explains my knowledge of the industry. Again, I want to thank you, Southern Star, for all your efforts.

MURRAY-DARLING BASIN AUTHORITY

Mr PEDERICK (Hammond) (15:31): I rise today to highlight the government's mismanagement of the River Murray following its announcement to cut contributions to the Murray-Darling Basin Authority. In December 2012, former treasurer, Jack Snelling, announced the state government would be cutting funds to the Murray-Darling Basin Authority by $14.3 million, citing his reasons as simply because New South Wales had made cuts.

The Murray-Darling Basin Authority manages on behalf of the states the more than $3 billion worth of assets associated with the River Murray, and to hear that the government is halving its contributions to the Murray-Darling Basin Authority is both concerning and disappointing. The contributions go to the operations, maintenance and management of the $3 billion worth of assets assisting the river. From our dams, weirs and locks, to operations like salt interception schemes and fish programs, the MDBA joint programs provide the funding to maintain such infrastructure and programs. It is basic river care, and I criticise the Weatherill Labor government for slashing its contributions—

The DEPUTY SPEAKER: I remind the member, please, that you refer to ministers by their title or by their electorate, not by their name.

Mr PEDERICK: Thank you, Mr Deputy Speaker, for that advice. I do criticise the Weatherill Labor government for slashing its contributions to the Murray-Darling Basin Authority. New South Wales advised in June 2012 that it would be reducing its contributions for the MDBA joint programs from $32.3 million to $8.9 million in 2013-14, making a total reduction of $23 million or 73 per cent. Following suit, the South Australian government advised it would be also reducing its contribution for the MDBA joint programs by half, from $28.6 million to $14.3 million in 2014-15. The former treasurer stated on 21 December 2012 on ABC 891, and I quote:

> New South Wales made a decision recently to reduce their contribution by 73 per cent. Now, South Australia extracts about 7 per cent of the water out of the river; at the moment we pay about a quarter of the funding towards the MDBA...but...when one state's slashing its funding by three quarters...I can't expect South Australian taxpayers to...support this organisation in an unfair way.

South Australia was originally contributing 24 per cent of the cost share for the joint program, with New South Wales providing 29 per cent, Victoria 28 per cent and the commonwealth making a contribution of 18 per cent, with the remaining 1.3 per cent divided between the ACT and Queensland. However, these percentage break-ups will now change as a result of the Weatherill Labor government's stubbornness.

I am extremely concerned. If other states follow New South Wales' lead as the South Australian government has done, the level of funding the MDBA will be left with will be insufficient to cover basic river operations. The River Murray is a highly emotive issue especially when considering our eastern counterparts and that the South Australian government is saying they do not want to continue—in their words—to pay the money to effectively subsidise New South Wales, coupled with the Weatherill Labor government's mismanagement of the state's finances.

The Premier has abandoned the River Murray. South Australians who have supported the state's Save the Murray campaign should be severely disappointed. Some $3 billion has been invested in assets to restore the river's health and now the Murray-Darling Basin Authority will struggle to manage these assets.

The Premier's campaign to return 3,200 gigalitres to the River Murray is well and truly proven to be hollow rhetoric with this slash in funding, especially in light of the infrastructure work needed in South Australia over the years, including major upgrades to the barrages at Goolwa. Upgrading the barrages alone will need hundreds of millions of dollars, and I note that the Hon. Ian Hunter in the other place is trying to justify the government's position in answer to questions.

What the government does not realise is that in my electorate, the mouth of the river at Goolwa is where hundreds of millions of dollars, as I have just indicated, will need to be spent over time, so slashing funding puts programs at risk not just there but right throughout the river. For this government to slash funding is totally wrong, totally out of control and goes totally against their so-called words of saving the River Murray.

PARKER, MR D.

Mr BROCK (Frome) (15:37): Today I would like to talk about an icon of Port Pirie and that person is Des Parker. Des has been involved with the newspaper industry for nearly 70 years. He starting by selling newspapers at the gate of the Port Pirie smelters at the start and also the completion of the site's day's work, bearing in mind that in those days there were two newspapers per day. He would attend school and then return after school to do the selling in the afternoon at the site.

He was delivering newspapers across the city as soon as he could drive and in those days there were no computer printouts to advise the driver who should be receiving the delivery, nor who may have been away on holidays. They just looked at a listing prior to the start of the delivery and then did the rest from memory. Des has recalled many incidents that may have happened or activities that he may have seen over the many years of delivering newspapers from motor vehicles across Port Pirie, but he has never divulged any names or issues.

Des has been involved not only in the newspaper industry but has also been heavily involved with many sporting organisations over many years. He has been in official positions for many organisations and is also a life member of many groups in recognition of his tireless dedication over the years. He has been very actively involved with taking photographs of sporting activities every weekend and has a very large number of sporting photographs from all sporting activities over many years.

He has been gradually cataloguing thousands of negatives over the past 20 years and has built up a great history not only of sporting events but also the large number of weddings from 1960 onwards, as well as historic buildings, both those that are still standing and many that have been demolished over many years. At one stage I know he had a large shed full of newspaper clippings from hundreds of events. He also has manuals of all activities that may have happened from areas across Port Pirie. He has done this by establishing the city into grids and has a comprehensive history of all events and incidents that may have happened within these grids.

Although Des is now nearly 80 years of age, his memory is still as sharp as a tack and he regularly receives calls not only from Port Pirie but across South Australia and nationally from people who may be looking for information about an event or a particular person who may have lived in Port Pirie. Des may be asked about a particular person who may have lived in the city or passed away, and immediately he would say to the person asking, 'You're talking about so-and-so from such address.' He would then pass on the relevant information. All of this was from Des' memory, such is the man's ability.

Des was also secretary of the Solomontown Cricket Club at the age of 15 and was very instrumental in fundraising for this club. Des has been a great supporter of many community groups throughout Port Pirie over many years, but he has a special connection with raising funds and awareness for the cancer society across South Australia. The community has been very supportive of events that Des has been involved with, in particular when he has exhibitions not only of his many historical photographs of the sporting events but also personal memorabilia from over the last 70 to 80 years. At these exhibitions, the funds raised always go towards the community group fundraising for the events that they are involved with.

Port Pirie has been very fortunate to have a community person who is so passionate about his community, and Des Parker is certainly not losing any of his passion. Although Des retired from work many years ago, he is still actively taking interest in all events and still takes photographs at events on weekends for the local newspaper and also for his own collection. Des Parker, you are a legend.

SECOND-HAND GOODS BILL

In committee.

(Continued from 20 February 2013.)

Clause 26.

Mr VAN HOLST PELLEKAAN: In a previous answer on clause 26, the minister said that if it is detected that a good is stolen after the 14 days have expired and after the goods have then been onsold by the second-hand dealer—and that might be because it was reported stolen late or the TMS did not do the matching or whatever other reason—that is just bad luck, we have had our

chance, the good has been sold on and we probably will not recover it. What happens if the second-hand dealer does have information about their purchaser?

The Hon. M.F. O'BRIEN: One would assume that they would have the information because the individual who sold the goods would have had to go through the process of supplying the identification to have got to the 100 points such that the retailer was satisfied of the identity of the individual from whom they were purchasing. So, SAPOL will then follow that up; it is not all over because the goods are no longer in the possession of the retailer. SAPOL will then proceed on the basis that they have information that may direct them to there.

Mr VAN HOLST PELLEKAAN: Thank you, minister. My question was about the second-hand goods purchaser, not the second-hands goods dealer—the vendor. The vendor to the business would be the person who sold the good to the business. Yes, of course, they would have all that information. I am talking about the person who purchased the good from the business. Very often, that purchaser would just come in, pay cash over the counter and they are gone. Very often they might use a credit card or a cheque. If they are a regular purchaser, it is quite possible that the business would have the identity of the person who purchased that good. What are the circumstances there?

The Hon. M.F. O'BRIEN: There is no requirement, but if a cheque or credit card was used then obviously SAPOL would follow that line of inquiry. But, there is no requirement.

Mr VAN HOLST PELLEKAAN: I understand; I realise there is no requirement for the second-hand goods dealer to collect that information, but if it happens to be there—and I just want to understand the answer from yesterday where you said, 'Look, it's gone if they did have that information'—so then SAPOL would have the information of the person who sold the good to the second-hand shop, and in this situation they would have the information of the person who bought the second-hand good out of the shop. Presumably then, there is good information to follow through to try to recover the good?

The Hon. P.F. Conlon: Yes, they'd recover the second-hand goods.

Mr VAN HOLST PELLEKAAN: I understand that in the legislation there is capacity, under certain circumstances, for the money that was received for the good to go back to the person from whom it was originally stolen. It may well be that that person says, 'I don't want the money; I want my ring back,' or, 'I want my necklace,' or, 'I want my special family thing,' or whatever it might be, so—

The Hon. P.F. Conlon: Under common law, police would have recovered the goods and given them back.

Mr VAN HOLST PELLEKAAN: —I am just curious to know how that would flow through, and who in the end would be the person who would miss out? Let us say, optimistically, the person from whom it was stolen gets the good back and the second-hand dealer has done everything they are expected to do under this legislation. Does the person who then purchased the good from the second-hand dealer miss out, so 'Sorry mate, you spent your money, but you spent it to buy something that was stolen; forgo that item, you have missed out,' or would the second-hand dealer then be obliged to refund the purchase price to the customer who bought it, and then the second-hand dealer misses out?

The Hon. M.F. O'BRIEN: You are probably straying well beyond the gamut of the act. My learned friend has just informed me that, under common law, the goods have to be returned to their legal owner; it is as straightforward as that. It is a principle in common law that is really not picked up in the bill that we are discussing.

Mr VAN HOLST PELLEKAAN: Certainly; he is correct on that point, and I understand that. I am asking about who misses out on the money. Would it be the purchaser who came to the shop and paid with a credit card or cash, if, one way or another, their identity was known? They have spent 100 bucks to buy the watch in the shop. Does the purchaser from the shop just miss out on the $100 or does the shop then have to return the $100 to the purchaser and the shop misses out?

The Hon. M.F. O'BRIEN: It is not part of the bill. We are talking about aspects of the law that are very much determined and, to be perfectly honest, I am not in possession of a legal qualification. I am not really equipped to answer those kinds of questions. It is not really a matter that, in any way, shape, or form, is addressed by the bill before us.

The CHAIR: If it is not covered by the bill, I will have to ask the shadow minister to move on.

Mr VAN HOLST PELLEKAAN: Yes, sir—except that I was asking the question because it related directly to a previous answer from the minister, but I am happy to move on.

Clause passed.

Clause 27 passed.

Clause 28.

The Hon. M.F. O'BRIEN: I move:

Page 16, line 35 [clause 28(1)(b)]—Before 'registered' insert 'licensee or a'

The inclusion of 'licensee' is to ensure that both the licensee and the registrant are required to comply with a retention period for class 2 prescribed goods. Without this amendment, a licensee would not have to retain class 2 prescribed goods. So, we are just sorting out a bit of an error in drafting.

Amendment carried; clause as amended passed.

Clause 29 passed.

Clause 30.

Mr VAN HOLST PELLEKAAN: Clause 30 talks about fees and interest. I recognise that clause 36 talks about fees and charges; I understand that. I am curious to know, with regard to clause 30, what would be an acceptable rate of interest, or how would that be determined, or is it linked to something specific?

The Hon. M.F. O'BRIEN: The bill does not set the rate of interest; it will be set by the companies.

Mr VAN HOLST PELLEKAAN: Minister, that means that the company has full discretion to set the rate of interest it chooses with regard to calculation of surplus proceeds?

The Hon. M.F. O'BRIEN: It is not a part of this bill.

Mr VAN HOLST PELLEKAAN: Well, minister, you have a lot of advisers there, so you may well have more information at your disposal than I do, but clause 30 talks about surplus proceeds. It describes surplus proceeds in a few ways, but including being the principal specified in the agreement, interest and any specific fees and charges. So, interest is right there in clause 30.

The Hon. M.F. O'BRIEN: The bill does not deal with the setting of interest. I have no clear advice, but I imagine that that particular issue is picked up in other pieces of legislation. It is certainly not a matter that had to be addressed in this bill because it is dealt with elsewhere.

The CHAIR: Any other questions on clause 30?

Mr VAN HOLST PELLEKAAN: Yes, just a clarification. Minister, is that different or the same as your previous comment that the interest is whatever the business chooses to set it at?

The Hon. M.F. O'BRIEN: The answer I gave was correct: business sets the interest rates, it is a competitive market, individuals are free to basically shop their business around and make a selection on the basis of the best possible deal.

Clause passed.

Clauses 31 to 35 passed.

Clause 36.

Mr VAN HOLST PELLEKAAN: Clause 36, as I mentioned before, is closely related to clause 30 with regard to the calculation of surplus proceeds, surplus proceeds being those over and above the cost to the business including the initial outlay for the item and fair charges. You said in your last answer that interest is a competitive issue and that customers, if you like, of these businesses can shop around.

I know exactly what you were getting at, but I think the interest that is being referred to here is actually different. This is not the interest the business might charge essentially for the loan, which is really what it is about, but there might be some other interest to recompense the fact that the

business has held onto the good and essentially the customer has had the business's cash for a period of time. That relates directly to clause 36, where it talks about all these other fees and charges in addition to interest.

Is there any guidance in the regulations with regard to what the business can charge for storage or administration, or is that a bit like the interest and the business can choose whatever it thinks is appropriate as a deduction from the surplus proceeds?

The Hon. M.F. O'BRIEN: Any costs have to be justified. If somebody was unhappy about what was being charged for storage and administration and the like, if they felt it was unreasonable they have recourse to a court of law, and the court would make a determination as to whether they were reasonable.

Mr VAN HOLST PELLEKAAN: I will pass a comment on that if I may, minister. I think it is exceptionally unlikely that, in the case of somebody trying to redeem their surplus proceeds from a good that has been sold after they pawned it, they are going to go to court to try to get the difference between what they think is fair administration or storage or interest cost, versus what they have actually been charged. My question on this is specifically: do the regulations cover storage costs or administration costs, or costs incidental to the sale, or expenses in repair? You have explained that they do not cover interest, but do the regulations cover any of those four categories of cost?

The Hon. M.F. O'BRIEN: It would be impossible to determine what administrative costs would be, or storage costs. They vary from business to business and from case to case. All the bill insists upon is that the charges be reasonable and again, there is recourse to the courts and also one would imagine that competitive pressures would bring a bit of common sense into play on the part of traders setting their particular charges.

Mr VAN HOLST PELLEKAAN: I would certainly hope the same would be true. Given that the regulations, you have said, do not cover interest, they do not cover storage costs, they do not cover administration, they do not cover incidental costs, they do not cover costs of repair, but, the bill tells me, they do cover other fees and charges, can you tell me what those other fees and charges are?

The Hon. M.F. O'BRIEN: No other fees are proposed at this stage.

Mr PEGLER: Clause 36 goes on about reasonable costs of storing goods, etc. Does the pawn agreement in 31(1) cover all of those costs? In other words, the agreement that is signed at the time of pawning?

The Hon. M.F. O'BRIEN: Yes, it would, member for Mount Gambier, that is the intent, as far as they are known at the time of signing the agreement. I think it is fair to assume that most of those costs would be known at the time unless there was a repair involved, say, just for argument's sake, a watch that had to be repaired to make it operable for sale. But I think storage and interest and all other charges should be known at the time of the transaction, as set out.

Clause passed.

Clauses 37 to 39 passed.

Clause 40.

Mr VAN HOLST PELLEKAAN: My question is about offences, so 40(1). Given that, again, we have not seen the regulations, can you tell me what kind of offences are prescribed by the regulations?

The Hon. M.F. O'BRIEN: Offences of dishonesty under Part 5 of the Criminal Law Consolidation Act: division 2—Theft; division 3—Robbery; division 4—Money laundering and dealing in instruments of crime; division 5—Deception; division 6—Dishonest dealings with documents; division 7—Dishonest manipulation of machines; division 8—Dishonest exploitation of machines; division 9—Miscellaneous offences of dishonesty; Part 5A—Identity theft; Part 6A—Serious criminal trespass; Controlled Substances Act: possessing or producing controlled substances for sale.

Clause passed.

Clauses 41 to 49 passed.

Clause 50.

Mr VAN HOLST PELLEKAAN: Clause 50, about market operators, and I am looking at 50(2) here, does this apply equally if one person runs one market or one person or body corporate or organisation runs more than one market?

The Hon. M.F. O'BRIEN: Yes, they can run more than one market.

Mr VAN HOLST PELLEKAAN: Again, this is specifically about markets because that is what is in this clause, but I am asking how it might relate to garage sales. Markets are a combination of stallholders who all come together under one market umbrella to sell their goods and make their own individual profits. What about combined garage sales? I know that garage sales are excluded, but it is very normal for families—perhaps in a street or wherever they might be—to come together. Under the umbrella of one garage sale there might be two, three or even half a dozen different individual people or families coming together to make their own individual profits. Would that be a market or would that still be excluded because garage sales are excluded?

The Hon. M.F. O'BRIEN: The advice that has been given to me is that they will just be treated as a combined garage sale, not a market.

Mr VAN HOLST PELLEKAAN: Let us take the real-world positive example and say just a few families in a street get together for one garage sale to earn a profit for their surplus items that they have around the house. Where would you draw the line—because I think it is very likely to happen—for second-hand dealers saying, 'Look, you're holding a pretty big garage sale. Do you mind if I whack a few items in there, because if I go to the market there is a piece of legislation that covers what is going on, but I can certainly sell this watch, this ring, this piece of jewellery or this iPad or iPod through your garage sale.'? When would you draw the line and say it is covered under the bill?

The Hon. M.F. O'BRIEN: If they are a licensed second-hand dealer they are a pawnbroker and, irrespective of where they sell the goods, they are covered by the obligations and constraints of the bill. So, if they decide that they want to tag along with a community garage sale that does not in any way diminish their responsibility under the act to inform SAPOL of the goods that they have in their possession, conduct the 100-point identity check and supply SAPOL as soon as is practicable with details of the day's transactions.

Mr VAN HOLST PELLEKAAN: If a private person came into the shop with their watch or iPod that they wanted to sell and the second-hand goods dealer, who might just be registered perhaps instead of licensed, says, 'Look, I can't take that, but there's a garage sale on Saturday. Why don't you go down there—my friend is running it—and ask them if they will put it in there for you and they might sell it down there for you.' Would that be possible? Would that be fully excluded from this legislation?

The Hon. M.F. O'BRIEN: If the manner in which they are conducting their business is such that they are behaving as a second-hand dealer then they are a second-hand dealer and they have obligations under the act.

Clause passed.

Clause 51.

Mr VAN HOLST PELLEKAAN: Clause 51 is about annual returns, and subclause (1)(b) talks about lodgement with the commissioner of a return in the 'manner and form' required by the commissioner. Could you give some advice to the house about what that form might be? If you can, I would like a fairly detailed answer about what this lodgement is that is required.

The Hon. M.F. O'BRIEN: I know that the member for Stuart is keen to ensure that red tape is kept to a minimum. The document is little more than an annual confirmation that details are unchanged, and that is place of business and the like, and that no criminal offence has been committed in the intervening 12 months that would preclude them from continuing to operate under the act.

Mr VAN HOLST PELLEKAAN: So it really is just as simple as the market operator reconfirming the facts as they understand them about their own business, what they do, and perhaps just signing some declaration that they have fulfilled their obligations?

The Hon. M.F. O'BRIEN: Yes.

Clause passed.

Clauses 52 and 53 passed.

Clause 54.

Mr VAN HOLST PELLEKAAN: Clause 54 relates to sale of goods at market and states:

(1) A person must not sell class 1 or class 2 goods at a second-hand market without the permission of the person acting as supervisor of the market.

This is saying that the individual stallholders, whether it is a small company, family or a person, must have the permission of the market operator before they can sell these class 1 and class 2 goods. What form would that permission take?

The Hon. M.F. O'BRIEN: In practice, the way that it would work at, say, Gepps Cross is that, on their seeking entry to the market, the supervisor would ask the intending stallholder whether they are seeking to sell class 1 or class 2 goods. If they confirm that they are, the supervisor takes details—probably checks the driver's licence, car registration and the like—and that information, I think, ultimately is conveyed to SAPOL.

Mr VAN HOLST PELLEKAAN: I understand that, but this clause talks about permission. Once the market operator has collected that detail from the stallholder so that the stallholder has permission to sell the class 1 and class 2 goods, this says that after that has happened the market operator must provide permission to the stallholder to sell the class 1 or class 2 goods. I am asking what form that permission would take. Do they just say, 'Yes, I've got your 100 points. I know who you are. You come here every week. It's all okay. Off you go,' or do they need something in writing? How is that permission actually transmitted?

The Hon. M.F. O'BRIEN: The permission can be either written or oral. If they are not prepared to provide their details, the operator can prevent them from entering. If they supply the details and they have class 1 or class 2, or both, the permission can be either oral, 'Yes, you can come in,' or a note is written to that effect. That is the current situation with the existing legislation, so it is unchanged.

Clause passed.

Clause 55 passed.

Clause 56.

Mr VAN HOLST PELLEKAAN: Minister, clause 56(2) deals with rights of entry, and I understand why it might be important for the police or possibly others to have right of entry into business premises, but clause 56(2)(c) says that they do not have the right of entry:

if there are reasonable grounds to suspect that the premises are used on a continuing or regular basis as a place of business of a second-hand dealer, pawnbroker, auctioneer or market operator and the entry is at a reasonable time.

I am just curious to know when this right of entry would be likely to be used, given that generally the market is in the same place at a regular time, and the pawnbroker and the second-hand dealer are open in the same place, day after day, week after week—and I am sure during regular business hours—because if they were not, it would not be much of a business, and if they were to move, they would provide all of that information. Can you inform the house what kind of situation might it be where this power would be necessary?

The Hon. M.F. O'BRIEN: The intent is—and I think it is quite clearly spelt out because it refers to a residential premises—if SAPOL believes that a residential premises is being used on an ongoing basis as a site for a second-hand store, then they have the right to enter as long as the time selected for entry is reasonable, and that would be during general business hours. So it is really to prevent individuals from operating in an environment in which they do not have to comply with the legislation, and the selection of the residential premises would be made by SAPOL, I would imagine, on the basis of criminal intelligence.

Mr VAN HOLST PELLEKAAN: Do you expect that it would not apply to the regular shopfront auctioneers market, that sort of thing?

The Hon. M.F. O'BRIEN: No.

Clause passed.

Clauses 57 to 63 passed.

Clause 64.

Mr VAN HOLST PELLEKAAN: I am asking about the notification from police. You have a second-hand good that has been acquired for resale, the details have been put into the TMS by the licensed or registered dealer, and the TMS and the police monitoring it have a belief that it may well be a stolen item. Clause 64(1) says:

The Commissioner of Police may issue a second-hand dealer, pawnbroker or auctioneer a written notice describing goods suspected of being stolen goods.

Written notice is pretty straightforward. I am not too fussed whether it is a letter, email or fax. I am more interested in the timing of it and whether there is any obligation to confirm receipt of that written notice, because in the real world you can imagine that it might have just been sold and there could be a dispute saying, 'No, you had a letter in your mailbox' or 'We dropped a notice off to you this morning' or 'You did' or 'You did not.' That sort of issue is likely to be a very real world issue if this legislation does capture and find stolen goods.

The Hon. M.F. O'BRIEN: This provision is in the current act and, in answer, it clearly outlines that the trader—the second-hand dealer—has a clear obligation, if they have the goods, to notify SAPOL. I think the maximum penalty is $2,500 if they do not respond to the notice and they have the goods.

Mr VAN HOLST PELLEKAAN: I just seek clarification, though, about confirmation of receipt of the notice, because that may well be exceptionally important for the dealer to confirm, 'Yes, I've received the notice at this point in time.' When you are running a retail business, you are open many hours a day and the good could be sold. Through no fault of the police and no fault of the second-hand dealer, someone has just come along and bought the thing and the notice may have sat in the mailbox or it may have sat in the email inbox. I imagine that some sort confirmation that it has been received must be really important. How do you propose to deal with that, please?

The Hon. M.F. O'BRIEN: Member for Stuart, currently there is no mechanism in place whereby the second-hand dealer can indicate receipt of the notice but, talking with the SAPOL officers, this notice can be transmitted by way of email and, if that is not currently the case, we probably ought to be using this technology because it is now part and parcel of modern business practice and I think it would be simple to have one of those boxes to indicate that the email has been read. That comment has been taken on board.

Clause passed.

Remaining clauses (65 to 78), schedule and title passed.

Bill reported with amendment.

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (16:23): I move:

That this bill be now read a third time.

Mr VAN HOLST PELLEKAAN (Stuart) (16:23): I will just say a few brief words. I thank the minister and his advisers for their participation in this and I appreciate the opportunity to clarify a few things because there are a lot of people out there who have a lot of questions. I would like to say that I do think it is a shame that the government has chosen not to establish a select committee to look into this.

This will now pass through to the upper house from this house and I know that, obviously, there is still an opportunity for the other place to consider and interrogate this bill but I think it would have been the most responsible course of action to put together a bipartisan committee to undertake this on behalf of the people who do still have serious concerns, keeping in mind that I think we all agree that it is only a very small segment of the people who participate in this industry who are doing the wrong thing.

The rest of them are actually really keen to get rid of that small segment out of the industry and also to protect themselves from unwittingly taking stolen goods into their businesses because they stand a strong chance of having to pay for them and then give them back to the police—as they should—so they can be returned to their rightful owner. So, people really want this to work. It is all about the impact on business. I think that is a shame, but I do thank the minister for the spirit in which he has provided as much information as possible, as have all of his advisers. I would also like to just put on record my thanks to my very, very good staff member Mr Chris Hanna, who has also put a lot of work into this.

Bill read a third time and passed.

BURIAL AND CREMATION BILL

Adjourned debate on second reading.

(Continued from 29 November 2012.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (16:26): I speak today on the Burial and Cremation Bill 2012, and what a pleasure it is to do this bill. It is certainly long-awaited. The government have introduced this bill—

The DEPUTY SPEAKER: Sorry, deputy leader, I presume you are the lead speaker.

Ms CHAPMAN: I am.

The DEPUTY SPEAKER: You are. Unlimited time.

Ms CHAPMAN: I am going to be perhaps unconventionally brief today, you will be pleased to hear, Mr Deputy Speaker. This is a bill which introduces some significant reform. It is long-awaited. In 1986, the Select Committee of the Legislative Council on the Disposal of Human Remains tabled its report to the parliament, and in 2003 the report of the Select Committee of the House of Assembly on the Cemetery Provisions of the Local Government Act was tabled.

The attempt here is to take into account some of the recommendations from these investigations and to create a single act for all of the laws in relation to burial and cremation, the removal of the 99-year limitation on interment rights in public cemeteries and the creation of a better system of identification of human remains before disposal. They are all the worthy objectives of the bill. I wish to outline a few of the aspects with which the Liberal Party have had some concern.

The most important one is the opposition's view in respect of protecting the privilege against self-incrimination. The Attorney has heard my view on this many times. It is a view which has not changed. The opposition is still very strong about that matter, but there were three other areas which we would like some consideration to be given to by the government.

One is to the whole question of retrospectivity. Again, we are not keen on this concept in any legislation. Sometimes it is appropriate and necessary, and we support it in those circumstances, but in this instance, in relation to the compensation for the surrender of interment sites and record-keeping obligations, we are concerned about some retrospectivity aspects of that.

Secondly, under areas for which we would like some review, we think it is important to retain the current provisions that are in the act for the identification of remains before cremation We say this keeps it on a consistent position for identification purposes for cremation and burial. The third area is to reduce the penalty in medical practitioners issuing death certificates.

As I understand from the Hon. Stephen Wade, who has had some conversations with advisers on this matter, there has been some further consideration by the government to consider some amendments to the bill, so I am not going to speak at length on those aspects. If that is the case, I would hope that we will see some aspects of that introduced into the bill either here or in another place in due course.

I am also advised that there has been some discussion subsequent to the briefing I had on this matter back on 5 December as to whether the bill should be legally described as a hybrid bill and would therefore have certain obligations to go into committee and the like. I understand that discussion has taken place.

While there was consideration that it would be necessary, that has been reviewed, and it has now been determined that it is not necessary, so I am assuming that we are progressing this bill on that basis. I do not have any submission to put to the Attorney, nor do I have any request to the parliament to pursue the hybrid line.

Can I just have a look at some of the aspects of what we are looking at in reform? I will say that one particular omission from the recommendations of the 2003 select committee was the establishment of a statutory body to oversee the application and enforcement of the recommendations.

The government has clearly taken the view that there are sufficient public administrators and authorities to undertake the review of that. I think in many ways that is correct, to the extent that we have appropriate bodies to review it. In addition to the regulation of legislation of this area,

the Environment Protection Authority, health networks, councils and, indeed, the police have certain roles which will continue to be required, and I am sure will be appreciated, to support legislation to come under the one umbrella act.

Can I just make a comment in relation to emerging technologies: I think that, probably even in my lifetime, the development of cremation to dispose of human remains was relatively new. In fact, even during years of legal practice, it was not uncommon for people to instruct their lawyer to include a very specific clause in their will that it was the testator's intention that they not be cremated, or sometimes that they were to be cremated.

The latter became more popular as time went on. It seems that there was an initial resistance to people being cremated—they could not cope with the concept that they would not be buried; it was a fairly new and innovative disposal method—and so clients were often keen to say, 'Look, I want it clear in my will that I don't want to be cremated.'

As time went on, people became more conscious of the whole infill and obligation of land requirements necessary for burials and more conscious of environmental aspects. There was an educative role in a number of these things that influenced people's decisions as to how their remains would ultimately be disposed of.

I think there has been a development, and certainly an acceptance, of cremation being a practical and appropriate form of disposal of remains; it certainly became more acceptable in the community. With cremation came the development of separate legislation under the Cremation Act and all the rules that should apply.

It is very important to appreciate that when human remains are buried and not destroyed under a cremation process, it means there is at least the capacity—mercifully, this is rarely used—for the laws to require that the remains be exhumed in order to undertake certain tests for the purpose of further investigation (for example, for a suspected murder), or even to check whether the body is in the coffin. In any event, the cremation method does mean that there is usually a final destruction of the evidence and so it is fairly important that there be clear rules about identification of the body before the cremation occurs—not just in suspected murder cases, but of course to ensure that, apart from skulduggery, mistakes are not made.

It is important that we have the rules around this. Regarding other emerging technologies, I was very interested to read about this new biocremation, for example. I am not sure that it is popular in other countries, but it certainly seems to have been advanced in other countries. I was provided with some data from an entity called Matthews International from its cremation division. I assume it to be some independent company that has cremation in its charter.

That operates in Florida and it identifies that, with greater population densities, newer environmental regulations and increasing volumes of cremations, additional technology has emerged which focuses on capturing emissions prior to release of the exhaust to atmosphere. Even to be helpful in the climate control debate, or at least in the carbon emission debate, there seems to be some push for biocremation.

I will read from this material, because it is not something I am personally familiar with. It states:

> The technical process of bio-cremation is called alkaline hydrolysis. Bio-cremation is a water-based cremation process versus the traditional flame-based process…where it uses approximately 120 gallons of water, combined with a small amount of potassium hydroxide—

KOH for the chemists in the chamber—

> to break down or hydrolyze the human remains where they break down in a very controlled environment.

My understanding is that it is an eight-step process. Firstly, the cremation chamber is loaded with the human remains—seems logical. Step 2 is that the system automatically calculates the weight and the amount of water and potassium hydroxide required and initiates the biocremation cycle. In step 3 the system automatically fills the chamber with the required water and potassium hydroxide.

In step 4 the chamber begins to heat up to the desired operating temperature of approximately 370° Fahrenheit. It will hold that temperature for approximately 45 minutes. In step 5 the cremated remains and the water/KOH solution begin a cool down process. In step 6 the sterile liquid is released to be recycled and renewed. In step 7 the cremated remains are rinsed with clean water. In step 8 the bone fragments are retrieved and processed into fine particles or

ash. I understand that after the last process, of course, some of that is transferred to a permanent urn for memorialisation, as would presumably occur in most flame-based cremations.

What is interesting in the information that I have ascertained is that the fluids are released and the purpose of this is to be reclaimed or renewed or returned into the environment. Typical uses of reclaimed water is to add it to a non-potable water source in a community, to release it into the rivers and waterways, or to place it back into the aquifers deep inside the earth.

It certainly was interesting to look at these new technologies that are apparently around. I am not aware of them operating in Australia, but they may well. What the government proposes in this bill is to control the rules and regulations that are developed as these technologies become popular, or at least as funeral directors, for example, seek to introduce them. Presumably, if they become suitably popular, they may attract some legislative umbrella in due course.

I would have to say that, on this matter, particularly if those in the industry go in this direction, I would be quite concerned as to what the rules would be for the release of the watery remains from this process back into a river system or an aquifer. Under our current environmental protection legislation, which is quite strict, as it should be, there are already very clear rules about the release of any product, let alone contaminated fluid as such, into a waterway. I would like to see some fairly strict rules that are made available for scrutiny in the parliament for that to occur.

It seems, at least in other countries, that the release of such material into any kind of potable water supply is not allowed. Nevertheless, obviously, if it is released into the environment—into rivers, waterways or, indeed, into aquifers—that, of course, can ultimately end up in our potable water supply. All I flag at this point is that I for one in this chamber would want to see some detail about the new rules that will apply to these technologies before they are implemented. I think we do need to have some discussion and debate about what should apply before they are implemented. Accordingly, I am not keen to hear about the regulatory process but, at this stage, it does not seem that there is anything imminent.

I contacted one of my local funeral directors, Berry Funerals. Simon Berry is the proprietor of that company. His company has always provided excellent service to members of my family. In fact, I have said to Mr Berry that he is on a promise: he has to make sure that he lives long enough so that he can bury me as well.

In any event, members have obviously utilised the services of funeral directors. It is never a happy time, obviously, because, if you are a family member, friend or neighbour organising a funeral, it is usually at a fairly sad time. We very much value their services, and I place on the record my appreciation and congratulations for the contribution that Berry Funerals and its staff make to supporting families during these times.

In consultation with them, though, I have not yet been advised of any particular new technology they want to pursue, or whether they are aware of any other practice that is occurring in South Australia that we need to be alert to. I would ask the Attorney to ensure that, if this type of technology becomes available for use, he commits to bringing that information back to the chamber, and we will have a good look at it.

There was quite considerable feedback on the draft bill in relation to the definitions, including what should constitute 'human remains' and phrases such as 'unexercised interment rights'. I think that it is fair to say that legislation around burial, human remains and the right to be able to peaceably stay at rest once you have secured a plot raises a lot of emotional issues. That is not surprising because it is very, very important for people to feel that their commitment by an acquisition of a plot for a loved member of their family will be protected.

There are aspects of this bill that will allow public and private cemeteries to offer interment rights in perpetuity, which will abolish the current 99-year limit for public cemeteries. It will also allow individual cemeteries to determine whether to offer rights in perpetuity or for a limited term. So, you could keep that option open. I am sure that this proposal in this bill will be welcomed by South Australia's Jewish and Islamic communities. I will say that, obviously, there will always be the question of fees attached to these entitlements. In any event, we will have a new set of rules in relation to the term of interment rights and I am sure that, overall, that will be welcomed.

The bill will require the relevant cemetery authority to refund to former rights holders of a surrendered or unexercised right of interment fees which are to be determined under the act. There is some discussion in the submissions around the cemetery authority being able to deduct portions

of the establishment costs and so on. I am not sure how that will work but I can see that there is some merit in that.

I remember that the last relative in our family who was buried at West Terrace was an aunt (on my father's mother's side) who had died without any children. Her father had been buried at West Terrace and there were two plots available above his coffin. It was some 50 years or so between the time that great-grandpa Damon had been buried there and this aunt (one of his daughters) applied to exercise the right to be buried in that area.

The documents that surrounded the acquisition of this which had been way before great-grandpa's death were pretty old even then, so you can imagine they were curled up and yellowed by the time I was asked to present them for implementation—namely, to enable her to be buried there. I am pleased to say that the West Terrace authority honoured the document and she was peaceably laid to rest.

However, it does raise a number of questions. Many members have probably been down to the West Terrace Cemetery. Apparently the site was selected because it was reasonably central and, as many would know, when South Australia was established the colony did not have refrigeration and it was important to bury bodies relatively promptly. However, the location was later found to have underground water streams and, tragically, a number of bodies that had been buried there were later found washed out to sea at West Beach because they had gone through the underground river system. I am not sure that all the people who are beautifully named on the memorial sites at West Terrace are actually underneath them but it is still a very important place.

Separate to that, of course, we have the re-use of interment sites. Under this bill, the cemetery authority will be able to determine whether an interment site may be re-used. Again, I am sure members will be familiar with the need to be able to do that. Under this bill, cemeteries where human remains have not been interred for 25 years will be able to be closed and converted into parklands. I think there has been a little bit of an issue with that but, in any event, the intent of that aspect seems to be meritorious.

I now come to the identification requirements. A number of aspects of this remain in conflict with the stakeholders. Proposed section 12(3), in relation to identification of cremation remains, creates unreasonable risk and some stakeholders have argued that it should be amended so that the identification of bodily remains prior to cremation is consistent with identification prior to burial. For reasons of identification, the total destruction of any evidence for the purpose of any review of the remains are all aspects which need to be taken into account in that regard. If people have to keep certain records and be responsible, and if they are able to be fined, we need to get that aspect right.

Natural burial is recognised in this bill, again, because of the innovation of people developing new preferences as to the disposal of a member of their family or even to nominate for themselves. Natural burials and natural burial grounds mean that, instead of being in a coffin, a body might be in a biodegradable shroud wrapped around the body, and the resting place is marked by a stone memorial, a tree, plants or shrubs or roses. These are all alternative ways of memorialising the deceased.

As to the burial outside a cemetery or natural burial ground, these, of course, can be outside Local Government Act regions. There is also to be provision for regulations to be promulgated to protect gravesites outside cemeteries.

My father's paternal grandmother was Sarah Snelling. I do not think I am related to the current Minister for Health, and I should not say I hope not, but—

Members interjecting:

Ms CHAPMAN: This is true, but it is not a really common name. It certainly has some history. Sarah Snelling, my great-great-grandmother, who married William Chapman, had seven sons and seven daughters who all lived, and she outlived a number of them actually. If breeding qualities were sort of any sign, the Minister for Health seems to have been prolific in that regard—and good luck to him, I am not being critical of it, but perhaps there is some distant connection.

The Snelling family, many of the descendants of Sarah, including Bells and Chapmans, are buried at Snelling Beach on Kangaroo Island. That grave area for members of the family has been, I think, lovingly tended and looked after as best it could be by the current owners. That property was purchased from my great-aunt and uncle and my grandparents by Sir James and Lady Holden after World War II, and they pretty much helped looked after it. This would surely be replicated all

across South Australia, where ancestors are buried in small family plots, and that needs to be recognised.

I am not quite sure what we are going to do at Western River, where the earliest settlers were there to supervise the chopping down of timber for the Burra mines. The story goes that a couple was living at Western River Homestead in an earlier version of what is now there and I think it was the captain, who was in charge of some of this role, who died. He was very large and, of course, in those days, without any help, the best his wife could do was dig a hole next to the bed, roll him over and bury him. I do not think there is any memorial for that poor fellow. But, nevertheless, historically throughout the colony there are examples of how people's remains have had to be disposed of as best they could in all the practical circumstances they had to face. This bill does at least look to provide for regulations to deal with the gravesites outside cemeteries.

As to the APY lands, proposed section 53 creates a requirement for records to be kept in respect of funeral directors organising paperwork and approvals for burial where it be with a private cemetery or on traditional country. The bill helps to deal with those aspects. The self-incrimination under proposed section 63, to remove the privilege against self-incrimination, is something we do not agree with.

In relation to the certification of death by a medical practitioner, I think it is fairly self-evident that we are concerned in respect of the penalties that are to be attributed to medical practitioners using death certificates. Obviously, we expect any medical officer or any other person who is responsible for identification of a death to provide information that is accurate and truthful. I am sure that the situation with the medical profession is, largely, that they do. Sometimes it is not always clear how a person has died, the cause of death can be multicausal and not easily identified, so I think we need to be careful in rushing into over-zealous increases in fines in that area.

I agree with the AMA's South Australian division that some of the obligations that are expected to be complied with, especially as they might apply to rural areas or for penalties, which in some areas of the proposed bill provide for imprisonment for four years, are rather extreme. That may need some review, and other members may wish to contribute to the debate as to whether or not they think that is unreasonable. With those brief words, you will be pleased to hear Mr Deputy Speaker, we look forward to ultimately seeing the passage of the bill.

I will say one final thing. In about 2005 a couple of bodies were dug up in St Georges. It took nearly three years to get the former attorney-general to change the Cremation Act and, I think, the births, deaths and marriages act to enable us to re-inter those remains. The law at the time provided that you could not actually bury or cremate human remains without a death certificate. Well, obviously, it was identified that these were persons from the previous century, and there was no record.

Some archival records were found of letters going back to England and the bodies were at least given some identification, and the former attorney did agree to change the legislation to allow the Attorney-General—whoever was in that position—to grant approval. I am pleased to say that after about three years the ashes of pioneer residents Edward Drew and Sophie Dauncey were finally scattered. That was at St Georges, in my electorate, and the family were able to conclude that chapter.

It was quite a difficult exercise, but eventually the government did advance that. It took a bit of time to enable the pioneers to rest in peace, and I acknowledge them in this debate as being one of many cases, I am sure, where we need to get this right and respectfully recognise the disposal of our loved ones in the future.

[Sitting extended beyond 17:00 on motion of Hon. T.R. Kenyon]

The Hon. R.B. SUCH (Fisher) (16:58): This bill has been a long time coming. It is 10 years since we had a select committee that was inquiring into the cemetery provisions of the Local Government Act; almost 10 years exactly to the time that committee reported.

I am passionate about this issue, not because I want people, or myself, to be in a cemetery or cremated, but because it is a very important aspect of our being and it has to be addressed. Society has to deal with this issue. We know that most people put these things out of their mind, and understandably, but that does not obviate the need to deal with the issue.

I think this bill is a very progressive piece of legislation. I will not list all the points; obviously members can read for themselves. I was keen to have inserted in the bill—and the Attorney agreed—clause 6, I think it is. It may not have any legal impact; I am not sure how judges interpret something like this, but the clause heading is, 'Human remains to be treated with dignity and respect'. It states that, 'It is the intention of Parliament that human remains be treated at all times with dignity and respect.' One would hope that was a given, but I thought it was important and the Attorney obviously agreed, and it is in the bill. I think we should treat human remains with respect and dignity at all times.

In chairing the select committee, a lot of things came to light. As I have said, some of them have been dealt with in the bill and some have not. I do not know whether members realise, but anyone can be an undertaker. Presumably you would need to have access to a vehicle in today's world, so you would have to be able to get a driver's licence, but anyone can be an undertaker. That is a matter that probably needs to be addressed through Business and Consumer Services, but there is no licensing requirement to be an undertaker.

I think that is probably an aspect ancillary to this that needs to be addressed, because a few years ago we had a situation where some so-called funeral directors did not dispose of the bodies that they were required to and were meant to, and the families expected them to. Members might recall that episode. It was quite a few years ago, but it involved some undertakers at Hindmarsh, I think by the name of Panos. That is a separate issue, but it needs to be addressed.

One issue that has been addressed is the requirement that, for burial, the deceased be identified. When the select committee was carrying out its inquiry we were told that a good way—if you can put it in those terms—to get rid of someone was to put them in a coffin and send them to a cemetery, because the coffin is never opened and the cemetery assumes that the name on the coffin is the person contained therein. This bill seeks to address the possibility that the person named on the coffin is not the person in it. We know with cremation that once you are cremated that is it, there is no further checking possible, so under the current law someone being cremated has to be identified as being the correct person.

There have been some mix-ups with respect to burying the wrong person. I will not go into detail, but it is very upsetting for the relatives involved. It has happened where, in effect, the wrong person has been buried. There is a downside to the identification of someone who is to be buried, and that is that not everyone wants to view the deceased person. That is an issue that has to be handled sensitively, because some people accept viewing, some require them, some want them for cultural and personal reasons, and other people do not. In trying to avoid the abuse of the burial process by having identification, we have to be careful that we do not impose on someone a burden or a responsibility that they find uncomfortable. Nevertheless, I think it is important that we ensure that the person being buried is the correct person.

Currently in the metropolitan area of Adelaide and basically throughout the state—and there are some exceptions—there is no guarantee that someone is going to rest in peace. A lot of people think that when you are buried you are there and you are untouchable. That is not true. That is not the law in South Australia. It is only really practised in the metropolitan area where you can be, in effect, dug up if someone has not paid the lease or renewed the licence, and someone else can be put in that gravesite.

It has the euphemistic title 'lift and deepen', which means they bring in a backhoe and dig up the remains that are in there of the person whose lease or licence has not been renewed. They whack the remains down with the backhoe and then put someone else on top. Some people find that rather distressing and I can see why because it is anything but rest in peace. It is rest until the backhoe comes and pays you a visit.

This bill gets rid of the 99-year provision but, certainly in the metropolitan area, you still have to pay the license or lease renewal, otherwise you are subject to 'lift and deepen'. Plots in the metropolitan area are becoming increasingly expensive to renew and to buy because they reflect the general price of land. So, if the price of land goes up for housing, the value of land in cemeteries will rise accordingly.

The only guaranteed way of resting in peace is to be buried in a country cemetery. That is not because the law does not apply there—it does—it is because no country council that wanted to be re-elected would get into the business of digging up gravesites. I would safely predict that any council that did that would not last past the next council election.

What is good is that this bill requires that the process is made a lot clearer and more transparent to people who want to have a burial site for a relative or whoever. I think that is important because, understandably, when people are grieving, they may not read the agreement, the lease or the licence in a way they would at any other time. So, I think there are some good provisions in this bill.

The bill allows for some new techniques. I think the member for Bragg talked about one. There are two techniques that have been developed in Europe: one is called promession and one is called resomation. One is a deep-freeze technique and the other one is a chemical treatment. They both basically result in the body ending up as a form of mulch, to put a finer point on it. Cremation is not necessarily an environmentally friendly procedure. It is more environmentally friendly than it used to be but it uses a lot of energy.

This bill allows for some of the new, more environmentally friendly techniques to be considered, along with what the Environment, Resources and Development Committee of about five or six years ago supported, and which I had been pushing in this place for a long time, which is natural burial grounds where, in effect, you create an urban forest. It is a forest of shrubs and trees and people are planted in that area and have a shrub or tree above them.

It is not popular with undertakers because there is not much money in it for them, and it is certainly not popular with stonemasons because you do not have a granite headstone, but there are a lot of people who want this option. It is available on a limited basis at Enfield at the moment, and I am particularly keen that the government and councils cater for this demand. In fact, a retired school principal came to see me recently and he said that his will specifies that he be buried in a natural burial ground. Well, we do not have many available. We need one in the north and the south. The one at Enfield, as I say, is of limited capacity.

There is crown land that could be used at O'Halloran Hill. In fact, I have had a discussion with Centennial Park and they said the crown land there is an ideal site. One of the reasons for that is that it has an ocean view. I am not sure why the deceased want an ocean view, but they said that was an ideal site. I would urge the government and, in this case, the councils in the southern area to help facilitate that option of a natural burial ground and, likewise, in the north, the Adelaide Cemeteries Authority in conjunction with councils out there. I think it is a very environmentally friendly option. It is low cost and a lot of people want it as a place where relatives can come and enjoy nature but not be part of a conventional type of cemetery.

This bill also addresses an issue which has been a concern for some time. Under current law, a body transported in a cemetery must be in an enclosed container, which really means a coffin. That does not accord with the wishes of people, say, from a Muslim community, and other people who want a natural burial where they want the body in a shroud, not in a coffin, certainly not in an expensive coffin.

When we had the inquiry, we discovered that some coffins cost up to $10,000 or more, which is a lot of money, and that is what some people want; but there are many people who want either a simple coffin or to be buried in a shroud. That will be possible now because, under this bill, the carrying of a body in a shroud would be permitted. I suspect that what has happened in recent times is that the authorities have turned a bit of a blind eye to bodies being transported in a shroud. It was originally, no doubt, based on health concerns, but I do not think there is any real need for that concern today.

There are a lot of other aspects that are addressed in this bill. It deals with crematoria, and I have spoken briefly about some alternatives to that. If people want that as an option, I do not have a problem with a cremation. I am just saying there should and could be some alternatives. The popular view, and I come back to what I said at the start, is that when you are buried you are there forever. That is not the case. This bill does not guarantee that, either, so people should not be under any misapprehension that this will mean that in the metropolitan area you are there and you are there forever. You are only there for as long as a relative pays your lease or licence.

I had a case recently where someone was renewing a gravesite for their son who was killed in the 1950s. In 2003, the renewal cost for five years was $84. This year, it will cost $335 for five years. That is a lot of money. If you are the sole family member, you might have six or seven renewals and it is a lot of money. If the licence is not renewed, the cemetery authority has the right under law, as I said earlier, to dig up the remains and put someone else in that spot. If you do not want that, the option is to go to a country cemetery.

There have been a couple of comments made by people saying that under this bill there is a different standard for European gravesites and Aboriginal gravesites. That is not true. If an Aboriginal person is buried in a cemetery as defined by the bill, they are affected in the same way as anyone else. There are special provisions for Aboriginal remains which are the historic and cultural ones going back possibly hundreds and thousands of years. There is no discrimination in this bill in respect of the way in which the remains of Aboriginal people are treated vis-a-vis Europeans.

I will conclude shortly by saying that this is a big step forward. It has been many years in the making. I congratulate parliamentary counsel on drafting this. It is a very difficult issue. It is an emotional issue. When we had the inquiry, we had a lot of people attend the public meetings and there was a lot of emotion. Some people want permanency in terms of tenure but, as I have emphasised, this bill does not guarantee permanency for burial sites in the metropolitan area, or indeed in the country. It is only the different practice in the country that ensures you will rest in peace.

I welcome this bill. I will not go into all the points. The member for Bragg talked about burials outside local government areas, or outside of towns. There is provision here for cemeteries that are no longer used. I understand that the Unley Shopping Centre is built on a cemetery. Certainly, Coromandel Valley houses were built, in the last few years, on a cemetery—a Methodist church cemetery. I do not agree with that. I believe there should be some respect shown for those who are buried in a cemetery. Apart from the historical aspect, there is also just the basic question of decency and respect.

The bill ensures that if a former cemetery is used as a park, then there are certain activities which can and cannot be undertaken on that site, and I think that is appropriate. However, all in all, I believe this is a very progressive bill. It is long overdue, and I trust that members will feel inclined to support it. It has not had much discussion in the media, but I do not believe there is anything in here that is really contentious. I think it heralds, in a way, a new era in the way we deal with human remains in this state, including better record keeping of people who have been buried, and so on, which is important in the future for people who want to check back on their family history, and so on. I commend the bill and I support its passage.

The Hon. I.F. EVANS (Davenport) (17:16): I am not going to hold the house long in relation to this bill. The member for Bragg has set out the opposition's general position. I simply wanted to make a couple of comments regarding the slackness of the government in relation to one particular aspect of this bill. The Australian Funeral Directors Association contacted me in 2008 regarding two issues. One was the need for coroners to do two different reports when a death occurred interstate, like an interstate coroner and the South Australian Coroner. The matter was fixed up through a private member's bill earlier.

The second issue, of course, was the issue of identification for burial. This was the Funeral Directors Association coming to the government and the opposition saying, 'Well, actually, we've got a problem: there is no identification chain in relation to burials.' There is for cremations. If you cremate the wrong person it is a bit more difficult to prove you have done that than if the wrong person has been buried. The member for Fisher made reference to wrong burials.

That was 2008. Then I introduced a number of private member's bills to try to fix up that burial identification issue. However, so small-minded was the government it could not bring itself to possibly accept an opposition private member's bill, even though the professional association handling burials was saying there was a problem. So, from 2008 to 2013—five years, near enough; at least four, depending on what month you look at—the government has twiddled its thumbs knowing that problem existed.

I have not made a big issue of the wrong burials matter publicly for the very reason that the member for Fisher outlines about the heartbreak and heartache and concern that it can lead to for those people who are surviving the person who has passed. However, I do think that it is really poor form for the government and ministers under various iterations who have handled this particular matter to have dawdled and not dealt with this issue previously. I had a number of meetings with ministers, a number meetings with ministers' staff. Parliamentary counsel were obviously courteous and professional, as they always are, in dealing with drafting the private member's bill.

I am pleased that, finally, within this bill there are the appropriate clauses that fix the matter that was raised in 2008, raised again in 2009, raised again in 2010, and raised again after the

election. I am glad that this matter has now finally been dealt with but, for the life of me, I cannot understand why the government has been so lazy and, I think, uncaring to an industry group and to the families involved. We do not know, of course, whether any errors were made between then and now; you simply do not know that. I think it was poor form, and I am pleased that they have finally dealt with that matter. I congratulate the Australian Funeral Directors Association on their five years of lobbying to bring this issue to the attention of the government, and I congratulate them on finally achieving an outcome on that particular issue.

Mr GRIFFITHS (Goyder) (17:20): It is amazing how many people have stories to tell about cemeteries, and I do also. I am probably one of the few people in the chamber who, in a previous life, was a curator of cemeteries, which is an honorary role held when you are a local government chief executive officer. I have had some level of responsibility within the communities that I served in that local government role to ensure that the cemeteries were operated appropriately, that the records were kept in a manner that would allow some accuracy when leasing a plot to an individual or a family, and that a plot was vacant at the time of a grave being dug.

I am proud to say that I am only aware of one instance where a grave was being excavated—and it was identified relatively early on that it was a bit soft for it to be a 'virgin grave'—only to find that a body had been interred in there already. In some cases these records are 130 years old. You tried to decipher them to make sense out of them, but with the annuls of time some of the accuracy of the records was lost. That is only instance which I am aware of.

As an extension of my role as a curator of cemeteries, I had an interest in how cemeteries were managed on a statewide basis, and I was requested by a resident on Yorke Peninsula, who had been a representative on the Cemeteries Association of South Australia (as it was then called) to take on his role when he retired. I did that for two years and, as much as it is a rather interesting industry to be in, I enjoyed it, because it gave me a greater understanding of how it operates across the state and a perspective on how metropolitan cemeteries are operated. The difference is quite profound between how regional and metropolitan cemeteries operate, and I understand that it has to be because of the pressure for space to be available for those who wish to inter human remains in the ground.

I have always held the philosophy that there is one thing in life that should be sacrosanct and that is the interment of our human remains. It has been interesting for me to see the vast differences that have existed in how the rules have been applied to the lease period that has been in place. The member for Fisher and others would reflect upon the fact that for metropolitan cemeteries it has been focused more on a 25-year opportunity, with the responsibility on the family to renew the lease that applies to that plot. As a regional person I have always believed that, once you are buried there, it is forever. I have always been a supporter of in perpetuity, so I am very grateful that this bill recognises that and it provides an opportunity for a local authority to determine the length of the lease period and in perpetuity to be an option.

I am rather amazed, though, that even though the industry recommends that there should be a minimum period in place—and the suggestion from industry authorities is 25 years—that the government has deemed to leave that as an open period. I would like to think that 25 years would be the absolute minimum. I would like to see it longer than that but I understand the reasons why, in some cases, a shorter period is used. However, if the authorities that are talking to government about this had deemed that 25 years would be a better option, I am surprised that that has not been taken up.

I do not want to go into the intent of the whole bill as the member for Bragg has done as the lead speaker for the opposition. There is a couple of things that I want to continue on with though. I was rather interested to see about the interment rights and the surrender of those interment rights. You would be aware that, when you take out a lease, you pay a fee that is applicable at that time. I am interested to see that this bill provides that, when that right is to be surrendered, the Cemeteries Authority is required to provide a full rebate based on what the current fee is.

Cemeteries are not operated at a profit, other than in metropolitan areas where they have to cover all the costs. Normally they are joint authorities operated by at least two councils in most cases, or some other legally recognised arrangement. I think it would have been more the case that, if you wanted to ensure the financial viability of a cemetery operation without being a burden upon another source of revenue that might have to prop it up financially, the amount rebated would

be based upon a portion of the original lease fee or that at least some level of recognition was given to the development and maintenance costs of the cemetery.

Even if it was based upon the current lease fee that was in place, there would be some sort of recognition of those factors and it could be a smaller amount. So, some questions will be asked at the committee stage about the financial implications of the surrender of interment rights and what that would do to cemetery operations.

I am also quite interested in the closing of cemeteries. The member for Fisher has referred to two instances he is aware of where cemeteries have been closed and alternative uses found for the land. One was a shopping centre and one was a residential estate. I am reminded of the movie *Poltergeist,* which scared the life out of me. I note that that is a bit of an obscure reference, but it has always been a worry of mine.

The cemetery at Port Vincent is full and does not have room for anyone else to be interred. People now have to go to the adjoining community of Curramulka. The cemetery is right on the foreshore. It is a prime location for a development opportunity, but the community would never allow it, and nor should they and nor should any person ever propose it, because it should be a sacrosanct resting place.

If there has not been an internment after 25 years, we might allow for the closure of a cemetery and return it to some level of open space—parklands, a recreational reserve—but I do not know whether anybody would ever actually do that. It will be interesting to see.

The Aboriginal community has great pride and it puts great strength on the remains of their forebears. Whenever Aboriginal remains are found, my experience has been that tremendous respect is paid. I know of a development at Black Point where, indeed, human remains from Aboriginal settlers were found about four years ago. Even though separately titled allotments have been created, those three blocks were taken out of the subdivision and forever dedicated as an open space, and the remains have been kept intact on that site without being removed.

I am interested in how that will work where headstones abound and it is hard to contact all the families to determine those who want to continue with their lease arrangements. It is interesting that the legislation provides that level of flexibility, but I do not know whether it will ever happen. We live in a society where people decide to pursue their right of having a voice, and they normally go through their local member or any other forum they can to make their concerns known, so I would be really surprised if that ever happened.

However, the bill is a step forward. It builds upon some really good work that the member for Fisher and others put into the 2003 select committee. I also recognise that a 1986 committee from the upper house, I believe, did some work on this, too. Talking about human interment is not something that is in a person's scope all the time, but it is really important to get it right.

Peterborough is a community in the Mid North, in the member for Stuart's electorate. I once worked there in local government and I was told very early on that there are more people buried in the cemetery than there are actually living in the town. To me, that emphasises the fact that we have a responsibility to respect the remains of our forebears. Cemeteries actually tell us a lot about the history of a community when we take the time to look through them.

Mr Venning: Fascinating places.

Mr GRIFFITHS: Fascinating. The member for Schubert reflects that they are fascinating places, and they are. It is not as though you would go there and have a picnic regularly, or that sort of thing. However, I think if you spend a bit of time walking through a cemetery, you can gauge a bit of information about that town.

You can see the obvious signs where there had been chronic disease that had gone through and where a lot of kids might have died at a very young age. I know that on the Copper Coast that was a problem in the early mining period. You can see some of the elder statesmen of the town who have died at a greater age and the monument built to them might not just be from the family but from the community to respect what they had done. I look forward to other contributions on this bill and hope that it creates a better environment for cemeteries to be managed for the benefit of all.

Mr PEDERICK (Hammond) (17:30): I rise, too, today to speak to the Burial and Cremation Bill 2012. I note that what we are doing today is streamlining the process of burial and cremation. Instead of having several pieces of legislation as part of the process, we are refining it

down to one which I think is a sensible move. As was rightly said before, the opposition will be looking at some amendments and asking some questions in the committee stage.

When people have to make decisions at the time of someone's death in the family, things are moving along pretty quickly and people have to make decisions generally within a few days. It is a difficult time, so the less regulatory framework that people have to deal with the better. Mind you, we need regulation around the whole process of burial. I think there can be a far better way to manage cemeteries, although I am a bit concerned with the notion that after 25 years we might close a cemetery off. Obviously there is a lot of historic value in cemeteries from our ancestors who came out to South Australia, generally as free settlers, and it would be terrible to lose that heritage.

There have been issues in the past where farmers have been operating near old graveyards and just piled up the headstones and just gone straight over the top of a burial ground, which I find appalling quite frankly. So I think there needs to be better regulation of both private and public burial grounds. I know from personal history, when you go searching for who is the relevant authority of a certain burial ground, it can take quite a few phone calls to find out who is in charge because obviously where there once was a church, the church could be a dwelling now and you would have to ascertain whether the council has control of the graveyard or whether it is still in church hands. That might not be a terribly onerous task but I would like to think that there would be a register kept in the future, perhaps under the auspices of this bill if it goes through, so that people can readily identify who is the owner of a graveyard.

I note that the bill differentiates quite a bit in the language between natural burial graveyards—and I applaud that move—in a parkland-type setting where you can have a tree or a bush as a memorial or something else appropriate compared to cemeteries where we are used to rows of graves. I commend the work that the member for Fisher did in this regard on natural cemeteries.

There is no reason—and I can say that from experience—why you cannot have a natural burial in what is normally a standard burial ground. My father-in-law, for instance, was buried in a shroud. I was interested at the time how the family would handle it and it is quite an interesting process where the undertaker has what is essentially a transporter coffin. We had a graveside service. They take the coffin away and there is the body in the shroud. It is not too confronting. It is a very natural way to be buried, and more and more people are perhaps choosing ways like that. He is buried in a cemetery at Willunga with that method. From what I understand, it certainly happened and I guess that they cannot charge him if he did anything illegal (and I am sure it was not), but it certainly can happen. In modern times there are other methods of burial, and things like disposing of bodies using water is mentioned in the bill, and under regulation they can come into force if they become ways for burial in South Australia.

I refer to part 2—Disposal of human remains. Clause 8—Offence to dispose of non-cremated human remains except in cemetery or natural burial ground, states in subclause (1) that, without the approval of the Attorney-General, non-cremated human remains cannot be interred except in a lawfully established cemetery or natural burial ground. The penalties in the bill are $10,000 or imprisonment for two years. I will be interested in committee, which we may not get to today but at another time, in clause 8(2), which states:

> (2) A person may inter non-cremated human remains in a prescribed area on land outside a cemetery or natural burial ground with the permission of the owner of the land and—
>
> (a) in the case of land within a council area—
>
> (i) with the approval of the council for the area in which the land is situated; and
>
> (ii) in accordance with the regulations; or
>
> (b) in any other case in accordance with the regulations.

That is a pretty wide gamut of approvals one needs to go through, because obviously regulations need to be abided by and council approval obtained. Being a landowner in inside country, and not in out-of-areas country, which probably covers well over 70 per cent of the state, will there will be the opportunity, subject to the appropriate guidelines, for people like myself who own a farming property to be buried on their property, for instance? I am sure there would be appropriate guidelines to go through.

The Hon. R.B. Such interjecting:

Mr PEDERICK: I am raising it in the debate, and I am getting a nod from the Attorney-General that it goes through council, and so on. You can probably do that. That will be interesting because I know there are quite a few people who end up being cremated and have their ashes spread over their land in a certain place where past family members for up to a century have had their ashes spread on the property. That will been interesting.

In the main this bill is certainly heading in the right direction. On this side of the house the Liberal Party's position is that we will be looking at a few amendments, but it is heading in the right direction because it seems odd that there has not been a burial and cremation bill as such in the past, but it has come under several other pieces every legislation. Even though we will be looking at ways to improve the bill in our eyes, I commend its passage through this house.

Mr VENNING (Schubert) (17:39): It is a fascinating subject, and I rise to support the general tenor of the bill and welcome it. It is a fascinating subject because we will all go there. We have all had experience with our loved ones—

Mr Pederick interjecting:

Mr VENNING: I am closer than most. Generally speaking, I would say that I am closer than most, unless I change my ways and I might get a few more years. It is a fascinating subject, and the ERD Committee studied it at length. The Hon. Bob Such, the member for Fisher, instigated this reference in relation to natural burials. It is a fantastic subject, as I said, and some would say almost macabre, but it is an essential process where we deal with our dear departed citizens.

I was on the ERD Committee when we discussed these natural burials. It was most interesting, and there was a fair bit of opposition to it, particularly from the people in the industry because they saw it as a threat; particularly some of the undertakers and some of the owners and managers of the cemeteries saw it as a threat to their business because these were burials on the cheap by just burying them in natural ground, planting trees and having a park-like setting. I notice that is encompassed in the bill, so that is good.

I have to say that it is one of the most interesting references I have ever been involved in. We visited mausoleums, crematoria and we saw the whole process. All I can say is that when you go into a crematorium it is quite an eye-opener in every way and all I can say is: wow. We have to be realistic; it happens. I certainly think we could put in a lot more regulation because there is opportunity for unpleasant things to happen.

The bill reforms the regulation of burial and cremation in South Australia. Even though private cemeteries currently come under the Development Act, their management and interment rights are at the moment unregulated. In my early days, I had a very interesting case, and the member for Hammond just spoke about this, that involved a prominent family in Kapunda. In fact, I will name the family, as I do not think they will mind; it is the Shannon family. Brian Shannon died and—

Mr Pederick interjecting:

Mr VENNING: You are. Three days before the funeral, they said they wanted to bury Brian on this beautiful hill overlooking the beautiful property out there, and I said, 'It has to be done in consecrated ground.' As the diligent, young, new MP I was, I got to work and made lots and lots of phone calls, and in record time—in two days—we had that ground up on top of that hill consecrated and then we had the funeral up there. Can I say what a magnificent place it is in amongst the rocks. It is just a beautiful spot for Brian to be, and all that is up there is this little area and a stone cross; certainly, you do not know it is there unless you get very close.

The member for Hammond spoke about being buried on the farm. I happen to live in the family home at Montrose, Crystal Brook, and there are three uncles and aunts in the garden cremated and in the garden. It was not so much that I was spooked about that: I was concerned, and my wife certainly was, but after it happened it was no problem because these people were born and bred in this home and that is where they wanted to be. After cremation, they are now in the garden under the orange trees, and there is another one to come in a few weeks, I believe, so there will be four. Again, people do like to be connected to where they have come from.

I assume this issue of consecrated ground is going to be addressed in the bill because in my electorate we also have the magnificent Seppeltsfield vault, which is really a great tourism drawcard. I have a bit of a soft spot for having a vault myself on a high hill, and I have some nice hills on the property; however, the rules that govern these sorts of facilities are certainly quite clear. I notice a member on the other side whose father is an undertaker. I hope she has made a speech;

if not, she should. Zoe would know all about this, and I have attended many funerals her dad has conducted. The funeral game is certainly a growth industry because we are living longer but we are all going there.

I will be interested to see what the actual bill says in relation to the establishment because we have always had family vaults, but they have always been below ground. There are several in most cemeteries, but you would not know they are there unless you knew. When you see the ceremonies actually happen, you find they uncover the staircase that goes down, they lift the top off and then they put the casket in alongside the others and cement it in. That is a cheaper way. If you have a large family, it is probably cheaper than going through individual burials but, like the Seppelts, having it above ground has a certain attraction, especially if you have a nice spot that can also act as a memorial just for the family, generally, over seven generations. It is a good opportunity to do that, as the Seppelts have done.

As a historic person and a person from a family who has been in the same place ever since they have been in Australia, I am very pleased to see this bill actually addresses the 99-year limitation on interment rights, because I think it is pretty sad when, just because there are no descendants around to look after them, they just take them away after 99 years.

I can understand the pressures on city cemeteries though, I really can, particularly the one as you go past the brewery, Hindmarsh Cemetery, which is full. That cemetery is chock-a-block and it is just going to remain that way forever. I have seen some graves exhumed and it can be done very sensitively, particularly when the headstones are removed and put along the fence—in fact, some of them are even restored—so we know that those people were buried in that area.

I think it is very important because I am into history. As I said earlier, I am fascinated by cemeteries, particularly the West Terrace Cemetery. In fact, that cemetery is a tourist attraction, and they run regular tours down there. People are interested in history. You can go and see the people who have died, the plagues that we had, and how young people died in those plagues. It is very sad and pretty sobering to see, but those cemeteries hold a vital part of our history.

This bill reflects the 2003 select committee's recommendations and the government's consultation with the industry. This government considers it unnecessary to establish a statutory body and will leave it to the public authorities who already regulate in this area (such as the EPA, health networks, councils, the police, etc.), and I agree with that. You do not want another bureaucracy; this thing will regulate itself.

I think the funeral industry is generally pretty good. In fact, I have a good friend, Mr Clayton Scott, who was national president of the Australian Funeral Directors Association, and who runs a pretty good business—you have to, because you are dealing with a delicate subject.

Mrs Geraghty: You are not going to go broke.

Mr VENNING: They will not go broke, no, because there is always a certain clientele, isn't there? On the lighter side, you have to laugh sometimes. The Barossa is full of wonderful rest homes and you can always be assured there will be one or two undertakers on the committee; in fact, one of them keeps the hearse just out the back. It is a very good operation; they are sort of fostering business, if you like. Can I say, most undertakers are good, and do a fantastic job. Some of these funerals are not easy, particularly when it is a younger person; that is a tragedy. The undertakers do a fantastic job, because these funerals are always sad.

I am interested to read about these emerging technologies. The government says that they are going to be controlled by regulations until the demand demonstrates the need for legislation. These are quite different types of processes, particularly promession. I believe that involves freeze-drying, liquid nitrogen and shattering. I just wonder why you would go through that process, but I suppose people do; it would have to be very expensive.

The Hon. J.R. Rau: It doesn't hurt if you're dead.

Mr VENNING: It doesn't hurt? But what do you do? You are still dealing with a person who has recently died and who has not decayed, so you have to have a by-product at the end. I am interested in that, and also in biocremation. I presume that is the same as resomation, where you put the water and alkaline in together and it is broken down, sometimes with heat. But, then again, you have water as a by-product. I think one of my colleagues asked: what do you actually do with that water? You would have to be very careful.

I think that is all I really need to say. There are a lot of people who will always want to be buried, and I am one of them, because I am just not into the idea of burning my loved ones, but the problem is going to be space. That is why I invite people from the city to be buried in the country. We have some lovely country gardens and space for cemeteries. Rather than filling up the cities, there is an opportunity, particularly in the near city areas, to establish country gardens where people can visit. We also have mausoleums now, so rather than jamming into Centennial Park (even though it has some magnificent facilities) and other cemeteries that are rapidly filling, I think we ought to find areas that are not productive farming land and, as the member for Fisher said earlier, create parks and lovely areas where people can go and recreate, have a picnic, and recognise the loved ones who are interred there.

I think that is the future, because we know we have a problem with space. That is why the 99-year lease came in. Certainly, we on this side of the house support this measure. I hope, though, that we are able to have a look at the finishing. We want to remove the retrospectivity, particularly in relation to compensation for the surrender of interment rights and record-keeping obligations, and to retain the current provision of the act for the identification of remains prior to cremation. I wondered whether there was any difference in that. I understand that, once you are cremated there is no DNA—it is gone, I presume. I do not know; somebody might enlighten me. If that is it, you have to be very careful that the person being cremated is the actual person.

The Hon. R.B. Such: That is why you have to sight the body.

Mr VENNING: Absolutely. I do not believe there is any DNA record left once it has been incinerated. That would certainly be of great concern to me. I also note the provision to reduce the penalty on medical practitioners issuing death certificates. I was not aware of any of that. Certainly somebody has done their homework. Some areas of this bill do need to be looked at and may be subject to an amendment or two, but generally we think it is a good bill and we will support it.

The Hon. J.D. HILL (Kaurna) (17:51): It is a pleasure for me to support this legislation. I just want to talk about a couple of aspects of it, if I may. The provisions in this legislation which pick up the member for Fisher's long cherished goal to have natural burial grounds will be very much welcomed by a number of my constituents. I am referring to those who are associated with the Aldinga Arts Eco Village. A group there has been advocating for this change for a very long period of time.

The Arts Eco Village is a self-managed place in Aldinga which is based on principles of sustainability, aesthetic beauty and community involvement. They have their own farming area, they run their own sewerage system, they have their own internal means of deciding how things are done. One of the things they wish to have is their own burial ground. They are particularly keen to have that happen quickly because a number of their members are quite elderly, so I know they will welcome this.

In the various meetings I have had about this over the years—I think the member for Fisher first raised it with me when I was minister for the environment a number of years ago—I got myself briefed on it pretty well. I was quite surprised by what I learned about the current arrangements, which certainly persuaded me that, when it is my time, I think I would opt for the natural burial process, for a variety of reasons.

Firstly, what I was not aware of, because I always thought cremation was the best way—it did not take up land, your ashes are returned to the soil, all those kind of things—was the enormous amount of energy that is required to burn a body, the huge amount of heat. Of course, not only does it burn the body, but it burns all the wood and plastics and all the other things which are associated with the coffin, which causes pollution issues that have to be managed and that costs money and requires energy as well.

As our population is getting bigger, the amount of energy required to dispose of people who are morbidly obese is—I am not looking at you, member for Schubert—

Mr Venning: It is my conscience.

The Hon. J.D. HILL: You laughed; that is why I looked in your direction. As people are getting bigger, the amount of energy required to dispose of them is even greater. It is probably the least of the environmentally friendly ways of disposing of a body. I suppose that traditional societies that have wood fires and burn bodies in a public place would not use quite as much energy. In fact, I went to a funeral in Bali many, many years ago, where I saw a body which had been buried, then

dug up and burned on top of a pyre as part of a big ceremony. It is quite an interesting and moving ceremony. So, I think that cremation is the least environmentally sustainable way.

Then I was surprised to discover that the traditional way of burial is probably more sustainable, except for the fact that, under the current arrangements, if you dispose of a body, as I think one of the other members mentioned, you have to have a watertight container in which to carry it. Ironically, as I understand it, that applies, under existing legislation, to bodies that are cremated, but because the legislation relating to bodies that are buried is much older, it does not apply to those bodies.

So, you have bodies which are being cremated which are wrapped in plastic, which is then burnt, creating all the issues about burning plastic. Of course, the funeral industry makes only one kind of coffin, and that is plastic lined. So, the bodies that are buried are not as a result of the breaking down of wood and flesh over time returning to the soil. They are being maintained in some sort of sarcophagus forever, which to me is a disgusting idea, and the idea of being interred in that way fills me with horror. I think that the natural burial proposal is a very sane one. The body is disposed of in the lightest possible form. A tree or a bush or something is planted there and a record of who died and so on is created.

The other issue I want to turn to has been referred to by a number of members, and that is the importance of history. One of the things we will lose as we move towards multiple-use plots, cremation and natural burial is the opportunity to walk around an old cemetery and find interesting gravestones. My wife and I particularly have been interested in family history for the last few years, and the internet allows you to do extraordinary things and find out amazing connections. We have lived in the southern suburbs for the last 20 years, and we did not realise until just a couple of years ago that, for the last 20 years, we have been travelling past a Catholic cemetery—I think it is St Mary's cemetery in Morphett Vale—associated with the Antonio Catholic School.

We discovered that Andrea, my wife, had a direct ancestor—her great, great something-or-other grandfather—who came to South Australia in 1837 and was on the first boat after the First Fleet. He was a nine year old boy who was born in the Canary Islands; so he was of Portuguese nationality. God knows how he got on the boat, but he jumped ship in Adelaide. He was illiterate. He went on and got a big grant of land; he gave most of it to the Catholic Church unfortunately. He is buried in that cemetery, and around him are a whole range of his relatives—his wife, his children and various ancestors.

It would have been impossible to get all of that lineage and all of those connections if that record had not been made. I know that, with better record keeping, all of that information is probably available to us now, anyway. But it does occur to me that, and the minister might take this up, if we are to move away from the traditional cemetery, what we need is some sort of virtual cemetery—a sort of a Facebook cemetery—where we could go for the history, the connections and the memories. I seek leave to continue my remarks.

Leave granted; debate adjourned.

At 17:59 the house adjourned until Tuesday 5 March 2013 at 11:00.