HOUSE OF ASSEMBLY

Thursday 21 March 2013

The SPEAKER (Hon. M.J. Atkinson) took the chair at 10:30 and read prayers.

ADOPTION (CONSENT TO PUBLICATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 March 2013.)

The Hon. R.B. SUCH (Fisher) (10:33): I support this measure and I commend the member for Morialta for bringing it before the house. I confess I did not realise that there was a penalty of $20,000 that could be imposed on someone revealing the birthplace or other details of a child who had been adopted. My understanding is that this provision—what is a very harsh penalty—does not apply in other states. When you have a situation where the parties involved are agreeable to have it mentioned publicly and reported publicly that a child has been adopted from another country, or locally, I do not see any reason why there should be any penalty whatsoever.

With any issue that involves adoption, or any matter similar to that, clearly one should have regard to the feelings of the particular individuals. I guess the original intention of the penalty was to protect a child and family where someone had been adopted, but I think it is ill-conceived in terms of its harshness. I commend the member for Morialta for this bill because I think it is an enlightened approach, and I will be supporting it.

Dr McFETRIDGE (Morphett) (10:35): I rise to support the bill that has been put forward by the member for Morialta, and I congratulate him on doing so because there are many examples of circumstances where couples have adopted children, and have gone overseas to undertake those adoptions, and when they come back here there is this rather bizarre situation where they are not able to publicise in any way, shape or form the fact that they have adopted this child who is going to be an Australian citizen, part of their family and part of the community, and will be for a long time.

Not to be able to have a photograph taken with your adopted son or daughter because of a fear that it may in some way identify that adopted son or daughter as having come from overseas, not to be able to use their name for publicity photographs for very worthwhile causes—as we have seen, and the member for Morialta has given examples—just seems to be absolute nonsense.

I do not understand sometimes the bureaucrats who work in this place, seemingly sitting behind a shield of anonymity, and who keep in place a situation that is clearly outdated. With modern technology, we are not looking for a picture in a paper all the time; it is on social media, it can be instant, and it can go around the world. So, for people who are involved here to go interstate or overseas and then be quite within the law to state their circumstances, and for that to appear in South Australia on those social networking websites, just shows how ridiculous the situation is.

I am sure there are many other examples of where this outdated piece of legislation can be shown to be exactly that—outdated, outmoded and out of time. I support the member's bill, and I hope the rest of the members in this place do so as well.

Mr GRIFFITHS (Goyder) (10:38): I also rise to support the member for Morialta in this bill. I am lucky enough to have families in the electorate I serve who have lived through this experience of adopting young people from overseas. But, instead of any level of apprehension existing, there is a welcoming aspect that is always portrayed in the community. That is why it is rather frustrating to me, when I see the commitment that is made by the family and the young people and the community around them to be totally inclusive, that there appears to be a level of legislation that makes it difficult to promote, to be proud or to make others aware of it.

We live in a very politically correct world now, but this is an example of where a level of decision-making has gone a bit mad and over the top in some ways. The member for Morialta has been directly contacted by families who are impacted by this, as I understand it, and I have read his research paper on it prior to the bill coming in. There is a very strong level of support for a change to the regulations and the bill that actually control this issue, and I think it is important that the parliament recognises that. If we do not debate this sort of thing in here—and we do not have a

willingness to allow our society, which is a very multicultural one, to be all-inclusive and to be proud of itself and to promote itself—this is an example of a need for an act to change.

It might not get the vote today, and I am frustrated by that. I hope that all the major parties would be in a position to form a position on it and for a vote to be held. I am particularly pleased that there is a level of support from the crossbenchers on this issue because it is an appropriate change that can only be a good thing. We often debate in this chamber things that are very much based around political and philosophical points of view. This is one that is driven by a community need for change, for an improvement to happen. So with those words, I just want to confirm, as do other members who have spoken on this, that it really is time for a change and that, by doing so, we are going to demonstrate our practical support for the families that have lived and grown through this experience. The community that they are part of has also grown through it. I commend the member for the bill.

Mr PENGILLY (Finniss) (10:40): I also have a few brief words to say. I congratulate the member for Morialta on bringing this up. It is certainly something that needed to be brought to the fore and dealt with. I sincerely hope the government will support this bill; it is only appropriate. It probably appeared to be the right idea at the time it was put into place, but it seems somewhat archaic now. I think it is a step in the right direction if we can get support across both sides of the house. It is a sensible way forward for South Australia.

I have constituents in my electorate who are in this situation, and I would be pleased to be able to go back to them if this bill succeeds and say, 'Yes, it's gone through the house. It's been successful,' and hopefully it will be successful in another place as well so that South Australia can move forward and so that we can hold our heads up with pride.

We have actually done some good work in this place to make life easier for a lot of other people. I just find the current situation blatantly ridiculous, it is absurd. How it came into place, I do not know. As I said, many years ago it may have seemed the right thing. It is the same as when Aboriginal children were put into homes: it seemed the right thing at the time, but now it seems to be something entirely different. So I again congratulate the member and indicate that I will be supporting the bill.

Mr VENNING (Schubert) (10:41): At the risk of repeating what has been said, I want to congratulate the member for Morialta for bringing a matter I did not know about to the parliament. I was not aware of it. It behoves all of us who have children—and it is the joy of life to have children, and we feel very sorry for those who cannot have any—to make the process much easier and encourage people to adopt children, for their own sakes as couples but also for the children. I think this is a matter which ought to be put to the vote now. I cannot see how anybody in this house could oppose this bill. I think that it is quite draconian that the law has remained like this as long as it has. Without any further ado, I congratulate the member for Morialta for bringing this matter to the house and I encourage the house to pass it forthwith.

Debate adjourned on motion of Mrs Geraghty.

ENDING LIFE WITH DIGNITY BILL

Adjourned debate on second reading.

(Continued from 21 February 2013.)

Ms SANDERSON (Adelaide) (10:43): I rise today to speak on the Ending Life with Dignity Bill, and it certainly is with some hesitation because this is such a sensitive topic for many people, however, I do so in my position as the member for Adelaide. In 2011 I sent out a survey to every single household in my electorate and, from the results that came back from 245 surveys, 73 per cent were in favour of voluntary euthanasia, with 16 per cent against and 11 per cent undecided.

Whilst I agree, based on those results, that we should pass this bill which allows voluntary euthanasia, I indicate that I would like it to go through to committee so that we can really get to the nuts and bolts of all of the clauses. Whilst 73 per cent of people in any electorate are in favour of voluntary euthanasia, I think there are still some concerns held in the wider community.

I have researched this extensively, and I have had many calls, emails and letters of correspondence to my electorate. I have been to seminars, forums and information sessions both for those for voluntary euthanasia and those against, because I wanted to really understand all of the sides of this argument.

From going to a seminar for people against voluntary euthanasia, the main things I could see that were of greatest concern to them was they did not want euthanasia just to be pushed under the carpet with no record and statistics. One concern was that they would like it particularly to be noted on the death certificate that it might be euthanasia due to terminal bowel cancer, or whatever the reason was, so statistically there could be a record and it cannot be hidden, so that it is upfront and out there.

One of the other issues was unscrupulous family members or beneficiaries of wills who perhaps could coerce weaker people when they are near to dying, and I think that has been addressed in the bill that is in front of us now, and I would urge the house to perhaps let it go through to committee so we can discuss those issues.

From my reading of this bill, it is quite restrictive. It is for the terminal phase of a terminal illness. There are two doctors involved and it must be witnessed by two adults over 18 who are not related and do not stand to benefit. I think it is about as narrow as you could get, and I see that there are a lot of older people who are particularly fearful of dying in pain and without help or adequate pain relief.

My mother passed away in January of terminal cancer and she was fortunate enough to be at home, and it was her wish that if euthanasia existed she would have used it. For two years she fought cancer and, I would have thought, if voluntary euthanasia was available to her, it perhaps would have shortened her life by one to two months. That was at the phase where she was no longer able to leave her bed.

She was no longer able to toilet herself, feed herself—or do anything, really. It was pretty well like watching a skeleton of a person diminish before your very eyes. She was not on painkillers or Morphine and was not able to move herself at all and, when she did ask for my assistance, even with a slight touch, there was a screech of pain; so, clearly, there was a lot of pain being felt. But she did not want Morphine and did not feel that she needed it.

Others should not have to see that and go through it and I think we should look for a possible outcome. I think that this bill might be able to help some people, and I would ask that it go through to committee so that we can discuss each of the clauses and make this as safe as possible for those who wish to use it. I commend the bill to the house.

Dr McFETRIDGE (Morphett) (10:48): I challenge anybody in this place—anybody—to question what the member for Adelaide has just said about the ability to provide death with dignity. It is not about killing people, it is not about disposing of people and it is not about expediting an early death for financial purposes. It is about dying with dignity. It is about enabling people we love and people we care for to be given the treatment that I as a veterinarian was able to give to animals.

I could make a decision and give an animal an injection and that animal would go to sleep peacefully and with dignity. I have had grown men crying and adults prostrate on the floor of my vet clinic over their pets because they miss them so much, but that love for their animals is nothing in comparison with the love for an individual, as we have just seen from the member for Adelaide.

It is so important that we have this legislation in this place. It is so important that we have this legislation go to committee in this place so that we can ask questions. If you have issues with this legislation, I dare you, take it to committee, ask the questions to the member for Fisher. Ask three questions on every clause of the member for Fisher. Ask everything you want.

If you can then say that your conscience, which is representing your electorate's conscience, is saying you should be voting this legislation down, well you do it. But I can guarantee that I will be here after 2014 because the member for Morphett knows what his constituents think. I know they support a choice on voluntary euthanasia. I know they support death with dignity. I know that they are thinking people, they are 21st century people, they are not living in the past.

This is not about keeping people here in a living hell to keep them out of a heaven which, if it is such a good place, why would you want to keep somebody away from there? I shouldn't be glib about it but it is just so frustrating for me to see people who want to dictate to the whole of this population in South Australia their beliefs based on a belief which to them is true—and I do not want to denigrate that in any way, shape or form—but, please, they do not represent the people of Morphett, they do not represent the vast majority of South Australians and they should come into the 21st century and allow people to die with dignity.

I strongly support this bill and I encourage everybody in this place to make sure this bill goes through to committee. If you object to it, ask your questions then. Stand up, have the courage of your convictions, have the courage of your own conscience and ask the questions about why this bill should not be passed.

The Hon. L.R. BREUER (Giles) (10:51): I personally do not support euthanasia. It is a personal feeling of mine and it is based on experience I have had with somebody who begged me to get the doctors to give them an injection, and I had to say to him, 'No, I can't do that. It is not possible. It is not within the law.' He survived the illness that he had and lived for another five years and had absolutely no recollection of ever saying that to me. It was after a bad car accident that he had and some weeks after the accident. So, it has always been in my mind that people may not make the right decision at the right time and that is why I personally do not feel comfortable about euthanasia and supporting it. I think it happens. I think there are already things in place that make it happen.

However, listening to the very moving contribution by the members for Adelaide and Morphett and other contributions in the past, I would always support the legislation when it goes through because I think other people should have that choice. I think many of us in this place have lost a parent and many of us have lost a parent to cancer. I had a similar situation. It was not appropriate for my mum at the time, but in other cases it may be appropriate, and I think this is what we should all think about when we come to this decision. It is not about us. It is about the people out there we are representing and their beliefs and what they want, so I would support the legislation going through to the committee stage.

Mr GRIFFITHS (Goyder) (10:53): I had not intended to speak on this but I think I will. I am torn, I really am. I have a deep philosophical belief that from the moment of conception we have a soul, and I have said that in this place before because I truly believe it. I am torn because of the words that the member for Adelaide spoke about where she has a personal reflection upon a person very dear to her about what she suffered over a period of time but particularly in the last two weeks.

I am torn because, as part of the consultation that I wanted to undertake with my community as the member for Morphett has, I posed this question to people. It has been publicly reported to the area, and I have spoken to probably about 50 people about it, off the top of my head. The overwhelming majority of people who contacted me were against because of deep religious beliefs that they hold.

I am torn because I have a person close to me who worked in the medical profession for a long time in high dependency, who has seen terrible things occur and who tells me that no matter what the level of palliative care that exists, 10 per cent of people still suffer excruciating pain. I am torn because of the belief that I hold to but I also accept the realisation of that fact that for some there is no level of care that will give them relief that they crave.

As a society we are divided. I am publicly told about the figures and I think it is 81 per cent or 85 per cent who support it; they are the figures quoted on that, but I know it is a very difficult issue. There will be some in my community who are upset about the fact that I am standing and speaking on this, but I want to put on the record some of the things that I have thought.

I commend the member for Adelaide for the way in which she held herself together when she talked about her own mother. I am torn because of a personal issue I dealt with probably five years ago. I had a call from somebody who is close to me who was attempting suicide at the time. I was in this building at the time; it was a non-sitting day. When the call came through to me, I knew I had to speak about it to someone else who was equally involved with this person, but I had to try to respect the wishes that person had conveyed to me, too.

It was totally consuming my mind and, in the end, I jumped in the car and drove to the house of this person, and I broke in and found this person who had attempted suicide but was still alive. I was faced with the dilemma of trying to respect their wishes but also respecting the sanctity of life. So, what was I to do? I rang for an ambulance.

That person recovered, but I have had to deal with a person who is not a relative but a person I have known for a long time. Had I betrayed the trust they had put in me and, indeed, their belief and confidence in me and the level of respect they have shown for me because of the personal decision I had made about contacting the ambulance? This person was revived. She has continued to live and to contribute. She continues to go to work and all that sort of stuff, but it has been a bit of an unspoken issue between the two of us, too.

I really do respect the way in which the bill was introduced. I am torn because my basic philosophical belief is to support the sanctity of life, but I do think that the debate needs to occur. I am not sure that I believe the 85 per cent, or thereabouts, that is quoted as supporting it because the overwhelming opinion of those in the community I serve who have contacted me is that they are against it. However, I am a person who believes in science and facts, and I also believe in the state moving forward.

I am going to listen very intently to every contribution that is made in this chamber about this issue because this is an issue that, if it is not resolved as part of this bill, it is going to continue to come forward all the time. I understand that, on this issue, there is a very fine line in relation to the numbers in this chamber.

In my heart, I think that I will vote against the bill because of what I believe in, but I am quite willing to take part in a debate on it and to ask questions about it, so that I can have a greater understanding of the intent of the bill, because the people who have spoken to me have concerns about it, and they want some of those concerns to be not just outlined but, indeed, questioned. So, that is why I think that some level of debate is necessary, but I do recognise the fact that for all of us in this chamber, no matter what way we vote, it will be with a heavy heart as to what we do.

The SPEAKER: Member for Taylor.

Mrs VLAHOS: I seek leave again to have the matter adjourned until the next sitting day.

The SPEAKER: So, you are moving that it be adjourned? Is that seconded?

An honourable member: No.

The SPEAKER: When I asked for seconders, 'No' is not an appropriate answer. If I am not mistaken, someone said yes.

Mrs GERAGHTY: May I raise a point of order, sir?

The SPEAKER: Yes, you may.

Mrs GERAGHTY: Generally, the convention within the house is that, if there are people who want to speak on a particular bill, we give them that courtesy to speak on it and then it is adjourned afterwards.

The SPEAKER: I do not think that is a matter of standing orders.

Mrs GERAGHTY: No, indeed not.

The SPEAKER: In fact, I do not think it is a point of order. I have ignored the member for Taylor on two occasions and let other people speak, and I now think it is incumbent on me to give the member for Taylor the call, and she has moved that it be adjourned. The appropriate course of action is not to take a point of order but to vote against the adjournment.

Mrs VLAHOS: Mr Speaker, I seek to withdraw that, on the understanding that a vote will not be put today.

Leave granted; motion withdrawn.

The SPEAKER: The motion is withdrawn. I therefore call the member for Waite.

Mr HAMILTON-SMITH (Waite) (10:59): Thank you, Mr Speaker. I have great sympathy for this bill in so many ways. I have spoken against similar bills on previous occasions. I understand as well as anyone why we might seek to pass this bill. I understand the pain and the agony of those suffering and dying in great pain and why we might seek to enable legislation for, in effect, the legal suicide of those people so that they can be put out of their extraordinary misery and anguish and that their families can move on. There is a sound justification for this bill in so many ways. The problem, however, that I have with the bill, as is often the case, is that you solve one problem with a piece of legislation and in so doing create other problems, and those other problems can turn out to be far more substantial than the one you have solved.

I listened with sensitivity to the contribution from the member for Adelaide and I am well aware of the pain that she and her family have been through and I respect her view and the member for Morphett and the many others who have supported this bill. I think in many ways they are right, but the issue of life and death is a Rubicon. The issue of life and death is a threshold issue, and if you want to cross over that river, you go into very dangerous territory, in my opinion, as a parliament.

The state government and the governments generally in this country have been happy to support laws in the past that have involved killing people. We used to have the death penalty and the state was executing people. Even today we have soldiers deployed on operations overseas, killing people in the name of this nation. Killing people legally is not something new to the legislatures of this country, but this is something altogether different.

For those who argue that legalising suicide is justified in this particular case, I just put the argument that suicide is never good. Suicide leaves nothing but wreckage, heartache and misery in its wake. We all understand the pain of dying in agony. We all understand, as others have put, why one might want to give those people a way out, a way out other than the existing ways out—the medical solutions, the family-supportive solutions, the various other solutions that nature has given us other than suicide. But once you say to people it is alright to commit suicide if you are in excruciating pain, I know exactly where this will go and I will give the parliament a couple of examples.

Regardless of what people think about abortion, and I in no way seek to reverse the current status quo in this state with regard to abortion, I remember the debates in the early 1970s. There were all these safeguards, there were all these control measures, you needed to have an opinion of two doctors and a psychiatrist, all the safety procedures were put in place, this was going to be something that only happened very rarely in the most extreme circumstances. Well, that is where it starts, then there was another bill, and then another bill, and then another bill and what you finished up with is virtually abortion on demand. I am not passing a judgement on that.

Personally, I think we have probably got our settings right on that issue to be frank; others will have a different point of view, but I just offer it as an example of where you start at one threshold and then the threshold lowers. I will give you another example. This parliament debated de facto laws many years ago and people argued then that it would undermine the institution of marriage—people argued then that if you introduced de facto laws pretty soon same-sex couples would be asking for de facto recognition—

Mrs Geraghty: And what's wrong with that?

Mr HAMILTON-SMITH: In my opinion, not a great deal. I am not passing judgement on that issue. I am simply giving it as an example of where you start at one point and then come the amendments, then come the changes, then comes the watering down of that, until eventually the control measures are gone and you throw it open.

Let me get back to the issue before the house. We have a bill before us that has all sorts of safeguards. We are assured that this will only be used to help those people who are suffering painfully and extraordinarily in remarkable circumstances and who need this as a device to escape from their misery. I know exactly what will happen. Soon we will have people with mental illnesses contacting their local MPs saying, 'I am in unbearable and unimaginable pain; I cannot go on with my mental illness', or we will have people with physical or medical conditions that they regard involve absolutely unbearable suffering. They will present a very good argument, that if it is alright for those people with, for example, terminal cancer or agonising illnesses, 'Why is it not alright for me?'

Then individual members will be coming in here with a bill saying 'Let's extend the interpretation, let's extend the threshold of illnesses or diseases that qualify for people to be able to legally suicide.' That is where it will start, and pretty soon we will be back here again. Instead of needing the opinion of this number or that number of medical experts to tick the box and give their approval, that will be watered down and, over a period of time, it will be virtually suicide on demand. That is where it will end up; suicide on demand.

Mrs Geraghty interjecting:

The SPEAKER: I call the member for Torrens to order!

Mr HAMILTON-SMITH: Going back to my example of the abortion debate, and regardless of people's view on that, those who argue that this will not happen need to recognise that in the opinion of some we now have abortion on demand, and this is where it will go. As I said, I am not passing any judgements on the issue of abortion or de facto relationships, but I am making the point that this is where it will end on that particular matter. For that reason this is a very, very dangerous proposition, a very dangerous proposition indeed, because there are so many reasons people will want to commit suicide.

We know that, we only need to look at the suicide statistics. They will not want to be a burden on their families, they will feel that they should put their families out of their pain or misery. There will be financial issues and family wealth distribution issues that come into play that weigh on the minds of loved ones and the ill when these circumstances arise. It will happen. There will be family issues—and families have conflicts—that add weight and pressure on people to commit suicide. We will finish up with a set of laws where, in my opinion, it is effectively suicide on demand. Is that where we want to go, or not?

I can tell members that the issue of life and death is a threshold core issue. People can get up and try to argue logically about this until the cows come home, they can get up and try to present their logical, rational arguments as to why we should pass this bill or not, but at the end of the day this is a value judgement. Do you value life or not? Do you support suicide or not, legal or illegal? Do you think that people should be legally empowered to commit suicide? Is that a message that we want to send out there to the broader community?

Those who are of a religious persuasion will argue 'Do we want to play God?', and they make a very good point. We all know that there are a thousand things that nature or God, depending on your view, has inflicted upon humanity. There are many pains, there are many illnesses, there are many sufferings, and nature or God gives you a way in and gives you a way out. We may not be happy with the deck of cards we get dealt, but if this parliament thinks it should play God then it should do so with a very sober heart indeed.

I say to the proponents of this bill: we understand your pain, we understand why this bill is before us. It is of meritorious and honourable intent. But my argument is simple: this bill will have unintended consequences. It will start with the bill before us, and we will finish up in a place where this country, this community does not want to be. I think that would be very sad for our children, our grandchildren, and for those who come beyond.

Debate adjourned on motion of Mrs Vlahos.

CRIMINAL LAW CONSOLIDATION (AGGRAVATED OFFENCES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 February 2013.)

Mr ODENWALDER (Little Para) (11:12): I rise to oppose this bill, but in doing so I have to say that the government agrees with the member for Waite's statement that hospitals can be difficult working environments and that the staff within hospitals can obviously face enormous pressures. In fact, I have seen it myself on many occasions in the emergency department of the Lyell McEwin. I have also seen at firsthand prisoners of the police, taken to hospital essentially for their own wellbeing, physically assaulting and more generally abusing hospital staff who are merely trying to provide medical help.

This is the reason for the government's decision earlier this year to extend the scope of prescribed occupations under the Criminal Law Consolidation (General) Regulations 2006 for the purposes of the CLCA. The regulations which came into effect on 10 March 2013 now include the following occupations: medical practitioner in a hospital; nurse or midwife in a hospital; persons assisting a medical practitioner, nurse or midwife acting in the course of his or her employment in a hospital.

This means that offences committed against persons acting in the course of those occupations will be treated as aggravated offences, and in fact are now. These regulations, I believe, address the majority of the concerns highlighted by the member for Waite and addressed by his bill. It is, however, important to note that the member for Waite's bill does include other occupations and other medical settings beyond those included in the current regulations.

It is my understanding that the government intends to continue its discussions with the medical profession as to whether there is good reason to further extend the regulations beyond that occurring earlier this year. The government prefers to approach this issue by regulation and for that reason opposes this bill.

Dr McFETRIDGE (Morphett) (11:13): I rise to support the member for Waite's bill. As the shadow minister for mental health and in my former role as the shadow minister for health, can I say how much admiration I have for our doctors and nurses in South Australia and all the ancillary staff who work in our hospitals and health services, for the work they do, the hours they work and the stress they are under. If you want to see the stress they are under, just go to the government's

own websites and have a look at their own dashboards and see how overcrowded our hospitals really are today. Even this morning we were 14 mental health beds short in our major public hospitals.

Where are those mental health patients? The majority of them are stuck in EDs. The pressure that our doctors, nurses and health workers are under should not be in any way separated from the fact that people should be treating all members of society in a civil fashion and not wanting to assault them, but sometimes things do get out of hand. People with mental illnesses frequently react in ways that are completely unacceptable.

If they are unaware of the consequences of their actions through mental impairment, that is a particularly special case. But if there are people who are just angry, aggravated people who think that their wants and wishes and their will should reign supreme, and the way of achieving that is by intimidation, threats and bullying, that is not on. It is certainly not on with our health professionals when they are trying to do their very best to make sure that all South Australians receive the best health care possible.

This is the sort of legislation that we hope would not be necessary—but it is necessary. We need to have deterrents in there. We need to show these people who think that they can intimidate, bully (and bash in some cases) our professional workers and override the respect we have for them—whether it is the police, firemen, doctors, nurses, teachers and the whole range of people we value so much in our society delivering special services—that it is not going to be tolerated.

If it means that we are going to impose harsher penalties and that fines and terms of imprisonment are going to be changed, then that is not a bad thing to do. I think this government needs to look at its law and order policies and priorities and support the people who are, in many cases, a most vulnerable part of our society—and that is dealing with sick people.

I spoke to a lady yesterday whose son was in the Flinders Medical Centre emergency department for about six hours on Sunday night. She said that it was so overcrowded that people were waiting in ambulances and all the areas were full. People were getting angry and frustrated at the delays and the wait—and that is a different problem for this government to solve. However, there is no excuse for people who are frustrated and angry at waiting to take out their frustrations, anger and impatience on the people who are trying to do their very best to make sure that they are brought back to the peak of health.

This legislation is vital legislation for South Australia inasmuch as we need to attract doctors, nurses and ancillary health professionals to our health service in South Australia. We cannot always pay the very top wages that you see in other places, but if we can offer conditions where they know they are going to be respected and protected that is something we should be doing.

The government says that it is going to bring in regulations and change the legislation and keep talking—well, we have been hearing that for 11 years. We have been hearing excuse after excuse. We have been hearing plan after plan. Yesterday, we heard the Minister for Mental Health announce a quick investigation into mental health beds. I know for a fact, because I have been tweeting it since they put up the dashboards—and it has to be two years and might even be three years now—that there is just a rolling crisis in our health system. Look at the dashboards and you will see that the emergency departments are in the white and red zones most of the time.

The white zone is 125 per cent capacity or more. Any health professional will tell you that our hospitals are full at about 80 per cent capacity. The former minister for health said, 'No, 90 per cent capacity is fine.' If we could keep them at 90 per cent, that would be fine. It would perhaps even become acceptable with the care that our doctors and nurses are giving, but it is not happening. We are seeing every day on the government's own website that hospitals are overcrowded, that there are delays, and that there are completely unacceptable situations arising.

As a result of the government's inability to manage the health system, we see patients who are impatient, angry and upset and who think that they should be able to get their way, jump the queue and have some different sort of service by taking it out on the doctors and nurses and other health professionals. Any sort of verbal or physical assault is completely intolerable, and that is why this government should not just be saying, 'We are going to look at other legislation; we are going to have more discussions.'

That is too bad if you are at the A and E at the Royal Adelaide and some mental health patient or aggrieved drunk gives you a thump and then you are out of action and cannot do your

job treating the many other people who have been waiting there patiently. It is not good enough for the government to say that it can delay. Those circumstances are happening. We saw the number of code blacks that the member for Waite raised, and I know that those figures are being fudged by this government. We know that there are lots of issues out there.

When we look at the patient safety reports that have been released, they no longer list the numbers of deaths and serious fractures as a result of falls in our hospitals. It will be interesting to see what happens with the single rooms at the new Royal Adelaide Hospital where the number of nurses to look after patients is going to increase. Are we going to see more angry patients, and more angry family members, because people are not getting the treatment that we would want them to have because of the increased numbers of staff required? It is going to be an interesting picture to watch.

The vast majority of people going through our public health system appreciate doctors and nurses, but we need to make sure that there are avenues and deterrents in place—which the member for Waite is trying to get through with this legislation—so that people who do overstep the line are dealt with as swiftly as they should be. Let us make sure that there is a deterrent and, also, that they are going to be treated in the way they would like to be, that is, those who do the right thing are treated well and those who do not pay the consequences.

I ask the government to look at this bill and make sure that they can say within their own hearts and minds that opposing, delaying, discussing or amending is the way we should be going. I think the member for Waite has done the right thing. He has brought this good legislation here and we should be doing something about it, and doing it now.

Mr GARDNER (Morialta) (11:21): I will endeavour to be brief to give the member for Waite the opportunity to respond before the allocated time is up. It is important for me to speak in favour of the Criminal Law Consolidation (Aggravated Offences) Amendment Bill, both from the perspective that I have in mind the many hundreds of healthcare workers and healthcare professionals who live in the electorate of Morialta, as well as a number of my family members who work in that field and have done historically.

The fact is that in our South Australian hospitals we have had over 5,000 code black events reported at metropolitan hospitals from the period 1 July 2011 to 30 June 2012—over 5,000, that is an extraordinary number. As the member for Waite has reported, it is probably significantly under-reported. I note the Stanley-Banks Adelaide University study which found that:

> ...individual desensitisation to violence in the workplace, nurses considering violence to be a part of the job, presence of mitigating and/or contributing factors, fear of retaliation from management/superiors and lack of support from hospital administrators...

This has led to the fact that nurses were often reluctant to report violence. So, that figure of 5,000 code blacks could, in fact, be significantly under-reporting the case. This bill will create an aggravated offence for many acts against healthcare professionals in the same way that there are aggravated offences against spouses, domestic partners, on-duty police, prison officers and so forth.

The added subsection in the bill requires that the victim was, at the time of the offence, acting in the course of his or her duties as a health practitioner at a hospital or health service, or an ambulance or a paramedic officer, and the offender committed the offence knowing that the victim was so acting.

The nature of the increased penalties, for example, are: unlawful threats to kill or endanger the life of another is increased from 10 to 12 years; unlawful threats to cause harm to another is increased from five to seven years; causing harm with intent increased from 10 to 13 years; causing serious harm with intent increased from 20 to 25 years; and so on. I think that these are appropriate increases but, most importantly, it sends the message to the community that we are standing with our healthcare professionals in what are, too often, very troubled situations with over 5,000 code blacks a year in our emergency departments.

As the member for Waite said, the bill comes to the house with the sole support of nurses, doctors and paramedics. By lifting penalties and broadening the scope of protection for clinical staff, the bill provides for the courts to sort through the facts and determine any legitimate defences case by case. The bill is necessary, the bill is sought by the medical professionals, the bill is fair and the bill is balanced, and I urge the house to support the bill.

Mr HAMILTON-SMITH (Waite) (11:24): I want to thank all members for their contribution to this very important bill which seeks to protect our doctors, our nurses and our health workers. Can I both express disappointment and also thanks to the government for its response. Firstly, with regard to thanks, can I say that I am pleased that the minister and the government caucus has dealt with the issue. I note that they do intend to take action on the problem by regulation, and they hope that that will go some way towards fixing the issue I have raised, and I think that that is a good thing. Can I also express disappointment that they have not sought to agree with the bill, which I think goes further than the proposed regulations to protect our hardworking medical staff.

In particular, I just want to remind the government that my bill was brought to the house with the full agreement of the AMA, the nurses and other stakeholders in the business of caring for those in pain and suffering, and that it sought to introduce legislation to protect them but also to extend that protection to those other than doctors and nurses working purely in a hospital setting. Can I just remind the house that the AMA, for example, in responding to my draft bill, reminded me that they felt that the definition of a health service should go beyond the hospital to include those health services provided outside a hospital setting.

Doctors visit people's homes and so do nurses. For example, they make the point: what about medical staff trying to treat a partially-intoxicated patient for dehydration or sunstroke at a tourist event or a major event like the Schützenfest? They felt that the scope of the legislation should be broader than just what goes on inside a major hospital. I think they made a fair point and my bill picked that up, and it also sought to consider paramedics and our ambulance officers. It also sought to include people such as I met when I was at Ceduna and went to the Ceduna hospital with the member for Flinders.

We met the Aboriginal healthcare workers working in the dry-out centre at Ceduna, where there is a very effective program for bringing in intoxicated people out of hours and helping them to dry out, etc. There are fantastic staff there, working to care for those people until they are in better shape and working very effectively with the police and the hospital. What about them? They are not in the main hospital setting, in the emergency department, and they also need protection. I am not sure that the government's regulations will extend that far, and that is why I am disappointed that they have decided not to accept the legislation.

I think, too, there is a little bit of one-upmanship here. I first came to this issue as shadow minister for health speaking to the nurses and, particularly at their annual general meeting, they said they wanted action taken. The then minister—the member for Kaurna—said he would do something and I said I would do something. I left it for several months and the then minister did nothing, so I decided to do something and I brought in this bill. Then, having brought in the bill and having brought the issue to the front of mind and got it on the agenda, the government was then spurred into action and has now decided that they will introduce some regulations.

I just say to the nurses and the medical profession that I think this is a reflection of the way the government thinks. They will do things if they feel like it, but otherwise they will only do things if prompted to act, either by some health crisis that appears in the media about emergency departments or elective waiting lists or some complaint from the medical profession or, in this case, by some action from the opposition that spurs them into action. I think that is disappointing because the message it sends is that the government, like a big elephant, will only move if prodded in the backside, and that is disappointing.

If nothing else, I hope that out of this private member's bill that I have brought to the house we do get some action. Can I ask the Minister for Health and the government for the courtesy of being kept informed about the regulations they plan to bring forward. I will brief our party room and we will be watchful. I ask that they consider the arguments I put forward in presenting my bill when they craft the regulations, so that what we finish up with is something that provides for a better working environment for our hardworking professionals to whom we owe so much.

Second reading negatived.

LITTER REDUCTION

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

That this house calls upon the state government to undertake a review of litter reduction strategies, including the possible introduction of a levy on throwaway containers.

I am sure all members are very observant when they get around the state. I believe that, contrary to what we might have expected a few years ago, the litter problem is still there; in fact, in some

areas I think it is actually worse. That is despite the efforts of KESAB, which is headed by John Phillips and is an organisation that has put a lot of effort into trying to make South Australia litter free and in generally helping the state to look better in terms of aesthetics.

I know some people argue that litter is not the biggest environmental issue, and that is true, it is not. Nevertheless, it is important in terms of what happens to some of that litter, particularly in relation to plastic bags and things like that, which can end up causing harm, especially in the aquatic environment. Apart from those environmental concerns, the other aspect is generally with regard to aesthetics. It does not inspire confidence in people or give them comfort to be in an environment that is littered with all sorts of material.

As I said, KESAB—and there are other organisations involved and some government agencies: the EPA, Zero Waste and local government—is involved in trying to deal with the issue of litter, whether it be through enforcement or removal and so on. There are a lot of litter reduction programs. Members may have heard of some of them, which I will list. I do so acknowledging the information provided by KESAB, which has been very helpful with respect to this motion. They are: Litter Less, Butt Free Australia—I do not want members to take that the wrong way; it refers to cigarette butts—RoadWatch, Wipe Out Waste, Clean Site, Clean Marina, Sustainable Communities or Tidy Towns, and Sustainable Cities.

I will list the litter items that have been identified nationally as most prominent: McDonald's wrappers and so on, Hungry Jack's wrappers, Coca-Cola containers—less so in South Australia due to the container deposit legislation—Kentucky Fried Chicken (KFC) wrappers and other material, Streets ice-cream wrappers, and Winfield cigarette packets, although they will be hard to distinguish now because of the plain packaging. Cigarette butts account for 50 per cent of the litter stream, takeaway packaging makes up a further 25 to 30 per cent, and roadside litter accounts for 35 per cent of all litter.

According to KESAB, we now lag behind some of the other states with regard to addressing litter enforcement. KESAB has been promoting a change in legislation or development of a litter act for the past seven years or so, but without success. Victoria has a scheme called Dob in a Litterer, but as we know Australians generally do not like dobbing. Western Australia has a litter report program, but in my visit there last year I was appalled at the amount of litter on the roadsides in Western Australia, and they rejected any container deposit legislation there.

As an aside, I point out that the Northern Territory adopted container deposit legislation which was recently challenged in the court. Unfortunately, the soft drink manufacturers and others won that case, I think on the grounds that to impose a container deposit scheme in the Northern Territory would require machinery which was different to that which exists in other states. It is a classic example of how all these national arrangements and international treaties trip you up when people try to do good things.

KESAB is currently working with the Environment Protection Authority, through an intergovernmental working group, and they are in the process of drafting what has been called a 'local environmental nuisance bill 2013'. I wish them luck because, as I said before, they have been trying without success for eight years to get something.

The purpose of that bill will be to engage local government and KESAB to underpin litter reduction through stronger enforcement, including matters relating to dust and nuisance. According to KESAB, funding options to implement litter reduction campaigns and education initiatives are restricted due to both the South Australian government's minimal funding and reluctance by industry to engage in South Australia through industry grants or program funding.

The packaging industry, through the Packaging Stewardship Forum, has funded litter reduction initiatives in the past 18 months, excluding South Australia. According to KESAB, industry sectors blatantly refuse to engage with South Australia and KESAB in stewardship programs via the Australian Packaging Covenant based on opposition to container deposit legislation. So, they have taken their bat and ball and now, as a result, will not cooperate in respect of broader litter reduction strategies in South Australia. I find it rather pathetic that industry would take that approach.

According to KESAB, there has been a change in consumer habits and behaviour in the past decade, which have contributed to increased litter, including new types of packaging—specifically plastics and paper in combination with paperboard, which are difficult to control—a huge increase in outdoor eateries and events, combined with similar increases in lightweight and potential litter items made from plastic and paper, and drive-through consumer purchasing.

Just on that, I think most members can work out where their fast-food outlets are because, when you get about three kilometres away from one, that is often where a lot of the material is thrown out of the window of a car. KESAB has made attempts in recent times to consult with the takeaway food sector. They highlight the fact that a previous Liberal government in the late 1990s/early 2000s considered a levy, which is what I want to talk about in a moment. KESAB conducts litter counts four times a year—in August, November, February and May—at 151 sites throughout South Australia. As I suggested before, increased litter has been recorded in relation to cigarette butts, plastic and paperboard, snack bags, cups and takeaway containers.

This brings me to one of the points mentioned in the motion, and it relates to the question of whether or not there should be a levy on throwaway containers because they constitute a significant aspect of the litter stream that is left to councils and often volunteer groups. A lot of groups like Lions, Apex and others do a lot of good work, and other groups, including some church groups I know in my area, pick up litter from the roadside. The point is that no-one should have to do that. We should not be dependent on volunteers to clean up someone else's mess.

I think it is worth considering putting a levy on so-called throwaway containers because, as I indicated, a lot of that material comes from fast-food outlets. I challenge anyone to dispute the fact that a lot of that roadside litter in particular has come from a fast-food outlet. I am not sure why the Liberal government in the late 1990s/early 2000s did not pursue that matter further, but I think it is time that this government did. As members know, unless you are a minister, you cannot introduce a financial measure, which is why I have not gone down the path of a bill that would impose a levy on throwaway containers.

It does not have to be a very significant levy. I think 1¢ or 2¢ would generate quite a lot of money that could then be used for programs dealing with litter because councils often pick up a lot of the cost of having to keep their area clean.

A member reminded me that some councils have been talking about reducing the frequency of rubbish collection. That is a very complex issue. In that case at least people are putting what is litter or rubbish in a bin. There is a related aspect of a lot of the packaging we get now. I do not know about other members, but I do not know how grandma could open some of the items that you purchase these days—you need a chainsaw and a jackhammer to get things out. I know there are reasons of food safety and so on, but some of the packaging is quite ridiculous. You only have to look at products like cosmetics, not that I buy many for myself—I would have to buy a truck load. When you open up the package you find inside a small bottle of aftershave or something; it quite ridiculous and unnecessary.

On the question of fortnightly rubbish collection, I heard on the radio this morning a debate about council rates and user pays. In some parts of America they charge according to the weight of the rubbish you put out. The problem with that is that some people will then choose not to put it in the bin and probably dispose of it illegally, and that goes a bit beyond straight litter. I am forever ringing up the City of Onkaparinga or the City of Mitcham to tell them that some idiot has deposited concrete, old tyres, or their marijuana containers, and that costs ratepayers a lot of money, because they have to send out someone with a ute or a truck to pick up stuff that is discarded by idiots who have no regard for others and who therefore impose a significant cost.

As a society we need to look more closely at the whole question of so-called rubbish. At the shopping centre where my office is—and I understand why the owner got rid of it—a man had a compacter for compacting cardboard. He got rid of it because some idiot put a shopping trolley in the compacter, and that was the end of that, and it cost a lot of money. So now all of the waste from the shopping centre—chicken bits, cardboard—all goes to landfill. I think that is terrible in our society, particularly when many residents are doing the right thing and many shopping centres do the right thing. It grieves me when I see cardboard mixed in with meat products and so on all going to landfill where it is going to create methane and certainly not help the issue of global warming.

The litter stream is not usually at that sort of level; it is more smaller items. It would be a good thing for the government, and hopefully the opposition in developing its policies, to have a close look at this question of how our society deals with so-called rubbish or waste. In Singapore they use a lot of it to generate electricity. In some centres in France rubbish goes through special equipment which separates all the items and they get recycled and other material is burnt for generating electricity.

We have an issue of population size and energy demand—I know that—but I think that as a society we could do a lot better. I urge the government (because I cannot do it) to bring in

legislation to impose a small levy on throwaway containers; I think that is the way to go. People from all over the state contact me saying they are sick and tired of seeing wrappers and other containers strewn alongside highways. It does not do anything to promote confidence and a feeling of wellbeing in the community when our roads at times look like an extension of a rubbish tip.

I put this motion and I commend once again KESAB for what they have done and what they are doing, and I urge the government and the opposition to move towards some more effective implementation of policies to tackle the question of the litter stream.

Mr WHETSTONE (Chaffey) (11:44): I move to amend the motion as follows:

Delete all the words after 'strategies.'

The motion would thus read:

That this house calls upon the state government to undertake a review of litter reduction strategies.

I would like to draw your attention to some of the initiatives that have gone on in my electorate of Chaffey. First of all, something that has been front and centre of litter reduction and dealing with waste has been the introduction of the kerbside recycling in the Riverland, which is known as the three-bin system.

There have been partnerships between the three councils in the Riverland—the Renmark Paringa, Berri Barmera and the Loxton Waikerie councils. In the past, the bin collection system has had everything go into it. The large green bin has had all forms of litter, waste, rubbish put into it and has been tagged as general waste, and that has been a very inefficient system, although it has been something that most people have grown up with.

Living in the regions, the majority of the people on properties or out and about have dealt with their green waste. Normally that is usually a burn pile or a pile that is seen to disappear into a hole. I think that these days, as high consumers of packaging and high producers of waste, we have to deal with waste in a better way.

I think the three-bin system is working extremely well. There will be some teething problems with people learning how to use the three-bin system, but it is also about changing people's thinking about their waste. As a young fellow, I grew up with the old galvanised bin that you would put out once a week, with the clang bang as the rubbish man came past, and we have now moved into more friendly ways of dealing with that waste.

One thing that has been noted up in the Riverland particularly is that in the outlying areas of the town and the communities the councils have agreed to a two-bin system. That deletes the green bin which takes away the green waste, because it is seen as a cost-effective measure to have those ratepayers helping with the collection and disposal of green waste, and dealing with green waste can be undertaken in a number of ways.

Nowadays, rather than putting it in a burn pile or burying it in a hole, as I have already mentioned, it is about using that green waste to their advantage, using it in a better way, and that is they will run their mulcher over that green waste or they will put it into a compost pile and use it on their properties, in their gardens, or just for general ground cover, to save ground blow, to preserve some of that loose topsoil that we do see blow from time to time with high winds and under seasonal conditions.

In the Riverland we went through quite a lengthy period of consultation as to where we were going to put a waste transfer station. The councils all got together and it was believed we were going to have a central location at Monash and it was going to be built through consultation. I live very close to where that waste transfer station was going to be and it was in very close proximity to the river, so that was of real concern.

At the moment, councils have decided that we are going to move into transferring all of our waste to Adelaide. That is a sad indictment on moving forward with litter reduction, but I think councils are hoping to work together so that we can have a waste transfer station that can be used by all of the communities.

The Riverland has been very successful in the KESAB initiative, and obviously we have had the towns of Loxton and Waikerie recognised as great examples and been named towns of the year for their cleanliness, tidiness and the way that citizens look after their towns. They have also been recognised for their water efficiency programs and, as I understand it, the Riverland towns are some of the highest solar panel users in the state, which I think is a great initiative. Of course,

as I have said, we have won a number of the tidiest town or tidiest street awards, so that is a great reflection on them.

The Berri Pride Day is something else I would like to touch on. In 2010, the Berri Town Beautification Committee was involved in organising a pride day, which involved a two-hour clean up around, particularly, the shopping centres, which are renowned for a lot of rubbish, and also the fast-food chains. Wherever we see fast-food chains, we always see a lot of paper bags and wrappers blowing around the car parks and out into the streets. It really does threaten, particularly, the river system, because a lot of the stormwater or water run-off runs into the river. Hence, that litter is not always captured by grids or grates and flows into the river. It is creating an ongoing problem.

I would like to acknowledge the Lions for some of their clean-up initiatives and collection days. I think they have really been a great service club that has gone out there and been prepared to put their volunteers on the ground and make a real contribution to keeping the towns clean and tidy. It is also showing some responsibility for those who are not as responsible by dropping rubbish, letting it blow around and not managing rubbish. I think that is probably the key factor: how we manage our rubbish and our rubbish collection.

Community groups participating around the region, particularly the Clean Up Australia Day, I think has been a great initiative over a number of years. It gives people some sense of pride that when they look around their community and towns, they have made a contribution and been a part of that exercise, which is keeping their town and community beautiful and clean. It is wearing a badge of pride for giving something back, unlike those, as I said, who are less thoughtful about keeping up their town's beautification project.

The Lions Club is not just looking after the shopping centres and rubbish collection: they also, as some of you might have seen travelling on the highways, have their programs along the highways. Particularly on the federal highways, we have that pass-through traffic that drops in, picks up their lunch, picks up a meal and, sadly, a lot of those takeaway containers always seem to have an element of that product that is discarded. If you buy a burger and you do not like the pickles in it or other products in it, you will put that into the container, and you do not want it sitting in your car for lengths of time while you are travelling, particularly on the Sturt Highway through the Riverland region. You do not want it sitting in there for hours as you are travelling to Adelaide or the other way into Sydney or some of the other inland towns. So, sadly, that rubbish is thrown out the window.

I think the Lions' initiative has been a really good, positive initiative, that is, to have programs where they will travel the highways and pick up that rubbish. We see the result at the end of the day, and that is large truckloads of rubbish that are collected. It is for the benefit of everyone. It is not just for the benefit of towns; it is for the benefit of the environment and of the waterways. I think that is something that really should be commended.

Mr GRIFFITHS (Goyder) (11:55): I too wish to make a somewhat brief contribution to this motion from the member for Fisher. I support the amendment as moved by the member for Chaffey but understand the intent behind the motion that was originally moved by the member for Fisher. It is not that we disagree with him, it is just that there are some areas where we think there is an opportunity for a review to take place, that it is not necessary for the motion to identify some particular focuses that it is intended to have. That is why we have moved the amendment, and I hope that it is considered by the government, too.

Some good contributions have been made outlining a good history of efforts made in recent years to try to reduce litter as it exists within our society. The member for Fisher talked about KESAB and about Mr John Phillips. From another point of view, I think KESAB has done some excellent work in the time it has been around, and I want to take this opportunity to pay tribute to a former employee who is now retired, Mr Ross Swayne.

Ross was the KESAB judge for regional communities and, in a previous role before parliament, I had the great pleasure to be with him a few times when he inspected towns that were nominated. Indeed, he knew more about that community than I (who lived there) did, just about. For a man who visited hundreds and hundreds of communities each year as part of his judging, to try to look at what commitments the community had made to tidiness was exceptional. Other than probably Keith Conlon, who, as part of his television and radio work, is acknowledged as knowing a lot about South Australia, Ross Swayne knew an enormous amount, too.

Tidy Towns is a great opportunity because it works in a couple of different ways. It is not just the physical impression it makes in the community but the social fabric that it brings to a town, too. I know that any community with a Tidy Towns operation is proud of itself and proud of the town in which they live. I have one in the town in which I live at Maitland and, while I do not get there as much as I would like (on the first Saturday morning of each month), I have truly loved actually being part of it because I get the chance to be with predominantly men, and we talk about everything other than politics. It just returns some balance to my day. I actually get home at about midday on that day feeling good about myself because for the last three hours I have been with blokes talking about blokey things other than bloody politics, so it works out really well.

With regard to Tidy Towns, South Australia is proud of what it has done. I am very pleased indeed to represent a community (that being Port Vincent) that in 2002 was identified as Australia's tidiest town. That was just an amazing effort. It was not just a one or two-year effort: it was a group of probably about 50 or 60 people, many of whom had retired to that community but wanted to keep active, and they had done amazing things. They had engaged the younger people and, indeed, homeowners; they had implemented education programs; and they got the school involved. The presentation they made to Mr Dick Olesinski, I think—a national judge from South Australia—was outstanding. To be with them when they were announced as Australia's tidiest town was one of the proudest days of my life. It shows what a community (no matter what size) can do if it believes in what it wants to do, and litter is a really important focus of this.

South Australia is proud of some of the initiatives it has, and the recycling of bottles and cans is an example of that. We have shown the way to the rest of the nation. It is fair to say that they are a bit tardy in following us, but some are looking at it. However, for a long time now it has been very obvious to people who travel a lot between states, when they look at the amount of bottles and cans on the road, who has the better set of regulations and the better opportunity to recycle. That is what litter control is all about. So South Australia should be proud of what it has done and the improvements it has made.

I think it is fair that, as part of this debate in calling for the state government to undertake a review of litter-reduction strategies, Zero Waste is brought into it too. There has been discussion in recent years about the solid waste levy and what that has done to local government and to property owners and to the cost of living, which has increased. Indeed, there is some discussion occurring at the moment about the future of Zero Waste, about the devolvement of responsibility through to local government, about where some of the previous levies have gone and about investment that has occurred in some waste recycling strategies and the improvement of facilities. That is part of a bigger debate, but it should be looked at as part of this motion and the review that is undertaken, too.

I come from the point of view that fees, fines or expiations are not necessarily the answer but society's attitudes are key, so I think any review that is undertaken needs to focus on trying to make people believe that it is not that far to take rubbish to a bin and, by doing that, you are going to create a lot more harmony within a community and make it a better town and a better city. It is an easy thing to believe in and hard to convince some people of, but it becomes an attitude that is a positive opportunity, so I hope that it becomes part of the review that is undertaken, too.

The member for Chaffey has focused a bit on waste collection and, as a former local government person, I understand the issues he has raised and the initiatives that local governments and communities have pursued in recent years and the improvements they have made. It has come as a tremendous cost, though, there is no doubt about that. Society benefits from it, but it is again trying to find a balance between society and environmental visions versus economic reality—and, indeed, it impacts on cost of living pressures that we have all been spoken to about by the communities which we serve.

Recycling has to be part of the solution as well as the disposal issues, the distances in transport and the costs associated with rehabilitation of existing dump sites. Even in my own history, in the communities I come from, I have vivid memories of dumps that were great places to fossick around when I was a young bloke, but they were on the edge of salt lakes or sea water. It is hard to imagine now that you would put a dump in such pristine and environmentally important places, but that is where they have existed in the past. The improvement in requirements has been sound but it has to be part of this longer debate that the member's motion wants to bring forward.

I also look forward to some continued discussion about this, because it is important to the future of our society that we get it right. I reinforce the intent of the member for Fisher: I think it is an honourable one. We think the amendment to the motion actually helps and makes it a little

broader in its review. The level of commitment that the community makes will be the distinction between its success or failure. I look forward to the carriage of the motion.

Mr TRELOAR (Flinders) (12:02): I, too, rise to support the motion in its amended form and support the speakers thus far. I guess one of the real challenges of our modern society is dealing with the prepackaged, throwaway culture of not just our food industry but also our society in general. I am old enough, Mr Speaker, and I think you probably are, too, to remember the KESAB program, and I am thinking of way back in the 1970s when you and I were just boys. It was a really successful initiative.

An honourable member: Are you that old?

Mr TRELOAR: Indeed. I was just a boy. In fact, I spent a lot of the 1970s picking up papers in the school yards. If it wasn't that, it was washing buses. I was committed at a very early age to picking up the litter around the school yards, and many of us as schoolchildren did. It was part of our coming to grips and understanding the importance of a neat and tidy surrounding. The KESAB initiative was very successful.

As has been spoken about already today, the first introduction by South Australia of the recycling of bottles and cans proved extraordinarily successful. At 5¢ a bottle and 5¢ a can, there was an incentive for people not to throw them away but, rather, to collect them and return them for a bit of small change. It also gave incentive, I guess, for others to walk up and down roadsides and pick up cans and bottles.

I know this was successful because, when visiting other states at around that time, one could not help but notice the amount of litter, particularly bottles and cans, on roadsides in other states. South Australia did not have that problem at the time. It was a wonderful initiative. In more recent years, the refund has gone from 5¢ to 10¢, so it is even more of an incentive.

I guess a lot of the litter we see now on the roadsides and in the streets are plastic and paper items. Those, too, can be recycled these days. There is not the initiative to do that. One of the functions of Zero Waste includes the prevention of litter and driving incentives and a change in culture to minimise that risk.

The member for Goyder spoke about the Tidy Towns competition. I, too, in my electorate have a number of townships that have won awards over the years. There was a time when a lot of the heavy rubbish, even from our regional centres, went to the local tip or rubbish dump usually adjacent to the township and was periodically burnt to reduce the bulk of the dump. The council decided when the wind was right that they would light up the dump. Occasionally it got away. It certainly was very effective in reducing the bulk within the dump but, of course, it had detrimental effects on the atmosphere around.

I remember my grandfather saying when he was on the District Council of Lower Eyre Peninsula—once again, I am going back to the 1970s. He suggested to me as a boy that one of the great challenges of the modern world would be dealing with the rubbish and litter and waste that occurred from our First World society, and what an insight he had at that time.

Councils have moved, as the member for Chaffey said, to centralised tips and often combined efforts with other councils to centralise their rubbish deposit site, often at great distance from the townships they service, to meet the demands of the environment and the demands of modern day legislation. Taking household and garden waste to those dumps can be expensive. It is often many dollars to deposit a trailer load or a ute load, depending on the size, in the local tip. The reality is that councils have been forced into a position where they need to recover some of their costs. One of the unintended consequences of that, I guess, is that people tend to dump their rubbish along the roadside, in the scrub and in out of the way places, but of course it remains a problem, an eyesore and is detrimental to the surrounding landscape.

Some of the things we need to consider in this modern world is the disposal of things such as the electronic gadgetry of which there are myriad, and I am not just thinking about old computers and old phones but also television sets and all those things that we strive for and aspire to in the modern world which also have a limited life. In the case of mobile phones they have a very limited life, and often after two or three years we are looking to change them over and dispose of them. So, these are the challenges we have. In the old days the challenges were with old tyres, car batteries, chemical containers, all those dirty products that we were dealing with at the time.

One of the real initiatives of the chemical industry and local government combined is that one or two days a year at a central depository farmers, who use a lot of chemicals in modern farming systems, can return their empty containers in a safe and considered place.

I have been fortunate over the years to have travelled somewhat and you cannot help but make comparisons between Australian cities, particularly the city of Adelaide and other cities around the world. In the old days an example I would give within Australia is that Adelaide was recognised, and I believe this to be true, as a much cleaner place than any other city in Australia. Melbourne was a good example. We often used to say how dirty Melbourne looked in comparison to Adelaide. I suspect the other cities have made some headway towards standards which in Adelaide we have considered long to be the norm.

Cities around the world have addressed their litter problems and many have much larger populations than we do and have pressures that are much greater because of that large population. Generally, cities around the world, particularly in the First World countries, are doing very well. In fact, I suspect that here in Adelaide, here in South Australia, here in our Australian cities, we are actually going to have to do a little bit better again to set out standards well above and beyond what other cities are doing.

It can be done. In fact, I was walking down King William Street this morning and noticed, not realising that this motion was going to come up, the amount of rubbish that was blowing up and down King William Street. There was small litter, such as papers, lolly papers, drink containers occasionally, and hamburger wrappers. Of course, in this day and age, as a population we eat a lot of takeaway generally, and the wrappers are always an issue. It is not hard to put it in a bin. I think it is about changing the attitude of our citizens to understand that dropping their litter it is not at all helpful. I tend to call it rubbish; 'litter' is a relatively new word in our language. I prefer 'rubbish' still—certainly, I prefer 'rubbish' to 'garbage' as a term.

We need to change the attitude of our citizens, our general population, so that they understand the consequences of dropping a piece of rubbish or litter, such as a cigarette butt, God forbid, because that still does go on; cigarette packets are still dropped. Ultimately, it is washed down the gutter and ends up in a place not at all helpful to the broader environment.

Just on a local issue in the electorate of Flinders, I would say that one of the things that has been topical in the last two or three years is marine debris, and I will touch on that briefly in the minute remaining. Certainly, with the increase in aquaculture efforts around the coast—and I cannot blame aquaculture entirely because there is increased shipping generally—we have noticed that there has been an increase in marine debris on our pristine beaches, which we are so very proud of.

I guess the question is: who ultimately takes responsibility for this? In the first instance, it must be the person or place where that debris was discarded or lost. Of course, I must congratulate the local community and some of the local industry for their efforts in going out there and having a busy bee or a working bee, walking up and down beaches and collecting many and varied items of discarded marine debris; in some cases, it amounts to a few hundred kilograms. Ultimately, we need to get to a position where that does not need to occur, but I congratulate those who are involved with the effort.

The Hon. J.D. HILL (Kaurna) (12:12): I thank the member for Fisher for putting this item on the agenda. I want to make a few comments about litter management. I am not completely sold on the idea that we need a review of litter reduction strategies because I think we have a pretty good understanding of what works and what does not work, but I would like to put a bit of perspective on this.

As you would know, Mr Deputy Speaker, the late Glen Broomhill was the minister for the environment who introduced container deposit legislation (CDL) into South Australia. The Dunstan government, in the 1970s, proposed the measure, having developed an understanding of it from its implementation in Portland, Oregon. It was introduced in that state following a citizens-initiated referendum. So, one of these most progressive bits of legislation, which some would still call socialism or nanny state interference, was, in fact, introduced in Portland on the basis of a referendum caused by citizens pushing it onto the ballot paper. So, it was a measure which was introduced in that state first, and it has now spread right around the world.

South Australia had to go to an election a couple of times, because the conservative members of this and the other place voted against the CDL a number of times. Now I am pleased to note that they are amongst its biggest fans, and I guess that demonstrates how conservatism

works: they oppose, they oppose, they oppose; something changes, and then they defend, defend, defend—and we have seen plenty of examples of that in our history.

The tram extension, which was opposed by the conservatives in this place and the other place and publicly, is now in place and terribly successful and, if anybody were to interfere with it, I guess they would oppose, oppose, oppose. Once again, of course, the tram extension, and the thinking around that, was inspired by visits to Portland, Oregon. Portland, Oregon has superb social, environmental and economic policies, and there is a lot to learn from that place. I do not say that of all American states, but Oregon has very advanced thinking when it comes to social and environmental infrastructure, and our state has learnt a lot over the decades from Oregon.

Sadly, we are still the only state to have implemented CDL, and we have now had it in place for over 30 years. As the member for Flinders says, you can see it everywhere you look in our community. We have the cleanest streets, the cleanest roads, the cleanest public spaces because we have an incentive for people not to throw their waste containers into the public spaces.

The Northern Territory just last week, or the week before, had its legislation to introduce a similar measure in that territory overturned through the Federal Court—a great tragedy, in my view—and it just shows the extent the beverage industry will go to in order to oppose this measure. They have opposed it all the way along. Every single step of the way, the beverage industry in Australia has opposed the use of this legislation.

They make all sorts of incredible claims about what it does to litter management generally, to waste management generally, but also about what it apparently does, or they allege it does, to the cost of their product. It is just arrant nonsense, and I hope that the commonwealth will intervene to ensure that the Territory is able to continue with its legislation. We are protected because we have had our legislation for so long that more contemporary arrangements which worked across Australia did not apply in this case.

As the member said, the levy was doubled a few years ago. I am no longer the environment minister, but when I was I know that the levy at 5¢ was just too low to motivate people to the same extent that it had originally, and doubling it to 10¢ did seem to kick it along again. I assume that is still working. I guess at some future stage the levy will have to be put at a more reasonable level. It does work very well for containers, and one of the things I was looking at as environment minister was the extension of the levy to not just drinks containers but to all containers. It seemed to me that if you could have it on a can of soft drink there was no reason you could not have it on a can of dog food or baked beans.

The argument, I suppose, is that the CDL was introduced to maintain management over litter and that it had morphed into an environmental or recycling strategy. We have the lowest level of such containers going into the waste stream. The level of recycling in this state of soft drink bottles and cans and so on is very high, so I thought if we could extend it to other containers we may increase the recycling of those materials as well. I think that is one possible area it could be extended into.

I think there is a problem, though, with the implicit notion in this motion that a levy could be introduced on throwaway containers. I think the member is probably thinking about hamburger packages and chip packages—the wrappers and cardboard boxes that are fairly ephemeral. Often people drive into McDonald's, Hungry Jack's, or one of those chains, get their gear, eat the food and then, because the car starts to smell, a couple of kilometres down the road they throw the stuff out of the window.

Work has been done that has looked at the pattern of distribution of waste associated with particular retail outlets of that type, and you do not see a lot of waste around the immediate vicinity of the shop, though you do see some. Typically, you see it a few kilometres down the road—as long as it takes to eat a hamburger and bolt a bag of french fries and then they just get turfed out of the window.

I did look and I know that Zero Waste or its precursors have looked at how you can manage that kind of waste. There needs to be some sort of responsibility placed on the organisations which produce it, in my view. The reason I think a levy will not work is that the economics of that would be very difficult. The reason the levy works for containers is that there is some inherent value in the material that then gets recycled, and that supports the chain. If you were to have a levy in place, who would collect the dirty wrappers (which would be smelly)? How would they be managed? There are all those kinds of issues.

The Hon. R.B. Such interjecting:

The Hon. J.D. HILL: I am just saying that there are inherent difficulties trying to apply the container deposit legislation model to something that is inherently very different. In my view there should be an obligation on the companies that produce and sell products using this kind of wrapper to look after it in the community, and to make sure that it is collected. I am not sure how you would do that; I suppose, theoretically, you could put up the price of the product, create a fund and then employ people to go and pick up wrappers.

The Hon. R.B. Such: That is what the levy would do.

The Hon. J.D. HILL: I understand the member for Fisher is arguing that, but there is something inherently wrong about a society that funds people to have a job that involves picking up someone else's litter. We really need a community where we do not throw litter away. I am not sure whether doing what the member is suggesting would make us a better community.

Mrs Geraghty interjecting:

The Hon. J.D. HILL: As the member for Torrens says, schools are good at teaching children about such matters. I congratulate the member for putting it on the agenda. I think it is good to have a debate about these issues—

The Hon. S.W. Key interjecting:

The Hon. J.D. HILL: I think we all went to that school, and had to pick up litter. When I was a school teacher it was part of my job to go around and help clean up yards, and you would say to children, '20 pieces of litter, go and find them', and of course they would find one big bit and rip it up 10 times, or whatever, the way children do.

However, I digress. I do thank the member for Fisher for raising this issue. I think it is worth considering, although I do make the point that I think a lot of these issues have been considered. It might be interesting to try to get a report from the minister as to the current thinking along these lines, and I assume that during the course of the debate that will happen.

Mr VENNING (Schubert) (12:21): I rise to speak on the motion, and I commend the member for moving it. Even though I support this motion, I had some reservations about the introduction of a levy on throwaway containers and, therefore, I very much welcomed the amendment moved by the member for Chaffey, because it does express our sentiments. I do not think it is practical at all, at this point in time, to put that there. There are other ways. The word 'levy' frightened me, but as the honourable member just said, I think there are other ways to address this problem and access the manufacturers.

I have been a long-time advocate of campaigns and issues aimed at reducing litter—which has surprised many people, considering my past. We live in such a beautiful state, and the last thing we want is for its beauty to be overshadowed by litter. I applaud the people of South Australia for their continued effort to reduce litter and for embracing recycling. In fact, traditionally South Australia has a record of being the litter-free state.

As a past member and chair of an ERD committee, we did two inquiries into waste management in South Australia. They were very good reports, and I commend them to the house. I know the member for Ashford was on one of those. It is fair to say that people are more conscious about the environment now than they were five or 10 years ago, very much so. The message is being heard in schools, and I know that I am certainly very much more conscious. Even when you are standing around in the community, waiting for a bus or whatever, when you see litter what do you do? You automatically pick it up. I always do, as long as there is a bin reasonably close.

The message is being heard in schools and communities and by the stakeholders, and I believe that they are supporting and encouraging the adoption of litter prevention strategies and reducing that habit. In my younger days, as a local government councillor—many years ago, sir, 32 to be exact—we regularly fired up the local dump and, if the wind was in the wrong direction, you got a good whiff of your own rubbish. I got lots of phone calls. I can say that it was quick and easy to get rid of the rubbish that way, and cheap, but I am sorry, it was not worth the environmental hassle. We have come a long way from there; that does not happen anymore.

However, while I believe that, as a state, we are trying to do the right thing, it appears that we need to be doing more. We need to be forever vigilant about improving this. Recent data in a report entitled '2012 Rubbish Report' looked at the litter, on average, that was collected on Clean Up Australia Day as compared to 2011. The most common items picked up were plastic and paper

items. It makes me wonder if we are becoming complacent or just lazy. This highlights the need for a review of litter reduction strategies rather than a levy and for other initiatives to be looked at to encourage and stimulate a greater response from members of the public.

According to a report by KESAB, over the past two or three decades the extent of packaging and litter stream has changed through an increase in the range of products and point-of-sale services available to customers. The combination of this contemporary packaging and a change in lifestyle and behaviour appears to be resulting in an increase in rubbish levels in public places—particularly in bubble packaging. Take, for example, Mad March here in Adelaide, just finished. Of course litter counts are going to rise with huge increases in numbers of people. Data has highlighted the link between convenience and takeaway products.

In 1975 South Australia introduced its container deposit legislation, as we have just heard. What a proactive initiative this was. The legislation was developed as a key method for reducing litter and was, and still is, a part of South Australia's waste minimisation strategy. The deposit on containers was increased from 5¢ to 10¢ in 2008 and a move was also made to include flavoured milk containers, which we actually did. Research indicates this legislation has resulted in a significant reduction in beverage container litter.

I cannot let the opportunity go by at this point in time to remind the house that I have been to many national conferences of public works and environment and at every one I have raised this matter of CDL. All the delegates there say, 'Yes, yes, yes, we will go home and change our government's point of view on this.' When we come back 12 months later, what is there to report? Nothing.

The Hon. S.W. Key: Northern Territory.

Mr VENNING: I was encouraged, though, that the Northern Territory did introduce and was implementing this strategy, but of course because of the federal government and its technicality of the High Court it was rubbed out. That has to be overcome, because I do believe—but I have not given up and I have a reputation. If I went to a conference in the Northern Territory and I did not raise it, they would be disappointed. All I can say is—

Mr Pengilly: You won't be going to any more conferences.

Mr VENNING: No, I think my run has probably come to an end in relation to those. I was very sad to see the Northern Territory legislation fail. We have been doing it for 30 years. It is evident as you drive around. We have a property with a large section of main road in it and you just don't see cans there. You often see chaps out with their pushbikes or scooters with a bag, picking them up. That is what it is all about; it really does work.

In September 2012 the EPA commissioned a survey to look at the support, awareness and participation for the container deposit legislation. This report found that awareness and support is extremely high and the perception is that the scheme has been effective in reducing recyclable containers going into landfill, reducing litter in South Australia and encouraging the recycling of drink containers.

On a recent trip to Europe I could not help but notice the amount of litter that was in the streets, particularly in places like Paris. I was there to meet the EC commissioner. I was appalled at the cigarette butts and the rubbish in the city. It just makes you realise and appreciate how clean our city here in Adelaide is. I commend the general public; the average person I think is now highly educated not to throw their butt in the gutter. It still happens, I know, but nowhere near that point. I am extremely cognisant as I squash up my ice coffee container and put it away for recycling. In the old days, what happened to them? You do not see them on the road now either. We squash them up and we get our deposit.

I am very proud that people are doing that. On the back of this successful legislation one could come to the conclusion that extending the legislation to include throwaway containers would also result in a reduction of this form of litter. That is still to be worked out. Our roadsides are littered with throwaway cans, or they were. Let us give people an incentive to recycle rather than to litter and to change the packaging procedures. I prefer to change people's attitudes to throwaway containers rather than impose a penalty such as a levy. Yes, if all else fails, but try to further educate our people first as the best option.

As the member for Schubert, I am proud of the towns and communities in my electorate; they are always clean. I know the Tidy Towns competition had a fair bit to do with this change in attitude. The locals work to keep them that way and they are very proud of their towns.

Councils have had an important role in my electorate, with the strategic placement of bins and regular collections. The communities of the Barossa, Mannum, Mount Pleasant—all those towns are very tidy; I have never had reason to ring or comment to the council about them being otherwise.

Segregation of our rubbish is most important, as our report found: hard waste, no problems in landfill, putrescible and compostable, and then recyclables. Yes, it does all add to the cost but if we all do our bit at our end, the consumer end, it will make it so much better. I support the member and this motion with that amendment, and also call upon the state government to undertake a review of further litter reduction strategies.

Mr PENGILLY (Finniss) (12:30): I rise to also support the amendment as put by the member for Chaffey, following the member for Fischer's motion. The whole issue of rubbish in South Australia is something that I think we can be reasonably proud of. Probably the best thing that ever happened was the container deposit legislation, and it is commented upon. A lot of interstate visitors come to my electorate and if I am speaking to them they invariably comment on how clean the sides of the roads are. Almost without exception they are staggered at the cleanliness of our roadsides. When you explain the system that is in place they say, 'Why don't we do it here?'

I do not know whether it will ever happen but I notice that companies like Coca-Cola and others are objecting to putting this in place in other states, which I think is a pity. As indicated by the member for Schubert, and I think some others, it has been an enormous fundraising initiative for many individuals and groups, and organisations have done very well out of it over the years. It is something that I think we can be proud of.

The whole issue of waste disposal is an enormous problem, particularly for local councils in South Australia. Suffice to say that if you revert back to what they have always traditionally been told that what they do is look after roads, rates and rubbish, they have huge responsibilities in the way of waste disposal.

Just recently, it has been interesting to note that there are a number of councils, including I think one in my electorate, trying to buck the system and go back to fortnightly pick-up. I think that is ridiculous. They cannot do that; they cannot change it; it is just point-blank ridiculous and they are getting above their status in life, in my view. They need to remember what the agreement is. All they are trying to do is save money.

We are a throwaway society: everything comes in packaging and you take things out and everything is thrown straight into the bin, so the very idea of trying to go to a fortnightly collection, I think, would lead to appalling consequences, particularly with food scraps, for mums and dads with large families or kids per se. I think it would be a huge step in the wrong direction and I think the local government sector is just going to have to come to grips with it. Whether or not parliament has made rules that make it difficult for the local government sector to abide by is something we probably could have another debate about.

I would like to go back to my electorate where the City of Victor Harbor council gets a good rap around the ears fairly regularly in the local paper. I know that when I took on this role some seven years ago I was pleasantly surprised at what a clean place Victor Harbor was. I had Goolwa at the time, as well, but particularly Victor Harbor was always clean and tidy. Council staff work exceptionally hard and they achieved a significant award towards the end of last year, which I think speaks volumes. I know that Goolwa, which is in the member for Hammond's electorate, has now also won the Tidy Town award. Local community groups in some of these towns are very proud of keeping them that way.

I think it is a bit of a pity that Zero Waste seems as if it is going to be put to bed, for lack of better terminology. I recall that the member for Kaurna and I, around nine years ago, perhaps—when he was the minister for environment, and I was mayor on Kangaroo Island—did the first plastic bag free town in South Australia. That was the aim, but I think it sort of fell over. It seemed like a good idea at the time, but it was all too difficult to accomplish. We have probably moved on a fair way in relation to the removal of plastic bags. It was a bit of a prototype. The minister and I sat there and looked extremely important and had our pictures taken, and then everybody belly-ached about not being able to use plastic bags anymore, so nothing much changes.

I think Zero Waste has been particularly good, and I have an enormous amount of respect for Mr Vaughan Levitzke, the CEO, who was very helpful. I would also like to mention the marine environment because both parts of my electorate are surrounded by a lot of coastline. The fishing

industry needs to be applauded for the efforts they have made in trying to reduce the number of plastic bags and bait straps that have gone into the sea.

Once upon a time, the bait straps on the cray boat were cut and chucked over the side. They went out of their way to try to do the right thing by bringing all their bait bags and straps back ashore and putting them all in the recycling section, so I think they deserve a bit of credit for what they have done. The poor old fishermen are forgotten fairly regularly—after all, the state government is trying to wipe them out with marine park zones anyway. They are very responsible, and they do a good job.

The whole issue of rubbish is not going to go away. We need to deal with it, and it is going to be a problem for years to come. We are going to have to have a constructive relationship with the local government sector about where it does go, and it would concern me that if too much added cost pressure were put on local government they might buckle under it. But it is one of their prime responsibilities; indeed, the Fleurieu Waste Resource Authority covers my electorate, including Kangaroo Island. They do all the rubbish operations there, and the rubbish from Kangaroo Island all comes back to the mainland, which is a significant achievement. I might add that if you are on a ferry when the rubbish truck is on there, it is not all that pleasant a trip!

The Hon. R.B. Such: You know which way the wind is blowing.

Mr PENGILLY: You do know which way the wind is blowing, you do, yes—and you get up to the front of the boat. That was brought about by an edict out of a court case, but it has actually worked out quite well. There is no landfill depot on the island (there is a waste resource depot), and it all comes up here at a huge cost. The Fleurieu Waste Resource Authority is working well, and they do a bit of finetuning from time to time.

I say to the member for Fisher that it was a good idea to bring this in. I think it has generated some good discussion. It has probably generated more from country members than I have heard from the other side on this, but maybe other members want to speak on it. I hope that the house will support the member for Chaffey's amendment. I think that it brings the motion into a bit more context and will be much more useful. I look forward to listening to other speakers, or reading their contributions in due course, and await the outcome of the motion.

Mr GOLDSWORTHY (Kavel) (12:38): I am pleased to make some comments in relation to the amended motion moved by the member for Chaffey that this house calls upon the state government to undertake a review of litter reduction strategies. This is a fairly broad observation, I guess, but rubbish, litter, waste, whatever sort of title you want to give it, has been an issue for many centuries, really, since population growth and density have occurred within cities, and the management of rubbish or litter or waste has become an increasing issue that governments and administrations have had to deal with.

In relation to the container deposit legislation that was introduced here in South Australia in 1975—some time ago now—I think every speaker so far in the house has acknowledged, and I join with them in acknowledging, what a success the scheme has been here in South Australia. We lead the nation, I think, in relation to managing this type of waste, particularly container waste.

Other members have highlighted as well that you only have to travel interstate to really see the clear evidence of how well our system works. Not many people travel by train these days, but my family and I, maybe five years ago, caught the train from Adelaide to Melbourne. It was then the Overland service, so it was an evening/night transport service. I understand now it is a daytime service from the morning to the evening, but when we caught it, it ran during the evening and the night, arriving in Melbourne in the early morning.

Some of those suburbs along the rail corridor in Melbourne were strewn with rubbish. It was quite an unsightly scene to witness. Immediately, I thought, 'You don't see that in South Australia.' You do not see the rubbish along our transport corridors, our rail corridors, our streets, our highways and byways as you do in other states. I think that is clear evidence that our system works. Really, I think we are the envy of other states.

Having that system in place, I think South Australians are litter-conscious. In our district in the Hills area, I see people walking along the road and they have a container, such as a plastic bag, and they actually pick up rubbish as they walk along the road. I do the same thing if I go for a walk around the public golf course which is adjacent to our home property. Walking around there or walking along the road to try to maintain some level of wellbeing and fitness, I will pick up rubbish and the like along the road verge, because it is unsightly. Driving along the roads, rubbish—papers

and drink containers and the like—strewn along the road verge is unsightly but here in South Australia it is not to anywhere near the same extent as it is in other states.

I remember that when I was a younger person before the container deposit legislation came in, just at the time that it was coming in, there was some conjecture, some debate, and people saying, 'You can't make money out of rubbish.' I think we have proven that to be quite false because I know some people who own and operate the refuse stations where you actually take your drink containers, beer bottles and the like and get a refund on those used containers, and if those people who own and operate those businesses are operating the business properly, they make a very good living from that business venture.

Also, it provides some pocket money for people. My family collects soft drink bottles and cans and other containers we use that attract the 10¢ refund. We certainly keep the odd beer bottle and can, and every few months I will load them up and take them down to the local centre and get a small amount of money.

However, I think there are perhaps some anomalies in the system. You get a refund on your beer bottles, beer cans, soft drink cans and other containers like that, but you do not get the 10¢ refund on wine bottles. I think there is an anomaly in the system, because if you take wine bottles to the recycling centre they will throw them in a bin and that goes off to a plant that I presume melts them down and makes new glassware from them. As a consequence, we place our used wine bottles in the recycle rubbish bin, because that is obviously the other legitimate alternative place to deposit that type of waste. If there was some assessment in looking at placing the consumer deposit legislation on wine bottles, I think that is worth investigating.

I also understand in relation to some paper-based containers that it depends on the volume of the container as to whether it attracts the 10¢ refund or not. I recall that there was some debate particularly on iced coffee containers. A certain volume of iced coffee container attracted the 10¢ refund, but I think from memory—and I am happy to be corrected on this—the larger volume iced coffee container did not attract the 10¢ refund. I think that is something that may be worth looking at.

I will broaden my comments out in the last minute of time I have. The member for Finniss spoke about local government and its involvement in the collection of litter and waste. I live in the Adelaide Hills Council and I am a ratepayer in the Adelaide Hills Council district. We work on a two-bin system. I know some metropolitan councils have a three-bin system, with one for green waste. If you live in what we call a rural living area like us, we are able to accumulate green waste and burn that obviously in the appropriate season, but in the townships they are not allowed to burn dried green waste in the Adelaide Hills Council district.

The council used to have a hard refuse collection system where you put your larger items that would not fit in your normal two-bin system—your normal rubbish and your recyclable waste bin. They used to provide that hard refuse collection for the bigger items, but they have ceased doing that. From a local ratepayer point of view, I think that is something they could look at reintroducing. They also had a system where they would provide dump passes, so that if you did accumulate larger waste items you could deliver them to a local waste dump. Over recent times they have looked to abolish that and I think that is something they could reintroduce.

Time expired.

Mr PEDERICK (Hammond) (12:48): I rise to support the amended motion. The initial motion was put forward by the member for Fisher, but I will read the amended motion from our side. It states:

> That this house calls upon the state government to undertake a review of litter reduction strategies.

I think this should be very wide-ranging. There has been a lot said on both sides of the house about our container deposit legislation and I think that is fantastic and world leading. In 1975, when we introduced the 5¢ can and bottle levy on beer bottles, etc., and soft drink—

The Hon. S.W. Key: A Labor government.

Mr PEDERICK: It was a good move. I will acknowledge good moves.

Ms Thompson: Say 'by the Labor government'.

Mr PEDERICK: No. If the member for Torrens wishes to speak, you can contribute to the debate in your time. I will be happy to hear from the member for Torrens and the member for

Mitchell and the member for Ashford and whoever else would like to speak on that side of the house. I also note that the member for Kaurna has already spoken on this subject.

But it is good legislation—let's face it. As people have said in this house, you travel interstate and see the waste, the litter, on the sides of the roads. It is terrible, quite frankly. When we drive around South Australia, we do not have the opportunity to have entirely clean roads, but I drive on a lot of country roads and a lot of highways—the Dukes Highway in particular—to head home to Coomandook.

An honourable member: Dirty car.

Mr PEDERICK: Thank you. Sadly, you still see rubbish thrown out at various places along the road, but let me say this: there is nowhere near the level of litter that you see when you travel interstate. I have been on some long drives right up through Queensland, up to Townsville and Cairns and back. I have driven on various roads through Queensland, New South Wales and Victoria and it is extremely evident that a container deposit scheme like we have here would be extremely helpful.

It should be noted that we raised this to 10¢ and I think that brought it back to the real value of things in general and the worth people place on holding their cans and bottles. I must say that, similar to the member for Kavel, where I live, we collect our cans and bottles. Some things are non-refundable, like plastic milk bottles and also wine bottles, and I think that should be investigated. I have had the odd wine and I have had the odd beer, but we collect everything. It is an incentive for my young boys. I will give a plug for my eldest lad, Mackenzie, who is 12 today, so good on you, mate.

Mrs Geraghty: Happy birthday.

Mr PEDERICK: Happy birthday.

The Hon. R.B. Such: Keep collecting.

Mr PEDERICK: Yes, keep collecting. I tell you what: young Mackenzie knows the value of money. If you ever want to get him to spend his pocket money, no, that is not going to happen—that is in the bank so he can buy his Lamborghini one day. He has got a little way to go.

Mr van Holst Pellekaan interjecting:

Mr PEDERICK: Absolutely. Yes, it comes with a Scottish name. Be that as it may, I think that story shows how we have instilled in our family the need to collect the bottles and cans and clean up. We put all of the different criteria in their different 44 gallon drums or 200 litre drums, for the more modern minded. We put the beer bottles in separate drums, we put the wine bottles in drums and we use woolpacks to put the cans in or plastic bottles that you can now get the 10¢ refund on.

I can tell you that, when you load up a tandem trailer of empty containers, which takes quite a long time to fill—it could take a couple of years to get a load—it makes it very worthwhile. My kids get the benefit of that cash, that goes towards their pocket money and for anything they would like to buy. I think it gives good lessons in keeping the place clean. As I said, it is not just the cans and bottles that you can get deposits on, I think the ones that you do not get deposits on certainly need investigating.

In the broader picture with regard to litter reduction strategies, there has certainly been some debate around Zero Waste and I have seen the difference in waste collection over time. Coming from a small rural community, the Coomandook dump used to be on a gravel road, but it is now on the edge of the Dukes Highway because the highway moved. You can see where the old one was just outside of Coomandook. On this side of Coomandook is the place where the old dump has been filled over. The new site is out further east.

Years ago, big pits were dug out which would last many years because you would just tip all and sundry in and light them up, and those pits would last many years. Rubbish and litter handling has moved on to more modern methods, and some people argue with those methods. My local dump at the back of Coomandook, the Yumali dump—

Mr Whetstone interjecting:

Mr PEDERICK: Well, refuse station, transfer station, whatever you want to call it. It has moved a long way, but now it is just a transfer station and there is a whole host of green bins and some bigger bins that can be lifted into trucks, and you have to separate your waste. It is

reasonably expensive if you want to get rid of individual items such as televisions and other electrical items that have blown up. That can be a deterrent for people to get rid of rubbish the appropriate way.

I know that with all good intent these things have been put in place, with these transfer stations, but my local rubbish depot is available only once a month; sometimes we utilise the Coonalpyn transfer station, which is open every Sunday, which is quite handy. Now that I have moved back to the farm after renting a house just down the road at Ki Ki—and have been back at the farm for a few years now—we are on the run and we do get a weekly pick-up, which I am very pleased to get—very pleased to get—but our bigger rubbish has to be taken to the transfer station.

Preceding that, when I was off the rubbish pick-up run at Ki Ki, I tried through the council to get a community pick-up bin placed on the Dukes Highway at Ki Ki, but that was not made available. I know that people who are on the rubbish run now have to store their litter for a while until they make a trip to get rid of their refuse, and that is highly unhealthy. You only need to hear the debate about people in Adelaide—and rightly so—complaining about the fact that some councils have been discussing whether they have a fortnightly pick-up. You can imagine having your rubbish stored in a shed for two months, and I know some people do this. I used to do it because I just was not home enough to take the time to take the rubbish away and did not have the opportunity to get rid of it, but I must say that things have improved markedly in the last few years.

In the scheme of things, we have to find a way so that we do not also get illegal dumping where people just dump their goods—it might be a forest area or in a scrub area—because people do not want to pay the relevant dumping fee, and they can be extremely serious. Recently in Victoria I ran into a person who lives in Sunshine in Victoria. If they want to get rid of a mattress it costs $100; so, guess what? Down the side of the road is where the mattresses land. You see it in the city and you see it in outlying towns.

Mr Sibbons: Asbestos.

Mr PEDERICK: Yes, asbestos, as the member for Mitchell says—a whole range of things. We have to come up with a way in the parliament to make it viable, and I mean viable each way. You do not want to make it too expensive so that people do not do the right thing, but we also need to look at ways, as I suggested, to bring wine bottles and plastic bottles into the strategy of the container deposit scheme. We have a great state; we have a beautiful state. It is good legislation and, as I said earlier in my contribution, you can certainly see it when you travel throughout other states in our great country. I urge everyone to work on this proposal, and may the amended proposal get up.

Mr BROCK (Frome) (12:59): I would also like to contribute to the motion of the member for Fisher and also the amendment of the member for Chaffey. I just want to add my thoughts. The first suggestion for a container deposit levy, as I understand it—and I may be incorrect—was made by the previous mayor of the Port Pirie City Council, Ted Connelly, to the government of the day. He then turned out to be the new speaker in the house when he ran for parliament as an independent Labor supporter. So, the Port Pirie council were the instigators of putting the container deposit levy to the state government of the day, and here we are now talking about it. It has been a great success for the last 35 years, so I am very proud to be able to get up and talk about it.

The container levy has been in for many years. When it started, it was 5¢, which was pretty attractive at the time, but as the cost of living went up it was not as attractive for people. Now it has gone up to 10¢, and that 10¢ is a lot of money. It has now gone from bottles to paper and throwaway containers, which is fantastic. We all collect our cans. Even in my own situation, we have a collection point at the back of our house. My partner, Lynn, has a hairdressing salon which she operates from the old garage—which we have council permission to do. I just want to make that very, very clear. I seek leave to continue my remarks.

Leave granted; debated adjourned.

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

LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

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

WIND FARMS

Dr McFETRIDGE (Morphett): Presented a petition signed by 19 residents of South Australia requesting the house to urge the government to take immediate action to call a moratorium on the installation of any further industrial wind turbines until full independent Australian research has been conducted and assessed with resulting national regulations and guidelines established.

COMMUNITY FOODIE PROGRAM

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) (14:02): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.J. SNELLING: Community Foodies is a South Australian nutrition program that aims to build the capacity of communities to make healthier food choices. It does this by training and supporting volunteers to, in turn, support other volunteer community members. These volunteers provide healthy eating messages and skills in the community.

The Community Foodies program started 10 years ago with a single site at Noarlunga. It has since grown to 21 sites across the state. As of December 2012, there were 290 registered active volunteers and 71 trained staff members to plan and deliver accessible and engaging community-based activities.

Since becoming Minister for Health, I have heard dozens of stories from people whose kids now eat vegetables, from people who now take pleasure in cooking, and from people who are taking charge of their health. These stories come from the country and the suburbs and they come from people living in some of our most disadvantaged regions.

Recently, I visited a Community Foodies in Noarlunga. There I met a lively group of cheery volunteers, all working together and joking around. It was heartening to talk with the people and hear firsthand how Community Foodies have changed their lives.

The government acknowledges the value and success of the Community Foodies program and the impact it has had on contributing to the reduction of obesity and the burden of chronic disease by providing education at the grassroots level and empowering families with healthy lifestyles and parenting messages.

The government will continue to fund Community Foodies but we believe these services can best be hosted by a non-government organisation (NGO). The volunteers and groups will remain the same, but the government is proposing funding be transferred to a suitable NGO to manage Community Foodies. The Department for Health will run a tender to identify a suitable NGO and we will be inviting a representative from Community Foodies to be on the selection panel.

The chosen NGO will have experience in working with volunteers, as well as establishing linkages with the service providers that support vulnerable communities such as housing agencies, counselling services and employment programs. The government is confident that this will ensure a more integrated approach for people with complex needs. Shortly, I will be announcing the government's response to the McCann review on other non-hospital-based services.

WATERFORD, MR D.

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:06): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.M. RANKINE: Today, I announce the appointment of Mr David Waterford to the position of Deputy Chief Executive Officer Child Safety in the Department of Education and Child Development. Mr Waterford will be responsible for policy, practice and standards across the Department for Education and Child Development, leading a safeguarding redesign program across the whole of government and involving non-government organisations and school sectors, and overseeing Families SA, where he will continue to work for children at risk and under the guardianship of the minister.

Mr Waterford will be responsible for liaising with the interagency task force and overseeing the delivery of the recommendations which will soon by made by Justice Debelle. Mr Waterford has

significant experience in the field of child protection, including at the national level, and has been the Executive Director of Families SA since 2009. Prior to that, he was Executive Director of the Department of Premier and Cabinet's Social Inclusion Unit, and had worked with the unit since 2002 on projects including school retention rates that saw rates restored to their 1994 levels of just under 90 per cent last year, compared to 69.5 per cent in 2002.

Mr Waterford brings a great deal of strength and commitment to this role. There are more than 22,800 teachers in the public school system. The disgraceful actions of a very small number have caused great distress to those people every day who dedicate their working lives to caring for and educating our children. Children attending our schools and pre-schools need to be safe, first and foremost, before we can expect them to learn. This appointment is an important step in restoring the confidence of parents in our public education system.

We are also increasing the capacity of the Special Investigations Unit to ensure we have more timely and thorough investigations. I have also asked the chief executive officer to fast-track improvements to the reporting and recording system in the school care unit. All of these steps are aimed at ensuring, as best we can, that we are providing the protection and care our children deserve.

VISITORS

The SPEAKER: I welcome to parliament today people from the DPC trainee program, who are guests of the Premier; members of the Pathways Training and Placements, who are guests of the member for Adelaide; and students from the Adelaide Secondary School of English, who are guests of me.

QUESTION TIME

MANUFACTURING SECTOR

Mr MARSHALL (Norwood—Leader of the Opposition) (14:10): My question is to the Premier. Why have 6,600 manufacturing jobs been lost in the last three months and more than 18,000 manufacturing jobs lost in South Australia since Labor was re-elected in 2010, given that growing advanced manufacturing is one of the government's four pillars in its economic statement?

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. If he had taken the time to read the economic statement, he would realise that we address this question in great detail, but I do thank him for the opportunity to address this question. The principal cause—

Mrs Redmond interjecting:

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

The Hon. J.W. WEATHERILL: The principal cause, of course, is the changing structure of the international global marketplace and the relationship that the South Australian economy has to that. Of course, in the past, under the old Playford model, we had an industrialisation model, which was high tariff walls, low costs, low wages. That was essentially the industrial—

Members interjecting:

The SPEAKER: Premier, would you be seated? I call the leader to order, and I call the member for West Torrens to order. Premier.

The Hon. J.W. WEATHERILL: The industrial legacy that we had for this state was one that was created during that very long period during the 1930s, 1940s, 1950s, 1960s and 1970s in this state. That was the model that we had, and it has been slowly unwound through the internationalisation of the Australian economy, and that has placed a particular burden on the South Australian economy. That process has been underway. It has been accelerated recently by a high Australian dollar, with our import-competing manufacturers and our exporters, of course, finding it very difficult with the high Australian dollar. Essentially, that is the big picture proposition.

The ABS publishes breakdowns of employment by industry sector every three months, and I think one of the answers to the question is that the breakdown in industry sectors does not actually accurately encapsulate the way in which manufacturing employment is now disaggregated across a range of industry sectors, and that is an observation made by Professor Göran Roos in the advanced manufacturing statement.

The latest figures indicate that in November 2012 there were 74,400 South Australians employed in manufacturing, slightly up from 73,400 in August. Manufacturing employment, of course, substantially reduced after the global financial crisis but has been hovering in the range of between 73,000 and 86,000 over the last four years. Even so—

Mrs Redmond interjecting:

The SPEAKER: I warn the member for Heysen for the first time.

The Hon. J.W. WEATHERILL: Even so, manufacturing employment is still the largest source of full-time employment in the South Australian economy. If we look at the ABS category Professional, Scientific and Technical Services, over the last 10 years we find that employment in South Australia has grown from 31,800 in February 2002 to 50,600 in November 2012, an increase of 18,700 people, which is more than the 18,200 that have left the manufacturing sector.

We are seeing a change in the nature of manufacturing. The truth is modern manufacturing is as much about services as it is about goods, and we are seeing there is a very substantial connection now between the services sector and the manufacturing service in this state.

Members interjecting:

The Hon. J.W. WEATHERILL: They don't bother to understand these things—

Mr Goldsworthy interjecting:

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

Mrs Redmond interjecting:

The SPEAKER: I warn the member for Heysen for the second time. There will be no further warnings.

The Hon. J.W. WEATHERILL: A phenomenon that we are also witnessing is a large number of manufacturing firms are taking advantage of the high Australian dollar to source imports as inputs to a number of their manufactured products. We are seeing firms such as Tubemakers, which historically had produced their particular plants here for their brake lines and fuel lines and manufactured them here in South Australia. They now import the steel and then do the final elaborate transformation of that product here in South Australia.

They are now part of a global supply chain, which sources the cheaper end of the component from China and brings it here and adds value to it here. Of course, that means that there is less production, but what it does mean is that they are able to sustain their employment here in this state. So, there is a changing nature of employment. Rather than talking down manufacturing in this state, we are taking positive steps to secure an advancement in—

The SPEAKER: Premier, your time has expired. The member for Port Adelaide.

BREWING INDUSTRY

Dr CLOSE (Port Adelaide) (14:16): Thank you, sir. My question is to the Premier. Can the Premier advise the house about the state of South Australia's brewing industry?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:16): I thank the honourable member for her question, and a timely question it is, given that those opposite are seeking to talk down the prospects in our manufacturing sector. The truth is—

Mr Marshall interjecting:

The Hon. J.W. WEATHERILL: You're an angry man.

The SPEAKER: I warn the leader for the first time.

The Hon. J.W. WEATHERILL: Such an angry face he presents to the world.

Members interjecting:

The SPEAKER: Premier, will you be seated. I call the member for Hammond to order, and I call the deputy leader to order for the first time. Premier.

The Hon. J.W. WEATHERILL: The truth is that the West End Brewery, which is set for a $70 million redevelopment announced last year, is a fantastic example of manufacturing and,

indeed, advanced manufacturing. The redevelopment includes a new beer processing room, and that beer processing room is being driven by automation from SAGE Automation. So, very high-end manufacturing is going into that very important part of the process. It has a new refrigeration system, a boiler upgrade, cellar automation and a new brew house.

That will mean about 30 new full-time jobs as they shift their operations from Perth to South Australia, a vote of confidence in the South Australian economy. There will be about 50 new jobs over a couple of years in the construction phase. There will be some civil construction works and some great jobs in fabrication down there. There is obviously a lot of very skilled stainless steel fabrication work that needs to be done on the site, and a range of other important civil construction works.

The redevelopment will ensure that the West End Brewery, which is known within the Lion Group as the innovator of the whole of the Lion Group, will sustain its position as 'nurturing the drinks of the future', which is the role they carve out for the West End Brewery within the Lion Group. It is already exporting to Japan. It takes barley from South Australia. It is involved in brewing beers such as James Squire, Guinness, Hahn and Toohey's for the South Australian market, as well as our own West End and Southwark Stout.

As part of the redevelopment, we will also be brewing beers for Western Australia. It is also the cider hub for Lion across the country, making Orchard Crush and 5 Seeds. So, it is becoming a centre of food excellence here. It is trading on its fantastic clean image of drawing from the deep aquifer beneath the West End site. It has always been a fantastic showpiece for the brewery industry, and it is an example of advanced manufacturing.

Of course, we have Coopers, that fantastic brewery, the largest Australian-owned and operated brewer in Australia and one of the state's leading brands internationally. There is also a range of smaller breweries, including Lobethal Bierhaus, Myponga Brewery, The Steam Exchange Brewery, Knappstein Enterprise Winery and Brewery, Goodieson Brewery and Copper Coast Wines. We also know that our barley finds its way into the most popular beer in China, Tsingtao, in our sister state of Shandong in the fine city of Tsingtao.

All of these companies are showing how our state can benefit from becoming not only more innovative, because we get the corner of the market on the brewing operations for the nation, but also more outward looking as we send our produce around the world. It is one of the keys to competitiveness and it is one of the reasons we have chosen this as a key component of our advanced manufacturing strategy, to focus on premium food and wine.

AGRICULTURE SECTOR

Mr MARSHALL (Norwood—Leader of the Opposition) (14:19): My question is to the Premier. Why have more than 14,000 agricultural jobs been lost in the last 12 months, given that premium food and wine are one of the government's four pillars in its economic statement?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:20): Once again, if the honourable member took the time to read the economic statement rather than just glancing at its cover he would realise that one of the great success stories has actually been the agricultural sector and indeed—

Ms Chapman: Despite you.

The SPEAKER: The deputy leader is warned for the first time. Premier.

The Hon. J.W. WEATHERILL: —the food sector in the South Australian economy. The great strength of the South Australian economy has traditionally been its agriculture and food sector, but the truth is that it is a sector which is under threat, because in a comparative sense the high Australian dollar and a high cost environment create challenges for our competitiveness. What the economic statement does is make this challenge. It makes this challenge that we have to go up to the premium end of this market and we have to use some of the burdens associated with our higher cost; we have to turn them into an advantage.

We actually have to challenge ourselves not to reduce those standards and say we will give away the standards associated with our good environmental protection, the standards associated with ensuring that we have good wages and good biosecurity protection. All those things that carve us out and give us a niche should be promoted in a world where food integrity is going to be an increasingly important issue. I make this confident prediction, that we will soon be

marketing our seafood as having been grown in marine parks. We will also be marketing our food produce—

Members interjecting:

The SPEAKER: Will the Premier be seated. The leader is warned for the second time; the member for Hammond is warned for the first time; the deputy leader is warned for the second time; and the member for Morialta is called to order. Premier.

The Hon. J.W. WEATHERILL: I am simply trying to make a few helpful points about the South Australian economy and assist the member to understand, because he posed a question. He poses questions and then gets very angry, for no obvious reason. I do not understand it.

The Hon. A. Koutsantonis: I've seen that behaviour before—Mark Latham.

The Hon. J.W. WEATHERILL: That's right, we have seen that behaviour before. In any event, can I say this, that we will also be marketing our food produce as having been produced within those natural environments which respect our environment, and that will be another very important selling point as we seek to project ourselves to the world. It is not everywhere that can say they have clean soil, clean air and clean water. We can say that in this state. It is because we have respected our natural environment. We have invested in ensuring that we have the highest standards.

STATE RAIL NETWORK

Mr SIBBONS (Mitchell) (14:23): My question is to the Minister for Transport and Infrastructure. Will the minister please inform the house of recent investments in the state's rail network?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:23): This government is very proud of its investment in infrastructure. We recognise that our investment into the state's public transport infrastructure is not only creating jobs but creating a transport system for our future. This government has invested more than $1.5 billion in public transport during the past five years. More than $800 million is being rolled out in the next two years. Part of that investment will see the construction of a new Wayville station.

Having received public works approval yesterday, work will commence on the new $16.5 billion state-of-the-art station. A new station will replace the temporary platforms used each year during the Show and reflect the demand for public transport created by the increasing number of events held at the Adelaide Showground.

Our showgrounds are transforming and so is the area around Wayville and Keswick. A new railway station servicing the upgraded Belair and electrified Seaford lines year round will meet the needs of people going to the showgrounds and going to the city and beyond. This station will create a far superior entrance statement to the showgrounds and provide a far more visible station from the Anzac Highway and Greenhill Road. We will also be ensuring that the new station links into Greenhill Road and the commercial industrial precinct west of Anzac Highway, including the Ashford Hospital. The new station will include—

Mr HAMILTON-SMITH: Point of order, Mr Speaker. I seek your guidance in regard to standing orders in respect of matters that are before parliamentary committees. The minister has just said that the matter he is presently addressing to the house was approved by the Public Works Committee yesterday. That was not the case. Evidence was heard, and the committee is still carrying out its work and is yet to approve the project, and it has not been brought before the house. I seek your guidance on two issues: firstly, is it appropriate for the minister to be raising this matter since the work is still before the committee and, secondly, is it appropriate for him to wrongly indicate that the matter had been approved by the committee when it has not?

The SPEAKER: It would be out of order for the Minister for Transport to anticipate the outcome of the committee's deliberations, but my understanding is that the committee's deliberations were in public, so the minister could canvass the project, provided he did not prejudice or anticipate the committee's deliberations on it. Minister.

The Hon. A. KOUTSANTONIS: Sir, of course, if I have in any way pre-empted the outcome of the Public Works Committee, I apologise to the house. I am acting on advice I have received, so, of course, if the Public Works Committee hasn't made a decision, I apologise to the house.

Ms Chapman interjecting:

The SPEAKER: Will the Minister for Transport please be seated. If I hear once more from the member for Bragg, sessional orders will be applied. Minister for Transport.

The Hon. A. KOUTSANTONIS: The introduction of a permanent train station will strengthen the Adelaide Showground's accessibility for the 1.2 million visitors it receives annually. It also aligns with the showground's master plan as well as the 30-Year Plan for Greater Adelaide. The new Wayville station will be an asset for our state's rail network. I understand that the opposition thinks these works are a false economy. Perhaps you should tell that to the hundreds of workers working on our rail yards.

The Hon. I.F. EVANS: Point of order, Mr Speaker: the minister has a habit of disobeying standing orders in the last phrase of his contribution every question time, and I just wondered whether it is in order for you to pull him up on that practice because it is a total disregard for the standing orders to comment on the opposition position, which you have constantly told this house, ministers have no responsibility for.

The SPEAKER: I will check the *Hansard*, including for previous days, and see if the Minister for Transport is a recidivist in this.

STATE RAIL NETWORK

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:27): I have a supplementary question, sir.

The SPEAKER: A supplementary? Is it a supplementary or a point of order?

Ms CHAPMAN: It's a supplementary, sir.

The SPEAKER: Well, I will hear it.

Ms CHAPMAN: Thank you. My supplementary to the Minister for Transport is: if this is such an important project to the government, why hasn't it been advanced sufficiently to ensure that it actually will be built this year before the show?

The SPEAKER: That is not a supplementary. Member for Finniss.

STATE RAIL NETWORK

Mr PENGILLY (Finniss) (14:28): Can the minister categorically undertake that no money of the project was spent prior to the project coming to the Public Works Committee yesterday?

The SPEAKER: That is, indeed, a supplementary. Minister for Transport.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:28): I would have thought that the member for Waite and the member for Finniss would have learnt from the past when they take advice from Kevin Naughton. I understand that the member for Waite has put out a press release claiming that the government has initiated works prior to public works approval, and he has claimed in a press release:

> Auditor General's Inquiry Sought to Wayville Station Works

Mind you, this was before he even claimed Public Works has dealt with it, so he is pre-empting his own committee. He says this:

> The committee heard in a public hearing this week that certain works may have been carried out before that approval was given. The facts need to be established.

He doesn't make the accusation, he just does it in a roundabout way because he has learnt from his mistakes somehow, I think, but not quite. He is still taking advice from Kevin Naughton.

Mr Hamilton-Smith interjecting:

The SPEAKER: The Minister for Transport will be seated. The member for Waite is called to order and, if I hear that conduct again, I will name him. The Minister for Transport.

The Hon. A. KOUTSANTONIS: The member for Waite has claimed that the government has proceeded with works. It is very important to note that the facilities at the Wayville precinct will make a very important entrance to the showgrounds. The contractor has not been appointed and has not commenced works on the site, I am advised. That approval was obtained on

20 February 2013, and construction of the Wayville station is a very complex site with significant interface with the rail revitalisation program that is going on right now.

I am advised that the works undertaken to date have been focused on track work, including repair and poor ground conditions, drainage and earthworks to do with the rail revitalisation program. These works are all being undertaken by the rail track works contractor, so I am not sure on what basis he put this out. Perhaps he can explain that to the Auditor-General.

Mr PISONI: Point of order: it is against standing orders to display props in the parliament.

The SPEAKER: There is a morsel of justice in the member for Unley's point of order. I presume the minister will make no further displays. Is the minister finished?

The Hon. A. KOUTSANTONIS: Yes, sir.

YOUTH UNEMPLOYMENT

Mr MARSHALL (Norwood—Leader of the Opposition) (14:31): My question is to the Premier. Why has the full-time youth unemployment rate reached 44.6 per cent in northern Adelaide, up from 30 per cent this time last year?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:31): We have been through this nonsense time and time again. The truth is that the youth unemployment rate in the context of young people staying on at school is an almost meaningless statistic. If you go to the number of young people who are actually unemployed as a proportion of young people who are looking for jobs or looking for employment and looking for training or are at school, you see of the total population it sits in a very similar band to the general population of unemployed people. The truth is there are just so few people in the category of looking for work in that age group that the absolute numbers we are talking about are relatively small. The statistics—

Mr Pisoni: What are they?

The Hon. J.W. WEATHERILL: I will provide the numbers to you, but they are very small numbers. They do not give a picture of unemployment amongst young people in the northern suburbs, because most of those young people are where you would expect them to be: that is, at school or in training or in employment. One of the reasons that that is the case is that we have now got 89 per cent of our young people actually at school until year 12.

The reason we have almost 90 per cent of our young people at school until year 12 is that we targeted that with specific policies to make sure that our young people had every possible chance of completing their schooling. It fell to as low as 67 per cent under those opposite. So, almost a third of young people were actually confined to a future where they did not have the necessary skills to permit them to actually make a success in the world. We know that the jobs of the future—we knew it then and we know it now, and it is even more important now—require at least 12 years of schooling, and in many respects much more than that.

So, this nonsense that somehow—they trot out these statistics as though they mean something. When they had a chance to do something about these matters they were an abject failure. We are not only addressing the real and imperative needs of young people in the north by making sure that they have the training and the skills they need to succeed in this world but we are also giving them the employment opportunities to succeed. This government has a proud record of delivering to the north. If you want to know what would have been the most devastating impact on the north, it would have been if the Leader of the Opposition had got his way and we had not supported Holden to ensure they had an economic future.

The SPEAKER: Is the Premier quite finished?

The Hon. J.W. WEATHERILL: Yes.

Members interjecting:

The SPEAKER: The last sentence was out of order, and I call the members for Morphett and Unley to order, and I warn the members for Morialta and Hammond for the first time.

UNO APARTMENTS

Ms BETTISON (Ramsay) (14:34): My question is to the Minister for Social Housing. Can the minister please inform the house about the awards which have been won by the UNO apartments, since they became operational in July 2012?

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:34): I thank the member for her question and her commitment to improving social housing in our state. On Friday 8 February, I was pleased to attend the UNO apartments opening ceremony with the Premier, the newly appointed federal Minister for Homelessness (the Hon. Mark Butler), the Hon. Jennifer Rankine and also the member for Adelaide.

The SPEAKER: There is no need, minister, to give us the minister's Christian name and surname; their title will be quite sufficient.

The Hon. A. PICCOLO: Thank you, Mr Speaker. The building is a magnificent achievement by Housing SA, utilising the commonwealth's Nation Building Economic Stimulus Plan funds to construct a unique concept which is unlike anything else, either interstate or overseas.

Members interjecting:

The Hon. A. PICCOLO: Mr Speaker, it is very hard to speak with all the noise in the background. The building combines a mix of social housing, private rental, affordable purchase and market sales to achieve a 17-storey community unlike anything else seen previously in Australia. Add to that a youth crisis service which provides 30 beds for homeless and disadvantaged youth and you can see why it's such a unique project.

It is for these reasons that UNO has won a number of awards at both state and national levels. The UNO apartments began last November by winning the Urban Development Institute of Australia SA Awards for Excellence. With wins for the Best High Density Housing and also the President's Award categories, the UNO apartments were recognised as being at the forefront of building design in South Australia.

Later in November, UNO won awards from the Civic Trust of South Australia. These included the prestigious Hugh Stretton Award for Innovation in Residential Development and UNO was also the joint winner of the Urban Award in the People's Choice Award where an online vote decided the winner.

The UDIA State Awards success meant that UNO was nominated for the national awards, which were held early this month in Melbourne. In a great coup for South Australia and Housing SA, the UDIA chose UNO apartments as the winner of their National Award for Excellence.

UNO won against a strong field which included several other outstanding submissions from across the country. The main point of difference was identified as its unique vertical community concept. This award is recognition for Housing SA in delivering innovative, high-quality and affordable housing opportunities for all South Australians. It is also a huge accolade for the builder Tagara.

The Hon. G. Portolesi: That's my electorate.

The Hon. A. PICCOLO: In your electorate. Tagara Builders are a South Australian company who have operated in the industry for more than 20 years. Their services have been provided to federal, state and local governments as well as a range of community and private organisations. The UNO apartments is the largest and most high-profile project they have taken on and they certainly excelled in their construction quality.

There is no doubt UNO is a wonderful achievement in design and innovation in providing a mixture of tenancies which is shown to be working. It is a great way to provide an affordable place to live and a healthy, safe and vibrant community. Finally, this is a fine example of how government leadership, by working with the private sector, has resulted in a benefit for the community.

The SPEAKER: Before I call on the next question, the principal offender whose background noise was interfering with the minister during that answer was the Minister for Manufacturing and I call him to order. The member for Mount Gambier.

REGIONAL BUSINESS

Mr PEGLER (Mount Gambier) (14:38): My question is to the Minister for Small Business. Can the minister inform the house about how the state government is assisting local business in regional South Australia?

The Hon. T.R. KENYON (Newland—Minister for Manufacturing, Innovation and Trade, Minister for Small Business) (14:38): We the government want to see remote and regional

businesses learn to embrace the latest business technology to improve their competitiveness, and the regional development agency network is integral to delivering on this goal. I am pleased to advise the house that the regional development agencies of Whyalla, Eyre Peninsula and the Limestone Coast will each receive grants of $30,000 to do this, and I have recently written to them, informing of their success. This is part of bringing the government's Regional Business Sustainability—Competitive Business Program to businesses on the Eyre Peninsula and the Limestone Coast.

Through a series of workshops, local business owners and managers will have the opportunity to learn about how more efficient practices can help their businesses to flourish. As an example, they will be able to understand how better accounting practices can improve their financial management and how they can implement these practices. Forthcoming dates and times for these workshops will be announced by the agencies arising from this funding. The recipient agencies will be better able to mentor, teach and advise local businesses. The program will improve participating companies' understanding of how digital technologies can increase efficiency.

Specifically, these grants will assist participating companies to improve their business management practices; adopt new business processes using digital technologies; improve their financial management practices; understand that better accounting systems and secure online transaction systems can improve their profitability; improve their communication platforms; better use email and social media platforms; and better use mobile technology platforms. This is good news for regional business and I look forward to receiving ongoing reports of how these grants are helping the community.

REGIONAL BUSINESS

The Hon. I.F. EVANS (Davenport) (14:40): I have a supplementary question. Can the minister confirm that the regional development authorities he refers to in his answer that are getting a $30,000 grant are the same authorities that are receiving a $5,000 cut as from 1 July?

The SPEAKER: That is not a supplementary.

The Hon. I.F. EVANS: Point of order, Mr Speaker: how is it not a supplementary? I am seeking clarification as to whether it is the same regional development authorities that he is referring to—

The Hon. P.F. Conlon: Don't argue with the Speaker.

The Hon. I.F. EVANS: —and don't interject, Pat.

The SPEAKER: I call you to order and warn you for the first time. The member for Unley.

SPECIAL INVESTIGATIONS UNIT

Mr PISONI (Unley) (14:41): My question is to the Minister for Education and Child Development. Is the reason for increasing the capacity of the Special Investigations Unit, as indicated in her ministerial statement this afternoon, because of a backlog of serious employee misconduct reports or is it because of an increase in such reports?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:41): I thank the member for Unley for this question. The reason for increasing the number of people in the Special Investigations Unit is to ensure that we have timely and thorough investigations. Interestingly, the member for Unley has been out quoting that there is a backlog of 50 investigations in the unit currently—well, actually, he did not say 'currently'; I do not think he was able to tell the media currently the numbers. But can I advise the house that, in 2012, there were 51 ongoing investigations that were listed for that year—

Members interjecting:

The Hon. J.M. RANKINE: Yes, 51—35 of those were new investigations and 24 of those were closed during the year. It is important to put this in context. We have 22,800 teachers. In 2008, there were 70. So this is a reduction of 27 per cent compared to 2008; 2012 is the lowest number of investigations since 2008.

SPECIAL INVESTIGATIONS UNIT

Mr PISONI (Unley) (14:42): Supplementary, sir, if I may: why did the Labor government wait for the state Liberals to repeatedly raise issues of sexual abuse in schools before addressing investigations in a timely manner?

The SPEAKER: Well, that is not a supplementary; that is self-congratulation. The member for Unley.

Mr PISONI: That can be my question.

The SPEAKER: That can be your question, okay.

The Hon. P.F. CONLON: Point of order. I would ask you, does that question—

Members interjecting:

The Hon. P.F. CONLON: Sorry, sir, I cannot hear myself over the hypocrisy.

The SPEAKER: Point of order, member for Elder.

The Hon. P.F. CONLON: My point of order is that I believe that question contained argument. It contained very strong argument, so it would be—

An honourable member: What number?

The Hon. P.F. CONLON: I think from memory it is standing order 97: the question should not contain argument.

The SPEAKER: Yes. The member for Elder is correct and that is why I ruled it out, but if the member for Unley seriously wants to make that a question then I invite the—

Mr PISONI: I will have another question, if that is okay.

The SPEAKER: You will think about rephrasing it perhaps?

Mr PISONI: You have called me for a question and I will have that question now.

CHILD PROTECTION

Mr PISONI (Unley) (14:44): My question is to the Minister for Education and Child Development. Will the minister inform affected school communities of the outcomes of investigations into serious employee misconduct that lead to arrests and charges?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:44): We have a very clear policy of letting school communities know about serious issues that are impacting on the safety of their children. I am committed to doing that, and that is why I have today announced the appointment of a new deputy chief executive officer with clear responsibility of child safety right across the department.

DEFENCE INDUSTRY

Mrs VLAHOS (Taylor) (14:44): My question is to the Minister for Defence Industries. Can the minister tell the house about the support provided to the South Australian defence industry by the Defence Teaming Centre?

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) (14:15): I thank the member for Taylor. The Defence Teaming Centre is the peak defence industry body in South Australia. Founded in 1996 as an incorporated not-for-profit association with 24 member companies, the DTC has grown to a membership of more than 250 companies that employ in excess of 17,000 workers in South Australia.

In partnership with the state government and Defence SA, the DTC has supported and developed the state's defence industry, which now services a 25 per cent share of the nation's defence industry, to the extent that South Australia is recognised nationally and internationally as Australia's defence state.

South Australia is unique in having an association like the Defence Teaming Centre, and in the 16 years since they started they have worked with countless companies to bid on defence contracts for this state. It is therefore important that the government supports the important work that the centre does.

Later today, the member for Taylor and, I understand, the member for Waite, will join the Governor, His Excellency Rear Admiral Kevin Scarce, and representatives of member organisations of the Defence Teaming Centre at a ribbon-cutting ceremony and a tour of the DTC's new facilities at Technology Park at Mawson Lakes.

The Defence Teaming Centre, so ably led by its chief executive officer, decorated Australian Army veteran Mr Chris Burns CSC, provides a strong industry voice on long-term strategic issues, such as industry policy and market development, and plays a lead role in driving the critical issue of workforce development across the sector. I look forward to continuing working with the DTC in the best interests of defence industries.

COUNTRY PRESS SA AWARDS

Mr BROCK (Frome) (14:46): My question is to the Minister for Tourism. Can the minister advise on the recent Country Press SA annual awards?

The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport) (14:46): I thank the member for Frome for his question and acknowledge the great work that he does in his electorate, particularly for the large communities of Clare and Port Pirie, and it was great to be with you last week. Last Friday night, I had the great pleasure to attend the Country Press awards in Port Lincoln—the night of nights for regional journalism here in South Australia.

There were over 130 people in the room—newspaper owners, editors, journalists and sponsors for the night. It was a terrific event and that one night of the year when we can all get together and talk about the year that has gone and the future, too, for country journalism. Country newspapers are such an important part of the fabric of country communities, and they are much stronger in country regions than they are in the city because of that connection that members of the public have with their local paper.

I congratulate the local member for Flinders, as well, for being there on Friday and for his support, along with the *Port Lincoln Times*, which hosted the evening, in particular the editor of the *Port Lincoln Times*, Chris Coote. It was a tremendous show at the Port Lincoln Hotel, and there were people there from the *Riverland*, the Victor Harbor *Times*, *The Border Watch, The South Eastern Times,* the *Plains Producer* from Balaklava—and they were, of course, the Manuel family, who are very well known throughout South Australia's regional awards—and the Barossa was well represented, as was the Gawler *Bunyip.*

The Border Watch was crowned the best newspaper with a circulation of 6,000 or more in regional South Australia, and it is the third year in a row that *The Border Watch* has taken out that title. *The Border Watch* also won the best sports report for the year.

The best newspaper between 2,500 and 2,600 circulation was won by *The Murray Valley Standard* and, amazingly, it is the ninth year in a row that *The Murray Valley Standard* has taken out that award. It is a great newspaper and there is a lot of pressure on them to make it 10 in a row. That is pretty hard to do in sport or whatever challenge that you are taking up.

The best newspaper under 2,500 circulation was another South-East win, *The South Eastern Times* from Millicent and a paper I know very well, as would the member for MacKillop. The award for excellence in journalism was won by Kimberlee Meier of the *Port Lincoln Times* for her story on the *Abel Tasman* super trawler. She won the award for doing what good journalists do, and that is to keep in contact with your contacts and make the phone calls week in, week out. Don't wait for the emails to come through with press releases, but actually do the hard yards.

One of her contacts that she rings on a regular basis said that the super trawler was on its way. They had to redo the paper with just a couple of hours' notice, and that is what great journalism is all about. So, I congratulate her and I congratulate all of the journalists and the newspaper editors, and may we have for a long time in this state strong newspapers in our regions.

CHILD PROTECTION

Mr PISONI (Unley) (14:50): My question is to the Minister for Education and Child Development. How many investigations for serious employee misconduct has the government referred to Mr Debelle?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:50): Mr Debelle, as I understand it, had his initial terms of reference, and after that, he determined what investigations he would undertake.

CHILD PROTECTION

Mr PISONI (Unley) (14:50): A supplementary, if I may, sir. When will Mr Debelle complete his investigation, and when will his findings be made public?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:50): I am very keen for Mr Debelle to finish his report, but the timeline is entirely up to him. I don't know when he will complete his report.

CHILD PROTECTION

Mr PISONI (Unley) (14:51): My question is to the Minister for Police. Can the minister confirm that the police commissioner is now made aware of all school-based sexual assaults on students, and if so, when did this policy change occur?

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) (14:51): My understanding is that he is made aware. As to the very precise date, I will come back to the house with an answer.

REGIONAL BUSINESS

The Hon. I.F. EVANS (Davenport) (14:51): My question is to the Minister for Small Business. Following the minister's answer to a question earlier today that $30,000 grants have been given to regional development authorities, can the minister confirm that those regional development authorities are also receiving a $585,000 cut as from 1 July?

The Hon. T.R. KENYON (Newland—Minister for Manufacturing, Innovation and Trade, Minister for Small Business) (14:52): The budgets of those agencies are administered by another minister, and I will seek a response and get back to the house.

CAR PARKING LEVY

The Hon. I.F. EVANS (Davenport) (14:52): My question is to the Treasurer. In relation to the government's proposed car park tax announced in the Mid-Year Budget Review, has the Treasurer received any advice on whether this tax imposes fringe benefits tax obligations on employers who provide car parks to employees in the CBD and, if so, what is the level of fringe benefits tax that applies?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:52): I thank the honourable member for his question. For those employers that provide a benefit for an employee, then presumably fringe benefits tax flows. That is the natural way of these things. Now, as to the precise incidence of the car parking levy and whether an employer chooses to actually pay that on behalf of an employee, if they confer an additional benefit on an employee, presumably that will lead to an additional liability, just as if they had increased their salary by an additional amount. So, if additional benefits are made to an employee, then that obviously increases the liability, whether in the hands of the employee in the case of additional remuneration, or in the hands of the employer in the case of a fringe benefit.

GOOD DRIVER REWARDS

The Hon. R.B. SUCH (Fisher) (14:53): My question is to the Minister for Police. Will he consider rewarding motorists who have a good driving record? With your leave and that of the house, I will explain. Victoria gives a 25 per cent discount on driver's licences for motorists who haven't offended in terms of driving during the period of the previous three years. They also allow for the waiving of a minor traffic offence and the fine if the driver has a good driving record.

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) (14:54): I thank the member for Fisher for this particular question. Victoria is generally regarded as a national leader in road safety initiatives, and the suite of probationary licence initiatives that this government has had out for public comment are largely based on measures in place in Victoria. The end result of the Victorian approach to road safety is that they have the lowest road toll in the nation. My understanding is that that has been the case for a decade or more. So, anything that the Victorians are doing, member for Fisher, I will have a good look at, and I will try to get back to you as quickly as possible.

FRINGE BENEFITS TAX

The Hon. I.F. EVANS (Davenport) (14:55): My question is again to the Treasurer. Following the Treasurer's answer to the previous question that a fringe benefits tax does apply to

the proposed car park tax, can the Treasurer advise what is the cost of the fringe benefits tax to the state government for the car park it provides government employees?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:55): I will take that question on notice but, as I understand it, we are already paying, of course, fringe benefits tax on the car parking that we provide, and I presume, to the extent that that is augmented by any car parking tax, that would form part of the liability that we would provide. I will bring back an answer to that question to the honourable member.

CHILD PROTECTION

The Hon. I.F. EVANS (Davenport) (14:56): My question is to the Minister for Education. Following the establishment of the Special Investigations Unit, can the minister advise the house how many investigations undertaken by the Special Investigations Unit have resulted in a matter going to court? I sought information from the then minister back in 2011 about this matter and the advice I received back then was the only matter that had gone to court was the matter in relation to Mr Easling, which the government lost, and I am seeking an update on the information in regard to that matter.

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:56): As I understand it, there are two areas that undertake investigations now under the combined Department for Education and Child Development. One area looks at those areas of complaint in relation to Families SA, foster carers and care of children under guardianship. The other area is looking at complaints in relation to schools and preschools. I am happy to get those details and bring them back to the house.

GLENSIDE HOSPITAL REDEVELOPMENT

Dr McFETRIDGE (Morphett) (14:57): My question is to the Minister for Health and Ageing. In light of the cancellation of the retail development at Glenside, which was supposed to include a drug and alcohol rehabilitation centre, where will the centre now be located?

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) (14:57): I will get information back to the member for Morphett. My understanding is, if my memory serves me correctly, that there will be a drug and alcohol rehabilitation unit on the Glenside site, but I will check those details and come back to the house and confirm that for him.

HEALTH, ORACLE CORPORATE SYSTEM

Dr McFETRIDGE (Morphett) (14:57): My question is again to the Minister for Health and Ageing. Why has SA Health paid over $50 million worth of invoices late in the month of February alone, despite the government's spending more than $20 million upgrading the Oracle financial system?

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) (14:58): The Oracle system is still being rolled out and we expect it to be completed imminently. When it has been completed, we do expect far better performance for the prompt payment of invoices by the department of health.

HEALTH, ORACLE CORPORATE SYSTEM

Mr MARSHALL (Norwood—Leader of the Opposition) (14:58): Supplementary. When does the minister think that this system rollout—which actually started and went live in July 2010—will be completed and his department pay its accounts on time?

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) (14:58): I think that's the same question but just with a little bit more anger. As I indicated, I expect the completion of the rollout to be reasonably soon and, as I say, once the rollout is completed, Health's performance in the prompt payment of invoices will be substantially improved.

TORRENS LAKE

Ms SANDERSON (Adelaide) (14:59): My question is to the Minister for Transport and Infrastructure. For how long will the Torrens Lake be lowered and exposed on each of the six

occasions the department plans to lower it? A letter sent by the minister's department to Rowing SA on 1 March states:

To improve safety and efficiency during the construction period, we have requested approval from the Adelaide City Council to lower the river level [by] approximately 400 millimetres on about six occasions.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (15:00): I will get details back to the house forthwith.

MAGILL TRAINING CENTRE

Mr GARDNER (Morialta) (15:00): My question is to the Minister for Planning. Can the minister advise when the ministerial DPA for the Magill Training Centre site will be released to the public for consultation?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (15:00): I don't want to continue to say what others have been saying, but I don't know the date off the top of my head. I will find out when it is, and I will get back to the house.

MAGILL TRAINING CENTRE

Mr GARDNER (Morialta) (15:00): Supplementary, sir: when the minister is investigating and finding this out, can he also find out why 200 residents who attended my public forum with RenewalSA were told that the DPA would be released in February?

Members interjecting:

Mr GARDNER: Well, it hasn't been.

The SPEAKER: The member for Morialta will be seated. The Minister for Planning.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (15:00): Yes, Mr Speaker, I can confirm that March is after February!

MURRAY-DARLING BASIN AUTHORITY

Mr PEDERICK (Hammond) (15:01): My question is to the Premier. Can the Premier explain why the government is so committed to cutting half of its contributions to the Murray-Darling Basin Authority, being $14 million per annum, given that he was so committed to the Fight for the Murray advertising campaign, in which $2 million was spent?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:01): I am sure that the second half of the question doesn't flow from the first half, but we will do as best we can with the material. Let's start with the second half of the question: $2 million leveraged $2 billion. That rate of return, even—

Mr Pederick interjecting:

The SPEAKER: Will the Premier be seated. I say to government ministers that I am not responsible that utterances from the opposition in question time are, in fact, questions. The member for Hammond is warned for the first time. The Premier.

The Hon. J.W. WEATHERILL: Thank you, Mr Speaker. Coming to that, they seek to make some point about $2 million in the campaign which leveraged this historic victory for South Australia. If you just for a moment want to look at the difference that South Australia made, just look at the plan. What is bolted onto it is the South Australian section. You don't actually need to look very far; you can see the money and the outcomes all bolted onto the plan. That is the measure of what South Australia has achieved in this historic struggle for a healthy river for the future of not only this state but the nation. So, let's dispense with the nonsense about the $2 million being poorly spent.

In relation to the first part, I notice they pick up the bleating from the head of the authority, Craig Knowles, the former New South Wales water minister, who then headed up the authority. Frankly, if we had been stuck with the initial plan that he sent down the line to us, we would be there with 2,750 gigalitres and our irrigators would be bearing the burden of the adjustment. So, when you adopt his criticism of me, remember who you are climbing into bed with. You are

climbing into bed with a New South Wales water minister who happens to head up this authority at the moment and who produced the second-rate plan you said we should fold and accept.

Members interjecting:

The Hon. J.W. WEATHERILL: Sorry: capitulate—meekly capitulate, accept a Mazda instead of a Rolls-Royce. However you want to put it, you wanted to simply march until they chopped your head off. That's exactly what you are prepared to do on behalf of this great state, and I wasn't going to have any of it. Going to the gravamen of the question, we are no more or less than contributing a fair proportion of the contribution to the running of the Murray-Darling Basin Authority.

Even with the reductions, which don't come into play this year but come into play substantially next year, we will be contributing 18 per cent of the costs of the Murray-Darling Basin, getting a meagre 7 per cent, of course, of the waters of the river. What is put against us—and don't buy into this; please don't buy into this—by Mr Knowles is that there are all these locks and barrages and works that need to happen down here.

This is one river. This is not the responsibility of South Australia just because we have lots of locks and barrages and degradation and work that needs to happen down here because those upstream have been taking too much for decades and decades. The burden of adjustment should not fall unfairly on this state. It will never happen while I am in this role, and if those opposite want to meekly capitulate to the upstream states, then go ahead!

The SPEAKER: I think that last question was a good illustration of how interjections can give the minister carte blanche to answer. The member for Morphett.

DISABILITY SERVICES

Dr McFETRIDGE (Morphett) (15:05): My question is to the Minister for Disabilities. Can the minister update the house on the disability community visitor scheme outlined on page 24 of the supported residential facilities report the minister tabled yesterday, and can the minister tell the house when the disability community visitors will start work?

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): From recollection—and I will confirm this—the scheme has already commenced and it is working jointly with the Department of Health. I will confirm that for you.

FAMILIES SA

Dr McFETRIDGE (Morphett) (15:06): My question is to the Minister for Communities and Social Inclusion. Does the minister agree with SACOSS, which yesterday reported that, since the Families SA staff cuts in the 2010 state budget, financial counselling for low income families has been in crisis? If so, what is the government doing to fix the problem?

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:06): Sorry, could I have that question again, please?

The SPEAKER: Could the member for Morphett repeat it at less than race caller pace?

Dr McFETRIDGE: Does the minister agree with SACOSS, which yesterday reported that, since the Families SA staff cuts in the 2010 state budget, financial counselling for low income families has been in crisis? If so, what is the government doing to fix the problem?

The Hon. A. PICCOLO: No, I don't.

CHAMBER PHOTOGRAPHS

Mr GARDNER (Morialta) (15:06): My question is to the Premier. Can the Premier confirm that no public money will be used to fund any legal actions against *The Advertiser* for any comments it has made about media access in this building?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (15:07): Not if I have anything to do with it.

PUBLIC TRANSPORT SERVICES

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:07): My question is to the Minister for Transport and Infrastructure. Do the transport department's plans for upgrading the Oaklands level crossing involve a full or partial southern rail closure?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (15:07): I will bring a report to the house forthwith.

The SPEAKER: Are there any opposition questions? If not, I will go—Deputy leader.

PUBLIC TRANSPORT SERVICES

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:07): Thank you; I have lots. My question is to the Minister for Transport and Infrastructure. Will the minister advise whether the government has been able to cancel the purchase of electric trains and amend the maintenance contract for those trains due to the cancelled electrification of the Gawler and Outer Harbor lines? With your leave, sir, I will briefly explain.

The SPEAKER: If you must.

Ms CHAPMAN: Yes.

The SPEAKER: It seemed a very clear question to me.

Ms CHAPMAN: Do I have your leave, sir?

The SPEAKER: Yes, you do.

Ms CHAPMAN: Thank you, sir. The government announced the cancellation of rail electrification projects in May last year. In June the former minister for transport said the government was 'seeking to revise' the purchase of 66 electric rail cars. Don't get his advice or it will cost you 500 bucks.

The SPEAKER: I ask the member for Bragg to withdraw from the chamber under sessional orders for the next hour. The Minister for Transport and Infrastructure.

The member for Bragg having withdrawn from the chamber:

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (15:08): I feel like I have lost my muse, sir. The advice I have is that the rail contract for cars was not cancelled: it was revised.

The Hon. P.F. CONLON: Point of order. I believe this is unparliamentary what the member for Chaffey is doing, suggesting something very vulgar.

Mr Pisoni interjecting:

The SPEAKER: The member for Unley can leave the chamber also for the next hour.

The member for Unley having withdrawn from the chamber:

The SPEAKER: I don't approve of interjection by way of mime and I have warned the Minister for Transport previously for the same, but I did not see the member for Chaffey's gesture. The Minister for Transport.

The Hon. A. KOUTSANTONIS: Mr Speaker, the Deputy Leader of the Opposition said in her question that the government had cancelled the contract for new rail cars. My advice is that the government revised the contract. That is the prudent thing to do, but I will get a full answer to the house forthwith.

GRIEVANCE DEBATE

HOUSEBOAT MOORING

Mr PEDERICK (Hammond) (15:10): I rise today to speak about illegally moored boats on the River Murray. This issue is one that all members who have the mighty Murray running through their electorates deal with regularly, and I speak today demanding the need for transparency and action from the government and, in particular, the Minister for Water and the River Murray.

The mooring of houseboats is a query I am presented with regularly and, unfortunately, boat owners continue to choose to do the wrong thing and the government turns a blind eye. It is my understanding that the answer to this issue is black and white. For justification, the Department of Water and Natural Resources states when asked, 'Where can I moor my houseboat?':

> The mooring of houseboats for a temporary stay is permitted on Crown land. The permanent mooring of houseboats on Crown land is not permitted, except where authorised by the appropriate tenure or in a designated marina. Some parts of the river are held under freehold title to the water's edge. The mooring of houseboats adjacent to this land is not permitted without the permission of the land owner.

It is the small few of houseboat owners who test this, and I must reiterate the point:

> The permanent mooring of houseboats on Crown land is not permitted, except where authorised by the appropriate tenure or in a designated marina.

In addition to this, it is my understanding, for a single mooring structure or a group of less than five mooring structures on the River Murray, that the owners must have approved council development plan consent, and this is legislated under the Development Act 1993. Unfortunately, I have found this legislated ruling does not resonate with a number of houseboat owners who have permanently moored their houseboats in the Hammond electorate, and I am equally disappointed the minster has not enforced this point.

I have had an issue presented to me which has been ongoing since at least 2009 which has led to vandalism, community protests and an action group formed to campaign against the mooring of a houseboat on Crown land. A houseboat permanently moored on Crown land at Cowirra, of which the owners are yet to provide any proof of council, departmental or ministerial consent, has caused some considerable community angst. As mentioned, this issue dates back at least to 2009, and the owners of this boat were ordered they had 21 days to remove the houseboat from this illegal mooring in November 2011, yet the houseboat is still moored on Crown land.

My issue with this scenario is with people who choose not to play by the rules. On their word, the owners were informed if they wish to continue to moor their houseboat on Crown land they must apply for approval to develop a marina on the Crown land, and would be welcome to remain on the site until the marina was approved or not. As one could imagine, this has caused a considerable community outcry—even more so, when the owners are yet to provide proof of this advice or relevant documentation.

I have attempted to meet with the Minister for Water and the River Murray and his predecessor since mid-2012 to discuss this issue, however I have found myself waiting. I even received a letter from the Premier explaining he expects the minister to meet with me, however, still I find myself waiting. According to the document, Marina and Mooring Structure Development along the River Murray in South Australia, and legislated under the River Murray Act 2003:

> Comment must be sought on a marina or mooring structure development application from the Minister for the River Murray.

However, the government is nowhere to be seen. It is my opinion that the owners of the houseboat are going about this in the incorrect manner, and if their development application for a marina is Cowirra is approved, the Cowirra community will be outraged. Illegal mooring along the river is an issue and must be tightened by the government, and the minister and department must be transparent with river communities to avoid messy confrontations and ongoing sagas. I would like to go record quoting the following paragraph from the government document, 'Marina and mooring structure development along the River Murray in South Australia':

> Crown Lands
>
> Proposals and applications for mooring structure and marina development usually also involve Crown Land. (In many instances, the riverbank comprises a strip of Crown Land, to which private, or freehold, land adjoins.) Permission is required from the Department of Environment and Heritage (Crown Lands) to allow a private landowner to gain access over Crown land to the river; a lease or licence is usually required to allow structures to be placed on Crown Land and for access rights. This can happen only after development approval is gained. Generally, only one mooring structure per landowner (or land parcel) is allowed. The granting of a lease on Crown Land usually requires a Native Title notification process to be undertaken first.

I urge the government to take this matter seriously and get on with it. This is causing considerable angst in the community. It looks like it will reward people who have done the wrong thing if this marina application goes through. The government is asleep at the wheel and the government must take this issue on board.

COLTON ELECTORATE

The Hon. P. CAICA (Colton) (15:15): It has been a long time since I have had the opportunity to do a grievance, and I appreciate the fact that I am now able to do so. Today, I will focus on matters relevant to my electorate. It has been my privilege since February 2002 to be the member for Colton and, if the electorate so decides, I hope beyond April 2014 to continue in that role. I believe Colton to be the best of our state electorate districts. Of course, I may be seen to be a bit biased, but most of the people down my way believe quite clearly that they live in the best part of the best city in the best country in the world.

I will turn now to speak about a few of the many outstanding organisations in my electorate. I have two surf lifesaving clubs, the Henley Surf Life Saving Club and the Grange Surf Life Saving Club. Both those clubs provide an extremely high level of protection to the many people who visit these two outstanding beaches. I pay tribute to the many members of both clubs who volunteer to make our beaches safer than otherwise would be the case. Both clubs have very vibrant and successful junior programs, and of course with the young people come their parents. They are heavily involved in all aspects of the running of the clubs, and quite often many become and remain active patrolling members.

As many people would know, the Henley Surf Life Saving Club is currently being redeveloped on its existing site that has been occupied for many decades. A $3.6 million new club is being constructed. It has been a long time coming, but it certainly has been worth the wait. In recognising this redevelopment, I acknowledge the government's facility funding program that has contributed significantly to this redevelopment, as well as the Charles Sturt council's significant contribution and the very significant fundraising exercise that has been undertaken by the Henley Surf Life Saving Club to make sure that this construction comes to fruition.

Plans for the redevelopment of the Grange Surf Life Saving Club are also well advanced, and I look forward to those works commencing in the not too distant future. I also acknowledge the success of both clubs in last week's senior state titles, in particular Grange, and whilst it has not been determined yet, it is most likely to have won its 12th state champion title in a row.

I also have three outstanding cricket clubs within my electorate. With the cricket season coming to a close, I acknowledge the contribution and the role those local clubs play within my community. There is the Grange Cricket Club, the Fulham Cricket Club and the Woodville Rechabites, which is slightly out of my electorate but people from my electorate feed into that particular club.

All three clubs have excellent junior programs and field many junior and senior teams, with many of these teams having played off in the finals. Mr Deputy Speaker, I know you would be interested to know that Grange is playing off in the premier division final this week, and I wish them all the best in that grand final. Like good teams, they have come good at the right time of the season.

I have many other outstanding organisations and groups within my electorate that I will continue to speak about during future grievances, but I want to finish off with a couple of issues that have been bubbling along in my electorate that need resolution; one in particular is that during the summer period we have an inordinate number of jet skis that operate along the coastline. Quite clearly, many of my constituents and visitors to the beach find these jet skis to be not only a nuisance but very intrusive to the peace and tranquillity that ought be enjoyed when people visit the beaches. This is a matter that I have taken up with a previous minister transport minister, and I have made it very clear to the current transport minister that I will be taking up this issue with vigour on behalf of my constituents and others to seek an appropriate resolution.

Another issue that I just want to flag that has been brought to my attention by many of the people who fish our local waters is the proliferation, if you like, of commercial crabbing along our metropolitan coastline. Clearly, this has been a season that has been unheralded—if that is the right word—with respect to the lack of crabs that have been around this year.

Of course, many of those crabbers are putting the reduction of those crab numbers squarely on the commercial crabber. It is a matter that I intend to take up and have briefly raised with the relevant minister. Of course, what we want is a level of participation to occur; that is, for recreational crabbers to be able to continue to catch crabs along our metropolitan coastline. I have other issues that I will raise in the future and I look forward to continuing to make grievances.

FORCED ADOPTION APOLOGY

Mr GARDNER (Morialta) (15:20): I am going to talk about the national forced adoption apology today. With about 39 minutes and counting of the Gillard prime ministership left, it is probably not a bad time to reflect on one of the few things that she got right. This morning, the Prime Minister and the Leader of the Opposition both supported a national apology to those affected by forced adoptions. For the record, I want to inform the chamber of the words of apology that are being moved in the Senate and the House of Representatives:

Today, this Parliament, on behalf of the Australian people, takes responsibility and apologises for the policies and practices that forced the separation of mothers from their babies, which created a lifelong legacy of pain and suffering.

2. We acknowledge the profound effects of these policies and practices on fathers.

3. And we recognise the hurt these actions caused to brothers and sisters, grandparents, partners and extended family members.

4. We deplore the shameful practices that denied you, the mothers, your fundamental rights and responsibilities to love and care for your children. You were not legally or socially acknowledged as their mothers. And you were yourselves deprived of care and support.

5. To you, the mothers who were betrayed by a system that gave you no choice and subjected you to manipulation, mistreatment and malpractice, we apologise.

6. We say sorry to you, the mothers who were denied knowledge of your rights, which meant you could not provide informed consent. You were given false assurances. You were forced to endure the coercion and brutality of practices that were unethical, dishonest and in many cases illegal.

7. We know you have suffered enduring effects from these practices forced upon you by others. For the loss, the grief, the disempowerment, the stigmatisation and the guilt, we say sorry.

8. To each of you who were adopted or removed, who were led to believe your mother had rejected you and who were denied the opportunity to grow up with your family and community of origin and to connect with your culture, we say sorry.

9. We apologise to the sons and daughters who grew up not knowing how much you were wanted and loved.

10. We acknowledge that many of you still experience a constant struggle with identity, uncertainty and loss, and feel a persistent tension between loyalty to one family and yearning for another.

11. To you, the fathers, who were excluded from the lives of your children and deprived of the dignity of recognition on your children's birth records, we say sorry. We acknowledge your loss and grief.

12. We recognise that the consequences of forced adoption practices continue to resonate through many, many lives. To you, the siblings, grandparents, partners and other family members who have shared in the pain and suffering of your loved ones or who were unable to share their lives, we say sorry.

13. Many are still grieving. Some families will be lost to one another forever. To those of you who face the difficulties of reconnecting with family and establishing on-going relationships, we say sorry.

14. We offer this apology in the hope that it will assist your healing and in order to shine a light on a dark period of our nation's history.

15. To those who have fought for the truth to be heard, we hear you now. We acknowledge that many of you have suffered in silence for far too long.

16. We are saddened that many others are no longer here to share this moment. In particular, we remember those affected by these practices who took their own lives. Our profound sympathies go to their families.

17. To redress the shameful mistakes of the past, we are committed to ensuring that all those affected get the help they need, including access to specialist counselling services and support, the ability to find the truth in freely available records and assistance in reconnecting with lost family.

18. We resolve, as a nation, to do all in our power to make sure these practices are never repeated. In facing future challenges, we will remember the lessons of family separation. Our focus will be on protecting the fundamental rights of children and on the importance of the child's right to know and be cared for by his or her parents.

19. With profound sadness and remorse, we offer you all our unreserved apology.

That was echoed and supported by the Leader of the Opposition, Tony Abbott, who began his speech with the words, 'I cannot imagine a grief greater than that of a parent and child parted from each other.' I know that every member of this chamber will support the Prime Minister and the federal Leader of the Opposition in the federal parliament in their moves to undertake that apology.

Of course, this apology follows the Western Australian parliament, which undertook this apology under Premier Colin Barnett on 19 October 2010, and this parliament on 18 July last year. It was followed throughout last year by the ACT on 14 August, New South Wales on 20 September, Tasmania on 18 October, Victoria on 25 October, Queensland on 27 November, and today, 21 March 2013, the commonwealth has joined with all of the state parliaments and the ACT in correcting the historical record in this way and standing as an institution of parliament and making sure that these mothers and these children (who are now adult adoptees) understand that the actions of those who took the children were wrong and those involved were certainly not at fault.

I just want to make a very quick comment on the importance of language in the way that these apologies are framed. I understand there were some issues in relation to that today. I can tell the house that, when I was working with the opposition and government members earlier last year in dealing with this matter, language was clearly very important. Some people did not want the words 'babies' or 'children' used because they were adult adoptees. Some people have very strong issues with the words 'birth parents'. In conclusion, I think it is important to note that the intent of the apology and the hearts of those moving the apology are pure, and I support those in Canberra who have undertaken this apology today.

INTERNATIONAL WOMEN'S DAY

Ms BETTISON (Ramsay) (15:26): I would like to support the words of the member for Morialta and thank him for bringing to this house the important national apology of forced adoptions today. I want to share with the house today a very excellent event that we had in Salisbury for International Women's Day. This was the seventh breakfast held in Salisbury hosted by our mayor, Gillian Aldridge. Nearly 100 people attended the sold-out event. It is a very, very popular event.

International Women's Day events honour and celebrate the economic, political and social achievements of women throughout history, ranging from small random informal gatherings to large highly organised events. In 1977, the United Nations proclaimed 8 March as the UN Day for Women's Rights and International Peace. Thousands of events occur not just on this day but throughout March to mark the economic, political and social achievements of women. These events are held by organisations, governments, charities, educational institutions, women's groups, corporations and the media, who celebrate the day.

Many groups choose different themes. The 2013 theme chosen by the City of Salisbury for International Women's Day was 'Gender Agenda: Gaining Momentum'. Although there is a global momentum for championing women's rights, there is still much work to be done to improve gender equality. Many women around the world do not enjoy basic human rights or have access to essentials such as food security, health care and education.

In Australia, despite the participation rates of women in the workforce increasing significantly in the last few decades, women are still earning 17 per cent less than men and are under-represented in leadership positions. As a consequence, women accrue fewer retirement savings and are 2½ times more likely than men to live in poverty in their old age.

We had two guest speakers at the breakfast: Katrine Hildyard, the secretary of the Australian Services Union, and Crystal Vas, the 2013 City of Salisbury Young Citizen of the Year. I am delighted that there was a mix of attendees from Zonta, Salisbury Youth Committee, Salisbury High School, Endeavour Lutheran College and many other interested women—and a few men—to hear these speakers.

Katrine Hildyard was a recent winner of the Australia Day Women Hold Up Half The Sky Award. She was recognised for her leadership in the Strong Community, Healthy State campaign and her success in leading members of her union in the Fair Work Australia pay equity case, supporting an increase for those working in the community sector, which will flow on to about 20,000 workers here in South Australia.

Katrine shared with us her personal journey and the fact that her mother raised four children on her own while completing her teaching qualifications. Most importantly, she shared with us what her mother taught her to do, and that is to stand up for what she believes and to fight for what she believes. She also shared with us her own experience as a young worker in Western Australia when she stood up to racial comments in her workplace and said it was not okay. She stood up to make a difference, and she continues to make a difference every day as Secretary of the Australian Services Union.

Crystal Vas is a very active member of the Salisbury Youth Committee, which is a committee for people ages 14 to 25 years. I had the pleasure of being at the Australia Day awards where Crystal was acknowledged and became our Young Citizen of the Year in Salisbury. In the future she is looking forward to a career in media and she has learnt skills and experience on PBA FM, on the Jibba Jabba program, which is supported by Twelve 25 Salisbury Youth Enterprise Centre.

Most importantly, the message that Crystal shared with us was to encourage young women to share their voice in the community and the fact that this is how she has developed her skills and leadership in communication, and she has encouraged many others to participate, not only in their workplace but in their community and to share their voice. To all women who attended events on the day, congratulations, and we look forward to the tradition continuing on into the future.

HEALTH SYSTEM

Dr McFETRIDGE (Morphett) (15:30): I would like to inform the house of the current state of the South Australian health system, according to the government's own websites, as of minutes ago. What I am really concerned about is that the people of South Australia do not become the subject of a target-driven and budget-driven health system, because we do not want in South Australia a repeat of the Mid Stafford NHS scandal in the UK where we saw over a five-year period 1,200 avoidable deaths because of target-driven and budget-driven efficiencies.

The current situation in South Australia at 3 o'clock today on the emergency department dashboard was that several of our hospitals were in the white zone, and I just remind the house that the white zone is 125 per cent capacity. So we had the Lyell McEwin and the Modbury Hospital in the white zone. Noarlunga, the Royal Adelaide, The Queen Elizabeth and the Women's and Children's paediatric section were all in the red zone, which is a 95 per cent-plus capacity.

The AMA say that a full hospital, working at best capacity, is 80 per cent. We saw the former minister tell this house a number of years ago that a 90 per cent capacity was acceptable. That is not what is happening in South Australia. On any day you can go onto the government's own websites—on their own dashboards—and I encourage members in this place, if they are not familiar with the dashboards, to go and have a look at the dashboards and see exactly what is happening minute by minute in South Australian hospitals. It is a very informative piece of information, although is not as good as the Western Australian one which is a bit more user-friendly for the non-medically trained and those who are not into health bureaucracies.

But the dashboards here are in living colour, in green, amber, red and white for the emergency departments and their capacities. There are others there as well—the ambulance service dashboard and the elective surgery dashboard. The elective surgery dashboard shows that yesterday, 20 March, there were 13,141 people waiting for elective; 297 of those were overdue, and there had been 47 cancellations.

The other important dashboard that I use quite frequently, and certainly I remind the Minister for Mental Health, is the ambulance service dashboard showing the number of available beds in our hospitals. As of 15:11, 11 minutes past three today, just some 22 minutes ago, there were no mental health beds available at the Flinders Medical Centre; they were three mental health beds short at the Lyell McEwin Hospital; there were two beds at the Modbury Hospital (which is great); there were no beds at Noarlunga (which is the closest hospital to Flinders); they are four mental health beds short at the Royal Adelaide Hospital; there are two mental health beds—and I assume that is ward 17—at the Repat; they are three beds short at The Queen Elizabeth Hospital; they are six beds short in Boylan Ward at the Women's and Children's Hospital paediatric section; and they are two beds short in the Women's and Children's Hospital women's section.

There is a chronic crisis in our mental health beds in South Australia and I hope the outcome of the Swift review that the minister told the house about yesterday is something that we are going to see some results on. Can I also say that the ambulance service dashboard shows the number of ICU beds available or not available in our hospitals at the moment. At Flinders Medical Centre, it is minus one (in other words, they are one over capacity); at Lyell McEwin, it is minus one; there are two ICU beds available at the Royal Adelaide Hospital; they are two short at The Queen Elizabeth Hospital; and there are no ICU beds for the paediatric section of the Women's and Children's Hospital. The health system in South Australia is in crisis. We need to make sure that the new minister gets his head around this with the help of the 13,000-plus bureaucrats he has got so that the people of South Australia get a health service they are proud of.

The Patient Safety Report released just recently showed that there are a number of incidents going on in our hospitals which are very regrettable. There were 7,214 reported falls in our hospitals. In 2008-09, there were 7,333, just marginally more, but I should say that of those 7,333, nine people died, 20 patients required surgical repair of fractures to the neck of the femur, two patients sustained other injuries, and one required surgery after a fractured skull. We do not get that detail in the current Patient Safety Report.

I hope that of the 7,214 reported falls in the 2011-12 period nobody died. I certainly hope there were no hip fractures, and I hope there were no fractured skulls. The South Australian people and the South Australian taxpayers deserve a lot better from this health service than we are getting at the moment. I will be watching the dashboards, as I do every day, to make sure that the government lives up to their promises.

HARMONY DAY

Ms BEDFORD (Florey) (15:36): I acknowledge that we are meeting on Kaurna land, and I pay my respects to the traditional owners, past and present. Today is Harmony Day, a special day each year when we really focus on the things that bind us and unite our community. It is especially important this year because shortly in the other place of this parliament the Hon. Ian Hunter will make his second reading contribution in his capacity as Minister for Aboriginal Affairs and Reconciliation on the constitution recognition bill.

Other MLCs will no doubt join in the debate in front of a gallery that today will have a large number of Aboriginal people and their supporters present. This is a very special day and an important recognition of the existence of Aboriginal people and culture for thousands of years. I must admit that I did not think I would see this progress in my lifetime, knowing how long it has taken to achieve so many other things for Aboriginal people. It just shows that patience can eventually be rewarded.

It is good to see since my time in this place that Aboriginal people have come more often to watch proceedings in the chamber, that the Aboriginal flag is now proudly flying on the building and that following an initiative by former Speaker Breuer an acknowledgement is made at the beginning of each week's sitting in this chamber, and I believe that has begun today in the Legislative Council also.

That is a tiny gesture in front of the esteemed people I understand are in the gallery—members of the advisory panel whose work has been the basis and foundation of the constitutional amendments. My constituent, Mr Peter Buckskin, is among them, and the Hon. Robyn Layton will also be there, and she is co-chair with Mr Buckskin of the Reconciliation SA group. Also there are Khatija Thomas, Commissioner for Aboriginal Engagement; former Justice von Doussa; and, of course, Ms Shirley Peisley, the poster girl of the 1967 referendum.

Shirley has been and remains a strong influence on me, and I owe her a good deal, for it has been through our association that I have been able to do what I hope has been some useful work. Shirley and her associates and contacts remain a strong part of the Florey Reconciliation Task Force, which still meets regularly in a similar fashion to the talking circles that were a feature of earlier efforts for reconciliation around the time of the bridge walks.

The Florey Reconciliation Task Force also relies on Ms Lea Crosby and the Florey electorate office staff for administration support, and I thank them and the many community people who attend often at various times of the year, but we have a large number who come and join us in our discussions.

The Florey Reconciliation Task Force will shortly be having a discussion night following Rolf de Heer's wonderful movie, *Ten Canoes*, a movie I recommend thoroughly to anyone who has not seen it, as it is a marvellous insight into Aboriginal culture. Along with other movies, like *Tracker* and *Rabbit Proof Fence* and the TV series *Redfern*, these artistic achievements offer a window into Aboriginal life of yesterday and today.

One of the opportunities I have greatly appreciated in my time here was my time on the Aboriginal Lands Committee. I resigned from that committee some months ago because it was not possible to achieve the sorts of changes I felt necessary to close the gap on so many aspects of Aboriginal life. Perhaps this is another example of Aboriginal patience—perhaps the changes I think should be made will be one day soon. I note in an announcement earlier today on the national Closing the Gap strategy, Aboriginal people are still living 11 years less than non-Aboriginal people—something that will need to change for their to be any true harmony.

Some time ago at an earlier opportunity, I also raised the thought that perhaps Aboriginal people should enjoy superannuation rights sooner than non-Aboriginal people because of their life expectancy being much shorter. It is good to see that it has moved down now to 11 years. It was much greater at the time I first introduced that thought about superannuation. Of course, we have large numbers of Aboriginal people in urban populations who are enjoying a much better standard and quality of life than those in the outlying communities.

It is still very important for us to remember that the children in those communities rely on us to make sure that the health improvements that are so vital to their lives come into play much sooner than they are. No matter how many ear infections we work to keep under control, the reinfection rates are very high, and a life of poor hearing or no hearing means that their learning capacities are greatly diminished. On Harmony Day, I hope everybody has the opportunity to share a little harmony with their colleagues, and I do think of my colleagues in Canberra today and wish all members a happy Harmony Day.

MAJOR EVENTS BILL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (15:43): Obtained leave and introduced a bill for an act to facilitate the holding and conduct of major events in South Australia; and for other purposes. Read a first time.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (15:44): I move:

That this bill be now read a second time.

Major events are a significant contributor to the state's economy in terms of bringing both business investment and visitors to South Australia. That expenditure is worth many hundreds of millions of dollars to the state and is spread across events as diverse as the Tour Down Under, Clipsal 500, the arts festivals, the Christmas Pageant and so on.

It is through encouraging the private sector to invest in and sponsor major events that these events are able to be invited, established, flourish and grow. Without private sector involvement, many events would not survive or would only exist in a much diminished form. Major events bring life and vibrancy to the city, encouraging community engagement and participation, and provide opportunities for South Australia to showcase a broader range of its assets to the rest of Australia and the world.

For the private sector to invest in a major event, the private sector has the right to expect that the integrity of its commercial investment will be protected and the management of the event such that the efficient and smooth running of the event is ensured. The existence of legislation to facilitate major events and aspects of their operation may be a significant or determining factor in whether the private sector will bring a major event to South Australia.

Increasingly, it is a requirement of international bodies, such as the International Cricket Council, the Commonwealth Games Association, the International Rugby Board, the International Olympic Committee and FIFA, that potential host cities provide protection against the infringement of certain activities associated with the event. It is a requirement of South Australia's 2015 World Cricket Cup bid that the protection that would be afforded by this proposed legislation be in place at least 12 months prior to the event.

South Australia is one of the few mainland jurisdictions not to have some form of dedicated major event legislation regulating commercial activities, such as ambush marketing, ticket scalping, the sale and distribution of prescribed articles and the protection of broadcasting rights and other activities, including entry to and exit from venues, possession of flares and explosive devices, obstruction or interference at major events, and entering restricted areas at major events venues. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The legislation of other jurisdictions is:

- the *Major Events Act 2009* (NSW);
- the *Major Sporting Events Act 2009* (Vic);

- the *Major Sports Facilities Act 2001* (Qld);
- the *Major Events (Aerial Advertising) Act 2009* (WA).

South Australia has a significant annual major events calendar in a growing competitive commercial environment. Given the appeal of these major events to the general public and the significant commercial benefits that can be derived from these events, it is necessary for us to enact specific legislation to attract, retain and facilitate major events. South Australian major events rely on both Government and commercial sponsorship. Without corporate sponsors it would be impossible to run major events, such as the Clipsal 500, the Santos Tour Down Under and the Adelaide Fringe. The introduction of major event legislation would provide a vehicle for event organisers to protect sponsorship arrangements and the future of the events.

The commercial issues commonly raised by commercial interests involved in staging major events everywhere include: ambush marketing, ticket scalping, unauthorised event association and unauthorised broadcasting. The behavioural issues include offensive and/or disruptive behaviour. A recent example of ambush marketing in this State involved a bank distributing promotional items at a stage start of the Santos Tour Down Under, despite the fact that another financial institution was a premier sponsor of the event. The premier sponsor had contributed a significant amount to the running of the event and sought advice on what the event organiser (the State Government) was doing to protect the financial institution's investment.

Currently, there is no specific legislation in place that would provide a mechanism to allow the State Government to declare an event a major event and thereby enhance the ability to regulate conduct at such events. There are public and commercial transparency benefits in listing and adding to the range of public conduct offences in the context of the staging of a major event. The Bill is designed to facilitate the holding and conduct of major events in South Australia; regulate and/or prohibit the conduct of specific commercial and non-commercial activities at major events; and regulate the behaviour of attendees at major events. The Bill gives the Government the ability to declare any event a 'major event' and, in making such a declaration, protect the integrity of the event and the safety and wellbeing of event attendees.

The Bill deals with:

- The regulation of certain commercial activities, including the sale and distribution of prescribed articles, ticket scalping and ambush marketing. For example, sponsors often invest large sums of money to support an event and have their brand associated with an event. Their money ensures that Government investment in an event is minimised. If a rival attempts to ambush the event by imposing their branding in and around the event, the official sponsor will lose some of the value of its sponsorship and be less inclined to invest in the future. This may take the form of marketing non-official merchandise through to a rival cola brand taking up key spaces in and around an event in an attempt to undermine another cola brand.
- Ticket scalping is a contentious issue, which is the subject of divergent opinions, often strongly held. The Bill adopts a compromise position. The prohibition now applies to (a) the unauthorised hawking of tickets inside the declared area(s) for the major event and (b) any unauthorised sale for more than 10 per cent of the face price outside of that area or those areas. This latter part of the prohibition is taken from the Xenophon Private Member's Summary Offences (Ticket Scalping) Amendment Bill 2006.
- The regulation of broadcasting, including unauthorised broadcasting. Like sponsors, broadcasters often invest large sums in winning the contract for the exclusive right to broadcast an event and the value of that will be diminished if other broadcasters attempt to broadcast all or part of an event. Once again, a broadcaster is unlikely to invest those sums in future if the value of its investment is not protected. For example if Channel X is the official broadcaster of the Santos Tour Down Under and Channel Y takes up a position on the course to provide some coverage, the value of Channel X's investment will be devalued.
- The control of airspace and, in particular, prohibition of certain aerial advertising.
- The use of official logos and official titles. For example, many events develop specific logos and branding to denote that merchandise being sold is officially endorsed by the event and the product will be of a certain quality. An opportunist merchandiser might apply the logo to their products and attempt to sell and distribute, eating into the sales of the endorsed products and reducing the official event profits and value of the investment.
- The regulation of other activities at major events, including entry to and exit from major event venues, possession of flares and explosive devices, obstruction or interference at major events and entering restricted areas at major event venues.

The benefits of the Bill include:

- protecting the State's investment in major events;
- ensuring South Australia can host matches as part of the 2015 Cricket World Cup;
- providing the best possible environment within which South Australia can attract new major events and grow existing major events;
- protecting the safety and enjoyment of patrons to major events;
- protecting the commercial interests of those who have invested in major events;

- providing appropriate powers to the police, event organisers and authorised persons to ensure the safety and enjoyment of patrons;
- providing penalties to ensure that unauthorised people and companies do not profit unfairly from major events.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Objects

This clause sets out the objects of this measure, being—

- to attract, support and facilitate the holding and conduct of major events in the State, in particular, events that are anticipated to be of a large scale with a significant number of participants or spectators (whether of a sporting, cultural or other nature);
- to increase the benefits flowing from major events to the people of the State;
- to promote the safety and enjoyment of participants and spectators at major events;
- to prevent unauthorised commercial exploitation of major events, including ambush marketing, at the expense of event organisers and sponsors.

4—Interpretation

This clause contains definitions of words and phrases for the purposes of this measure.

5—Meaning of major event venue

A *major event venue* is defined as—

- any of the following that has been declared to be a major event venue by the regulations:
  - a venue or facility used for the conduct of a major event;
  - a media centre or other communications facility for the media for a major event;
  - physical infrastructure associated with a major event; and
- a public place, or any part of a public place, that is within 50 metres of a major event venue, being a public place, or part of a public place, specified in the regulations for the purposes of this paragraph; and
- any other place prescribed by the regulations for the purposes of this definition,

but is only such a venue during the relevant major event period.

6—Meaning of ambush marketing

For the purposes of this measure, the following marketing activities constitute *ambush marketing*:

- taking advantage of the holding and conduct of a major event to promote a person, goods or services without the approval of the event organiser; and
- any other activity that would suggest to a reasonable person that a person, goods or services have a sponsorship, approval or affiliation that they do not have with—
  - a major event; or
  - the event organiser of a major event; or
  - any event or activity associated with a major event.

Part 2—Regulations declaring major events

7—Regulations relating to major events

This clause makes provision for regulations to be made for the purposes of this measure. Without limiting the generality of the provision, the regulations may—

- declare an event to be a major event; and
- specify the major event period for the event; and
- declare a major event venue for the purposes of the event; and
- designate a person as the event organiser for the event; and

- require the event organiser to prepare a major event plan in connection with the event; and
- provide for the admission, exclusion or expulsion of members of the public to or from the major event venue or a part of the major event venue; and
- prohibit disorderly or offensive behaviour at the major event venue; and
- prohibit or regulate eating, drinking (including liquor), smoking or the consumption of unlawful substances at the major event venue or a part of the major event venue; and
- prohibit or regulate any other conduct or activities for the purposes of maintaining good order, and preventing interference with events or activities conducted, at the major event venue; and
- close specified roads to traffic for a specified period—
  - for the purposes of the event; and
  - for the purposes of maintaining good order, or preventing interference with events or activities conducted, at the major event venue; and
- prohibit or regulate the driving, parking or standing of vehicles at the major event venue; and
- fix fees; and
- prescribe penalties not exceeding $1,250 for breach of any regulation.

In addition, regulations declaring an event to be a major event may—

- declare that Part 3, or a provision of Part 3, applies to any (or all) of the following:
  - the event;
  - the major event venue declared for the event;
  - a specified controlled area declared for the event; and
- declare an area shown on a map in the regulations to be a *controlled area* for the event; and
- declare an article of a prescribed class to be a *prescribed article* in relation to the event; and
- declare a prescribed period to be a *sales control period* in relation to the event; and
- declare airspace that is within unaided sight of a major event venue for the event to be *advertising controlled airspace* for the period prescribed by the regulations.

Part 3—Commercial activities, broadcasting and airspace controls

Division 1—Regulation of certain commercial activities

8—Sale and distribution of prescribed articles

This clause prohibits a person, without the written approval of the event organiser for a major event, from selling or distributing a prescribed article in a controlled area during the sales control period for the event. The penalty for such an offence is a fine of $25,000 (for a body corporate) or $5,000 (for a natural person). The clause also provides for authorised persons to give directions to persons who sell or distribute prescribed articles without such approval to remove those articles as directed. A refusal or non-compliance may constitute an offence and may result in the offending articles being seized.

9—Ticket scalping

This clause prohibits a person, without the written approval of the event organiser for a major event to which this clause is declared to apply, from selling or offering for sale a ticket for admission to the event in a controlled area for the event. In relation to a place that is not in a controlled area for the event, a ticket must not be sold or offered for sale at a price that exceeds the original ticket price by more than 10% without the written approval of the event organiser. The penalty for these offences is a fine of $25,000 (for a body corporate) or $5,000 (for a natural person).

10—Ambush marketing

This clause prohibits a person, without the written approval of the event organiser for a major event to which this clause is declared to apply, from participating in ambush marketing. *Ambush marketing* is defined as a marketing activity that is not part of the official sponsorship for the major event that takes advantage of the holding and conduct of the event to promote a person, product or service. The penalty for such an offence is a fine of $250,000 (for a body corporate) or $50,000 (for a natural person).

Division 2—Regulation of broadcasting

11—Unauthorised broadcasting

This clause provides that a person must not, without the written approval of the event organiser for a major event to which this provision is declared to apply—

- broadcast, telecast or transmit by any means whatsoever any sound or moving image of the event or any part of the event at or from a place within or outside the event venue; or
- make any sound recording or any visual record of moving images of the event or any part of the event for profit or gain, or for a purpose that includes profit or gain, at or from a place within or outside the event venue.

The penalty for such an offence is a fine of $25,000 (for a body corporate) or $5,000 (for a natural person). This clause does not apply to the use of a personal mobile electronic device to transmit or record any sound or image within limits of what would be generally accepted in the community as normal incidents of social interaction.

Division 3—Control of airspace

12—Control of airspace

This clause provides that a person must not, during a major event to which this provision is declared to apply and in the course of State air navigation, cause an aircraft to enter, or operate an aircraft within, controlled airspace or a restricted area that is over a major event venue unless permitted to do so by or under relevant Commonwealth law (including permission by or under an instrument given under such a law). The penalty for such an offence is a fine of $500,000 (for a body corporate) or $100,000 (for a natural person). *State air navigation* is defined as air navigation within South Australia to and in relation to which the *Air Navigation Regulations 1947* of the Commonwealth are applied as if they were State law by section 5 of the *Air Navigation Act 1937*. This clause does not apply to the operation of military aircraft, or a South Australia Police aircraft, when being operated for military, security or emergency purposes or to an aircraft when being operated exclusively for emergency purposes.

13—Prohibition of certain aerial advertising

This clause prohibits a person from displaying an advertisement, or causing an advertisement to be displayed, in advertising controlled airspace during the prescribed period, except with the written approval of the event organiser for the major event concerned. The penalty for such an offence is a fine of $500,000 (for a body corporate) or $100,000 (for a natural person).

Division 4—Use of official logos and official titles

14—Minister may declare official logo or official title

This clause makes provision for the Minister to declare official logos and official titles in respect of a major event to which this Division is declared to apply.

15—Event organiser may authorise use of official logo or official title

This clause provides that, for the purposes of this Division, the event organiser of a major event to which this Division is declared to apply may, by notice in writing, authorise a person to use an official logo or official title in respect of that event.

16—Minister may authorise non-commercial use of official logo or official title

This clause provides that the Minister may, after consulting with the event organiser for a major event to which this Division applies, by notice in writing, authorise a person to use for non-commercial use an official logo or official title in respect of the event.

17—Contents of authorisation

This clause provides that an authorisation under clause 15 or 16 is subject to any terms or conditions reasonably imposed on the authorisation; and any such authorisation will expire at the earlier of the specified expiry date or, if no date is specified, 12 months after the end of the major event to which the authorisation relates.

18—Register of authorisations

This clause requires an event organiser of a major event to which this Division applies to maintain a register of authorisations given under this Division. The clause specifies the information to be recorded in the register.

19—Use of official logos and official titles that does not require authorisation

This clause makes provision for the use of official logos and official titles without the authorisation of the event organiser of a major event to which this Division applies as follows:

- the event organiser;
- a person who has been authorised in writing by the Minister to use official logos or official titles under this Division.

The clause also allows the use by others without authorisation in certain other circumstances.

20—Offence to use without authorisation official logos or official titles

This clause makes it an offence for a person to use—

- official logos or official titles in relation to a major event to which this Division applies; or

- any thing that is substantially identical to or deceptively similar to official logos or official titles in relation to an event to which this Division applies,

if the use is for commercial purposes, for promotional, advertising or marketing purposes, or would suggest a sponsor-like arrangement to a reasonable person. The penalty for such an offence is a fine of $250,000 (for a body corporate) or $50,000 (for a natural person).

This clause does not apply to any authorised or lawful use of official logos or official titles.

Part 4—Miscellaneous

21—Entry to and exit from major event venue

This clause provides that a person must not enter a major event venue unless the person pays the entrance fee (if any) or has the consent of the occupier of the venue or the event organiser to enter. If the occupier of a major event venue designates points of entrance to and exit from the venue, a person must not, without reasonable excuse, enter or leave the venue other than through such a designated point. The penalty for an offence under this clause is a fine of $750 which may be expiated on payment of an expiation fee of $105.

22—Possession of flares and explosive devices at major event venue

This clause provides that a person must not, while in a major event venue, carry or be in possession of a flare or a firework or other explosive device unless authorised by the occupier of the venue or the event organiser. The maximum penalty for such an offence is a fine of $5,000 or imprisonment for 1 year.

23—Obstruction or interference at major event

This clause provides that a person must not, while in a major event venue, obstruct or interfere with the conduct of the major event or the reasonable enjoyment of the major event by a member of the public present at the major event venue. The maximum penalty for such an offence is a fine of $5,000 or imprisonment for 1 year.

24—Entering restricted areas at major event venue

This clause provides that a person must not enter into or onto—

- an area within a major event venue while the major event is occurring or on a day scheduled for its occurrence unless the person—
  - is officially involved in the event or in the preparation for the event; or
  - has the consent of the occupier of the venue or the event organiser to enter the area; or
- any other area within a major event venue to which access is restricted by the occupier of the venue or the event organiser unless the person has the consent of the occupier of the venue or the event organiser.

The penalty for an offence under this clause is a fine of $750 which may be expiated on payment of an expiation fee of $105.

25—Power to remove persons from major event venue

This clause provides the police with power to remove persons from major event venues if they are behaving in a disorderly or offensive manner or are suspected, on reasonable grounds, of having committed an offence at the venue.

26—Powers of authorised persons at major event venues

This clause provides authorised persons with powers relating to good order and conduct at major event venues.

27—Forfeiture etc of seized items and goods

This clause sets out the procedure relating to the forfeiture of any items or goods seized under this measure.

Debate adjourned on motion of Hon. I.F. Evans.

STATUTES AMENDMENT (APPEALS) BILL

Consideration in committee of the Legislative Council's amendments.

The CHAIR: Attorney, we have three amendments from the Legislative Council.

The Hon. J.R. RAU: If I might have a look at those for one last time because I would hate to agree to something that was not good.

The CHAIR: Just before you do, can I remind the deputy leader that she should not be here until eight minutes past four.

Ms CHAPMAN: Can I ask you, Chair, whether you would be gracious enough to consent to my remaining on the basis that I understand that this has been scheduled to deal with some

amendments from the upper house, and the Attorney and I are the principal and, I think, only speakers on this bill.

The Hon. J.R. RAU: Chair, if the honourable member is not going to occupy any of our time, I am quite happy for her to be in the room because I would like her to be here at the end. If she is wanting to speak, of course, that would be contrary to the ruling of the Speaker.

The CHAIR: Okay.

The Hon. P.F. Conlon interjecting:

The Hon. J.R. RAU: Well, I am not giving her permission; he is, apparently.

The CHAIR: I think that we really have to abide by the ruling of the Speaker, and the honourable member should be out of here until eight minutes past four.

The member for Bragg having withdrawn from the chamber:

The Hon. J.R. RAU: I was hoping to observe the Speaker's order in its spirit. In any event, the good news after all that is that we have considered the amendments proposed by the other place and they are acceptable. I move:

That the Legislative Council's amendments be agreed to.

The Hon. I.F. EVANS: Maybe for the benefit of the committee the Attorney could explain the three amendments that he seeks to move that we agree to.

The Hon. J.R. RAU: The first one is to make it clear that where we use the term 'Full Court'—this is to remove any ambiguity; I think it is pretty obvious anyway, but the suggestion up there is that this be done—it means Full Court of the Supreme Court. That is alright, isn't it? Is everyone happy with that? Good.

The second one is in the context that we are permitting the court to be constituted by only two people instead of three. In that context, it is to provide further clarity as to what the situation would be in the event of those two not agreeing—because normally we would have three, in which case if one did not agree you would know the number, because you cannot have an even number out of three obviously, but if you have two you can have an even number. The question is: if you have two and you wind up with one each side, what happens then? That is what this is attempting to deal with. Amendment No. 2 states:

The decision of the Full Court when constituted by 2 judges is to be in accordance with the opinion of those judges—

That is if they agree—

or, if the judges are divided in opinion, the proceedings are to be reheard and determined by the Full Court constituted by such 3 judges as the Chief Justice directs (including, if practicable, the 2 judges who first heard [the matter]).

In other words, we get a third person in the game to break the deadlock.

The Hon. P.F. Conlon: Why did you have three in the first place?

The Hon. J.R. RAU: We dealt with that the first time this was here. In answer to the member for Elder, the reason is that the Chief Justice has advised that sometimes he finds it difficult to accommodate a full bench of three people in minor matters when they are doing other things.

The Hon. P.F. Conlon: Just have one then.

The Hon. J.R. RAU: It would be hard to call that an appeal.

The Hon. P.F. Conlon: A justice's appeal does that.

The Hon. J.R. RAU: In fact we do have a single judge, as quite rightly said, in a justice's appeal, but these are matters other than justice's appeals. It might, for example, be a leave to appeal from a criminal conviction. The third amendment achieves exactly the same outcome. To be entirely frank, I think these are possibly unnecessary but certainly not unhelpful.

The Hon. I.F. EVANS: That is my understanding of the amendments, having followed this matter with great interest for some time. This matter was raised, of course, by those in the legal fraternity and they were concerned about whether the Full Court should sit as three courts or two courts. As I understand it, they brought forward some evidence in relation to the New South

Wales courts and some of the acts there which allow two judges to sit and not three. Those in the legal fraternity are concerned about that process, and these amendments go some way to satisfying those concerns, so the opposition, as I understand it, is supporting these amendments.

Motion carried.

MOTOR VEHICLE ACCIDENTS (LIFETIME SUPPORT SCHEME) BILL

In committee.

(Continued from 20 March 2013.)

Clause 28 passed.

Clause 29.

Mrs REDMOND: I wanted to clarify the provisions here on a couple of bases. The clause gives the authority the right to approve specified persons to provide the treatment, care, support or services that are identified under the rules as what is to be provided to make these people approved providers. I am curious as to whether that is going to mean that every GP who is involved in treating a person who is a participant under the scheme has to become an approved provider. Or is it the intention that the scheme will simply authorise a nominated panel of doctors and say, for instance, as some health insurance companies do, 'You can go to these people; we have our agreements in place with these people and you can get your treatment from those people, but you cannot go to your own doctor for your treatment.'?

The Hon. J.J. SNELLING: If you look at clause 28, the obligation with respect to approved providers does not apply to medical practitioners, or by a person acting in circumstances allowed under the LSS rules.

Mrs REDMOND: Can the minister explain who are the approved providers that are contemplated by clause 29?

The Hon. J.J. SNELLING: They are care providers, and we envisage that the authority would have a panel of approved providers; it may be builders, for example, for modifications to the house. So, there would be a panel of providers who would be approved by the authority, and you would select your builder or your carer from that panel.

Mrs REDMOND: Would that panel of approved providers include, for instance, rehabilitation providers?

The Hon. J.J. SNELLING: Yes, I imagine it would.

The Hon. I.F. EVANS: To clarify that, I assume that family members who are providing gratuitous services, whether they get paid or not, will not have to qualify as an approved provider.

The Hon. J.J. SNELLING: If they were being paid they would have to be approved to be paid, but of course if they are not being paid they would not. If you remember the earlier debate that we had, we talked about what happens to people. If your wife is looking after you, can she be paid? Yes, in certain circumstances. Where it is provided for under the rules, the authority can grant an exception and provide payment to a family member. So, they are being approved for the purpose of being paid, but if they are just providing gratuitous services then, no, they do not require approval.

The Hon. I.F. EVANS: If I am the husband of a wife who is catastrophically injured and she is a participant in the scheme, and I want to provide a gratuitous service to her but I get over the limit and I apply to the agency to get some rate of pay for my service, rather than pay full tote odds a service provider to come in—I am just concerned that these people are going to have to go through a police check to become a caregiver to their own family. What is the purpose of being approved?

I know what the bureaucrats are going to do with this: they are going to say, 'Well, we don't want to approve someone who has a dodgy history,' so the first thing the LSS rules will say is—rule (f) will be that you can be an approved carer as long as you have a police clearance. I suspect what is going to happen is that the family member giving care will end up having to go through a police clearance to get paid to look after their own family member. Please tell me that is not going to happen.

The Hon. J.J. SNELLING: They are getting paid under a different category. They are not required to be an approved provider, no. If an exception was made for a family member to be paid

for providing services, no, they would not have to go through the process of becoming an approved provider.

The Hon. I.F. EVANS: So, clause 29 that talks about approving providers to provide treatment, care, support or services to a participant does not include family members providing care to their own family members, whether or not they are getting paid by the authority? So, they will be non-approved carers?

The Hon. J.J. SNELLING: Yes, but just to make it absolutely clear, you can only get paid, if you are a family member, if the authority basically grants you an exemption. Generally speaking, family members will not be paid for services provided to participants on the scheme.

The Hon. I.F. EVANS: But a family member providing services, if they are not paid, does not need approval by the authority?

The Hon. J.J. SNELLING: Of course not.

Mrs REDMOND: Can I go back to the minister's original answer to my first question. I want to clarify what the relationship is between clauses 28, which was what he referred to in his response, and clause 29. If you go back to clause 28(1), 'The authority is not required to make a payment in relation to'—and the first one is the gratuitous services, the second one is the ordinary costs of raising a child and the third one is:

(c) any treatment...that is required to be provided by an approved provider but is provided by a person who is not, at the time of provision, an approved provider;

If we then go down to subsection (4) it says that that section does not apply to services provided by a medical practitioner. The minister is saying, I understand, that the combined effect of that and clause 29 is that the costs of going to your own doctor—if it is part of the treatment that for whatever reason you have been assessed as needing to go to your doctor for—will clearly be covered without that doctor having to be an approved provider. You will still have the flexibility to go to your own doctor.

The Hon. J.J. SNELLING: Yes, that is correct.

Mrs REDMOND: I have one other question on subclause (4) of clause 29, on the maximum penalty:

(4) An approved provider must not, without reasonable excuse, contravene or fail to comply with a condition or limitation of the approval.

Maximum penalty: $10,000.

There are several other things later on—for instance, in resolution of disputes—where the maximum penalty for a breach is $5,000. I am curious as to why there is such a high maximum penalty. I recognise it is a maximum, but why is there such a high maximum penalty for something which would seem to me to be more easily addressed for the most part by simply not paying them for whatever work they have done? If it is a builder, for instance, it is in excess of the authority. Why is such a high penalty contemplated by that particular provision?

The Hon. J.J. SNELLING: My advice is that it is just where we think the appropriate benchmark sits. It is still a summary offence heard in the Magistrates Court. It is consistent with the penalties for other similar cases.

Clause passed.

Clause 30.

The Hon. I.F. EVANS: Clause 30(4) states:

...a decision by an assessor acting under this section will be taken to be a decision of the Authority.

I want to make sure I understand what that is saying. The way I interpret that, it means that, whatever the appointed assessor says, the authority must accept and cannot appeal it.

The Hon. J.J. Snelling interjecting:

The Hon. I.F. EVANS: Clause 30(4), right at the bottom of the page, provides:

The Authority may appoint or engage health professionals and other suitably qualified persons to act as assessors...

Then it goes on to say:

...a decision by an assessor acting under this section will be taken to be a decision of the Authority.

The way I interpret that is that the authority will appoint a medical expert as an assessor to go out and assess someone and, no matter what that assessor says, the authority must accept it—they cannot contest it.

The Hon. J.J. SNELLING: Yes, the member for Davenport is right. It also means that the decision is reviewable as if it was a decision of the authority.

The Hon. I.F. EVANS: Yes, but it is only reviewable by the potential participant or the participant, because the assessor becomes the authority. So, if the authority is unhappy with the assessment, they cannot review it.

The Hon. J.J. SNELLING: They cannot build their own decision.

The Hon. I.F. EVANS: No, that is right. The minister said they cannot build their own decision, but they appoint the medical people. So, they can select the right medical people that they need for their own panels. They will have a panel of experts in particular fields and they will be the assessors. I just want to make sure that I am right: that the authority cannot challenge the assessors.

The Hon. J.J. SNELLING: No, that is right, because they would be challenging their own decision.

Mrs REDMOND: Subsection (3) of clause 30 provides:

The Authority is to certify in writing as to its assessment of the treatment, care and support needs of the participant, including its reasons for any finding...and is to give a copy of the certificate to the participant.

In fact, as I read the section, it would be quite possible that the authority, in making that decision, has read reports, for instance. I wonder whether copies of those reports have to be supplied. It would seem to me on the face of the way the clause is drafted that there is no requirement on the authority to make available a copy of the reports upon which their decisions may be based. They can simply make their decision and state their reasons in their decision-making process, but they are not bound to supply to the participant—who may end up being aggrieved by the decision—a copy of the report upon which they have relied.

The Hon. J.J. SNELLING: The member for Heysen is correct: there is not a strict obligation under the act for the authority to provide reports but it is something we would expect the authority to do. Upon review, the reviewing panel would be able to call for the original medical reports and, if for some reason they were finding that the authority was not providing reports to the applicants for participation in the scheme, there would be a power under the regulation to force them to do so. I would be very surprised if that was necessary.

Mrs REDMOND: Strictly speaking, the way this section and the next two clauses are structured, it is possible for a person with no particular qualifications to be appointed and delegated the authority by the authority to make a sole-person assessment and to not provide a copy of any medical report that they may have obtained. They may, indeed, make their assessment without even obtaining medical reports. They could simply not like the person. They may make an assessment and issue their statement of reasons. The decision of that sole person, who is not even a member of the authority but rather a delegate of the authority, binds the authority and then the person has to go through an appeal process.

The Hon. J.J. SNELLING: Firstly, under subclause (4), the authority may appoint or engage health professionals or other suitably qualified persons. So it has to be a health professional or otherwise a suitably qualified person. The authority could not just appoint anyone to act as an assessor. Secondly, under subclause (3), the assessor needs to provide its reasons for any finding on which the assessment is based. That is a suitable sort of brake upon an individual acting as an assessor in a malevolent way.

Clause passed.

Clause 31.

Mrs REDMOND: I am just curious about the compliance requirement of clause 31. The provision states that the participant in the scheme must comply with any reasonable request, but then there is no consequential statement as to what a failure to comply does. I assume it would result in the suspension from a scheme or some such thing.

The Hon. J.J. SNELLING: Yes, that is right, and under the clause 32 Requirements Under LSS Rules, there is the ability of the authority to suspend.

The Hon. I.F. EVANS: The costs associated with any requirement under 31 are covered by the scheme?

The Hon. J.J. SNELLING: Yes.

Clause passed.

Clause 32 passed.

Clause 33.

Mrs REDMOND: I had a question in relation to the definition of threshold determination. The clause reads:

> Threshold determination means a determination by the Authority as to any of the following:
>
> (a) whether a person is eligible to be a participant in the Scheme under section 24(1)(a).

Going back to section 24, it seemed to me that section 24(1)(a) does not, of itself, actually determine at all whether someone is eligible to be a participant in the scheme. It is only the first of several. I note that there are other clauses dealing with it later on but it still seems to me to be a nonsense to have as the definition 'whether a person is eligible to be a participant...under 24(1)(a)' which is simply that a person is eligible in the scheme if (a) the person suffers a bodily injury. It seems to me that that is an inadequate provision for the definition of 'threshold determination'. Notwithstanding I have read the other (b), (c) and (d) provisions of that subclause, the reference to 24(1)(a) of itself does not seem to make any sense.

The Hon. J.J. SNELLING: Threshold determination—the other provisions in that clause the member for Heysen refers to from clause 24 are actually covered by the subsequent clauses there. So, 24(1)(a) covers part (a), (b) covers part (b) and then (c) and (d) are covered in clause (c).

Mrs REDMOND: I did understand what (b), (c) and (d) covered when I asked the question but, nevertheless, we will move on. I just think it is untidy drafting. The more important question in relation to clause 33(2):

> The following are *interested parties*...in relation to a threshold determination—

The only options appear to be the person to whom the application under the act relates, or an insurer or the nominal defendant. My question is: what if the person to whom the application relates, because they have a catastrophic injury, is not capable? There are other provisions in other parts of the bill that say 'the interested person or a person on their behalf', and yet for some reason this particular provision only allows the person themselves to be the applicant.

The Hon. J.J. SNELLING: Because there is a further clause, clause 54, which does provide for any provision in the act. It says:

> any authorisational step that may be given or taken under this Act by a participant in the Scheme may be given or taken by a person with lawful authority to act on the behalf of the participant.

So, that covers that.

Mrs REDMOND: Well, I appreciate that, but then why do the words 'or another person on that person's behalf' appear in other areas of this general section?

The Hon. J.J. SNELLING: It's just the way it has been drafted. It is not necessary.

Mrs REDMOND: So, consistency isn't necessary under this new domain of drafting?

The Hon. J.J. SNELLING: Well, it's quite clear that the member for Heysen, having lost the debate in her party room on support of the opposition for this bill, is now seeking to relitigate this matter by trying to delay the committee stage of the bill by raising pointless and ridiculous objections to certain drafting problems she has.

Mrs REDMOND: Point of order: I resent the implications and indeed the statements where he is imputing improper motive to me. I have done nothing to stop, prevent or delay this bill. I am merely trying to clarify the effects of the various sections of what will be one of the most important bills to come before this house, as the minister himself said yesterday. I would like him to withdraw and apologise.

The CHAIR: Is the minister prepared to withdraw?

The Hon. J.J. SNELLING: No, I am not. I stand by my remarks. It's quite clear that the member for Heysen is clearly trying to delay the passage of this bill by raising frivolous objections to certain clauses.

The Hon. I.F. EVANS: The minister should reconsider his remarks. Given that the government brought on a debate about wind farms and delayed the debate of this bill, not the opposition—and you lost an hour there. The opposition were quite happy to sit past 7pm last night, but the government didn't want to suspend standing orders. It couldn't be bothered. So, I think it is a bit rich of the minister to falsely misrepresent the member for Heysen's view in the party room, which the minister is guessing, and then say that it is the opposition that has delayed the bill.

It is the opposition, having been forced to debate it this week with no information—or not all the information requested by the government—given to us so that we could properly form a position in the party room. It is the government that has brought the bill on this week and then delayed it twice.

The CHAIR: I think we should try to move on.

Clause passed.

Clause 34.

Mrs REDMOND: I will put it on the record that I did nothing in our party room to indicate any opposition to this bill, and the minister is entirely wrong in his comments, which are incredibly offensive, when all I have done is come into the committee stage to try to clarify what is an important bill that will no doubt affect people. Having practised law for as long as I did, I know that people are dramatically affected by the effects of this sort of legislation that is passed by this parliament, and the government needs to tread very carefully. All I am trying to do is make sure the government does tread carefully in addressing these issues.

On clause 34, I want to confirm that the system that is being set up here is for, potentially, someone who is indeed an employee of the authority (and, therefore, I would have thought, has a conflict of interest) to become the sole arbiter of a dispute should a person who is aggrieved by a dispute wish to take issue with it and that that person has powers to make a decision with no further reference.

The Hon. J.J. SNELLING: All this is is a common provision for an internal review where there is a dispute about a determination. If the applicant is still not satisfied with the outcome of the internal review, there is a further provision for them to appeal the matter to the District Court.

Mrs REDMOND: Can I then confirm that under subclause (10)(b) the person, although they can get their costs of travel and accommodation to attend such an internal review, will not be able to be represented and expect to have their costs of representation at such a review covered by the authority.

The Hon. J.J. SNELLING: You can be represented, but the authority is not going to pick up the costs of the representation.

Mrs REDMOND: Does the minister have any recollection (I do not suppose he would because he was still in nappies at the time) that, when the Workers Rehabilitation and Compensation Act was first introduced, a similar provision to this was included, where review officers were, potentially—and, indeed, were—members of the staff of the WorkCover Corporation, and those review officers themselves mounted a campaign to have themselves removed from the employment? Does the minister understand the nature of the conflict of interest that arises when a review officer is internal to the decision-maker whose decision is being contested?

The Hon. J.J. SNELLING: This is not an unusual provision. Many authorities, including within government, where there is a dispute, the first port of call is for some internal review mechanism. If everything had to be immediately reviewed by an outside authority at the first step, there would be a process involved in what might simply be a fairly straightforward error which could be quickly rectified through an internal review. Indeed, I would have thought that it would be in the authority's interest to ensure that there was objectivity in the course of these reviews, because they do not want things having to go off to the District Court, where they would lose.

Mrs REDMOND: Is there any impediment in the legislation and, in particular, in this clause, to the authority being represented and having its costs of representation met during such a review process?

The Hon. J.J. SNELLING: The authority's costs, naturally, are going to be picked up by the authority. I do not know who the member for Heysen thinks would pick up those costs.

Mrs REDMOND: The point I am trying to get at, minister, is the fact that would create a somewhat unlevel playing field. When you have a participant who is, by definition, going to be someone with significant problems already and who, if they wish to be represented, can be represented but they have to pay for it themselves and you have a great big corporation that can be represented and, with the big pockets of that big corporation to pay for it, who do you think is going to win that argument?

The Hon. J.J. SNELLING: We are talking about internal review as the first of call in the event of a dispute. If the participant is still not satisfied with the outcome of the review, there is a provision for them to appeal the matter to the District Court. If they subsequently win, I would imagine that normally the District Court would make an award of costs against the authority, and the authority would end up picking up the costs, under that award, of the successful applicant.

The Hon. I.F. EVANS: But it would be only the costs for the appeal to the court and not the costs involved in the initial review?

The Hon. J.J. SNELLING: Yes, that is correct. But we do not imagine that when, as the first point of call, a person asks for an internal review to be done on a decision, it would normally be something for which they would require to be represented, certainly not by a professional lawyer.

Clause passed.

Clause 35 passed.

Clause 36.

Mrs REDMOND: I want to clarify the way in which the expert review panels will work. I see that the definition in schedule 1 of the bill, which appears to relate to basically people who have qualifications as health practitioners, in effect. Again, the decision can be made in relation to a dispute about eligibility on the basis of only an expert panel, which appears to be only by medical experts, rather than disputes about eligibility which, in my submission, would often be more of a legal nature in terms of determining whether someone is eligible rather than simply assessing their medical situation. I want to clarify whether my understanding is correct that the expert panels are always going to be of medical practitioners.

The Hon. J.J. SNELLING: It is the preceding section that dealt with legal questions. These provisions under 36(1) are essentially medical questions, and we see them as being reviewed by people with medical qualifications.

Mrs REDMOND: The dispute for instance under (1)(a) of this clause is about whether an injury results from a motor vehicle accident or is attributable to some other condition and the question of whether it is a motor vehicle accident, that part of it could clearly be a legal question rather than simply a medical question.

The Hon. J.J. SNELLING: No, it is a medical question, because it is asking a determination of whether the injury is a result of the motor vehicle accident or some pre-existing condition. That is a medical question; it is not a legal question. It is not an argument over whether or not the accident happened; it is a question over the nature of the injuries and whether they resulted from the accident.

The Hon. I.F. EVANS: I might be a bit confused about this. Clause 33, which sets out the threshold determination questions, includes under 33(1)(a) a threshold determination of whether you are eligible to be a participant. If you are not happy with that determination, you go to clause 34 and there is a process for resolving that dispute. Then you turn over the page and there is another clause about disputes about eligibility, where there is another system of dispute.

What is the difference between the eligibility under clause 33 and the eligibility under clause 36, and why do we need two different dispute mechanisms? If the threshold determination is that you are eligible to be under the scheme and there is already a dispute process in place, why do you then have another clause that deals with disputes about eligibility and another dispute process in place? Surely there is only one type of eligibility—you are either in or out.

The Hon. J.J. SNELLING: One dispute mechanism is to resolve non-medical issues and the other is about medical issues. The clause we are dealing with, clause 36, is a dispute mechanism to resolve disputes over medical questions. Clause 33 is referring to non-medical.

The Hon. I.F. EVANS: So clause 33 deals with a number of things. It deals with whether the incident results in a bodily injury, which I think is a medical issue. First of all, was it a bodily injury? Yes. And then: was it caused by or arose out of the use of a motor vehicle? That is part (b) of 33(1). Part (a) says are you eligible? To be eligible, it needs to be a catastrophic injury, that is brain damage, severe brain damage, severe spinal cord, multiple amputations or severe burns. They are all medical questions. Once you are accepted as a participant, then I am not sure what the function is of the second, because you are in. You have been accepted as a participant under Clause 33.

While you are getting advice, minister, I will keep explaining it. Clause 36(a) says, 'If there is a dispute about whether an injury results from a motor vehicle accident'. That is exactly what 33(1)(b) says: 'whether an incident that results in bodily injury is an incident that was caused by or arose out of the use of a motor vehicle'. You have to establish that first before you get into the scheme, so how can you possibly have a dispute about it once you are in?

The Hon. J.J. SNELLING: There are two different types of disputes, as I was saying: one is about medical and one is about non-medical. Clause 33 deals with non-medical disputes which, essentially, are of a legal nature. With the example that the member for Davenport gives—an incident resulting in a bodily injury that was caused by or arose out of the use of a motor vehicle—an example of such a dispute might be someone who was working on a car, and the car subsequently rolled on them, and so their injury arose from a motor vehicle, but there may be circumstances where such a catastrophic injury would not be covered by the scheme.

It is essentially legal questions of that nature over which clause 33 provides for a dispute resolution. Clause 36 deals with medical questions, and hence there is a medical panel to deal with those disputes. The examples I offered to the member for Heysen were: did the injury arise from the motor vehicle accident, or was the injury a pre-existing condition, which is probably one of the most common sources of disputes in these sorts of schemes.

The Hon. I.F. EVANS: Clause 33(1)(a) talks about whether a person is eligible in the scheme as per clause 24(1)(a), and clause 24(1) states that a person is eligible to be a participant in the scheme if the person suffers a bodily injury (a medical question), if the injury was caused by or arose out of the use of a motor vehicle (could be disputed), or if the relevant motor vehicle accident occurred in South Australia. It then goes on to state:

> (e) the injury suffered by the person [which is a medical question] satisfies the criteria specified by the LSS rules for eligibility for the Scheme...

The dispute mechanism under clause 33 covers whether your medical condition is eligible under the rules set out in the LSS rules for eligibility. The dispute about the medical question is already dealt with by clause 33(1)(a) which refers to the whole of clause 24.

The Hon. J.J. SNELLING: Clause 33 deals with subclauses (a) to (d), and clause 36 deals with subclause (e).

Mrs REDMOND: I just want to clarify the way in which clause 36 can operate according to my reading of it; that is, you can have a person who is a participant in the scheme and by definition has therefore some significant impairment. They may not have access to money to pay a lawyer, and they can be called before an expert panel of people who at least are qualified as doctors and, indeed, it could just be one doctor under the provisions of the expert panel in schedule 1. That doctor can make the assessment without that person having either access to representation or the ability to pay for representation. The only course of action open to them is to then take their chances on an appeal to the District Court if they are not satisfied with the determination of that potentially single doctor.

The Hon. J.J. SNELLING: Essentially you are correct, but we do not anticipate that legal representation would be of much help on what is a medical matter.

Clause passed.

Clause 37.

Mrs REDMOND: My question on clause 37 relates to subsection (2). I wonder why the words 'an appeal under this section may only be instituted by or on behalf of the person to whom the determination relates'—or is that just another part of the consistent drafting of this?

The Hon. J.J. SNELLING: We could probably take the words 'on behalf of' out if that would help the member for Heysen.

Clause passed.

Clause 38.

The Hon. I.F. EVANS: With the judicial review, how is that set up and who sets the rules for it? For instance, would it be possible for the authority to put terms of reference on the judicial review that favours the authority? How are the rules for judicial review set?

The Hon. J.J. SNELLING: No. Judicial review is an inherent jurisdiction of the Supreme Court and it is governed by the common law and the rules of the Supreme Court. I just wanted to sound erudite on *Hansard*.

Mrs REDMOND: I want to clarify the effect of clause 38 subclause (7). Running through it quickly, subclause (1) allows a participant in the scheme to apply to have an assessment of the authority about their treatment, support and care needs, and there are rules about how they can format that. It is to be made within 28 days after they are given notice of the assessment. On a review, the expert panel can either confirm or vary it, but subclause (7) goes on to say:

> A decision or assessment of an expert review panel under this section is final and binding for the purposes of this Act and any proceedings under this Act.

Does that then preclude the participant taking some sort of appeal to the District Court, or some other place, in relation to a determination? If they are not satisfied with the original determination about their treatment, care and support needs, the expert panel, which is medical people, makes the determination—and it could be just one doctor who makes that determination under the rules set out in the schedule for expert panels. That one doctor's decision is final and binding and there is nowhere for the participant to go if they are aggrieved with that doctor's decision.

The Hon. J.J. SNELLING: The member for Heysen is essentially correct. A person cannot go to the District Court for a review of the merits of the decision—that is correct.

Mrs REDMOND: So, what then is the purpose of the provision in the earlier clause 36 that we were talking about where you have set up these review panels? There is a provision then in clause 37 for appeals to the District Court in relation to that medical decision. Why then, with the review of assessments, is there no capacity to review that? What is the rationale?

The Hon. J.J. SNELLING: You can go to the District Court and appeal your eligibility for the scheme but, having been accepted into the scheme, you cannot appeal to the District Court on what your assessed needs are.

Mrs REDMOND: So, theoretically, you could be accepted into the scheme with a catastrophic injury, and a single doctor can make a determination that your needs are well below what any reasonable person might determine, and you have got nowhere to go.

The Hon. J.J. SNELLING: If that was to happen, then you could go to the Supreme Court on the question of a reasonable person, on the basis that it was so unreasonable, and that would be on the grounds of process.

Clause passed.

Clause 39.

The Hon. I.F. EVANS: I just want to understand how this clause works. This is a clause that allows bulk billing agreements with the authority for public hospitals, private hospitals and the like. Am I right in saying that the Minister for Health will negotiate rates to be charged to the authority for services on behalf of the health department and will reach a written agreement with the authority about the level of charges that the authority will pay for services to those participants? Is that how it works for the public system?

The Hon. J.J. SNELLING: It would be by mutual agreement, obviously. The authority would have to agree to the charges we are attempting to impose.

The Hon. I.F. EVANS: Okay. So, can the Minister for Health charge a rate that allows the health department to make a profit if the authority agrees to accept that rate?

The Hon. J.J. SNELLING: I have never known the health department to make a profit but, in theory, yes, there could be an attempt by the department to, sort of, price gouge, but I think it pretty unlikely. In any case, the authority would have to agree. The authority has its own independent board and I cannot see the authority agreeing. In any case, the health budget is $5.5 billion. The amount of money that potentially could be made out of charges to the authority is absolutely tiny. It would be done, I would expect, purely on a cost recovery basis.

We have similar agreements with private health cover as well where the private health insurers issue what they are prepared to be billed by the Department for Health. I can assure the member for Davenport that the upper hand is generally with the private health insurers, not with the Department for Health.

[Sitting extended beyond 17:00 on motion of Hon. J.J. Snelling]

The Hon. I.F. EVANS: If the authority and the Minister for Health—or any of the other entities with which the authority has the power to make agreements regarding costs—cannot agree, is there an appeal mechanism or an independent arbiter to set the price?

The Hon. J.J. Snelling interjecting:

The Hon. I.F. EVANS: What happens if you have a block of people who say, 'We are just not going to accept this bargain basement price' and the whole profession, as a protest, steps out—

The Hon. J.J. Snelling interjecting:

The Hon. I.F. EVANS: Well, I am just saying that this can happen. It happens. People do withdraw their labour. Look at the salaried medical officers who have, on occasion, had very difficult negotiations with the government. Given that it is such a specialist field, you could get a narrow field of specialists to say, 'Here's our chance to hold the fund to ransom.' If this fund is rock-solid guaranteed by the motorist, this fund can never go broke because the motorist is going to get levied forever, so it is no skin off the specialists' nose to hold out for a better price. All I am saying is: where is the independent arbiter that will set the price if there is a dispute about the price-setting mechanism?

The Hon. J.J. SNELLING: If you look at the next clause, clause 40, the minister has the power to set prices at the rate determined by the minister or by order published in the *Gazette.* That is covered under clause 40. But what I think the member for Davenport is getting at is individual doctors en masse withdrawing their labour. Firstly, there are consultants who are employed by public hospitals. They would not expect to receive a fee directly from the authority. Their fee would go to the hospital and the doctors would just receive their normal—

The Hon. I.F. Evans interjecting:

The Hon. J.J. SNELLING: Well, obviously, if there were no private providers, then the public health system would be the default for the authority to go to. However, I do not see it really working that way. I think it is more likely that, in the event that public hospitals were not able to provide the consultants provided by the authority, private providers would be there ready to step into the breach.

Clause passed.

Clause 40.

Mrs REDMOND: Again, I want to clarify what the import of this clause is. The section applies to payment for the treatment of participants in the scheme at public hospitals and for conveying participants by ambulance and then for payment for any medical or dental or rehabilitation services provided to participants in the scheme where they are not already under a bulk-billing agreement.

I am curious. First of all, rehabilitation services as well as dental treatment get special mention in this clause but not under the bulk-billing arrangements clause which preceded it. Rehabilitation was the goose that laid the golden egg under the WorkCover scheme, and that is a large part of where the money has gone under WorkCover. Indeed, if the minister wants to clarify

that, he might talk to one of his fellow members on that side who has a very close association with someone who has made quite a lot of money out of the rehabilitation provisions under the WorkCover scheme.

The Hon. J.J. Snelling: So nasty, Isobel, so personal.

Mrs REDMOND: There is good reason for that. The rehabilitation services and other things which are not covered, I take it that whatever the current rate is being charged by these rehabilitation providers under subsection (2)—and as I said, it was the goose that laid the golden egg; it is where a lot of the money has gone from WorkCover—whatever the current going rate is for rehabilitation providers is going to be the amount that the authority is going to pay out under clause 41.

The Hon. J.J. SNELLING: Under subclause (2)(c), it states that the rate referred to does not apply:

...at the rate reasonably appropriate to the treatment or service having regard to the customary charge made in the community for the treatment or service.

That is the default.

Mrs REDMOND: Under subclause (3), I note there is no provision for the time in which the authority is to make payments. Given the health department's recent record that was adverted to in question time today, is the authority going to be bound by any government rulings as to the timeliness of payments of monies due to persons who are making claims against the authority under the act?

The Hon. J.J. SNELLING: It is done by Treasurer's Instructions. I think under Treasurer's Instructions, there is a period set out and, if my memory serves me correctly, it is 30 days.

Clause passed.

Clause 41.

Mrs REDMOND: I have a couple of questions here. In relation to subclause (1), could the minister explain what is meant by the provision at the end, after (a), (b), (c), (d) and (e):

but does not apply to any such treatment or service that is provided at a public hospital...for which any payment is required to be made to the hospital and not to the treatment or service provider.

Could the minister explain what is the intention of that particular provision?

The Hon. J.J. SNELLING: The Minister for Health sets the fees for public hospitals. The minister who has responsibility for the act, the ministerial responsibility for the authority, sets the other fees.

Mrs REDMOND: The provision of subclause (3) of clause 41 states:

The Minister may, by notice published in the Gazette...fix the maximum amount for which the Authority is liable in respect of any claim for fees to which this section applies.

Can the minister confirm that what is being talked about there is an individual claim for fees and not an intention for an amount to be set. For instance, to say you can have $2,000 worth of rehabilitation, or you can have X amount worth of treatment in a particular way, is meant to refer to simply an individual claim for a service which has been, or will be provided.

The Hon. J.J. SNELLING: The member for Heysen is correct.

Clause 41 carried.

Clause 42.

The Hon. I.F. EVANS: I just want to check—I am not sure whether this is the appropriate clause, but it is to do with the funds so, if it is not this clause, it will be one of 43 or 44. Is it possible for the Treasurer or the responsible minister to instruct the authority to take money out of the funds and into Treasury? So, for instance, if for some reason the fund ended up with a surplus, is it possible for the Treasurer, other than from recovery of loan funds, to take money out?

The Hon. J.J. SNELLING: My advice is no, the fund can only be applied towards those purposes which are spelled out in the act.

Mrs REDMOND: Under subclause (2), the fund consists of various things, and the first three are fairly obvious: the levies, the income and accretions, and money advanced by the

Treasury. I assume that subclause (d) would refer to, for instance, moneys received by way of people buying in under the earlier provisions of I think clause 6, but I do not understand what the separate provision in (e) is for, and what other act might come into play from where other moneys might be available to be paid into the fund.

The Hon. J.J. SNELLING: The provision we are yet to come to, whereby WorkCover may decide to hand over the care of its catastrophically injured participants on the WorkCover scheme to the authority for the purposes of their management, is coming later. So, this is to provide for that.

Mrs REDMOND: But I thought that this scheme was going to be restricted to motor vehicle accidents and, for the most part, motor vehicle accidents, except if they are actually in the course of employment, are not going to be covered.

The Hon. J.J. SNELLING: No, there is a further provision in the bill under clause 55. There is a provision there for WorkCover to basically pay for catastrophically injured workers to be participants in the scheme.

Mrs REDMOND: I'm sorry I didn't have the time to read it before, but could the minister explain what the duty is that is imposed under part 3 division 11 of the Stamp Duties Act?

The Hon. J.J. SNELLING: This is a stamp duty that we are applying to the levy, and it is in schedule 2 of the bill.

Mrs REDMOND: Finally, on this clause, and hopefully it is self-evident, under subclause (4):

> The Authority may invest money that is not immediately required for the purposes of the Fund as the Authority thinks fit.

I take it that the authority is at all times bound by Treasurer's instructions generally, and they can't just go next door to the Casino.

The Hon. J.J. SNELLING: Yes, that's correct.

Clause passed.

Clause 43.

Mrs REDMOND: I wanted to raise a question about this provision generally. The authority determines, before the beginning of each relevant period, the amount that the authority considers needs to be contributed to the fund. Then it goes on to say in subsection (1):

> (a) to fund the present and likely future liabilities of the Authority under Part 4 [but only] in respect of persons who become participants in the Scheme in respect of motor vehicle injuries suffered during that period.

I take it that, regardless of what the financial status of the fund might be (and one might suppose that given what has happened with WorkCover it could be in dire straits), at any given time when it is making its decision as to how much the appropriate amount to be put into the fund will be, the only relevant consideration will be how much is going to be required for their assessment of the future treatment, as well as current treatment, of people who have had motor vehicle injuries suffered during that particular year.

The Hon. J.J. SNELLING: Subclause (1)(d) provides for the funding of any other liabilities arising from earlier claims.

Mrs REDMOND: In other words, if the fund does get into the sort of situation that the current WorkCover scheme is in, its solution can be, 'We need more money so we are going to impose a massive levy on all the people in this state who register any vehicle, because we have mismanaged the fund'?

The Hon. J.J. SNELLING: The answer is: yes, of course. If the authority was to get into some sort of financial trouble and find itself with an unfunded liability, of course it would be open to increase the levy in order to fund the cost of any unfunded liability. Naturally, you would not prevent the authority from doing that. There are some restrictions, obviously, on what the authority can do, and they are covered in subclause (4), which says:

> The Minister must, on receipt of a report under subsection (3) and after taking into account such matters...as the Minister thinks fit, after consultation with the Treasurer, determine an amount that should be paid to the Authority for contribution to the Fund for the relevant period.

So, there is some ministerial exercise of authority over the ability of the authority to do this.

Mrs REDMOND: I take it that the effect and import of such subclauses (4) and (5) combined is that, when the minister makes such a decision, the minister is not bound by what the authority has suggested and, indeed, the only recourse for the authority, then, is to say, 'It's in our annual report that the minister didn't accept our advice.'

The Hon. J.J. SNELLING: Yes, and, ultimately, the minister would be accountable for that.

The Hon. I.F. EVANS: What time of year will the levy amount be set?

The Hon. J.J. SNELLING: It will be set from 1 July, like our current CTP premiums. The determination would be made a month or so before that.

The Hon. I.F. EVANS: As I understand the way this fund is going to work, the scheme is going to calculate for the levy period, which is 12 months. The authority will calculate, based on actuarial advice, the injuries that have occurred in that 12 months and the whole-of-life costs of those injuries, and then the levy will collect enough money to fund the whole-of-life costs for the injuries occurring in that 12-month period, the prescribed period?

The Hon. J.J. SNELLING: Yes, that is correct.

The Hon. I.F. EVANS: If the authority gets it wrong and, five or 10 years down the track, you are outside that prescribed period for those injuries, what clause allows the authority to then go back in and recalculate the whole-of-life costs for those injuries that are then outside the prescribed period? The prescribed period every year is simply the 12 months.

The Hon. J.J. SNELLING: If you go back to subclause (1)(d), the provision there enables the authority to provide for any past liability that would otherwise be unfunded.

The Hon. I.F. EVANS: How is a future cost a past liability?

The Hon. J.J. SNELLING: All unfunded liabilities are future costs; that is the nature of an unfunded liability. The unfunded liability of WorkCover is the net present value of WorkCover's future liabilities over a period of time.

Mrs REDMOND: I want to clarify the meaning and intention of subclause (7). 'Relevant period' is defined above that subclause as a financial year or such other period as the minister might decide, but subclause (7) provides:

> (7) relevant periods can be determined so as to overlap but there must be no gap between successive relevant periods and each relevant period must be no longer than 12 months.

I am at a loss to understand that, if a relevant period can be no longer than 12 months, how you are going to get an overlap at any time. I am curious as to what is the purpose of the provision and whether it has any bearing on the subsequent clause about the levy and the payment of levies. What I want to explore, obviously, is whether it is possible for there to be a situation where you end up paying a levy for a period of 12 months, and then you can have another period that overlaps that and you are paying for another period of 12 months, but you have an overlap. So, effectively, for at least part of it, you are paying for more than one levy.

The Hon. J.J. SNELLING: Working backwards for the member for Heysen, and this is about the setting of the levy, a person is going to pay the levy for a period of time, and that is all they are going to pay for that period of time. So, you get your car registration and you pay it; that covers you for the 12 months or the three months you have paid it for. This is only about the setting of the rate.

This clause has been taken from the New South Wales legislation. There may be something extraordinary happen where the authority may need to change the levy after a period of less than 12 months, or indeed the initial period. If it was not to be brought in on 1 July and we wanted to do on a financial year basis, you might need a period there of three months to bring it up to 1 July. That is why the option is there for setting the levy for less than 12 months, but generally we would expected it to be 12 months.

Why there is the potential there for overlap, I am not sure. I do not know why that is provided for in the New South Wales legislation. I cannot imagine why you would have any period of time where there are effectively two different levy rates. So, it would always be successive.

Mrs REDMOND: I understand that, if you did not start it for three months after the commencement of the financial year, your first year is going to be a nine-month year instead and

you will go to 30 June on a regular basis. I understand that. From the first part of the minister's answer, is it the case that if there was some problem with the fund and it was in significant financial strife, it could actually change its set rate part-way through the year and say, 'Okay; if you have renewed insurance for the year you will have it at the rate we declared back from July to December, but we are now going to change the rate and we are going to declare a different rate from now until the end of the year.'?

The Hon. J.J. SNELLING: If you have paid for your 12 months, you have it for 12 months. The authority cannot go back and say, 'You did not pay enough and we are clawing it back.'

Mrs REDMOND: That was not the intention, but if you have only paid for six months.

The Hon. J.J. SNELLING: That is right. It could not happen. You pay for the period of time and you are covered for that period of time. If there was a circumstance in which a new rate was set, it would be only applicable to people taking out their car rego from that period of time.

Mrs REDMOND: So if you are part of the poorer part of the community, for instance, who it is only paying your rego on a three monthly basis, you could be caught by that provision?

The Hon. J.J. SNELLING: Caught, perhaps, but I think it would be particularly unusual for that to happen. The way these funds work and the way a MAC fund is done, there is considerable buffer provided for any unforeseen events, including movements in the markets, and so it would be very unusual. I do not think it would ever have happened in MAC's history—or indeed WorkCover's history—that they have had to go and change the rate of the levy in a period of less than 12 months.

The Hon. I.F. EVANS: Just on the levy, and maybe this is the clause to do it, the government has put certain figures in its second reading speech about the number of people covered, but of course no clause refers to that because the scheme is not up and running yet. I am just trying to work out the $105 levy that under the government's model comes into place on 1 July 2014. That is based on how many participants being in the scheme?

The Hon. J.J. SNELLING: Thirty-seven.

The Hon. I.F. EVANS: So in the first year of operation the budget is for 37. When the second reading speech refers to 41 and refers to a figure of 40 per cent not being covered by Motor Accident Commission insurance, in other words, being outside of the scheme totally, is the 40 per cent 40 per cent of 41, or is it 40 per cent of a higher figure that brings the figure back to 41, meaning 41 are outside the scheme? If there are 41 people catastrophically injured—

The Hon. J.J. SNELLING: There are 41 people; 40 per cent. Just to clarify, the 41 was based on earlier modelling by the Productivity Commission. Our advice is now 37, so 37 is the updated figure. We would expect that 40 per cent of that 37 would otherwise not be covered under the old scheme. Forty per cent would not have a fault-based claim to pursue.

The Hon. I.F. EVANS: Okay. My understanding of the second reading or the answers given in response to my questions—that were sent to me the night before we began this debate—was that there were 20 people outside of motor vehicle accidents and outside of work accidents and outside of medical accidents. I think I called them the divers and the horse riders; there were 20 people outside of those schemes who ended up catastrophically injured and who are not being covered by this scheme.

Am I right in saying that the 37 people to be covered by this scheme are costing a levy of $105, and would I be right in saying that the extra cost to cover the 20 other people would be around $57? In other words, you divide the $105 by 37, get a per person figure, times that by 20 and that it is your extra cost. For an extra $60 a car we could cover everyone in the state—am I right in saying that?

The Hon. J.J. SNELLING: I am not sure it would be as simple as that—I could go back and have a look—but there is a point of principle here that the purpose of taking out motor vehicle compulsory third party insurance or, indeed, the payment of this levy, is to cover yourself or anyone else who may be injured in an accident involving your motor vehicle. If the member for Davenport wanted to pursue this and, indeed, in the future the government does decide to proceed with the national injury insurance scheme, that would have to be done by a broader levy applicable to the broader population.

It would not be equitable to fund a broader scheme from, essentially, a tax just on people who register motor vehicles. That would not be an equitable way to go. You would be taxing a

relatively small base for the benefit of a very large number of people. If you wanted to pursue that, and I think there is some merit in pursuing a no-fault based scheme to cover anyone catastrophically injured, but it would have to be funded from a levy across a broader population. You would not be able to just do it on motor vehicles.

The Hon. I.F. EVANS: That may well be true, minister, but let me establish something. You said, 'if the government was committed', and my understanding is that the government has agreed and is in negotiations with the federal government about a national injury insurance scheme, which is to cover everyone, and this is the first step. My understanding of the briefing given to me was that it is the intention of the federal government and all state governments to introduce a scheme to cover what I would call the 20—that classification—but there is no agreement yet as to how that is going to be collected or paid for.

One thing that has been agreed, the whole cost of that is going to be borne by the state and not the federal government. So, the state government is in negotiations about how it might work, but my understanding is that there has already been an agreement that that scheme will be paid for wholly by the state government.

The Hon. J.J. SNELLING: It is the federal government's intention but no formal agreement has been entered into.

The Hon. I.F. EVANS: So, with the 37 people who cost $105 a car, and there are roughly 1.3 million vehicles so, therefore, the total cost of the first scheme is going to be around $135 million to $140 million, which is 105 times 1.3 million in round figures. Would it not be a reasonable estimate of the cost to divide 136 by 37 then times it by 20 to get the cost (including the cost to the state)—whether through this levy, or some other mechanism—of the coverage for that extra 20 people?

The Hon. J.J. SNELLING: I do not think you could have any confidence in a quick back of the envelope calculation for this. I should also point out that there are also medical catastrophic injuries, of which there is approximately six a year, some of whom have the ability to sue for medical negligence, and some of whom do not, so the figure is slightly higher than 20. The other thing is that it depends on the nature of the injuries. The injuries may vary depending on the nature, so there is any number of different permutations and combinations which would vary that.

I go back to my original point. If the member for Davenport is advocating that, for relatively little extra money we could broaden the coverage of this scheme—and I think this is what he is getting at—I would not agree with that because I do not think it would be an appropriate way to raise such a levy because the levy is only paid for by the people who register motor vehicles. The sort of thing which the member for Davenport is talking about is a much broader scheme which would be able to be accessed by far more people.

The Hon. I.F. EVANS: Okay, so with the six people in the answer given to me earlier who became catastrophically injured through medical reasons, and you argue that some of those cannot sue—well, who can't they sue? One would assume that medical reasons would include an operation or a medical procedure.

The Hon. J.J. SNELLING: There may not be any negligence.

The Hon. I.F. EVANS: Can the minister between the houses give me the number of people the government believes fall into a category of not being able to sue out of those six? I am trying to calculate what is the extra cost for the broader coverage of the scheme, and there must be a figure somewhere within the government's calculations. The other question I have on the levy is—

The Hon. J.J. SNELLING: I will just answer that question first. Of the six, PricewaterhouseCoopers estimated that the split is three and three: three would have a claim and three would not.

The Hon. I.F. EVANS: Out of the four answers I got—the motor vehicles, work, medical and others—would I be right in saying that there would be 23 that are not covered by insurance, workers comp or this scheme?

The Hon. J.J. SNELLING: No, there would be 19: four of the 20 under the general category have an action that they can pursue and, likewise with medical, three of the six have an action they can pursue. A no-fault based scheme would pick up all these people, not just those who

otherwise would not have an ability to pursue a claim. So, the scheme, because it is a no-fault based scheme, would pick up all those people.

The Hon. I.F. EVANS: What is the total number of those people?

The Hon. J.J. SNELLING: Twenty-six.

The Hon. I.F. EVANS: If the government wanted to design an add-on to this scheme that covered people who did not have an action, it would be 19; would that be right?

The Hon. J.J. SNELLING: Sorry, could you say that again.

The Hon. I.F. EVANS: If you wanted to bolt onto this scheme, just for people who otherwise do not have an action, that would be 19. Is that the advice from the government?

The Hon. J.J. SNELLING: That is the advice from PWC dating back from 2005.

The Hon. I.F. EVANS: In the calculation of the $105 levy, what was the level of sufficiency of the fund that PWC used? The Motor Accident Commission has an 85 per cent sufficiency, WorkCover has 80 per cent, and WorkCover has a 65 per cent or 60 per cent sufficiency rate, and does the level of sufficiency rate impact on the levy?

The Hon. J.J. SNELLING: Under the act, the minister with responsibility for the authority may apply a sufficiency requirement. As to the $105, and the sufficiency requirement that has been presumed in the calculation, we will need to get back to you.

The Hon. I.F. EVANS: What is the impact of the sufficiency rate on the levy, if any?

The Hon. J.J. SNELLING: It will have an impact; I am not sure what the proportions are.

Clause passed.

Clause 44 passed.

Clause 45.

The Hon. I.F. EVANS: Can you just explain to me if there is any difference between what is proposed for the recovery of payments in respect of vehicles under this provision and what currently exists within the Motor Accident Commission Act?

The Hon. J.J. SNELLING: In practical terms, I am advised it should operate in the same way.

Mrs REDMOND: I just want to clarify and put on the record how that is going to operate. Under subclause (1), the authority can recover in respect of the liability incurred for an accident where the vehicle that caused the accident essentially was not registered in South Australia. The person they can sue, under subclause (5), is either the owner and the driver—

The Hon. J.J. SNELLING: Or the driver.

Mrs REDMOND: No, under subclause (5) it is 'the owner and the driver jointly or either of them severally.' There is a provision under subclause (6) that they can go against the owner only if they can show that the driver was driving without the owner's authority. But, for instance, if it is the case that someone in New South Wales lends their car to their child, who drives to South Australia, perfectly legitimately, and that car is then involved in a motor vehicle accident here causing catastrophic injury to someone who is on the scheme then, as I understand it, this clause enables the authority to sue the owner of the vehicle, having given authority to their child to drive the vehicle, and the only protection they have—as is the protection that drivers here have—is the fact that they are, indeed, insured and that their equivalent of MAC would cover them. Am I correct in my reading of that?

The Hon. J.J. SNELLING: Yes, you are correct. They are indemnified by the New South Wales insurance scheme in those circumstances.

The Hon. I.F. EVANS: Under this clause, there can be recovery against the owner in relation to the vehicle not being insured, which is attached to its registration, obviously. I see no provision in here that provides an excuse for the driver who might have genuinely believed his vehicle was insured. For instance, now we do not have discs, so the driver might have gone onto the website of the government and checked that the vehicle was insured, and it says it is, only to discover after the accident that there had been a clerical error and it was not insured. There does

not seem to be a protection for me in there. There does not seem to be a protection in there anywhere for a owner who genuinely believed that his vehicle was insured and registered.

The Hon. J.J. SNELLING: If they were sued, and the person offered as a defence that they had reasonable grounds to believe that they were insured and they were not—

The Hon. I.F. EVANS: It does not provide it as a defence in the clause.

The Hon. J.J. SNELLING: It does not need to provide a defence because, if you were pursued by the authority because your vehicle was uninsured and you had reasonable grounds for believing it was, then you would offer that up to the court as your defence.

The Hon. I.F. EVANS: Yes, but they offer that defence for the driver in this clause; they do not offer it for the owner. I can understand why they offer it for the driver because the driver might have said to the owner, 'Is it insured?' So, I can understand why they offer it for the driver, but I see no reason why that defence should not be spelt out in the provision for the owner. I will ask the minister to consider that between the houses.

The Hon. J.J. SNELLING: I am happy to have a look at it between the houses.

Clause passed.

Clauses 46 to 51 passed.

Clause 52.

Mrs REDMOND: I want to explore the intention of this part. It basically says that if a person is a participant in the scheme, they have to give at least 28 days' notice before leaving Australia. I do not understand whether the 28 days' notice is crucial. I understand from subsection (2) that it can be lessened. Is it the intention that there will be an automatic suspension of entitlements under the scheme if someone leaves the country for more than 28 days? I raise this question because of a case I dealt with some years ago, where a particular person who had suffered what would clearly be a catastrophic injury under the current legislation went overseas for an operation hoping it was going to lead to spinal improvement.

It seems to me that there is a possibility, at least in the future, that we could find that there is some available technology or treatment overseas that someone may wish to avail themselves of. If a person leaves Australia, particularly looking to go overseas to seek treatment that could potentially cure a significant part of their catastrophic injury, is it the intention that their entitlements under the scheme will be suspended whilst they are out of the country?

The Hon. J.J. SNELLING: It is 28 days' notice which is required if someone goes overseas. There are two reasons for that. One would be just to provide the authority the ability and the time in order to make arrangements for that person's care while they are overseas. But there may be circumstances where a person, if they were to move overseas forever or for an extended period, may well be suspended from the scheme. This is simply because of the expense that may be involved in providing for a person's care if they have decided to live overseas on a long-term basis.

Mrs REDMOND: Is that the intention of the legislation? In a situation, for instance, where someone could have a catastrophic injury but might have immediate family members overseas and therefore their living arrangements may be not only more comfortable for them but cheaper for the authority, is there an intention to withhold the benefits of the scheme, particularly in light of the very next clause which talks about the extraterritorial operation of the act?

The Hon. J.J. SNELLING: No, it is not the intention, but it is a discretion that the authority would have. If I am catastrophically injured and decide I want to see out my days in Tuscany, the authority may decide that that is not an expense it is willing to incur. The discretion is up to the authority but, as the member for Heysen points out, if it is more cost-effective for me to go and live overseas, then the authority would have the discretion to continue payments for my care. What this really just provides for is that adequate notice is given to the authority so that it can make the necessary arrangements.

Clause passed.

Clauses 53 and 54 passed.

Clause 55.

The Hon. I.F. EVANS: For the sake of getting it on the record, how does this impact on those injured through self-insured people that are not under the WorkCover system itself but are injured through being an employee of an employer who is exempt from WorkCover through being self-insured?

The Hon. J.J. SNELLING: Yes, it would be possible but it would require the agreement of the self-insurer to enable it to happen because the application is made by WorkCover. So a self-insurer who had a liability for someone with a catastrophic incident would have to make the application basically through WorkCover and presumably the payment would be to WorkCover and WorkCover would then make payment to the authority.

Clause passed.

Clause 56.

The Hon. I.F. EVANS: I note the rules (which are a disallowable instrument) are ultimately recommended to the Governor directly from the authority and not through cabinet. The way I read it, it says:

The Governor may, on the recommendation of the Authority, make rules.

The Hon. J.J. SNELLING: Under the Acts Interpretation Act, the Governor here means the Governor in Executive Council, so the regulations have to go through cabinet, to go through executive council, to go to the Governor. The authority cannot just write a letter to the Governor, no.

Clause passed.

Clause 57 passed.

Schedule 1.

Mrs REDMOND: The establishment of the expert review panels, which is dealt with in provision 2 of the schedule has the ability to have a list of experts appointed by the minister, effectively. Subclause (4)(d) of section 2 within the schedule reads:

The office of a person appointed under subclause (2)—

that is, one of the people on the expert panel of medical practitioners—

becomes vacant if the person resigns...is removed from office—

and so on; and the fourth one there reads:

(d) in the case of a person who has been a health professional—ceases to be registered under the Health Practitioner Regulation National Law;

I am not familiar with the Health Practitioner Regulation National Law, but it would seem to me that there would be many retired, particularly recently retired medical practitioners, who would probably be ideal participants in medical expert panels. They would sometimes have 40 or more years' experience in their dedicated field. They choose not to keep up their insurance and remain registered because it is a very expensive thing for medical practitioners to do now. My question is: does that provision prevent those people from being capable of being on a medical review panel?

The Hon. J.J. SNELLING: There are two answers to your question. I need to check, but I think that under the national law there is a form of limited registration where the insurance requirements are not as stringent as for a normal practising doctor, a medical practitioner. Secondly, there is provision earlier in the act for regulations to be made for a person who is brought within the ambit of this by the regulations. There is a provision there for the regulations to be expanded, so a retired doctor, as described by the member for Heysen, could be included.

Mrs REDMOND: I just hope it means that they do not have to have any insurance for it, given the other provisions about their protection. I have noted already in my earlier comments the fact that the panel could indeed consist of just one person. Under clause 6 of schedule 1, which is the powers and procedures on referral, 'powers' seemed to be an odd title to give it, inasmuch as clause 6(1) states that 'an expert panel may ask a relevant person', but there seems to be no capacity to compel or, for instance, to subpoena or do something equivalent to a subpoena.

I just wanted to confirm that my understanding is correct, that for an expert medical panel, whilst it could request people to attend and ask all sorts of questions and there is provision for it to

be in private and so on, there is no compellability about any request they make for the purpose of their determination.

The Hon. J.J. SNELLING: No, there is no ability to compel.

Mrs REDMOND: My last question on schedule 1 relates to the support staff and facilities. There is a general provision under subclause (8) that states that the minister has to ensure that there are such administrative and ancillary staff as are necessary for the proper functioning of the expert review panels. Can the minister give the committee any indication as to the overall costs of the administration of the scheme?

I intended to ask this question earlier on the levy provisions, and part of the levy, of course, is to provide for the administration of the scheme. What are the overall costs of the administration of the scheme anticipated to be (and it may be a percentage rather than an absolute amount) and what are the likely costs of the facilities for the medical review panels?

The Hon. J.J. SNELLING: Based upon the New South Wales experience, we would expect that of the $105 levy about $7.50 would be towards the administration of the scheme, and that would include the cost of the review panels.

Schedule passed.

Schedule 2.

The Hon. I.F. EVANS: Schedule 2 sets out this new 100-point system just for motor vehicle injuries as under the Civil Liability Act. The new bill sets out a 100-point provision for injuries under the Civil Liability Act just for motor vehicles, so it creates a special class of points system for the motor vehicles. Why does the government believe that an injury that occur under the Motor Vehicle Act—if it was exactly the same injury that occurred under any other provision outside the bill—should be treated differently on an injury scale?

The Hon. J.J. SNELLING: Simply because other injuries are compensable under the common law and these are injuries that are compensable under a compulsory insurance scheme.

The Hon. I.F. EVANS: But the point I am getting at is not how they are treated. If I had exactly the same injury in a motor vehicle and the same injury outside of a motor vehicle, why should the courts have to look at a point system that allocates me a different point score for the scheme outside of the motor vehicle injury as distinct from inside the motor vehicle injury? Is it not the case that this new 100 points system is simply nothing more than a way of trying to reduce the cost of the scheme?

The Hon. J.J. SNELLING: Yes, it is a way of trying to reduce the cost of the scheme, without doubt, and to ensure consistency across similar injuries and similar accidents. That is the purpose of it.

The Hon. I.F. EVANS: But only consistently in similar motor vehicle accidents?

The Hon. J.J. SNELLING: Indeed.

The Hon. I.F. EVANS: Has the minister or the agency done the costing of what the levy would be if the parliament decided to reinstate the 60-point provision into this bill? If we maintain the 60-point provision, what would be the cost impact on the scheme?

The Hon. J.J. SNELLING: It would be significant, because there is not only the shift from 60 points to zero to 100, there is also a difference in the way the bands work and what is compensable under the different bands. It is all one whole package. I would not be able to give you a figure for the change from zero to 60 to zero to 100.

There is also the way it works, with the fact that the zero to 100 has the AMA guidelines as its underpinnings, what is compensable within different bands, the whole gamut. Without doubt, if you did not have the zero to 100 and if you tried to introduce this scheme just with the existing zero to 60 points scheme and none of the other attendant tort law parts of these reforms, the cost of compulsory third party would be significantly more expensive rather than less expensive.

Progress reported; committee to sit again.

[Sitting extended beyond 18:00 on motion of Hon. J.J. Snelling]

RESIDENTIAL TENANCIES (MISCELLANEOUS) AMENDMENT BILL

Consideration in committee of the Legislative Council's amendments.

(Continued from 19 March 2013.)

The Hon. J.R. RAU: I will be very brief. The residential tenancies legislation was designed to balance up improving of protection for tenants and landlords, at the same time increasing the powers and efficiencies of the tribunal and reducing red tape for the real estate industry. The bill struck a sensible balance with this. What has happened is that there have been a number of amendments made in the Legislative Council. I do not want to traverse each and every one of them because I do not want to waste everybody's time here, but a number of those raise some serious issues and cause some serious concern. However, there is one in particular, which was an amendment moved by the Hon. Mark Parnell. This particular amendment moved by the Hon. Mark Parnell significantly increases the requirements needed to appoint somebody to the tribunal.

In the other place, the Hon. Stephen Wade amended the bill on the floor to require that a member of the Residential Tenancies Tribunal, before being appointed or reappointed, must go through a process whereby the minister must consult on the proposed amendment with a panel, consisting of a nominee of the Law Society, the Attorney-General, the House of Assembly, the Legislative Council and the Commissioner for Public Sector Employment. This amendment was passed in the other place. I need to emphasise that this was a completely impromptu amendment, of which we had no notice, and we certainly had no idea that it would be supported there.

The point is, of course, that I am not even sure what the exact nature of the support for that was, and I guess that is not relevant. I am not sure whether the shadow minister, Mr Griffiths, is entirely happy with this. I do not know; I have not had a chance to speak to him about it. Again, I guess that does not really matter at this point.

I want to make it clear for the record what this amendment would mean for the government. In the year 2012, due to a backlog in the tribunal listings, which the opposition raised in parliament on numerous occasions, I appointed new members to the tribunal in order to be able to clear the backlog very quickly. I need to make it clear that the amendment that has now been introduced would seriously compromise the government's capacity to do these things quickly and easily—any government of the day, I might add, not just this government.

Key industry bodies, such as the Real Estate Institute of South Australia, have expressed concern about the impact of the amendment. I make the point that, if a similar burden was placed on the appointment and reappointment of members of all government tribunals, red tape would increase while efficiency would decrease. With the exception of that provision—

The CHAIR: Is that amendment No. 2?

The Hon. J.R. RAU: Yes, that is correct; it is amendment No. 2. I am not necessarily enamoured of all of the other amendments, but I think it is a reasonable compromise for the other place to accept the other amendments. With the exception of amendment No. 2, I will move that the suggestions made by the other place be agreed to and that the legislation be returned to the other place for reconsideration.

Mr GARDNER: I am going to be extremely brief. I do not think it is very helpful of the minister to cast aspersions on the way in which amendments are moved in the Legislative Council as being in an impromptu manner when he has just come in here with no notice and said that he wants to deal with this issue right now, after 6 o'clock on a Thursday evening of the parliament. Nevertheless, I am glad that he is accepting most of the other amendments. I would hope that he will give the shadow minister due courtesy in the future.

Amendment No. 1.

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

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

Motion carried.

Amendment No. 2.

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

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

Motion carried.

Amendments Nos 3 to 16.

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

That the Legislative Council's amendments Nos 3 to 16 be agreed to.

Motion carried.

MOTOR VEHICLE ACCIDENTS (LIFETIME SUPPORT SCHEME) BILL

In committee (resumed on motion).

Schedule 2.

The Hon. J.J. SNELLING: I am advised that the move to the 100-point scale, plus the new thresholds that are applied, constitute around $30 in savings.

The Hon. I.F. EVANS: So if an amendment were moved to restore the 60-point system, the levy would be $135?

The Hon. J.J. SNELLING: Without the thresholds, yes. We cannot get thresholds without the 100 points.

The Hon. I.F. EVANS: Fair enough. The member for Heysen wanted me to ask, in relation to the 60-point existing system and the 100-point new system, whether it is the intention of the government to issue a correlation between the point system. As she explained it to me, there is a body of case law, a whole range of cases, that have been established on the existing point system. Is it the government's intention to issue a correlation between the two systems?

The Hon. J.J. SNELLING: No; this is a completely different scheme. The 100 points has, as its basis, the 100-point scheme that is used in Queensland.

The Hon. I.F. EVANS: The member for Heysen also asked me to clarify that schedule 2, part 4, paragraphs (2), (3) and (4), set out this 20 per cent extra discount. The member for Heysen wanted me to get on the record that the reason there is a double discount of 5 per cent and the 20 per cent is simply a cost containment measure.

The Hon. J.J. SNELLING: The 5 per cent exists at the moment, and just reflects the advantage of receiving the money as a lump sum. It is a present provision. The 20 per cent applies to economic loss only. In most insurance policies it is actually 75 per cent, so a 25 per cent discount for economic loss. The basis upon which it is applied is that it is recognised that in working you have additional costs. If you are receiving an income and not having to work for it any longer, you do not have those work-related costs that you or I normally face. It is on that basis that it is discounted back. However, as I said, most insurance policies, where there is insurance cover for loss of income, actually discount it at 75 per cent.

The Hon. I.F. EVANS: Regarding schedule 2, clause 5, and gratuitous services, I just want clarified why it is limited to gratuitous services provided by the family and why it cannot be by a nominated person; for instance, you might have a neighbour wanting to help a neighbour, but that person is excluded simply because they are not related.

The Hon. J.J. SNELLING: This is a restriction. This is preventing the payment for gratuitous services. Under existing common law, if you are injured in a motor vehicle accident part of the head of damages is for gratuitous services, payments for your family members, recognising their care. This is actually a restriction on those payments being made under common law.

The Hon. I.F. EVANS: How does it restrict them?

The Hon. J.J. SNELLING: They are only payable if the injury exceeds 10 on the scale and if there are at least six hours per week for a period of six consecutive months. Unless those provisions apply, there is no head of damages payable for gratuitous services.

The Hon. I.F. EVANS: If they do meet that level, who can provide the gratuitous services—anyone, or is it restricted to family only?

The Hon. J.J. SNELLING: There is a head of damages for family or another person who is providing gratuitous services to the injured person.

The Hon. I.F. EVANS: So what is the purpose of paragraph (b)? It states that 'any hourly rate used for the purposes of determining the damages awarded to allow for the recompense of gratuitous services of a parent, spouse, domestic partner or child is not to exceed a rate'.

The Hon. J.J. SNELLING: It just allows us to set the rate under regulation to stop it being excessive. I think what we envisaged was that the rate that we would apply would be according to the award. What has been happening until now, depending on what the person providing the gratuitous service did, was that the award of damages was sometimes quite excessive. If the person providing the gratuitous service was on a high wage, the award of payment would reflect the high wage that person was on. The purpose of this is to restrict it according to what is an award rate for people providing similar services.

The Hon. I.F. EVANS: Why as a brother or a sister am I excluded from having a rate set for my gratuitous services? The gratuitous service rates are going to be set for a parent—a parent not their parent—a spouse, a domestic partner or a child, but not for a brother, a sister, a sister-in-law, a father-in-law. I could name many families where it ends up being someone other than those people who are providing the service.

The Hon. J.J. SNELLING: Under the Civil Liability Act, there are existing provisions for those other categories, existing restrictions under the Civil Liability Act. We do not need to do it for those other circumstances because there already are restrictions on what they can be paid under existing legislation.

The Hon. I.F. EVANS: So for the other categories of help—the brother, the sister—they are already covered in the Civil Liability Act but would not the spouse, the domestic partner, the child and the parent be covered in the Civil Liability Act? if so—

The Hon. J.J. SNELLING: They are, but not in the restrictions.

The Hon. I.F. EVANS: So if you use a father-in-law to provide the service you are not restricted?

The Hon. J.J. SNELLING: Under the existing Civil Liability Act—other categories of gratuitous helpers—there are existing restrictions on the amount of head of damages for help from other categories, but there is no existing restriction for these categories, so that is why the restriction is placed on these categories but not on any others. For the others there is an existing restriction on the amount that can be paid under a head of damages. Look, there may be a case for expanding the categories of person to whom this restriction applies, but normally these awards for gratuitous services are for the services of a parent, spouse, domestic partner or child. It is not common at all for awards of payments to be made for gratuitous services of any other category.

The Hon. I.F. EVANS: I will just draw the minister's attention to the Civil Liability Act which does not restrict the other categories, as is his advice. I am not blaming the minister here, but my reading of section 58(2) of the Civil Liability Act is that:

> Damages awarded to allow for the recompense of gratuitous services of a parent, spouse, domestic partner or child...

So, it is exactly the same categories, not the other categories. I will leave the minister to consider that between houses, because I think society has changed, there are a lot more single parent families and a lot more families spread worldwide because travel is so much easier. I think there are going to be a lot more cases of neighbours helping neighbours, sister-in-law, brother-in-law, father-in-law, etc., and there must be a way to craft something in which they are not excluded from the system.

I think my next question relates to amendments 10 to 14 to the Motor Vehicles Act in schedule 2, part 4. There is a provision that allows for a clause to become a prescribed clause, and I am not sure what a 'prescribed clause' means.

The Hon. J.J. SNELLING: Where is that?

The Hon. I.F. EVANS: Maybe we have to go to the Motor Vehicles Act proper. Anyway, let us leave that one for now as I clearly cannot see it. The last one is in clause 18 of part 4 of schedule 2, which is at the top of page 49. What is the prescribed percentage the government is looking at under section 134A for review of the scheme?

The Hon. J.J. Snelling interjecting:

The Hon. I.F. EVANS: There is a formula that if the premium imposed under class 1 vehicles in respect of insurance exceeds a certain prescribed percentage of the state average weekly earnings, there is an automatic review put in place. I am just wondering if you have some idea—I am assuming this is out of New South Wales—what percentage you are looking at?

The Hon. J.J. SNELLING: We are looking at 30 per cent of one week's average weekly earnings; that would be the trigger, but it is roughly 30 per cent.

The Hon. I.F. EVANS: I think I have found my prescribed clause, I am sure the minister will be pleased to know. It is schedule 2, part 4, clause 13(2) on page 45, which refers to the changing of 126A of the Motor Vehicles Act. We are changing 126A of the Motor Vehicles Act which means that that particular clause becomes a prescribed clause. I am wondering: what is the impact of that becoming a prescribed clause; what does that mean? For the clarity of Hansard, it is in 118B(2) of the Motor Vehicles Act, which leads to the changing of 126A.

The Hon. J.J. SNELLING: It is probably better if I get something drafted for the member for Davenport and I am happy to email it to him rather than attempting to explain it myself.

Schedule passed.

Title passed.

Bill reported without amendment.

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) (18:30): I move:

That this bill be now read a third time.

This is a historic reform to the way we insure for compulsory third party. The member for Davenport says we rushed it but, given that the reforms were first mooted in March 2012, that is a very odd definition of rushing. Nonetheless, I thank the member for Davenport for his cooperation in assisting with the passage of the bill.

I thank the officers involved, officers from the Motor Accident Commission who are not here in the chamber. I particularly thank Ms Lois Boswell and Mr Stuart Hocking, as well as parliamentary counsel, for the enormous amount of work. This is a significant body of work that has been done to enable this legislation to pass. The fact that the bill has attracted support from both sides of the chamber, and indeed the crossbenchers, is really a testament to the very difficult and hard work done by those officers in preparing the bill and in extensively consulting, including with the various legal organisations.

I also thank the Law Society, in particular Mr Morry Bailes with whom the government had extensive discussions. I think we came up with an improved bill and an improved scheme as a result of the input of Morry Bailes and the Law Society, the Australian Lawyers Alliance and the Australian Bar Association. I place on the record my thanks for the constructive role they played in the discussions with the government. I thank all members for their support of the bill and commend the bill to the house.

The Hon. I.F. EVANS (Davenport) (18:32): The minister put on the record my comment about rushing the bill. I think anyone in the chamber would realise I was having a humorous discussion with the member for Reynell about me rushing the debate over three days, but I do not retract the comments I made in my second reading contribution about the government's decision to debate the bill this week.

We have completed the debate without the Law Society's advice, without the Lawyers Alliance advice, without the Bar Association's advice, and without being able to analyse any of the actuarial advice the government has had for some time. It was generously forwarded to me in the middle of the debate on the first day. How generous of the government to send us actuarial advice so that we could analyse it on the floor of the house as we debated. Well, of course, we did not do that, and we will obviously be seeking more briefings in between the houses about exactly that advice.

I thank the minister for the briefings the opposition did get in relation to this matter, and we are pleased to support the establishment of a lifetime support scheme. We think that the principle of helping those who are most in need is worthy of support. We have asked a lot of questions, but

we think the principle behind the bill of helping those most in need is a good principle, and we are pleased to support it.

Bill read a third time and passed.

DEVELOPMENT (INTERIM DEVELOPMENT CONTROL) AMENDMENT BILL

Received from the Legislative Council and read a first time.

CONSTITUTION (RECOGNITION OF ABORIGINAL PEOPLES) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

At 18:36 the house adjourned until Tuesday 9 April 2013 at 11:00.