

HOUSE OF ASSEMBLY

Thursday 16 May 2013

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

STATUTES AMENDMENT (DECRIMINALISATION OF SEX WORK) BILL

The Hon. S.W. KEY (Ashford) (10:32): Obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935, the Equal Opportunity Act 1984, the Spent Convictions Act 2009, the Summary Offences Act 1953 and the Workers Rehabilitation and Compensation Act 1986. Read a first time.

The Hon. S.W. KEY (Ashford) (10:34): I move:

That this bill be now read a second time.

What the bill seeks to do is to amend the Criminal Law Consolidation Act 1935 to delete the term 'common prostitute' and to emphasise that commercial sexual services will not be supplied to children and abolish offences related to sex work. The bill also seeks to amend the Equal Opportunity Act 1984 and the term 'sex worker' to mean a person who provides sexual services on a commercial basis. Under this act there will be provision to not discriminate on the grounds of having been a sex worker or currently being a sex worker.

The amendment to the Spent Convictions Act 2009 refers to a conviction of a person for a prescribed sex work offence taken as spent on the commencement of this section. I also seek to amend the Summary Offences Act 1953 by deleting the definition of 'prostitute' from section 21 and also from the section that deals with 'premises to be frequented by thieves etc', which provides:

...persons without lawful means of support or persons of notoriously bad character;

A prostitute is also covered under that section, and I seek to delete the word 'prostitute' from that section. I also seek, under the Summary Offences Act, to delete section 25, which refers to soliciting; section 25A—Procurement of a prostitute; section 26—Living on the earnings of prostitution; and Part 6, which refers to brothels.

My bill seeks to amend the Workers Rehabilitation and Compensation Act, and this will allow workers and employers in the sex industry to access WorkCover like other industries. Obviously this will not apply to all workers in the industry, and many of them, I believe, will be seen as contractors and they will need to go through the same process as any other contractor. Under the Workers Rehabilitation and Compensation Act, my bill proposes that there be a six-month transition process so that people can identify what their status is in the sex work industry.

I have been campaigning in this area for sex workers to have the same rights and responsibilities as other workers for many years now. It really all started when I was the director of the Working Women's Centre, where sex workers came to see me about some issues: allegations of blackmail and being violently assaulted, and a number of other issues they said were associated with their work under the current system.

At that time I was very much a fresh graduate from sociology and politics at Flinders University and had taken a big interest in the Royal Commission into Human Relationships. Particularly I refer today to the final report, part 6, equality and discrimination, and also part 7, rape and other sexual offences. We are talking about 1977. The last recommendation for these sections, recommendation 47, states:

We agree that social policy should be neutral towards the fact of prostitution. The law in this area of sexual behaviour should impose new regulations or prohibitions except to punish assaults, protect the immature and prevent public annoyance.

Recommendation 48 of that report states:

By recommending decriminalisation we do not imply approval or encouragement of prostitution, but merely that we regard such legislation as an inappropriate use of the criminal law.

In its conclusion, the royal commission states:

We consider that the prohibition and punishment of prostitution as such is not justified except to the extent necessary to protect the immature, to prevent violence and coercion and to prevent public nuisance.

In this time of presenting legislation to the house, I spent considerable time looking at some of the reports that had been done in the house in the past. One of the reasons for doing that was that it was suggested to me that, instead of pursuing legislation in this house, perhaps a select committee could be set up or perhaps we could refer the issue to one of the parliamentary committees, for example, the Social Development Committee.

In doing some research, I found that this had been done many times, mainly in the Legislative Council but certainly in this house as well. One of the references I had was the 1980 select committee of inquiry into prostitution. Although since that time some people's views have obviously changed about how things should work, there were some interesting recommendations that came from that particular report. Page 18 of the 1980 report states:

(d) In the absence of satisfactory ways of suppressing prostitution or controlling it by legislation, the committee was left with the possibility of decriminalisation. Decriminalisation means not treating prostitution as a criminal activity. It does not mean legislation in the sense of the law—it does not indicate approval or disapproval by the state but rather the view that private sexual morality is not the concern of the law. Prostitution should be subject only to those controls appropriate to prevent abuses and those normally governing the operation of business, such as

- (i) Location—premises used for the purpose of prostitution could be confined to certain designated areas;
- (ii) Health—they would be subject to requirements of meeting certain building and health standards similar to those required in shops, restaurants, etc.;
- (iii) Other standards, such as parking and access; and
- (iv) Taxation.

In that report, the advantages included: make the industry subject to normal laws governing business activity; remove the possibility of police corruption and victimisation; give prostitutes the recourse to law in cases of rape, assault, exploitation of which they are generally unable to access at the moment. There was also a recommendation on page 20:

The committee recommends that it be an offence for persons under the age of 18 to engage in acts of prostitution.

It would be fair to say that my bill does not exactly reflect this report, but a majority of the recommendations that were made in 1980 are reflected in the legislation I bring before you today. On page 21, it says:

- (1) that present laws should be changed;
- (2) that maintenance of existing legislation, with increased police powers and penalties, be not considered;
- (3) that legislation and regulation of the industry be not accepted;
- (4) that the law be altered to provide for decriminalisation of prostitution but with appropriate safeguards.

Mr Speaker, I am not sure of Molly Byrne's seat; you might be able to remind me.

The SPEAKER: Todd.

The Hon. S.W. KEY: Todd. I note that the former member for Todd, Molly Byrne, has followed my campaign with great interest. I note that she was a contributor to this 1980 report. I also note that my late friend Mary MacLeod was the research assistant. I guess this is why this 1980 report has some interest to me. I remember speaking to Mary MacLeod at the Working Women's Centre about this issue.

There have been other inquiries in parliament with regard to prostitution. I read with interest the interim report of the Social Development Committee from July 1995, where it refers to the Millhouse bill from 1980, the Pickles bill from 1986, the Gilfillan bill in 1991, and the two Brindal bills in 1995. In this interim report, although there were not many recommendations, they were certainly looking at registering brothels and escort agencies, making sure that people were over 18 years who were involved in the industry and that they were free from prosecution.

There were also limits suggested on advertising (I must say, in hindsight, it is probably not a bad idea) on TV and radio—and probably we would add the internet, although advertising is happening, probably as I speak—and that advertising should be dedicated to the print media. I am sure *The Advertiser* in particular would be very pleased if that support continued.

The interesting thing too, though, in this report and also in the 1980 reports is the discussion with regard to health and safety and particularly sexual health. There seems to be a myth in our community that by decriminalising sex work, we will in fact have an increase in sexually-transmitted diseases in our community. There does not appear to be any evidence anywhere that I can find that supports that proposition, and even in 1980, the report that I talked about says that much evidence points to the fact that the worst transmitters of venereal disease are those who have sex casually and frequently, are ignorant of the various types of diseases and their symptoms and do not have regular checks.

That was recognised in 1980 and it has certainly continued by the evidence that has been provided to say that, although obviously all of us need to make sure we are healthy and have our proper checks, sex workers are not the vectors of disease, particularly sexually-transmitted disease, in our community. I also looked very briefly at the report from 1995 which talks about the free availability model. On page 22 and 23, it states:

...no penalty for a sexual act carried out in private between 2 consenting adults, even where money is exchanged. Free availability would see prostitution treated as any other business with the same benefits and restrictions.

Then it refers to the New South Wales legislation that came into being. We call it the decriminalisation model. At that stage it was being referred to as the free availability model. I am not sure I like that term but that was the term that was used at the time. I also note in that report that there were dissenting statements from the former member for Hanson, my immediate predecessor, Mr Stuart Leggett and there was a minority—

Mr Venning: He was a good member.

The Hon. S.W. KEY: He was, and he is a good person—report A and also a minority report B, and I understand that the former member for Hanson, Stuart Leggett, also put out in addition to his dissenting statement a minority report and—what was the former name of the seat of Croydon?

The SPEAKER: Spence.

The Hon. S.W. KEY: Spence. The member for Spence at the time, Michael Atkinson, and the member for Hartley at the time, Joe Scalzi, also put out a minority report and I must say that it was an excellent report.

The SPEAKER: The member for Ashford should refrain from referring to members by their Christian name and surname.

The Hon. S.W. KEY: I am sorry, sir, but it is just very difficult. When you look at even the current parliamentary reports, they actually refer to members by their name—

The SPEAKER: They do.

The Hon. S.W. KEY: —whether they are Legislative Council people or House of Assembly people, and certainly in the reports where I am going to quote your good self, you are only named as Michael Atkinson MP.

The Hon. P.F. Conlon: Did you say Joe Scalzi made a minority report?

The Hon. S.W. KEY: With the member for Spence—yes, there was no height thing involved. On page 145 of what I would say is an excellent minority report, I quote the good members when they say:

Ours is a policy of containment, not eradication. We propose to remove the absurdities and inconsistencies from the South Australian legislation of 1907. This type of legislation may have inherited a moral purpose from the suffragette promoters in Great Britain of the 1880s—

I am not sure whether I agree with that point—

but when it was considered for transplantation in SA, thoughts of real-estate values were more to the fore.

I thank members for listening to my contribution and hope you will support my bill.

Debate adjourned on motion of Mr Gardner.

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

Adjourned debate on second reading.

(Continued from 11 April 2013.)

Mr GARDNER: I rise today to support the bill and congratulate the member for Davenport for looking out for his constituency—

The SPEAKER: I am sorry, but apparently the Minister for Education has another four minutes remaining from her previous contribution on this matter—

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (10:51): Thank you sir, I do, yes.

The SPEAKER: —and is it your intention to take them?

The Hon. J.M. RANKINE: Thank you sir, I will only take a minute or two to complete my remarks. Clearly, the government is not supporting this legislation and with very good reason. This is a sector that is held to very high account—appropriately so. As I have said previously, we have had review after review into our emergency services and none of the recommendations out of any of these reviews was that we should set up another committee of this parliament.

In my remarks on the last occasion, I was going through some of things that have already been put in place that perhaps the committee had not been aware of, and I have outlined two of those. I also point out that in fact 50 per cent of the Country Fire Services' annual multimedia campaign budget goes specifically towards raising awareness of bushfire danger and survival strategies in the peri-urban areas.

A successful Bushfire Safety Expo was conducted in Eden Hills, I think last year, when residents in the area accessed information on bushfires and engaged with experts. Over 900 people attended. Senior CFS officers have actively participated in a number of community bushfire readiness forums organised by the Blackwood/Belair and District Community Association in 2012.

The government does not dismiss the recommendations of the committee but is somewhat critical that this request appears to have been made without consideration to the efforts that I have outlined. Putting these into context, the request to go doorknocking, whilst it may have some merit, is out of step with the current planned and ongoing efforts already underway.

This is a perfect example of the potential an ongoing committee may have to reorganise priorities that have been considered thoroughly and professionally. Because of these risks, we are not prepared to let politics hijack our emergency services any further, nor are we willing to adopt a suggestion that has not been suggested by literally hundreds of expert recommendations relating to this subject. If I am to choose who I put my faith in to protect my home and my community, it will be our professional fire and safety experts—not six people sitting in this house.

The SPEAKER: Is the member forgoing the two minutes?

The Hon. J.M. RANKINE: Thank you, sir.

The SPEAKER: The member for Morialta.

Mr GARDNER (Morialta) (10:54): Thank you very much, sir. I rise again today to support the bill and congratulate again the member for Davenport for looking out for his constituents, along with many of mine and those of other members, by introducing this bill into the house. The government has indicated on a number of occasions that it will not support this bill. I believe that is disappointing, especially given recent events which occurred predominantly within my electorate of Morialta and which I will touch on today.

On Tuesday I contributed to the grievance debate to discuss the fire around Cherryville and surrounding districts which began last Thursday and which then burnt through approximately 650 hectares of land and destroyed one house over the ensuing days. The issue of burn-offs was raised and what the best way is to achieve a balance between reducing fuel loads while mitigating the risk of burn-offs getting out of control. It is a topic worthy of serious consideration and there may well need to be some reform to the rules surrounding burn-offs outside of the fire danger season, but we must not make hasty decisions.

I am very concerned that without an informed debate, such as would be carried out within the committee proposed by the member for Davenport in this bill, we might end up with responses that resulted in increased fuel loads come summer that might lead to catastrophic unintended consequences down the track.

Questions have also been raised in public debate over the use of water bombers and whether they are appropriate for a fire like the one that occurred in Cherryville on the Thursday afternoon. If this motion was supported by the government and this bill was put into place, I am sure that a natural disasters committee would be able to undertake seriously informed debate having investigated the way the bombers were utilised, hearing from all relevant parties and understanding the likely effectiveness of them in the situation confronting firefighters last Thursday afternoon.

We have also heard, in relation to the Cherryville fire, other issues raised, including how local brigades were and weren't fully utilised, meaning that valuable local knowledge, such as local understanding of the fire track network, was not always necessarily capitalised upon. The natural disasters committee could determine whether this was an issue or whether the use of resources was suitable and would be emulated again at future incidents and disasters, and it would do so in a space where, again, all views and expertise of locals, experts, paid staff, volunteer brigades, and other interested parties and expert parties, could be called upon.

We should be looking always to achieve best practice in our responses to bushfires and other natural disasters and, having this committee in place as a permanent committee of the parliament would ensure that this body—the parliament—has ongoing access to the best information as we frame the regulations, the laws and the things associated, such as the supply and the resources, relevant to dealing with these issues.

We will have access to new ideas and both departmental and non-departmental advice and when significant incidents occur, as happened on the weekend, it would be the natural place for volunteers, locals and others with relevant information arising from the incident to provide that information.

We know, again in relation to the Cherryville fires, that there is a CFS internal review and debriefing process and that information will be provided to the minister and that is all well and good, but I would like to ensure that residents in Cherryville, the CFS volunteers and the local brigades and others, all have the opportunity for their point of view and their local knowledge to be taken into consideration in a review of the matter.

The Minister for Emergency Services got a taste of why this is important when he told the public briefing in Uraidla on Saturday that the government was well disposed to extending the fire danger season. The raised tension in the room at that time was palpable and a number of locals were eager to make their feelings known, which they both did publicly at the meeting and also personally to me on the day and since. Members who are interested can have a look at the TV coverage on Saturday night to see the issue play out.

In the absence of a natural disasters committee, the opposition has called for a separate parliamentary review into the weekend's fire, the details of which I believe are being dealt with in the other place. The aim of that review was to (1) determine the circumstances of ignition and immediate CFS response, (2) evaluate the effectiveness of the deployment and procurement of aerial assets, (3) assess the fire danger season process, and (4) evaluate the communication of emergency response.

The Premier responded to that call by saying and I quote, 'We don't want a bunch of politicians sitting around actually running the ruler over this; I think we let the experts carry out their work,' and it is a similar view to that proposed by the Minister for Education just a moment ago.

That comment came just two days after the Minister for Emergency Services announced at a public meeting in Uraidla that he would consider extending the fire danger season. That was despite the fact that the Fire and Emergency Services Act 2005 clearly states that such a decision rests with the chief officer of the Country Fire Service—so much for letting the experts carry out their work. Before this parliament, or even worse an individual minister, runs off and starts making populist changes based on kneejerk reactions, we need to hear from all of the experts.

We need to consider all the evidence available so that we can make informed decisions and be accountable for those decisions, because it is this parliament and the members of this parliament who must be accountable for the final decisions. We need to make sure that any changes made in this place to legislation, regulations or anything else are of assistance and not a hindrance to the emergency services and their operations and that they do not cause unintended consequences. That is why we have committees in this place.

Future ministers and governments which announce policies which conflict with the recommendations of a natural disasters committee would be required to explain to stakeholders and the electorate more generally why they have diverged from the evidence based findings. All stakeholders would have a say in how a disaster has been managed and when fault is found in legislation then that can be readily addressed and in a timely manner.

In the case of the Cherryville fires, for example, volunteer firefighters involved in every level of the operation could directly have input into the committee. The risk is that in an internal review major issues which occur at lower levels of operation might be breezed over and not addressed as the debrief focuses mostly on the macro problems considered important by those conducting the review. It is obvious to the volunteers in our SES and CFS and to those working on the front line in the MFS that their organisations are built from the ground up. We want to make sure that they get to have a say in the issues that they have had to deal with at incidences. No issue would be too small or too large for this committee.

I have heard in the debate, which has happened over a number of months, now a number of statements made by government members which have caught my attention. We just heard from the member for Wright. She talked about the review after review after review that we have had into this matter. I note that the government is having another review into the broad issues related to emergency services at the moment. It strikes me that a standing committee of the parliament can undertake reviews at a time when things are brought to their attention suggesting that such reviews are necessary but would alleviate the need for extra and outside reviews to take place at such regular intervals.

I note the other debate that was brought forward by the member for Colton which was completely disparaging of contributions made by members on this side and those in support of the bill. He said things like 'for the life of me' about three times and that the parliament does not have anything to contribute with respect to these issues. But, of course, it is the parliament that is accountable to the public for the management of these issues, so it is important that the parliament is fully informed and the committee system exists to make such recommendations to the parliament, hopefully in a bipartisan manner with the heat taken out of the politics.

I conclude by drawing members' attention to the sage words, as they always are, of the member for Ashford who, in relation to this bill, on 7 February talked about the suggestions that I believe some of her other colleagues had made that these matters can be dealt with by the Natural Resources Committee or the Environment, Resources and Development Committee. The member for Ashford pointed out that the Natural Resources Committee and the Environment, Resources and Development Committee have more than enough work to do. She said:

I think there is an opportunity to look at natural disasters in this parliament, not to interfere with what is already in place by the different emergency services and the police, who I understand meet regularly and have a plan, but also to provide some focus and probably some pressure with regard to funds in this particular area. I think it is important that parliamentary committees do not interfere but, if we look at the track record of our other parliamentary committees, it is an opportunity to have a forum to discuss particular issues. It seems to me that it would be a good idea, as initiated by the member for Davenport, to have that fora in this place.

The member for Ashford went on to identify that while she was not in a position to support this proposal, she thought it was a really good idea. I commend her for making those comments. The fact of the matter is that this is a good idea, and I commend the member for Davenport for bringing it forward, and I hope all members will support it. I want to put on the record yet again my admiration for all our emergency services, their staff and volunteers.

It is a worthy calling. We, the opposition, do not want to get in their way or dictate how they should do their jobs. The volunteers and staff of the CFS, SES and MFS already know how to do their jobs and have proven their adeptness. We, the opposition, want to make sure that they are properly supported and that rash decisions are not made which impact on their ability to get their jobs done. Such a committee will assist in that task. I commend the bill to the house.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (11:04): My contribution will be brief. Firstly, I thank the member for Davenport for bringing this yet again to the house's attention and the importance of it. The member for Morialta has detailed at length the events of the Cherryville fire, which is probably the most recent disaster that we have had to face, occurring only in the last week or so.

I will come back to it, but I think what is important is that, certainly in the time I have been here, the member for Davenport has been repeatedly pointing out to the parliament the importance

of having a body which these matters can be referred to, properly looked at and reported back on, giving us a chance to act on them. Having a standing committee enables that to occur.

I wish to make the point however that, in South Australia, the benefit of this committee would not just be for bushfires, of course, it would be for health pandemics. We have seen, certainly again in my time in the parliament, the preparation for potential major influenza pandemics. Plans have been prepared. I think there was an acquisition of hundreds of thousands of facemasks that were to be distributed to various points around the state and structures were set in place to ensure that, in the event of a state emergency, we had dealt with legislation here to be able to have the chain of command altered and to be able to have special powers in operation.

We sit on fault lines here in major metropolitan areas in South Australia which, of course, can attract major disasters if and when we do have earthquakes. We certainly have tremors. I do not know about tidal waves, although the Speaker might recall the occasion when one of our premiers, I think stood down—

The SPEAKER: In 1976.

Ms CHAPMAN: In 1976, he reminds me—I am sure that is right—when the then premier of the day stood on the jetty to say that he was going to bravely protect South Australians. Of course, nothing happened; he put his pink shirt back on and went home. In any event, I make the point that this committee would be available there for all these matters to be dealt with.

The other aspect is this: it is quite easy, I think, for ministers who are responsible for these matters to come into the parliament, give an assessment, thank the volunteers who work hard in whatever emergency service—ambulance, fire, State Emergency Service, MFS and police—give them a pat on the back, say that there have been lessons learnt and various things have been implemented, and then the reality is that very little happens. We have major inquiries, we have royal commissions, we have all this activity which does not deal with two things, in my view.

They do not deal with the true cost of the event that has occurred—incident sometimes but serious events. They may identify the tragic death, the contribution made, the direct cost of emergency services to provide anything from sandwiches from the Salvation Army across to the fighting, cleaning up, repairing of roads and the like. What they never add in and tell South Australians is: what is the cost to the families who are burying loved ones? What is the cost to the people who spend weeks, sometimes years, rebuilding from the damage that results from these events? What is the cost in insurance, or lack of, and the public cost in having to then pay increased insurance costs for loss of infrastructure? What is the cost to people who spend weeks and years to put back fences and rebuy stock? These are all costs which never get added in.

People can come to this place and express their concern and their distress even about areas where animals might have died, etc.—all of these things—but none of this results in any clear understanding of the actual cost to the state and even, indeed, the economic productivity that is lost as a result of these events. I think we get a very sanitised version of what comes into this parliament in the reporting of what happens during these major events and we need to have a thorough look at what the real cost is to South Australians as a result of us not addressing many of the very good recommendations that have come out of the multitude of reports that have been undertaken.

Finally, I make the point that there is sometimes an opportunity to refer these issues to other bodies, as has been highlighted by other speakers, including the member for Morialta. Sometimes they are already overloaded and overburdened, sometimes they do not have the full jurisdiction to be able to undertake all aspects of the event that has occurred, and therefore it would limit what they report.

There are a couple of aspects I raise on that issue; one is that sometimes you can do that—the Cherryville fire, for example. There is a motion in the other place to refer that aspect to an existing committee, and it is an existing select committee that is currently dealing with the community and emergency services review, and extend its terms of reference to add in the Cherryville fire.

That is an existing select committee; it is able to take instruction from the other house as that motion is passed in due course and deal with the matter. It is just opportune that at the moment it is able to do that. In ordinary circumstances, that would not be available, and there would not be an ongoing select committee for that particular incident that is described as the Cherryville fires, but nevertheless it is available. I would certainly hope, at least while we are trying

to secure a continuous committee to deal with emergency events and disasters, that at least the government would support that motion in the other place because, clearly, we do need to look at those aspects.

Let's remember that we are talking more about the very significant other disasters that can happen in our state. Let's understand that there is a massive cost socially, economically and environmentally, about which we do not get the full response and data from ministers coming into this house. Let's appreciate that we have a committee structure at present which, except on occasions when there might happen to be a coinciding select committee, is really not available or resourced to be able to deal with these matters.

I strongly commend the motion to the house and would hope that on this occasion, the third or fourth the member for Davenport has brought this important matter for consideration, they will not listen to the current Minister for Education and will appreciate the significance of this motion.

The SPEAKER: Bragg brevity. The member for Goyder.

Mr GRIFFITHS (Goyder) (11:12): I will have to remember that term; I like that one. I have only been in this place for seven years, but it appears to me that the parliament works best when the parliament works together, and that is what frustrates me a bit about this motion for a bill from the member for Davenport, because it is actually a good one that allows the parliament to work together to improve things for the community.

I am lucky that my family has never felt the effects of a fire. I know that there are many in this chamber who have family who have. The member for MacKillop experienced a terrible fire in the South-East which resulted in the loss of a family member, which he has told me about. It shows that fire, no matter where it occurs, can impact on people. There is a responsibility for the parliament, as the house of the people and the house of review, to have involvement in ensuring that the processes are always right.

In making comments about this, I level no criticism at all at emergency services—what they do, the improvements they have made, the resources provided to them and the way in which they conduct themselves—but there is an opportunity to learn all the time. That is why I stand before you today in support of this bill—because it is an opportunity to learn.

We come in with various backgrounds, levels of expertise and interest areas, but on the basis of a community being established, be it seven people or so, that exists, I think is a good idea to ensure that processes are as good as they can be, to ask the right questions, to ensure that the correct answers are given, to petition for resources if necessary, to recommend where changes can be made or considered, to listen to people who have been directly impacted by it and therefore have first-hand experience of it, to give us what their thoughts are and where things might be improved and therefore feed that through to professionals.

The Wangary fire at Port Lincoln, with the terrible loss of life and property that occurred there, is still a court case. That shows me that there are questions raised about issues in that. That will be proven in the course of time as to the validity of the court case that is occurring there and the damages claims that have been lodged for that, but it shows that the parliament has a responsibility to be involved in a process, to ensure that it has the emergency services response and the way in which is managed in the absolutely best possible way. These people will tell us the time lines of it. They come with no political background on it. They come with a real person background on it to try to make it better, and that is what the committee will do.

There are some committees that exist in the parliament that work very diligently and are exceptionally busy and there are some that have a little bit more time available, but there is an interest from all members (that I have seen) to try to get things done properly.

So, this is not that radical a choice, I would have thought. It is an opportunity for members who have an ability and an interest to be involved and for a committee to be established in the long term to ensure that the process is right so that when resources are allocated there is a confidence that exists amongst all taxpayers and, indeed, the 1.6 million people in the state that it is going to provide them with the best possible opportunity for protection. It takes away a lot of the political debate, it ensures there will be bipartisan support on things and it gives us some hope for the future.

I stand before you as someone who does not look at this as a political issue, I look at it purely as a basis of recommendations being made and an opportunity for the community to come and speak in a very candid way, with some level of security, to ensure that the issues they put

forward are considered quite seriously by the people who make the policy and allocate the dollars, and that we only get an improvement. I hope there is an opportunity for a vote on this and I hope there is an opportunity for a reconsideration of the position put by the Minister for Education on behalf of the government and that it is supported because there are a lot of people who want to talk about this. No matter where you come from there is an impact felt, so it is our responsibility to reflect the community's expectations, and one of those is for a parliamentary committee to look at these natural disasters.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (11:16): It seems to me that every time there is an issue of urgency—

Mr Pengilly: Do you have a lot of bushfires down your way?

The Hon. A. KOUTSANTONIS: That does not mean I do not have a point of view. I do not think the solution is another committee. I do not think the solution to problems is not to use the existing structures within the parliament. I think it shows a level of not so much contempt for the institutions of the parliament because that would be unfair and unparliamentary to say that about members opposite, but what I think it does show is a lack of confidence in the committees. I think the committee structure is a very important one. I think the committee structure serves this parliament and the people of South Australia well. I know that the work members do on the committees in this place is valuable. I know that I often read (you are not approving of my remarks, sir?) the reports that come out of the committees. Indeed, there have been some very important reforms that have come out of our committees.

I know of the work done on the Economic and Finance Committee to establish the Small Business Commissioner and the investigation into franchises, which the member for Goyder and I were on together. It was presided over very well by a young and ambitious presiding officer who wanted to make sure that small businesses were looked after and given the voice that they so desperately needed. We came to a unanimous position on the establishment of a Small Business Commissioner but when I turned around there was no-one from the opposition standing behind me, which is a great regret that I have because I know that the member for Goyder, deep down in his heart at night when he is by himself, thinks about when he voted against the establishment of a Small Business Commissioner and perhaps maybe that is one he regrets.

In terms of natural disasters, I think the hardworking people of the Environment, Resources and Development Committee—a very good committee, a committee that I have served on—can do a lot of good in this area. I have to say that we live in a state that has, unfortunately, become accustomed to bushfires. It is something that is very hard for us to stamp out. Indeed, I think the term 'bushfires' is not the appropriate one, it should be 'wildfires' because they are sometimes very difficult to contain. Of course, it is a very emotive issue, given that people's properties are at risk, people's livelihoods are at risk and, indeed, people's lives are at risk. Given the level of anxiety in our community about this issue it does deserve greater scrutiny. If we went out to the people of Cherryville and the people of the Adelaide Hills and said to them that our solution is one more committee, I think there would be groans.

An honourable member interjecting:

The Hon. A. KOUTSANTONIS: No, that's not right. The member for Davenport is a very fierce advocate for his local community and he often talks in this place about the dangers of bushfires and their impact on his community. I know that other members in this place are concerned about this as well, but I think the proposal by the opposition perhaps is not the best way of dealing with this issue.

While the member for Davenport is to be commended for taking an interest, as he should as one of the local members affected, I think the CFS and the people who are tasked with protecting home and treasure and life are the ones from which we should be taking advice, and the institutions we have in place can adequately deal with this matter.

If we are not careful we could descend into a partisan debate, and we should not. I think it is fair to say that we all want the same outcome, and that outcome is that we want the very best responses available to protect people in their homes. I think the response should be a whole-of-government response. I think the response should come from consultation with local government, with emergency services and first responders and with departments like mine (DPTI) and departments like Emergency Services and, of course, other users, such as the Department for Education. I know that there has been a lot of concern about how we manage getting

schoolchildren in and out and the inconvenience it causes during bushfire season, about whether or not we allow children to attend school in the morning and, when they are at school, do we keep them there or do we try to get them out. These issues are very complex.

I think the worst thing we can do in natural disasters is have a political overlay into decision-making, because when you get political overlay in decision-making you get mistakes, and when you get mistakes in wildfires it can cost lives. We need to be very careful that we do not do anything—anything—that may jeopardise one life. I understand the concerns that members have. I understand the concerns that the parliament has. I think the government's response is prudent. I think the government's response is wise. I accept the concerns that members opposite have, but I think perhaps somewhere in the middle there is a compromise that we can reach.

The Hon. I.F. EVANS (Davenport) (11:23): It is obvious that the government is going to vote this particular measure down again. I will just make some points. The Minister for Education's contribution, I think, is illuminating as to how ill informed that minister and the government are about how fire works and how natural disasters work. Read her contribution. She suggests that the opposition have the chance to be involved in bushfire planning and preparation because we can question the Auditor-General. Really. We can raise questions in estimates which are, of course, about financial matters, not matters to do with natural disaster policy issues.

The government's view I think is naive. I think it is ill informed. I think the government's attitude actually puts people at risk, because what the government is saying is, 'Don't worry, parliament, the government has everything organised in relation to natural disasters, and how dare you think that the parliament, full of members who have electorates that are affected by natural disasters every season, might actually have some contribution to make by questioning the authorities about how we prepare and respond to natural disasters.'

Let me give you one classic example of how dumb the current situation is: the state government has introduced a system of a thing called 'places of last resort'. These are the areas that you are meant to go when you have nowhere else to go. Guess what they are? In the Mitcham Hills, they are the open parks—they are the ovals. The reason they are not school halls and recreation centres is that the government and the owners of those facilities cannot come to agreement about legal liability.

Rather than let people go into a sheltered area, which is the safest place to be in fire—no, our current policy says, 'When the fire is coming and you have nowhere else to go, you can't go into the local recreation centre because we can't organise who is going to take liability in the middle of an Ash Wednesday. What we want you to do is go and stand in the middle of an oval and be subject to ember attack through 70 kilometre winds blowing ashes all over you.' That is the policy we have today—and this government says, 'Don't worry about it, the government has it organised.' And the member for Colton says, 'How dare the parliament seek to have an input into that sort of policy. How dare the parliament want to raise questions on behalf of their community.'

We have the member for West Torrens, who is passionate about his community. Well, let me say this: when the next flood occurs in the western suburbs, as it certainly will, do not come at Her Majesty's opposition about why it was not fixed, because this committee could have looked at that natural disaster situation about why that flooding area in the western suburbs is not yet fixed.

The government can have its way on this bill, but go to the Cherryville fire. The CFS put out a press release on 1 May saying to the community, 'Be aware that there is still a bad fire danger and there might have to be more fire bans.' Then on the day the Cherryville fire occurred, the CFS did not issue a fire ban. Why not? Then when the CFS rang and asked for aerial support, we find out that the contract for the firefighting planes has not been re-signed. Well, if the fire danger still existed, as the CFS press release claimed, can anyone explain why the firefighters' aeroplanes contract was not still live?

The government says that the parliament has no role in sorting out those issues—'We are not interested one bit in interfering in the day-to-day activities of the agencies on the ground doing their job.' But in the planning, preparation, resourcing, training, equipping and the community education side of it, there is certainly a role for the parliament, and I think that it is a shame and a disgrace that the government is so naive on this issue that it is leaving the community exposed by voting against this measure.

The house divided on the second reading:

AYES (21)

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

NOES (25)

Bedford, F.E.	Bettison, Z.L.	Bignell, L.W.K.
Breuer, L.R.	Caica, P.	Close, S.E.
Conlon, P.F.	Fox, C.C.	Geraghty, R.K.
Hill, J.D.	Kenyon, T.R.	Key, S.W.
Koutsantonis, A.	O'Brien, M.F. (teller)	Odenwalder, L.K.
Piccolo, A.	Portolesi, G.	Rankine, J.M.
Rau, J.R.	Sibbons, A.J.	Snelling, J.J.
Thompson, M.G.	Vlahos, L.A.	Weatherill, J.W.
Wright, M.J.		

Majority of 4 for the noes.

Second reading thus negated.

DIABETES

The Hon. R.B. SUCH (Fisher) (11:35): I move:

That this house notes the increasing incidence of diabetes and urges governments, both state and federal, to promote awareness of this disease, along with increased emphasis on prevention, treatment and research.

I became conscious of this issue recently. As you get older you have check-ups, and my GP, who is a fantastic young female doctor, was interested in checking my blood sugar level. I had an English uncle who had diabetes, though that was not the cause of his death. Other family members have recently had their blood sugar level checked and there were indications that there could be a tendency to have diabetes. I am sure, and I do not want to go into people's personal situations, there are members in here who are well aware of this issue.

Diabetes is the seventh greatest cause of death by disease in Australia. It is the fastest growing chronic disease. An estimated 280 Australians develop diabetes every day. One person is diagnosed every five minutes. Diabetes prevalence has increased approximately 8 per cent per annum since the year 2000. There is no cure for either type 1 or type 2 diabetes. The 2005 Australian AusDiab follow-up study, the Australian Diabetes, Obesity and Lifestyle Study, showed that nearly one million Australians are currently diagnosed with diabetes

For every person diagnosed, it is estimated there is another who is not yet diagnosed, so when you add the two together, people with diabetes and pre-diabetes, you get an approximate figure of just over three million people. An estimated 2.45 million Australians have pre-diabetes. Up to 60 per cent of type 2 diabetes can be prevented. By 2031, it is estimated that at least 3.3 million Australians will have type 2 diabetes.

According to Diabetes Australia—and I must say it is a great organisation; on a recent trip to Melbourne I visited their office and we also have an office here—diabetes is a silent pandemic and there is an urgent and growing need to promote the issues surrounding the disease, and that is one of the reasons I raise it in here. As an aside, I usually raise a health issue in each issue of my newsletter. I think one of the best things you can receive by way of comment from a constituent is that you helped save their life because they went and had a check-up and something was not right.

Diabetes Australia strongly believes that we need to focus the minds of the general public, practitioners, researchers, the media, politicians, bureaucrats and policymakers on diabetes and related chronic diseases. That is, as I say, one of the reasons for raising it in here. It argues that

there have been a lot of plans and strategies to deal with diabetes, but they have not been properly implemented or even evaluated. The cost of doing too little in relation to this epidemic or pandemic is apparent to many, but we need hard and firm policy decisions to create healthier environments in schools, homes, hospitals and workplaces. We need to ensure there is funding available for quality treatment to prevent or delay the onset of type 2 diabetes.

Some of the statistics from 2005—we have not been able to get more recent figures, but I am sure they are available somewhere—are 15 per cent of people with diabetes were hospitalised with coronary heart disease, 38,700 Australians were hospitalised with eye complications caused by diabetes and 90 per cent undergoing a lower limb amputation had a history of ulceration. There were 65 amputations a day due to diabetes, 11 per cent of people with diabetes have had a heart attack and 23 per cent have died from kidney disease.

It is an insidious thing that in some ways is a silent killer because, as I indicated earlier, many people do not realise they have diabetes. The test is a blood glucose test involving fasting, but there are many people who are pre-diabetic who are not aware of the risk factors either. What are those risk factors? They are family history, increasing age, ethnic background, previous history of gestational diabetes, high blood pressure, high blood cholesterol, inactive lifestyle, smoking and an unhealthy diet.

The treatment for type 2 diabetes is to promote healthy lifestyle changes with regard to weight and physical activity which will help prevent future diabetes. People with pre-diabetes are also at increased risk of heart disease, so controlling blood pressure and blood cholesterol is also important. Does pre-diabetes mean type 2 diabetes? Evidence shows that people with pre-diabetes are at high risk of progressing to type 2 diabetes. A relative of mine who was having high blood sugar levels got the message. Currently he has lost 20 kilos and that has certainly helped in reducing blood pressure and a few other things as well. What the experts are saying is try to lose some weight, increase your level of physical activity and adopt a healthy eating plan.

What is the cost of type 2 diabetes to Australia? The estimation is in excess of \$10 billion. Carer costs estimated at nearly half of that. Productivity losses make up not quite the other half, with health system costs over \$1 billion and \$1 billion of the costs were due to obesity. Type 1 diabetes, which is insidious but different from type 2, costs Australia \$570 million a year, so 4 per cent of the people who are diagnosed with diabetes account for 12 per cent of the total health costs in Australia. The pandemic is threatening to blow the budget out, but more important than the money side is the effect on people's health and wellbeing, including the risk of amputation, damage to the kidneys and so on.

The organisation I referred to, Diabetes Australia, was established in 1984 and is doing great work in educating people and helping them to improve their lifestyle and the state of their health. The Australian Diabetes Council is now in its 75th year, so this is not an issue which has been unknown for a long time, but what has happened in the last 20 years is that it has escalated and we are now finding that many children are being diagnosed with type 2 diabetes, which was extremely rare years ago.

There is some food for thought and it is important for all levels of government to make people aware of these risks because my main focus is on the wellbeing of people and I am continually saddened when I see and hear of people who are dying earlier than need be because they have not had an illness diagnosed or treated.

I think what we can do collectively through the parliament, and then obviously through government, is to make people aware of the risk of diabetes and to focus particularly on trying to have a healthy weight, eating healthy food and exercising. I am trying to get my weight down. It is not easy. I have lost a few kilos but I need to lose a lot more. These are some of the things which in recent times in Australia have not been given the attention they should. My strong plea is to make people aware of the risk of diabetes. It is a silent destroyer of health and ultimately can result in death. I commend the motion to the house and hope that the awareness from the parliament and through the members may result in people's quality of life being improved.

Debate adjourned on motion of Mrs Geraghty.

LEVAI, MS A.

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (11:46): I move:

That this house expresses its condolences to the family of Ms Amy Levai, the first Aboriginal person to qualify and work as a teacher in South Australia, and recognises—

- (a) her courage and persistence in gaining recognition as a teacher;
- (b) her unstinting dedication to teaching and the positive impact she has had on young people whom she taught over 35 years; and
- (c) the important role she played in the Aboriginal community.

I rise today to pay tribute to one of our state's great educators and trailblazers, Amy Levai, who passed away recently. I acknowledge the presence in the chamber today of her sister, Lowitja O'Donoghue, and her daughter, Deb Edwards.

Amy was one of those inspiring teachers, remembered fondly long after their students graduated. She had a great affection for and affinity with children, so the decision to follow her passion into a career in teaching was an obvious choice but it was not an easy one. Following completion of her Early Childhood Certificate for kindergarten in 1950, Amy applied to study teaching at the Adelaide School of Teacher Training, but in the 1950s attitudes prevailed that we would find abhorrent today and Amy's bid to study teaching was dismissed. The position of the teacher's college was that Aboriginal people don't teach.

We remember that this was a time when restrictive controls on Indigenous people, including where they lived, were enshrined in legislation. Racism was overt and woven into every part of our society, including our state's political and legal systems and our educational and medical institutions. A legacy of this era's policy was the stolen generation. Children of Aboriginal and Torres Strait Islander descent, including Amy and her sister, Dr O'Donoghue, and their three siblings were forcibly removed from their mothers. These policies also stood in the way of Amy becoming a teacher and her sister, Lowitja, applying to study nursing. Neither woman would be deterred from pursuing their chosen career.

Through the courage and persistence of pioneers like Amy and her sister, barriers were slowly broken down and employment opportunities were rightfully extended to Indigenous people. Lowitja battled until she was eventually accepted as the first Aboriginal trainee nurse at the Royal Adelaide Hospital. She is now a much respected and powerful advocate for Indigenous Australians. Amy's application to study teaching took her seven years to achieve but she never gave up. She bided her time, gathering three years' experience as the director in a Western Australian kindy (Mount Margaret Mission), but she continued to push to be accepted into teacher training. She was finally accepted into training in 1957, becoming the first Aboriginal person to be trained and to teach in South Australia.

Teaching was a calling that she was compelled to follow, and the South Australian education department could not stand in her way. Teaching took Amy to schools across the city and country, including Eden Hills, Parkside, Williamstown—where my mother actually went to school—and North Adelaide Primary School, as well as the Aboriginal Kurna Plains School.

The overwhelming message from former students and their parents is that Ms Levai was a warm, wise and wonderful teacher who nurtured all those in her care and instilled in them a love of learning. Her life was all about teaching and caring for children—those in her care, as well as her own children and stepchildren. Teaching was not so much a career as a vocation—a passion that never diminished.

In 1993, after a remarkable 35 years of teaching, Amy retired, although she strongly missed the classroom and the company of children. Amy's achievements and her service to the community were recognised in 1989, when she was named NAIDOC Aboriginal of the Year, and again in 1998, when she was awarded the NAIDOC Aboriginal Elder of the Year for South Australia.

In November 2012, the then minister for education and child development (Hon. Grace Portolesi) announced the Amy Levai Aboriginal Teaching Scholarship—10 scholarships to provide financial assistance for Aboriginal people studying to become teachers. On the announcement of the scholarships, Ms Levai said it was an honour to have a scholarship awarded in her name. She said, 'Teaching has been my life, it has been the thing I loved doing the most. To be able to give to children and help them to learn, grow and move forward is a very special opportunity.'

Amy's remarkable legacy of inspiring young people, including young Indigenous students, lives on through these scholarships and in the memories of all those whose lives she touched. Amy

passed away on 29 March 2013, on Good Friday. My thoughts and condolences are with her family, friends and former students.

Honourable members: Hear, hear!

Mr MARSHALL (Norwood—Leader of the Opposition) (11:51): I rise to second the motion on behalf of the South Australian Liberal Party, and I offer our most sincere condolences to the family of Amy Levai—a woman who has left an indelible mark on education in this state. I also acknowledge the attendance in the chamber today of her sister Lowitja O'Donoghue and her daughter Deb Edwards.

You may be familiar with the quote, 'A good teacher tells; a better teacher demonstrates; a great teacher inspires.' Amy Levai was that great teacher because Amy had the wonderful gift that resides in all great educators—of teaching not just from a book but also from her heart. You need only read the many tributes to her from former students to know that Amy was something very special. Former South Australian premier Dean Brown is among that privileged group. As an eager four-year-old student in Amy's class at the Jean Bonython Kindergarten at Belair, Dean has very fond memories of Amy. Dean remembers her as 'caring and thoughtful', a teacher who 'nurtured her pupils in a very loving manner'.

Dean says that at the time Belair was a very small and tight-knit community and everyone knew each other well. The kindergarten was a social hub for the neighbourhood. Dean's four brothers and sisters attended it, as did the five children next door to the Browns, and Amy Levai welcomed them all. Dean says, 'I thought she was terrific in the attention she showed to what we young kids were doing with arts, crafts and rough games outside.' In later life, Amy regularly told Dean that she was the person who put him on the right path in life—and we can all be very grateful for that!

But despite receiving such wonderful tributes, it must not be forgotten that Amy, as a young Aboriginal woman in the early 1950s, endured tremendous struggle to even set foot in a classroom. This was an era steeped in racism and prejudice, and the idea of allowing an Indigenous woman to train as a teacher was abhorrent to many at the time. Indeed, the Adelaide Teachers College, at that time the main centre for teacher training in this state, rejected her application many times.

But Amy Levai, like her sister Lowitja O'Donoghue, was a trailblazer, and the knockbacks she received only fuelled the fire in her belly to push for change and equality for all. Amy's persistence paid off in 1957—seven years later, mind you, after her first application—when she won a position as the first Indigenous teacher in the South Australian education department. From this time until her eventual retirement in 1993 Amy taught thousands of children, and over the years she amassed quite a collection of awards and accolades. But these glories, whilst richly deserved, never swayed Amy, who remained disarmingly modest and humble. Indeed, she never wavered from her life's goal and what she considered a privilege of educating young children. I close now with Amy's own words:

Teaching has been my life. To be able to give to children and help them to learn, grow and move forward is a very special opportunity.

On behalf of the Liberal Party in South Australia I extend our very sincere condolences to her family and to her friends.

Ms BEDFORD (Florey) (11:55): Sir, I am sorry I was not in the chamber for the earlier comments, and I know some have spoken. I just want to put on the record how terribly grateful we are for aunty Amy and all the work she did for South Australia, particularly her kindness to the Florey Reconciliation Task Force. Our deep sympathy to her family.

Dr McFETRIDGE (Morphett) (11:56): I rise to support the motion. I did not know Amy, but I do know her sister Lowitja extremely well. If Amy was half as determined and persistent in achieving her goals as Lowitja is, it is no wonder that she achieved the wonderful things she did in life. The Leader of the Opposition and the Minister for Education have summed up the history of Amy Levai. The memories will always be there and her contribution will never be overlooked.

My mother was a primary school teacher and I was a chalkie for a little while. I would like to think that I inspired some of my students—I had to drive a number of them—and I know my mum has inspired her students, but a teacher like Amy Levai comes once in a lifetime. To be a model, a champion for Aboriginal people, is something that is very, very difficult now. You need to have that particular hard-nosed character to be able to do that, but doing it with compassion and doing it with empathy is something that people like Lowitja, and I know certainly Amy, would have done. I pass

on my sympathies to Lowitja and to Amy's daughter, Deb. I hope that we never ever forget the contribution that people like Amy Levai have made to this state.

The Hon. R.B. SUCH (Fisher) (11:57): I will just make a brief contribution. I fully support this motion. Lowitja, as I have mentioned in here previously, I have known since the time I was a little boy. She used to come to our house when she was nursing at the Royal Adelaide, when she was nursing with Faith Coulthard, who I believe became Faith Thomas. I did not really know Amy at all well, not in the way that I know Lowitja, but from what I have heard from people who did know her, experienced her teaching, they speak of and have spoken of her in the highest possible terms.

I went to Flinders University at the time John Moriarty went there. He was the first Aboriginal graduate from Flinders University. People like John and Amy were in many ways pioneers, as were Lowitja and Faith in nursing Aboriginal people. I think they have set the pathway for others to follow their example. Their achievements have shown that Aboriginal people can achieve in all sorts of ways in the professions and elsewhere. I fully support this motion and express my condolences to Amy's extended family.

The Hon. L.R. BREUER (Giles) (11:59): I want to very briefly speak in tribute to Amy Levai and also to her sister Lowitja, who I see sitting there listening to us today, and to all those wonderful people who went through Colebrook House so many years ago, people who were taken from their families and placed there. I have had many dealings with those people over the years and from there emerged some absolutely incredible leaders for Aboriginal communities in South Australia.

For example, Lowitja, who was an outstanding Aboriginal representative throughout Australia, through ATSIC and so many organisations she has been involved with, and people like Audrey Kinnear, Maude and George Tongerie, Claire Colebrook, Danny Colson and so many others that I can name. They were people who overcame incredible odds, survived and did so much work for their people and Australia. We need to look to them as leaders and understand how they operated, and I hope that the young people who are coming on now will take note of them.

One of the problems we have in our society today—whether it is Aboriginal society, white society or whatever it is—is that young people often do not appreciate the efforts of the people who have gone before them. I am not saying this as a vested interest because I am old myself, but often they are not appreciated and they lose track of what has happened before them and the leaders that have gone before them.

I think there are incredible role models there for the younger generation of Aboriginal communities today who certainly in many cases need their help, support and wisdom. We have lost so many of those amazing people. This week I mentioned Kuminara Thompson from the APY lands, who was an incredible tjilpi in that area. He led that community for so many years and did so much for Aboriginal welfare.

Here today we are talking about Amy Levai, another pioneer and an incredible woman. How do we thank them? How do we get the young people to listen to them? It is going to be difficult, but we do appreciate what they have done and what Amy did and the role model that she was. I offer my sincere sympathy to her sisters and all those family members.

Mr VAN HOLST PELLEKAAN (Stuart) (12:01): I rise to join every member of this house in supporting the minister's motion here today. It is very important that we recognise Amy Levai in this way. It goes without saying that any teacher who has taught well and contributed to our society for 35 years deserves an enormous amount of appreciation. Of course, for somebody who faced the challenges just to be able to teach at the beginning of her career that Amy Levai did, she must have been an extraordinary person. She deserves far more appreciation for what she achieved and for what she then gave to the students whom she taught. She worked incredibly hard to get the right to contribute to our society, and that is quite a strange paradox in itself.

It is always hard for people who go first and break the mould, and we should always show appreciation and respect for them when they do that. It is only common sense and logical, when we have a fair and open society made up of a whole range of people from a whole range of backgrounds, that the people who teach them, from preschool all the way up to university, should also come from that wide range of backgrounds. It does not make any sense to have it any other way.

Let me place on the record my thanks to Amy Levai for being the person who made the effort to break the mould in this area, and I show my appreciation for people who do so in lots of

different vocations in lots of different times, because if they do not stand up and do it then our society does not improve, and our society has improved because of Amy Levai.

Motion carried.

WOMAN'S CHRISTIAN TEMPERANCE UNION

Adjourned debate on motion of Ms Bedford:

That on the 126th anniversary of the Woman's Christian Temperance Union, this house—

- (a) recognises the South Australian branch's work from the early days of settlement in this state, its work on women's enfranchisement and personal safety; and
- (b) commends its continuing work on exposing the dangers of alcohol and substance abuse.

(Continued from 1 March 2012.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (12:04): I rise to commend the member for the motion to recognise the 126th anniversary of the Woman's Christian Temperance Union and, in particular, for the house to recognise its work from the early days of settlement on women's enfranchisement and personal safety, and its continuing work on exposing issues about the dangers of alcohol and substance abuse. There are very few institutions in our state that have stood the test of time, and it is fair to say that those who have an interest and passion in women and, also, history in South Australia, will understand the significance of their being so interrelated.

Most of the significant advances of this state have been on the backs of the tears, hard work and sometimes extraordinary sacrifice of women, and this organisation, in particular, has a history in which it has never shirked from the hard issues and never bowed to any public disquiet or discontent, or assertions made by others in the community that they are off the track. Indeed, it just has intensified their resolve.

The motion itself recognises that in South Australia we have had important advances in mental health; the provision of primary and other health care for children; the protection and support of women during what was in earlier years known as 'confinement', but during their maternity; and the advance of girls in our education system. One advance that has permeated our whole history is the use and abuse of alcohol and substances. This probably is the most outstanding issue for which I have noted the Woman's Christian Temperance Union.

Of course, it has a very significant role in women having the right to stand for parliament, as is recognised here in our own chamber by the tapestries. I will not dwell on that because it has been well covered, but it is not to be overlooked. I want to mention, though, their work in relation to the abuse of alcohol and substances. Some younger people today I think would take the view that hoon driving, drinking to excess, going to hotels, and I forget what they call it—what is drinking when they drink in a hurry?

An honourable member: Binge.

Ms CHAPMAN: Binge drinking, yes—is something that is new. If anyone reads the history of South Australia, they will have a very clear understanding of the enormous number of suicides that took place in this state during periods of financial and social hardship in the 19th century, and the abuse of alcohol by, I would have to say, principally men—they are probably the ones who had access to money to acquire it.

The development of the Woman's Christian Temperance Union drew attention to the social ills that resulted, such as children being left unfed or fatherless, circumstances where there had been abuse of women and failure to provide—all these issues, which also played a very significant part in, ultimately, women having the right to stand for parliament and to vote in this state. The intemperate behaviour of others in the community was probably one of the most significant reasons that this petition that stands here in this house was signed.

Women wanted to have an opportunity to be in the parliament to make decisions about what they described as saving their menfolk from these ills when they were facing very difficult circumstances. I am not here to pass any judgement on the men of the day. I make the point that they were tough times and there was a very strong resolve of the women in the community to have a right to come into this parliament, and the Woman's Christian Temperance Union had that role.

As we go through history in relation to the use and abuse of alcohol, in particular, this is an organisation which marched in the streets—against the rallying troops who were feeding into the

media of the day—insisting that, to try to contain this problem, the availability of alcohol should be restricted and that there should be 6 o'clock closing in hotels. Remember, this was an era when hotels really were a realm that was inalienable to women, unless they worked there cleaning rooms or emptying urine pots. Frankly, they did not have access to the benefits of public houses and it was a place for travelling salesman to stay, and for working men generally to be able to have alcohol, free of women.

An honourable member interjecting:

Ms CHAPMAN: Still is today, yes. However, the fact is that reducing access to alcohol was seen as a prime reason why the Woman's Christian Temperance Union wanted to march on this issue—and they marched. They had no problem with going out and having their protest. Really, these women put to shame some of the more pathetic protests that we see today by some groups which think that they only need to go to a meeting or sign a petition and that is enough.

These women wrote letters, insisted that they have articles published in papers, they published newsletters and had the printers going, no doubt without any electrical benefit, they marched the streets and they demanded at that particular time that the issue be addressed.

It is not to be overlooked, in my view, the significance of women when they get hold of an issue, and in particular with the assistance of groups such as the Woman's Christian Temperance Union. They should be acknowledged for corralling that women power and making sure that it has an effective message.

Guess what? Six o'clock closing did come to this state. Obviously, there have been changes to different laws since that time and I will not go into that, but when it comes to ensuring that health services are there for women and protesting against hospital closures in country regions, these are all areas where women have been very effective. I hope that in the future, the member having brought this matter to the house's attention, members will read these more carefully.

When you get a little letter from the Woman's Christian Temperance Union and it has in it a little confirmation of the motions passed—I assume mostly unanimously—to advise us where we should be looking to secure the protection of women and the advancement of a civilised society, have a good read of what they have to say because 99 per cent of the time it is good, plain common sense.

The Hon. R.B. SUCH (Fisher) (12:12): I have a brief contribution. I commend the member for Florey for moving this motion but note that it takes a long time for some of these matters to be brought to a vote. I have corresponded with the Woman's Christian Temperance Union over many years. To be honest, I enjoy a drink but I do not drink to excess and have never been drunk. However, I believe there is a role for groups like this.

As the member for Bragg pointed out, they have done more than expose the dangers of alcohol and substance abuse; they have actually been an effective lobby group for women's issues, women's safety and so on, and I commend them for that. I think it is important, especially in a society where, as I have said in other places, Australians do not have blood in their veins, I think they have alcohol.

Some people consume alcohol to excess—that is a generalisation—and it causes a lot of harm in the community. When you look at domestic violence, road accidents and in a lot of other areas, people who do not use alcohol sensibly and wisely cause a lot of pain, suffering and even death. So I think it is important that groups like the Woman's Christian Temperance Union help provide a moderating voice so that, as a society, we rein in the abuse of alcohol.

This group, by its very name, would suggest probably no alcohol but the reality is that we live with alcohol. I enjoy a drink—a beer and a wine—but, sadly, I think in Australia we have overdone it at times and some people still overdo it in terms of consuming too much alcohol, which has a devastating effect on family, friends and people in the community at large. I commend the Woman's Christian Temperance Union on their 126th anniversary and long may they continue to exist.

The Hon. S.W. KEY (Ashford) (12:14): I rise to support this motion. As members in this chamber will know, it has been on the *Notice Paper* for quite some time, so I am very pleased that the member for Florey had the foresight to bring the motion forward today, seeing as South Australia has just had the pleasure of hosting the 39th World Convention of the World Woman's

Christian Temperance Union, entitled 'Our Hope, Our Vision: A Drug-free World', which was held at the Stamford Grand Hotel.

The member for Florey, along with some support from the President and the Minister for the Status of Women, supported a tea held in the Balcony Room in Parliament House. I understand that the member for Florey looked after 170 delegates from 30 countries all over the world. I would just like to say that it is lucky that the member for Florey has the tenacity that she has, because I think most of us would find 170 militant Woman's Christian Temperance Union members very difficult to deal with.

I understand that the Clerk also assisted with the program, as did the staff from Parliament House and the Florey electorate. Thank you very much for representing us all. A number of us were up in the APY lands, so that will hopefully give you some salve; we would have liked to have been here, but were unable to do so.

The other reason I wanted to speak today is that the Woman's Christian Temperance Union is actually located in the current seat of Ashford, soon to go to West Torrens after the next election. I have had a long association with the Woman's Christian Temperance Union, certainly in the early days of being involved in women's organisations, but also more recently, talking about some of the issues that the Woman's Christian Temperance Union see as important.

I think it would be fair to say that although, many years ago, I was offered membership of the Woman's Christian Temperance Union, other than being a woman and a trade unionist, there was not a lot that we had in common. So, I really did not feel that I could take up that membership. I am very honoured to have been asked. I must say that, like other speakers, I have really been impressed with the continuous work that they have done, particularly in South Australia.

As is my wont, I have been reading a lot about the early days of white settlement in South Australia, and the Woman's Christian Temperance Union really did come to the fore. In fact, we have representation on the women's suffrage tapestry here. There were a number of women being brought out to South Australia—as you know, we are a non-convict settlement—who were working in many of the houses that had been established, and certainly in industry, but had absolutely nowhere to live.

It was really the Woman's Christian Temperance Union that provided the first shelters for women at the start, and then accommodation. Some of the first accommodation for working women (usually housemaids and the like) was provided by the Woman's Christian Temperance Union. There were also some big issues, as has been mentioned, with regard to domestic violence, and it was the Woman's Christian Temperance Union that actually organised support for people who were being bashed, raped and assaulted in our early community.

While, as I said, these days I probably have some different views on some of the policy issues of the Woman's Christian Temperance Union, I certainly absolutely agree with the ongoing work that they have done and the continuous effort they have made to try to make sure that women and children in particular are protected in our community.

I remember reading a book by the late senator Janine Haines about the Woman's Christian Temperance Union with regard to the campaign for suffrage, and they were major organisers in that area. I think we can be very proud that we had the international conference in Adelaide, and I would just like to thank them for all their work and continuing work.

Ms BEDFORD (Florey) (12:19): I would like to thank the house for allowing the motion to be carried today, and I thank the people who have contributed to the discussion. I also thank the immediate past president of the international WSPU, being Sarah Ward; the delegate from Maryland, Bunny Galladora; the South Australian President, Dawn Giddings; and particularly the New Zealand delegate, Annette Patterson, who was very kind in her remarks. Of course, New Zealand was the first place where women were allowed to vote. She very kindly reminded me that the sisters from New Zealand warned us to go for both franchise and the right to stand, so we are very grateful for their advice and their continuing leadership in so many ways in women's areas, and I commend the motion.

Motion carried.

DIABETES

Adjourned debate on motion of Hon. R.B. Such (resumed on motion).

Mrs VLAHOS (Taylor) (12:21): I would like to present another side to the member for Fisher's motion today. The rates of type 2 diabetes are rising in South Australia, and current estimates are that roughly 5.2 per cent of adults have type 2 diabetes; in fact, I have family members who suffer from it, too. In many people over the age of 60, the prevalence of type 2 diabetes is nearer to 14 per cent, and many are more at risk of developing type 2 in the future, mainly due to being overweight and physically inactive.

Treatment and ongoing management of type 2 diabetes result in considerable cost to our health care and hospital systems. In 2004-05, treatment costs directly related to type 2 diabetes were in the vicinity of \$80 million. The impact and burden on the community of type 2 diabetes cannot be overstated. This is why the South Australian government and the commonwealth government have been investing heavily in awareness raising, prevention and treatment of and research into type 2 diabetes. Let me provide some more examples of this.

SA Health has been working actively in the area of prevention of type 2 diabetes and chronic disease more generally for many years. Much of this work has been targeted at addressing the underlying causes of type 2 diabetes, namely, being overweight and obesity. A range of programs and services have been implemented, including: the 2 and 5 messages and resources to encourage healthy eating; the Be Active 'Walk yourself happy' campaign and resources to encourage physical activity; and the Community Foodies program, a volunteer-led program to teach people about growing, purchasing and preparing healthy meals.

The Do It For Life, a personalised lifestyle-change program to help individuals at risk of type 2 diabetes identify and make the changes necessary to prevent chronic disease developing, will soon be replaced by a telephone coaching service that is currently available in New South Wales, the ACT, Tasmania and Queensland. This new service will deliver a similar one-on-one program but in a more cost-effective way that also provides greater reach and access for those in regional areas. Any adults seeking help to change their lifestyle habits to improve their general health, reduce their risk and better manage chronic disease will be able to access this service from anywhere in the state between 8.00am and 8.00pm Monday to Friday.

Through the Health in All policy work led by SA Health, other South Australian government departments have also introduced policies, programs and improvements to infrastructure to support healthy choices to encourage improved nutrition and increased physical activity with their staff. The new SA Public Health Act 2011 now covers non-communicable diseases such as type 2 diabetes within its role and responsibility. This will be reflected in regional public health plans that all South Australian local councils will also develop.

The public hospital system and health services in South Australia provide world-class services to diagnose, treat and manage type 2 diabetes. For example, diabetes nurses and nurse educators work across inpatients, outpatients and community health services to provide patients with ongoing treatment and management of type 2 diabetes. Community-based chronic disease, self-management programs are available to support patients with type 2 diabetes to adapt their lifestyles to ensure better compliance with medication, better diet and more physical activity to prevent complications and disease progression of this widespread disease.

The South Australian government also contributes to research on and monitoring of type 2 diabetes, its causes and impacts, through activities conducted by SA Health, as well as funding to our new SA Health and Medical Research Institute being based at North Terrace. I am confident that the South Australian government is making an appropriate contribution to the work to prevent and treat type 2 diabetes, and this work is complemented by that of the federal Australian government. The federal Australian government is also investing heavily to raise awareness and prevent and manage type 2 diabetes, and is providing the following programs:

- It provides funds to Diabetes Australia, the peak body, to conduct awareness-raising activities, provide information to the public, and implement the National Diabetes Service Scheme, which provides low-cost medication and equipment to diabetes patients;
- It worked together with Baker IDI to develop the AusDrisk screening tool to assist with easier identification of people at high risk of developing diabetes to encourage prevention and early intervention;
- It works with the National Partnership Agreement on Preventive Health, providing \$932.5 million over nine years nationally to address the rising prevalence of lifestyle-related chronic diseases by supporting programs in preschools, schools, workplaces and

communities. The focus of this funding is on poor nutrition, physical inactivity, smoking and excessive alcohol consumption (including binge drinking); and

- It is also funding the establishment and operation of five Medicare Locals based in South Australia, that have a role in delivering primary care to their communities, including primary prevention services.

In supporting this motion I note that the South Australian and Australian governments have already provided a comprehensive range of services, programs and research to ensure that the population is informed and assisted in making personal efforts to make healthy lifestyle choices within their own experience, to prevent the onset of chronic disease such as type 2 diabetes, and receive the best quality of care that is needed.

Dr McFETRIDGE (Morphett) (12:26): Polydipsia, polyuria, polyphagia; they are three presenting signs of the classic diabetic patient, both in the human world and the animal world. Polydipsia means that you drink a lot, polyphagia means that you eat a lot, and polyuria means that you wee a lot. If you ask any diabetic whether those are a problem with them, they will tell you they are a real issue in managing their lifestyle.

As a vet with over 22 years of practice I can say that about one in 80 dogs and one in 300 cats become diabetic (this is type 1 diabetes), and you have to manage them in exactly the same way as you do humans. Giving your cat or dog injections every day, twice a day in most cases, can be a good bonding experience for you and your pet; it certainly develops a level of trust. Then there is managing their diets as well.

I remember, as a vet student at university, our professor of ophthalmology, the late Douglas Slatter, had us in one day in surgery, and we took the cataracts out of a diabetic canary. I think that was probably a world first, and probably the only time that has ever happened.

However, while diabetes in the veterinary world is a very serious problem, and an increasing one, in human medicine it is becoming an absolute tragedy to see the number of Australians, and people around the world—old, young and in between—who are developing diabetes. Much of it, as in type 2 diabetes, is preventable. If we will stand on the scales and take a harsh look at them, or if you have talking scales and they say, 'One at a time please', then you can guarantee that you need to do something about your lifestyle to make sure that you do not develop type 2 diabetes.

There are so many people developing type 2 diabetes because they are not managing their lifestyle. Losing a bit of weight, staying active, getting your blood pressure down, just being a healthy person is one of the best things you can do not only for yourself but also for the Australian economy because these chronic diseases, such as type 2 diabetes, are having a massive impact on our health budget.

There are two types of diabetes. Type 1 relates to the pancreas, which is a spongy organ that sits behind the stomach. It does a couple of jobs. It produces some enzymes to help you digest your food, but it also produces insulin and glucagon, and insulin is the main hormone we are concerned with here. In type 1 diabetes your pancreas is not producing the insulin to enable you to take up the glucose that is an end product of the digestion of many of your foods.

The body responds from a lack of glucose by starting to digest your fats and you may have heard of the term 'ketone breath'. The by-product of metabolism of fats are ketone bodies and the breath of a poorly managed diabetic is quite terrible. You have ketones on your breath and you often hear of criminals occasionally being described as having a stinky—or 'Mr Stinky'—breath. There was one guy we remember for having a terrible breath and that can be a sign of diabetes.

Type 1 diabetes is a very severe form of diabetes where insulin is not being produced, or is not available to the body, so you are having to put insulin into your system with twice-daily injections to make sure that your blood glucose does not go too high so you do not have hyperglycaemia—that is too much glucose in your blood. If you put in too much insulin you have a hypo, you have a low level of blood glucose and you can faint. That is why, if you have a diabetic who is not managing themselves well and they have a hypo, they faint, but give them a lolly or a teaspoon of sugar in their mouth and they will recover very quickly.

Managing type 1 diabetes is something that we are all looking forward to be able to do in better ways, with insulin pumps and with islet implants into the pancreas so that the body starts producing insulin again. It is a very interesting area to see the development of research and methods that are being used because it is a very expensive part of medicine. We need to make

sure our research is supporting our medical professionals in dealing with type 1 diabetes so they can help their patients and those suffering from diabetes can manage their diabetes.

In children, juvenile diabetes type 1 is an absolute tragedy for the whole family—never mind just the individual—because having to make sure that you are monitoring your child through the night so that they are not having a hypo, they are not going unconscious and dying from having a hypo is something that you have to do 24/7. You are managing that child all the time but particularly overnight. It has a massive impact, not just on the individuals but also on families.

Making sure we are supporting research and supporting advancements in the management of diabetes is something that this motion is aimed at doing and we all should be supporting it. I am glad to see the government is supporting it and I know that the government has done some good work and is providing funding for research.

Type 2 diabetes, as I said, is where the insulin is being produced by the pancreas—perhaps not as much as it should—but, for some reason, the body cells are not reacting to that insulin and able to use the glucose in the bloodstream. You then have a high blood glucose level and your system starts to react in a similar way, but a less severe way than a type 1 diabetic.

I will just mention one complicating factor in monitoring or detecting diabetes and that is haemoglobinopathies. I mention this because one of my constituents has been at me for years to encourage medical students and lecturers in the medical schools to discuss the frequency of haemoglobinopathies in patients because this can interfere with the detection of diabetes as a disease.

Haemoglobinopathies are where the haemoglobin is abnormal and does not carry glucose in the normal fashion. One of the measures of detecting whether you are diabetic is measuring your haemoglobin HbA1c and this is looking at the amount of glucose that is on the cells of the haemoglobin and gives a bit of an idea of what your glucose levels have been like for the last three months. When you have HbA1c levels above 6.5, that is showing that you are diabetic and less than 5.5 is that you are managing things well. In this particular case of my constituent, his HbA1c was perfectly normal, yet his blood glucose was sky high. This was missed by the doctors for a long time and so he was being an unmanaged diabetic which caused him a lot of distress.

I have written to the medical school. I have written to diabetes educators to make sure that they are educating both the professional and the laypeople involved in educating our medical students as well as people with diabetes on how to manage their diabetes and be aware that they may need to have a fructosamine test to test for their levels of HbA1c.

The end result of diabetes can be extremely severe. My father-in-law was a poorly managed diabetic, and he ended up getting severe vascular disease in his lower legs and developing some gangrene in his toes. You can have your toes amputated, feet amputated, legs amputated, and you can lose fingers. You need to manage your diabetes really well because it has severe consequences: as well as cardiovascular disease, there is kidney disease and, as I have said before with our diabetic canary, you can also get eye disease, such as diabetic cataracts. Diabetes should never be underestimated.

I think the latest figures have been put out there by the member for Taylor and certainly the member for Fisher. Millions of people now are either having to cope with their diabetic condition or are at risk of becoming a diabetic. We need to make sure that we are supporting this motion and supporting the people who are working in the areas of research and helping people who have diabetes, particularly those families with kids with diabetes, to manage those diabetic patients. It is so important. Like many lifestyle diseases, unfortunately type 2 diabetes is becoming more prevalent. We all need to take care of our own health, and we are the ones responsible for that.

Mr PENGILLY (Finniss) (12:35): I would also like to say a few words on this motion from the member for Fisher. I am very supportive of the matter. Interestingly enough, I am not sure how many people who work in this place, whether elected or otherwise, suffer from diabetes; there are probably a number with either type 1 or type 2. I actually urge colleagues on my side who I view with some degree of seriousness as having the potential for contracting type 2 diabetes to get themselves active, lose weight, watch their diet and be very careful. Sometimes they get rather annoyed by my approach, but I am not going to back off on it.

I would say to members on both sides of the house that if they have not had a glucose test (I am not going to go into all the medical terms the member for Morphet went through) to go and have one. Do the glucose test and have a blood test and do it regularly. It is imperative that you do.

I have an auntie who is now 80 years old, and she has had type 1 diabetes for 60 years and is insulin dependent. She is very clever at managing the illness and is as bright today as she was all those many years ago. She has looked after herself exceptionally well, with a lot of support from her family.

Wherever possible I actively support any diabetes networks in my area or wider across the state as I think it is a terrific way to learn. I have watched people suffer considerably from not looking after themselves with diabetes. I have seen people I know well die from the effects of diabetes from not looking after themselves and losing limbs—toes, then legs, and the list goes on. It is horrendous. It is, in any way, shape or form, the last thing on earth you would want to happen to you. If you have type 1 and you are insulin dependent, you manage it, generally speaking, quite well.

There are some people who just do not appear to be able to manage it and do not appear to want to follow doctors' orders. One friend of mine had a toe amputated due to being overweight and contracting diabetes. He gets around now, but I would not say he is in the best of health. One of his villainous mates gave him a pair of thongs for Christmas after he had his toe removed, but that is another story. I seriously say to members: get yourself checked out if you have not and keep an eye on it.

Of course, type 2 diabetes is a lifestyle disease, and I have grave concerns about the future of our Australian community, that with the number of overweight and obese particularly children who are coming through we will have an epidemic of type 2 diabetes across Australia before too long. You only have to look at what has happened in the United States where junk food seems so prevalent.

I was watching recently the debacle in Cleveland. It is a poor neighbourhood and the sheer size of the people they interviewed was absolutely frightening. That is the result of cheap food, poor education, lack of exercise and a number of other things. I would not like to think that it would happen to that extent in Australia; however, junk food is available all around the place. If you go to a fast food outlet it is filled up with kids, generally speaking, or families that do not have the money, perhaps, to buy healthier, better foods, all consuming the food in those places. They are chock-a-block full of sugar and things that are bad for you. That is why they taste good and that is why they sell them.

I think the message is loud and clear that we need to continue the education. We particularly need to educate children in schools and the teachers need to continue battling away on this. The diabetes education groups get out in the wider community and do all they can to encourage people to take care of themselves. It is something that is not going to go away. I have seen figures, I do not have them in front of me now but the member for Fisher may well have them there, but they are frightening figures. In this place with this motion, and I am presuming that a number of other speakers will want to speak about it, I think it was important to say a few words and for all of us to get behind and encourage governments of all persuasions, state or federal, to up the education on the potential for diabetes and to look further into diabetes research.

I am told that eventually there will be a cure for type 1 diabetes. There will, I suspect, be no cure for type 2 because it is the same, only different, but there will be a cure for type 1 diabetes. I know that many people are looking for that cure. We have not found a cure for the common cold, but we have found cures for other things. We have cures and treatments for many types of cancer but as time goes on more and more money will have to go into research on this disease alone. I am very supportive of the motion that the member for Fisher has put up and I have no doubt whatsoever that it will be supported by everybody in this place.

Mr PEGLER (Mount Gambier) (12:42): I rise to support the motion that this house notes the increasing incidence of diabetes and urges governments, both state and federal, to promote awareness of this disease, along with increased emphasis on prevention, treatment and research. Within my family we have members who have type 1 diabetes. I am one of those fortunate ones who have developed type 2 diabetes. It is probably, as the member for Morphett said, from eating and drinking too much. I have certainly changed my lifestyle. I was lucky enough that I did go to the doctor and had tests every year for many years so we have been able to control my diabetes through some tablets and also a change in lifestyle, with a bit more exercise and dieting.

What does particularly worry me, especially with men, is that they do not seem to go to the doctor often enough. I would certainly, and always do, encourage anybody that I see, particularly those who are carrying a bit of extra weight, to go and have a test every year. It is a very easy test

to have: you do not eat anything after tea one night, then you go in the next morning and have a simple blood test, and that will show what your blood glucose levels are. It is very non-invasive and I think that, as a community, we must encourage all people, particularly when they are in their thirties (probably), to start having tests done and if they are going to run into problems or they have a disposition to type 2 diabetes that will be picked up early. Those people will be able to change their lifestyle, and they will end up living a lot longer and living a much healthier life. I certainly commend this motion; I think it is a great step in the right direction. If we can encourage people to go to their doctor, have the test done, they will be able to take the remedial action. I commend the motion.

Mr GRIFFITHS (Goyder) (12:45): I also support the motion, and I do so as a person who has been guilty of some of the lifestyle issues that have been commented on today. For me, it came home well and truly about three months ago when, after blood tests and glucose tests, I was identified as being 7.2; therefore, I am type 2, not a terrible level. I spoke to my mum, who has just retired after nearly 50 years as a nurse. She told me that she has nursed someone who was 60 and that she was surprised that that person was alive. She told me that, if I was 20, she would be concerned about me, but at 7.2 it is all about lifestyle issues.

All of us can learn a lesson from it. It comes down to an education and awareness opportunity and a chance to think about how we want to live into the future. I think the motion is a very good one in that it makes us do exactly that and to act appropriately early enough to prevent it from being an issue in our life. Sadly, to many like me—not someone like you, Mr Deputy Speaker; you are still very active, and I understand that—who choose to lead more of a sedentary life and who still enjoy things in life, they succumb to it. So, it is important that we deliver that message.

There are two things I want to talk about today, though, and one is the Juvenile Diabetes Research Foundation. There is a linkage that occurs between parliamentarians and those in our community who live with type 1. In my case, the young man I am paired with from my electorate, just north of Wallaroo in Goyder, is Nathaniel Snodgrass. I do not think that Nathaniel or his mum and dad, Andrew and Chris, would worry about my mentioning him.

I have been to their home and seen Nathaniel, who is the oldest of five children. They live on a farm just a little north of the town. They are a great family. They are involved in so many community activities, they attend church regularly and go to the Harvest Christian School at Kadina. For them, the fact that Nathaniel suffers from type 1 and the impact it has had on their family, even with the other children coming along subsequently, has made them think about what occurs in their life and it has impacted upon what they are doing. Nathaniel is a great young man. He is probably 15 now—time flies a bit, I suppose. I know that he is one of the people who self-injects and all that sort of stuff. I look at him with a lot of humility and respect.

I was pleased when the member for Finniss commented on the fact that there is a belief that type 1 can be prevented and is far easier to treat; that gives me hope. That is why it is not only important that we support the motion but that we recognise an opportunity to support organisations such as the Juvenile Diabetes Research Foundation and assist them in what they do so that we can help other young people across our community, too.

Finally, I want to talk about an older man in my electorate, who has since passed away, who always enjoyed himself, which is probably the easiest way to say it. He was a former publican. He was large, played footy. He came from quite a famous footy family; he had a cousin who played for Sturt (No. 20), who could ruck and all that sort of thing all day—

An honourable member interjecting:

Mr GRIFFITHS: Rick Davies—yes, this chap was a cousin of his. He has passed away, but he suffered terribly from type 2 diabetes. It was really exemplified to me that, when he was living at Port Victoria, he walked out on the jetty on a hot day. Because he was not wearing shoes, and with the lack of feeling he had in his body, he just about melted every bit of skin off the bottom of his feet. He suffered terrible pain from the treatment he had to have, the special shoes he had to wear, all because he was walking on things that were burning his skin off and he did not realise it, because he was out there by himself. I think that is an absolute tragedy.

Sadly, Wayne passed away last year on his 65th birthday, but this has made me realise that everyone in our society, especially governments at all levels, has a responsibility to promote the issues about diabetes and the importance of people working on their lifestyle to try to prevent it. The motion is a good one and if it allows the message to get out there, even from brief words said by members, it is going to help the cause. I think we should all stand up and say yes to this one.

Mr VAN HOLST PELLEKAAN (Stuart) (12:49): I will be fairly brief but I do want to contribute because this issue is particularly important to me. My brother has type 1 diabetes and he was diagnosed when he was in his early to mid-20s, which came as quite a shock to all of us. He is living quite well with it and has a great family, two kids and wonderful prospects, but it will be something that will be with him all his life and it is something that I take very seriously. I wholeheartedly support the member for Fisher in his motion, particularly with regard to the awareness and emphasis on prevention aspect of his motion.

It is fair to break diabetes up into type 1 and type 2, as many people have. Type 1 just seems to come along. That is not really the medical term, but it just seems to come along and affect people in the way that it did my brother, who is a very fit, healthy, active person. He was an active surfer, a member of a surf club; he was doing all the right things; he was a healthy eater and that sort of thing. Like most people in their early to mid-20s, he might have had a beer or two too many upon occasion but he was really doing the right sort of thing.

Type 2 diabetes is the area that really concerns me and really worries me because it is on the way to becoming a pandemic. It is on the way to being a society-altering medical problem and what concerns me so much about that is that it is not even contagious. It is not contagious; you do not catch diabetes; you do not come in contact with it. You do not share diabetes with somebody; all you can share is bad habits.

Diabetes type 2, primarily—and I am not trying to categorise every single person who has it—is avoidable if you have reasonably good lifestyle habits. You do not have to be a saint. Most people in this chamber are not saints, but the reality is that if you do not exercise, if you do not eat reasonably well, if you do not watch your weight, if you do not do just the plain old common-sense things that everybody should be doing, you put yourself at risk.

That is the thing that is so incredibly frustrating about this, because guess what? If you put yourself at risk of type 2 diabetes, you put yourself at risk of just about everything else going around as well. You put yourself at risk of so many other things, almost every serious disease that we are aware of, like heart disease. I am talking about the major volume diseases that affect people. They are also helped if you have a good lifestyle. They are also helped if you get a reasonable amount of exercise and have a reasonably good diet, do not consume sugars and alcohol and other things to excess, so this is a particularly frustrating issue.

I support the member for Fisher wholeheartedly. I think awareness is the key; discipline is the key. By that I do not mean some stoic, rigid lifestyle. Just a bit of discipline to do the things that you know you should do to stay on roughly the middle road would be enough to help with type 2 diabetes. Thank you to the member for Fisher for bringing this forward; thank you for highlighting the fact that it is largely a preventable disease, particularly in the type 2 category, and I do share the member for Fisher's desire that we promote the awareness of this disease along with increased emphasis on prevention, treatment and research.

Debate adjourned on motion of Mr Treloar.

SAME-SEX MARRIAGE LEGISLATION

The Hon. S.W. KEY (Ashford) (12:54): I move:

That this house—

- (a) notes the passing of the New Zealand Labour Party's Louise Wall's private member's bill, the Marriage (Definition of Marriage) Amendment Bill, that will take effect on 19 August 2013; and
- (b) congratulates the New Zealand House of Representatives' members across seven parties—Labour, Nationals, Greens, Maori, ACT, Mana and United Future—for working together to enact legislation that ensures that same sex adult couples have the right to marry.

Last year, I had the opportunity to visit Wellington in New Zealand to discuss my sex work reform bill—of course, New Zealand decriminalised sex work in 2003 and, I might say, the end of the world has not come, so that is quite heartening—and also to discuss their campaign in regard to equal marriage.

Since moving this motion in the house, I note that France has also decided to change their marriage provisions so they are able to support adult same-sex couples getting married. Last night, I noticed a report in the media—*The Telegraph* in the UK—that Brazil has become the third and largest Latin American country to give a de facto (interesting word) green light to the same-sex marriage issue, and that is through the National Council of Justice, which oversees Brazil's legal

system and is headed by the Chief Justice of the Supreme Court. One of the comments he has made is that he thinks government officers who issue marriage licences have no reason to reject gay couples in issuing those licences.

It is also interesting to note the debate that is going on in the UK. There have been some questions raised about why the Queen, in the opening of parliament recently, did not mention the same-sex couple legislation but did mention a whole lot of other areas.

I understand that she has also given a public speech indicating her support for equal opportunity and also equal opportunity for people whatever their sexuality and sexual orientation. So, it seems as though all around the world people are starting to understand that this does not need to be a move that we should be frightened of.

We know that same-sex marriages are legal in a number of countries, including the Netherlands, Belgium, Spain, Canada, South Africa and Uruguay and, on the home front, Premier Weatherill has indicated his support for equal marriage. I understand that the Leader of the Opposition (member for Norwood, Steven Marshall) has indicated his own personal support for same-sex marriage, and leaders such as Premier Barry O'Farrell in New South Wales and Colin Barnett in Western Australia have voiced their support for same-sex marriage, so it seems as though there is an understanding even in Australia that maybe this is something we need to look at.

Unfortunately, when I went to New Zealand I did not get the opportunity to meet Louise Wall, the Labour member for Manurewa, because she had some pressing constituent issues she had to attend to immediately, as we would all understand.

Although I did not get the opportunity to meet her, I was impressed by the background work she had done. It was very obvious in the parliament that she had done a lot of cross-party work and managed in the end to get a majority of members in the parliament to support this legislation, but also on that list was the conservative Prime Minister, the Right Honourable John Key—not only does he have a very good name but obviously has very good politics in some areas.

When you look at Ms Wall's biography, it is easy to see what an accomplished and determined woman she must be. She has held a number of positions in her working life, from principal adviser in the Children's Commission to a program manager in funding and planning in the Manukau area, and she is also a champion rugby player. Ms Wall obviously has a number of accomplishments, other than having the good taste to join the New Zealand Labour Party. I seek leave to continue my remarks.

Leave granted; debate adjourned.

[Sitting suspended from 12:59 to 14:00]

VISITORS

The SPEAKER: I welcome to the parliament volunteers from the Leukaemia Foundation, who are here as guests of the member for Adelaide; also Whyalla High School students, who are guests of the member for Giles; the Kingscote campus of KICE, who are guests of the member of Finnis; and, earlier, we had the Mid North Christian College from Port Pirie, who were guests of the member for Frome.

PAPERS

The following papers were laid on the table:

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

Response by the Government—13th Report—Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation—Inquiry into Vocational Rehabilitation and Return To Work Practices for Injured Workers in South Australia

By the Minister for Employment, Higher Education and Skills (Hon. G. Portolesi)—

TAFE SA—Ministerial Charter 29 April 2013

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

Water for Good—
Annual Report 2012
Progress Report Card

MOTOR VEHICLE ACCIDENTS (LIFETIME SUPPORT SCHEME) BILL

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) (14:01): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.J. SNELLING: Last night, South Australian motorists got a step closer to a big cost of living saving because the Legislative Council supported the government's reforms to the compulsory third-party scheme. These reforms will create a fairer and more affordable compulsory third-party scheme for South Australian motorists. Under the new laws, the cost of registering a typical class 1 passenger vehicle from 1 July this year will reduce by more than \$104. There will also be a continuing saving—

Members interjecting:

The Hon. J.J. SNELLING: Shame? I think I heard 'shame' from the benches opposite. Well, I could understand why they are upset. There will be a continuing saving of \$44 per year from 1 July 2014 onwards. This means more cash will be left in the pockets of hardworking South Australian families. A family who needs a car to get to work and another car to drop the kids off at school will save nearly \$300 over the next two years.

Members interjecting:

The SPEAKER: Minister for Health, would you be seated. To save on interjections, if any member of Her Majesty's loyal opposition wishes to record that he or she did not yell 'shame' in response to the health minister's utterance then, of course, it is open to you to make a personal explanation.

The Hon. I.F. Evans: All 25 of us?

The SPEAKER: Yes, indeed. The member for MacKillop.

MOTOR VEHICLE ACCIDENTS (LIFETIME SUPPORT SCHEME) BILL

Mr WILLIAMS (MacKillop) (14:03): I seek leave to make a personal explanation.

Leave granted.

Mr WILLIAMS: I certainly did not utter the word 'shame'—

The SPEAKER: Thank you.

Mr WILLIAMS: —and I don't believe anybody else on this side did.

The SPEAKER: No, you can only speak for yourself.

Mr PISONI (Unley) (14:03): I seek leave to make a personal explanation.

Leave granted.

Mr PISONI: I didn't utter the word 'shame'.

The SPEAKER: Thank you. The member for Heysen.

Mrs REDMOND (Heysen) (14:03): I seek leave to make a personal explanation.

Leave granted.

Mrs REDMOND: I certainly did not utter the word 'shame'.

Mr PENGILLY (Finniss) (14:04): I seek leave to make a personal explanation.

Leave granted.

Mr PENGILLY: In no way did I ever utter the word 'shame' in response to the health minister.

Mr GARDNER (Morialta) (14:04): I seek leave to make a personal explanation.

Leave granted.

Mr GARDNER: I did not mention the word 'shame' or any other.

The SPEAKER: Yes. The minister.

The Hon. J.J. SNELLING: It must have been the member for Kavel, sir.

Members interjecting:

The SPEAKER: Here we come close to the cause of the trouble. The member for Kavel; now, careful.

Mr GOLDSWORTHY (Kavel) (14:05): I seek leave to make a personal explanation.

Leave granted.

Mr GOLDSWORTHY: I have been prompted by the interjections from the Deputy Premier and the Minister for Health. I certainly did not utter the word 'shame'.

The SPEAKER: Thank you. The Minister for Health.

MOTOR VEHICLE ACCIDENTS (LIFETIME SUPPORT SCHEME) BILL

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) (14:05): Now we've got that sorted, sir; the opposition is worried about the big issues.

The Hon. T.R. Kenyon: Point of order.

The SPEAKER: The Minister for Manufacturing.

The Hon. T.R. KENYON: Whilst not uttering the word 'shame' just recently, sir, the member for Unley did in fact call the minister a liar.

The SPEAKER: Then I call upon—

Mr PISONI: I apologise and withdraw, sir, for calling the Minister for Health a liar.

The SPEAKER: The minister.

The Hon. J.J. SNELLING: I know the opposition is very sensitive about this matter. People driving other classes of vehicles will also save, with most others having a reduction of around 20 percent on their motor insurance premiums. Truck drivers, couriers, taxi drivers and motorcyclists will save under these reforms. For example, taxi owners will pay \$1,200 less next financial year. I know how much that will be welcome by the Minister for Transport and Infrastructure. Because of these reforms South Australian motorist's will pay over \$100 million less in premiums in 2013-14.

Members interjecting:

The Hon. J.J. SNELLING: We have made these changes because the government is serious about easing cost of living pressures for South Australian families. I wish I could inform the house that these important reforms were moved smoothly, but the opposition tried to amend it to prevent hardworking South Australians from receiving a saving from July at all. Fortunately for South Australian motorists, the bill passed the other place without these amendments. I thank members of the Legislative Council, in particular the Hon. Ms Franks, leading these reforms with her colleague the Hon. Mr Parnell, on behalf of the Greens, and the Hon. Mr Brokenshire—

Ms CHAPMAN: Point of order.

The SPEAKER: While the deputy leader is on her feet taking a point of order, I call her to order, and the member for Heysen, for earlier repeated interjections. The member for Bragg.

Ms CHAPMAN: Thank you, Mr Speaker. I ask that you determine—

The SPEAKER: What is the point of order? It is a ministerial statement, not an answer to a question.

Ms CHAPMAN: No; but this is a clear reflection on the debate in the other place and the Legislative Council. The minister has not only reflected as a group on the Legislative Council's

debate but he is now embarking on criticism of the contributions made by individual members, starting, I think, with the members of the Greens Party.

The SPEAKER: No, no; I think he is actually praising them, but that is still a reflection.

The Hon. J.J. Snelling: It's positive.

Ms CHAPMAN: It's still a reflection. It doesn't matter whether it's positive.

The SPEAKER: Indeed; I'll take advice on that. Minister, I'll take advice on the point of order. The member for Bragg would be correct if the other place were still deliberating. It has now ceased to deliberate. I think the term is 'functus officio'. The health minister.

The Hon. J.J. SNELLING: I have come to praise the Legislative Council, sir, not to bury it. The Greens and the Hon. Mr Brokenshire—

Members interjecting:

The Hon. J.J. SNELLING: They are so upset about this, I can't understand it. You would think that they would be happy about delivering South Australian motorists a \$100 saving on their car rego, but obviously they are not. I thank the Greens and the Hon. Mr Brokenshire and the Hon. Mr Hood from Family First for being on the side of South Australian motorists and recognising the importance of these reforms. Best of all, from 1 July next year, South Australian motorists who are catastrophically injured, where no-one is at fault, such as swerving to miss a kangaroo on a country road and rolling their car, will receive the care and coverage that they deserve.

QUESTION TIME

SOUTH ROAD UPGRADES

Mr MARSHALL (Norwood—Leader of the Opposition) (14:09): My question is to the Premier. As the Premier stated yesterday that the government's proposed South Road upgrade is funded from budget contingencies, can he confirm that borrowings will not increase to fund this project?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:10): By definition, because they have been provided for in contingencies, borrowings won't increase to fund the South Road upgrade—the Torrens to Torrens upgrade. The way in which the budget is presented will be a matter for the budget, and I must say that we have been very pleased to anticipate that the commonwealth would engage in a further nation-building set of arrangements.

That's why you do a provision for these things. Because of the rules of that particular funding round—there are fifty-fifty funding rounds for metropolitan road transport projects—the South Australian budget necessarily has to be provisioned in that way for those particular allocations by the commonwealth. So, it was with great pleasure that I welcomed the commonwealth's announcement of the Torrens Road to Torrens River upgrade at South Road. The money is available in the budget and it won't add to borrowings.

SOUTH ROAD UPGRADES

Mr MARSHALL (Norwood—Leader of the Opposition) (14:11): A supplementary: can the Premier confirm that the entire capital cost of the South Road upgrade is contained and provided for within the existing budget, as most recently updated in the Mid-Year Budget Review presented to the parliament in December last year?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:11): Yes; our contribution to the South Road proposition is contained within the forward estimates that we hold in contingencies, because we anticipated that when Nation Building 1 came to an end it would be followed by Nation Building 2, and we had to make an estimate of what we expected the commonwealth would provide for Nation Building 2. That estimate has proved to be accurate.

AFFORDABLE LIVING

Ms BETTISON (Ramsay) (14:12): My question is to the Premier. Will the Premier update the house on what the government is doing to help make South Australia a more affordable place to live?

Mr Venning: Resign.

The SPEAKER: I call the member for Schubert to order. The Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:12): I thank the honourable member for her question. I know this is a matter of vital interest to the electors of Ramsay. Over the past decade, the South Australian economy has experienced significant growth. That has meant that incomes for many South Australians have risen considerably over that period. That is a very substantial way in which we make a contribution to affordability: keeping people in employment.

Yet we do know that there are some people who are struggling to make ends meet and, while incomes in a general sense have outpaced price rises, many South Australians on low incomes or those who have suffered sudden changes in circumstances have been under pressure. That's why making South Australia a more affordable place to live is one of the government's seven priorities for action. That is why in March I launched a consultation paper that asked South Australians for their views on what more could be done in this important area.

So far, we have received more than 300 responses. On 7 May 2013, I was pleased to open the An Affordable Place to Live workshop, with a range of community organisations, government representatives and people struggling with cost of living pressures. The feedback from this workshop, like all of the responses, will be used to inform the development of the An Affordable Place to Live strategy. As a result of this forum and the feedback we have received, we have decided to extend the consultation period until 23 June.

Of the feedback we have received, the majority relates to housing, and that is as it should be, because housing costs are the single biggest expense in any household budget. Recently, we announced in this space that South Australia would deliver an additional 500 properties as part of the National Rental Affordability Scheme to assist South Australians who might otherwise find it difficult to enter into the private rental market, offering rents at 20 per cent below market value. This brings the total number of new, affordable homes delivered by this Labor government to more than 10,000, which will rise to almost 13,000 by the end of next year. This is in stark contrast to the late nineties, when those opposite were last in government, when they built just 38 homes in one year.

The next two biggest groups of responses received as a result of the consultation process related to transport and utility costs. On utilities, we moved to deregulate the energy markets earlier this year, providing discounts of around \$180 a year to South Australian consumers. On transport, as we have heard earlier, the typical South Australian motorist will save more than \$100 in cheaper motor vehicle insurance premiums from July as a result of the changes to third-party insurance. Mr Speaker, in the past 100 days since the now opposition leader (then the loyal deputy) replaced his own leader, this government—

Mrs Redmond interjecting:

The Hon. J.W. WEATHERILL: Sorry, what was that, member for Heysen?

Mrs Redmond: It's been the last 18 months since the new Premier.

The Hon. J.W. WEATHERILL: Well, yes. This government has got on with the job of supporting South Australian households. We have made it easier to pay registration bills by introducing monthly billing and direct debit options; we have ensured that petrol prices are certain and true by eliminating misleading discounted advertising at petrol stations; and we have provided a pay rise for some of our lowest-paid workers—45 per cent increases for members who work in the community sector. Mr Speaker, we know that many South Australians are struggling with cost-of-living pressures; that is why we have taken these actions, that is why we are working in partnership with non-government organisations, and that is why we are consulting to learn what more we can do. People can have their say by visiting www—

The SPEAKER: The Premier's time has expired. The member for Unley.

ASBESTOS, SCHOOL

Mr PISONI (Unley) (14:16): Thank you, sir. Does the Minister for Education and Child Development stand by her statement to parliament yesterday that 'every site that is registered as having asbestos present is inspected annually'?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:16): The government takes the management of asbestos very, very seriously.

There are a suite of protocols across government that ensure asbestos removal and/or management is done in an appropriate manner. Premier and Cabinet Circular 013 mandates agencies to report annually on their government-owned assets, including any residential sites.

In fact, this government is so keen to keep that 'hidden' that my department (Department of Planning, Transport and Infrastructure), coordinates the across-government Asbestos Risk Reduction Report on an annual basis. That report is so 'secret' that it was tabled in parliament on 29 November 2012. The report provides an overview of actions taken by government to address the management of asbestos in its buildings and other structures—

Ms Chapman interjecting:

The Hon. A. KOUTSANTONIS: Why don't you ask, if you're so concerned?

Members interjecting:

The Hon. A. KOUTSANTONIS: Why don't you get up and ask the question then?

Members interjecting:

The Hon. A. KOUTSANTONIS: Then don't interject!

Members interjecting:

The SPEAKER: I call the Minister for Transport to order!

The Hon. A. KOUTSANTONIS: In 2011-12, sir—

Mr PISONI: Point of order, Mr Speaker: my question—

The SPEAKER: It had better be a point of order.

Mr PISONI: My question was whether the Minister for Education and Child Development stood by the comments she made in the parliament yesterday, and the Minister for Transport is answering the question—

The Hon. A. Koutsantonis interjecting:

Mr PISONI: No, no, no; that was my question!

The SPEAKER: That, as the member for Unley well knows, is an entirely bogus point of order, because it is the practice of centuries in English-speaking parliaments that any minister can answer any question, so I call him to order. Minister for Infrastructure.

The Hon. A. KOUTSANTONIS: Thank you, sir. The 2011-12 report is the eighth such report that indicates that 78 per cent of sites are asbestos-free or have asbestos-containing materials that do not pose an immediate exposure risk and can be scheduled for removal at suitable times in conjunction with other building work. Less than 1 per cent of sites have asbestos-containing materials that are recommended for immediate removal. The results are consistent with previous reports and demonstrate the progress with asbestos removal. I recommend the report to the member for Unley.

Mr MARSHALL: Point of order, sir.

The SPEAKER: Yes?

Mr MARSHALL: Relevance.

The SPEAKER: Well, I will listen very carefully to what the minister—

Members interjecting:

ASBESTOS, SCHOOL

Mr PISONI (Unley) (14:19): Supplementary, if I may, sir.

The SPEAKER: I will hear the supplementary.

Mr PISONI: How many public schools with asbestos did not receive their annual check last year?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:19): The Department of Planning, Transport and Infrastructure keeps very

detailed reports that are published annually to the parliament—obviously a report that the member for Unley has not read. I will come back to the house with a detailed response.

The SPEAKER: Splendid. The member for Unley.

ASBESTOS, SCHOOL

Mr PISONI (Unley) (14:19): My question is to the Minister for Education and Child Development. Has the minister been briefed on her department's asbestos management procedure approved in September 2011?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:20): Yes, I have details around the requirements the department has in relation to asbestos removal.

ASBESTOS, SCHOOL

Mr PISONI (Unley) (14:20): Supplementary if I may, sir.

The SPEAKER: Yes, I will hear it.

Mr PISONI: Has the minister failed to adhere to her mandated asbestos management procedure which indicates schools must be inspected annually, given that the department's asbestos register, obtained under FOI, indicates that some schools have not been inspected for nine years and some schools have not been inspected at all?

Members interjecting:

The SPEAKER: I don't believe the question is out of order for comment. The Minister for Education.

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:20): My understanding is that the asbestos register is actually managed by the Department of Planning, Transport and Infrastructure.

COMMEMORATIVE MEDALS

The Hon. L.R. BREUER (Giles) (14:20): With 304 days to go, every question is a pleasure. My question is to the Minister for Veterans' Affairs. Can the minister tell the house what action was taken in respect to the incorrect wearing of unofficial decorations at commemorative events such as ANZAC Day?

Members interjecting:

The SPEAKER: Before the minister answers, I gather the member for Morialta has a point of order.

Mr GARDNER: I was just struggling to hear the member for Giles's question over the interjections of the Minister for Transport.

The SPEAKER: Yes, I believe he was being sorely provoked. Another point of order.

Mr PENGILLY: I have absolutely no idea what the question was, I am sorry, because of the interjections of the Minister for Transport. I am sorry, but I just could not hear.

The SPEAKER: I ask the member for Giles to articulate the question again.

The Hon. L.R. BREUER: Thank you, and can I have complete silence? Can the minister tell the house what action was taken in respect to the incorrect wearing of unofficial decorations at commemorative events such as ANZAC Day?

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) (14:22): I thank the member for Giles for her question. I acknowledge the splendid ANZAC Day commemorations conducted on behalf of our state by the South Australian Branch of the Returned & Services League. Every year the RSL, through its ANZAC Day Committee, harnesses the support of some 1,500 volunteers to conduct what is regarded as the nation's most respectful ANZAC Day commemorative march. We are grateful to Brigadier Tim Hanna, the President of the RSL, and Mrs Sam Jackman, the chief executive officer, for the support they continue to provide our state.

We are approaching one of the most important periods of our nation's military history. Next year will herald a period of a little over four years during which we will commemorate our nation's century of service—commemorations about remembering, respecting and acknowledging, and a concerted effort will be made to acknowledge the service of the hundreds of thousands of Australian men and women who have served our nation.

Recently an approach was made to Veterans SA about an issue that has the capacity to seriously compromise the recognition that we afford our veterans. The Veterans Advisory Council was advised of the inappropriate wearing of medals and decorations by some members of the public. Uncharitably referred to as 'wannabes' by the ex-service community, these men and women choose to wear commemorative medals awarded by their own organisation, or purchased privately, on their left breast where they are easily mistaken for medals awarded by their nation. Such conduct has been referred to as 'stolen valour', and indeed it is. It is shameful conduct.

The Veterans Advisory Council considered the matter and representation was made to the federal government seeking their support to ensure it was eradicated. I am pleased to advise the house that the representation by South Australia was readily acceptable and we have been recently advised that federal legislation (the Defence Act) will soon be amended to make it a punishable offence for any person to wear a non-awarded medal on the left breast such that it masquerades as an official award. I am pleased that South Australia has once again been responsive to the veterans' community. This small but very important success adds to the list of initiatives from our state that have benefited not only the veterans' community in South Australia but every veteran in the nation.

CORAL SEA COMMEMORATION

Mrs REDMOND (Heysen) (14:24): I have a supplementary, Mr Speaker.

The SPEAKER: Supplementary, member for Heysen.

Mrs REDMOND: If the commemoration of these events is so important, why didn't the government have a representative at the Coral Sea commemoration on the weekend before last?

The SPEAKER: I don't think that is a supplementary, but we will just count it as another question.

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) (14:24): I am happy to take it, sir. It was a dinner, and the member for Florey was very kind to represent me at the dinner. As to there not being a government representative at the commemorative service itself, I will need to check. I presume I would have been invited but there must have been something on to prevent a representative from being there. I am more than happy to get up here and inform the parliament about every veterans' function that I go to where there is not someone representative of the opposition there.

ASBESTOS, SCHOOL

Mr PISONI (Unley) (14:25): My question is to the Minister for Education and Child Development. Are children exposed to greater health risks if the government fails to annually inspect school sites for asbestos?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:25): Once again, we have the member for Unley going out making claims—

Mr PISONI: Point of order, sir. The minister is entering debate in the answer to this question.

The SPEAKER: I will wait and see if the minister is entering debate. It would help if the point of order were delayed until a sentence was completed.

The Hon. J.M. RANKINE: Thank you, sir. The member for Unley is making assertions that this government is casual in its approach to protection of children here in South Australia. This week, while we were going through an orderly process of trying to inform parents about a situation that we knew they would have concerns about, the member for Unley was operating in the most unconscionable manner.

The SPEAKER: I am sorry, is there a point of order?

Mr PISONI: Point of order; the minister is clearly debating the question.

The SPEAKER: Yes, I'll listen carefully. Minister. It would help if the minister addressed the substance of the question.

The Hon. J.M. RANKINE: We have, since 2010, invested over \$10 million, nearly \$11 million, in the removal of asbestos in our schools. We take this problem, this issue, seriously. We treat it seriously and we give people the respect of informing them when there is an issue in their school rather than out there with self-serving headlines.

The SPEAKER: Order!

The Hon. J.M. RANKINE: You have no concern—

The SPEAKER: Minister.

The Hon. J.M. RANKINE: —for children whatsoever.

Ms Chapman interjecting:

The SPEAKER: The minister is now debating the question and the deputy leader is—

An honourable member: Having a crack at it.

The SPEAKER: Yes, and is therefore warned for the first time—and received my indulgence yesterday when she should have been out on her ear.

The Hon. A. Koutsantonis: I'll defend you, Vickie.

The SPEAKER: I warn the Minister for Transport for the first time. The member for Unley.

CHILD PROTECTION

Mr PISONI (Unley) (14:27): Could the Minister for Education update the house regarding the procedure in her office for dealing with correspondence alleging child protection matters of a sexual nature?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:28): We have it investigated, sir.

CHILD PROTECTION

Mr PISONI (Unley) (14:28): A supplementary if I may, sir.

The SPEAKER: Supplementary.

Mr PISONI: Has the minister's office procedure been altered and improved since issues relating to the rape of an eight year old at a western suburbs school were not actioned by the former education minister, now the Premier?

Mrs Geraghty: You're a disgrace.

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (14:28): I concur with the member for Torrens' comments and I hope they have been recorded in *Hansard*. I have made the same comment myself on radio on occasion. We have implemented an inquiry into the case that the member for Unley refers to and, whilst that is underway, we have implemented and/or are about to announce up to 10 initiatives in relation to strengthening procedures in relation to teachers, people who work in the department, access to schools through contractors and other service providers. We take this seriously. That is on the back of massive reforms that have been undertaken since we have been in government. So, rather than getting around just trying to grab a cheap headline, we have actually been doing things.

Mr PISONI: Point of order: I think the minister is clearly debating.

The SPEAKER: Yes, I uphold the member for Unley's point of order. The minister did debate at the end there, and I believe the minister has now finished.

Mr PISONI: I have a supplementary, sir.

The SPEAKER: Well, I was hoping to call the deputy leader in accordance with the opposition's list.

Mr PISONI: I have a supplementary, if I may, sir.

The SPEAKER: Okay, supplementary.

CHILD PROTECTION

Mr PISONI (Unley) (14:30): Has the minister's office procedure been altered—

The Hon. J.M. RANKINE: Sorry?

The Hon. P.F. Conlon: It's the same question.

Mr PISONI: Has the minister's office procedure been altered and improved since—

The Hon. P.F. Conlon: It's the same question.

Mr PISONI: Well, it wasn't answered—it wasn't answered, Patrick, was it.

The Hon. P.F. Conlon: It doesn't matter, it's still the same question.

The SPEAKER: It seems to me to be the identical question. The deputy leader.

ASBESTOS, SCHOOL

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:30): My question is to the Minister for Transport and Infrastructure. Has the minister's department completed all of the annual asbestos inspections that it has been contracted to perform?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:30): I have no evidence to the contrary and, if the member for Bragg does, can she present it to the parliament immediately?

SOUTH ROAD UPGRADES

Ms THOMPSON (Reynell) (14:31): My question is also for the Minister for Transport and Infrastructure. Can the minister inform the house about how the government came to a figure of \$896 million for the Torrens to Torrens South Road upgrade?

The SPEAKER: 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) (14:31): Yes, perhaps the members opposite should pay attention; they may learn something rather than just picking up things on the back of postage stamps. I would like to thank the honourable member for her question. South Road is Adelaide's busiest road. Let's not forget it was this government that was responsible for lobbying to have the entire corridor recognised by the commonwealth. At the same time we had South Road recognised as nationally significant, and I pay tribute to the work of the former minister in this work. As such, Mr Speaker—

The Hon. P.F. Conlon: You may spend more time on that if you wish.

The Hon. A. KOUTSANTONIS: I may spend more time on that. As such, \$70 million was provided to allow South Australia to plan for the entire corridor. This funding for planning was pivotal. It allowed us to revisit the idea of addressing just a single underpass or overpass and allowed us to come up with solutions for kilometres of road at a time, not just intersection by intersection. This has made the reality of a free-flowing corridor closer than ever before. When analysing South Road between Darlington and the Port River Expressway, this planning and analysis was done on an objective basis. Because South Road is on the national network, it had to be submitted to Infrastructure Australia.

Mr Marshall: Like the desal.

The Hon. A. KOUTSANTONIS: The desal is not part of the national freight network.

The SPEAKER: I call the Leader of the Opposition to order.

The Hon. A. KOUTSANTONIS: This means it had to go through a cost-benefit analysis; it had to stack up. While there were building solutions like the Superway—

Mr Marshall interjecting:

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

Mr Marshall: Cost-benefit analysis doesn't mean anything.

The SPEAKER: I warn the leader for the second time. The Minister for Transport will get on with it.

The Hon. A. KOUTSANTONIS: Yes, sir. While we were building solutions like the Superway, we also planned for fully integrated public transport and road solutions near Darlington in tackling what everyone in South Australia recognises as the worst part of South Road: the Torrens to Torrens section. Everyone knows it is the worst section except, of course, members opposite. Torrens to Torrens is probably one of the most challenging pieces—

Mr Marshall: This is debate.

The SPEAKER: Yes, it is debate, but I gather the Minister for Transport has moved on.

The Hon. A. KOUTSANTONIS: Yes. Torrens to Torrens is probably one of the most challenging pieces of the road to fix in Adelaide. It has 66 kV lines, a narrow corridor, and it is busy all of the day, not just in peak times. Members might also remember it was only a few years ago we had a truck hitting a Stobie pole causing delays on the busiest freight route.

In 2011, we commenced planning on this section of road. By having funding to plan, we were able to come up with a solution that was affordable, provided massive benefits and ticked all the boxes for Infrastructure Australia. The investment has enabled us to develop a project that has a cost-benefit analysis of 2.4, and as a result of this great work we have now secured commonwealth funding.

The estimate for South Road (Torrens Road to the River Torrens) is prepared in accordance with nationally agreed practice, that is, the best practice cost estimating standard. It is a requirement of the commonwealth government. We make no apologies for our choices and for ultimately coming up with a solution that South Australians deserve. While this government has come up with real solutions for Adelaide's busiest road, all we have from the opposition is—

Mr VAN HOLST PELLEKAAN: Point of order.

The SPEAKER: A point of order from the member for Stuart.

Mr VAN HOLST PELLEKAAN: When the minister says 'all we have from the opposition is', history tells us that he will spend the last 10 or 15 seconds debating the point, so standing order 98.

The SPEAKER: Points of order are for breaches that are alleged to have occurred, not breaches that may occur, so I call the member for Stuart to order and we await the Minister for Transport's coda.

The Hon. A. KOUTSANTONIS: I will say something nice, sir. The opposition has no policy on this, rather than—

The SPEAKER: I warn the Minister for Transport for the second time and withdraw leave for him to continue answering because, alas, the member for Stuart's prophecy has been fulfilled.

Ms CHAPMAN: I have a supplementary of the minister.

The SPEAKER: Oh, a supplementary? You want to have more of him? Okay.

SOUTH ROAD UPGRADES

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:36): My supplementary to the Minister for Transport is: if planning commenced in 2011, why did you make the first announcement on this part of South Road in 2006?

The SPEAKER: Could the Minister for Transport help us with that historical point?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:36): I suppose, to remove the log from her own eye, sir, I will say: how can it be that the Leader of the Opposition would stand on the side of the road next to the Leader of the Opposition Mr Abbott pronouncing Darlington and then not support it in their own policy?

Ms CHAPMAN: Point of order.

The SPEAKER: The question was so otiose that it invited a reply like that.

Ms CHAPMAN: With respect, sir, the minister has—

The SPEAKER: The Minister for Transport was the member for West Torrens and a backbencher in 2006, so what is the point of order?

Ms CHAPMAN: Can I just outline: so far the minister has explained the process of planning, the cost-benefit analysis and the \$70 million study which he has outlined as the basis upon which the government has apparently responsibly made this announcement, and that had started in 2011. My simple question is: given that process, having started in 2011 to lead up to the announcement this week, how is it that this project was announced by the government in 2006? He is a member of the government. If your ruling is suggesting that he cannot answer questions in respect of the portfolio prior to his appointment, then I would ask—

The SPEAKER: Would the Minister for Transport respond to this underarm delivery?

The Hon. A. KOUTSANTONIS: I do not know why Commissioner Salisbury was sacked. I do not know why Thomas Playford nationalised the Electricity Trust of South Australia. I was not responsible for those decisions, but what I am responsible for is the delivery of a non-stop corridor on South Road. This government is committed to Port Road, Grange Road and the Outer Harbor line. The opposition is silent—

The SPEAKER: We're not interested—

The Hon. A. KOUTSANTONIS: —and their comrades in Canberra want to can it.

Members interjecting:

The SPEAKER: The minister is warned for the second time.

Members interjecting:

The SPEAKER: Thank you for your assistance. Does the deputy leader have a point of order?

Ms CHAPMAN: No sir, I have a further supplementary.

The SPEAKER: A further supplementary.

SOUTH ROAD UPGRADES

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:38): Given that the minister has outlined that he has had a planning study completed, a cost-benefit analysis and a number of assessments that support the decision that has been made, will he now release these documents, given also that some 24 documents have been refused to be produced under FOI?

The SPEAKER: Minister, before you commence answering, you are on thin ice.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Transport and Infrastructure, Minister for Mineral Resources and Energy, Minister for Housing and Urban Development) (14:39): I will release all the documents when they commit to one project or another.

PRISONER COMPLAINT, OMBUDSMAN'S REPORT

Mr VAN HOLST PELLEKAAN (Stuart) (14:39): My question is to the Minister for Correctional Services. In relation to Ms Jacqui Davies' accommodation that was the subject of an Ombudsman's report, why did the minister say, 'the...medical advice was that she did not fit the criteria for admittance into a mental health facility' given that the Ombudsman's report revealed that the medical advice revealed that Ms Davies did fit the criteria for admittance into a mental health facility?

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) (14:40): I think the member for Stuart is actually incorrect, in that I think the concluding page of the Ombudsman's report states quite specifically that if Ms Davies was in Victoria she would be admitted into a medical facility, but that was not the case in South Australia, and that is quite explicit.

PRISONER COMPLAINT, OMBUDSMAN'S REPORT

Mr VAN HOLST PELLEKAAN (Stuart) (14:40): Supplementary. The Ombudsman's report indicated that medical advice provided on 23 February 2012 was that Ms Davies should be

transferred to a forensic medical mental health facility. Why did it take until 11 April to move her to James Nash House?

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) (14:41): I think the issues contained within the report of the Ombudsman deal more with: how do we prevent a repeat of this type of incident? Corrections has addressed all of the recommendations, bar one, which relates to soft restraints. It has trialled one soft restraint. There is a general lack of availability of soft restraints. This is the only recommendation that Corrections has had difficulty in addressing. It has trialled one soft restraint, unsuccessfully.

New South Wales apparently has an identical issue, and the New South Wales government and the South Australian government are collaborating on the development of a product that may suit the requirements of both New South Wales and South Australia. It may ultimately come down to both governments concurrently developing their own product. That is the only outstanding piece of work that has to be done in relation to the Ombudsman's report.

PRISONER COMPLAINT, OMBUDSMAN'S REPORT

Mr VAN HOLST PELLEKAAN (Stuart) (14:42): Again, my question is to the Minister for Correctional Services. Does the minister agree with the Ombudsman's report that the government acted 'contrary to law' given the manner in which Ms Davies was restrained, and if not, why not?

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) (14:42): I think the Ombudsman's report is quite a balanced one, and that is the view of Corrections as well. The Ombudsman has accepted the view of Corrections that the primary objective was to ensure that Ms Davies did not inflict grievous harm upon herself. The prime concern of corrections officers was to keep this woman alive. As I detailed in my ministerial statement, we have spent a considerable amount of money in seeking to attain that outcome and we spent a considerable amount of money keeping the woman under close observation while a facility was constructed at Port Augusta.

I have visited the women's prison and I have seen the facility in which Ms Davies was held. I have visited Yatala and I have been into the cell in which she was held. We have made a commitment, both at Yatala and the women's prison, to upgrade the facilities, such that if we have a repetition of this type of case we will be in a position to deal with it in a more humane way than we were forced to in this particular instance. The Ombudsman has recognised that a considerable amount of money has been expended in three facilities, particularly the facility at Port Augusta, and that work will commence at the other two facilities.

We have addressed all of the recommendations of the Ombudsman, bar the one in relation to restraints. As I said, we are working with the New South Wales government to develop a device, if you like, that would meet the requirements of the Ombudsman. I believe that work is now currently underway to develop that particular product, because there is not a product currently on the market that would fulfil the outcome required by the Ombudsman.

PRISONER COMPLAINT, OMBUDSMAN'S REPORT

Mr VAN HOLST PELLEKAAN (Stuart) (14:45): I have a supplementary. Given that the minister has just said that he thinks that the Ombudsman's report is a very fair and balanced one then, presumably, he accepts the Ombudsman saying that the government acted contrary to law. Who then should undertake an investigation into the government acting contrary to law?

Members interjecting:

Mr VAN HOLST PELLEKAAN: No.

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) (14:45): Firstly, I don't accept that assertion. Even if I were to accept that assertion, which I do not, the Ombudsman actually has done the body of work that the member for Stuart is suggesting be undertaken. It's extremely comprehensive. I don't think that any stone has been left unturned. The recommendations are expansive, and I know there is a view within Corrections that the recommendations are recommendations that we are able to act upon.

They are not unreasonable and, as I said, we have accepted all of the recommendations. There is one that we have had some difficulty in meeting, and that is just due to the fact that there

is not a product in the market, I believe—certainly not in Australia but probably not even internationally—that would satisfy the specifications or requirements of the Ombudsman. As I said on a couple of occasions, this is obviously an issue that New South Wales is grappling with as well, and we are working with the New South Wales government ultimately, I think, to develop our own product by virtue of the fact that we don't seem to be able to secure the product in the marketplace.

SOUTH AUSTRALIAN AQUATIC AND LEISURE CENTRE

Mr SIBBONS (Mitchell) (14:47): My question is to the Minister for Recreation and Sport. Will the minister update the house on the improved services to support sport and the wider community at the SA Aquatic & Leisure Centre?

Ms Chapman: Pay the bill would be a good start.

The SPEAKER: I warn the Deputy Leader for the second time. There will be no indulgence. The Minister for Sport.

The Hon. L.W.K. BIGNELL (Mawson—Minister for Tourism, Minister for Recreation and Sport) (14:47): I thank the member for Mitchell not only for this question but for the great work he does in advocating for the South Australian Aquatic & Leisure Centre down in his electorate at Marion. It's a fantastic addition to South Australia's sporting infrastructure.

Of course, since it was opened in 2011, we've held a number of national championships there and, indeed, it was part of the Lifesaving World Championships as well. For 15 years or so before that, we were in the wilderness when it came to hosting swimming events here in Australia because we didn't have the sort of infrastructure that was required to meet the very high standards demanded of national competitions.

Just this year, we had the national underage championships here, which brought in many competitors from around Australia and their families. Each time we have an event like this, it's worth around \$1 million to our economy. When you talk to shopkeepers, publicans and people who have accommodation down in that area, they say that the pool has been a giant shot in the arm for them.

A couple of weeks ago, I was down there for the national championships, and nothing makes you feel fatter and shorter than putting medals around the necks of people like James Magnusson. I was really pleased to talk to the venue manager, Adam Luscombe, about some of the other things that they are involved in down at the aquatic centre in terms of non-competitive swimming. He was outlining to me some of the physical and mental health programs that they are running in conjunction with the Salvation Army, Vietnam veterans, Aboriginal Family Support Services, Baptist Care, the Marion GP Plus and Marion mental health.

There is a group of about 50 people who come in at various times throughout the week to help them to get their health back on track. I think it is something that needs to have a light shone on it, the great work that is done away from when the national spotlight and national TV coverage is there covering the heroes, when there is some heroic work being done by our health professionals around the swimming pool.

One of the studies that is being done involves a group of people with diabetes. The CSIRO has got them doing a program. On average, the participants have lost 12 kilograms each. When you add up the total amount of weight lost by these people it is over a tonne. That is an incredible achievement not only by these individuals who are going out there and doing it but by the people who set up these programs. Not only have they lost a lot of weight, they are a lot healthier and they are a lot less dependent on medicine as well.

I just wanted to bring this matter to the attention of the house to outline that, apart from the sports benefit of having an outstanding piece of infrastructure such as the South Australian Aquatic & Leisure Centre, it is also having a wonderful effect on the health of people in South Australia.

One of the other highlights from the recent national championships was that the local swimming club down there, the Marion swimming pool, was the most successful South Australian club, and that all gets down to the fact that they have got a fantastic facility in which to do their training. It is attracting coaches, and we are hopeful that it will attract more coaches and more swimmers from around Australia to come back to South Australia in many cases or come to South Australia for the first time.

PRISONER COMPLAINT, OMBUDSMAN'S REPORT

Mr VAN HOLST PELLEKAAN (Stuart) (14:51): My question is again for the Minister for Correctional Services. As the Department for Correctional Services has confirmed that Ms Davies was not provided access to a toilet but instead told to 'soil her nappies' and is now conducting an investigation, can the minister confirm when the investigation is expected to be complete and will a copy of the report be made available to the public and the opposition?

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) (14:52): I have had the opportunity to quickly peruse the Ombudsman's report. I find it quite interesting in that on page 24 I find a statement:

In light of the above, I consider that the department did not act in a manner that was unlawful, unreasonable or wrong within the meaning of section 25(1) of the Ombudsman's Act.

In relation to the question—

Mr VAN HOLST PELLEKAAN: Point of order, sir.

The SPEAKER: Point of order from the member for Stuart.

Mr VAN HOLST PELLEKAAN: Standing order 98: I do not think the minister's answer has got anything to do with the question.

The SPEAKER: No, I disagree. Minister.

The Hon. M.F. O'BRIEN: In relation to the matter that has just been raised by the member for Stuart, I will take it on notice and—

Members interjecting:

The Hon. M.F. O'BRIEN: You can giggle. My understanding is that it is a work in progress. I will do the member for Stuart the justice of bringing to him the most up-to-date information that I have at my disposal.

APY LANDS, HEALTH

Dr McFETRIDGE (Morphett) (14:53): My question is to the Minister for Health. Minister, why can't doctors working on the APY lands obtain medication that is required to provide early treatment of children with middle ear infections, 18 of whom have been transported to the Women's and Children's Hospital for treatment because the necessary treatment was not available on the lands?

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) (15:54): I would need to have a look at the issue. It is not one that has been brought to my attention. I am positive that there would be a very good reason for it, and I am more than happy to get back to the member for Morphett with an explanation.

CAVAN TRAINING CENTRE

Mr VAN HOLST PELLEKAAN (Stuart) (15:54): My question is for the Minister for Communities and Social Inclusion. Can the minister guarantee that neither the censored first report nor the second withheld report found that the budget cuts made to the Cavan Training Centre played any part in the February 2012 escapes?

The SPEAKER: Well, that assumes that they were censored. I presume there is a foundation of fact for that claim. The Minister for Communities.

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:54): I am advised that as a result of the breakout of eight people from the centre there were two inquiries held. The first inquiry, which was undertaken by the Department of Correctional Services, looked at all the securities, and all of the recommendations from that report were accepted by the government and implemented by the government to ensure the security of people in this state. The second report, which you refer to, which is a report which deals with staffing matters, addressed specifically the issue of whether any person wilfully or through misconduct contributed to the release of those people from the centre. That report concluded quite clearly that there was no misconduct or wilful behaviour on any person working at the facility. As a

result, that report was not made public. There was nothing to be gained from that. Nowhere in the reports I have read is there anything to indicate that budget cuts were the cause.

CITIZEN ENGAGEMENT PROJECT

The Hon. J.D. HILL (Kaurna) (14:55): My question is to the Premier. What is the citizen engagement project that has been started by his government?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Treasurer, Minister for State Development, Minister for the Public Sector, Minister for the Arts) (14:55): I thank the member for Kaurna for his question. I notice the typical laughter that breezes across the opposition when you talk about citizens and their engagement. Nothing could be further from their imagination than engaging citizens in the decisions that may affect their lives.

Mr Goldsworthy interjecting:

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

The Hon. J.W. WEATHERILL: I have a strong view that government needs to keep finding ways of improving the way in which we engage with South Australians about policy development. Last Thursday, we found a new way, establishing an innovative citizens engagement project. The project will give a randomly selected citizens jury the responsibility of making policy recommendations on how Adelaide can be both vibrant and safe. Citizens juries have been successfully used elsewhere to investigate complex issues that have a direct effect on people's lives.

We have identified two priorities for South Australia. One is creating a vibrant city here in Adelaide and also ensuring our communities are healthy and safe. These two goals can coexist, including in Adelaide's night-time economy, but also, finding ways of ensuring that the two elements are able to balance the sometimes complex issues can involve some difficult trade-offs.

These solutions will not be found only in new laws or in new government policies. They will be found in changed behaviours, changed attitudes and changed cultures. So, the solution will require a shift in more than just a few minds of the decision-makers, as generally is the case in debates in parliament. Placing these difficult problems in the hands of ordinary citizens will be part of a long process of changing attitudes.

The project will be run by two independent research organisations: the newDemocracy Foundation and the Australian Centre for Social Innovation. These organisations are well placed to deliver this project, but the process and its outcomes will be in the hands of a 40-person citizens jury chosen from a base of 20,000 randomly selected South Australians.

Once the jury is selected, members will meet over a 12-week period. They will define the issues and seek expert testimony from organisations that they identify as being important to their deliberation. The process will provide opportunities for broader public involvement. At certain times it will be open to members of the public in a similar fashion to court hearings. These dates will be advertised in the state government's YourSAy website.

Members of the public and interested parties will have the opportunity to make submissions, and further involvement will be facilitated through online discussions. Later this year, the citizens jury will finalise their report and the recommendations will be tabled in parliament.

This is an exciting initiative in community engagement. We do, I think, owe it to ourselves to find new ways of reaching the community. I strongly believe that taking mass opinion and then, through a process of deliberation and dialogue, turning it into considered public judgement is an important part of getting a strengthened and more effective democracy.

CAVAN TRAINING CENTRE

Mr VAN HOLST PELLEKAAN (Stuart) (14:59): My question is again for the Minister for Communities and Social Inclusion. As the Premier committed to the house on 14 March last year that the first report would be released, barring information identifying young offenders, why is the minister unwilling to release even a portion of the second report with the security-sensitive information removed, as occurred in March 2012 for the initial report?

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:59): Mr Speaker, as I mentioned in my previous answer, there were two reports: one dealt with the security issues, and one dealt with staffing issues. The Premier was quite right in

what he said, and the report was released in redacted form. The second report does not deal with offenders: it actually deals with staffing, so what the Premier has said now and what I have acted upon is consistent.

There is no point in releasing the report in redacted form which deals with staffing issues. Like I said, it went to the issue of whether any staff member acted in a wilful manner or with misconduct which led to the breakout. As a result of that, the conclusion by the Crown Solicitor, more importantly, was that there was no evidence to make such a finding, so there are no security issues associated with the second report to be released.

CAVAN TRAINING CENTRE

Mr VAN HOLST PELLEKAAN (Stuart) (15:00): Supplementary, sir: will the minister then just release only the recommendations from the second report?

The Hon. A. PICCOLO (Light—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:00): As I mentioned on radio this morning, the report is written in such a way that, to redact all the names and comments so as not to identify staff, there would be very little left in the report to show the people and would actually not enlighten any person who would read it in redacted form.

CAVAN TRAINING CENTRE

Mr VAN HOLST PELLEKAAN (Stuart) (15:00): My question is again to the Minister for Communities and Social Inclusion. As minister Hunter advised the Legislative Council on 18 September 2012 that 'the department will be actioning a range of security measures to minimise opportunities for escape', can the minister advise the house of the nature and the cost of the upgraded security measures at Cavan since March 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) (15:01): I cannot give the exact costing. What I can advise the house and the member, in answer to his question, is that there were some additional staff in place. There were a change in management, additional training and a review of procedures and policies, which obviously would have cost some money, but I don't have those figures at hand at the moment. I am happy to come back with those figures.

MANUFACTURING SECTOR

The Hon. S.W. KEY (Ashford) (15:01): Can the Minister for Manufacturing, Innovation and Trade inform the house about what the state government is doing to assist local manufacturers with entry into export markets?

The Hon. T.R. KENYON (Newland—Minister for Manufacturing, Innovation and Trade, Minister for Small Business) (15:02): I am pleased to inform the house that a leading South Australian sportswear manufacturer has received \$25,000 in state government funding to help break into the lucrative North American export market. South Australian based JS Sports received the grant as part of the Gateway Business Program, which is designed to help local companies take the next step and begin exporting.

Since its inception in 1987, JS Sports has become one of Australia's leading performance sportswear manufacturers, producing gear for high-profile sports leagues such as the NBL, AFL Northern Territory and ACT/New South Wales competitions, as well a number of local Adelaide schools and sporting clubs. I believe this also includes the Burnside Rugby Union Football Club. The company is well known in the industry for its innovative, functional products and high-quality designs and continues to grow and expand into new markets.

The Hon. P.F. Conlon: I think you might have played for Burnside.

The Hon. T.R. KENYON: I may, in fact, play for the Burnside Rugby Union Football Club. The company has identified North America as the next step in their expansion plans, and this grant aims to help them get there. Performance sportswear is one of the fastest-growing clothing sectors in North America, and this is an example of the industry niches that South Australia's 'Manufacturing Works' strategy aims to encourage.

I am informed by the general manager of JS Sports that the grant will fund market research and an audit of their website and marketing materials to ensure they suit the North American

market. JS Sports was successful in their bid for funding because of its innovative culture, modern processing capabilities and range of quality products. We have recognised the potential to have the company recognised internationally, and this grant in particular will help it boost its brand presence in North America.

I would like to encourage more South Australian companies wanting to tap into export markets to use the Gateway Business Program and the state government's team of TradeStart advisers. To be eligible for a grant, applicants must have been in business for at least two years and turn over more than \$150,000 a year. Successful applicants may receive a grant of up to \$25,000 over two years for eligible projects. Individual project caps range between \$2,000 and \$10,000.

Applications for the next round of funding under the program close on 15 June, so I encourage all eligible companies to submit their application. Projects eligible for funding include: researching feasible overseas markets; developing marketing material for distribution overseas; participating in international trade shows and trade missions; and adapting websites for specific international markets.

CHILD PROTECTION

Mr PISONI (Unley) (15:04): My question is to the Minister for Education and Child Development. Is the education department's Manager of Legislation and Legal Services a qualified lawyer, given that he has advised the governing council of the western suburbs school at the centre of the Debelle inquiry of their legal rights and responsibilities?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (15:05): I am happy to inquire on behalf of the member for Unley about the qualifications of the head of that unit, but I would make the very strong point that the appointment of public servants within a department like the Department for Education and Child Development is the prerogative of the chief executive officer.

CHILD PROTECTION

Mr PISONI (Unley) (15:05): Supplementary, if I may, sir: does the minister believe that the department's Manager of Legislation and Legal Services should be a lawyer?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development, Minister for Multicultural Affairs) (15:05): What I believe or do not believe does not come into the matter; it is an appointment made by the chief executive officer.

Mr Pisoni: You're not running the department?

The Hon. J.M. RANKINE: We know—

The SPEAKER: Minister, please be seated; do not respond to the interjection. The member for Unley is warned.

MOTOR VEHICLE REGISTRATION

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:06): My question is to the Minister for Transport Services. Why is the government increasing the motor vehicle registration administration fees—namely, a charge of \$2 a month—for people who had previously been paying a full year's registration and now may choose to use the monthly direct debit system?

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:06): If the member could repeat the question.

Ms CHAPMAN: Why is the government increasing the motor vehicle registration administration fees—namely, a charge of \$2 a month—for those who elect to use the monthly direct debit system, as distinct from the annual system where there is an annual payment?

The Hon. M.F. O'BRIEN: This is my understanding: in large part it is because this is the transactional charge by the bank for using the direct debit facility. I am sure that is the fact of the matter, but I will return to the house with a more definitive answer or explanation, but it actually is by and large an administrative fee, a large component of which relates to the cost of doing business with the bank.

MOTOR VEHICLE REGISTRATION

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:07): Supplementary, given the minister is going to make that inquiry, if I may.

The SPEAKER: Yes.

Ms CHAPMAN: Will the minister also confirm if there is any net increased revenue proposed to be received as a result of the change from annual to monthly debit, when you bring that information back to the house?

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:08): From recollection, I think over the forward estimates, for at least the first year, or maybe the first two years, the projections are that there is an impost on government and, from recollection, from there on there may be a benefit to government, but I will again return to the house with an answer.

MOTOR VEHICLE REGISTRATION

Ms BEDFORD (Florey) (15:08): I was going to ask a similar question to the Minister for Finance, and ask him now if he can provide further details to the house on the introduction of the additional payment option for vehicle registration?

The Hon. M.F. O'BRIEN (Napier—Minister for Finance, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:08): Thank you, member for Florey, for developing that question so quickly after the previous line of—

Ms Chapman: She's good.

The Hon. M.F. O'BRIEN: She's excellent, isn't she? I thank the member for Florey for being so quick on her feet. I can advise the house that a new payment option will be introduced for vehicle owners—in fact, I do not think I really have to give that advice, do I, member for Bragg—to pay their registration using automated monthly direct debit from their nominated accounts. This initiative will reduce the impact of bill shock for people who currently have to pay vehicle registration quarterly or annually, and it will assist with household budgeting through bill smoothing.

It is part of the government's agenda to ensure that South Australia remains an affordable place to live. The government currently offers registration payments for light vehicles for three months and 12 months as single payments through a variety of payment methods. Direct debit will be attractive to customers who prefer the convenience of being able to pay bills automatically. They can set and forget, and spread the cost of registration over monthly increments to ease the financial burden on low income families, and that really is the major thrust of this particular initiative. Under the proposed arrangements, customers will be able to enrol online for direct debit payments to be taken from a nominated bank account or credit card. SMS or email reminders will be sent to customers before the direct debit to ensure sufficient funds are available.

After each successful payment, registration will be extended for one month and a registration certificate will be available to the customer electronically via a customer portal. Customers with insufficient funds in their nominated account on two consecutive occasions may be removed from the scheme and advised in writing to use an alternate payment method. This serves to prevent any confusion on the vehicle owner's part as to whether they are registered and prevent the unnecessary financial burden of bank fees associated with dishonoured debts.

GRIEVANCE DEBATE**GOODS AND SERVICES TAX**

The Hon. I.F. EVANS (Davenport) (15:11): Today the Labor leader in Western Australia has tolled the bell on the Premier of South Australia's false campaign about the Leader of the Opposition's stance on changing the GST allocations to the state. The Hon. Mark McGowan, the Labor leader in Western Australia, has conveniently tweeted for all to see, and I quote:

Abbott says absolutely no change to GST formula if elected PM. So much for the Premier's campaign and claims that Abbott is 'listening'.

Mark McGowan, the Labor leader in Western Australia, is referring to Colin Barnett as the premier in that tweet but it makes the point to everyone in South Australia as to what this Premier has been

doing in running a campaign about the GST. The Hon. Mark McGowan, the Hon. Colin Barnett, the Hon. Jay Weatherill and the Hon. Tony Abbott know that the only way the GST formula can be changed is with the agreement of all states. The reason Mark McGowan is out tolling the bell on this issue is that the South Australian Premier has been running around saying that Tony Abbott will somehow change the GST formula to disadvantage South Australia.

What the Hon. Mark McGowan is saying in that tweet is that Colin Barnett, who is running the opposite campaign, is also at fault because he knows that, unless all the states agree, the GST formula is not changing. So, now that the Labor leader in Western Australia has highlighted that this issue is a false campaign, a fake campaign, and a campaign that is deliberately misleading the people for political purposes, let's have the Premier stop running this fake campaign. The Premier should pick up the GST agreement and read it. It is crystal clear that when the Howard government brought in the GST arrangements they could not change the GST distribution without the agreement of the states.

Does anyone seriously think that a South Australian premier of any colour would seriously sign up to what this Premier has been running a line about in the media; that is, somehow a state would sign up to a change in the GST formula that would penalise this state to the tune of \$1 billion a year? Does anyone seriously think that a South Australian premier of any colour would agree to that arrangement? The answer is no. I can tell you, Mr Speaker, the Labor government currently will not sign up to that agreement, and a Liberal opposition on becoming government in South Australia (if we do) will not be signing up to that agreement either. It is a nonsense campaign by the Premier. It is a nonsense campaign by the other states because they know the answer is that Tasmania and South Australia will not be signing up to anything to do with that deal.

So now that you have got Labor leaders out there in other states saying 'This is a fake campaign; this is a false campaign; this is a rubbish campaign', let's have the Premier do the right thing. This is the Premier who came in and said he wanted to lift the standard of the parliament, lift the quality of the debate and he is out there running a false, fake and phoney campaign. He is the Treasurer: pick up the GST agreement and have a read of it, and I think the Premier and Treasurer will then understand that what he has been saying is simply misleading the public.

Now that the Labor Party in Western Australia has highlighted this issue, I look forward to the Premier stopping the ridiculous campaign because, frankly, in all economic commentators' eyes, it is embarrassing to have a treasurer running that line when the Treasurer knows that that decision is in the hands of the South Australian government and no South Australian government, in its right mind, would sign up to a deal that would cost the state a billion dollars a year.

YMCA OPEN DOORS PROGRAM

Mr SIBBONS (Mitchell) (15:15): I rise today to speak about a program based in my electorate which I feel is very worthy of recognition. The YMCA has been working together with the Edwardstown Lions Club to develop the Showers for the Homeless project which provides regular shower facilities for homeless people at the SA Aquatic & Leisure Centre. In addition to providing a much-needed service for people who are sleeping rough, this project also encourages those who are doing it tough to become more active and, therefore, healthier.

The need for this service was identified through consultation with Mission Australia and Marion Youth. With homeless numbers in the South sadly on the rise due to a range of circumstances, this project aims to give disadvantaged people the opportunity to feel comfortable in a safe environment. Showers for the Homeless is part of the YMCA's Open Doors Program and financial backing comes from a variety of sources, including individual donors and local fundraising initiatives.

The idea of all the projects under this umbrella is to open the doors of the aquatic centre to a range of people who would not normally access it due to their social or economic situation. Applications to be part of the program are assessed by the YMCA Open Doors team in consultation with the referring community agency. Referrals come from agencies including Marion GP Plus, Baptist Care, Aboriginal Family Services, Marion Mental Health, Sea view Vision Impairment, the Salvation Army, Mission Australia, the Reynella Medical Centre and the Vietnam Veterans.

The YMCA is currently supporting 43 program participants, and I would like to share the stories of two current Open Door participants. Paul, 27, is a young man who has an intellectual disability. Paul was already a regular visitor to the aquatic centre; however, his behaviour was often very disruptive to other patrons. A YMCA staff member approached Paul's guardian, advising her of the Open Doors program opportunities. Paul has since been actively involved in a weekly

aquatic education program, and staff members say the benefits of this program are clear through Paul's increased physical activity levels, communication with his instructor, and education around appropriate behaviours.

Another participant, Phoebe, is an 8-year-old girl with behavioural and intellectual disabilities. Tragically, Phoebe was referred to the program through Mental Health Services, Marion following an attempted suicide. She has been attending a weekly one-on-one aquatic education program over the past six months. The benefits of the program are shown through Phoebe's improved social behaviour and a reduction in the need for intense psychological treatment. Her expressions in the drawings she does have undergone a huge change from extremely sad and dark to those of a smiling child enjoying her time at the SA Aquatic & Leisure Centre with her instructor. Stories such as these clearly demonstrate the benefits of the Open Doors program within our community.

The SA Aquatic and Leisure Centre is also working with other state and federal government agencies in order to improve the lifestyle and access to exercise, fitness and wellbeing of many South Australians. These efforts include programs to improve the life of those with diabetes—those taking part lose weight in a healthy way that improves their wellbeing and reduces their dependency on drugs; the Obesity Prevention and Lifestyle (OPAL) programs with the Marion City Council; building local support and connections for communities via work with local churches; and building the fitness, access to facilities and fundraising ability of struggling local clubs linked to surf lifesaving, local football clubs and community groups.

I would like to congratulate the YMCA, the SA Aquatic and Leisure Centre general manager, Adam Luscombe, and all those involved with the Open Doors program and the projects it supports. To our elite athletes, this is one of the best swimming centres in the world. To the broader community, it is a fantastic place to enjoy fun and fitness. However, for some of the most vulnerable in our society, this amazing facility is providing dignity and even life-changing social services, thanks to the management by the YMCA.

FLEER, MR H.

Mr HAMILTON-SMITH (Waite) (15:21): There are many South Australians who have made their mark on the nation, some in politics, science, law or the arts. Some of our greatest achievers have been in academia. Many have been recognised and achieved amidst great fanfare. Then there is Hans Fler AM DCM, who passed away on 5 April. The Victorian Police Academy Chapel at Glen Waverley was packed with soldiers, former soldiers and family. We were all there because we loved this man—a quiet achiever, stoic friend, valiant soldier, loving father and husband, and good mate of so many of his comrades in arms.

Hans Fler was the Honorary Colonel of the 2nd Commando Regiment, but he was much more. His father, John, and mother, Ann, arrived with Hans from the Netherlands in August 1956 on the ship *Johan van Olden Barne Feld*. Arriving by train at Woodside, the family later moved to Adelaide where Hans attended school in Glenelg before the family moved to a farm in Maitland for around three years, later returning to Adelaide.

Hans then went to school in Rose Park and at Adelaide High School. He was a high-achieving sportsman who joined the Army Cadets at the age of 17, and then the Regular Army. It was 1966. Hans Fler went on to serve in the 3rd, 4th and 6th Battalions of the Royal Australian Regiment. I served with him in the Special Air Service Regiment in the 1970s and 1980s and drew him back into the army from his initial farming sojourn in 1991-92 while serving as Commanding Officer of the 1st Commando Regiment. He went on to serve proudly in 4 RAR and the 2nd Commando Regiment and in other units.

Hans served in Vietnam from 21 May 1968 until 12 May 1970—two full tours of duty back to back, punctuated by a short period of a few weeks' leave. He was awarded the Distinguished Conduct Medal, one short of the Victoria Cross. As *The Australian* reported on Anzac Day this year, on a steamy February afternoon in 1970, nine of Fler's mates were shot down by Viet Cong, including the commander and the signaller. The Ice Man directed the remaining diggers to cover him while he ran into machine-gun fire on what looked like a suicide mission to rescue injured mates. His unit citation says:

...with complete disregard for his own safety, Hans Fler moved out under covering fire from his section to initiate the recovery of wounded men. Until this day no-one knows how the hail of bullets missed Hans who, after rescuing the wounded, led the safe withdrawal of his savaged platoon.

Those of us who served with Hans knew an understated giant of a man who rarely talked about himself. He was too busy helping others. Hans's patrol commander in Vietnam, Graham Brammer OAM, said this:

Hans was the consummate professional...I led Hans in war time, followed him in peace time and was his friend for all the time I knew him...He had a way of drawing the best out of his subordinates and always made underachievers feel like they were capable of much more...He was the epitome of a leader.

He led by example, would never give a subordinate a task he wasn't prepared to do himself and was always seeking a better outcome for soldiers to achieve their potential. He was honest to a fault with the highest order of integrity I found in any officer or soldier in my 30 years of service. Without doubt, Hans was the most humble man I knew in my lifetime. He avoided recognition of any kind where possible and his appointment as a Member of the Order of Australia was an honour he accepted with reluctance after a great deal of subtle pressure was applied through various sources.

In acknowledging Hans' contribution to South Australia and this proud nation, I make special mention of his wife, our dear friend Helen, his children, Michael and Melanie, and his mother, Ann, all of whom represented him so proudly at the funeral. I also want to recognise the sterling job done by Hans' good mates Rick O'Hare and Graham Brammer at the service.

Hans Fler was part of the Vietnam generation, but he was young at heart and very much part of today. Hans grew from a brave young South Australian soldier into a father figure in Australian Special Forces. Generals and soldiers, both young and old, came from far and wide—the United States, the Middle East and elsewhere—to say goodbye. Hans helped take young soldiers from the jungles of Vietnam through counter-terrorism onto the deserts of Iraq and Afghanistan. He brought together the soldierly qualities of moral courage, mental toughness, a dry wit and a sense of mateship. Every one of us whose life he touched was better for having walked beside him. I bring Hans Fler before the parliament today as an example of the sort of South Australian and Australian we might all aspire to be.

ZONTA CLUBS

Ms BETTISON (Ramsay) (15:26): I rise today to talk about the Zonta Club of Para District Area Inc. and the biennium dinner on 7 May 2013. The special guest speaker was Katrine Hildyard, Secretary of the ASU. Other special guests were myself, Tony Zappia and his wife Vicky (Tony is the federal member for Makin) and Frances Bedford, the member for Florey. The mission of Zonta is advancing the status of women worldwide. Zonta is an international service organisation founded in New York in 1919. The organisation has more than 31,000 members in 64 countries. One of the things I really enjoyed was the Zonta thanks, which is:

Wherever your country of birth, whatever your faith or creed, give thanks for the meal we share tonight in Zonta fellowship. But remember too those who have had no food today; not with guilt that we have so much, but with hope that through Zonta service they too may come to share the same peace and harmony.

One of the reasons I wanted to come and share about the Zonta Para District dinner is some of the amazing projects they do, both internationally and here in South Australia. Probably the most significant project they work on is their quilting projects. I think there were probably about 30 quilts that they presented to the Northern Domestic Violence Service and the Women's and Children's Hospital. These quilts are part of the New Beginnings program for people who are in need and starting a new life and the quilts are made with care, devotion and love to support women and children.

One of the things announced on the night was distribution of fundraising. The local distribution went to the Lyell McEwin Health Service and also to support two local people, Dr Pauline Glover and registered nurse Jodi Knoop, who go to Cambodia to do birthing attendant training. They shared with us that this was their third trip over there. They train several hundred birth attendants in basic support to give to people during birth.

The Zonta Para District also supported the YWCA on a video project. The project was training on how to use video equipment, to improve social media and communication skills. Zonta also supports the Early Childhood Parenting Service with some books and it supports people from Lutheran Community Care. I found this a particularly interesting program. They support young women from refugee backgrounds for Adelaide city tours. These tours include a tour of Parliament House, a visit to the Migration Museum and a picnic lunch at Elder Park. What this does is reach out to our new neighbours and supports them in understanding more about the new city that they are living in. Other areas they support are Para Hills High School, where they support a student to go on a tour of Canberra—our nation's capital. They also support the Birthing Kit Foundation and Helping Hand Aged Care—Parafield Gardens.

The other thing that they are very proud about is the refugee women's sewing class, and they have supported them with a new cupboard for their fabrics. Two of the women give these refugee sewing classes: one at the Migrant Resource Centre in Salisbury and the other at the Uniting Church in Salisbury as well. That helps people to be able to be independent and make their own clothing, but also gives them the potential to have some microbusinesses and sell what they manufacture. They also provide Zonta breast cushions and Tickled Pink drain bags, which support women experiencing breast cancer. Internationally, they support the Amelia Earhart Fellowship, which provides funds for women to study aerospace science and engineering at graduate level.

At the dinner, we had a confirmation of offices: the president, Adrienne Williams; vice-president, Lyn Gent; secretary, Aileen Eldridge; treasurer, Liz Bice; and director, Marian Carpenter. While there are only 13 members of the Zonta Club of Para District Area, they are very active and they are one of 11 active Zonta clubs in South Australia. The other clubs are Adelaide, Adelaide Hills, Clare & Districts, Gawler, Riverland, Adelaide Flinders, Adelaide Torrens, Fleurieu Peninsula, Noarlunga Southern Vales and Port Lincoln.

NEWS LIMITED FREIGHT SURCHARGE

Mr TRELOAR (Flinders) (15:31): I rise today to inform the house of an unusual situation that has arisen across the electorate of Flinders and also in some areas of the electorate of Finniss over the last 48 hours. I have been contacted by a number of newsagents who have said to me that they have been visited over the last couple of days by representatives from News Limited, who have informed the newsagents that they would need to collect the cost of freight imposed by News Limited on newspapers sold on Eyre Peninsula and on Kangaroo Island, beginning in mid-June. I quote from a press release from News Limited, stating just that:

Starting Monday, 17 June we will add a freight surcharge of 80¢ [for weekday newspapers] and \$1 Saturday and Sunday [that being the *Saturday Advertiser* and the *Sunday Mail*] to all copies of The Advertiser, Sunday Mail and The Australian to be delivered west of Cowell on the West Coast (including Pt. Lincoln and Ceduna) and Kangaroo Island.

We will ensure we communicate clearly to those customers in areas that are affected.

As you can imagine, as soon as newsagents were informed of this, they were very concerned and a number of them have contacted me. A newsagent from Lower Eyre Peninsula indicated to me that the current price of a weekday *Advertiser* is \$1.20. An additional cost of 80¢ for freight would make that \$2 a newspaper—an increase in cost to the purchaser or the consumer of 66 per cent. The *Saturday Advertiser* and *Sunday Mail* are currently \$2. There would be \$1 added for freight, which is an increase of 50 per cent in the cost of the newspaper. The newsagents themselves are going to be responsible for the repricing; in other words, the cost on the front page of the paper will indicate the \$1.20 and \$2 cost prices. The newsagent then needs to apply the additional cost and collect it.

The newsagent from Lower Eyre Peninsula is currently supplying Coles and Woolworths with their newspapers in Port Lincoln and he is understandably worried that they will begin to use their own transport to bring newspapers over at a lower cost. Most newspapers, I understand, come to Eyre Peninsula early morning by road, while some come by plane into Ceduna and Port Lincoln to arrive a little bit earlier.

A newsagent from eastern Eyre Peninsula contacted me and suggested that he currently receives 25 per cent of the sale price as profit; that is, 30¢ of each *Advertiser* sold and 50¢ of each weekend paper sold is direct profit to him. The increase in price is not going to increase his take at all. He is concerned that the price will affect circulation and, in turn, his sales.

A Far West Coast newsagent contacted me—and this was probably the most interesting one of all, because that person had a similar story—and suggested that they also freight in the *Herald Sun* which, of course, is another News Ltd newspaper that comes from Melbourne, on the east coast, and they are charged just 70¢ worth of freight to get that to the West Coast, so it is an interesting anomaly from newspapers produced by the same company.

The Far West Coast indicated to me that subscriptions are cheaper and that this current policy will turn people more towards subscriptions. They are seeing it as yet another hit against country businesses, newsagents in particular, and we have seen a number of these hits in the past. I understand that there has always been some cross subsidy with regard to freight, not just in the newspaper business but in many businesses.

I question now why it is just those country residents on Eyre Peninsula and Kangaroo Island who are paying the extra freight. It would seem that we are now about to cross subsidise other country areas of South Australia. It is a reflection of the increasing cost of freight right across the state, and you do not have to look very far to see why this is. Registration costs, the fuel tax, the carbon tax, the road backlog and the cost of maintenance for trucks have all increased the cost of freight operators, and it all becomes a safety issue.

PORT PIRIE GYMNASTICS ACADEMY

Mr BROCK (Frome) (15:36): Today I would like to talk about Port Pirie Regional Gymnastics Academy, which was formed in 2004 to develop and grow the sport of gymnastics in Port Pirie and the region. The academy started with just 35 children who enrolled in programs that were originally operating outdoors at a local park until the John Pirie Secondary School stadium became available for lease. New club members were keen to develop and raise the profile of the academy in Port Pirie and the region and also to increase the academy's membership.

This was achieved by media promotions and also by attracting more competitors and visitors to the annual Port Pirie Invitational Championships. The Port Pirie Invitational is now the largest and most prominent ongoing gymnastics event in South Australia. Since the inauguration of the academy, club membership has increased to approximately 150. The club has also launched several new programs since 2004, including a gym sport program for boys, preschool kinder gym programs (Tumblin Tots, Tumble Bugs, Twinkle Toes), and also adult gymnastics and, most recently, LaunchPad, targeting schools and kindergartens throughout the region.

The academy has also worked with special needs children in a program that was run previously for the Port Pirie Special School. These, as well as the highly valued competitive men's and women's programs, are currently operating from two facilities. One is the John Pirie Secondary High School gymnasium, which involves an extensive set-up and pack-up of equipment to operate programs from this facility. Unfortunately, due to this process the valuable equipment used at this venue has suffered a high rate of wear and tear, which has been costly to repair and replace. It has also taken up lots of time for volunteers over the past 10 years. The academy does not have access to the stadium during school hours and has a limit on the amount of use after school to run programs due to other users.

The other is the YMCA building, which is currently owned by SA Health. Although the academy has access to this venue during school hours, the ageing facility does not allow all gym programs to operate from the one room. This puts strains on coaching, and there is also limited safety matting available in this venue, so equipment is constantly being shifted from one room to the other. The academy was fortunate to be able to use the Port Pirie Regional Council's old library building. However, since December 2012 they have had to be removed from this building due to council plans.

The academy operated its preschool program from this building, and as a result of this the preschool programs were forced to reduce the number of activities offered to the community. As the preschool programs currently operate at the YMCA, it has now been taken over as offices for building contractors working on the GP Plus centre at Port Pirie. All three of these venues housed equipment owned by the academy, which is worth approximately \$100,000. Also, the academy has been forced to store another \$150,000 worth of equipment in two containers.

The academy is almost entirely self-sufficient, apart from occasional financial assistance. Its major fund-raising event the Port Pirie Invitational, which attracts more than 400 competitors from around the state and interstate. This prodigious event also attracts up to 2,000 visitors to the city and the region over three days, injecting approximately \$300,000 of new money into the local economy.

The academy is a multi-award winning organisation: as a three-times winner of Regional Advantage SA and also achieving induction into the Advantage SA hall of fame; a two-times winner of the Gymnastics SA Club of the Year; Port Pirie Sporting Association Team of the Year 2011; Port Pirie Sporting Association Administrators of the Year 2011; semi-finalists in the Medibank Community Healthy Participation Award; Candetti Sports Award finalists; 2011 and 2012 Country Champion Club; South Australia's first club to launch the new national LaunchPad program for schools; and two-times winner of the Australia Day Community Event of the Year Award in Port Pirie.

The academy is also a mentor club. Coaches Garry and Lee-ann Nayda travel throughout the region, setting up new clubs and training facilities. After travelling to and from Jamestown for

10 years, the Jamestown Gymnastics Club is still operating with its own accredited coaches. The Clare Gymnastics Club, although still in its infancy, is up and running, also with coaches trained by Garry and Lee-ann Nayda. Gymnastics was taken to many towns throughout regional South Australia by Garry and Lee-ann.

The club is enthusiastic to continue its development as a major regional training centre for gymnastics in South Australia. They currently have gymnasts coming from as far away as Clare, Jamestown, Laura, Port Augusta, Napperby, and so forth. Now that gymnasts train on a weekly basis for almost 50 weeks a year, and as the education department becomes more aware of the benefits of gymnastics participation for pre-school, primary school and secondary school, a purpose-built facility would accommodate the growing needs of the sport of gymnastics in Port Pirie and the regions.

The Port Pirie Regional Gymnastics Academy administrators and coaches have been lobbying for a gymnastics multi-use facility to be built in Port Pirie over the past nine years. I commend the organisations and the voluntary work that they do.

MOTOR VEHICLE ACCIDENTS (LIFETIME SUPPORT SCHEME) BILL

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

- No. 1. Clause 25, page 14, line 20—Delete 'LSS Rules' and substitute 'Authority'
- No. 2. Clause 33, page 18, after line 29—Insert:
- (ab) a determination of the Authority that results in the suspension of the participation of a person in the Scheme; or
- No. 3. Clause 55, page 30, line 31—
- Delete 'the WorkCover Corporation' and substitute 'a prescribed authority'
- No. 4. Clause 55, page 30, line 35—
- Delete 'the WorkCover Corporation' and substitute 'the prescribed authority'
- No. 5. Clause 55, page 31, line 3—
- Delete 'the WorkCover Corporation' and substitute 'the prescribed authority'
- No. 6. Clause 55, page 31, lines 4 and 5—
- Delete 'the WorkCover Corporation' and substitute 'the prescribed authority'
- No. 7. Clause 55, page 31, line 10—
- Delete 'The WorkCover Corporation' and substitute 'A prescribed authority'
- No. 8. Clause 55, page 31, line 11—Delete '112(2)' and substitute '112'
- No. 9. Clause 55, page 31, after line 15—Insert:
- prescribed authority* means—
- (a) in relation to a person who suffered a compensable injury as a worker of a self-insured employer under the *Workers Rehabilitation and Compensation Act 1986*—that self-insured employer; and
- (b) in any other case—the WorkCover Corporation;
- No. 10. Schedule 1, clause 6, page 34, line 33—After 'possession' insert ', custody or control'
- No. 11. Schedule 1, clause 6, page 35, line 5—After 'possession' insert ', custody or control'
- No. 12. Schedule 1, clause 6, page 35, after line 11—Insert:
- (4a) A person must not, without reasonable excuse, fail to comply with a requirement under subsection (4).
- Maximum penalty: \$5,000.
- No. 13. Schedule 2, clause 3, page 36, lines 23 to 27—Leave out all words in these lines after '0 to 100'
- No. 14. Schedule 2, clause 3, page 37, after line 16—Insert:
- (4a) However, a court may award damages for non-economic loss in a case that would otherwise be excluded by operation of subsection (4) if satisfied—

- (a) that the consequences of the personal injury with respect to non-economic loss are exceptional when judged by comparison with other cases involving the same injury; and
 - (b) that the application of the threshold set by that subsection would, in the circumstances of the particular case, be harsh and unjust.
- (4b) An assessment of damages for non-economic loss under subsection (4a) must be based on an injury scale value that should rarely be more than 25% higher than the injury scale value that applies under subsection (3)(a) in relation to the injury.

No. 15. Schedule 2, clause 4, page 37, after line 37—Insert:

- (2a) However, a court may award damages in a case that would otherwise be excluded by operation of subsection (2) if satisfied—
- (a) that the consequences of the personal injury with respect to loss or impairment of future earning capacity are exceptional; and
 - (b) that the application of the threshold set by that subsection would, in the circumstances of the particular case, be harsh and unjust.

No. 16. Schedule 2, clause 4, page 38—After 'is based' insert:

(but nothing in this subsection gives rise to an entitlement to damages beyond damages awarded for loss or impairment of earning capacity)

No. 17. Schedule 2, clause 8, page 41, after line 34—Insert:

- (aa) authorise an insurer or the nominal defendant under Part 4 of the *Motor Vehicles Act 1959* to require a claimant to submit to an assessment or examination of a prescribed kind; and

No. 18. Schedule 2, clause 8, page 42, line 3—Delete 'the' and substitute 'an

No. 19. Schedule 2, clause 8, page 42, after line 41—Insert:

- (3a) The rules that are to apply for the purpose of assessing injury scale values ('ISVs') for multiple injuries must include 1 or more provisions that adopt the following principles:
- (a) a court must consider the range of ISVs for the dominant injury of the multiple injuries;
 - (b) in order to reflect the level of adverse impact of multiple injuries on an injured person, a court may assess the ISV for the multiple injuries as being higher in the range of ISVs for the dominant injury of the multiple injuries than the ISV that the court would assess for the dominant injury only;
 - (c) if a court considers that the level of impact of multiple injuries on an injured person is so severe that the maximum ISV for the dominant injury is inadequate to reflect the level of impact, the court may make an assessment of the ISV for the multiple injuries that is higher than the maximum ISV for the dominant injury, subject to the following qualifications:
 - (i) the ISV for multiple injuries cannot exceed 100;
 - (ii) the ISV for multiple injuries should rarely be more than 25% higher than the maximum ISV for the dominant injury.
- (3b) In connection with the operation of subsection (3a), a dominant injury, in relation to multiple injuries, is—
- (a) subject to paragraph (b)—the injury of the multiple injuries having the highest range; or
 - (b) if the highest range for 2 or more of the injuries of the multiple injuries is the same—the injury of those injuries selected as the dominant injury by a court assessing an ISV.
- (3c) Subsections (3a) and (3b) do not limit any other principle or provision that may apply under the regulations in relation to the assessment and determination of an ISV for a particular injury.

No. 20. Schedule 2, clause 8, page 43, after line 38—Insert:

- (6a) A regulation under subsection (1)(d) may only be made on the recommendation of the designated Minister.
- (6b) Before the designated Minister makes a recommendation under subsection (6a), the designated Minister must consult with—
- (a) the Attorney-General; and

- (b) The South Australian Branch of the Australian Medical Association Incorporated; and
 - (c) The Law Society of South Australia.
- (6c) If an association referred to in subsection (6b) objects to any matter contained in a regulation under subsection (6a), the designated Minister must, at the request of that association, prepare a report that—
- (a) provides information about the consultation that has been undertaken; and
 - (b) sets out the objection that has been made (including the reasons put forward by the association for its objection).
- (6d) The Minister must cause a copy of a report under subsection (6c) to be laid before both Houses of Parliament as soon as is reasonably practicable after the request is made.
- (6e) In addition, a regulation that would have the effect of changing the injury scale value applying with respect to a particular injury so that a person who suffers that injury (and no other injury) would, on account of that change, no longer have a right to damages for non-economic loss under section 52(3) and (4) cannot come into operation until the time for disallowance of the regulation has passed.

No. 21. Schedule 2, page 44, after line 25—Insert:

8A—Insertion of section 4A

After section 4 insert:

4A—Commission to behave as model litigant

- (1) The Commission must behave as a model litigant in the conduct of litigation.
- (2) Any model litigant guidelines applicable to the Crown Solicitor apply also to the Commission.

No. 22. Schedule 2, clause 14, page 46, after line 9—Insert:

- (3a) An insurer or the nominal defendant must, within 21 days of receiving any record or other information under subsection (2)(d), send a copy of the report or information to the claimant (or a legal practitioner engaged by the claimant).

No. 23. Schedule 2, clause 17, page 47, after line 35—Insert:

- (6) If a person suffered the bodily injury as a result of or partly as a result of the fault of another person (the wrongdoer), the insurer is entitled to recover from the wrongdoer as a debt due to the insurer such proportion of the present value of the insurer's treatment, care and support liabilities in respect of the person's bodily injury as corresponds to the wrongdoer's share in the responsibility for the injury.
- (7) The present value of the insurer's treatment, care and support liabilities in respect of a bodily injury is the sum of the following amounts—
 - (a) amounts already paid by the insurer under this section in respect of the treatment, care and support needs associated with the bodily injury; and
 - (b) the present value of the amounts that the insurer estimates will be payable by the insurer in the future under this section in respect of the treatment, care and support needs associated with the bodily injury.

No. 24. Schedule 2, clause 17, page 48, line 20—Delete 'insurer' and substitute 'defendant'

No. 25. Schedule 2, clause 17, page 48, line 22—Delete 'insurer' and substitute 'defendant'

No. 26. Schedule 2, clause 17, page 48, line 28—Delete 'insurer' and substitute 'defendant'

No. 27. Schedule 2, clause 20, page 50, after line 26—Insert:

- (5) To avoid doubt, section 76(6e) of the principal Act (as enacted by this Act) does not apply in relation to a regulation that prescribes the injury scale values that are to apply on the commencement of section 52(3) of the principal Act (as enacted by this Act).

No. 28. Schedule 2, clause 21, page 50, after line 32—Insert:

- (2a) An amendment made by this Act to section 127 of the principal Act does not apply in relation to any claim in relation to bodily injury that results from an accident occurring before the commencement of the amendment (and so a paragraph or subsection to be deleted by such an amendment will continue to operate in relation to such a claim including a claim made after the commencement of the amendment).

No. 29. Schedule 2, page 51, after line 28—Insert:

Part 7—Review

23—Review

- (1) The designated Committee must review the operation of this Act (including the amendments made by this Act to other Acts) as soon as practicable after the expiry of 3 years from its commencement.
- (2) The review must include an assessment of—
- (a) the extent to which this Act has provided an effective and fair scheme to assist people who have been catastrophically injured in motor vehicle accidents; and
 - (b) whether it would be appropriate to extend the Scheme established by this Act to people who have been catastrophically injured due to other causes, and the issues associated with implementing such a reform; and
 - (c) the operation of the provisions for the assessment and awarding of damages under section 52 of the *Civil Liability Act 1936* with respect to MVA motor accidents (as defined under that Act) enacted by this Act, with particular reference to—
 - (i) whether the exclusion of a right of recovery for non-economic loss if the injury scale value that applies in a particular case does not exceed 10 has resulted in cases of substantial hardship; and
 - (ii) whether the rules and principles applying to an injured person who has suffered multiple injuries have—
 - (A) provided reasonable compensation within the scheme established under that section; or
 - (B) caused a change in the manner in which such persons claim compensation that has or could lead to an increase in premiums payable under Part 4 of the *Motor Vehicles Act 1959*; and
 - (d) the operation of the other amendments to the *Civil Liability Act 1936* enacted by this Act, with particular reference to the introduction and effect of thresholds under various heads of damages; and
 - (e) the effect that the amendments to the *Motor Vehicles Act 195* enacted by this Act have had on the handling and settlement of claims under Part 4 of that Act,
- and may include any other matter that the designated Committee considers to be relevant to a review of this Act.
- (3) In this clause—
- designated Committee* means—
- (a) unless paragraph (b) applies—the Social Development Committee of Parliament; or
 - (b) if both Houses of Parliament have, before the third anniversary of the commencement of this Act, by resolution, designated another Committee of Parliament to conduct the review envisaged by this clause—that Committee.

Consideration in committee.

The Hon. J.J. SNELLING: I move:

That the Legislative Council's amendments be agreed to.

Motion carried.

STATUTES AMENDMENT (REAL ESTATE REFORM REVIEW AND OTHER MATTERS) BILL

Consideration in committee of the Legislative Council's amendments.

(Continued from 15 May 2013.)

Mr GARDNER: Mr Deputy Speaker, I draw your attention to the state of the house.

The DEPUTY SPEAKER: No quorum present. Ring the bells.

A quorum having been formed:

The Hon. J.R. RAU: I move:

That the Legislative Council's amendments be agreed to.

I am pleased to report the bill was passed by the Legislative Council on 14 May. The council supported changes to the agreement between agents and vendors. The government fully supports these amendments—

The CHAIR: Historic.

The Hon. J.R. RAU: It is historic, yes. The government believes that they provide consumers with protection due to a number of factors. First of all, the notice of expiry will encourage the vendor to consider the progress of their agent. Secondly, the vendor has the right to terminate the extension immediately and the automatic rollover only occurs if a notice of expiry has first been sent by the agent.

These news laws are a huge step in protecting the rights of South Australian consumers. If a property is advertised at a price, homebuyers will now have greater certainty in knowing what the vendor is willing to accept. This is great news for homebuyers who invariably spend a great deal of time, energy and emotion—not to mention money—before making a bid on a property.

Most of all, these changes will eliminate the insidious practice of underquoting. It is unbelievable that the Liberal Party moved amendments in both houses which would have protected rogue agents who engage in this practice. I am glad, however, that a majority of members were firmly and rightly opposed to this grubby practice. Fortunately, common sense won the day.

In addition to giving consumers added protection and making the real estate process far more transparent and accountable than ever before, these laws also remove a significant amount of red tape for real estate agents and allow them to conduct their business with less cost and more flexibility. It is a win-win for all parties.

I would like to thank all of the participants—I don't use the 'S word', Chair—particularly the Real Estate Institute of South Australia and its chief executive, Mr Greg Troughton, for their invaluable contributions to the development of this legislation. I would also like to thank Paul Edwards from Legislative Services for his work on reforms over the last 18 months.

Along with these reforms, the South Australian government will continue working with industry on national licensing and eligibility criteria for occupations. I have had concerns expressed to me that the National Occupation Licensing System (NOLS) due to commence next year will dilute the standards applicable to agents and sales representatives in South Australia, and this is a matter of some concern to me. As members know, I am not necessarily always totally enthusiastic about everything that emanates from central places.

While the government acknowledges the value of a national licensing scheme and harmonised eligibility criteria in the abstract, we also recognise that the additional specialised nature of duties undertaken in South Australia by real estate agents and sales representatives in South Australia means that we have particular requirements and standards which we do not wish to see diluted. We wish to maintain these high levels of service and consumer protection for all South Australians, and, can I say, the industry does too; they have been very, very clear about that.

For this reason, the government will fight to ensure that these higher levels are able to be maintained by setting qualifications at a higher level in South Australia in relation to these additional specialised duties carried out in this state outside the NOLS eligibility requirements. The government will continue to engage with REISA and other interested parties in order to achieve this outcome through the NOLS consultation process and the passage of legislation reform required to enact NOLS I believe in 2014.

All of this work should give all South Australians a greater level of confidence in the integrity of the real estate industry. I say again that the exercise of going through this with the real estate industry has overwhelmingly been a cooperative and entirely satisfactory process from the government's point of view. Even though there were some difficult elements, I again congratulate the industry for having such a mature and responsible attitude to law reform in this area and the way in which the industry has embraced the protection of consumers in South Australia; it is to the industry's credit. I commend the bill to the house without further amendment.

Mr GRIFFITHS: I indicate on behalf of the opposition that we acknowledge the debate that has occurred in both chambers. There is no doubt that it has been a rather interesting debate. I have spoken to the Hon. Terry Stephens, who had responsibility for this bill in the upper house from an opposition perspective. I understand, acknowledge and support the fact that the amendments that have been agreed to will become law. The debate has allowed me to have a lot more information about real estate than I ever thought I would as well, so we all come from a better informed position now.

I am very pleased with the Attorney's comments about the national licensing. Through discussions that I have had with Mr Troughton and other officers of REISA, and real estate agencies, there has been great concern for some time since there has been talk of this legislation. The overwhelming level of professionalism that exists in South Australia—and you have acknowledged that in your own contributions—toward the quality and the service they provide will be preserved no matter what the federal harmonisation proposal is. Let's move forward now and make sure that real estate is a confidence builder for both vendors and agents and that the industry works well.

Motion carried.

BURIAL AND CREMATION BILL

Consideration in committee of the Legislative Council's amendments.

(Continued from 15 May 2013.)

Amendments Nos 1 to 6:

The Hon. J.R. RAU: I move:

That the Legislative Council's amendments be agreed to.

Motion carried.

Amendment No. 7:

The Hon. J.R. RAU: I move:

That the House of Assembly disagrees with the amendment made by the Legislative Council and makes the following amendment in lieu thereof:

Clause 34, page 23, lines 16 and 17 [clause 34(2)]—Delete 'of an amount determined in accordance with the regulations' and substitute:

equal to the current fee payable for an interment right of the same kind, less a reasonable fee—

(a) for administration and maintenance costs; and

(b) for costs involved in the establishment of the cemetery or natural burial ground,

determined in accordance with the regulations

I will speak very briefly on this and explain the situation. This bill passed in the other place on 14 May. I am happy to accept the majority of amendments made in the other place; however, I do not agree with Amendment No. 7, which relates to clause 34 of the bill. Clause 34 of the bill sets out refund rights of a consumer when an interment right is surrendered to the relevant authority that issued it. In other words, somebody has for example purchased a plot at a cemetery, they have that right for a period of time and then they decide for whatever reason that they do not wish to keep it.

The Hon. P.F. Conlon: Would that be a case of them losing the plot?

The Hon. J.R. RAU: Indeed, they would ultimately lose the plot! In losing the plot, they would require, or reasonably expect, to receive some compensation for having lost the plot. There is a question as to how that compensation is calculated. There were many possibilities. Is it calculated by reference to the original price which might have been paid, and that could have been many years ago and, obviously affected by inflation and various other things or, should it be measured by reference to the current price for a comparable plot? And, if it is measured by reference to a current price of a comparable plot, should there be the capability of some deductions to be made from that price, to take into account administrative arrangements and such, like on the part of the cemetery authority?

The Hon. P.F. Conlon: The plot has thickened!

The Hon. J.R. RAU: The member for Elder observes that the plot has thickened. Anyway, we will get off that train for a minute. Clause 34 of the bill sets out these refund rights and, so, the clause is intended to help people whose circumstances change and they need to return their unexercised internment right. The government consulted on this clause and, in response to concerns from industry, included reductions to include administration and maintenance costs. Following further consultation with industry, the government agreed to reduce the consumer's refund further, but recognised that more time was needed to come up with a sensible and fair formula for calculating establishment costs that the industry was happy with.

The effect of the amendment made in the other place is that the relevant authority for a cemetery or natural burial ground would be able to reduce a person's refund amount by a reasonable fee to cover administration and maintenance costs, as well as costs involved in the establishment of the cemetery or natural burial ground—potentially double-dipping. The amendment in the other place does not restrict how one calculates the term 'establishment costs'.

The government is extremely concerned that there may not be anything left over for the consumer at all after all of the deductions. If the establishment costs are too large a percentage of the refund, it could easily negate the benefit of the refund altogether. Without a clear method for calculating these costs, this amendment as it stands would introduce uncertainty and possibly unfairness for the consumer.

The term 'establishment costs' needs to be defined. There are various options for calculating establishment costs such as using a sliding scale to calculate the refund similar to that method used in Victoria, or capping refunds at a percentage amount. However, these methods need to be tried and tested before inserting them into the legislation, which is why they are best placed in the regulations.

This amendment will ensure that the substance of what was agreed to in the other place remains in the legislation but allows for a suitable method of calculating establishment costs to be developed in consultation with industry. The government provides the outcome that the industry wanted and ensures greater protections for consumers. The government is happy to consult with members of this place and the other place in relation to the regulations, and I undertake that we will do so.

The CHAIR: The Attorney has spoken in opposition to Amendment No. 7 from the Legislative Council, and has moved his own alternative amendment.

Ms CHAPMAN: Thank you for that guidance, Mr Chairman. I propose to make some comments in relation to all of the amendments and then I will address the government's amendment. I do not know if the Attorney has indicated whether he is proposing to consent to Amendment Nos 8 and 9. I am assuming, from what he said earlier, he will be.

The CHAIR: We will do that chronologically. So there will be two more to deal with after this.

The Hon. P.F. Conlon: What about numerically?

The CHAIR: We can do it numerically as well.

The Hon. J.R. Rau interjecting:

Ms CHAPMAN: I thank the Attorney for confirming that all other amendments from the Legislative Council will be consented to by the government. That is the position of the opposition. I just wish to make this general comment. In the space of the last 15 minutes, we have received three bills from the other place. One has been the subject of almost verbal abuse by the government during question time today about the audacity of the Legislative Council making amendment to a legislation that they put up. They seem to have taken it—

The Hon. J.R. RAU: Mr Chair—

The CHAIR: You have a point of order?

The Hon. J.R. RAU: I do have a point of order. The house has got some very important business to deal with today and the honourable member is not saying anything of any relevance to clause 6 or whatever it was—

The CHAIR: Seven.

The Hon. J.R. RAU: Clause 34 of this bill. It would be helpful if there is an agreement or a disagreement, if the honourable member could tell us about it so we can just understand what the position is. What is being traversed now is not relevant.

The CHAIR: It would be helpful if the deputy leader did deal with amendment no.7 from the Legislative Council and the substitute amendment from the deputy Premier.

Ms CHAPMAN: I am happy to do that. I will refer to my other comments when we come to amendment No. 8. In relation to amendment No. 7, the Attorney has set out essentially the history of attempting to resolve a formula as to how a refund would apply for basically an area that is no longer required. I think it is fair to say that in the years during which this bill has been developed, there has been considerable effort from all parties to try to resolve the matter.

What is so puzzling is why, after all this time, there has not been some attempt to deal with a process. We heard from the Attorney just a few minutes ago that Victoria and other states use different formulas; they are able to do this, it is not that difficult. Most complex refunds are worked out in relation to refunds from nursing homes when people go into them and they have a sliding scale or they have a refund under a certain percentage formula for a number of years. This surely is not that difficult that we have to come back, and instead of the government accepting the amendment from the Legislative Council which is to say leave it to the regulations as such, they now want to add some structure but then still leave the detail in the regulations.

I just cannot understand how a government has not been able to resolve this issue and be able to deal with it. We will have a look at it. You have thrown this back as something that you want to then be, I think, particularly picky on and not resolve it. I do not know whether it is some sort of grandstanding about whether or not you will accept the Legislative Council's amendments. It just seems absolutely pathetic.

I place that on the record. This could have been resolved, it should have been resolved. Other jurisdictions do it. If this government does not have the wit to be able to work out how you give a refund for an unused plot, I just simply cannot understand how they can deal with the big picture. In any event, we will have a look at it between houses and if it is the only way to resolve this matter so that the stakeholders can have it dealt with, then we will then consent to it.

Motion carried.

Amendments Nos 8 and 9.

The Hon. J.R. RAU: I move:

That the Legislative Council's amendments Nos 8 and 9 be agreed to.

Motion carried.

STATUTES AMENDMENT (GAMBLING REFORM) BILL

In committee.

(Continued from 15 May 2013.)

Clause 21.

The Hon. I.F. EVANS: This is in relation to the licensing agreement being able to exempt certain sections from the act. I think the minister was halfway through explaining why the agreement could allow measures that are specifically outside of the act. I think one of the questions asked was whether that matter was disallowable, that is, whether or not the instrument that allows the agreement between the Casino and the government to go outside the act is a disallowable instrument.

The Hon. J.R. RAU: I understand that that is not the case. It is an agreement; it is not a disallowable instrument.

The Hon. I.F. EVANS: We are dealing with amendments to the Casino Act. What provisions of the Casino Act are able to be amended by the licensing agreement without the parliament's knowledge? That is essentially what this clause allows. This clause provides that, despite the act, we are going to allow the licence agreement in relation to premium gaming areas to exempt any area of the act.

The Hon. J.R. RAU: I am advised that the answer to that question is yes, but its intended operation is predominantly in respect to codes of practice.

The Hon. I.F. EVANS: Are the codes of practice signed off by cabinet or are they simply signed off by the Independent Gambling Authority? Are we as a parliament about to divest the decision-making power as to what is in or out of an agreement that can, under this provision, not comply with the act? Is that then a matter for cabinet to sign off on or does the Independent Gambling Authority set the codes?

The Hon. J.R. RAU: The authority makes the codes and then they are disallowable in the same way as a regulation.

The Hon. I.F. EVANS: So the codes are disallowable—

The Hon. J.R. RAU: Correct.

The Hon. I.F. EVANS: —but the licence agreement is not?

The Hon. J.R. RAU: Yes.

The Hon. I.F. EVANS: Right. Let's split the two. We now know that the parliament can disallow a code and the codes can allow matters that are not allowed by the act. Can the licence agreement outside of the codes—

The Hon. J.R. Rau interjecting:

The Hon. I.F. EVANS: If I'm wrong, I'm confused, so let's rewind it and you explain it to me again.

The Hon. J.R. RAU: The code, a code, is made under the act. It is made by the IGA promulgating the code but it is disallowable. An agreement with the licensee—in other words, an agreement with the one licensee—may exempt the licensee from or modify the licensee's obligations with respect to premium customers or premium gaming areas and I am advised that that is intended, predominantly, to affect the application of a promulgated code upon that part of the licensee's premises. This is only with respect to premium areas.

The Hon. I.F. EVANS: Well, it is not only to do with premium areas, it is also to do with premium customers, or premium gaming areas. So, there is no other power to allow the licence agreement separate from the code to exempt the licensee from any provision in the act.

The Hon. J.R. RAU: I am advised that there is very little in the act that is required to enable the licensee to provide the service it wants to for premium customers or premium customer areas. We are predominantly talking here about code requirements or regulations which might, for instance, deal with a maximum bet.

The Hon. I.F. EVANS: What is the difference between a code prescribed by the authority and a requirement prescribed by the authority? This particular (1a)(b) talks about provisions of a code prescribed by the authority, and it also talks about a requirement. What is a requirement? If it is not in a code, what is a requirement?

The Hon. J.R. RAU: I am advised that the authority has the power to make a direction under section 48, so a requirement might be a direction in that context. The code is self-explanatory, that is the document we have been discussing.

The Hon. I.F. EVANS: Are the directions by the authority disallowable? The way I read this clause it allows the authority to give a direction for the Casino to operate outside the terms of the act. Is that correct? Let me explain it to you, and you are legally qualified, I am not. It says:

- (1a) The agreement may exempt the licensee from, or modify the licensee's obligation...
 - (a) specified requirements of this Act or conditions fixed by this act; or
 - (b) provisions of a code or requirement prescribed by the Authority...

Now, we know what a code is and you just told me that a requirement is simply a direction of the authority. The code can be disallowed, so then how is a direction issued by the authority? Where is the parliamentary oversight for the authority issuing a direction outside the terms of the act?

The Hon. J.R. RAU: I will try to answer the question, but I think it is reasonable to observe that we are moving now into a discussion about pre-existing, longstanding provisions of the act. We are not talking here about an element in the new bill.

The Hon. I.F. EVANS: Yes it is. It's a new amendment.

The Hon. J.R. RAU: This one is but you are talking about the requirement point, aren't you?

The Hon. I.F. EVANS: Which is (1b) of your amendment.

The Hon. J.R. RAU: No, that in turn is referring back to provisions in the existing framework which is section 48, as I understand it, of the existing legislation. The answer to a question about if a direction were given by the authority which was ultra vires the act, would be that anybody who was the recipient of such a direction, who did not like it, could seek review and a declaration of that because it would be like any other error of law. A direction issued beyond power or without power is a challengeable decision, presumably.

The Hon. I.F. EVANS: Attorney, that might be right if your bill did not give the authority this specific power to issue a direction outside of the act; so, therefore, it is not ultra vires. If the bill gives the authority the power to modify the licensee's obligation to comply with the act or the provisions of a code or requirement, then clearly the authority has that power, so it would not be ultra vires.

The Hon. J.R. RAU: I come back to this: as I said, I think, yesterday, the code is something of general application and many requirements that might be made might well be of general application to the licensee. I suppose an alternative might have been that there could have been a separate set of codes established for the premium area but, instead of that, the methodology has been adopted whereby the general application of codes can be modified by agreement and only in respect of premium customers or premium gaming areas—that is all.

The Hon. I.F. EVANS: Let me continue this point. If you go to clause 21 of the bill, which is dealing with section 16 of the act, clause 21(2) of the bill inserts before the word 'must' the words '(subject to subsection (1a))'. If you go to the Casino Act, section 16(3) currently says that it must be consistent with the act. In other words, the current act is specifically saying that the agreement must be consistent.

So, what your bill then does, minister, is pick up that clause and put in front of it the words 'subject to subsection (1a)'. 'Subject to subsection (1a)' is what you are amending with the new powers that say the agreement with 'the licensee from, or modify the licensee's obligation to comply with' the act.

My reading of what you are doing, whether by intent or accident, is that we are outsourcing the ability to the authority to give directions that are outside of the act. Otherwise, why do you need to amend the section that says it must be consistent with the provisions of the act? Why would you need to amend that to make it subject to subsection (1a), when subsection (1a) says:

The agreement may exempt the licensee from, or modify the licensee's obligation to comply with—

- (a) specified requirements of this Act...

Then it goes on to:

- (b) provisions of a code or requirement—

which we now know are a direction of the authority. Those two are in the same clause, and I think if you read the clause with the amendments made, we are changing it from a clear direction that says it must comply with the act to a new variation that says the authority can actually change it outside of the act.

The Hon. J.R. RAU: I think we cannot take this a lot further because I disagree with the member for Davenport's interpretation. The way I would interpret it is simply this: the existing section says that it must comply with the act. There is then an exemption in this bill under (1a), which is intended to say everything must be in compliance except if it is something that would modify the code or a direction in relation to premium customers or premium gaming areas, then you can make that modification. That is all it says, there is nothing more. It does not carry some broader import across the legislation, as I read it. That is what I am advised is the effect of it. That is parliamentary counsel's take on and that is the IGA's take on it.

The Hon. I.F. EVANS: Just so that I am clear, your understanding of it is that this particular provision allows the authority to give a direction to the Casino to operate outside of the act in relation to premium customers and premium gaming areas?

The Hon. J.R. RAU: No; it allows an agreement to exempt the licensee from some things in relation to premium customers or premium gaming areas. Bear in mind that the agreement spoken of here is between the government and the Casino.

The Hon. I.F. EVANS: Directives aren't.

The Hon. J.R. RAU: No; but, as I understand it, the IGA has some sort of supervisory role in respect of the agreement as well. I am assured by parliamentary counsel it is intended to do nothing more than create an exception in relation to those particular topics and nothing more.

Clause passed.

Clause 22.

The Hon. I.F. EVANS: Why does the Treasurer wish to delegate this power and what position do you think the Treasurer would be delegating this particular power to?

The Hon. J.R. RAU: I am advised that the intention would be that this would be delegated to the Commissioner of State Taxation.

Clause passed.

Clauses 23 to 26 passed.

Clause 27.

The Hon. I.F. EVANS: Clause 27 deals with recognition of staff training courses. The minister, through this bill, is developing minor venues and major venues with different training requirements. Does the Casino, under section 33A, have the same training requirements as a major venue?

The Hon. J.R. RAU: I am advised that they are equivalent. The reason, apparently, that the word 'equivalent' and not 'identical' is being used by those who advise me is that the Casino has unique aspects, for example, table games, which mean that if exactly the same training were provided it would be deficient.

The Hon. I.F. EVANS: Section 10 of new clause 33A deals with 'the Minister may determine the application for review' in relation to reviews and in relation to the recognition of staff training courses. I am just interested as to who pays the costs of the review.

The Hon. J.R. RAU: It is a no-cost jurisdiction, apparently. Each party bears its own.

The Hon. I.F. EVANS: Even if the minister finds in favour of the Casino? Even if the government was wrong, and then the Casino seeks a review to the minister and the minister decides the Casino is right? Even in that case the Casino is still penalised with this cost, is that right?

The Hon. J.R. RAU: Well, I guess that's right, but I am advised that it is contemplated that this would be a decision on the papers. So, the cost, if any, to the Casino would be it gathering together its argument and collecting whatever material it wished and bundling that up and sending it off. That may be an internally consumable cost or it might ask the lawyers to help it, or whatever the case may be. It is not anticipated that it would be a particularly burdensome exercise.

Clause passed.

Clauses 28 and 29 passed.

Clause 30.

The Hon. I.F. EVANS: Clause 30 of the bill repeals sections 37A and 37B of the act, which deal with the approval and use of systems and equipment, the authorisation of games by the commissioner and the minimum return to players on gaming machines. What is the difference between the new clauses and the old clauses in relation to these two provisions? What actually changes?

The Hon. J.R. RAU: I am advised that there are two aspects to this. The first one is that there is a red tape element in the removal of some requirements so that, in effect, machines that have interstate approval do not need to go through yet another approval process. The second point is that there were provisions related to exacerbation, which I am advised were unsuccessful and served no useful purpose and have therefore been removed.

Clause passed.

Clauses 31 and 32 passed.

Clause 33.

The Hon. I.F. EVANS: Clause 33 deals with insertions of new sections 40A and 40B in relation to the approval of automated table games equipment, gaming machines and games. I notice that, in paragraph (8) of that particular clause, the approvals are granted for five years and 10 years. I am just wondering why there is a time limit on the approval. Once a machine is approved, why wouldn't it remain approved, because doesn't that mean you are reinventing a job for someone having to go out and monitor whether they are replaced or are rejigged every five years? I would have thought, unless the act changes, what is the point of having a review?

The Hon. J.R. RAU: I do not know much about this stuff; one of my colleagues knows a bit about this, but apparently, over time, these things become stale or antiquated, or technologically inadequate for whatever the contemporary management system might be—whether that be a responsible gambling system, or whether it be some form of tabulation of whatever is going on. This is intended to make sure that there is some active addressing of that issue.

The Hon. I.F. EVANS: Minister, surely the venues will change their machines as they can afford to keep up with modern market practice to attract more revenue, so the government does not need to worry about that. Unless the parliament changes the requirement in relation to messaging and technology the parliament requires, then on what other basis would the authority wish to intervene to review a machine?

For instance; through this legislation, we are forcing onto the operators certain technology in relation to precommitment, electronic messaging, and those issues. So, parliament is deciding there is a technological reason why the machines must change. But, other than that, on what basis do we need a review?

The Hon. J.R. RAU: I am advised of a couple of things. First of all, I make the observation that it is my understanding, in respect of all of these provisions that deal with the Casino, that the Casino is content with them.

The Hon. I.F. Evans interjecting:

The Hon. J.R. RAU: No, and I do also observe that, in opening remarks, the member for Davenport has indicated that the opposition has general support for the matters relating to the Casino, at least. I just make that point, particularly in this context, because I am advised that the machines, particularly those that might be required to comply with responsible gambling technologies—I am told there is a period of five years or so between a machine being the latest thing and a machine being old hat.

I take the honourable member's point that, in all probability, this may not be something that burdens anybody too much because they might be turning them over more quickly. If they do, good, but if they don't, then this is the operative provision. I have been provided with some information which I am happy to share with the honourable member.

This information is about clubs and hotels; it is not the same sample, but it is indicative, perhaps. In relation to the age profile of gaming machines, it says here that in South Australia as a whole—so, this is not confined to the Casino—the largest single number of machines presently in the marketplace were manufactured in 2002, followed by 2003, followed by 2001, followed by 2000, followed by 2007, and so on. So, it would seem from this information that the machines are not exactly cutting-edge.

The Hon. I.F. EVANS: Walk me through this process: the Casino goes out and buys the machine as per this legislation, with all the messaging, precommitment, and everything required under the legislation, and they are approved for five years. So, in five years' time—

The Hon. J.R. RAU: Machines are 10, gaming is five.

The Hon. I.F. EVANS: That's right; gaming is five, tables are 10.

The Hon. J.R. Rau interjecting:

The Hon. I.F. EVANS: Okay, gaming machines are 10, and tables are 10. Roll forward to five or 10 years: assuming the gaming machine or the table complies with the act, what role does the authority have in reviewing it? What does the authority then do at that point?

The Hon. J.R. RAU: I understand that it is the commissioner and not the authority that does the choosing.

The Hon. I.F. EVANS: Does the commissioner do it though?

The Hon. J.R. RAU: I am coming to that. The commissioner will then say either that the commissioner believes that the equipment is satisfactory for what are the then current requirements or that it is not. If it is not, then there would presumably be no renewal. If they are okay, then the commissioner is able to renew.

The Hon. I.F. EVANS: What power does the commissioner have to force the Casino to replace this machine if the equipment—whether it be a table, a game or a gaming machine—is meeting the requirements of the act? Is there any power the commissioner has to force the Casino to replace the machines at that point if they are meeting the requirements of the act?

The Hon. J.R. RAU: I am advised that an additional requirement is approval. Approval as set out here is an additional requirement and without that, even if the machine is otherwise compliant, it cannot be used.

The Hon. I.F. EVANS: My point is, at the end of the approval—the five or 10 years—if the machine, having been approved, meets all the requirements of the act, can the commissioner force the Casino to still change the machine for some other reason, if it is meeting all the requirements of the act?

The Hon. J.R. RAU: I am advised that all the things we are talking about, such as communications on the machine and warning signs that come up, for example, are not in legislation, they are administrative requirements. I think the other answer is that it may be that this does not enable the commissioner to direct the licensee to purchase a new machine or whatever, but it does enable the commissioner to say that the commissioner will not continue to approve a machine that is not compliant.

The Hon. I.F. EVANS: I think we have got to the point where I am safe to say then that the commissioner has that power at any point under the codes. If the commissioner walks in after six months and finds a machine that is not putting up the message like it should, the commissioner can issue an instruction then. So, there is a rolling review. My point is that I think this is nothing more than a job creation scheme, because the commissioner can go in any day they want and review any machine they want and find that it is not performing on the messaging or whatever.

I think this is little more than a job creation scheme, because it gives someone a legislative backing to go and perform a function they should be doing any time they want during that five-year period anyway. I have made my point and I will go on to what is clause 33, dealing with new section 40B(3), which allows the authority to withdraw the recognition before the end of the agreed period by notice in the *Gazette* if it thinks fit. Is there some criteria around the power to withdraw authority?

The Hon. J.R. RAU: No.

The Hon. I.F. EVANS: Given that the authority can withdraw recognition any time, which this clause says, on what basis do we need a review?

The Hon. J.R. RAU: I understand what the honourable member is saying but I cannot add much to the conversation.

Clause passed.

Clause 34.

The Hon. I.F. EVANS: This deals with new section 41(3) relating to offences within the Casino proper.

An honourable member interjecting:

The Hon. I.F. EVANS: That is an interesting question. I assume it is in the gaming area as distinct from the Casino that these offences apply. It provides:

A person who uses a computer, calculator or other device for the purpose of projecting the outcome of an authorised game being played in a gaming area is guilty of an offence.

So, if I pick up my phone and try and calculate what I might win—the projected outcome of the bet—I am committing an offence. Is that right?

The Hon. J.R. RAU: I am advised that this is intended to capture card counting which, I understand from the various films I have seen, is frowned upon by the purveyors of casinos.

The Hon. I.F. EVANS: How many of those used a calculator?

The Hon. J.R. RAU: Indeed. I know Rain Man didn't.

The Hon. I.F. EVANS: Does it go broader, and does it capture people using their phones to calculate the outcome of a bet? Is it broad enough? Is it so worded that it is broad enough to capture people using calculators on their phones to calculate the outcome of a bet?

The Hon. J.R. RAU: The unlikely event of somebody being pinched for trying to work out on their phone what the outcome of a particular bet might be, I guess, is a question for the judge, but it is clearly not what is intended.

Clause passed.

Clause 35 passed.

Clause 36.

The Hon. I.F. EVANS: These are new provisions in relation to Division 4A—Codes of Practice. New clause 41A(2)(c) provides that the licensee is required:

...to have a program for intervention in problem gambling designed to promote—

- (i) identification of persons engaging in problem gambling, including through observation of attendance patterns...

I want to know at what point someone is starting to be observed in relation to this clause. At what point does Iain Evans become a problem gambler and my attendance recorded by some staff member when I am out having an enjoyable time at the Casino in my own private time? At what point am I observed and recorded?

The Hon. J.R. RAU: I am advised that this is catching up with the Gaming Machines Act so that some of the programs that are contemplated for the management of potential problem gambling people which are reflected in the Gaming Machines Act are also capable of being reflected in the Casino.

The Hon. I.F. EVANS: Excellent. Then if it already exists, someone should be able to tell me at what point does Iain Evans become a problem gambler and start getting observed; and am I advised of that?

The Hon. J.R. RAU: I am advised that that detail will not be prescribed in the code. It will be a matter for the licensee.

The Hon. I.F. EVANS: Okay, so let me get this crystal clear. If the licensee does not think I am a problem gambler, they have no obligation under this provision under the codes (because this deals with the codes). This matter only comes into play if the venue decides—in this case, the Casino—that I am a problem gambler and only at that point do these provisions come into play. If it is up to the venue, then I am assuming that that is how it works.

The Hon. J.R. RAU: I am advised that the IGA would have a role in this sense, that the provision of the program would be a matter for the licensee or the venue, as the case might be. That said, the program cannot say just any old thing. The authority does not want to go around imposing their particular program on venues. It is not like a one size fits all program is being imposed by the authority, but the authority is in a position to say to a venue, 'Your program is not adequate, it doesn't comply, it doesn't meet the requirements, it doesn't adequately protect people'—or whatever the case might be—'Go away and do it again. include this bit, include that bit.'

I have just been provided here with some material which is in the form of a draft code of practice which would potentially be applying to the Casino. This draft document is in conversation stage presently. I will just quote from this, which is only a draft document:

1. The Casino licensee must maintain a host responsibility program.

So the word 'program'.

2. For the purposes of clause 1, a host responsibility program must meet the following minimum standards.

- (1) There must be at least one program employee available to attend in the gambling area whenever the Casino is operating.

- (2) The Casino licensee provides program employees with free and unrestricted access to the licensee's premises, other staff and patrons at all times the Casino is open for business.
- (3) The Casino licensee must undertake to its staff that they will in no way be subject to prejudice or unfavourable treatment due to making reports of problem gambling behaviour or suspected problem gambling behaviour; and the Casino licensee consents to and facilitates comprehensive annual and more frequent periodic reporting to the authority by the program staff of their activities. The terms of reference for the program are notified to the authority.

The Hon. I.F. EVANS: So the person being observed, their behaviour is being recorded by persons unknown, their statements—which I assume are oral statements, not financial statements—under this new system, does it record how much Iain Evans bets? I think it does. It is unclear to me whether the statements of the gambler in this provision refer to statements I make to the staff member, so there is a history of what I say recorded somewhere in the Casino, unbeknownst to me, or whether it is financial statements that the Casino are meant to hand over—I am not sure. Maybe you can confirm for me whether, under this new voluntary precommitment system, the amount people bet is recorded and kept.

The Hon. J.R. RAU: I understand the loyalty scheme is the one that records their activity and that is apparently covered by the normal privacy principles.

The Hon. I.F. EVANS: Yes, but as a problem gambler I get special treatment. I am identified, observed, my attendance is ticked off, and my statements are taken. So am I advised that that is happening to me? Am I advised that I am a problem gambler by the venue? Do they have to advise me, or does Iain Evans find out down the track that I have been observed for five years because they think I am a problem gambler?

The Hon. J.R. RAU: That is not dealt with in the legislation; it is a matter for the operator.

The Hon. I.F. EVANS: In relation to paragraph (f), what other matters might the authority be thinking of impinging on in relation to the codes? They can make a code on anything they want under (f).

The Hon. J.R. RAU: Apparently, that is a reflection of the current provisions.

The Hon. I.F. EVANS: Good. Maybe the minister can advise me what matters have already been covered under that provision that are not listed in the bill.

The Hon. J.R. RAU: I have been advised that, perhaps, something in the nature of surveillance of car parks might fit into that category. It may be of assistance—probably between the houses anyway—I am advised that I can provide the honourable member with a draft copy of the codes of practice that would be applying. That might be of some use.

The Hon. I.F. EVANS: Very exciting.

The Hon. I.F. EVANS: Yes.

The Hon. I.F. EVANS: That will give me something else to read this Sunday. I would appreciate that, minister.

Clause passed.

Clause 37 passed.

Clause 38.

The Hon. I.F. EVANS: Clause 38 deals with gambling on credit being prohibited. Does the bill allow that provision to be exempted for premium gamblers in the premium gambling area?

The Hon. J.R. RAU: I am advised that there is already a provision of credit since 2001 by way of a person presenting a cheque being provided with chips and then receiving an undertaking that the cheque would not be presented until five days have passed. But in answer to your particular question about whether credit is prohibited, again, it is a matter for interpretation but I would assume on my reading of clause 21, 'specified requirements of this act or conditions fixed by this act' should be able to be modified in there, I would assume.

The Hon. I.F. EVANS: Just so I understand what the minister is telling me, if you were a premium gambler or someone in the premium gambling area, it is possible for the rules to be changed to allow you to bet on credit there.

The Hon. J.R. RAU: That would be my reading of the legislation, yes. I just make the point that I understand the authority would need to agree to that, I am advised.

The Hon. I.F. EVANS: The authority would have to agree to the premium gaming area or the premium gamblers as a group being able to bet on credit and then the Casino will have to decide individually who they want to extend credit to, but the authority would not be signing off on the individuals, I would think.

The Hon. J.R. RAU: No.

The Hon. I.F. EVANS: No. Currently does the Casino, in its premium area, have that exemption?

The Hon. J.R. RAU: I am advised that the Casino has a general ability to provide chips in exchange for a cheque in the manner I described before, which is provision of credit.

The Hon. I.F. EVANS: But if you read the section of the act, there is a whole explanation of credit as to what they are not allowed to do. Can they run an account?

The Hon. J.R. RAU: I am advised that the only exemption that has been given so far is the one I have just described.

Clause passed.

Clause 39.

The Hon. I.F. EVANS: I move

Page 23, lines 13 to 20 [clause 39, inserted section 42B(3) and (4)]—Delete subsections (3) and (4)

Clause 39 deals with ATMs and prohibition of ATMs. I declare to the house that I own four ATMs but none of them are near the Casino complex and none of them are in South Australian licensed premises—just for clarity. This amendment is a test in relation to uniforming the dates between federal and state legislation relating to pre-commitment on a whole range of other dates.

I am not going to speak at length on it, other than to say the opposition thinks it is an extra cost to the businesses to have two sets of rules overseeing the one concept. We think there should be a uniform date starting. The federal laws are going to override us anyway in due course. We think there is sense in uniforming the dates with the federal legislation and that is what this amendment essentially seeks to do. I understand the government is opposing it but we will deal with it anyway.

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

The Hon. J.R. RAU: I understand the honourable member's point in moving this amendment; I understand what he is saying. My only reply is that we have negotiated with the parties, as I have explained several times, a comprehensive package, which included accelerated application of some of these reforms and that is the consensus position we have arrived at so we will maintain our existing position.

Amendment negatived.

The Hon. I.F. EVANS: Clause 39 inserts a new provision 42C which prevents the Casino from allowing (permitting) gambling in the Casino premises other than in a gaming area. If I am having a drink at the bar and I pick up my phone and do a sports bet within the Casino premises, under this provision I am technically breaking the law, or the Casino is because I am betting inside the Casino precinct. So, I want to confirm that that is not the intention, because I am not sure how you are going to stop anyone from using their phone technology to place bets from within the Casino.

The Hon. J.R. RAU: I am advised that that does not seek to address that point. What it does seek to address is gambling with the licensee.

The Hon. I.F. EVANS: It does not say that.

The Hon. J.R. RAU: Well, I am advised that is what it means.

Clause passed.

Clauses 40 and 41 passed.

Clause 42.

The Hon. I.F. EVANS: Clause 42 deals with the licensee's power to bar. Section 44(3) has a footnote, which states:

In relation to barring on the ground that a person is placing his or her own welfare, or the welfare of dependants, at risk through gambling—see Part 4 of the Independent Gambling Authority Act 1995.

Can you explain to me the difference between the two systems of barring?

The Hon. J.R. RAU: I am advised that the purpose of that is that welfare barring is being consolidated within that single act, and it will become the one-stop shop for barring generally. The purpose there is to direct attention to that provision, which will become the functional provision for many purposes.

Clause passed.

Clauses 43 to 46 passed.

Clause 47.

The Hon. I.F. EVANS: Clause 47 deals with the duty of the auditor. There is a new provision dealing with subclause (3) which allows the authority to:

...on the written request of the Minister, the Treasurer or the Commissioner, divulge information obtained under this section to the Minister, the Treasurer or the Commissioner...

I am just wondering why it needs to be in writing. Surely, if I am sitting at a briefing with authority as minister and I seek information, I do not need to write.

The Hon. J.R. RAU: I am advised that it is an audit trail to protect the confidentiality of material obtained by the auditor.

Clause passed.

Clauses 48 to 51 passed.

Clause 52.

The Hon. I.F. EVANS: This one interests me. I think this gives the power to the minister to give directions to the authority. Is this a provision in the current act or is this a new power the minister is giving himself?

The Hon. J.R. RAU: I am advised—it's very interesting, but anyway.

The Hon. I.F. EVANS: I thought it was when I read it.

The Hon. J.R. RAU: Yes. You will continue to be interested, I suspect. The government stated its policy position in May 2011 that it supported implementation or precommitment in a way that is voluntary for the customer with mandatory budget reminder messaging to customers and so forth. The bill gives effect to that policy.

The amendment that the honourable member has drawn our attention to gives the government a reserve power to direct the IGA if, at any stage, it proposes to change the regulatory regime in a way that requires the Casino, for example, to limit access to gaming machines or automated tables only to those people who have precommitted, in other words, mandatory precommitment.

So in the event that the authority decided to, for whatever reason, advance the policy agenda beyond voluntary precommitment into mandated commitment, then this section would, apparently, authorise the minister to say to the authority that 'I, the minister,' or 'They, the minister, do not approve of that.'

The Hon. I.F. EVANS: Is a similar provision going to exist for clubs and pubs?

The Hon. J.R. RAU: Can I get back to the honourable member on that? They are looking presently. I presently do not know the answer to that. It would seem sensible that if it is going to be in one place it should be in others, but I do not know.

The Hon. I.F. EVANS: The authority is, after all, an officer of the crown. On what basis do we need a law that the officer, the public servant, cannot operate outside of government policy?

The Hon. J.R. RAU: I think it is the case that the authority is an independent authority. I do not think we can do much more than reflect on this and note it is there.

The Hon. I.F. EVANS: So the direction only applies to a precommitment system?

The Hon. J.R. RAU: In answer to the honourable member's other question, section 109 does reflect the same sort of thing in respect of the other venues.

Clause passed.

Clauses 53 to 59 passed.

Clause 60.

The Hon. I.F. EVANS: The minister will note that we are outside of the Casino Act now; we are onto the Gaming Machines Act; and would you believe my first question is about the Casino Act. Clause 61 deals with section 4 of the Gaming Machines Act. Section 4 provides:

Except specifically provided by this Act or the Casino Act...this Act does not apply to or in relation to a gaming machine operated in the casino premises.

Are there any differences in the way they operate? I assume the same precommitment scheme is going to operate the same technology, the same supervision.

The Hon. J.R. RAU: That is my understanding. The explanation I have here is that the regulation of the gaming machines operated by the Casino is undertaken under the Casino Act. There are, however, some provisions of the Gaming Machines Act that also apply to the Adelaide Casino. Primarily this relates to gaming machine entitlements and the approved trading system.

The Hon. I.F. EVANS: In relation to the definitions of 'major gaming venue' and 'minor gaming venue'—the above 20, the below 20—did the government do any economic modelling on the impact of the government's legislation on those venues? In other words, did the government model, that if we introduce a set of rules for venues with 20 machines and less and another set of rules for machines 21 machines and more, what was the extra cost impact, and could they actually survive? Has any of that modelling been done?

The Hon. J.R. RAU: Not to my knowledge or of those who advise me.

The Hon. I.F. EVANS: Was there any modelling done from a regional impact statement point of view? The government previously had a policy of doing regional impact statements on all legislation. Was there a regional impact test done on this particular model, of having major venue, minor venue?

The Hon. J.R. RAU: I would have to give the same answer, although, I am advised that the Responsible Gambling Working Party did seek input from regional places, but in terms of modelling, which is the specific question, the answer is no, as far as I know.

The Hon. I.F. EVANS: The Responsible Gambling Working Party, when they sought that input, were specifically asking the question about what would happen if the government introduced a model of having a minor venue be 20 or less and a major venue 21 or more?

The Hon. J.R. RAU: No, I do not believe that is the case.

The Hon. I.F. EVANS: So, would it be fair for me to say, minister, that there has been no economic modelling on this model of having a minor venue defined as 20 or less and a major venue 21 or more?

The Hon. J.R. RAU: So far as I am advised and so far as I am aware, that is the case.

The Hon. I.F. EVANS: Then, on what basis does the government believe it will work, and on what basis is the government progressing this matter if it is unsure and has done no work on the impact of those two sectors?

The Hon. J.R. RAU: This brings us back to the earlier discussion, which I will not go to great lengths on. The policy reasons for going for major and minor venues I have already covered off and I do not want to repeat myself with that—there are many of them. I do not believe it would be either useful or probably possible, for that matter, to conduct economic modelling across whole sectors for reasons that have probably been quite well touched on by some of the speakers in opposition.

For example, how far down do you crack the subsets of people in order to model the implications of this? Do you just model between big venues and small venues or do you add the complexity that it is big venues divided by clubs and pubs and small venues divided by clubs and pubs, or do you then add a further complexity—metropolitan and non-metropolitan—and so on?

It gets to the point where, in reality, because so many venues have different localities, customer bases and contexts, unless you start going down to the individual venue level or very fine-grain analysis, what you are going to get is some very high level speculation, which would include, for instance, a whole bunch of very large and probably quite well-financed establishments in the same catchment group for the purposes of modelling as other quite different venues.

I understand the question. I understand the use that the honourable member wishes to make of the question and the answer, but I do say that the likelihood of any such modelling work to have been particularly informative, I think, is very small.

The Hon. I.F. EVANS: Is there any reason why the government didn't speak to the SANFL or any SANFL club regarding these matters?

The Hon. J.R. RAU: I am not exactly sure what you mean by 'these matters'. I have met with the—

The Hon. I.F. Evans: The legislation.

The Hon. J.R. RAU: I was not primarily involved in a lot of the consultation phase, but it is my understanding that there were representatives of licensed clubs involved in those conversations. What they did by way of conveying whatever it was that they discussed to their constituent bodies, I do not know. A constant complexity about consultation (so-called) that I have discovered is that one consults with peak bodies in the expectation that consultation with that body represents consultation. One receives feedback from that body and incorporates that feedback into development of policy and development of legislation and then the legislation is introduced.

Elements that sit under the representative body then become highly animated about the lack of consultation where, in fact, if there is a failure of consultation, the failure is not between the state government and the peak body: it is between the peak body and its constituent elements. Whether that peak body is local government complaining about the fact that they do not know about a DPA or whoever it might be, it is a problem which is encountered all the time.

I am sure the honourable member knows this very well: there are some peak bodies you talk to and you have feedback that you can actually rely upon because, if that peak body says yes, they mean yes, and they deliver. There are other peak bodies that will say yes today and no tomorrow, and yes the day after that, and so forth.

There are other peak bodies that say, 'Oh yes, oh yes,' but in the end, they do not speak for anybody except the chief executive and whoever else is in the room with you, because their constituent elements do not take any notice of them or do not regard them as being delegated to have these conversations. It is a complicated business. If you want to know whether I personally sat down with the SANFL and discussed this, the answer to that is no.

The Hon. I.F. EVANS: Did the government?

The Hon. J.R. RAU: I do not know who the various people involved in this program spoke to in detail; I cannot say for certain. One of my staff members was involved in the matter and public servants were involved in the matter. Whether they got down to the level of talking to particular football clubs or the SANFL, I do not know, but I am informed that they did definitely speak to the club sector.

The Hon. I.F. EVANS: Isn't it true that when the Hotels Association and Clubs SA were consulted, they were given an embargoed copy of the material and were not able to consult with their membership until very close to the date of the introduction to the bill—I understand only a couple of days out from the bill—and, if so, how did the minister expect to get feedback from the membership of those organisations if the information those organisations were provided with was embargoed?

The Hon. J.R. RAU: Again, I understand the question; it is a fair enough question. I know I am not telling the member for Davenport anything he does not already know very well, but the more people you bring into the consultation about matters, the more likely it is that the consultation will no longer continue to occur in private or in a context where people are actually observing the Chatham House Rule.

If this legislation had been released at a number of points in time until quite recently, (1) it would have contained elements which were not ultimately within the final bill, because there were continuing discussions between all the parties which continued to make amendments, and (2) there were things in here of sensitivity for a number of reasons (let us say, for example, the Casino), where it would have been unhelpful for an early generation of a draft bill to find itself leaked in whole or in part, possibly with malice and possibly without, into the public domain.

It is not weird or unusual for governments to consult with peak bodies about a whole bunch of things on a confidential basis. There is a tension between consulting with the organisation in the field, which is obviously desirable to do, and losing the capacity to speak frankly and off the record and without any party in the room being compromised.

At all times we were working on the basis that we were trying to assemble here a package that everybody could live with, and there were changes made as a result of people around the table saying, 'Well, we've got a problem about this or a problem about something else,' and that continued to happen. When there are a dozen people perhaps around the table that is possible, but when there are 300 people around the table it is not. I know in a perfect world perhaps we would have locked everybody in the room for a couple of weeks and worked it all out, but that is just not possible.

The Hon. I.F. EVANS: After doing whatever consultation was undertaken, why were the recommendations of the Responsible Gambling Working Party rejected?

The Hon. J.R. RAU: I do not think they were rejected. I do not agree with you saying that first of all they were rejected; they were very useful. The working party's recommendations were exactly that, recommendations. I guess the honourable member is referring in particular to the decision to go to 60 machines, which was not part of their recommendation, as he said before. I have already explained that it was in fact the welfare sector that put forward that proposition, which was picked up, so it was just part of the process.

The Hon. I.F. EVANS: But it is true, isn't it, minister, that the welfare sector as part of the Responsible Gambling Working Party put that argument to the Responsible Gambling Working Party, there were compromises in the Responsible Gambling Working Party recommendations in that not everyone got what they wanted, and the Responsible Gambling Working Party recommendations were unanimously supported. Am I to understand that, having been through that process, the government then turned its back on the rest of the Responsible Gambling Working Party and renegotiated with the welfare sector to give them what they wanted?

The Hon. J.R. RAU: I do not entirely embrace the 'turned its back on' terminology, but they were going for a bunch of recommendations. Fair enough, that is one context. This context is the introduction of legislation doing a variety of things, including management of the Casino and so forth. Yes, the negotiations continued and the bill represents where they wound up.

Clause passed.

Clauses 61 to 66 passed.

Clause 67.

The Hon. I.F. EVANS: Clause 67 is the second topic of my amendments, in that this is the provision that allows venues to go to more than 40 machines. As I mentioned in my second reading contribution, the Liberal Party do not support this. We do not support this because there has been no evidence given to the contrary. In fact, I think the government's response to our argument has simply been to confirm exactly what is going to happen, and that is that what this will do is centralise the poker machine numbers and therefore poker machine revenue into Coles, Woolworths and the big end of town of the hotel industry. It will also by definition transfer low value, low profit machines, primarily in regional areas or higher socioeconomic areas, into high profit, high turnover areas, which on all the evidence for anyone who has followed gaming machines tends to be the low socioeconomic areas.

What this government is doing is designing a system to put more machines into lower socioeconomic areas, and the entities that are going to own them are going to be Coles, Woolworths and a few fairly well-off publicans who are cashed up and ready to go in this particular matter. The government's justification for this is that they are going to have a voluntary precommitment system where someone can set an unlimited betting regime. They can re-sign up to that if they exceed that limit, and if they want to stay and gamble, the venue would have to instigate a barring order, essentially, to kick them out. If they want to stay there and keep gambling

they can. The Liberal Party does not think that it is worth the pain that this measure is going to deliver to the smaller clubs and pubs. We do not see the outcome that the community is going to get.

Why would a Labor government, of all governments, want to design a system that is going to put more poker machines closer to lower socioeconomic areas? Because that is where the poker machines make their big money—no-one is going to dispute that. If you have a look at the evidence from between 2004 and 2013 when the parliament decided we were going to make all the hotels go down to 32 and have the trading system, get out the postcodes and see where the gaming machines left, and where they ended up. Have a look where they ended up. The government argues that by doing this, the 0.4 per cent of problem gamblers will be able to have a voluntary precommitment system attached to them. The other 99.6 per cent, in lower socioeconomic areas—because that is where they will end up, the market will dictate that—will have greater access and even longer access because the minor venues under this provision are lucky, they get to shut between 2am and 10am.

The minor venues have to close but the really big pokie parlours that are going to be closer to the lower socioeconomic areas, in my view over time—guess what?—they can still stay open. When they close for their six hours, which might be two lots of three hours, the one down the road can still remain open. The two venues can have a chat and say, 'Well, you close between 12 and 3, and we'll open between 3 and 6, and the gamblers can just shoot down the road if they want to.' I say to the government that I do not think, on balance, that the social outcome you are going to get out of this is worth the pain to the small pubs, the clubs and to those communities where the 60 machine venues are going to end up. We are not convinced, and we are going to oppose this both in this house and in the other chamber.

The Hon. J.R. RAU: I understand the honourable member's points and I respect them. I guess it is a weighing-up exercise. There is not too much black and white in all of this. There are lots of shades of grey. I think what the honourable member says is fine; I just happen to disagree. The only little comment I would make about the honourable member's remarks is that the observation about the impact on lower socioeconomic areas is, perhaps, not an invalid observation, but it is moderately ironic that the honourable member and some of his colleagues would appear to be less perturbed about those same people living in lower socioeconomic areas playing machines if the owner of the machine was a club. They would be less concerned about it.

An honourable member interjecting:

The Hon. J.R. RAU: Because I know from things that have been said in here that people want the clubs to have more venues. They want more venues for clubs; that has been a very strong theme coming out. The other point is that the social effects test, by the way, continues. I think there is some counterbalance to the idea of there being new intrusions into areas without the community having an opportunity to be heard. I am not in any way ridiculing the honourable member's point of view; I just happen to disagree with it.

The Hon. I.F. EVANS: Given that the social effects test applies, has Treasury modelled the impact of the bill in an unamended form and, when it modelled it, did it model it on all of the venues going to 60, or did it model it with the social effects test knocking them out and remaining at 40? How did Treasury model it?

The Hon. J.R. RAU: I have no instructions on that. I certainly did not do any modelling.

The Hon. I.F. EVANS: Has Treasury modelled it?

The Hon. J.R. RAU: Not to my knowledge.

The Hon. I.F. EVANS: Do the advisers know? Does anyone know whether Treasury has modelled this?

The Hon. J.R. RAU: I am advised that there may have been modelling at some level in respect of potential revenue implications. I do not have that material. That is the extent that I am able to assist you with that question.

The Hon. I.F. EVANS: To speed the process up, minister, will the minister undertake to brief the opposition on the Treasury modelling in between houses?

The Hon. J.R. RAU: Inasmuch as I can give that undertaking. I am not the Treasurer, obviously, but I will ask that you be provided with a briefing. I am happy to ask for that to happen member for Davenport.

The CHAIR: Would you like to move that Amendment No. 2 standing in your name?

The Hon. I.F. EVANS: I move:

Page 36, lines 28 to 37 [clause 67(2) and (3)]—Delete subclauses (2) and (3)

The committee divided on the amendment:

AYES (14)

Brock, G.G.	Evans, I.F. (teller)	Gardner, J.A.W.
Goldsworthy, M.R.	Griffiths, S.P.	Hamilton-Smith, M.L.J.
McFetridge, D.	Pederick, A.S.	Redmond, I.M.
Sanderson, R.	Treloar, P.A.	van Holst Pellekaan, D.C.
Venning, I.H.	Williams, M.R.	

NOES (24)

Atkinson, M.J.	Bedford, F.E.	Bettison, Z.L.
Bignell, L.W.K.	Breuer, L.R.	Caica, P.
Close, S.E.	Conlon, P.F.	Fox, C.C.
Geraghty, R.K.	Hill, J.D.	Kenyon, T.R.
Key, S.W.	Koutsantonis, A.	O'Brien, M.F.
Odenwalder, L.K.	Portolesi, G.	Rankine, J.M.
Rau, J.R. (teller)	Sibbons, A.J.	Snelling, J.J.
Thompson, M.G.	Vlahos, L.A.	Weatherill, J.W.

PAIRS (2)

Marshall, S.S.

Piccolo, A.

Majority of 10 for the noes.

Amendment thus negated; clause passed.

[Sitting extended beyond 18:00 on motion of Hon. J.R. Rau]

Clause 68.

The Hon. I.F. EVANS: I am just wondering what is meant by 'have regard to the scale of the proposed gaming operations' in clause 68, the social effects test?

The Hon. J.R. RAU: I did not hear the question.

The Hon. I.F. EVANS: What is meant by 'have regard to the scale of the proposed gaming operations' with regard to the social effects tests?

The Hon. J.R. RAU: I gather it is intended to include a comparison between the magnitude of the gaming operations and other things such as the provision of food, the provision of dining opportunities, or whatever.

The Hon. I.F. EVANS: So, when does the social effects test kick in? If I have 32 machines and I want to increase it by one do I need to do a social effects test? At what point does the social effects test kick in?

The Hon. J.R. RAU: Where there is a new licence application or where the commissioner requires there will be a social effects inquiry.

The Hon. I.F. EVANS: If it is an existing premises that buys extra entitlements does the social effects test kick in?

The Hon. J.R. RAU: That is at the discretion of the commissioner and would be, presumably, based on whether the increase was sufficient to concern the commissioner.

Clause passed.

Clause 69 passed.

Clause 70.

The Hon. I.F. EVANS: Clause 70 brings in a provision that closes all minor venues between 2am and 10am. Was there any modelling done on that?

The Hon. J.R. RAU: No.

The Hon. I.F. EVANS: Did the government ask any venue what the impact might be? Did it speak to any venue that is currently under 20 about what the impact might be? Has Treasury done any modelling on what the impact might be on closing a venue between 2am and 10am?

The Hon. J.R. RAU: I think I have already explained the way the consultation went. Consultation did not occur with individual venues. As I understand it, the honourable member, in briefings, has been provided with information relating to whatever modelling has been done.

The Hon. I.F. Evans interjecting:

The Hon. J.R. RAU: Anyway, that is my answer to that.

The Hon. I.F. EVANS: On what basis does the government think that a venue with less than 20 should close between 2am and 10am, but a venue with 60 should be able to open the longer hours?

The Hon. J.R. RAU: It is only the gaming bit of the venue that is closed between 2am and 10am, for a start. Other activities are governed by other permission. The second thing is that under this scheme the minor venue is a less secure venue from the perspective of potential risk to a problem gambler than the major venue is. So, the major venue is a safer place in the context of the safety net provisions that are embedded in all of this and, therefore, I guess between 2am and 10am, if you are still out drinking, or whatever, at that time of the day and in a place with gaming machines, one would hope you are at a place where you are going to have a bit of an eye kept on you.

The Hon. I.F. EVANS: I make the point that the opposition are still consulting on these matters, so we may well have more to say about that particular clause in another place.

Clause passed.

Clause 71 passed.

Clause 72.

The Hon. I.F. EVANS: This is the provision that allows the Casino to have 995 entitlements gifted to it. The opposition is opposed to this particular provision and will be seeking to defeat it here and in another place.

The Hon. J.R. RAU: Noted.

The Hon. I.F. EVANS: In clause 72, there is a provision in subsection (2)(a) that says the approved licensing agreement under the Casino Act 'may specify targets relating to the obtaining of gaming machine entitlements'. What does that mean? Does that mean the government is going to set targets and certain dates for the Casino?

The Hon. J.R. RAU: I am advised, yes.

The Hon. I.F. EVANS: Does the Casino have to agree to the dates or can the government simply mandate the targets?

The Hon. J.R. RAU: It is an agreement.

Clause passed.

Clauses 73 to 78 passed.

Clause 79.

The Hon. I.F. EVANS: Clause 79 deals with approval of gaming machines and games and, under section 40(4) has a provision in paragraph (a) that:

does not allow the expenditure, or part of the expenditure, on the game when played on a particular gaming machine to accumulate with the expenditure, or part of the expenditure, on a game played on any other gaming machine;

Is that to prevent link jackpots or something? Is that currently the provision just reworded, or is this a new restriction coming into the system?

The Hon. J.R. RAU: It is current.

The Hon. I.F. EVANS: So why do we need to have a new provision? What is different then? There must be some difference, otherwise you would not have a new provision. Can someone explain to me the difference?

The Hon. J.R. RAU: In legislation like this, many provisions often turn up by reason of parliamentary counsel having the view that they are appropriate or necessary. I am just presently seeking to ascertain whether this is, in fact, one of them. While they are doing that though, unless we are proposing to oppose this, can we move on and I am happy to come back to it?

The Hon. I.F. EVANS: Yes, we can do that.

The Hon. J.R. RAU: It is an offence to have a linked jackpot now. This is just tidying it up and saying you cannot even get an approval for one. Technically, at the moment you could approve a machine that had a linked jackpot, but it would be an offence to allow it to happen. So the approvals are not in keeping with the offences; this is lining that up.

Clause passed.

Clauses 80 to 86 passed.

Clause 87.

The Hon. I.F. EVANS: Clause 87 relates to offences relating to management with positions of authority. Under this provision:

A licensee must ensure that a gaming manager is present on the licensed premises at all times when gaming operations are conducted on the premises.

I am just wondering why that is not worded in the terms of 'the licensee must use their best endeavours', because the licensee may well instruct the gaming manager to be there while it is open. The gaming manager may well, unbeknown to the licensee, do a whole range of things and leave and therefore expose the licensee. I would have thought that a licensee must use their best endeavours to have a gaming manager there, and if the gaming manager breaks that rule the gaming manager inherits the fine, not the licensee.

The Hon. J.R. RAU: I will take that as an observation. I understand what the honourable member is saying. If between the houses I can get any really good particular reason why that formulation has been chosen, I will advise.

Clause passed.

Clauses 88 to 91 passed.

Clause 92.

The Hon. I.F. EVANS: This is just a drafting issue. I cannot work out why they are inserting 51AA before 51A. I am wondering whether there is an error in regard to that particular provision. I would have thought it would have been 'insert 51A' and then it would have gone 51AA.

The Hon. J.R. RAU: I am advised that the standard procedure is that if you have to insert something between 51 and 51A you call it 51AA and you stick it in between them.

The Hon. I.F. EVANS: As you do.

The Hon. J.R. RAU: As you do.

Clause passed.

Clauses 93 to 96 passed.

Clause 97.

The Hon. I.F. EVANS: This is the issue of prohibition of coin machines in minor venues. Currently, someone gambling can go over and, I assume, exchange for coins. They are now going to be banned. How does that now work? Is it all going to be by card?

The Hon. J.R. RAU: It would be face-to-face cashier, the object of the exercise being that it is less likely for the problem person to feel concerned about repeatedly going to a machine than repeatedly fronting up to a person who might actually say, 'Are you okay?' or, 'You again.'

The Hon. I.F. EVANS: So this only applies to minor venues, as I understand it?

The Hon. J.R. RAU: Yes.

The Hon. I.F. EVANS: Okay; so let me get this right. The government is going through all this pain in this legislation to introduce a precommitment system so a staff member intervenes when you have reached your gambling limit, because the government is of the view that by having that intervention the gambler may decide to leave. So then, for the major venues, where most of the machines are going to be, they are going to allow coin machines, which do not require a staff intervention, and in the minor venues they are going to enforce a staff intervention. Why the inconsistency in policy? If staff intervention is all about reducing gambling, why is the minor venue being treated differently to the major venue?

The Hon. J.R. RAU: The answer is that, in the major venues, the staff intervention or interaction is going to be generated by reason of the electronic system that's there, from the warning on the machine and the fact that there will be staff alerted to the fact that this person has got a problem. In the minor venue, where that technology is not necessarily present, the only way that you can actually make it difficult for a problem gambler not to engage with a staff member is to say that you can only get cash from a person.

The Hon. I.F. EVANS: But, surely if the government is about trying to reduce problem gambling, any staff intervention is better than no staff intervention, so surely an extra staff intervention is better than having one less staff intervention. There seems to be a big inconsistency and, again, I assume the impact on the small clubs and pubs wasn't modelled.

The Hon. J.R. RAU: No, and I understand the perspective.

The Hon. I.F. EVANS: So then why can't minor venues have loyalty programs? Section 53AC—prohibition on customer loyalty programs in minor gaming venues. Why can't they do that?

The Hon. J.R. RAU: I have just heard the most eloquent explanation of this, and I actually really like it: it is the difference between hobby gaming and serious gaming.

The Hon. I.F. EVANS: Right, so let me get that crystal clear. The serious gamblers, who are just a step below the problem gamblers—and some of them are problem gamblers, I hear in interjection. So, they can have a loyalty program to encourage them to gamble more, but those old hobby gamblers, the ones who don't do it that regularly, can't have a loyalty program because?

The Hon. J.R. RAU: I think we need to look at it from this point of view. The loyalty program in the future will be accompanied by a card. The card gives quite a lot of information and records information about the owner and operator of the card. So, the loyalty program is actually the admission to supervision, if you like, of that person. That is why the major venues are proposed to have those. When you are dealing with the minor venue, which, bear in mind, has less safety wrapped around it in terms of regulated anti-problem gambling things, the concept is that the smaller venue is more likely to be something which has the machines as an ancillary activity. It is not the primary activity of the venue.

For instance, you might have a country hotel, maybe near a caravan park or something, and people come and go in the holiday season. People come in and they might have a couple of drinks, a couple of bets on the machine, then go away and never go there again ever. Or it might be a small pub that has passing trade or even regular trade, for that matter. We are talking about relatively small venues where the focal point of the venue is not gaming.

The bigger venues are obviously going to be places where gaming is a substantial—if not the most substantial—part of their business. You should not see the loyalty cards as less control; they are actually more control.

The Hon. I.F. EVANS: On what basis can't the minor venues have a loyalty card that is not the same card as the major venues?

The Hon. J.R. RAU: It encourages people to continue to go their and gamble rather than go somewhere else, and they are continuing to gamble in a venue that has less safety attached to it.

The Hon. I.F. EVANS: So it discourages people to go to the little venues—I am glad we have got that on the record—and to 'go somewhere else'. In other words, it is a direct incentive to go to the bigger venues.

The Hon. J.R. RAU: No, it is a discouragement—

The Hon. I.F. Evans interjecting:

The Hon. J.R. RAU: Using a card or a loyalty program in a place with low-grade supervision of potential problem gamblers is more dangerous than using a loyalty card in a place that has high-grade security for problem gamblers. All we are saying here is: if you have low-grade security for problem gamblers, it is more dangerous for you to be having people using these cards; therefore, that will not continue. That is all it is saying.

The Hon. I.F. EVANS: I assume the loyalty card prohibition only relates to gambling?

The Hon. J.R. RAU: Yes.

Clause passed.

Clauses 98 to 107 passed.

Clause 108.

The Hon. I.F. EVANS: Why is the government seeking to change the date of payment under this provision from 'in equal monthly instalments' to 'whenever the Treasurer wants'?

The Hon. J.R. RAU: I am advised the answer to that is that the amendment provides the flexibility so that cashflows into the Gamblers Rehabilitation Fund can match projected cashflows out of the Gamblers Rehabilitation Fund. It provides flexibility so that cashflows into the Gamblers Rehabilitation Fund can match projected flows out of the rehabilitation fund—that is what I am advised.

The Hon. I.F. EVANS: Do I understand this correctly: the government is going to give the Treasurer a discretion to vary the requirements when the businesses pay their gaming revenue? What is the payment we are referring to under this particular clause? The payment is from whom to whom?

The Hon. J.R. RAU: The payment is from the Consolidated Account into the Gamblers Rehabilitation Fund.

Clause passed.

Clauses 109 to 111 passed.

Clause 112.

The Hon. I.F. EVANS: Is clause 112 the government's response to the West Adelaide-Munno Para circumstance?

The Hon. J.R. RAU: I am advised that all this is intended to achieve is to minimise red tape. It is designed to eliminate the need to involve a gaming machine dealer where the gaming machine is transferred from one venue to another at no cost, and the venue giving the gaming machine and the venue receiving the gaming machine have the same or related licences. Apparently at the moment there is some peculiar requirement that the machine be disposed of or something. This eliminates that.

The Hon. I.F. EVANS: Can the minister explain to me the meaning or purpose of clause 112(3) of the bill, which inserts a new subsection (4) in the act?

The Hon. J.R. RAU: It is basically to protect the choice of the venues to make their own decisions, if they would prefer to have a greater focus on gaming or not. If a licensee wishes to become a minor venue a landlord will be restricted from making requirements of licensees to the contrary. Landlords will not be forced to sell their surplus entitlements; that is, they will be able to retain gaming machine entitlements above 20 machines operating from minor venues, but they will not be able to compel the licensee to operate more than 20 machines if the licensee wishes to be a minor venue.

The Hon. I.F. EVANS: Is that provision retrospective? Will it apply to all existing leases or is it only for leases signed after the proclamation of that clause comes into effect?

The Hon. J.R. RAU: I think from a practical point of view it would necessarily be prospective, because presently there is no distinction between major and minor venues, but the provision is a general statement that a discrimination of that kind—I think that my first comment is really the answer because there is no major or minor gaming yet, so it is inconceivable that a lease would be framed in such a way as to be dependent on that.

The Hon. I.F. EVANS: But it is possible that there are leases out there which say that the tenant must operate 25 machines without using the words major or minor and which, by that clause, dictate they become major by definition, otherwise they breach their lease. I am seeking clarification from the government: is this clause going to apply to leases not yet signed, or is it the government's intention that it apply to all existing leases?

The Hon. J.R. RAU: That is an interesting point. It possibly would be the sort of thing that one might wind up arguing in court, but the general proposition is that substantive changes in the law do not become retrospective unless there is an express intention to make them so. So, in the unlikely event that there was a licensee presently in that position, my expectation would be that this would not apply, but I think that I would require a little bit of research to be more confident about that.

The Hon. I.F. EVANS: Does the minister know whether the authority has a view on it and, if so, what is the view?

The Hon. J.R. RAU: I actually feel a lot better now because my off-the-cuff opinion appears to have been confirmed by parliamentary counsel. So the answer is yes. In the hypothetical instance you've formulated, the answer to that would be, it works from whenever it is passed. So if the lease is already there, it does not matter, it will affect it.

The Hon. I.F. EVANS: So, the government's intention is that it be applied to all existing leases?

The Hon. J.R. RAU: I think I have just answered that.

The Hon. I.F. EVANS: I will take that as a yes.

Clause passed.

Clauses 113 and 114 passed.

Clause 115.

The Hon. I.F. EVANS: In my copy of the Gaming Machines Act there is no clause 85(3a) to delete—this is vicarious liability.

The Hon. J.R. RAU: It is in the Statutes Amendment (Directors' Liability) Bill, which apparently has just passed the other place, so it has already happened.

The Hon. I.F. EVANS: So, there is a bill somewhere else that has been passed that inserts a new clause 85(3a), and what this bill does is delete that clause, because we did not like it, because we just passed it, and now we are inserting this one. Okay. I looked high and low over the weekend and I could not find it, but now I understand.

The Hon. J.R. RAU: You can have a good clause and an even better one.

An honourable member interjecting:

The Hon. I.F. EVANS: What was it—I did but see her passing by'. Okay. What is intended to be in the regulations regarding criminal liability, which is the power we are giving the minister in this clause?

The Hon. J.R. RAU: I am advised that nobody here has a particular answer to your question other than this is standard formulation for director's liability clauses, and I gather that this is just a rollout of the usual formulation for those things.

Clause passed.

Clause 116.

The Hon. I.F. EVANS: Clause 116 talks about evidentiary provisions and it says:

that premises referred to in the complaint are, or were on the specified date, a major or minor gaming venue.

My question is, what else could they be? It would have to be one or the other. Surely it would just say 'gaming venue'?

The Hon. J.R. RAU: I am told that this is to say that they were one or the other, so another way of putting it is that you would have to particularise that in the complaint.

Clause passed.

Clauses 117 to 126 passed.

Clause 127.

The Hon. I.F. EVANS: Why does the authority now require the ability to delegate?

The Hon. J.R. RAU: I gather 15A is being moved into this, and there is a change in the quorum requirements because there has been, as I understand it, some difficulty in some instances in obtaining the quorum when conducting a hearing.

The Hon. I.F. EVANS: So when you conduct a hearing, what is a quorum? What is the number?

The Hon. J.R. RAU: Presently, four out of seven.

The Hon. I.F. EVANS: Under the new rules?

The Hon. J.R. RAU: Two or more.

The Hon. I.F. EVANS: And as to the two people, will one of them always be the presiding member?

The Hon. J.R. RAU: Presiding or deputy.

The Hon. I.F. EVANS: When it goes to appeal, is it the presiding member again with one other?

The Hon. J.R. RAU: The appeal is to the Supreme Court.

The Hon. I.F. EVANS: When it says 'for the purposes of conducting an inquiry, a reconsideration of a decision by the Authority or a review or appeal under this Act', a quorum is the presiding member and one other member of the authority. What does it mean?

The Hon. J.R. RAU: The reference to appeal there is under other acts like the Casino Act where there is an appeal to the authority for a barring order, for example, made by the Casino. That is not an appeal from a decision of the authority. It is an appeal to the authority from a decision of another body.

Clause passed.

Clauses 128 and 129 passed.

Clause 130.

The Hon. I.F. EVANS: Does this provision allow the authority to act without natural justice? This provision says the authority can do whatever it thinks reasonably necessary for the purposes of performing its function which, to me, seems a very broad power indeed. Does the authority have to follow the rules of natural justice or can the authority decide that it is reasonably necessary for the purpose of performing its function not to follow natural justice?

The Hon. J.R. RAU: I am advised that it is simply there to broaden the opportunity for the issue of a summons to a witness. It is to give the authority to issue a summons to a witness to appear.

The Hon. I.F. EVANS: And natural justice?

The Hon. J.R. RAU: There is an implication of natural justice.

The Hon. I.F. EVANS: Why can't we draft an amendment that restricts the power to just that? That is what it does. It gives the authority no broader power than to issue a summons to a witness.

The Hon. J.R. RAU: As I am advised, the application of this is that some matters might come before the authority which are not proceedings of the authority in a strict sense. They are proceedings where the authority is overseeing some other matter and, in those circumstances,

under the present formulation which says 'for the purposes of proceedings before the Authority', it is arguable, I gather, that they cannot compel anybody to do anything or summons anybody to turn up. So if there was a barring order issued from the Casino, for instance, it might be argued that there could not be summonses to witnesses issued.

The formulation has been changed from 'For the purposes of proceedings before the Authority' to 'If the Authority thinks it reasonably necessary for the purpose of performing its functions', which simply makes it clear that any of its functions can include the summoning of a witness. It is only issuing of a summons; it is nothing else. It is the issue of a summons.

The Hon. I.F. EVANS: I will look between the houses, but it looks a broad power indeed.

Clause passed.

Remaining clauses (131 to 142) and title passed.

Bill reported without amendment.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Planning, Minister for Industrial Relations, Minister for Business Services and Consumers) (18:21): I move:

That this bill be now read a third time.

Bill read a third time and passed.

At 18:21 the house adjourned until Tuesday 4 June 2013 at 11:00.